



FAMILY  VOICES®
...keeping families at the center
of children's health care



Refugee
Residence
DACA
U.S.
Asylee
Lawful
Status
Citizenship
Permanent
Temporary



IMMIGRATION ISSUES: IDENTIFYING IMMIGRATION STATUS

INTRODUCTION: HOW TO USE THIS GUIDE

This document is intended to be a reference to assist Family-to-Family Health Information Centers, Family Voices State Affiliate Organizations, and other professionals to be able to identify and understand key aspects of immigration status so that they may more fully serve immigrant families. You do not need to read through in one sitting, but rather, go to it in search of or to make sense of information. Not only does it include definitions of status, but it also has pictures (i.e., employment authorization document) and links to key information websites. For example, if a family indicates that their status is refugee, you can use this document to verify what a refugee travel document looks like and understand the benefits and rights associated with this status. Or if a family shows you an employment authorization card or work permit but does not indicate their status, you can use the link and directions in this document to identify what their status is so that you can determine what benefits might be available to the children and youth with special health care needs (CYSCHN) and family.

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PART I: U.S. CITIZENSHIP

- Ways to become U.S. Citizen (USC):
 - By birth: in the U.S., Puerto Rico, U.S. Virgin Islands, Guam, the Swain Islands
 - Acquired: born outside of the U.S. to a parent who is a citizen of the U.S.
 - Derived: born outside of the U.S. to a parent who naturalized to citizenship when the child was a minor
 - Naturalization: born outside the U.S. and apply to become a citizen through naturalization
- USC may travel in and out of the country.
- USC eligible to apply for public benefits.

Proof of US Citizenship:

- U.S. Passport
- U.S. Birth Certificate
- U.S. Certificate of Citizenship
- U.S. Certificate of Naturalization

Sample Certificate of Citizenship



Sample Certificate of Naturalization



PART II: LAWFUL PERMANENT RESIDENTS

- A lawful permanent resident (LPR) is a noncitizen who has been lawfully admitted to the United States to live and work permanently.
- LPRs may travel in and out of the country.
- LPRs may work in the U.S.
- An LPR may apply to be naturalized as a U.S. citizen after meeting certain requirements, including a residency requirement.
- Regardless of numbers of years in the U.S. or U.S. citizen family relationships, an LPR can be deported or face other immigration consequences because of a criminal conviction.
- LPRs may be eligible for certain public benefits. See
<https://www.nilc.org/wp-content/uploads/2015/12/overview-immeligfedprograms-2015-12-09.pdf>

Proof of LPR Status

- A “green card” (no longer green in color), which is the colloquial name for USCIS Form I-551.
 - Green cards expire every ten years, and a replacement must be sought.
 - An LPR does not lose legal status because the card expires or is misplaced.
 - Conditional permanent residents (LPR status through a marriage less than two years old) are issued cards that are coded “CR” and that expire after two years.
- A stamp indicating “temporary evidence of lawful admission for permanent residence.”
 - Found in either a foreign passport or on a white card/ form entitled “I-94 Arrival/ Departure Record.”
 - The I-94 document is issued to almost all noncitizens upon entry to the U.S.
 - The card is stamped or handwritten with a notation of immigration status or section of law under which the person is granted admission.

Green Card (Various versions- latest version is first)

Green Card versions, continued:

[illegible]

PART II: LAWFUL PERMANENT RESIDENTS, cont.

Sample Temporary I-551 stamps for LPR, cont.

