

ATTACHMENT 4
INTERIM GUIDANCE – DOCUMENTARY EVIDENCE
OF STATUS AS A U.S. CITIZEN OR U.S. NON-CITIZEN NATIONAL

Copies of the following documents will, when combined with satisfactory proof of identity (which will come from the document itself if it bears a photograph of the person to whom it relates), demonstrate that a person is a U.S. citizen or non-citizen national for purposes of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. (To the extent that citizenship or nationality of a child is relevant to a benefit eligibility determination, the documents should demonstrate the child's status rather than that of the parent.) The lists set forth in Paragraphs A and B below are drawn from existing guidance published by the Social Security Administration ("SSA") and regulations issued by the Immigration and Naturalization Service ("INS") regarding determination of U.S. citizenship and nationality; the lists in Paragraphs C through F are drawn solely from the SSA guidance. These lists are not exhaustive; you should refer to guidance issued by the agency or department overseeing your program to determine if it accepts documents or other evidence of citizenship not listed below.

A. Primary Evidence

- A birth certificate showing birth in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands, unless the person was born to foreign diplomats residing in the U.S. (NOTE: If the document shows that the individual was born in Puerto Rico, the U.S. Virgin Islands or the Northern Mariana Islands before these areas became part of the U.S., the individual may be a collectively naturalized citizen -- see Paragraph C below.);
- United States passport (except limited passports, which are issued for periods of less than five years);
- Report of birth abroad of a U.S. citizen (FS-240) (issued by the Department of State to U.S. citizens);
- Certification of birth (FS-545) (issued by a foreign service post) or Certification of Report of Birth (DS-1350) (issued by the Department of State), copies of which are available from the Department of State;
- Certificate of Naturalization (N-550 or N-570) (issued by the INS through a Federal or State court, or through administrative naturalization after December 1990 to individuals who are individually naturalized; the N-570 is a replacement certificate issued when the N-550 has been lost or mutilated or the individual's name has been changed);
- Certificate of Citizenship (N-560 or N-561) (issued by the INS to individuals who

derive U.S. citizenship through a parent; the N-561 is a replacement certificate issued when the N-560 has been lost or mutilated or the individual's name has been changed);

- United States Citizen Identification Card (I-197) (issued by the INS until April 7, 1983 to U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings) (formerly Form I-179, last issued in February 1974);
- Northern Mariana Identification Card (issued by the INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 3, 1986);
- Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen (this is given to an individual born outside the U.S. who derives citizenship through a parent but does not have an FS-240, FS-545 or DS-1350); or
- American Indian Card with a classification code "KIC" and a statement on the back (identifying U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).

B. Secondary Evidence

If the applicant cannot present one of the documents listed in A above, the following may be relied upon to establish U.S. citizenship or nationality:

- Religious record recorded in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands (unless the person was born to foreign diplomats residing in such a jurisdiction) within three months after birth showing that the birth occurred in such jurisdiction and the date of birth or the individual's age at the time the record was made;
- Evidence of civil service employment by the U.S. government before June 1, 1976;
- Early school records (preferably from the first school) showing the date of admission to the school, the child's date and place of birth, and the name(s) and place(s) of birth of the parent(s);
- Census record showing name, U.S. citizenship or a U.S. place of birth, and date of birth or age of applicant;

- Adoption Finalization Papers showing the child's name and place of birth in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands (unless the person was born to foreign diplomats residing in such a jurisdiction) or, where an adoption is not finalized and the State or other jurisdiction listed above in which the child was born will not release a birth certificate prior to final adoption, a statement from a state-approved adoption agency showing the child's name and place of birth in one of such jurisdictions (NOTE: the source of the information must be an original birth certificate and must be indicated in the statement); or
- Any other document that establishes a U.S. place of birth or in some way indicates U.S. citizenship (e.g., a contemporaneous hospital record of birth in that hospital in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands (unless the person was born to foreign diplomats residing in such a jurisdiction)).

C. Collective Naturalization

If the applicant cannot present one of the documents listed in A or B above, the following will establish U.S. citizenship for collectively naturalized individuals:

Puerto Rico:

- Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement that he or she was residing in the U.S., a U.S. possession or Puerto Rico on January 13, 1941; or
- Evidence that the applicant was a Puerto Rican citizen and the applicant's statement that he or she was residing in Puerto Rico on March 1, 1917 and that he or she did not take an oath of allegiance to Spain.

U.S. Virgin Islands:

- Evidence of birth in the U.S. Virgin Islands, and the applicant's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927;
- The applicant's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that he or she did not make a declaration to maintain Danish citizenship; or

- Evidence of birth in the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on June 28, 1932.

Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI)):

- Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on November 3, 1986 (NMI local time) and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);
- Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or
- Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).

NOTE: If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.

D. Derivative Citizenship

If the applicant cannot present one of the documents listed in A or B above, you should make a determination of derivative U.S. citizenship in the following situations:

Applicant born abroad to two U.S. citizen parents:

- Evidence of the U.S. citizenship of the parents and the relationship of the applicant to the parents, and evidence that at least one parent resided in the U.S. or an outlying possession prior to the applicant's birth.

Applicant born abroad to a U.S. citizen parent and a U.S. non-citizen national parent:

- Evidence that one parent is a U.S. citizen and that the other is a U.S. non-citizen national, evidence of the relationship of the applicant to the U.S. citizen parent, and evidence that the U.S. citizen parent resided in the U.S., a U.S. possession, American Samoa or Swain's Island for a period of at least one year prior to the applicant's birth.

Applicant born out of wedlock abroad to a U.S. citizen mother:

- Evidence of the U.S. citizenship of the mother, evidence of the relationship to the applicant and, for births on or before December 24, 1952, evidence that the mother resided in the U.S. prior to the applicant's birth or, for births after December 24, 1952, evidence that the mother had resided, prior to the child's birth, in the U.S. or a U.S. possession for a period of one year.

Applicant born in the Canal Zone or the Republic of Panama:

- A birth certificate showing birth in the Canal Zone on or after February 26, 1904 and before October 1, 1979 and evidence that one parent was a U.S. citizen at the time of the applicant's birth; or
- A birth certificate showing birth in the Republic of Panama on or after February 26, 1904 and before October 1, 1979 and evidence that at least one parent was a U.S. citizen and employed by the U.S. government or the Panama Railroad Company or its successor in title.

All other situations where an applicant claims to have a U.S. citizen parent and an alien parent, or claims to fall within one of the above categories but is unable to present the listed documentation:

- If the applicant is in the U.S., refer him or her to the local INS office for a determination of U.S. citizenship;
- If the applicant is outside the U.S., refer him or her to the State Department for a U.S. citizenship determination.

E. Adoption of Foreign-Born Child by U.S. Citizen

- If the birth certificate shows a foreign place of birth and the applicant cannot be determined to be a naturalized citizen under any of the above criteria, obtain other evidence of U.S. citizenship;
- Since foreign-born adopted children do not automatically acquire U.S. citizenship by virtue of adoption by U.S. citizens, refer the applicant to the local INS district office for a determination of U.S. citizenship if the applicant provides no evidence of U.S. citizenship.

F. U.S. Citizenship By Marriage

A woman acquired U.S. citizenship through marriage to a U.S. citizen before September

22, 1922. Ask for:

Evidence of U.S. citizenship of the husband, and evidence showing the marriage occurred before September 22, 1922.

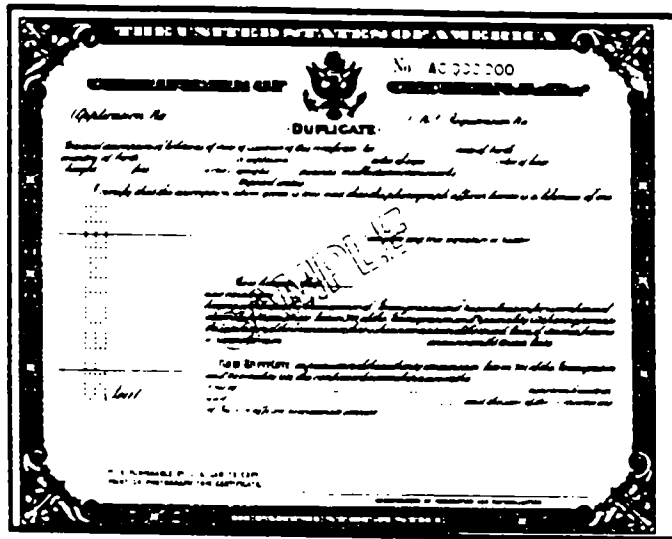
NOTE: If the husband was an alien at the time of the marriage, and became naturalized before September 22, 1922, the wife also acquired naturalized citizenship. If the marriage terminated, the wife maintained her U.S. citizenship if she was residing in the U.S. at that time and continued to reside in the U.S.

G. Applicants with Disabilities and Nondiscrimination

If an applicant has a disability that limits the applicant's ability to provide the required evidence of citizenship or nationality (e.g., mental retardation, amnesia, or other cognitive, mental or physical impairment), you should make every effort to assist the individual to obtain the required evidence. In addition, you should not discriminate against applicants on the basis of race, national origin, gender, religion, age or disability. See Nondiscrimination Advisory, Attachment 2 to Interim Guidance.

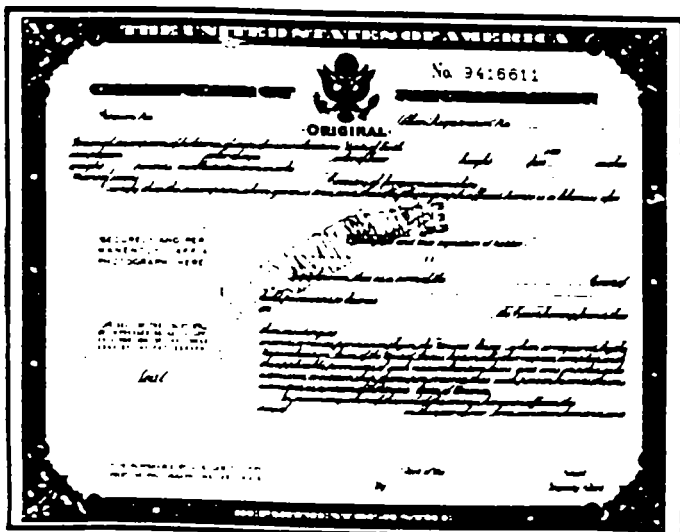
**Certificate of United States Citizenship
N-560 or N-561**

Issued by INS to individuals who: 1) derived citizenship through parental naturalization; 2) acquired citizenship at birth abroad through a United States parent or parents; or 3) acquired citizenship through application by United States citizen adoptive parent(s); and who, pursuant to section 341 of the Act, have applied for a certificate of citizenship.



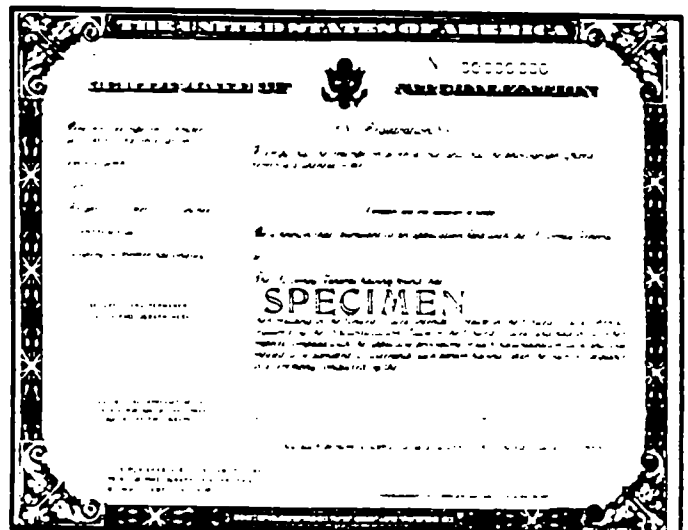
**Certificate of Naturalization
N-550 or N-570**

Issued by INS to naturalized United States citizens.



**Certificate of Naturalization
N-550**

Issued by INS to naturalized United States citizens who file for naturalization after October 1, 1991.



ATTACHMENT 5
INTERIM GUIDANCE -- DOCUMENTARY EVIDENCE OF STATUS AS
A "QUALIFIED ALIEN" ELIGIBLE FOR FEDERAL PUBLIC BENEFITS

The documents listed below (examples of which are attached in Exhibit A) will, when combined with satisfactory proof of identity (which will come from the document itself if it bears a photograph of the person to whom it relates), establish that an applicant falls within one of the categories of "qualified alien" for purposes of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Under the Immigration and Nationality Act (the "INA"), all aliens over the age of 14 who remain in the United States for longer than 30 days are required to register with the Immigration and Naturalization Service (the "INS") and obtain an alien registration document. All aliens over the age of 18 who receive a registration document are required to carry it with them at all times. With certain exceptions (e.g., Canadian visitors), aliens entering the U.S. are normally issued a registration document (e.g., an INS Form I-94) at the time of entry. The documents listed below that are registration documents are indicated with an asterisk ("*").

Each of the documents listed below will demonstrate lawful status, and you should not require presentation of a registration document if the applicant presents one of the other legally acceptable documents that reasonably appears on its face to be genuine and to relate to the person presenting it. However, if the document presented is not a registration document and does not on its face reasonably appear to be genuine or to relate to the person presenting it, it is appropriate to ask the applicant to produce his or her registration document as additional evidence of immigration status, so long as the request is not made for a discriminatory reason (see Nondiscrimination Advisory, Attachment 2 to Interim Guidance). Presentation of a registration document listed below that reasonably appears on its face to be genuine and to relate to the person presenting it (or to satisfy a higher applicable standard) will often obviate the need to verify the applicant's immigration status with the INS; if the applicant presents a registration document that does not meet this standard, sending the INS a copy of the document will assist it in verifying the applicant's status quickly and accurately.

Alien Lawfully Admitted for Permanent Residence:

- *INS Form I-551 (Alien Registration Receipt Card, commonly known as a "green card"); or
- Unexpired Temporary I-551 stamp in foreign passport or on *INS Form I-94.

Asylee:

- *INS Form I-94 annotated with stamp showing grant of asylum under § 208 of the INA;
- *INS Form I-688B (Employment Authorization Card) annotated "274a.12(a)(5)";

- *INS Form I-766 (Employment Authorization Document) annotated "A5";
- Grant letter from the Asylum Office of INS; or
- Order of an immigration judge granting asylum.

Refugee:

- *INS Form I-94 annotated with stamp showing admission under § 207 of the INA;
- *INS Form I-688B (Employment Authorization Card) annotated "274a.12(a)(3)";
- *INS Form I-766 (Employment Authorization Document) annotated "A3"; or
- INS Form I-571 (Refugee Travel Document).

Alien Paroled Into the U.S. for at Least One Year:

- *INS Form I-94 with stamp showing admission for at least one year under § 212(d)(5) of the INA. (Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement.)

Alien Whose Deportation or Removal Was Withheld:

- *INS Form I-688B (Employment Authorization Card) annotated "274a.12(a)(10)";
- *INS Form I-766 (Employment Authorization Document) annotated "A10"; or
- Order from an immigration judge showing deportation withheld under § 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under § 241(b)(3) of the INA.

Alien Granted Conditional Entry:

- *INS Form I-94 with stamp showing admission under § 203(a)(7) of the INA;
- *INS Form I-688B (Employment Authorization Card) annotated "274a.12(a)(3)"; or
- *INS Form I-766 (Employment Authorization Document) annotated "A3."

Cuban/Haitian Entrant

- *INS Form I-551 (Alien Registration Receipt Card, commonly known as a "green card") with the code CU6, CU7, or CH6;
- Unexpired temporary I-551 stamp in foreign passport or on *INS Form I-94 with the code CU6 or CU7; or
- *INS Form I-94 with stamp showing parole as "Cuban/Haitian Entrant" under Section 212(d)(5) of the INA.

Alien Who Has Been Battered or Subjected to Extreme Cruelty:

Guidance as to the requirements that must be met for an alien to fall within this category of qualified alien is set forth in Exhibit B. Note that Title IV, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, contains provisions requiring that, upon the effective date of the new affidavit of support (required under section 213A of the Act), when determining eligibility for federal means-tested public benefits and the amount of such benefits to which an alien is entitled, the income and resources of the alien be deemed to include those of any person executing an affidavit of support on behalf of the alien and that person's spouse. Certain exceptions are made for indigent qualified aliens and for qualified aliens who (or whose children) have been battered or subjected to extreme cruelty in the U.S. by a spouse, parent or member of the spouse or parent's family and for qualified alien children whose parents have been subjected to such abuse. See Attachment 5, Exhibit B, Section II.

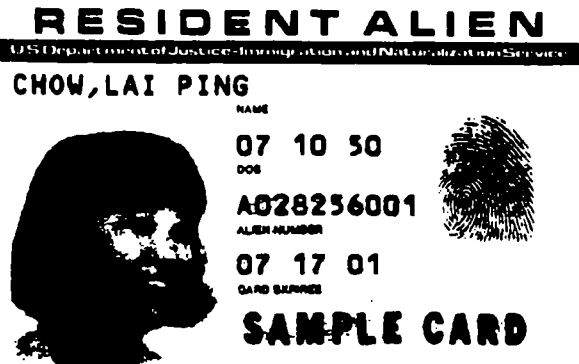
Expired or Absent Documentation. If an applicant presents expired documents or is unable to present any documentation evidencing his or her immigration status, refer the applicant to the local INS office to obtain documentation of status. In unusual cases involving applicants who are hospitalized or medically disabled, or who can otherwise show good cause for their inability to present documentation, and for whom securing such documentation would constitute an undue hardship, if the applicant can provide an alien registration number, you may file INS Form G-845 and Supplement, along with the alien registration number and a copy of any expired INS document presented, with the local INS office to verify status. As with any documentation of immigration status, you should confirm that the status information you receive back from INS pertains to the applicant whose identity you have verified.

Receipt for Replacement Document. If an applicant presents a receipt indicating that he or she has applied to the INS for a replacement document for one of the documents identified above, file INS Form G-845 and Supplement along with a copy of the receipt with the local INS office to verify status. Upon return receipt of information from INS, confirm that it pertains to the applicant whose identity you have verified. You should ask to see the replacement document at a later date.

Applicants with Disabilities and Nondiscrimination. If an applicant has a disability that limits the applicant's ability to provide the required evidence of immigration status (e.g., mental retardation, amnesia, or other cognitive, mental or physical impairment), you should make every effort to assist the individual to obtain the required evidence. In addition, you should not discriminate against applicants on the basis of race, national origin, gender, religion, age or disability. See Nondiscrimination Advisory, Attachment 2 to Interim Guidance.

Local INS Offices. A list of local INS offices and their addresses is set forth in Attachment 1 to the Interim Guidance. Attachment 1 also includes a copy of INS Form G-845 and the Supplement thereto to be used to verify immigration status pursuant to the Interim Guidance.

RONT PINK BACKGROUND (BLUE HEADER BAR)
BLUE I.N.S. SEAL OVERLAPS PHOTO AREA.
REPEATING "I-551" BECOMES VISIBLE WHEN CARD IS
TILTED UNDER NORMAL LIGHT.



BACK COLOR GRADUALLY CHANGES FROM PINK TO BLUE, WITH MAP OF U.S. IN WHITE. THREE LINES OF MACHINE READABLE PRINTING AT BOTTOM ON WHITE BACKGROUND.

ALIEN REGISTRATION RECEIPT CARD
PERSON IDENTIFIED BY THIS CARD IS ENTITLED TO RESIDE PERMANENTLY AND WORK IN THE U.S.

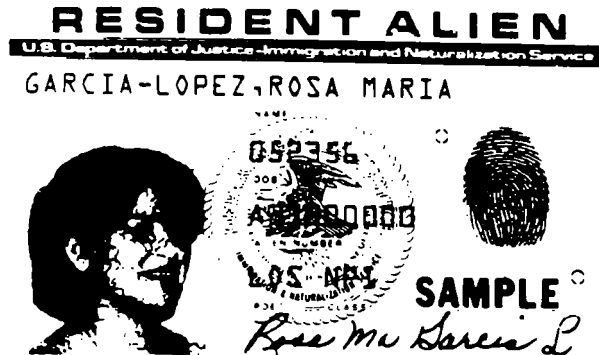
P26 WAS 910712 245 1158012001
A1USA028256001<01<9107<<<<<<<
5007107F0107172<<<<<86006DE37
CHOW<LAI<PING<<<<<<<<<<<<<

EXPIRATION DATE ON FRONT OF CARD, MONTH, DAY, AND YEAR.

IMMIGRANT CLASSIFICATION, AND ADMISSION/ADJUSTMENT DATE ON BACK OF CARD
FIRST SET OF CODE IS IMMIGRANT CLASSIFICATION, BEGINNING WITH LETTER(S)
FOLLOWED BY NUMBER(S) THIRD SET OF CODE IS ADMISSION/ADJUSTMENT DATE,
BEGINNING WITH YEAR, MONTH, AND DAY.

"WHITE" I-551 "RESIDENT ALIEN" CARD

FRONT WHITE BACKGROUND (BLUE HEADER BAR)
SALMON LINES COVER THE PHOTO IN AN UNBROKEN
PATTERN. PRINTING "DETAIL" IN EAGLE IS EXCELLENT.



BACK PALE GREENISH BACKGROUND, MAP OF U.S. IN
WHITE. THREE LINES OF MACHINE READABLE CODES.

