

## K. SPECIAL STATUS FOR AFGANIS AND IRAQIS

## 1. SNAP, Medicaid, And WV WORKS Benefits

The Consolidated Appropriations Act (CAA) of 2008 grants Afghanis and Iraqi aliens special immigrant status.

## a) Iraqis

The CAA of 2008 grants certain Iraqi aliens special immigrant status under Section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits the same as refugees admitted under section 207 of the INA. Family members of Iraqi special immigrants must show their own documentation of special immigrant status under Section 207.

## b) Afghanis

Afghanis also fall under the CAA of 2008 and are granted special immigrant status under Section 101(a)(27) of the INA. Individuals and family members granted this special immigrant status are eligible for resettlement assistance entitlement programs and other benefits the same as refugees admitted under Section 207 of the INA. Family members of Afghanistan special immigrants must also show their own documentation of special immigrant status under Section 207. **See Section 18.10,F.**

**NOTE: Afghanis and Iraqis no longer have a time limit to receive benefits. Benefits are the same as Refugees. See Section 18.10.**

## 2. Date Of Entry

The following documents confirm both status and date of entry for Afghan and Iraqi special immigrants.

| Applicant  | Documentation   |
|--|---|
| Principal Applicant of the Special Immigrant   | Passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI1 or SQ1 and DHS stamp or notation on passport or I-94 showing date of entry. |
| Spouse of Principal Applicant of the Special Immigrant   | Passport with an immigrant visa stamp noting that the individual has been admitted under IV Category SI2 or SQ2 and DHS stamp or notation on passport or I-94 showing date of entry.                  |
| Unmarried Child Under 21 Years of Age of the Special Immigrant   | Passport with an immigrant visa stamp noting that the individual has been admitted under IV Category SI3 or SQ3 and DHS stamp or notation on passport or I-94 showing date of entry.                  |
| Principal Applicant of the Special Immigrant<br>Principal Adjusting Status in the U.S.                             | DHS Form I-551 "green card" showing the nationality with an IV Code for this category S16 or SQ6.   |
| Spouse of Principal Applicant of the Special Immigrant<br>Principal Applicant Adjusting Status in the U.S.         | DHS Form I-551 "green card" showing the nationality with an IV Code for this category S17 or SQ7.   |
| Unmarried Child Under 21 years of Age of the Special Immigrant<br>Principal Applicant Adjusting Status in the U.S. | DHS Form I-551 "green card" showing the nationality with an IV Code for this category S19 or SQ9.   |

**L. Cuban And Haitian Entrants**

Cuban and Haitian entrants are eligible for ORR-funded benefits and services such as refugee cash, medical assistance, and social services. They are also eligible for Federal Public Assistance for Needy Families to the same extent as refugees. See Section 18.10,C.

To determine if someone is a Cuban or Haitian Entrant use the Refugee Education Assistance Act of 1980. The following documentation is acceptable for proof of status.

A national of Cuba or Haiti who was granted parole status as a Cuban/Haitian entrant, status pending, on or after April 21, 1980 or has been paroled into the US on or after October 10, 1980, regardless of the status of the individual at the time assistance or services are provided.

| Chart 1   |   |
|---|---|
| Documents/Codes   | Comments  |
| An I-94 Arrival/Departure Card with a stamp showing parole into the US on or after April 21, 1980                     | I-94 may refer to §212(d)(5). I-94 may refer to humanitarian or public interest parole. I-94 may be expired.  |
| An I-94 Arrival/Departure Card with a stamp showing parole at any time as a "Cuban/Haitian Entrant (Status Pending)". | I-94 may refer to §212(d)(5). I-94 may be expired.  |
| CH6 adjustment code on the I-551.   | Even after a Cuban/Haitian Entrant (Status Pending) becomes a permanent resident, he/she technically retains the status Cuban/Haitian Entrant (Status Pending). I-551 may be expired. |
| A Cuban or Haitian passport with a §212(d)(5) stamp dated after October 10, 1980                                      | Passport may be expired.  |

A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceedings under the Immigration and Nationality Act (INA) and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation, or exclusion has not been entered.

| Chart 2   |   |
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| Documents/Codes   | Comments  |
| Department of Homeland Security<br>DHS Form I-221   | Order to Show Cause and Notice of Hearing   |
| DHS Form I-862  | Notice to Appear  |
| DHS Form I-220A   | Order of Release on Recognizance  |
| DHS Form I-122  | Notice to Applicant Detained for a Hearing before an Immigration Judge  |
| DHS Form I-221S   | Order to Show Cause, Notice of Hearing and Warrant for Arrest   |
| Copy of DHS Form I-589 date stamped by the Executive Office for Immigration Review (EOIR)       | Application for Asylum and Withholding of Removal; Individual is subject of removal, deportation, or exclusion proceedings.               |
| Copy of DHS Form I-485 date stamped by EOIR   | Application to Register Permanent Residence or to Adjust Status; Individual is subject of removal, exclusion, or deportation proceedings. |
| EOIR-26   | Notice of Appeal, date stamped by the Office of the Immigration Judge   |
| I-766 Employment Authorization Document with the code C10                                       | Application for suspension of deportation/cancellation of removal submitted   |
| I-688B Employment Authorization Document with the provision of law 274a.12(c)(10)               |   |
| Other applications for relief that have been date stamped by EOIR                               |   |
| Other documentation pertaining to an applicant's removal, exclusion, or deportation proceedings | Example would be a notice of a hearing date before an Immigration Judge   |

A national of Cuba or Haiti who has an application for asylum pending with the DHS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

| Chart 3   |  |
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| Documents/Codes   | Comments   |
| DHS receipt for filing Form I-589   | Application for Asylum and Withholding of Removal                  |
| I-766 Employment Authorization document with the code C08                         |  |
| I-688B Employment Authorization Document with the provision of law 274a.12(c)(8). | This is an older version of the employment authorization document. |