**PART III: REFUGEE OR ASYLEE**

- A noncitizen admitted on a conditional basis to the U.S. due to threat of persecution in their country of origin.
 - Refugees *apply outside the U.S.* and enter on a visa as refugees
 - Asylum is *applied for after arrival* in the U.S.
 - A person granted asylum may have originally entered on a different or unlawful status.
- Refugees and asylees are eligible to apply for LPR status after one year in the U.S. If they do not apply after a year or long wait for approval of LPR, remain in refugee or asylee status.
- Refugees and asylees may travel in and outside of the U.S.
- Refugees and asylees may work in the U.S.
- Refugees and asylees may face removal for criminal convictions or other immigration consequences.
- Refugees and asylees are eligible for certain public benefits. See
<https://www.nilc.org/wp-content/uploads/2015/12/overview-immeligfedprograms-2015-12-09.pdf>

Proof of Refugee or Asylee Status

- Refugees will have a stamp in their passport or I-94 document stating that they have been “admitted as a refugee pursuant to section 207 of the INA.”
- Asylees will generally have a document from U.S. Citizenship and Immigration Services (USCIS) or the U.S. Department of Justice (immigration Judge’s order) stating that the person has been granted asylum.
- If these documents cannot be located, then you can determine refugee or asylee status by looking at the employment authorization document, or “work permit.”
 - On the face of the card is a section entitled “Category.” It will read A-3 for refugee or A-5 for asylee.

PART III: REFUGEE OR ASYLEE, cont.

How to read Refugee, Asylee and Parole I-94

Form I-94
Arrival/Departure Record

An immigration inspector at a Port of Entry issues Form I-94, **ARRIVAL/DEPARTURE RECORD**, to all persons arriving except U.S. citizens, returning resident aliens, aliens with immigrant visas, and Canadian citizens visiting or in transit. Form I-94 is a record of arrival/departure, usually stapled to a passport page, and gives the terms of admission.

Stamp shows immigration status. Codes RE1, etc. may be handwritten on front or back.

Refugee stamps (shown)

ADMITTED AS REFUGEE AND EMPLOYMENT AUTHORIZED as a refugee pursuant to a decision for an asylum granted pursuant to Section 207(b)(2) of the Immigration & Nationality Act. It has the FIRST and LAST names, the full name of the country of origin, and the date of entry. EMPLOYMENT AUTHORIZED. Please Print Last Name, official location.

Asylum stamps

ADMITTED AS ASYLEE AND EMPLOYMENT AUTHORIZED as an asylee pursuant to SECTION 208 of the IMMIGRATION AND NATIONALITY ACT.

Parole stamps

ADMITTED AS PAROLED AND EMPLOYMENT AUTHORIZED as a parolee pursuant to a decision for parole granted pursuant to Section 212(d)(5) of the Immigration and Nationality Act. It has the FIRST and LAST names, the full name of the country of origin, and the date of entry. EMPLOYMENT AUTHORIZED. Please Print Last Name, official location.

Form I-94 shows:
Identity
Immigration Status
Date of entry
Nationality* (if needed)

* See Chapter 3 for a discussion of dual citizenship for Cuban/Haitian entrants.


Back of card may include A-E, entry status code (RE1, etc.), or other information. Copy both sides.

Refugee Program Eligibility Guide for Service Providers, 06/2012

PART III: REFUGEE OR ASYLEE, cont.

Sample Asylum Office Approval letter

U.S. Department of Homeland Security
99 S E Fifth Street
First Floor
Miami, FL 33131-1600



U.S. Citizenship
and Immigration
Services

Date: 2 6 FEB 2014

DI [REDACTED] M
[REDACTED] STREET
[REDACTED] OO [REDACTED]

RE: [REDACTED] NIN [REDACTED] A205 [REDACTED]

Asylum Approval

Dear Ms. [REDACTED]:

As of 2/21/14, you have been granted asylum in the United States pursuant to section 208 of the Immigration and Nationality Act (INA). Your derivative family member(s) listed above – who are present in the United States, who were included in your asylum application, and for whom you have established a qualifying relationship – are granted derivative asylum. Enclosed with this letter you will find a completed Form I-94, *Arrival-Departure Record*, for you and each of your derivative family members listed above. Please retain this document.