33500000 11 23 663 563 86539

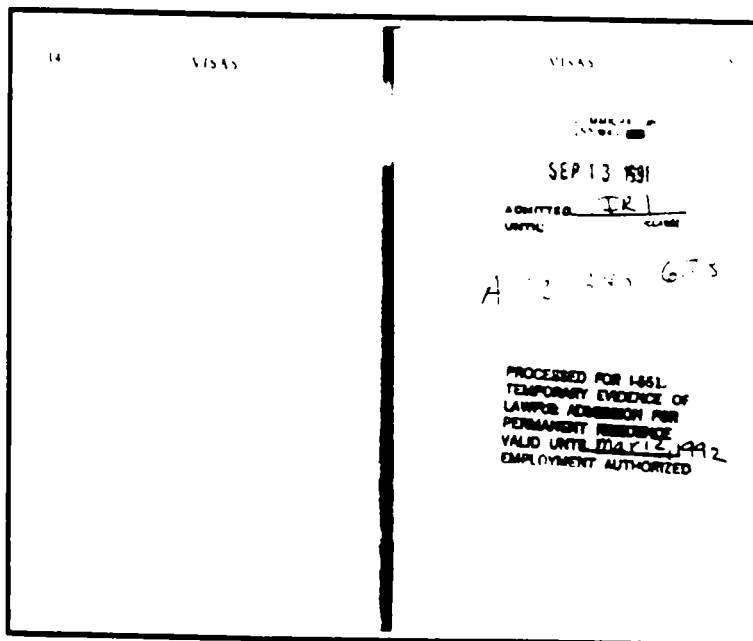
5533 47405 16323 34456 69480

040380 582 050 07620 9462742

SAMPLE CARD

ADMISSION ADJUSTMENT DATE IS AT BOTTOM, LEFT CORNER ON BACK OF CARD,
BEGINNING WITH YEAR, MONTH, AND DAY. IMMIGRANT CLASSIFICATION IS ON FRONT
OF CARD IN LOWER RIGHT CORNER, BEGINNING WITH LETTER(S) FOLLOWED BY
NUMBER(S).

Unexpired Foreign Passport with I-551 Stamp



Exhibit

Unexpired Foreign Passport with I-551 Stamp

A I-551 stamp may be present in a foreign passport, with a handwritten "Valid Until" date.

A proof of entry and inspection stamp will also be present in the passport, similar to the stamp for an I-94. Date of entry is stamped. Immigrant visa classification (letter and number) is printed or stamped on "Admitted" line. Valid status expires on date enumerated at "Until" section of I-551 stamp (mentioned above).

The alien number may be printed beginning with letter A.

Exhibit

The Number		SAMPLE	
742832036 01		U.S. IMMIGRATION 200 WAS	
1		SEP 13 1991	
Immigration and Naturalization Service		ADMITTED <u>L-1</u> UNTIL (CLASS)	
I-94 Departure Record		July 10, 1993	
14 Family Name DOE		16 Birth Date (Day, Month, Year) 11.04.62	
15 First (Given) Name JOHN		17 Country of Citizenship U.K.	

I-94 Arrival/Departure Record

Proof of entry is signified by US Immigration stamp. Date of entry is stamped. *Non-immigrant visa classification* (letter or letter and number) is printed or stamped on "Admitted" line. Valid status expires on date enumerated at "Until" section of stamp.

Refugees and asylees each receive a separate INS stamp. Asylum seekers have "valid to" date, while refugees have a date of admission.

Asylum stamp:

ASYLUM STATUS GRANTED
PURSUANT TO SECTION 208
OF I.N.A. VALID TO

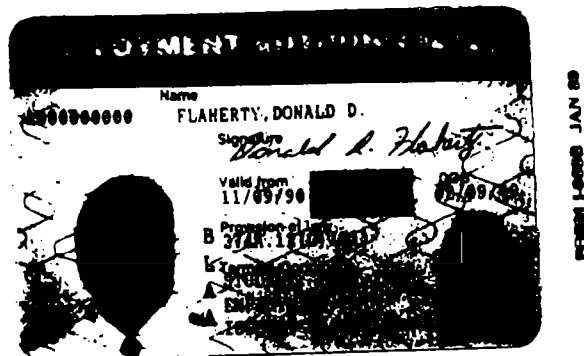
Refugee stamp:

ADMITTED AS A REFUGEE
PURSUANT TO SEC. 207 OF
THE I.N.A. IF YOU DE-
PART THE U.S. YOU WILL
NEED PRIOR PERMISSION
FROM INS TO RETURN.
EMPLOYMENT AUTHORIZED

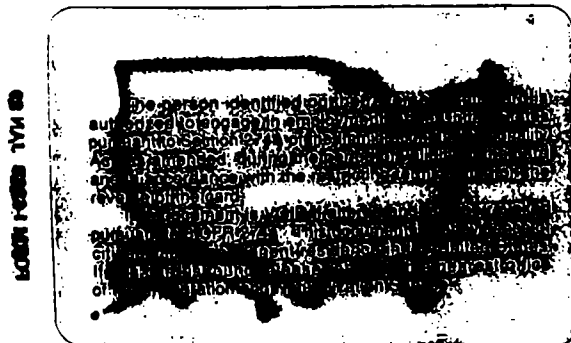
PORT DATE INS. OFF.

"RED" I-688B "EMPLOYMENT AUTHORIZATION"

FRONT WHITE BACKGROUND, RED HEADER BAR AND
YELLOW INTERLOCKING WAVY LINES. GOLD I.N.S. SEAL
BECOMES VISIBLE WHEN TILTED UNDER NORMAL LIGHT.



BACK RED OUTLINE OF THE U.S., ALASKA AND HAWAII.
THE WORD "VOID" IS CAPITALIZED AND UNDERLINED.



EXPIRATION DATE IS ON FRONT, MONTH, DAY, AND YEAR.

Exhibit

"RED" I-766 "Employment Authorization"

FRONT WHITE BACKGROUND, RED HEADER BAR. STATUE OF LIBERTY, U.S.A. AND IMMIGRATION AND NATURALIZATION SERVICE SYMBOLS BECOME VISIBLE WHEN TILTED UNDER NORMAL LIGHT. EXPIRATION DATE IS AT BOTTOM, RIGHT CORNER. NON-IMMIGRANT CATEGORY LISTED OVER JUSTICE SEAL BY A LETTER AND NUMBER ABBREVIATION OF THE 274A.12 IMMIGRATION LAW CITATION.

U.S. DEPARTMENT OF JUSTICE Immigration and Naturalization Service

EMPLOYMENT AUTHORIZATION CARD

The person identified is authorized to work in the U.S. for the validity of this card.

NAME SMITH, ADAM

Adam Smith

INS AB A123456789

CARD NO. 0000050785

Black Sex M

And Conser

NOT VALID FOR REENTRY TO U.S.

CARD VALID FROM 02/07/85 EXPIRES 05/13/90

BACK WHITE BACKGROUND, BLACK MAGNETIC STRIP AND BAR CODE.

This card is not evidence of U.S. citizenship or permanent residence.
 This document is void if altered, and may be revoked by the
 Immigration and Naturalization Service. FORM I-766 Rev. (01-03-96)

Exhibit

Decision Granting Asylum

Below are examples of documents issued to aliens granted asylum. Not all are the same.

 U.S. Department of Justice
Immigration and Naturalization Service

Dear Sirs: FEB 21 1980

EDUARDO ALBERTO A29 000 000
412 CENTER
LOS ANGELES CA 90006

Dear MR. EDUARDO ALBERTO :

This refers to your Request for Asylum in the United States.

I have concluded, upon consultation with the Bureau of Human Rights and Humanitarian Affairs, Department of State, that you have established a well-founded fear of persecution upon return to your homeland. Therefore, in accordance with section 208(a) of the Immigration and Nationality Act, your request for Asylum in the United States is granted as of FEB 02 1980.

Your asylum status may be terminated if it is subsequently determined you are no longer a refugee within the meaning of section 101(a)(42)(A) of the Immigration and Nationality Act, or that you pose a danger to the community or to the security of the United States.

You are authorized to remain in the United States until FEB 01 1980 at which time you must arrange to be interviewed to determine your continuing eligibility for asylum. Employment is authorized during this period. If you plan to depart the United States, it will be necessary for you to obtain prior permission to return.

You may apply for permanent residence under section 209(b) of the Immigration and Nationality Act upon being physically present in the United States for at least one year after asylum was granted.

Please keep this office informed of any change in your address.

Sincerely,

ROBERT M. MOSCHORAK
Acting District Director

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
Los Angeles, California

In the Matter of File No: A29 000 000
Fulgencio F.
Respondent IN DEPORTATION PROCEEDINGS

Order of the
Immigration Judge

This matter having been initiated by the Immigration & Naturalization Service upon the filing of an Order to Show Cause, and the Respondent having been found to be subject to deportation on the charge(s) set forth therein, and the Respondent having made application for relief from deportation under Sections 208(a) and 208(b) of the Immigration and Nationality Act; and a hearing having been held on said application, and the Court being fully informed of the facts, and having made an oral decision at the conclusion of the hearing setting forth the basis upon which the Respondent is found QUALIFIED for the relief sought; therefore, upon this order being final.

IT IS ORDERED that the Respondent's application for relief from deportation under Sections 208(a) and 208(b) of the Immigration and Nationality Act be and is hereby GRANTED, and.

IT IS FURTHER ORDERED that deportation proceedings against the Respondent be TERMINATED.

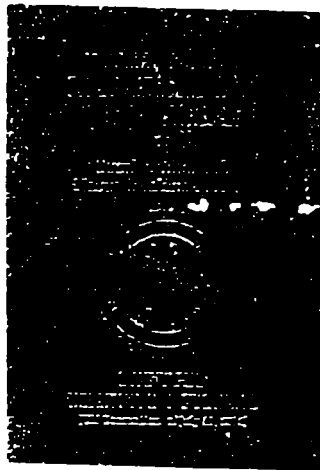
Appeal: Waived Reserved

Date: 2-27-80


IMMIGRATION JUDGE

A copy of this Order has been served upon the Respondent and the Immigration Service.

A REFUGEE TRAVEL DOCUMENT Form 571 is issued by INS to aliens who have been granted refugee status.



1. Name (last, first, middle)
 2. Date of birth
 3. Sex
 4. Nationality
 5. Date of entry
 6. Date of departure
 7. Date of arrival
 8. Date of departure
 9. Date of arrival
 10. Date of departure
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Form 1-571

Exhibit

Order Granting Withholding of Deportation

The documents used by immigration judges to grant withholding of deportation vary. An example is shown below.

UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW OFFICE OF THE IMMIGRATION JUDGE Los Angeles, California	
In the Matter of:	File # <u>29-259-000</u>
<u>MARIA GUALQUI</u>	
Respondent	In Deportation Proceedings
SUMMARY OF THE ORAL DECISION AND ORDER OF THE IMMIGRATION JUDGE	
This is a summary of the oral decision entered on <u>10/23/91</u>. If the proceedings should be appealed, the Oral Decision and Order will be transcribed and will become the official decision in this matter.	
☐	Respondent's application for voluntary departure was denied and he/she was ordered deported to _____ or _____
☐	Respondent's application for voluntary departure was granted to _____, with an alternate order of deportation to _____ or _____
☒	Respondent's application for ~~asylum~~ /withholding of deportation was <u>granted/denied</u>
☐	Respondent's application for suspension of deportation was <u>granted/denied</u>
☐	Respondent's application for section 212(c) waiver was granted/denied.
☐	Respondent's application for _____ was granted/denied.
☒	Proceedings were terminated.
☐	Other: _____
☒	Service/Respondent waived appeal.
☐	Service/Respondent reserved appeal until _____
ORDER: It is ordered that if no appeal is filed, the decision is to be implemented by the District Director of the Immigration & Naturalization Service.	
Date: <u>10/23/91</u>	
<u>[Signature]</u> NATHAN W. WARDON Immigration Judge	

EXHIBIT B TO ATTACHMENT 5
ALIENS WHO HAVE BEEN BATTERED OR SUBJECTED TO EXTREME
CRUELTY WITHIN THE MEANING OF SECTION 431 OF THE ACT

INTRODUCTION

Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), as amended by section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (the "Immigration Act") and sections 5571-72 and 5581 of the Balanced Budget Act of 1997 ("the Budget Act"), provides that certain categories of aliens who have been subjected to battery or extreme cruelty in the United States by a family member with whom they resided are "qualified aliens" eligible for public benefits under the Act. An alien whose child or an alien child whose parent has been abused is also a "qualified alien." Additionally, section 421 of the Act, as amended by section 552 of the Immigration Act and section 5571 of the Budget Act, exempts this group of battered aliens from the Act's new deeming requirements for a period of one year, and for longer if the battery or cruelty has been recognized in an order of a judicial officer or an administrative law judge or in an Immigration and Naturalization Service ("INS") determination.

CONSIDERATIONS AFFECTING ALL APPLICANTS

Benefit providers should observe the following protocol with regard to all applicants who seek qualified alien status under section 431(c) of the Act:

(1) This Exhibit should be interpreted consistently with the principles set forth in the Interim Guidance, including, but not limited to, its standards for acceptance of documents demonstrating status, its nondiscrimination advisory and its provisions regarding whether to grant or withhold benefits pending verification of qualified alien status. In addition, as specified in the Interim Guidance, a provider should determine whether an applicant otherwise meets specific program requirements for benefit eligibility before initiating the verification process described below, unless determining program eligibility would be considerably more complex and time-consuming than verifying immigration status. (In the case of providers who are considering referring individual applicants to the Social Security Administration for issuance of a Social Security number, the provider should first determine that the applicant is otherwise eligible for program benefits.)

(2) Many of the applicants seeking assistance pursuant to this provision will need assistance on various matters relating to both their immigration status and their domestic violence-related concerns. You should therefore direct applicants to the INS forms request line (1-800-870-3676) so that applicants who are eligible to self-petition under the Violence Against Women Act, 8 U.S.C. § 1154(a)(1), but have yet to do so, may request an INS Form I-360 and filing instructions. You should also refer them to the National Domestic Violence Hotline (1-800-799-7233) so that applicants may obtain assistance from a local domestic violence service provider and referrals to immigration attorneys. (See Attachment A for a copy of the self-petitioning form and instructions, and additional information on the domestic violence hotline).

(3) Except where this attachment directs otherwise, when asking the INS or the Executive Office for Immigration Review ("EOIR") to verify an applicant's immigration status, a benefit provider should submit a verification request form. See Attachment B for sample INS and EOIR verification forms (hereinafter "the INS Request Form" and "the EOIR Request Form" respectively). These samples must be replicated and submitted on your agency's letterhead in order for INS or EOIR to provide verification information. The INS Request Form should be faxed to the INS Vermont Service Center (fax: (802) 527-3159; tel: (802) 527-3160); the EOIR Request Form should be faxed to the office of the appropriate immigration court (a list of the immigration courts and their addresses, fax numbers and telephone numbers is included in Attachment B). In certain limited circumstances described below, the benefit provider should submit its verification request by filing INS Form G-845 and the G-845 Supplement with the local INS office. Attachment 1 to the Interim Guidance includes a copy of INS Form G-845 and the G-845 Supplement to be used as indicated below, as well as a list of local INS offices.

(4) You should not share any information that you receive from or regarding the applicant with any member of his or her family or any other third party, without the express written permission of the applicant.

I. PROCEDURES FOR DETERMINING QUALIFIED ALIEN STATUS

An alien is a "qualified alien" eligible for public benefits under section 431(c) of the Act if he or she meets the following four requirements:

1) the INS or the EOIR has granted a petition or application filed by or on behalf of the alien, the alien's child, or the alien child's parent under one of several subsections of the Immigration and Nationality Act ("INA") described below or has found that a pending petition sets forth a prima facie case;

2) the alien, the alien's child, or the alien child's parent has been abused in the United States¹ as detailed below:

(a) in the case of an abused alien:

the alien has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien, or by a member of the spouse or parent's family residing in the same household as the alien, if the spouse or parent consents to

¹ Some applicants may possess documents demonstrating that they have been admitted to the United States because of battery or extreme cruelty that occurred outside of the United States, but this is insufficient by itself to make them eligible for benefits under section 431(c). Section 431(c) does not apply unless some battery or extreme cruelty occurred in the United States.

or acquiesces in such battery or cruelty;

(b) in the case of an alien whose child is abused:

the alien's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien, or by a member of the spouse or parent's family residing in the same household as the alien if the spouse or parent consents to or acquiesces in such battery or cruelty, and the alien did not actively participate in the battery or cruelty;

(c) in the case of an alien child whose parent is abused:

the alien child's parent has been battered or subjected to extreme cruelty in the United States by the parent's spouse, or by a member of the spouse's family residing in the same household as the parent, if the spouse consents to or acquiesces in such battery or cruelty;

3) there is a substantial connection between the battery or extreme cruelty and the need for the public benefit sought; and

4) the battered alien, child, or parent no longer resides in the same household as the abuser.

Each of these four requirements, and processes for assuring that an applicant meets these requirements, are discussed in detail below. (In addition to these four requirements, the alien must of course meet the eligibility criteria of the particular program from which benefits are sought.) A benefit provider must determine that an applicant satisfies all four requirements. If an applicant presents documentation indicating that an INS I-130 petition has been filed on the applicant's behalf under the INA provisions listed in subparagraph (a) of requirement one below, or that the applicant has filed an INS I-360 petition under the INA provisions listed in subparagraph (b) of requirement one below, the benefit provider should determine whether the applicant meets the other three requirements for qualified alien status (including battery or extreme cruelty) before verifying his or her immigration status with the INS. If an applicant presents documentation indicating that he or she has filed an INS I-360 petition based on one of the INA provisions listed in subparagraph (c) or (d) of requirement one below, or has sought suspension of deportation or cancellation of removal from the EOIR under one of the INA provisions listed in subparagraph (e) of requirement one below, INS or EOIR will make the determination as to battery or extreme cruelty. In such cases, the benefit provider may contact the INS or the EOIR as applicable to initiate the verification process prior to determining if the applicant meets the other two requirements for qualified alien status. After contacting the INS or the EOIR, the benefit provider should continue reviewing the applicant's eligibility for qualified alien status under requirements three and four below, and should not delay this evaluation while awaiting a response from the INS or the EOIR.

Requirement 1: Appropriate INA Status. You must determine that the INS or the EOIR, as applicable, has approved an applicant's petition or application or has found that the applicant's pending petition or application sets forth a prima facie case, under one of the following provisions of the INA:

a) Sections 204(a)(1)(A)(i) and 204(a)(1)(B)(i) of the INA (governing eligibility to receive lawful permanent resident ("LPR") status as a spouse or child of a U.S. citizen, or as a spouse, child or unmarried son or daughter of an LPR, based on the petition of a spouse or parent);

b) Section 204(a)(1)(A)(ii) of the INA (governing eligibility to apply for LPR status as an alien who is the widow or widower of a U.S. citizen to whom the alien had been married for at least two years at the time of such citizen's death);

c) Sections 204(a)(1)(A)(iii) and 204(a)(1)(B)(ii) of the INA (governing eligibility to apply for LPR status as an alien who is the spouse of a U.S. citizen or LPR, who has resided with that spouse in the United States, and who (or whose child) has been subjected to battery or cruelty in the United States by his or her spouse);

d) Sections 204(a)(1)(A)(iv) and 204(a)(1)(B)(iii) of the INA (governing eligibility to apply for LPR status as an alien who is the child of a U.S. citizen or LPR, and who has resided with that parent in the United States and been subjected to battery or cruelty in the United States by his or her citizen or LPR parent); or

e) Section 244(a)(3) of the INA as in effect prior to April 1, 1997, or section 240A(b)(2) of the INA (governing the Attorney General's authority to suspend deportation or cancel the removal and adjust the status of an alien if the alien or the alien's child has been subjected to battery or extreme cruelty in the United States by a spouse or parent who is a U.S. citizen or LPR).² Note: Only this provision of the INA allows the alien parent of a battered child to obtain relief from deportation or removal even if he or she is not married to the U.S. citizen or LPR parent. This includes aliens who were never married to the U.S. citizen or LPR parent, and aliens who are divorced from the U.S. citizen or LPR. Under the provisions described in (a)-(d) above, the alien must have been married to the U.S. citizen or LPR spouse at the time the petition was filed. Unmarried children of U.S. citizens or LPRs less than 21 years of age may petition for admission as a battered child under the provisions described in (a) or (d) at any time, regardless of their parents' marital status.

² While this provision includes unabused alien parents of battered children, it does not include unabused alien children of battered parents. This rule stands in contrast to the self-petitioning provisions described in (c) above, under which battered spouses of U.S. citizens and LPRs can include their alien children in their petitions for status.

Documentation

As set forth in Step 3 of the Interim Guidance regarding verification of qualified alien status, you should ask the alien to present documentation demonstrating his or her immigration status. (Except where noted, copies of the documents listed below are attached.) As described in the Interim Guidance, if the documentation indicates that the applicant falls into one of the categories listed in (a)-(e) above and reasonably appears on its face to be genuine (or, if your program already has existing guidance or procedures mandating a higher standard of proof for acceptance of documentary evidence of immigration status, the document satisfies that higher standard) and to relate to the individual presenting it, you should accept the documentation as conclusive evidence that the applicant satisfies requirement one and should not verify immigration status with the INS or the EOIR. If, based on your review of the documents presented, you are considering determining that an applicant does not have the requisite immigration status and thus is not eligible for the benefits requested based on his or her immigration status -- e.g., because the document does not on its face reasonably appear to be genuine (or to satisfy a higher applicable standard), to demonstrate that the applicant falls into any of the categories listed in (a)-(e) above, or to relate to the person presenting it -- you should check with the INS or the EOIR as applicable to verify the information presented by the applicant. To verify status with the INS, in most cases, you should fax the INS Request Form, on your agency letterhead, as well as a copy of the document(s) provided by the applicant, to the INS Vermont Service Center. In some cases, as detailed in footnote three below, requests for INS verification should be submitted to the local INS office using form G-845 and its supplement. To verify status with the EOIR, you should fax the EOIR Request Form on your agency letterhead, as well as a copy of the document(s) provided by the applicant, to the court administrator of the appropriate immigration court. (See Attachment B.)

Applicants who have filed a petition or application or had a petition or application filed on their behalf, as applicable, under any of the above-described provisions of the INA will apply to a benefit provider in one of seven possible situations described below.