Asylum is authorized for an indefinite period, but asylum status does not give you the right to remain permanently in the United States. Asylum status may be terminated pursuant to section 208(c)(2) of the INA if you no longer have a well-founded fear of persecution because of a fundamental change in circumstances, you have obtained protection from another country, or you have committed certain crimes or engaged in other activity that makes you ineligible to retain asylum status in the United States.

Now that you are an asylee, you may apply for certain benefits listed below. You are responsible for complying with applicable laws and regulations explained in this letter. In addition to your Form I-94, *Arrival-Departure Record*, we recommend that you retain the original of this letter as proof of your status and that you submit copies of this letter when applying for any of the benefits or services listed below.

You may obtain any of the U.S. Citizenship and Immigration Services (USCIS) forms mentioned in this letter on the USCIS website at www.uscis.gov, through the National Customer Service Center at 1-800-375-5283, or at a local USCIS office.

Benefits

1. **Employment Authorization**

You are authorized to work in the United States for as long as you remain in asylum status. Your derivative family member(s) listed above are also authorized to work in the United States, so long as they retain derivative asylum status. To demonstrate employment authorization to prospective employers, you must show certain documentation such as an unrestricted Social Security card, a state-issued driver's license, or an

PART III: REFUGEE OR ASYLEE, cont.

Sample Immigration Judge Decision

Note: This example of an order does not grant asylum. However, the Immigration Judge can award all relief listed on the order form.

| | |
|------------|------------------------|
| Respondent | IN REMOVAL PROCEEDINGS |
|------------|------------------------|

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 5/9/16.
 This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

☒ The respondent was ordered removed from the United States to EL SALVADOR ~~or in the alternative to~~.

☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to EL SALVADOR or in the alternative to .

☐ Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ _____ with an alternate order of removal to EL SALVADOR.

Respondent's application for:

☐ Asylum was ☐ granted ☐ denied ☐ withdrawn.

☐ Withholding of removal was ☐ granted ☐ denied ☐ withdrawn.

☐ A Waiver under Section _____ was ☐ granted ☐ denied ☐ withdrawn.

☐ Cancellation of removal under section 240A(a) was ☐ granted ☐ denied ☐ withdrawn.

Respondent's application for:

☐ Cancellation under section 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn. If granted, it is ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

☐ Cancellation under section 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

☐ Adjustment of Status under Section _____ was ☐ granted ☐ denied ☐ withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

☐ Respondent's application of ☐ withholding of removal ☐ deferral of removal under Article III of the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn.

☐ Respondent's status was rescinded under section 246.

☐ Respondent is admitted to the United States as a _____ until _____.

☐ As a condition of admission, respondent is to post a \$ _____ bond.

☐ Respondent knowingly filed a frivolous asylum application after proper notice.

☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

☐ Proceedings were terminated.

☒ Other: No available relief. See Matter of N-M- 25 IN Dec 526
 Date: May 9, 2016 (BIA 2011).

V. Stuart Couch
 V. STUART COUCH
 Immigration Judge

Appeal: Waived/Reserved Appeal Due By: 6/8/16

PART IV: INDIVIDUALS WITH TEMPORARY LAWFUL STATUS OR PENDING APPLICATION FOR STATUS

- Temporary status authorizes a person to remain in the U.S. for a discrete period, whereas having a pending application for status does **not** give a person any permission to remain in the U.S. either temporarily or permanently.
 - Common examples of temporary status: Temporary Protected Status (TPS), Deferred Action for Childhood Arrivals (DACA) aka “dreamers”
 - Common example of pending application: “adjustment pending” based on marriage to USC
- All of these individuals can be deported or face other immigration consequences because of certain criminal convictions.