(1) With documentation evidencing an approved petition or application under one of the provisions listed in (a)-(e) above (unless otherwise indicated, see Attachment C for copies of these documents):

- (a) INS Form I-551 ("Resident Alien Card" or "Alien Registration Receipt Card", commonly known as a "green card") with one of the following INS class of admission ("COA") codes printed on the front of a white card or the back of a pink card demonstrates approval of a petition under paragraphs (a)-(b) above:³ AR1, AR6, C20 through C29, CF1, CF2,

³ The green card codes, green card types, and stamps in foreign passports or on INS Form I-94 that demonstrate an approved petition or application under one of the provisions listed in (a)-(b) above are too numerous to describe here. If an alien claiming approved

CR1, CR2, CR6, CR7, CX1 through CX3, CX6 through CX8, F20 through F29, FX1 through FX3, FX6 through FX8, IF1, IF2, IR1 through IR4, IR6 through IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21 through P23, or P26 through P28;

- (b) INS Form I-551 with one of the following COA codes stamped on the lower left side of the back of a pink card demonstrates approval of a petition under paragraphs (c)-(d) above: IB1 through IB3, IB6 through IB8, B11, B12, B16, B17, B20 through B29, B31 through B33, B36 through B38, BX1 through BX3, or BX6 through BX8;
- (c) INS Form I-551 with COA code Z13 may demonstrate approval of a petition under paragraph (e) above; if an alien claiming approved status presents a card bearing the code Z13, determine where the card was issued by asking the alien where he or she received the grant of suspension of deportation, and then fax the EOIR Request Form on your agency letterhead, as well as a copy of the card and any other document(s) presented by the alien, to the EOIR court that granted the alien's suspension. If the alien does not recall where the grant of suspension of deportation was received, compare the city code on the card to the list of city codes included in Attachment C, and fax the EOIR Request Form on your agency letterhead, as well as a copy of the card and any other document(s) presented by the alien, to the Court Administrator of the EOIR court closest to the city where the green card was issued. (See Attachment B for a list of INS city codes and EOIR court addresses);
- (d) Unexpired Temporary I-551 stamp in foreign passport or on INS Form I-94 with one of the COA codes specified in the preceding three paragraphs (if the temporary stamp or the INS Form I-94 bears the code Z13, follow the process described immediately above); if it bears another code or you cannot determine what the COA code is, follow the process outlined in footnote three;⁴

status presents a code different than those enumerated or a card style different than those included in Attachment C, or if you cannot determine the class of admission from the I-551 stamp, you should file INS Form G-845, and the G-845 Supplement (mark item six on the Supplement) along with a copy of the document(s) presented, with the local INS office in order to determine whether the applicant gained his or her status because he or she was the spouse, widow, or child of a U.S. citizen or the spouse, child, or unmarried son or daughter of an LPR. (See Attachment 1 to Interim Guidance.)

⁴ If an applicant possesses the documents listed in items (a) through (d), the applicant has established that he or she is a lawful permanent resident and therefore is a qualified alien.

- (e) INS Form I-797 indicating approval of an INS I-130 petition (only I-130 petitions describing the following relationships may be accepted: husbands or wives of U.S. citizens or LPRs, unmarried children under 21 years old of U.S. citizens or LPRs, or unmarried children 21 or older of LPRs), or approval of an I-360 petition (only I-360 approvals based on status as a widow/widower of a U.S. citizen or as a self-petitioning spouse or child of an abusive U.S. citizen or LPR may be accepted);⁵ or
- (f) A final order of an Immigration Judge or the Board of Immigration Appeals granting suspension of deportation under section 244(a)(3) of the INA as in effect prior to April 1, 1997, or cancellation of removal under section 240A(b)(2) of the INA (examples are attached). If the court or Board order does not indicate that suspension of deportation or cancellation of removal was granted under section 244(a)(3) or 240A(b)(2), you should fax the EOIR Request Form on your agency letterhead, as well as a copy of the order, to the court administrator of the EOIR court issuing the order, and ask the court to notify you of the INA provision under which the applicant was granted relief. (See Attachment B).

(2) With documentation demonstrating that the applicant has established a prima facie case⁶ under one of the provisions described in (c), (d) or (e) above (unless otherwise

You should nonetheless proceed with the analysis of requirements 2 through 4 to determine if the applicant qualifies for the battered exception to the deeming provisions (see Part IIA below).

⁵ INS Form I-797 is used for numerous categories of petitions, and is used to indicate both receipt of a petition and approval or denial of a petition. It will also be used to indicate that an applicant has set forth a prima facie case. Thus, it is important to read the language on the Form I-797 presented by an applicant to ensure that it is more than a receipt, and specifically that it (a) denotes filing under one of the provisions specified above, and (b) denotes approval of the petition or a finding that a prima facie case has been demonstrated.

⁶ Because the INS has not previously been required to conduct prima facie assessments, it is implementing procedures (which will become effective upon publication of an interim rule) to expedite the review of I-360 petitions under the provisions described in (c) and (d) above and to notify the applicant within three weeks of INS' receipt of the petition if he or she has set forth a prima facie case. Similarly, the EOIR has not previously been required to conduct the prima facie assessment which is required under the provisions described in (e) above. The EOIR is currently working to implement a process for determining whether an applicant has set forth a prima facie case. Applicants in deportation or removal proceedings who are in need of a prima facie determination should contact the appropriate immigration

indicated, see Attachment D for copies of the documents listed below):

- (a) INS Form I-797 indicating that the applicant has established a prima facie case; or
- (b) An immigration court or Board of Immigration Appeals order indicating that the applicant has established a prima facie case for suspension of deportation under INA section 244(a)(3) as in effect prior to April 1, 1997, or cancellation of removal under section 240A(b)(2) of the INA.

(3) With documentation indicating that the applicant has filed a petition or that a petition has been filed on the applicant's behalf, as applicable, under one of the provisions listed in (c) or (d) above, but with no evidence of approval of the petition or establishment of a prima facie case, in which case the benefit provider should determine from the documentation when the petition was filed and take the actions set forth below (unless otherwise indicated, copies of the documents listed below are included in Attachment E):

a) Applicants with petitions filed before June 7, 1997 should have an INS Form I-797 indicating filing of the I-360 petition by "self-petitioning spouse [or child] of abusive U.S.C. or LPR," a file-stamped copy of the petition, or another document demonstrating filing (including a cash register or computer-generated receipt indicating filing of Form I-360), but the INS will not have determined whether the applicant's petition sets forth a prima facie case. (If the applicant has no proof of filing, you should follow the instructions in paragraph 6.) You should request that the INS expedite adjudication of the petition or that a prima facie determination be made by faxing the INS Request Form on your agency letterhead, to the INS Vermont Service Center. (See Attachment B.) Inquiries about these cases may also be submitted in the same manner to the INS Vermont Service Center.

b) Applicants with petitions filed after June 7, 1997 should have an INS Form I-797 indicating filing of the I-360 petition, but may have only a copy of the petition and proof of mailing. Within three weeks of filing, INS will send to the applicant either an approval notice, a notice of prima facie case, or a request for additional documentation. In some cases, the applicant will receive both a notice of prima facie case and a request for additional documentation. Upon publication of an interim prima facie rule, INS will begin the process of determining whether an applicant's petition sets forth a prima facie case. If three weeks have elapsed

court.

since the filing of the petition, you may determine the status of the case by faxing the INS Request Form, on your letterhead, to the Vermont Service Center. (See Attachment B.)

Please note that the prima facie determination is an interim determination. An INS notice of prima facie case will expire upon issuance of a final decision by the INS or 150 days after issuance, whichever is earlier. An EOIR prima facie determination will expire upon the date of the applicant's hearing on the merits of his or her case, or if made by the Board of Immigration Appeals, upon issuance of the Board's decision on the appeal. In order to remain eligible for benefits after the expiration of a notice of prima facie case an applicant must either request and obtain a renewal of the prima facie determination from the INS or the EOIR, as applicable, or must present the benefit provider with a copy of one of the documents listed in paragraph one above indicating that his or her petition or application has been approved.

(4) With documentation indicating that the applicant has filed a petition or that a petition was filed on his or her behalf, as applicable, under one of the provisions listed in (a) or (b) above (the documentation must indicate that the applicant is the widow/widower of a U.S. citizen, the husband or wife of a U.S. citizen or LPR, the unmarried child under age 21 of a U.S. citizen or LPR, or the unmarried child age 21 or older of an LPR) (unless otherwise indicated, copies of the documents listed below are included in Attachment F):

- For aliens on whose behalf a petition has been filed: INS Form I-797 indicating filing of an INS I-130 petition, a file-stamped copy of the petition, or another document demonstrating filing (including a cash register or computer-generated receipt indicating filing of Form I-130).
- For self-petitioning widows or widowers: a file-stamped copy of the INS I-360 petition, or another document demonstrating filing (including a cash register or computer-generated receipt indicating filing of Form I-360).

A prima facie determination will not have been made with regard to these petitions. You should request that the INS expedite adjudication of the petition or that a prima facie determination be made by faxing the INS Request Form on your agency letterhead, to the INS Vermont Service Center. (See Attachment B.) Inquiries about these cases may also be submitted in the same manner to the INS Vermont Service Center.

Applicants who are beneficiaries of I-130 petitions will have had a petition filed on their behalf. The petition process gives the spouse or parent of the applicant ultimate control over the disposition of the petition. If the spouse or parent is the abuser, he or she can nullify the petition either by withdrawing it or by divorcing the alien before the alien is able to obtain a green card. Because the most current information regarding the status of a pending I-130 petition will reside with the batterer until an applicant has

received his or her green card, you should query INS regarding the applicant's continued eligibility each time you recertify the applicant for eligibility under general program guidelines. For these reasons, and because a self-petitioning applicant may be able to obtain employment authorization, an alien who is eligible to self-petition under the Violence Against Women Act should be strongly encouraged to do so. (Note: The alien must be the spouse or child of the abuser and, in the case of a spousal petition, still be married to the abuser when the petition is filed.) The applicant should also be directed to the INS forms request line and the National Domestic Violence Hotline as set forth on page one.

(5) Documentation indicating that the INS has initiated deportation or removal proceedings in which relief under the provision(s) listed in section (e) above may be available (copies of the documents listed below are included in Attachment G):

- an "Order to Show Cause";
- a "Notice to Appear"; or
- a "Notice of Hearing in Deportation Proceedings."

You should inform the applicant that, if the applicant or the applicant's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a U.S. citizen or LPR, and the applicant has been present in the United States for at least three years, he or she may file an application with the EOIR requesting suspension of deportation or cancellation of removal as applicable. You should also notify the applicant that, upon filing the application, he or she may ask the court to make a prima facie evaluation of the application and that, if the court indicates that the applicant has set forth a prima facie case for relief, he or she should return to your agency to complete the benefit eligibility evaluation process (see also footnote six). You should also refer the applicant to the National Domestic Violence Hotline as set forth on page one so that he or she may obtain assistance from a local domestic violence service provider and referrals to immigration attorneys. (Some of these applicants will also have sought the relief described in (a)-(d) above. Thus the applicant may have an I-797 indicating that his or her petition has been granted or that the petition sets forth a prima facie case, or an I-797 receipt indicating that a petition has recently been filed. You should only follow the procedures described in this paragraph if the applicant does not have such a petition pending with the INS.)

(6) With minimal or no documentation regarding the claimed filing: Because of the nature of abusive relationships, applicants may not have copies of the documents that have been filed by them or on their behalf. If the applicant has some documentation, but it is insufficient to demonstrate filing, establishment of prima facie case or approval of a petition, you should fax the INS Request Form on your agency letterhead, as well as a copy of any document(s) provided by the applicant, to the INS Vermont Service Center

in order to determine the applicant's status. (See Attachment B.) If the applicant has no documentation, but is certain that a petition has been filed by his or her spouse or parent, you should fax the INS Request Form to the INS Vermont Service Center. If the applicant has no documentation and is uncertain whether a petition has been filed on his or her behalf, you should refer the applicant to the National Domestic Violence Hotline as set forth on page one.

(7) Without having filed one of the above petitions, but with facts indicating a basis to file such a petition: You should refer such applicants to the INS forms request line and to the National Domestic Violence Hotline as set forth on page one.

Requirement 2: Battered or Subjected to Extreme Cruelty. You must also determine whether an applicant, his or her child, or, in the case of an alien child, his or her parent, has been battered or subjected to extreme cruelty (as defined below) as follows:

- in the case of an abused alien:

the alien has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien, or by a member of the spouse or parent's family residing in the same household as the alien if the spouse or parent consents to or acquiesces in such battery or cruelty;

- in the case of an alien whose child is abused:

the alien's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien, or by a member of the spouse or parent's family residing in the same household as the alien if the spouse or parent consents to or acquiesces in such battery or cruelty, and the alien did not actively participate in the battery or cruelty;

- in the case of an alien child whose parent is abused:

the alien child's parent has been battered or subjected to extreme cruelty in the United States by the parent's spouse, or by a member of the spouse's family residing in the same household as the parent if the spouse consents to or acquiesces in such battery or cruelty.

a) Definitions of Battery, Extreme Cruelty and Family Member

For purposes of this Guidance, the phrase "battered or subjected to extreme cruelty" has the meaning set forth below. This definition is drawn, with slight modification, from the INS interim rule, "Petition to Classify Alien as Immediate Relative of a United States Citizen or as Preference Immigrant; Self-Petitioning for Certain Battered or Abused Spouses and Children," 61 Fed. Reg. 13,061, 13074 (1996) (8 C.F.R. § 204.2(c)(vi)).

The phrase "battered or subjected to extreme cruelty" includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution shall be considered acts of violence. Other abusive actions may also be acts of violence under this rule. Acts or threatened acts that, in and of themselves, may not initially appear violent may be part of an overall pattern of violence.

This is a broad, flexible definition that encompasses all types of battery and extreme cruelty. The acts mentioned in the above definition should be regarded by benefit providers as acts of violence whenever they occur, so long as one or more of the acts takes place in the United States and while the family relationship between the abuser and the victim exists. It is not possible, however, to identify all behaviors that could be acts of violence under certain circumstances, and this definition does not contain an exhaustive list of the acts of violence that will constitute battery or extreme cruelty. Many other nonenumerated abusive actions will also constitute an act or threatened act of violence under this definition.

For purposes of this Guidance, the phrase "member of the spouse or parent's family" means any person related by blood, marriage, or adoption to the spouse or parent of the alien, or any person having a relationship to the spouse or parent that is covered by the civil or criminal domestic violence statutes of the state or Indian country where the alien resides, or the state or Indian country in which the alien, the alien's child, or the alien child's parent received a protection order.

b) Applicant With EOIR Order or Approved
INS Petition or Other Court Order Based on Battery

Applicants with approved petitions or orders granted under one of the provisions enumerated in paragraphs (c), (d) or (e) of requirement one above have already met the requirement of demonstrating battery or extreme cruelty pursuant to the INS rule. Thus, the benefit provider should not make a new determination of battery or cruelty, and should instead proceed directly to the determination of substantial connection under requirement three. Similarly, a protection order or record of criminal conviction satisfies the battery or extreme cruelty requirement for applicants in the following situations:

- any applicant who has or has had a protection order issued against his or her spouse, parent, or family member of the spouse or parent with whom the applicant was living;
- any applicant whose child has or has had a protection order issued against the applicant's spouse, parent, or family member of the spouse or parent with whom the applicant was living (including protection orders issued to the applicant on behalf of the applicant's abused minor child);

- any applicant who is an alien child and whose parent has or has had a protection order issued against the parent's spouse, or family member of the spouse with whom his or her parent was living;
- any applicant who has a record of criminal conviction of his or her spouse, parent, or family member of the spouse or parent with whom the applicant was living, for committing an act of violence against the applicant or his or her child; or
- any applicant who is an alien child and who has a record of criminal conviction of his or her parent's spouse, or family member of the spouse with whom the parent was living, for committing an act of violence against the applicant's parent.

In the above situations, the applicant has established battery or extreme cruelty for purposes of this Guidance, and you should immediately proceed to requirement three.⁷

c) All Other Applicants

Except for applicants addressed in b) immediately above, an applicant must provide evidence of abuse. The benefit provider should consider any credible evidence proffered by the applicant. Evidence of battery or extreme cruelty (and in the case of a petition on behalf of a child, evidence that the applicant did not actively participate in the abuse) includes, but is not limited to, reports or affidavits from police, judges and other court officials, medical personnel, school officials, clergy, social workers, counseling or mental health personnel, and other social service agency personnel; legal documentation, such as an order of protection against the abuser or an order convicting the abuser of committing an act of domestic violence that chronicles the existence of abuse; evidence that indicates that the applicant sought safe-haven in a battered women's shelter or similar refuge because of the battery against the applicant or his or her child; or photographs of the visibly injured applicant, child, or (in the case of an alien child) parent supported by affidavits. An applicant may also submit sworn affidavits from family members, friends or other third parties who have personal knowledge of the battery or cruelty. Additionally, an applicant may submit his or her own affidavit, under penalty of perjury (it does not have to be notarized), describing the circumstances of the abuse, and the benefit provider has the discretion to conclude that the affidavit is credible, and, by itself or in conjunction with other evidence, provides relevant evidence of sufficient weight to demonstrate battery or extreme

⁷ In cases where INS is making the determination regarding battery and extreme cruelty, INS will follow its regulations as set forth in 8 C.F.R. § 204.2(c)(2). Under these regulations, INS will consider protection orders and criminal convictions along with any credible evidence relevant to the petition. The determination of what evidence is credible and the weight to be given that evidence rests within the sole discretion of INS. See 8 C.F.R. § 204(c)(2)(I).

cruelty. The benefit provider should keep a copy of all evidence presented by the applicant.

The benefit provider should bear in mind that, due to the nature of the control and fear dynamics inherent in domestic violence, some applicants will lack the best evidence to support their allegations (e.g., a civil protection order or a police report). Thus, the benefit provider will need to be flexible in working with the applicant as he or she attempts to assemble adequate documentation. In determining the existence of battery or cruelty, it is important that the benefit provider understand both the experience of intimate violence and the applicant's cultural context. The dynamics of domestic violence may have inhibited the applicant from seeking public or professional responses to the abuse prior to applying for benefits needed to enable the applicant to leave the abuser. For many cultural groups, going to outsiders for help is viewed as disloyalty to the community and an embarrassment to the family. In some cultures, for example, women have been conditioned to accept the authority and control of their husbands. Thus, there may be little independent documentary evidence of the abuse; the benefit provider should be sensitive to the needs and situation of the abused applicant when reviewing allegations and evidence of abuse.

Many applicants will have had an I-130 petition filed on their behalf by their spouse or parent, in which case the spouse or parent will have ultimate control over the disposition of the petition. If the spouse or parent is the abuser, he or she can nullify the petition either by withdrawing it or by divorcing the alien before the alien is able to obtain a green card. For these reasons, and because a self-petitioning applicant may be able to obtain employment authorization, an alien who is eligible to self-petition (the alien must be married to the abuser when the petition is filed) should be strongly encouraged to do so. The applicant should also be directed to the INS forms request line and the National Domestic Violence Hotline as set forth on page one.

Requirement 3: Substantial Connection between Battery and the Need for Benefits.

You must determine whether there is a substantial connection between the battery or extreme cruelty to which the applicant, his or her child, or (in the case of an alien child) his or her parent has been subjected and the need for the benefits sought. This requirement will not be satisfied simply by a determination that an applicant has been subjected to battery or extreme cruelty. To assist benefit providers in making substantial connection determinations, and as required by the Budget Act, the Attorney General has developed a list of circumstances, set forth below, that demonstrate a substantial connection between the battery or extreme cruelty suffered by an applicant, the applicant's child, or (in the case of an alien child) the applicant's parent, and the need for the benefit sought. You may refer to this list as a guide in making substantial connection determinations. (Note: The Attorney General's Order No. 2097-97, Determination of Situations that Demonstrate a Substantial Connection Between Battery or Extreme Cruelty and Need for Specific Public Benefits, 62 Fed. Reg. 39874 (July 24, 1997), has been superseded by amendments in the Budget Act. Revised substantial connection guidance will be issued shortly. In the meantime, benefit providers should look to the information contained in this document for guidance in making substantial connection determinations.)

- Where the benefits are needed to enable the applicant, the applicant's child, and/or (in the case of an alien child), the applicant's parent to become self-sufficient following separation from the abuser;
- Where the benefits are needed to enable the applicant, the applicant's child, and/or (in the case of an alien child) the applicant's parent to escape the abuser and/or the community in which the abuser lives, or to ensure the safety of the applicant, the applicant's child, or (in the case of an alien child) the applicant's parent from the abuser;
- Where the benefits are needed due to a loss of financial support resulting from the applicant's, his or her child's, and/or (in the case of an alien child) his or her parent's separation from the abuser;
- Where the benefits are needed because the battery or cruelty, separation from the abuser, or work absences or lower job performance resulting from the battery or extreme cruelty or from legal proceedings relating thereto (including resulting child support, child custody, and divorce actions) cause the applicant, the applicant's child, and/or (in the case of an alien child) the applicant's parent to lose his or her job or to earn less or to require the applicant, the applicant's child, and/or (in the case of an alien child) the applicant's parent to leave his or her job for safety reasons;
- Where the benefits are needed because the applicant, the applicant's child, or (in the case of an alien child) the applicant's parent requires medical attention or mental health counseling, or has become disabled, as a result of the battery or extreme cruelty;
- Where the benefits are needed because the loss of a dwelling or source of income or fear of the abuser following separation from the abuser jeopardizes the applicant's or (in the case of an alien child) the parent's ability to care for his or her children (e.g., inability to house, feed, or clothe children or to put children into day care for fear of being found by the abuser);
- Where the benefits are needed to alleviate nutritional risk or need resulting from the abuse or following separation from the abuser;
- Where the benefits are needed to provide medical care during a pregnancy resulting from the abuser's sexual assault or abuse of, or relationship with, the applicant, the applicant's child, and/or (in the case of an alien child) the applicant's parent and/ or to care for any resulting children; or
- Where medical coverage and/or health care services are needed to replace medical coverage or health care services the applicant, the applicant's child, or (in the

case of an alien child) the applicant's parent had when living with the abuser.

Requirement 4: Battered Applicant No Longer Resides in the Same Household with Batterer. Before providing benefits, you must determine that the battered applicant, child or parent no longer resides in the same household or family eligibility unit as the batterer. Although an applicant is not a qualified alien eligible for benefits until the battered applicant or child, or parent ceases residing with the batterer, applicants will generally need the assurance of the availability of benefits in order to be able to leave their batterer and survive independently. Wherever possible in this situation, the benefit provider should complete the eligibility determination process and approve the applicant for receipt of benefits pending the applicant's demonstration that the applicant, his or her child, and/or (in the case of an alien child) his or her parent have separated from the batterer. The applicant can then make arrangements to leave the batterer's residence secure in the knowledge that benefits will be provided as soon as he or she leaves.

You should consider any relevant credible evidence supporting the claim of non-residency with the batterer, including, but not limited to, any of the following: a civil protection order requiring the batterer to stay away from the applicant or the applicant's children or parent, or evicting the batterer from the applicant's residence; employment records; utility receipts; school records; hospital or medical records; rental records or records from a building or property manager; an affidavit from a staff member at a shelter for battered women or homeless persons, family members, friends or other third parties with personal knowledge, or from the battered applicant himself or herself; or any other records establishing that the applicant or his or her child or parent no longer resides with the abusive spouse, parent, or family member.

NOTE: While qualified alien status will make the battered applicant, the battered applicant's children, or the parent of a battered child eligible for certain federal public benefits, it will not make them eligible for all federal public benefits. See Interim Guidance and Attachments 6 and 7 thereto for the factors that determine a qualified alien's eligibility for particular benefits.

II. EXEMPTION FROM DEEMING REQUIREMENTS

A. Battered Aliens

Section 421 of the Act (as amended by the Immigration Act and the Budget Act) requires that, upon the effective date of the newly required affidavit of support and subject to the exceptions described below, when determining eligibility for federal means-tested public benefits and the amount of such benefits to which an alien applicant is entitled, agencies must include as income and resources of the alien, the income and resources of the spouse of the alien and any other person executing an affidavit of support on behalf of the alien. An alien is exempt

from these "deeming" requirements for a period of one year, however, if

1) in the case of an abused alien,

(a) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien, or by a member of the spouse or parent's family residing in the same household as the alien if the spouse or parent consents to or acquiesces in such battery or cruelty; (b) there is, in the opinion of the agency providing such benefits, a substantial connection between the battery or extreme cruelty and the need for the benefit sought; and (c) the battered alien no longer resides in the same household as the abuser;

2) in the case of an alien whose child is abused:

(a) the alien's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien, or by a member of the spouse or parent's family residing in the same household as the alien if the spouse or parent consents to or acquiesces in such battery or cruelty, and the alien did not actively participate in the battery or cruelty; (b) there is, in the opinion of the agency providing such benefits, a substantial connection between the battery or extreme cruelty and the need for the benefit sought; and (c) the battered child no longer resides in the same household as the abuser;

3) in the case of an alien child whose parent is abused:

(a) the alien child's parent has been battered or subjected to extreme cruelty in the United States by the parent's spouse, or by a member of the spouse's family residing in the same household as the parent if the spouse consents to or acquiesces in such battery or cruelty; (b) there is, in the opinion of the agency providing such benefits, a substantial connection between the battery or extreme cruelty and the need for the benefit sought; and (c) the battered parent no longer resides in the same household as the abuser.

See Part I, requirements two and four, above, for the definition and proof of battery/extreme cruelty and non-residency with the abuser; the agency may also want to consult the Attorney General's guidance regarding substantial connection (see Part I, requirement three above) when making its own substantial connection determination.

After expiration of the one year period, alien applicants continue to be exempt from the deeming requirements with regard to the resources and income of the batterer only, if (a) the applicant demonstrates that the battery or cruelty has been recognized in an order of a judge or administrative law judge or a prior determination of the INS, and (b) in the opinion of the agency, there is a substantial connection between the abuse or battery suffered by the applicant, the applicant's child, or (in the case of an alien child) the applicant's parent and the need for the benefit sought.

B. Indigent Aliens

In addition to the exemption for battered aliens, the Act's deeming provision contains a separate exemption for indigent aliens. If, after taking into account the alien's own income plus any cash, food, housing or other assistance provided by other individuals (including the sponsor), an agency determines that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, the amount of income and resources of the sponsor or the sponsor's spouse that shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period of one year after the date such agency determination is made.

Attachment A

- INS Form I-360 and Instructions for Self Petitioning under the Violence Against Women Act
- National Domestic Violence Hotline Information

START HERE - Please Type or Print

Part 1. Information about person or organization filing this petition. (Individuals should use the top name line; organizations should use the second line.) If you are a self-petitioning spouse or child and do not want INS to send notices about this petition to your home, you may show an alternate mailing address here. If you are filing for yourself and do not want to use an alternate mailing address, skip to part 2.

Family Name	Given Name	Middle Initial
Company or Organization Name		
Address - C/O		
Street Number and Name		Apt. #
City	State or Province	
Country	ZIP/Postal Code	
U.S. Social Security #	A #	IRS Tax # (if any)

Part 2. Classification Requested (check one):

- a. ☐ Amerasian
- b. ☐ Widow(er) of a U.S. citizen who died within the past 2 years
- c. ☐ Special Immigrant Juvenile
- d. ☐ Special Immigrant Religious Worker
- e. ☐ Special Immigrant based on employment with the Panama Canal Company, Canal Zone Government or U.S. Government in the Canal Zone
- f. ☐ Special Immigrant Physician
- g. ☐ Special Immigrant International Organization Employee or family member
- h. ☐ Special Immigrant Armed Forces Member
- i. ☐ Self-Petitioning Spouse of Abusive U.S. Citizen or Lawful Permanent Resident
- j. ☐ Self-Petitioning Child of Abusive U.S. Citizen or Lawful Permanent Resident
- k. ☐ Other, explain: _____

Part 3. Information about the person this petition is for.

Family Name	Given Name	Middle Initial
Address - C/O		
Street Number and Name		Apt. #
City	State or Province	
Country	ZIP/Postal Code	
Date of Birth (Month/Day/Year)	Country of Birth	
U.S. Social Security # (if any)	A # (if any)	
Marital Status: ☐ Single ☐ Married ☐ Divorced ☐ Widowed		
Complete the items below if this person is in the United States:		
Date of Arrival (Month/Day/Year)	I-94 #	
Current Nonimmigrant Status	Expires on (Month/Day/Year)	

FOR INS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
☐ Petitioner/ Applicant Interviewed	
☐ Beneficiary Interviewed	
☐ I-485 Filed Concurrently	
☐ Bene "A" File Reviewed	
Classification	
Consulate	
Priority Date	
Remarks:	
Action Block	
To Be Completed by Attorney or Representative, if any	
☐ Fill in box if G-28 is attached to represent the applicant	
VOLAG #	
ATTY State License #	

Part 4. Processing Information.

Below give the United States Consulate you want notified if this petition is approved and if any requested adjustment of status cannot be granted.

American Consulate: City

Country

If you gave a United States address in Part 3, print the person's foreign address below. If his/her native alphabet does not use Roman letters, print his/her name and foreign address in the native alphabet.

Name

Address

Sex of the person this petition is for.

☐ Male

☐ Female

Are you filing any other petitions or applications with this one?

☐ No

☐ Yes (How many? _____)

Is the person this petition is for in exclusion or deportation proceedings?

☐ No

☐ Yes (Explain on a separate sheet of paper)

Has the person this petition is for ever worked in the U.S. without permission?

☐ No

☐ Yes (Explain on a separate sheet of paper)

Is an application for adjustment of status attached to this petition?

☐ No

☐ Yes

Part 5. Complete only if filing for an Amerasian.

Section A. Information about the mother of the Amerasian

Family Name

Given Name

Middle Initial

Living? ☐ No (Give date of death _____) ☐ Yes (complete address line below) ☐ Unknown (attach a full explanation)

Address

Section B. Information about the father of the Amerasian: If possible, attach a notarized statement from the father regarding parentage. Explain on separate paper any question you cannot fully answer in the space provided on this form.

Family Name

Given Name

Middle Initial

Date of Birth (Month/Day/Year)

Country of Birth

Living? ☐ No (give date of death _____) ☐ Yes (complete address line below) ☐ Unknown (attach a full explanation)

Home Address

Home Phone #

Work Phone #

At the time the Amerasian was conceived:

☐ The father was in the military (indicate branch of service below - and give service number here):

☐ Army ☐ Air Force ☐ Navy ☐ Marine Corps ☐ Coast Guard

☐ The father was a civilian employed abroad. Attach a list of names and addresses of organizations which employed him at that time.

☐ The father was not in the military, and was not a civilian employed abroad. (Attach a full explanation of the circumstances.)

Part 6. Complete only if filing for a Juvenile.

Section A. Information about the Juvenile

List any other names used.

Answer the following questions regarding the person this petition is for. If you answer "no" explain on a separate sheet of paper.

Is he or she still dependent upon the juvenile court or still legally committed to or under the custody of an agency or department of a state?

☐ No

☐ Yes

Does he/she continue to be eligible for long term foster care?

☐ No

☐ Yes

Continued on next page

Part 7. Complete only if filing for as a Widow/Widower, a Self-petitioning Spouse of an Abuser, or as a Self-petitioning Child of an Abuser.

Section A. Information about the U.S. citizen husband or wife who died or about the U.S. citizen or lawful permanent resident abuser.

Family Name		Given Name	Middle Initial
Date of Birth (Month/Day/Year)	Country of Birth	Date of Death (Month/Day/Year)	
He or she is now, or was at time death (check one):			
☐ U.S. Citizen born in the United States.		☐ U.S. Citizen Through Naturalization (Show A #) _____	
☐ U.S. Citizen born abroad to U.S. citizen parents.		☐ U.S. lawful permanent resident (Show A #) _____	
☐ Other, explain _____			

Section B. Additional Information about you.

How many times have you been married?	How many times was the person in Section A married?	Give the date and place you and the person in Section A were married. (If you are a self-petitioning child, write: "N/A")

When did you live with the person named in Section A? From (Month/Year) _____ until (Month/Year) _____.

If you are filing as a widow/widower, were you legally separated at the time of the U.S. citizen's death? ☐ Yes (attach explanation). ☐ No

Give the last address at which you lived together with the person named in Section A, and show the last date that you lived together with that person at that address:

If you are filing as a self-petitioning spouse, have any of your children filed separate self-petitions? ☐ No ☐ Yes (show child(ren)'s full names):

Part 8. Information about the spouse and children of the person this petition is for. A widow/widower or a self-petitioning spouse of an abusive citizen or lawful permanent resident should also list the children of the deceased spouse or of the abuser.

A. Family Name	Given Name	Middle Initial	Date of Birth (Month/Day/Year)
Country of Birth	Relationship ☐ Spouse ☐ Child	A #	
B. Family Name	Given Name	Middle Initial	Date of Birth (Month/Day/Year)
Country of Birth	Relationship ☐ Child	A #	
C. Family Name	Given Name	Middle Initial	Date of Birth (Month/Day/Year)
Country of Birth	Relationship ☐ Child	A #	
D. Family Name	Given Name	Middle Initial	Date of Birth (Month/Day/Year)
Country of Birth	Relationship ☐ Child	A #	
E. Family Name	Given Name	Middle Initial	Date of Birth (Month/Day/Year)
Country of Birth	Relationship ☐ Child	A #	
F. Family Name	Given Name	Middle Initial	Date of Birth (Month/Day/Year)
Country of Birth	Relationship ☐ Child	A #	

G. Family Name	Given Name	Middle Initial	Date of Birth (Month/Day/Year)
Country of Birth	Relationship ☐ Child		A #
H. Family Name	Given Name	Middle Initial	Date of Birth (Month/Day/Year)
Country of Birth	Relationship ☐ Child		A #

Read the information on penalties in the instructions before completing this part. If you are going to file this petition at an INS office in the United States, sign below. If you are going to file it at a U.S. consulate or INS office overseas, sign in front of a U.S. INS or consular official.

Part 9. Signature.

I certify, or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America, that this petition, and evidence submitted with it, is all true and correct. If filing this on behalf of an organization, I certify that I am empowered to do so by that organization. I authorize the release of any information from my records, or from the petitioning organization's records, which the Immigration and Naturalization Service needs to determine eligibility for the benefit being sought.

Signature		Date
Signature of INS or Consular Official	Print Name	Date

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, then the person(s) filed for may not be found eligible for a requested benefit, and it may have to be denied.

Part 10. Signature of person preparing form if other than above. (sign below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print Your Name	Date
Firm Name and Address		

INSTRUCTIONS

Purpose of This Form.

This petition is used to classify an alien as:

- an Amerasian;
- a Widow or Widower;
- a Battered or Abused Spouse or Child of a U.S. Citizen or Lawful Permanent Resident;
- a Special Immigrant (Religious Worker; Panama Canal Company Employee; Canal Zone Government Employee; U.S. Government in the Canal Zone Employee; Physician; International Organization Employee or Family Member; Juvenile Court Dependent; or Armed Forces Member).

Who May File; Initial Evidence Requirements.

If these instructions state that a copy of a document may be filed with this petition, and you choose to send us the original, we may keep that original for our records. Any foreign language document must be accompanied by an English translation certified by the translator that he/she is competent to translate from the foreign language into English and that the translation is accurate.

Amerasian. Any person who is 18 or older, an emancipated minor, or a U.S. corporation may file this petition for an alien who was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950, and before October 22, 1982, and was fathered by a U.S. citizen.

The petition must be filed with:

- copies of evidence the person this petition is for was born in one of the above countries between those dates. If he/she was born in Vietnam, you must also submit a copy of his/her Vietnamese I.D. card, or an affidavit explaining why it is not available;
- copies of evidence establishing the parentage of the person, and of evidence establishing that the biological father was a U.S. citizen. Examples of documents that may be submitted are birth or baptismal records or other religious documents; local civil records; an affidavit, correspondence or evidence of financial support from the father; photographs of the father (especially with the child); or, absent other documents, affidavits from knowledgeable witnesses which detail the parentage of the child and how they know such facts;
- a photograph of the person;
- if the person is married, submit a copy of the marriage certificate, and proof of the termination of any prior marriages; and
- if the person is under 18 years old, submit a written statement from his/her mother or legal guardian which:
 - irrevocably releases him/her for emigration and authorizes the placing agencies to make necessary decisions for his/her immediate care until a sponsor receives custody;
 - shows an understanding of the effects of the release, and states whether any money was paid or coercion used prior to obtaining the release; and
 - includes the full name, date and place of birth, and present or permanent address of the mother or guardian, and with the signature of the mother or guardian on the release authenticated by a local registrar, court of minors, or a U.S. immigration or consular officer.

The following sponsorship documents are also required. You may file these documents with the petition, or wait until we review the petition and request them. However, not filing them with the petition will add to the overall processing time.

- An Affidavit of Financial Support, executed by the sponsor, with the evidence of financial ability required by that form. Please note that the original sponsor remains financially responsible for the Amerasian if any subsequent sponsor fails in this area;
- Copies of evidence showing that the sponsor is at least 21 years old and is a U.S. citizen or permanent resident;
- Fingerprints of the sponsor on Form FD-258; and
- If this petition is for a person under 18 years old, the following documents issued by a placement agency must be submitted:
 - a copy of the private, public or state agency's license to place children in the U.S.; proof of the agency's recent experience in the intercountry placement of children and of the agency's financial ability to arrange the placement;
 - a favorable home study of the sponsor conducted by a legally authorized agency;

- a pre-placement report from the agency, including information regarding any family separation or dislocation abroad that would result from the placement;
- a written description of the orientation given to the sponsor and to the parent or guardian on the legal and cultural aspects of the placement;
- a statement from the agency showing that the sponsor has given a report on the pre-placement screening and evaluation of the child; and
- a written plan from the agency to provide follow-up services including mediation and counseling, and describing the contingency plans to place the person this petition is for in another suitable home if the initial placement fails.

Widow/Widower of a United States Citizen. You may file this petition for yourself if:

- you were married for at least two years to a U.S. citizen who is now deceased and who was a U.S. citizen at the time of death;
- your citizen spouse's death was less than two years ago;
- you were not legally separated from your citizen spouse at the time of death; and
- you have not remarried.

The petition must be filed with:

- a copy of your marriage certificate to the U.S. citizen and proof of termination of any prior marriages of either of you;
- copies of evidence that your spouse was a U.S. citizen, such as a birth certificate if born in the U.S.; Naturalization Certificate or Certificate of Citizenship issued by this Service; Form FS-240, Report of Birth Abroad of a Citizen of the United States; or a U.S. passport, which was valid at the time of the citizen's death; and
- a copy of the death certificate of your U.S. citizen spouse.

Self-Petitioning Battered or Abused Spouse or Child of a U.S. Citizen or Lawful Permanent Resident. You may self-petition for immediate relative or family-sponsored immigrant classification if you:

- are now the spouse or child of an abusive U.S. citizen or lawful permanent resident;
- are eligible for immigrant classification based on that relationship;
- are now residing in the United States;
- have resided in the United States with the citizen or lawful permanent resident abuser in the past;
- have been battered by, or have been the subject of extreme cruelty perpetrated by:
 - your citizen or lawful permanent resident spouse during the marriage; or are the parent of a child who has been battered by or has been the subject of extreme cruelty perpetrated by, your abusive citizen or lawful permanent resident spouse during your marriage; or
 - your citizen or lawful permanent resident parent while residing with that parent;
- are a person of good moral character;
- are a person whose deportation would result in extreme hardship to yourself, or to your child if you are a spouse; and
- if you are a spouse, entered into the marriage to the citizen or lawful permanent resident abuser in good faith.

NOTE: Divorce or other legal termination of the marriage to the abuser AFTER the self-petition is properly filed with INS will not be the sole basis for denial or revocation of an approved self-petition. If you remarry before you become a lawful permanent resident, however, your self-petition will be denied or the approval revoked.

Your self-petition may be filed with any credible relevant evidence of eligibility. The determination of what evidence is credible and the weight to be given that evidence is within the sole discretion of the INS, however, and you are encouraged to provide the following evidence:

- evidence of the abuser's U.S. citizenship or lawful permanent resident status;
- marriage and divorce decrees, birth certificates, or other evidence of your legal relationship to the abuser;

- one or more documents showing that you and the abuser have resided together in the United States in the past, such as employment records, utility receipts, school records, hospital or medical records, birth certificates of children, deeds, mortgages, rental records, insurance policies, or affidavits;
- one or more documents showing that you are now residing in the United States, such as the documents listed above;
- evidence of the abuse, such as reports and affidavits from police, judges and other court officials, medical personnel, school officials, clergy, social workers, and other social service agency personnel. If you have an order of protection or have taken other legal steps to end the abuse, you should submit copies of those court documents;
- if you are more than 14 years of age, your affidavit of good moral character accompanied by a local police clearance, state-issued criminal background check, or similar report from each locality or state in the United States or abroad in which you have resided for six or more months during the 3-year period immediately preceding the filing of your self-petition;
- affidavits, birth certificates of children, medical reports and other relevant credible evidence of the extreme hardship that would result if you were to be deported; and
- if you are a spouse, proof that one spouse has been listed as the other's spouse on insurance policies, property leases, income tax forms, or bank accounts; and testimony or other evidence regarding your courtship, wedding ceremony, shared residence and experiences showing that your marriage was entered into in good faith.

Special Immigrant Juvenile. Any person, including the alien, may file this petition for an alien who:

- is unmarried and less than 21 years old;
- has been declared dependent upon a juvenile court in the United States or who such a court has legally committed to, or placed under the custody of, an agency or department of a state and who has been found eligible for long-term foster care; and
- has been the subject of administrative or judicial proceedings in which it was determined that it would not be in the juvenile's best interests to be returned to the juvenile's or his/her parent's country of nationality or last habitual residence.

NOTE: After a special immigrant juvenile becomes a permanent resident, his or her parent(s) may not receive any immigration benefit based on the relationship to the juvenile.

The petition must be filed with:

- a copy of the juvenile's birth certificate or other evidence of his or her age;
- copies of the court or administrative document(s) upon which the claim to eligibility is based.

Special Immigrant Religious Worker. Any person, including the alien, may file this petition for an alien who for the past 2 years has been a member of a religious denomination which has a bona fide nonprofit, religious organization in the U.S.; and who has been carrying on the vocation, professional work, or other work described below, continuously for the past 2 years; and seeks to enter the U.S. to work solely:

- as a minister of that denomination; or
- in a professional capacity in a religious vocation or occupation for that organization; or
- in a religious vocation or occupation for the organization or its nonprofit affiliate.

Note: A petition for a special immigrant for a person who is not a minister may only be filed until October 1, 1997.

The petition must be filed with:

- a letter from the authorized official of the religious organization establishing that the proposed services and alien qualify as above;
- a letter from the authorized official of the religious organization attesting to the alien's membership in the religious denomination and explaining, in detail, the person's religious work and all employment during the past 2 years and the proposed employment; and
- evidence establishing that the religious organization, and any affiliate which will employ the person, is a bona fide nonprofit religious organization in the U.S. and is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

Special Immigrant based on employment with the Panama Canal Company, Canal Zone Government or U.S. government in the Canal Zone. Any person may file this petition for an alien who, at the time the Panama Canal Treaty of 1977 entered into force, either:

- was resident in the Canal Zone and had been employed by the Panama Canal Company or Canal Zone Government for at least 1 year; or
- was a Panamanian national and either honorably retired from U.S. Government employment in the Canal Zone with a total of 15 or more years of faithful service or so employed for 15 years and since honorably retired; or
- was an employee of the Panama Canal Company or Canal Zone government, had performed faithful service for 5 years or more as an employee, and whose personal safety, or the personal safety of his/her spouse or child, is in danger as a direct result of the special nature of his/her employment and as a direct result of the Treaty.

The petition must be filed with:

- a letter from the Panama Canal Company, Canal Zone government or U.S. government agency employing the person in the Canal Zone, indicating the length and circumstances of employment and any retirement or termination; and
- copies of evidence to establish any claim of danger to personal safety.

Special Immigrant Physician. Any person may file this petition for an alien who:

- graduated from a medical school or qualified to practice medicine in a foreign state;
- was fully and permanently licensed to practice medicine in a State of the U.S. on January 9, 1978, and was practicing medicine in a State on that date;
- entered the U.S. as an "H" or "J" nonimmigrant before January 9, 1978; and
- has been continuously present in the U.S. and continuously engaged in the practice or study of medicine since the date of such entry.