PART IV-A: NONIMMIGRANT VISA HOLDERS

- Admitted to the United States on a time-limited temporary visa for a specific purpose
 - Examples:
 - B visa for tourism
 - F visa for students
 - Complete listing of nonimmigrant visas:
<https://travel.state.gov/content/visas/en/general/all-visa-categories.html>
- Restricted to activity consistent with their specific visas
 - Travel, work, access to public benefits, etc., may be restricted.
 - For example, an F visa holder, a student, is not allowed to work unless expressly issued a work permit.
- Visas are issued prior to entry by a U.S. consulate or embassy
- Can enter the U.S. as a temporary visa holder and eventually obtain another temporary or permanent status

Proof of Nonimmigrant visa status

- I-94 document or I-797 notice from U.S. Citizenship and Immigration Services.
 - Date of expiration of visa: date stamped on I-94
 - While a nonimmigrant visa may be granted for 10 years, the actual approved time in U.S. per visit is indicated by the date on the I-94 document.
 - Example, many people with multiple entry tourist visas (B visa) will tell you they have a 10 year visa.... It is a visa valid for re-entry multiple times for 10 years not for a 10 year visit. The expiration of the approved admission is indicated on the I-94 card.

PART IV-B: TEMPORARY PROTECTED STATUS

- The Secretary of Homeland Security may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately.
- TPS country designations are for a limited period as designated by the Secretary of Homeland Security. For current listing of designated countries:
<https://www.uscis.gov/humanitarian/temporary-protected-status#Countries%20Currently%20Designated%20for%20TPS>
- In order to acquire TPS status, an individual must have resided in the U.S. continuously since the date of TPS country designation and must have properly registered within the period provided by the Secretary.

PART IV-B: TEMPORARY PROTECTED STATUS, cont.

- Individuals with TPS are allowed to work in the U.S.
- Individuals with TPS are eligible to work in the U.S. with VALID work permits
- Individuals with TPS may travel outside of the U.S., including to their home countries, by applying for travel authorization called “Advance Parole.”

Proof of TPS status

- I-797 Notice from USCIS approving TPS
- EAD, or “work permit,” that is not expired and in the category section will read either C19 for TPS pending or A12 for TPS approved

PART IV-C: DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA, also known as “DREAMERS”

- A non-statutory, temporary administrative status created in 2012, after the Dream Act and immigration reform law failed.
- Gives temporary status and work authorization to some undocumented people who entered the US before age 16, before 6-15-2007, and who were born on or after 6-15-1981.
- DACA does not lead to LPR status or give any other immigration status and can be renewed.

Proof of DACA

- I-797 Notice from USCIS
- Employment Authorization with category C33

PART IV-D: BATTERED SPOUSE, CHILDREN, AND PARENTS

- Often referred to as “VAWA” cases
- This provision of the Violence Against Women Act (VAWA) enables battered spouses or parents of USCs or LPRs to file for permanent residence without the knowledge and assistance of their abusers to be able to secure immigration status and move toward safety.
- Although ultimately leading to LPR status, those who were married to LPRs or are the parents of an abusive adult LPR, VAWA provides temporary non-immigrant status entitled “deferred action” until the applicant is eligible to apply for is granted a more permanent status.
 - This is in essence an application pending but one with a humanitarian nature and therefore it is treated differently
- Those with VAWA cases and/or deferred action may travel, may work with authorization and may be eligible for some public benefits.

Proof of VAWA and Deferred Action

- I-797 Notice from USCIS
- Employment Authorization Document with category C14

PART IV-E: INDIVIDUALS WITH PENDING APPLICATIONS FOR STATUS

- Examples of people in this category may be those with an application for asylum pending or an application for LPR status pending.
- A pending application does NOT constitute permission to remain in the U.S., does not provide eligibility for public benefits, and work must be explicitly authorized. Additionally, travel outside of the U.S. while an application is pending, unless express permission is given by USCIS, may constitute abandonment of the application.
- Some individuals with a pending application may be eligible for a temporary employment authorization document (work permit).
 - **NOTE:** Many erroneously assume that this work permit and application pending = status.
 - To ascertain what type of application is pending, you can look at the category section of the work permit
 - Asylum pending is C8
 - Adjustment to LPR pending is C9
- While a pending application does not confer status, ICE may have more lenient policies with respect to deporting such persons.