The petition must be filed with:

- letters from the person's employers, detailing his/her employment since January 8, 1978, including the current employment; and
- copies of relevant documents that demonstrate that the person filed for meets all the above criteria.

Special Immigrant International Organization Employee or family member. Certain long-term "G" and "J" nonimmigrant employees of a qualifying international organization entitled to enjoy privileges, exemptions and immunities under the International Organizations Immunities Act, and certain relatives of such an employee, may be eligible to apply for classification as a Special Immigrant. To determine eligibility, contact the qualifying international organization or your local INS office.

The petition must be filed with:

- a letter from the international organization demonstrating that it is a qualifying organization and explaining the circumstances of qualifying employment and the immigration status held by the person the petition is for; and
- copies of evidence documenting the relationship between the person the petition is for and the employee.

Armed Forces Member. You may file this petition for yourself, if:

- you have served honorably on active duty in the Armed Forces of the United States after October 15, 1978;
- you originally lawfully enlisted outside the United States under a treaty or agreement in effect on October 1, 1991, for a period or period aggregating:
 - twelve years, and were never separated from such service except under honorable conditions; or
 - six years, are now on active duty, and have reenlisted to incur a total active duty service obligation of at least 12 years;
- you are a national of an independent state which maintains a treaty or agreement allowing nationals of that state to enlist in the United States Armed Forces each year; and
- the executive department under which you have served or are serving has recommended you for this special immigrant status.

The petition must be filed with:

- certified proof issued by the authorizing official of the executive department in which you are serving or have served which certifies that you have the required honorable active duty service and/or commitment; and
- your birth certificate.

General Filing Instructions.

Please answer all questions by typing or clearly printing in black ink only. Indicate that an item is not applicable with "N/A". If an answer is "none," please so state. If you need extra space to answer any item, attach a sheet of paper with your name and your alien registration number (A#), if any, and indicate the number of the item the answer refers to. Every petition must be properly signed, and accompanied by the proper fee. If you are under 14 years of age, your parent or guardian may sign the petition.

Where to File.

If you are filing for a Special Immigrant Juvenile, file the petition at the local INS office having jurisdiction over the place he/she lives.

If you are filing for Amerasian classification and the person you are filing for is outside the United States, you may file this petition at the INS office that has jurisdiction over the place he/she lives or the office that has jurisdiction over the place he/she will live.

If you are filing as a Widow/Widower or as the Self-petitioning Spouse or Child of an Abusive U.S. Citizen, you may file this petition together with your application for adjustment of status. See the adjustment of status instructions for information about where to file.

If this petition is for an Amerasian, a Widow/Widower, or a Special Immigrant Armed Forces Member, and that person lives outside the United States, you may file this petition at the INS office overseas or the U.S. consulate or Embassy abroad having jurisdiction over the area in which he or she lives.

In all other instances file this petition at an INS Service Center, as follows:

If you live in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, or West Virginia, mail this petition to USINS, Vermont Service Center, 75 Lower Weldon Street, St Albans, VT 05479-0001.

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail this petition to USINS, Texas Service Center, P.O. Box 152122, Dept. A, Irving, TX 75015-2122.

If you live in Arizona, California, Guam, Hawaii, or Nevada, mail this petition to USINS, California Service Center, P.O. Box 10360, Laguna Niguel, CA 92607-0360.

If you live elsewhere in the U.S., mail this petition to USINS, Nebraska Service Center, 850 S Street, Lincoln, NE 68501-2521.

Fee.

The fee for this petition is \$80.00, except that there is no fee if you are filing for an Amerasian. The fee must be submitted in the exact amount. It cannot be refunded. DO NOT MAIL CASH. All checks and money orders must be drawn on a bank or other institution located in the United States and must be payable in United States currency. The check or money order should be made payable to the Immigration and Naturalization Service, except that:

- If you live in Guam, and are filing this application in Guam, make your check or money order payable to the "Treasurer, Guam."
- If you live in the Virgin Islands, and are filing this application in the Virgin Islands, make your check or money order payable to the "Commissioner of Finance of the Virgin Islands."

Checks are accepted subject to collection. An uncollected check will render the application and any document issued invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

Processing Information.

Rejection. Any petition that is not signed or is not accompanied by the correct fee will be rejected with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. However, a petition is not considered properly filed until accepted by the Service.

Initial processing. Once the petition has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility and we may deny your petition.

NOTE: A Self-Petitioning Battered or Abused Spouse or Child of a U.S. Citizen or Lawful Permanent Resident may submit any relevant credible evidence in place of the suggested evidence.

Requests for additional information or interview. We may request additional information or evidence or we may request that you appear at an INS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. If you establish that the person this petition is for is eligible for the requested classification, we will approve the petition. We will send it to the U.S. Embassy/Consulate for visa issuance unless he or she is in the U.S. and appears eligible and intends to apply for adjustment to permanent resident status while here. If you do not establish eligibility, we will deny the petition. We will notify you in writing of our decision.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit you are filing for. Our legal right to ask for this information is in 8 USC 1154. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your request.

Paperwork Reduction Act Notice.

We try to create forms and instructions that are accurate, can be understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: (1) learning about the law and form, 15 minutes; (2) completing the form, 20 minutes; and (3) assembling and filing the application, 85 minutes for an estimated average of 2 hours and 30 minutes per response. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to both the Immigration and Naturalization Service, 425 I Street, N.W., Room 5307, Washington, D.C. 20536; and the Office of Management and Budget, Paperwork Reduction Project, OMB No. 1115-0117, Washington, D.C. 20503.

In August 1995, the U.S. Department of Health and Human Services, Office of Community Services, Administration for Children and Families (OCS/DSA) awarded a grant to the Texas Council on Family Violence (TCFV) to establish a toll-free, 24-hour a day National Domestic Violence Hotline. Matching funds from private contributions are also raised and used to augment annual operating costs.

A provision to create this vital service was included in the 1994 Violence Against Women Act, a part of the omnibus Crime Package signed into law by President William J. Clinton on September 13, 1994.

The National Domestic Violence Hotline opened in February 1996.

Texas Council on Family Violence
National Domestic Violence Hotline
3616 Far West Boulevard, Suite 101-297
Austin, Texas 78731-3074



Hotline Project Services

The National Domestic Violence Hotline plays an important role in linking individuals and services by way of a nationwide database developed and maintained at its offices located in Austin, Texas. The system stores up-to-date information on domestic violence and other emergency shelters, legal advocacy and assistance programs, and social service programs, thereby directly contributing to positive working relationships among local, state, national and federal service providers. One call to the Hotline's toll-free and memorable number - 1•800•799-SAFE or 1•800•787-3224 (TDID) - summons immediate help, in English or Spanish, 24 hours a day, seven days each week, including:

- **crisis intervention** helping the caller identify problems and possible solutions, including making plans for safety in an emergency;
- **information** about sources of assistance for individuals and their friends, families, and employers wanting to learn more about domestic violence, child abuse, sexual assault, intervention programs for batterers, working through the criminal justice system, and related issues; and
- **referrals** to battered women's shelters and programs, social service agencies, legal programs, and other groups and organizations willing to help.

The National Domestic Violence Hotline is committed to meeting the needs of diverse communities through bilingual Advocates, technology for the deaf, access to translators in 139 languages, and availability of published materials in a variety of formats and languages. The Hotline may be accessed by individuals residing in all 50 states, District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

1•800•799-SAFE

1•800•787-3224 (TDID)

Are you or is someone you know being emotionally or physically abused? If you answer yes to several of the following questions, Advocates at the National Domestic Violence Hotline urge you to pick up the telephone and call, day or night, the toll-free number shown above.

For yourself...

- Does your partner intimidate you through looks or actions, destroy your property, or display weapons?
- Does your partner continually put you down, call you names, or humiliate you?
- Does your partner control what you do, who you see and talk to, and where you go, limiting your involvement outside the relationship?
- Does your partner make light of the abuse, insist that it didn't happen, or shift the responsibility for his abusive behavior, blaming you for it?
- Are you made to feel guilty about the children, or has your partner threatened to take the children away?
- Has your partner prevented you from getting or keeping a job, made you ask for money, taken your money from you, or refused you access to family income?
- Does your partner treat you like a servant, making all the decisions?
- Has your partner threatened to kill you or commit suicide if you leave?
- Has your partner forced you to drop assault charges against him or made you participate in an illegal activity?

For family and friends...

- Does she appear anxious, depressed, withdrawn, and reluctant to talk?
- Does her partner criticize her in front of you, making remarks that make you feel uncomfortable when you're around the two of them?
- Do you see or hear about repeated bruises, broken bones, or other injuries that reportedly result from "accidents"?
- Have there been suicide or homicide attempts in this family?
- Does her partner try to control her every move, make her account for her time, and accuse her of having affairs?
- Is there alcohol or drug abuse in the family?
- Is she often late or absent from work, has she quit a job altogether, or does she leave social engagements early because her partner is waiting for her?

Attachment B

- EOIR Request Form
- INS Request Form
- Addresses and phone numbers of EOIR Immigration Courts and Court Administrators

**[sample only -- request to be submitted on letterhead of requesting agency]
Fax Request Form -- from Benefit Agency to EOIR**

To: Executive Office for Immigration Review This fax consists of ____ pages.
Immigration Court, _____ (insert name of city/state)
Attn: Court Administrator Fax number: _____

This request is being submitted by:

Name (printed): _____ Title: _____

Agency name and address: _____

Fax number: _____ Phone number: _____

Agency case tracking number (optional): _____

Item 1: That above-referenced agency requests that EOIR: (please check only one)

- ____ Verify that the individual referred to on the attached green card (a copy is attached) was granted relief under section 244(a)(3) (as in effect prior to April 1, 1997) or 240A(b)(2) of the Immigration and Nationality Act.
- ____ Verify that the attached order grants relief under section 244(a)(3) or 240A(b)(2) of the Immigration and Nationality Act.
- ____ Verify that EOIR has determined that the alien has demonstrated a prima facie case for suspension of deportation or cancellation of removal under section 244(a)(3) or 240A(b)(2) of the Immigration and Nationality Act.

Item 2: If you checked the last item above, please fill out the following information. If the applicant has a copy of a receipt notice or other documentation indicating that he or she filed an application for suspension of deportation or cancellation of removal, please attach a copy.

Benefit Applicant's full name: _____

Benefit Applicant's date of birth: _____

Benefit Applicant's best guess as to when application was filed: _____ (mo/yr)

Benefit Applicant's best guess as to with
which immigration court petition was filed: _____

Benefit Applicant's address at time of filing petition: _____
(street address, city, state, zip code) _____

Date: _____ Agency Signature: _____

[sample only -- request to be submitted on letterhead of requesting agency]

Fax Request Form -- from Benefit Agency to INS

To: INS Vermont Service Center, fax 802/527-3159

Attn: Battered Alien Review Unit

This fax consists of ____ pages.

This request is being submitted by:

Name (printed): _____ Title: _____

Agency name and address: _____

Fax number: _____ Phone number: _____

Agency case tracking number: _____ (optional)

Item 1: An alien applicant is seeking public benefits from the agency identified above, pursuant to recent welfare reform legislation. This applicant falls into one of two categories:

____ a) believes an INS Form I-130, Petition for Immigrant Status, was filed on the applicant's behalf by his/her spouse or parent; or has self-petitioned as a widow(er) using INS Form I-360, Petition for Amerasian, Widow or Special Immigrant (complete Part A, below);

OR

____ b) has self-petitioned as a battered spouse or child using INS Form I-360, Petition for Amerasian, Widow, or Special Immigrant (complete Part B, below).

Item 2: The above-referenced agency requests that INS: (please check only one)

- ☐ Verify that the attached document is valid. A copy of the I-797 approval notice, prima facie determination or receipt notice is attached.
- ☐ Make a prima facie determination or expedite adjudication of the petition and notify the requesting agency of the outcome.
- ☐ Update the status of the requesting agency's _____ (insert date) request for a prima facie determination or expedited adjudication. (Requesting agency should allow three weeks from the request for a prima facie determination or filing of a petition before making this request.)
- ☐ Determine whether the applicant has filed a petition or whether a petition has been filed on his or her behalf under (a) or (b), as indicated above. If so, please make a prima facie determination or expedited adjudication of the applicant's petition and notify the requesting agency of the outcome.

Date: _____ Agency Signature: _____

**PART A: For an Applicant Who Is the Beneficiary of a Petition Filed by Spouse or Parent,
or Who Has Self-Petitioned as a Widow(er)**

Step 1: Does the alien applicant have a copy of an INS Form I-797 indicating that an I-130 was filed on his/her behalf? [If applicant has self-petitioned as a widow(er), check "No" and proceed to Step 2.]

Yes ☐ → Attach a copy of the I-797 to this fax (you need not complete Step 2)

No ☐ → If the applicant has no documentation, or has documentation other than a Form I-797, proceed to Step 2.

Step 2: If the applicant does not have a Form I-797, please fill out the following information. All blanks, except that noted "if available", must be completed.

Benefit Applicant's full name: _____

Benefit Applicant's date of birth: _____

Benefit Applicant's best guess as to when petition was filed: _____ (mo/yr)

Benefit Applicant's best guess as to
with which INS office petition was filed: _____

Petitioner's full name: _____

Petitioner is Applicant's ☐ spouse, or ☐ parent, or ☐ self [widow(er)] (check one)

Petitioner is a ☐ U.S. citizen, or ☐ lawful permanent resident ("green card holder")

Petitioner's date of birth: _____

Petitioner's Alien Registration Number, if available: A _____

Petitioner's address at time of filing petition: _____

(street address, city, state, zip code) _____

PART B: For an Applicant Who Has Self-Petitioned as a Battered Spouse or Child

Step 1: Attach a copy of the receipt notice or other documentation evidencing that a Form I-360 has been filed with the INS. If that documentation does not include the following information, please complete the blanks:

Applicant/self-petitioner's full name: _____

Applicant/self-petitioner's date of birth: _____

Date I-360 was filed: _____

Location (city) of INS office where filed: _____

IMMIGRN COURTSSTATE/CITY/APP. CODEJUDGESCOURT ADMINISTRATORPHONE #sARIZONA

● **Eloy - 85231**
1705 E. Hanna Rd., Suite 366
App. Code - 7D05030234

William Lee Abbott
Isabel A. Bronzina
Dean A. Levay
*Sean Keenan

John A. Meehan

(520)466-3671
(520)466-7795(fax)

● **Florence - 85232**
3260 N. Pinal Parkway Ave.
App. Code - 7D05030229

Lamonte S. Freerks
Scott Jefferies

Jack B. Odom

(520)868-3341
(520)868-4962(fax)

● **Phoenix - 85025**
Federal Building, Room 3114
230 N. First Avenue
App. Code - 7D05030226

John W. Richardson
John T. Zastrow

Jack B. Odom

(602)514-7356
(602)514-7387(fax)

CALIFORNIA

● **Imperial - 92251**
2409 La Brucherie Road
App. Code - 7D05030222

Michael H. Bennett
Dennis R. James
Richard N. Knuck
Jack W. Staton
Jack H. Weil

M. Graciela Sosa

(619)355-0070
(619)355-8692(fax)

● **Los Angeles - 90012**
300 N. Los Angeles St., Room 2001
App. Code - 7A05030223

Mailing Address:
*PO Box 53711
Los Angeles, CA 90053-0711

Roy J. Daniel
Bruce J. Einhorn
Thomas Y.K. Fong
Harry L. Gastley
*Gilbert T. Gembacz
Nathan W. Gordon
Ingrid K. Hrycenko
Henry P. Ipema, Jr.
Jan D. Latimore
William J. Martin, Jr.
Ronald N. Ohata
Margaret Reichenberg
Jay Segal
Darlene R. Seligman
Stephen L. Sholomson
Elcazar Tovar
Richard D. Walton

Evelyn Diaz Brown

(213)894-2811
(213)894-5196(fax)

*Indicates Change

IMMIGRN COURTSSTATE/CITY/APP. CODEJUDGESCOURT ADMINISTRATORPHONE #s

Los Angeles - 90012
 Roybal Federal Office Building
 and Courthouse
 255 E. Temple Street, Rm 577
 App. Code - 7D05030223

(213)894-5159
 (213)894-2632(fax)

San Diego - 92101-7904
 401 West A Street, Suite 800
 App. Code - 7D05030225

Anthony Atenaide
 Kenneth A. Bagley
 Robert J. Barrett
 Richard J. Bartolomei, Jr.
 Gaylyn Boone
 C. Zsa Zsa De Paolo
 Ignacio Fernandez Valdes
 Joseph Ragusa
 John C. Williams

Brent L. Perkins

(619)557-6052
 (619)557-6405(fax)

San Diego - 92188
 880 Front Street, Room 800
 App. Code - 7D05030225

(619)557-7647
 (619)557-7655(fax)

San Francisco - 94108
 550 Kearny Street, Suite 800
 App. Code - 7D05030224

Lawrence N. DiCostanzo
 Alberto E. Gonzalez
 Bernard J. Hornbach
 Dana Marks Keener
 Carol A. King
 Tue Phan Quang
 Beverly M. Phillips
 Mimi Y. Schooley
 Brian H. Simpson
 Bette K. Stockton
 Polly A. Webber

Stephen P. Perkins

(415)705-4415
 (415)705-4418(fax)

Mailing Address:
 PO Box 2326
 San Francisco, CA 94126-2326

IMMIGRN COURTSSTATE/CITY/APP. CODEJUDGESCOURT ADMINISTRATORPHONE #s

● San Pedro - 90731
INS San Pedro Service Proc. Center
2001 Seaside Avenue, Room 136
App. Code - 7D05030233

Rose Collantes Peters
D. D. Sitgraves

Evelyn Diaz Brown

(310)732-0753
(310)732-0757(fax)

COLORADO

● Denver - 80294
Byron G. Rogers Fed. Building
1961 Stout Street, Room 1403
App. Code - 7D05030220

David J. Cordova
James P. Vandello

Alec Revelle

(303)844-5815
(303)844-4578(fax)

● Aurora - 80010
Wackenhut Security, Inc.
11901 E. 30th Avenue
App. Code - 7E05030220

David J. Cordova
James P. Vandello

Alec Revelle

(303)361-0488
(303)361-0688(fax)

CONNECTICUT

● Hartford - 06103
AA Ribicoff Building
and Courthouse
450 Main Street, Room 509
App. Code - 7D05030227

Harriet B. Marple

*Sandra V. Mejia
(Acting)

(860)240-3919
(860)240-3921(fax)

FLORIDA

● Bradenton - 34205
515 11th Street, West
Building A, Room 300
App. Code - 7D05030244

R. Kevin McHugh

George A. Spreyue

(941)749-1044
(941)749-0992(fax)

STATE/CITY/APP. CODEJUDGESCOURT ADMINISTRATORPHONE #s

● **Miami - 33130**
155 S. Miami Ave., Room 800
App. Code - 7D05030217

Teofilo Chapa
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Michael C. Horn
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● **Miami Federal Building**
51 S.W. First Ave., Room 224
Miami, FL 33130

Suzan C. Brauerman
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Roberto Moreno
William K. Zimmer

(305)530-6451
No Fax

● **Miami - 33194**
Krome North Processing Center
18201 S.W. 12th Street
App. Code - 7D05030231

Neal S. Foster
*Kenneth S. Hurewitz

George A. Spreyn

(305)530-7196
(305)530-7040(fax)

GEORGIA

● **Atlanta - 30303**
101 Marietta Street, Suite 2702
App. Code - 7D05030228

William A. Cassidy
G. MacKenzie Rast

John J. Topp

(404)331-7647
(404)331-4555(fax)



STATE/CITY/APP. CODE

JUDGES

COURT ADMINISTRATOR

PHONE #s

ILLINOIS

- Chicago - 60605-1521
Federal Building, Room 646
536 S. Clark Street
App. Code - 7D05030218

O. John Brabos
Carlos Cuevas
James R. Fujimoto
Anthony D. Petrone, Jr.
Renetta Smith
Robert D. Vinikoor
Craig M. Zerbe

Peter P. Pauli, IV

(312)353-7313
(312)353-9894(fax)

LOUISIANA

- *New Orleans - 70130
One Canal Place
365 Canal Street, Suite 2450

Jeffrey Zlatow

Lizbeth L. Wilson

(504)589-3992
(504)589-3990(fax)

- Oakdale - 71463
1900 E. Whatley Road
App. Code - 7D05030230

John A. Duck, Jr.
Charles A. Wiegand, III

Lizbeth L. Wilson

(318)335-0365
(318)335-3187(fax)

Mailing Address:
PO Box 750
Oakdale, LA 71463

MARYLAND

- Baltimore - 21202
US Appraisers Building
103 S. Gay Street, Room 702
App. Code - 7D05030201

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Lisa Dornell
John F. Gossart, Jr.
William P. Greene, Jr.

Brenda L. Cook

(410)962-3092
(410)962-9021(fax)

MASSACHUSETTS

- Boston - 02203
JFK Federal Building
15 New Sudbury St., Room 320
App. Code - 7D05030202

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EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGR N COURTS

<u>STATE/CITY/APP. CODE</u>	<u>JUDGES</u>	<u>COURT ADMINISTRATOR</u>	<u>PHONE #s</u>
<u>MICHIGAN</u>			
● Detroit - 48207 Brewery Park II 1155 Brewery Park Blvd., Suite 450 App. Code - 7D05030219	Elizabeth Hacker	*Sandra Roberts	(313)226-2603 (313)226-3053
<u>NEVADA</u>			
Las Vegas - 89101 Alan Bible Federal Building 600 Las Vegas Blvd., South, Room 410 App. Code - 7A05030240	Irene Weiss	Jack B. Odom	(702)388-5837 (702)388-5844(fax)
<u>NEW JERSEY</u>			
● *Elizabeth 625 Evans St., Rm. 148A App. Code - 7D05030236	Esmeralda Cabrera	Fletcher Graves	(201)693-4113 (201)693-4121
Newark - 07102 970 Broad Street, Room 1135 App. Code - 7D05030204	Henry S. Dogin Annie Sue Garcy Nicole Yae Kyoung Kim Daniel A. Meisner Eugene Pugliese Alberto Riefkohl William Strasser	Star B. Pacitto	(201)645-3524 (201)645-3732(fax)
<u>NEW YORK</u>			
● Buffalo - 14202 130 Delaware Ave., Suite 410 App. Code - 7D05030203	Walter A. Durling, Jr. Michaelangelo Rocco	Gary M. Somerville	(716)551-3442 (716)551-3452(fax)
● Fishkill - 12524 c/o Downstate Correctional Facility Red Schoolhouse Road App. Code 7D05030206	*Mitchell Levinsky	Thomas J. Bonita, III	*(914)831-3657 *(914)831-5452(fax)

IMMIGR.N. COURTSSTATE/CITY/APP. CODEJUDGESCOURT ADMINISTRATORPHONE #s

● Napenoch - 12458
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Joe D. Miller

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(914)647-5641(fax)

● New York - 10278
26 Federal Plaza, Room 10-1000
App. Code - 7D5030205

*Matthew T. Adrian
Terry A. Bain
Joanna M. Bukszman
Sarah M. Burr
Jeffrey Chase
George T. Chew
Annette S. Elstein
Noel Anne Ferris
Victoria Gharrey
Sandy K. Horn
Charles M. Honeyman
William F. Jankun
Elizabeth A. Lamb
Margaret McManus
Philip L. Morace
Barbara A. Nelson
Patricia A. Rohan
John K. Speer, Jr.
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201 Varick Street, Room 1140
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STATE/CITY/APP. CODE

JUDGES

COURT ADMINISTRATOR

PHONE #s

PENNSYLVANIA

● *Philadelphia - 19103
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Craig DeBernardis

R. Elliott Edwards

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*(215)656-7013(fax)

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3434 Concord Road
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William Van Wyke

Brenda L. Cook

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651 Federal Drive, Suite 111-14
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Rafael B. Ortiz-Segura

George A. Spreynac

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(787)749-4393(fax)

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*Theresa N. Baeza

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(915)540-1922(fax)

● El Paso - 79925
El Paso Service Processing Center
8915 Montana Avenue
App. Code - 7D05030212

Visiting LJ

*Theresa N. Baeza

(915)540-7854
No Fax

● Harding - 78550
201 E. Jackson Street
App. Code - 7D05030213

Howard E. Achtsam
David Ayala
Margaret D. Burkhart
M. Edwin Prud'homme

Celeste Garza

(210)427-8580
(210)427-8905(fax)

STATE/CITY/APP. CODEJUDGESCOURT ADMINISTRATORPHONE #s

Los Fresnos - 7854
Port Isabel Processing Center
Route 3, Box 341, Building 37
App. Code - 7D05030213

*Mailing Address

201 E. Jackson St.
Harlingen, TX 78550

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(713)718-3879(fax)

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Houston Service Processing Center
15850 Export Plaza Drive
App. Code - 7D05030214

Susan L. Yarbrough

Dina P. Sherman

(713)987-0290
(713)987-3142(fax)

Huntsville - 77340
Goree INS Facility
30000A Highway 75 South
App. Code - 7D05030232

Jimmie L. Benton

Dina P. Sherman

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(409)295-6510(fax)

Mailing Address

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Huntsville, TX 77342-1538

Laredo - 78041
4702 E. Saunders
App. Code - 7D05030215

Visiting JJ

J. Thomas Davis

(210)727-4772
~~(210)718-4122(fax)~~
210-726-2320

Mailing Address:

Laredo Service Processing Center
PO Box 440110
Laredo, TX 78044-0110



EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGR N COURTS

STATE/CITY/APP. CODE

JUDGES

COURT ADMINISTRATOR

PHONE #s

● San Antonio - 78205-2040
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Paul A. Nejelski

Beverly Swihart Holmes

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(703)235-2372(fax)

WASHINGTON

● Seattle - 98104
Key Tower Building
1000 Second Avenue, Suite 2500
App. Code - 7D05030221

Anna Ho
Kenneth Josephson
Kendall B. Warren

Joseph A. Neifert

(206)553-5953
(206)553-0622(fax)

● Seattle - 98134
Seattle Det. Center, c/o US INS
815 Airport Way
App. Code - 7D05030221

Anna Ho
Kenneth Josephson
Kendall B. Warren

Joseph A. Neifert

call Seattle office
(206)553-5953
(206)553-0622(fax)

Attachment C

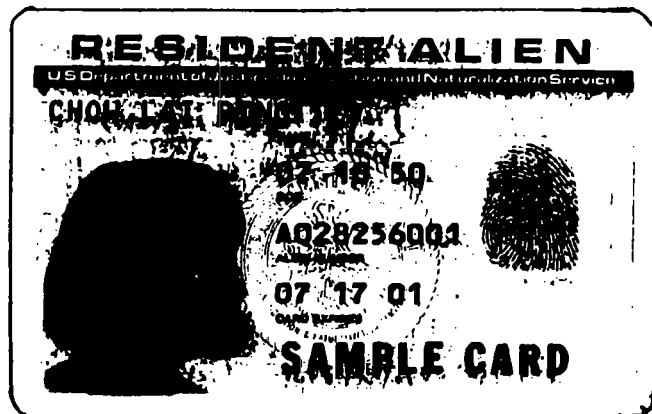
Documentation ¶ 1

The following demonstrate an approved petition.

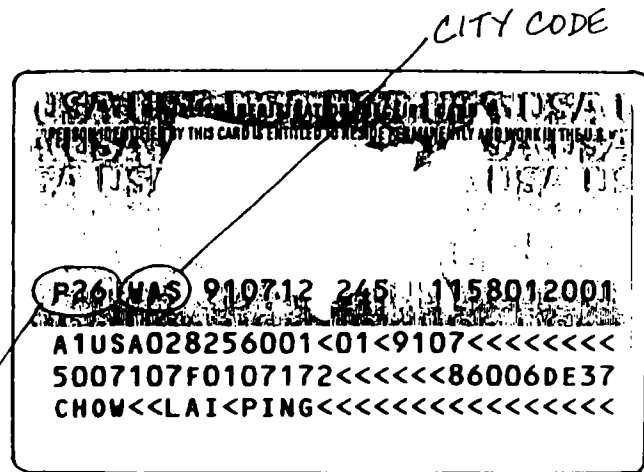
- INS Form I-551 "green card" (Appropriate INS code will be stamped on the lower left side of the back of their card, followed by the city code (if the card is pink), or on the front of the card above the designation "class," immediately after the city code (if the card is white). For other card styles or card codes, follow the procedure described in Footnote 3.)
- Unexpired Temporary I-551 stamp in foreign passport. If you cannot determine the class admission, follow the procedure described in Footnote 2.
- Unexpired Temporary I-551 Stamp on INS Form I-94. If you cannot determine the class admission, follow the procedure described in Footnote 2.
- List of city codes for the INS I-551 card.
- INS Form I-797 indicating approval of an INS I-130 petition.
- INS Form I-797 indicating approval of an INS I-360 petition.
- An order of an Immigration Judge granting suspension of deportation under section 244 (a)(3) of the INA (styles vary; 3 examples are attached).

"PINK" I-551 "RESIDENT ALIEN" CARD

**FRONT PINK BACKGROUND (BLUE HEADER BAR)
BLUE I.N.S. SEAL OVERLAPS PHOTO AREA.
REPEATING "I-551" BECOMES VISIBLE WHEN CARD IS
TILTED UNDER NORMAL LIGHT.**



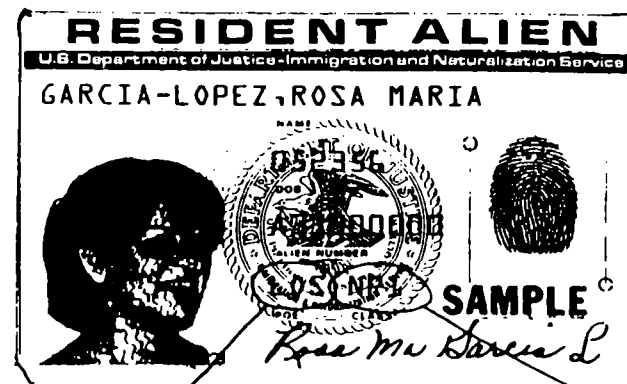
BACK COLOR GRADUALLY CHANGES FROM PINK TO BLUE, WITH MAP OF U.S. IN WHITE. THREE LINES OF MACHINE READABLE PRINTING AT BOTTOM ON WHITE BACKGROUND.



BEARER MAY LIVE AND WORK IN THE U.S.

"WHITE" I-551 "RESIDENT ALIEN" CARD

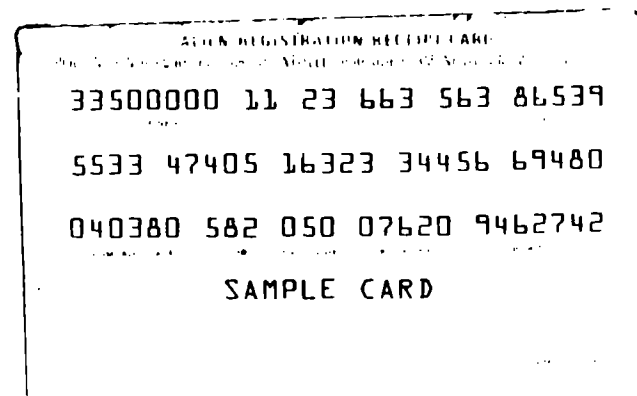
**FRONT WHITE BACKGROUND (BLUE HEADER BAR)
SALMON LINES COVER THE PHOTO IN AN UNBROKEN
PATTERN. PRINTING "DETAIL" IN EAGLE IS EXCELLENT.**



CITY CODE

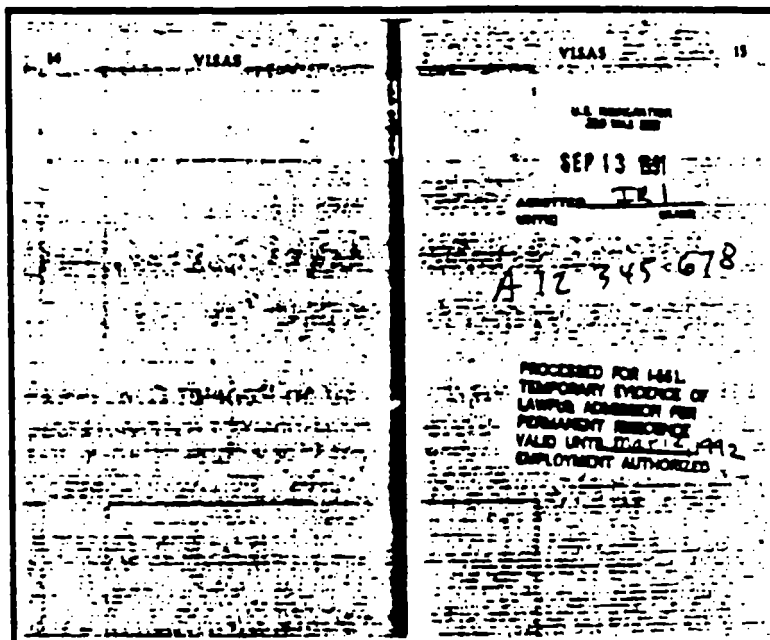
INS CODE

BACK PALE GREENISH BACKGROUND, MAP OF U.S. IN WHITE. THREE LINES OF MACHINE READABLE CODES.



BEARER MAY LIVE AND WORK IN THE U.S.

Unexpired Foreign Passport with I-551 Stamp



A I-551 stamp may be present in a foreign passport, with a handwritten "Valid Until" date.

I-94 Arrival/Departure Record

Arrival-departure record issued by INS to nonimmigrant aliens

Departure Number	SAMPLE		U.S. IMMIGRATION 250 WAS
742832036 01	SEP 13 1991		
Immigration and Naturalization Service	ADMITTED	L-1 (CLASS)	
I-94 Departure Record	UNTIL	A12345678	
1a Family Name	DOE		
1b First Given Name	JOHN		
1c Country of Citizenship	U.K.		
	1d Birth Date (Day, Month, Year)	16.04.62	

DISTRICT CODES

<u>DISTRICTS</u> - 36	ORG TYPE	<u>DISTRICTS</u> (CONT'D)	ORG TYPE
2 - Boston, MA	DAF BOS	20 - Dallas, TX	DAF DAL
3 - New York, NY	DAF NYC	21 - Newark, NJ	DAF NEW
4 - Philadelphia, PA	DAF PHI	22 - Portland, ME	DAF POM
5 - Baltimore, MD	DAF BAL	24 - Cleveland, OH	DAF CLE
6 - Miami, FL	DAF MIA	25 - Washington, DC	DAF WAS
7 - Buffalo, NY	DAF BUF	26 - Atlanta, GA	DAF ATL
8 - Detroit, MI	DAF DET	27 - San Juan, PR	DAF SAJ
9 - Chicago, IL	DAF CHI	28 - New Orleans, LA	DAF NOL
10 - St. Paul, MN	DAF SPM	29 - Omaha, NE	DF OMA
11 - Kansas City, MO	DF KAN	30 - Helena, MT	DF HEL
12 - Seattle, WA	DAF SEA	31 - Portland, OR	DAF POO
13 - San Francisco, CA	DAF SFR	32 - Anchorage, AK	DAF ANC
14 - San Antonio, TX	DAF SNA	33 - Bangkok, Thailand	OD BKK
15 - El Paso, TX	DAF ELP	35 - Mexico City, MX	OD MEX
16 - Los Angeles, CA	DAF LOS	37 - Rome, Italy	OD RIT
17 - Honolulu, HI	DAF HHW	38 - Houston, TX	DAF HOU
18 - Phoenix, AZ	DAF PHO	39 - San Diego, CA	DAF SND
19 - Denver, CO	DAF DEN	40 - Harlingen, TX	DAF HLG

EASTERN REGION:

	<u>ORG TYPE</u>		<u>ORG TYPE</u>
<u>DISTRICT 2</u> - BOSTON, MA		<u>DISTRICT 6</u> - (CONT'D)	
Providence, RI	SAF PRO	*Port Canaveral, FL	A PCF
*Hartford, CT	SAF HAR	Tampa, FL	SA TAM
*Lebanon, MA	A LEB	West Palm Beach, FL	SA WPB
Boston Proc. Ctr.	P BPC	Orlando, Airport, FL	A ORL
<u>DISTRICT 3</u> - New York, NY		Krome Proc. Ctr.	P KRO
*NY Seaport combined w/quarantine unit, NY	U NYS	Fort Pierce, FL	A FTP
JFK Airport, NY	A ZJK	Jacksonville Seaport, FL	U JAS
Hamilton, Bermuda	I HAM	Miami Seaport, FL	U MSE
Varick Proc. Ctr.	P VRK	*Panama City, FL	A PAN
*Brookland Proc. Ctr.	P BKN	*Sanford, FL	A SFB
<u>DISTRICT 4</u> - Philadelphia, PA		<u>DISTRICT 7</u> - Buffalo, NY	
*Altoona, PA	U ALT	Thousand Island Bridge, NY	SA THO
Pittsburgh, PA	SF PIT	Trout River, NY	SA TRO
*Dover AFB, DL	A DVD	*Roosevelt, NY	A RSV
<u>DISTRICT 5</u> - Baltimore, MD		Albany, NY	SAF ALB
<u>DISTRICT 6</u> - Miami, FL		Champlain, NY	SA CHM
Jacksonville, FL	SA JAC	Chateaugay, NY	SA CHT
Key West, FL	SA KEY	Fort Covington, NY	SA FTC
Port Everglades, FL	SA PEV	*Lewiston, NY	A LEW
		Massena, NY	SA MAS

EASTERN REGION (cont'd) :

	<u>ORG TYPE</u>		<u>ORG TYPE</u>
<u>DISTRICT 7 - Buffalo, NY (CONT'D)</u>		<u>DISTRICT 22 - Portland, ME</u>	
Mooers, NY	SA MOO	Alburg, VT	SA ABG
Niagara Falls, NY	SA NIA	Alburg Springs, VT	SA ABS
Ogdensburg, NY	SA OGD	Bangor, ME	SA BGM
Peace Bridge, NY	SA PBB	Beebe Plains, VT	SA BEB
Rouses Point, NY	SA ROU	Beecher Falls, VT	SA BEE
<u>DISTRICT 8 - Detroit, MI</u>		Bridgewater, ME	SA BWM
Algonac, MI	SA AGN	*Burlington, VT	A BRG
Marine City, MI	SA MRC	Calais, ME	SA CLS
Port Huron, MI	SA PHU	*Eastport, ME	A EPM
Roberts Landing, MI	SA RBT	Canann, VT	SA CNA
Sault Ste. Marie, MI	SA SSM	Coburn Gore, ME	SA COB
*Detroit Michigan Bridge, MI	A DCB	Derby Line, VT	SA DER
*Detroit Michigan Tunnel, MI	A DCT	*Derby Line RT5 POE	P DVL
<u>DISTRICT 21 - Newark, NJ</u>		East Richford, VT	SA ERC
*Camden, NJ	A CNJ	Fort Fairfield, ME	SA FTF
McGuire AFB, NJ	A MAG	Fort Kent, ME	SA FTK
		*Eastcourt, ME	A EST
		*St. Pampile, ME	A SPA

	ORG TYPE		ORG TYPE
<u>DISTRICT 22 (CONT'D):</u>		<u>DISTRICT 22 (cont'd)</u>	
Hamlin, ME	SA HML	Van Buren, ME	SA VNB
Highgate Springs, VT	SA HIG	Vancboro, ME	SA VCB
Houlton, ME	A HTM	West Berkshire, VT	SA WBE
*Easton, ME	A EAS	<u>DISTRICT 24 - Cleveland, OH</u>	
*Forest City, ME	A FOR	Cincinnati, OH	SAF CIN
*Monticello, ME	A MTC	Sandusky, OH	SA SDY
*Orient, ME	A ORI	Toledo, OH	SA TOL
Jackman, ME	SA JKM	Columbus, OH	A CLM
*St. Aurelie	SA SRL	<u>DISTRICT 25 - Washington, D.C.</u>	
Limestone, ME	SA LIM	Norfolk, VA	SAF CIN
Lubec, ME	SA LUB	Norfolk Seaport, VA	U NOS
Madawaska, ME	SA MAD	<u>DISTRICT 26 - Atlanta, GA</u>	
*Morses Line, VT	A MOR	Charleston, SC	SA CHL
North Troy, VT	SA NRT	Charlotte, NC	SF CLT
Norton, VT	SA NRN	*Greer, SC	SA GRR
Pinnacle RD, VT	A PIV	Mobile, AL	SA MOB
*Pittsburgh, NH	A PNH	*Raleigh - Durham, NC	SA RDU
Richford, VT	SA RIF	Savannah, GA	SA SAV
*St. Albans, VT	SA STA	Wilmington, NC	SA WIL

EASTERN REGION (CONT'D):

**ORG
TYPE**

DISTRICT 27 - San Juan, P.R.