Proof of Pending Application for Status

- I-797 Notice from USCIS
- Employment Authorization Document: Look at the category section and then match up with list of EAD or work permit categories:

<https://www.uscis.gov/working-unted-states/information-employers-employees/employer-information/employment-authorization>

Sample Work permit: Notice key CATEGORY section circled in red



PART IV-E: INDIVIDUALS WITH PENDING APPLICATIONS FOR STATUS, cont.

Copy of I-94 from passport.

NOTE- This admission is for a B-2 tourist visa. Entry date is Nov. 21, 2002, until May 20, 2003

Departure Number
742831632 01

Immigration and Naturalization Service
I-94
Departure Record

U.S. IMMIGRATION
WAS
ADMITTED 2003
NOV 21 2002
CLASS B-2
UNTIL May 20, 2003

14 Family Name
DOE

15 First (Given) Name
JOHN

16 Birth Date (Day/Mo/Yr)
01/01/91

17 Country of Citizenship
ENGLAND

See Other Side STAPLE HERE

Sample of CBP Online I-94 record

NOTE- This is for an F visa for students. This student is admitted: "D/S" which means duration of stay (this is found in the visa not the I-94)

U.S. Customs and Border Protection
Securing America's Borders

OMB No. 1651-0111
Expiration Date: 11/30/2014

Get I-94 Number I-94 FAQ

Admission (I-94) Number Retrieval

Admission (I-94) Record Number: [REDACTED]

Admit Until Date (MM/DD/YYYY): D/S

Details provided on Admission (I-94) form:

Family Name: [REDACTED]

First (Given) Name: Federico

Birth Date (MM/DD/YYYY): [REDACTED]

Passport Number: [REDACTED]

Passport Country of Issuance: Italy

Date of Entry (MM/DD/YYYY): 05/11/2013

Class of Admission: F1

► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

PART IV-E: INDIVIDUALS WITH PENDING APPLICATIONS FOR STATUS, cont.

Sample I-797 Notice of Action

- *Case type indicates what application has been filed
- *Applicant section- lists the "A#" or the Alien Registration Number key for identification with USCIS/ ICE etc.
- *Notice type indicates the action taken, and any applicable durations of approval

| | | | |
|---|----------------|---|--|
| Department of Homeland Security U.S. Citizenship and Immigration Services | | I-797, Notice of Action | |
| THE UNITED STATES OF AMERICA | | | |
| RECEIPT NUMBER MSC-16-904-36 | | CASE TYPE I765 APPLICATION FOR EMPLOYMENT AUTHORIZATION | |
| RECEIPT DATE January 20, 2016 | PRIORITY DATE | APPLICANT A207 145 ANDREI | |
| NOTICE DATE March 31, 2016 | PAGE 1 of 2 | | |
| ANDREI ROMANENKO LAW OFFICE OF ANDREI ROMANENKO 500 SUTTER STE 601 SAN FRANCISCO CA 94102 | | Notice Type: Approval Notice Class: C09P Valid from 03/31/2016 to 03/30/2017 | |
| Your application for employment authorization and advance parole has been approved. The form I-766, Employment Authorization Document with I-512 endorsement, will be sent to you separately. The Form I-766 with I-512 endorsement is issued to you, as a matter of USCIS discretion, on the basis of your pending application for adjustment of status, Form I-485. | | | |
| Please read this notice carefully, as it provides important information concerning use of the Form I-766 with I-512 endorsement. | | | |

ABOUT FAMILY VOICES

Family Voices, a national family-run non-profit organization founded (1992) by families of CYSHCN to enhance family roles in health care. Family Voices promotes family engagement/partnership at all levels of care in order to improve health care services and systems, and connects a national network of family organizations that provide support, information, resources, and training to families of CYSHCN, providers, policy makers, and the public on issues of importance to CYSHCN.