Aguadilla Proc. Ctr.	P AGC
Charlotte Amalie, St. Thomas, V.I.	SA CHA
Christiansted, St. Croix, V.I.	SA CHR
Cruz Bay St. John, VI	SA CRU
Mayaguez, PR	A MAY
Ponce, PR	SA PON

DISTRICT 28 - New Orleans, LA

*Baton Rouge, LA	A BTN
*Gulfport, MS	A GUL
*Lake Charles, LA	A LKC
Louisville, KY	S LOU
Memphis, TN	SF MEM
*Nashville, TN	A NSV
*Oakdale, LA	P OAK

CENTRAL REGION:ORG
TYPEORG
TYPE**DISTRICT 9** - Chicago, IL

Milwaukee, WI	SAF MIL
*Indianapolis, IN	S INP

DISTRICT 10 - St. Paul, MN

Baudette, MN	SA BAU
Duluth, MN	SA DUL
Grand Portage, MN	SA GPM
International Falls, MN	SA INT
Lancaster, MN	SA LAN
Noyes, MN	SA NOY
*Pembina, ND	A PEM
Pine Creek, MN	SA PIN
Roseau, MN	SA ROS
Warroad, MN	SA WAR
Ambrose, ND	SA AMB
Antler, ND	SA ANT
Carbury, ND	SA CRY
Dunseith, ND	SA DNS
Fargot, ND	SA FAR
Fortuna, ND	SA FRT
Minot, ND	A MND

DISTRICT 10 - (CONT'D)

Hannah, ND	SA HNN
Hansboro, ND	SA HNS
Maida, ND	SA MAI
Neché, ND	SA NEC
Noonan, ND	SA NOO
Northgate, ND	SA NRG
Portal, ND	SA POR
St. John, ND	SA SJO
Sarles, ND	SA SAR
Sherwood, ND	SA SHR
Walhalla, ND	SA WAL
Westhope, ND	SA WHO
Willton, ND	A WND

DISTRICT 11 - Kansas City, MO

St. Louis, MO	SF STL
---------------	--------

DISTRICT 14 - San Antonio, TX

Austin, TX	SA AUS
Amistad Dam, TX	A ADT
* Corpus Christi, TX	SA CRP
Del Rio, TX	SA DLR
Eagle Pass, TX	SA EGP
Laredo, TX	SA LAR

CENTRAL REGION:

	<u>ORG TYPE</u>		<u>ORG TYPE</u>
<u>DISTRICT 14</u> - San Antonio, TX		<u>DISTRICT 20</u> - Dallas, TX	
Juarez - Lincoln Bridge, TX	A LLB	Oklahoma City, OK	SF OKC
Laredo Proc. Ctr.	P LRD	<u>DISTRICT 29</u> - Omaha, NE	OMA
Laredo Columbia Bridge, TX	A LCB		
<u>DISTRICT 15</u> - El Paso, TX		<u>DISTRICT 30</u> - Helena, MT	HEL
Columbus, NM	SA COL	Boise, ID	S BOI
Fabens, TX	SA FAB	Chief Mountain, MT	A CHF
Presidio, TX	SA PRE	Del Bonita, MT	A DLB
*Port of El Paso	A POE	Great Falls, MT	A GRE
*Paso Del Norte Bridge, TX	A PDN	Morgan, MT	SA MGM
*Bridge of the Americas, TX	A BOA	Opheim, MT	SA OPH
*Ysleta, TX	SA YSL	Piegán, MT	SA PIE
*Santa Teresa, NM	A STR	Raymond, MT	SA RAY
Albuquerque, NM	S ABQ	Roosville, MT	SA ROO
El Paso Processing Center, TX	P EPC	Scobey, MT	SA SCO
*Fort Hancock, TX	P FTH	Sweetgrass, MT	SA SWE
<u>DISTRICT 19</u> - Denver, CO		Turner, MT	SA TUR
Salt Lake City, UT	SAF SLC	Whitetail, MT	SA WHI

CENTRAL REGION (CONT'D):

**ORG
TYPE**

DISTRICT 30 - Helena, MT

Wild horse, MT	SA WHM
Willow Creek, MT	SA WCM
Missoula, MT	SA MIS

DISTRICT 38 - Houston, TX

Galveston, TX	SA GAL
Port Arthur, TX	SA PAR

DISRICT 40 - Harlington, TX

*Brownsville, TX	A BRO
*Brownsville/Gateway, Bridge TX	A BRO
*Brownsville Matamoros Bridge, TX	A BBM
Falcon Heights, TX	SA FAL
Hidalgo, TX	SA HID
Los Ebanos, TX	SA LSE
*Los Indios, TX	A LOI
Port Isabel Proc. Ctr.	P PIC
Progreso, TX	SA PGR
Rio Grande, TX	SA RIO
Roma, TX	SA ROM
Pharr, TX	SA PHR

WESTERN REGION (CONT'D):

	<u>ORG TYPE</u>		<u>ORG TYPE</u>
<u>DISTRICT 18 (CONT'D)</u>		<u>DISTRICT 32 (CONT'D)</u>	
Nogales, AZ	SA NOG	Skagway, AK	A SKA
Sasabe, AZ	SA SAS	*Dutch Harbor, AK	A DTH
San Luis, AZ	SA SLU	*Poker Creek, AK	A PKC
Tucson, AZ	S TUC	*Nome, AK	A NOM
*Las Vegas, NV	SF LVG	*Fairbanks, AK	A FRB
*Reno, NV	SF REN		
*Mariposa, AZ	A MAP	<u>DISTRICT 39 - San Diego</u>	
*Eloy Proc. Ctr., AZ	P EAZ	Anrgrade, CA	SA AND
<u>DISTRICT 31 - Portland, OR</u>		Calexico, CA	SA CAL
Astoria, AK	SA AST	Calexico East Port	P IVP
Coos Bay, OR	A COO	El Centro Proc. Ctr., CA	P ECC
New Port, OR	P NPT	*San Diego Port - of - Entry, CA	A SDP
<u>DISTRICT 32 - Anchorage, AK</u>		*Otay Mesa, CA	A OTM
Alcan, AK	SA ALC	*San Ysidro, CA	SA SYS
Dalton, Cache, AK	SA DAC	*Tecate, CA	SA TEC
Ketchikan, AK	SA KET		

Notice of Action

UNITED STATES OF AMERICA

RECEIPT NUMBER EAC-97-113-50375		CASE TYPE I-130 IMMIGRANT PETITION FOR RELATIVE, FIANCE(E), OR ORPHAN	
RECEIPT DATE March 21, 1997	PRIORITY DATE March 21, 1997	PETITIONER LARAMIE, WALT	
NOTICE DATE March 21, 1997	PAGE 1 of 1	BENEFICIARY CARSWELL, GRACE	
WALT LARAMIE 75 LOWER WELDEN ST SAINT ALBANS VT 05479		Notice Type: Approval Notice Section: Husband or wife of U.S. Citizen, 201(b) INA	

The above petition has been approved. The petition indicates that the person for whom you are petitioning is in the United States and will apply for adjustment of status. You should contact the local INS office to obtain Form I-485, Application for Permanent Residence. A copy of this notice should be submitted with the application.

If the person for whom you are petitioning decides to apply for a visa outside the United States based on this petition, the petitioner should file Form I-924, Application for Extension of Approved Application or Petition, with this office to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

I-130
Valid Applicants
May Include:

Husbands or wives
of U.S. citizens

Husbands or wives of LPRs

Unmarried children under 21
of U.S. citizens

Unmarried children under 21
of LPRs

Unmarried children over 21
of LPRs

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

VERMONT SERVICE CENTER

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

Customer Service Telephone: (802) 527-3160



- Please save this notice for your records. Please enclose a copy if you have to write us or a U.S. Consulate about this case, or if you file another application based on this decision.
 - You will be notified separately about any other applications or petitions you have filed.
-

Additional Information

GENERAL.

The filing of an application or petition does not in itself allow a person to enter the United States and does not confer any other right or benefit.

INQUIRIES.

You should contact the office listed on the reverse of this notice if you have questions about the notice, or questions about the status of your application or petition. *We recommend you call.* However, if you write us, please enclose a copy of this notice with your letter.

APPROVAL OF NONIMMIGRANT PETITION.

Approval of a nonimmigrant petition means that the person for whom it was filed has been found eligible for the requested classification. If this notice indicated we are notifying a U. S. Consulate about the approval for the purpose of visa issuance, and you or the person you filed for have questions about visa issuance, please contact the appropriate U. S. Consulate directly.

APPROVAL OF AN IMMIGRANT PETITION.

Approval of an immigrant petition does not convey any right or status. The approved petition simply establishes a basis upon which the person you filed for can apply for an immigrant or fiance(e) visa or for adjustment of status.

A person is not guaranteed issuance of a visa or a grant of adjustment simply because this petition is approved. Those processes look at additional criteria.

If this notice indicates we have approved the immigrant petition you filed, and have forwarded it to the Department of State Immigrant Visa Processing Center, that office will contact the person you filed the petition for directly with information about visa issuance.

In addition to the information on the reverse of this notice, the instructions for the petition you filed provide additional information about processing after approval of the petition.

For more information about whether a person who is already in the U. S. can apply for adjustment of status, please see Form I-485, *Application to Register Permanent Residence or Adjust Status*.

The respondent also testified that he owes money for his student loans. He owes about \$9,000 of which he has paid \$59.00. He received the loan as a Federal Student loan which his US citizen brother co-signed for him. He did not pay the loan because he was not in a position to afford it financially. He claimed he was very poor and is only now able to begin to pay back his debt. He has since made an arrangement with the Department of Education to pay back the loan. He did not contact them before because he claimed he was too poor.

When asked if the respondent changed his name to avoid his debt, he claimed that he changed his name to honor his father. His brothers also changed their names to honor the family.

The respondent was also asked about a visa application that was found on him during his detention with the Service. The visa application was an extension of the student visa and contained false information about the respondent such as his student status. The respondent claimed that he had no intention of filing this application and, indeed, never submitted it to the Service. The Service also asked the respondent about a job application he filled out to work at Boston University in which he claimed that he held a resident visa. (Exhibit 37). He claimed that he never filed this application.

On re-direct, the respondent claimed that he saw his sister, Benetta, in 1983 during a visit and again in 1988 when his mother died so he could see her before she went to Liberia for the funeral. He claimed that he talks to his sister by phone about three times a month and has regular contact with her.

He also claimed that he would repay the loans and taxes and that he could not repay them if he were in Liberia. He reasserted that he did not mis-represent his immigration status in bad faith and did not change his name to avoid his debt. He claimed his brothers changed their names before his and that he wanted to do the same.

The respondent's sister, [REDACTED] testified that she lives in Houston, Texas and took a bus to attend the hearing. She is 47 years old and has been a US Citizen since 1994. She is a Daycare Provider. She was born in Liberia and came to the US in 1972. She claimed she had nine siblings. One of her brothers is in a refugee camp and her brother, the respondent, came to the US in 1973; a year after she had arrived.

Ms. [REDACTED] described the contact between her and the respondent as constant and said that they were very close.

She asserted that she has seen the respondent three or four times since 1983. He came to visit her in Washington, DC when she was ill in 1983 and he came to Houston in 1988 when their mother died so he could give her money for their mother's burial.

The Respondent claimed that they have a sister, [REDACTED], who is in a refugee camp in Liberia because their house had been burned down during the civil war. Ms. [REDACTED] claimed that she is aware of the conditions in the country and knows that they are very bad. She feels that the respondent would die if he had to return because they have no one left in Liberia. Ms. [REDACTED] has talked to her sister, [REDACTED], by phone several times and she has told her that the respondent would have to live in the refugee camp if he were returned.

Ms. [REDACTED] described her brother as a kind, generous man and it would pain her deeply to see him deported. She begged the judge to let her brother stay and described her strong love for him and the great loss she would suffer if he were deported.

Ms. [REDACTED] has not filed a sibling visa petition for her brother.

[REDACTED] testified that he lives in Arlington, MA and is an Assistant Professor in Public Policy at the Kennedy School of Government. He claimed that he met the respondent at the Grace Church and has monthly contact with him. He has worked with him on church activities such as fundraising and improvements for the building. Mr. [REDACTED] commented on how impressed he was with the respondent's ability to organize and solicit bids for contractors to fix the church.

He claimed that the respondent is a trustee of the church and helps with the upkeep of the building by cleaning and painting when necessary. Mr. [REDACTED] also described his relationship with the respondent outside of church as being congenial and friendly. Mr. [REDACTED] has the respondent over to dinner with his family a couple times a year. He claimed that it would be a great loss to the church if the respondent were deported. Mr. [REDACTED] described the respondent's strong moral character and how this has made him an invaluable addition to the church.

On cross examination, Mr. [REDACTED] was asked about his personal opinion of paying taxes and he responded that he felt it was necessary to pay taxes to support the government. He claimed that he has paid his taxes each year and has kept up with his student loans for the most part. He feels this is important and should be done. He claimed, however, that he could understand why someone might not be

able to afford such payments because, even though he is a Professor, he has three children and a new house which have caused him to miss a couple of his student loan payments.

Applicable Law

The requirements for suspension of deportation are summarized in Matter of Ige, 20 I & N Dec. 880 (BIA 1994), and cases cited therein as follows. The alien bears the burden of demonstrating both that he is statutorily eligible for relief and that he merits a favorable exercise of discretion. 8 C.F.R. section 242.17(e). In order to establish eligibility for such relief, an alien must prove that he has been physically present in the United States for the 7 years immediately preceding his application, that he has been a person of good moral character for the same period, and that his deportation will result in extreme hardship to himself or to his United States citizen or lawful permanent resident spouse, child, or parent. [It must be noted that the new Immigration Act provisions pertaining to the requirement of a 10 year consistent stay in the US before the issuance of the Notice to Appear are not effective until April 4, 1997 so that the 7 year period, whether accumulated before or after the issuance of the OSC will be used in this case to measure consecutive time in the US.]

The Supreme Court has held that a narrow interpretation of extreme hardship is consistent with the exceptional nature of the suspension remedy. INS v. Jong Ha Wang, 450 U.S. 139 (1981). The Board of Immigration Appeals ("the Board") has held that the phrase "extreme hardship" is not a definable term of fixed and inflexible content or meaning. The elements required to establish extreme hardship are dependent upon the facts and circumstances peculiar to each case. Matter of Ige, supra; Matter of Anderson, 16 I & N Dec. 596 (BIA 1978); and cases cited therein. As noted in these decisions, the factors relevant to the issue of extreme hardship include the alien's age; the length of his residence in the United States; his family ties in the United States and abroad; his health; the economic and political conditions in the country to which he may be returned; his financial status, business or occupation; the possibility of other means of adjustment of status; his immigration history; and his position in the community. While political and economic conditions in an alien's homeland are relevant, they do not justify a grant of relief unless other factors such as advanced age or severe illness combined with economic detriment to make deportation extremely hard on the alien or his qualifying relatives. Economic detriment in the absence of other substantial equities is not extreme hardship. Even a significant reduction in the standard of living is not by itself a ground for relief. The loss of a job and the concomitant financial loss incurred does not rise to the level of extreme hardship. Similarly, the readjustment of an

alien to life in his native country after having spent a number of years in the United States is not the type of hardship that is characterized as extreme, since similar hardship is suffered by most aliens who have spent time abroad. E.g., Matter of Ige, supra.

Relevant factors, though not extreme in themselves, must be considered in the aggregate in determining whether extreme hardship exists. In each case, the trier of fact must consider the entire range of factors concerning hardship in their totality and determine whether the combination of hardships takes the case beyond those hardships ordinarily associated with deportation e.g., economic detriment due to loss of a job or efforts ordinarily required in relocating or adjusting to live in a native country. Such ordinary hardships, while not alone sufficient to constitute extreme hardship, are considered in the assessment of aggregate hardship.

An alien must establish not only that he is statutorily eligible for voluntary departure, but also that he is worthy of discretionary relief. See 8 C.F.R. section 242.17(e); Matter of Seda, 17 I&N Dec. 210 (BIA 1965). In determining whether an alien is worthy of discretionary relief, the Board considers many factors, including the alien's prior immigration history, the nature of his entry, and his violations of immigration and other laws, as well as his length of residence in the United States, close family ties, and humanitarian needs. See Matter of Seda, supra; Matter of Gamboa, 14 I&N Dec. 244 (BIA 1972). Evidence of the respondent's willing participation in a criminal scheme the sole purpose of which was the circumvention of the immigration laws of the United States will, in the absence of outstanding equities, adversely affect his or her application for discretionary relief. See Matter of Rojas, 15 I&N Dec. 492 (BIA 1975).

Findings and conclusions

After reviewing the record before me, I find that the respondent has met his burden of establishing that he is entitled to suspension of deportation. The respondent has shown that he has been physically present in the US since at least June of 1973 which would make his stay in the US a total of 23 years. He has provided documentation and testimony to prove he is a person of good moral character. The respondent is very active in the churches he belongs to and has shown a dedicated commitment to helping the community through fund raising efforts and food distribution to the hungry. He now would like to pursue a career as a Deacon so that he may further help the church and its members.

The respondent has been arrested on two occasions, but each charge was dismissed and neither constituted a crime that would make him ineligible for suspension relief.

The respondent has also provided evidence to show that his deportation would create an extreme hardship to him as well as his sister, Ms. [REDACTED]. The respondent is a religious man who would like to dedicate his life to the study of Christ. According to the respondent's testimony and documentation submitted, he would not be able to pursue his religious beliefs in Liberia. The country is in extreme unrest because of the internal fighting of multiple factions. The infrastructure of the country has been destroyed, including the respondent's home and church. He would not be able to live freely or worship without hindrance in the country and would be forced to reside in a refugee camp or in hiding.

The respondent has established substantial ties in the US including the religious community at his churches, non-profit organizations in Cambridge, MA. He also is very close to his US citizen sister who would be devastated if he were to be sent back to Liberia. The respondent has formed many strong relationships in his community and has become an invaluable member of his congregation.

While the respondent has defaulted on his student loans and has been negligent in paying taxes, he has established a plan to pay back the money he owes. He appears credible in his assertion that he did not pay back the debt because he was in extreme poverty. The respondent seems sincere in his current effort to clear his debt and claimed he will make a good faith effort to remedy his errors. This effort to pay back what he owes, along with his strong community ties and work with the community, outweigh this negative aspect of the respondent's past behavior.

Therefore, the following orders shall be entered:

ORDER: The respondent's application for suspension of deportation is GRANTED.

Date

United States Immigration Judge

Attachment D

Documentation ¶ 2

To demonstrate the applicant has established a prima facie case

- INS I-797 (indicating that the applicant established prima facie case)
- An immigration court order indicating that the applicant has established a prima facie case for suspension of deportation under INA section 244(a)(3), or cancellation of removal under sections INA 240A(b)(2)

UNITED STATES OF AMERICA

RECEIPT NUMBER EAC-97-094-50417		CASE TYPE I-360 PETITION FOR AMERICAN WIDOWER, OR SPECIAL IMMIGRANT
RECEIPT DATE February 24, 1997	PRIORITY DATE February 24, 1997	PETITIONER CARSWELL, Grace E.
NOTICE DATE March 21, 1997	PAGE 1	BENEFICIARY CARSWELL, Grace E.
GRACE E CARSWELL 75 LOWER WELDEN ST ST ALBANS VT 05479		Section: Self-Petitioning Spouse of Abusive U.S.C. or LPR

The above petition has been reviewed and found to establish a prima facie case for classification under the self-petitioning provisions of the Violence Against Women Act.

THIS PRIMA FACIE DETERMINATION IS VALID FOR A PERIOD OF 150 DAYS FROM THE NOTICE DATE SHOWN ABOVE, AND EXPIRES ON THE DATE INDICATED AT THE BOTTOM OF THE PAGE.

We will send you a written notice as soon as we make a decision on this case. It is expected that a final decision will be made in this case before the end of 150 days. In a few cases, the adjudication may not be completed in this time frame. If this period is coming to a close and you need an extension of this prima facie determination in order to continue receiving public benefits, please submit a written request for extension at least 15 days prior to expiration.

PLEASE NOTE: ESTABLISHING A PRIMA FACIE CASE FOR CLASSIFICATION UNDER THE SELF-PETITIONING PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT DOES NOT NECESSARILY MEAN THAT YOUR PETITION WILL BE APPROVED.

I-360

Valid Applicants

May Include:

Self-petitioning spouse or
child of an abusive U.S. citizen

Self-petitioning spouse or
child of an abusive LPR

EXPIRATION DATE:

Please see the additional information on the back. You will be notified separately about any other cases you filed.
IMMIGRATION & NATURALIZATION SERVICE
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (802) 527-3160

- Please save this notice for your records. Please enclose a copy if you have to write us or a U.S. Consulate about this case, or if you file another application based on this decision.
 - You will be notified separately about any other applications or petitions you have filed.
-

Additional Information

GENERAL.

The filing of an application or petition does not in itself allow a person to enter the United States and does not confer any other right or benefit.

INQUIRIES.

You should contact the office listed on the reverse of this notice if you have questions about the notice, or questions about the status of your application or petition. *We recommend you call.* However, if you write us, please enclose a copy of this notice with your letter.

APPROVAL OF NONIMMIGRANT PETITION.

Approval of a nonimmigrant petition means that the person for whom it was filed has been found eligible for the requested classification. If this notice indicated we are notifying a U. S. Consulate about the approval for the purpose of visa issuance, and you or the person you filed for have questions about visa issuance, please contact the appropriate U. S. Consulate directly.

APPROVAL OF AN IMMIGRANT PETITION.

Approval of an immigrant petition does not convey any right or status. The approved petition simply establishes a basis upon which the person you filed for can apply for an immigrant or fiance(e) visa or for adjustment of status.

A person is not guaranteed issuance of a visa or a grant of adjustment simply because this petition is approved. Those processes look at additional criteria.

If this notice indicates we have approved the immigrant petition you filed, and have forwarded it to the Department of State Immigrant Visa Processing Center, that office will contact the person you filed the petition for directly with information about visa issuance.

In addition to the information on the reverse of this notice, the instructions for the petition you filed provide additional information about processing after approval of the petition.

For more information about whether a person who is already in the U. S. can apply for adjustment of status, please see Form I-485, *Application to Register Permanent Residence or Adjust Status*.

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
103 SOUTH GAY STREET, RM 702
BALTIMORE, MD 21202

In the Matter of:
TEST

Case No.: A50-000-000

Docket: BALTIMORE, MARYLAND

RESPONDENT

IN DEPORTATION PROCEEDINGS
REMOVAL
DETERMINATION OF THE IMMIGRATION JUDGE

Motion having been made for a determination, pursuant to section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, that the respondent is prima facie eligible for (suspension of deportation pursuant to section 244(a)(3))(cancellation of removal under section 240A(b)(2) of the INA), it is hereby determined that:

----- The respondent has demonstrated a prima facie case for (suspension of deportation pursuant to section 244(a)(3) of the Immigration and Nationality Act (as in effect prior to April 1, 1997))(cancellation or removal pursuant to section 240A(b)(2) of the INA). This determination shall be valid until _____.

----- The respondent has failed to demonstrate a prima facie case for (suspension of deportation pursuant to section 244(a)(3) of the Immigration and Nationality Act (as in effect prior to April 1, 1997)) (cancellation or removal pursuant to section 240A(b)(2) of the INA) the reasons indicated in the attached decision.

Bruce M. Barrett
Immigration Judge
Date: April 1, 1997

CERTIFICATE OF SERVICE
THIS DOCUMENT WAS SERVED BY:
TO:
DATE: _____ BY: COURT STAFF _____

Draft

Attachment E

Documentation ¶ 3

**Demonstrating that an I-360 petition was filed;
no evidence of prima facie determination.**

- INS Form I-797 (indicating I-360 petition was received)
- A file-stamped copy of the I-360 petition
- Cash register or computer-generated receipt indicating filing of INS Form I-360 - no copies of these receipts are available.

UNITED STATES OF AMERICA

RECEIPT NUMBER EAC-97-094-50412		CASE TYPE I-360 / PETITION FOR AMERASIAN, WIDOWER, OR SPECIAL IMMIGRANT
RECEIVED DATE February 24, 1997	PRIORITY DATE February 24, 1997	PETITIONER CARSWELL, GRACE E.
NOTICE DATE February 24, 1997	PAGE 1 of 1	BENEFICIARY CARSWELL, GRACE E.

GRACE E. CARSWELL
75 LOWER WELDEN ST
SAINT ALBANS VT 05479

Notice Type: Receipt Notice

Amount received: \$ 80.00

Section: Self-Petitioning Spouse of
Abusive U.S.C. or LPR

The above application or petition has been received. It usually takes 60 to 120 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect. Our customer service phone number is listed below.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number below to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

I-360

Valid Applicants
May Include:

Self-petitioning spouse or
child of an abusive U.S. citizen

Self-petitioning spouse or
child of an abusive LPR

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

VERMONT SERVICE CENTER

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

Customer Service Telephone: (802) 527-3160



- *Please save this notice for your records. Please enclose a copy if you have to write us or a U.S. Consulate about this case, or if you file another application based on this decision.*
 - *You will be notified separately about any other applications or petitions you have filed.*
-

Additional Information

GENERAL.

The filing of an application or petition does not in itself allow a person to enter the United States and does not confer any other right or benefit.

INQUIRIES.

You should contact the office listed on the reverse of this notice if you have questions about the notice, or questions about the status of your application or petition. *We recommend you call.* However, if you write us, please enclose a copy of this notice with your letter.

APPROVAL OF NONIMMIGRANT PETITION.

Approval of a nonimmigrant petition means that the person for whom it was filed has been found eligible for the requested classification. If this notice indicated we are notifying a U. S. Consulate about the approval for the purpose of visa issuance, and you or the person you filed for have questions about visa issuance, please contact the appropriate U. S. Consulate directly.

APPROVAL OF AN IMMIGRANT PETITION.

Approval of an immigrant petition does not convey any right or status. The approved petition simply establishes a basis upon which the person you filed for can apply for an immigrant or fiance(e) visa or for adjustment of status.

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If this notice indicates we have approved the immigrant petition you filed, and have forwarded it to the Department of State Immigrant Visa Processing Center, that office will contact the person you filed the petition for directly with information about visa issuance.

In addition to the information on the reverse of this notice, the instructions for the petition you filed provide additional information about processing after approval of the petition.

For more information about whether a person who is already in the U. S. can apply for adjustment of status, please see Form I-485, *Application to Register Permanent Residence or Adjust Status*.

START HERE - Please Type or Print

Part 1. Information about person or organization filing this petition. (Individuals should use the top name line; organizations should use the second line.) If you are a self-petitioning spouse or child and do not want INS to send notices about this petition to your home, you may show an alternate mailing address here. If you are filing for yourself and do not want to use an alternate mailing address, skip to part 2.

Family Name Jung	Given Name Kim	Middle Initial L.
Company or Organization Name		
Address - CO Christine JUNG		
Street Number and Name 2778 Georgia Avenue	Apt. 228	
City Silver Spring	State or Province Maryland	
Country U.S.A.	ZIP/Postal Code 22146	
U.S. Social Security # 123-11-1234	A A-12345678	IRS Tax # (if any)

Part 2. Classification Requested (check one):

- ☐ a. Amerasian
- ☐ b. Widower of a U.S. citizen who died within the past 2 years
- ☐ c. Special Immigrant Juvenile
- ☐ d. Special Immigrant Religious Worker
- ☐ e. Special Immigrant based on employment with the Panama Canal Company, Canal Zone Government or U.S. Government in the Canal Zone
- ☐ f. Special Immigrant Physician
- ☐ g. Special Immigrant International Organization Employee or family member
- ☐ h. Special Immigrant Armed Forces Member
- ☒ i. Self-Petitioning Spouse of Abusive U.S. Citizen or Lawful Permanent Resident
- ☐ j. Self-Petitioning Child of Abusive U.S. Citizen or Lawful Permanent Resident
- ☐ k. Other, explain:

Part 3. Information about the person this petition is for.

Family Name Jung	Given Name Kim	Middle Initial L.
Address - CO		
Street Number and Name	Apt.	
City	State or Province	
Country	ZIP/Postal Code	
Date of Birth (Month/Day/Year) 4/1/71	Country of Birth South Korea	
U.S. Social Security # (if any)	A # (if any)	
Marital Status ☐ Single ☐ Married ☐ Divorced ☒ Widowed		

Complete the items below if this person is in the United States:

Date of Arrival (Month/Day/Year) 6/10/93	I-666
Current Nonimmigrant Status	Expires on (Month/Day/Year) 6/10/97

FOR INS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
☐ Petitioner/Applicant Interviewed	
☐ Beneficiary Interviewed	
☐ I-485 Filed Concurrently	
☐ Case "A" File Reviewed	
Classification	
Consulate	
Priority Date	96 MAY 22 11:13:27
Remarks	
Action Block	
To Be Completed by Attorney or Representative. If any	
☒ Fill in box if G-28 is attached to represent the applicant	
VOLAGE	
ATTY. State License # DC	

Attachment F

Documentation ¶ 4

Demonstrating that an INS I-130 petition, or an I-360 petition by a widow/widower was filed.

- INS Form I-797 (indicating I-130 petition was received)
- A file-stamped copy of the I-130 petition
- Cash register or computer-generated receipt indicating filing of INS Form I-130 - no copy of this receipt is available
- A file-stamped copy of the I-360 petition by widow
- Cash register or computer-generated receipt indicating filing of INS Form I-360 - no copy of this receipt is available

UNITED STATES OF AMERICA

RECEIPT NUMBER EAC-97-113-50375		CASE TYPE 1130 IMMIGRANT PETITION FOR RELATIVE, FIANCE(E), OR ORPHAN
RECEIVED DATE March 21, 1997	PRIORITY DATE March 21, 1997	PETITIONER LARAMIE, WALT
NOTICE DATE March 21, 1997	PAGE 1 of 1	BENEFICIARY CARSWELL, GRACE
WALT LARAMIE 75 LOWER WELDEN ST SAINT ALBANS VT 05479		Notice Type: Receipt Notice Fee Previously Collected Section: Husband or wife of U.S. Citizen, 201(b) INA

The above application or petition has been received. It usually takes 200 to 330 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect. Our customer service phone number is listed below.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number below to obtain case status information direct from our automatic service 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).



I-130
Valid Applicants
May Include:

Husbands or wives
of U.S. citizens

Husbands or wives of LPRs

Unmarried children under 21
of U.S. citizens

Unmarried children under 21
of LPRs

Unmarried children over 21
of LPRs

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

VERMONT SERVICE CENTER

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

Customer Service Telephone: (802) 527-3160



- Please save this notice for your records. Please enclose a copy if you have to write us or a U.S. Consulate about this case, or if you file another application based on this decision.
 - You will be notified separately about any other applications or petitions you have filed.
-

Additional Information

GENERAL.

The filing of an application or petition does not in itself allow a person to enter the United States and does not confer any other right or benefit.

INQUIRIES.

You should contact the office listed on the reverse of this notice if you have questions about the notice, or questions about the status of your application or petition. *We recommend you call.* However, if you write us, please enclose a copy of this notice with your letter.

APPROVAL OF NONIMMIGRANT PETITION.

Approval of a nonimmigrant petition means that the person for whom it was filed has been found eligible for the requested classification. If this notice indicated we are notifying a U. S. Consulate about the approval for the purpose of visa issuance, and you or the person you filed for have questions about visa issuance, please contact the appropriate U. S. Consulate directly.

APPROVAL OF AN IMMIGRANT PETITION.

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For more information about whether a person who is already in the U. S. can apply for adjustment of status, please see Form I-485, *Application to Register Permanent Residence or Adjust Status*.

DO NOT WRITE IN THIS BLOCK - FOR EXAMINING OFFICE ONLY

Case ID# AD	Action Stamp 96 MAY 22 PM 3:27	Fee Stamp
G-28 or Volag #		
Section of Law ☐ 201 (b) spouse ☐ 201 (b) child ☐ 201 (b) parent AM CON: _____	☐ 203 (a)(1) ☐ 203 (a)(2) ☐ 203 (a)(4) ☐ 203 (a)(5)	Petition was filed on _____ (priority date) ☐ Personal Interview ☐ Pet. ☐ Ben. "A" File Reviewed ☐ Field Investigations ☐ 204 (a)(2)(A) Resolved ☐ Previously Forwarded ☐ Stateside Criteria ☐ I-485 Simultaneously ☐ 204 (h) Resolved
Remarks:		

A. Relationship

1. The alien relative is my
☐ Husband/Wife ☐ Parent ☒ Brother/Sister ☐ Child ☐ Yes ☐ No
2. Are you related by adoption?
☐ Yes ☐ No
3. Did you gain permanent residence through adoption?
☐ Yes ☐ No

B. Information about you

1. Name (Family name in CAPS) SMITH	(First) Elsine	(Middle) J.
2. Address (Number and Street) 2345 Woody Road		
(Town or City) Washington D.C.	(State/Country)	(ZIP/Postal Code) 20083
3. Place of Birth (Town or City) New York, New York		
(State/Country)		
4. Date of Birth (Mo/Day/Yr)	5. Sex ☐ Male ☒ Female	6. Marital Status ☐ Married ☒ Single ☐ Widowed ☐ Divorced
7. Other Names Used (including maiden name) none		
8. Date and Place of Present Marriage (if married)		
9. Social Security Number 123-45-6789		
10. Alien Registration Number (if any) none		
11. Names of Prior Husbands/Wives none		
12. Date(s) Marriage(s) Ended		

C. Information about your alien relative

1. Name (Family name in CAPS) SMITH	(First) Lily	(Middle) R.
2. Address (Number and Street) 1800 Fairway Drive		
(Town or City) Bethesda	(State/Country) Maryland	(ZIP/Postal Code) 28559
3. Place of Birth (Town or City) Paris		
(State/Country) France		
4. Date of Birth (Mo/Day/Yr)	5. Sex ☐ Male ☒ Female	6. Marital Status ☐ Married ☒ Single ☐ Widowed ☐ Divorced
7. Other Names Used (including maiden name) Rose		
8. Date and Place of Present Marriage (if married) none		
9. Social Security Number		
10. Alien Registration Number (if any) A-12345678		
11. Names of Prior Husbands/Wives none		
12. Date(s) Marriage(s) Ended		

13. If you are a U.S. citizen, complete the following:
My citizenship was acquired through (check one)
☒ Birth in the U.S.
☐ Naturalization (Give number of certificate, date and place it was issued)

- ☐ Parents
Have you obtained a certificate of citizenship in your own name?
☐ Yes ☐ No
If "Yes", give number of certificate, date and place it was issued

- 14a. If you are a lawful permanent resident alien, complete the following:
Date and place of admission for, or adjustment to, lawful permanent residence, and class of admission

- 14b. Did you gain permanent resident status through marriage to a United States citizen or lawful permanent resident? ☐ Yes ☐ No

13. Has your relative ever been in the U.S.?
☒ Yes ☐ No

14. If your relative is currently in the U.S., complete the following: He or she last arrived as a (visitor, student, stowaway, without inspection, etc.)

Arrival/Departure Record (I-94) Number
21819-7161543121011
Date arrived (Month/Day/Year)
March 15, 1996
Date authorized stay expired, or will expire, as shown on Form I-94 or I-95

15. Name and address of present employer (if any)

Date this employment began (Month/Day/Year)

16. Has your relative ever been under immigration proceedings?

- ☐ Yes ☒ No Where _____ When _____
☐ Exclusion ☐ Deportation ☐ Reversion ☐ Judicial Proceedings

INITIAL RECEIPT	RESUBMITTED	RELOCATED		COMPLETED	
		Rec'd	Sent	Approved	Denied

16. List husband/wife and all children of your relative if your relative is your husband/wife. List only his or her children.
(Name) (Relationship) (Date of Birth) (Country of Birth)

17. Address in the United States where your relative intends to live
(Number and Street) (Town or City) (State)
2345 Woodly Road, NW Washington D.C.

18. Your relative's address abroad
(Number and Street) (Town or City) (Province) (Country) (Phone Number)
93 Rue Carnot La-Croix St-Ouen Picardie France 21-338-5234

19. If your relative's native alphabet is other than Roman letters, write his or her name and address abroad in the native alphabet:
(Name) (Number and Street) (Town or City) (Province) (Country)

20. If filing for your husband/wife, give last address at which you both lived together:
(Name) (Number and Street) (Town or City) (Province) (Country) From (Month) (Year) To (Month) (Year)

21. Check the appropriate box below and give the information required for the box you checked:
☐ Your relative will apply for a visa abroad at the American Consulate in _____ (City) (Country)
☒ Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service at _____ (City) (State) If your relative is not eligible for adjustment of status, he or she will apply for a visa abroad at the American Consulate in _____ (City) (Country)
(Designation of a consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that consulate. Acceptance is at the discretion of the designated consulate.)

D. Other Information

1. If separate petitions are also being submitted for other relatives, give names of each and relationship.
2. Have you ever filed a petition for this or any other alien before? ☐ Yes ☒ No
If "Yes," give name, place and date of filing, and result.

Warning: The INS investigates claimed relationships and verifies the validity of documents. The INS seeks criminal prosecutions when family relationships are falsified to obtain visas.

Penalties: You may, by law be imprisoned for not more than five years, or fined \$250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws and you may be fined up to \$10,000 or imprisoned up to five years or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

Signature Eaine J. Smith Date 3/31/97 Phone Number (202) 555-1212

Signature of Person Preparing Form if Other than Above

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge

Print Name _____ (Address) _____ (Signature) _____ (Date) _____

G-28 ID Number _____

Volag Number _____

START HERE - Please Type or Print

Part 1. Information about person or organization filing this petition. (Individuals should use the top name line; organizations should use the second line.) If you are a self-petitioning spouse or child and do not want INS to send notices about this petition to your home, you may show an alternate mailing address here. If you are filing for yourself and do not want to use an alternate mailing address, skip to part 2.

Family Name Jung	Given Name Kim	Middle Initial L.
Company or Organization Name		
Address - CO Christine JUNG		
Street Number and Name 2778 Georgia Avenue		Apt. 228
City Silver Spring	State or Province Maryland	
Country U.S.A.	ZIP/Postal Code 22146	
U.S. Social Security # 123-11-1234	A # A-12345678	IRS Tax # (If any)

Part 2. Classification Requested (check one):

- a. ☐ Association
- b. ☒ Widower of a U.S. citizen who died within the past 2 years
- c. ☐ Special Immigrant Juvenile
- d. ☐ Special Immigrant Religious Worker
- e. ☐ Special Immigrant based on employment with the Panama Canal Company, Canal Zone Government or U.S. Government in the Canal Zone
- f. ☐ Special Immigrant Physician
- g. ☐ Special Immigrant International Organization Employee or family member
- h. ☐ Special Immigrant Armed Forces Member
- i. ☐ Self-Petitioning Spouse of Abusive U.S. Citizen or Lawful Permanent Resident
- j. ☐ Self-Petitioning Child of Abusive U.S. Citizen or Lawful Permanent Resident
- k. ☐ Other, explain:

Part 3. Information about the person this petition is for.

Family Name Jung	Given Name Kim	Middle Initial L.
Address - CO		
Street Number and Name		Apt. 2
City	State or Province	
Country	ZIP/Postal Code	
Date of Birth (Month/Day/Year) 4/1/71	Country of Birth South Korea	
U.S. Social Security # (If any)	A # (If any)	
Marital Status ☐ Single ☐ Married ☐ Divorced ☒ Widowed		
Complete the items below if this person is in the United States:		
Date of Arrival (Month/Day/Year) 6/10/93	I-94#	
Current Nonimmigrant Status	Expires on (Month/Day/Year) 6/10/97	

FOR INS USE ONLY

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
☐ Petitioner/ Applicant Interviewed	
☐ Beneficiary Interviewed	
☐ I-485 Filed Concurrently	
☐ Bene "A" File Reviewed	
Classification	
Consulate	
Priority Date	96 MAY 22 11:11:27
Remarks	
Action Block	
To Be Completed by Attorney or Representative. If any ☒ Fill in box if G-28 is attached to represent the applicant	
VOLAO#	
ATTY State License # 2 DC	

Attachment G

Documentation ¶ 5

Demonstrates that INS has initiated deportation proceedings.

- "Order to Show Cause"
- "Notice to Appear"
- "Notice of Hearing in Deportation Proceedings"

ORDER TO SHOW CAUSE AND NOTICE OF HEARING
(ORDEN DE PRESENTAR MOTIVOS JUSTIFICANTES Y AVISO DE AUDIENCIA)

In Deportation Proceedings under section 242 of the Immigration and Nationality Act.
(En los trámites de deportación a tenor de la sección 242 de la Ley de Inmigración y Nacionalidad.)

United States of America:
(Estados Unidos de América:)

File No. _____
(No. de registro)

Dated _____
(Fecha)

In the matter of _____ (Respondent)
(En el asunto de) _____ (Demandado)
Address _____
(Dirección) _____

Telephone No. (Area Code) _____
(No. de teléfono y código de área)

Upon inquiry conducted by the Immigration and Naturalization Service, it is alleged that:
(Según las indagaciones realizadas por el Servicio de Inmigración y Naturalización, se alega que:)

- 1) You are not a citizen or national of the United States;
(Ud. no es ciudadano o nacional de los Estados Unidos)
- 2) You are a native of _____ and a citizen of _____;
(Ud. es nativo de) _____ (y ciudadano de) _____
- 3) You entered the United States at or near _____ on or about _____;
(Ud. entró a los Estados Unidos en o cerca de) _____ (el día o hacia esa fecha)

U.S. Department of Justice
Immigration and Naturalization Service

Order to Show Cause and Notice of Hearing

NOTICE OF RIGHTS AND CONSEQUENCES

The Immigration and Naturalization Service believes that you are an alien not lawfully entitled to be in or to remain in the United States. Read this notice carefully and ask questions about anything in this notice you do not understand. This notice identifies your rights as an alien in deportation proceedings, and your obligations and the conditions with which you must comply in order to protect your eligibility to be considered for certain benefits.

Any statement you make before an Immigration Officer may be used against you in any immigration or administrative proceeding.

You may be represented, at no expense to the United States government, by an attorney or other individual who is authorized and qualified to represent persons in these proceedings. You will be given a list of organizations, attorneys and other persons who have indicated their availability to represent aliens in these proceedings. Some of these persons may represent you free of charge or for a nominal fee. You may also be represented by a friend, relative, or other person having a pre-existing relationship with you, provided his or her appearance is permitted by the immigration judge.

You will have a hearing before an immigration judge, scheduled no sooner than 14 days from the date you are served with this Order to Show Cause (unless you request in writing an earlier hearing date). The fourteen-day period is to allow you to seek an attorney or representative, if you desire to be represented. At your hearing, you will be given the opportunity to admit or deny any or all of the allegations in this Order to Show Cause, and whether you are deportable on the charges set forth herein. You will have an opportunity to present evidence and/or witnesses on your own behalf, to examine evidence presented by the government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the government. Any document that you present that is in a foreign language must be accompanied by a certified English translation. It is your responsibility to ensure that any witnesses you wish to present on your own behalf be present at the hearing.

The immigration judge will advise you regarding relief from deportation for which you may be eligible. You will be given a reasonable opportunity to make an application for any such relief. If you are not satisfied with the decision of the immigration judge, you have the right to appeal. The immigration judge will provide you with your appeal rights.

AVISO DE DERECHOS Y CONSECUENCIAS

El Servicio de Inmigración y Naturalización opina que Ud. es un extranjero sin derecho legal a estar o permanecer en los Estados Unidos. Lea este aviso cuidadosamente y pregunte acerca de cualquier parte del mismo que no entienda. Este aviso le explica los derechos que tiene como extranjero en los trámites de deportación, y las obligaciones y condiciones que debe cumplir con el fin de proteger su derecho a que se le considere para recibir ciertos beneficios.

Las declaraciones que haga ante un funcionario del Servicio de Inmigración podrán usarse en su contra en cualquier trámite administrativo o de inmigración.

Ud. puede ser representado, sin costo alguno para el gobierno de los Estados Unidos, por un abogado o otra persona autorizada y calificada para representar personas en estos trámites. Ud. recibirá una lista de las entidades, abogados y demás personas dispuestas a representar a extranjeros en estos trámites. Algunas de esas personas pueden representarle gratuitamente o por honorarios nominales. También puede representarle un amigo, familiar o otra persona con la que tenga una relación establecida, siempre que el juez de inmigración permita su comparecencia.

Ud. tendrá una audiencia ante un juez de inmigración, fijada con un mínimo de 14 días a partir de la fecha que se le expidió esta Orden (a menos que Ud. solicite por escrito una audiencia en plazo aun menor). El plazo de catorce días le permitirá conseguir los servicios de un abogado o representante, si lo desea. En la audiencia se le dará la oportunidad de admitir o negar cualquiera de los alegatos de esta Orden o todos ellos, y se le informará si está sujeto a deportación por los cargos expresados en la misma. Ud. tendrá la oportunidad de presentar pruebas y testigos a favor suyo, de examinar las pruebas presentadas por el gobierno, de oponerse, con base en los razonamientos legales pertinentes, a la admisión de pruebas y de interrogar a cualquier testigo del gobierno. Todo documento que presente en un idioma extranjero debe ir acompañado de una traducción certificada al inglés. Será responsabilidad suya asegurarse de que cualquier testigo suyo comparezca a la audiencia.

El juez de inmigración le informará sobre los recursos de deportación a los que tenga derecho y se le dará una oportunidad adecuada para solicitarlos. Si no está de acuerdo con la decisión del juez, puede apelarla. El juez de inmigración le informará acerca de sus derechos de apelación.

U.S. Department of Justice
Immigration and Naturalization Service

Order to Show Cause and Notice of Hearing

Continuation Sheet
(Hoja complementaria)

Respondent _____
(Demandado)

Dated _____
(Fecha)
File No. _____
(No. de registro)

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law:

(Y según los alegatos anteriores, se le acusa de estar sujeto a deportación de acuerdo con la(s) siguiente(s) disposición(es) de la ley:)

WHEREFORE, YOU ARE ORDERED to appear for a hearing before an Immigration Judge of the Executive Office for Immigration Review of the United States Department of Justice at:

(POR LO CUAL, SE LE ORDENA comparecer ante un juez de inmigración de la Oficina Ejecutiva de Revisión de Inmigración del Departamento de Justicia de los Estados Unidos en:)

Address _____
(Dirección)
On _____ At _____ .m.
(Fecha) (Hora)

and show cause why you should not be deported from the United States on the charge(s) set forth above.
(y mostrar motivos justificantes por cual no debería ser deportado de los Estados Unidos por los cargos expresados anteriormente.)

Dated _____
(Fecha)

Signature of Issuing Officer _____
(Firma del funcionario que la expide)

City and State of Issuance _____
(Ciudad y Estado donde se expide)

Title of Issuing Officer _____
(Título del funcionario que la expide)

You are required to be present at your deportation hearing prepared to proceed. If you fail to appear at any hearing after having been given written notice of the date, time and location of your hearing, you will be ordered deported *in your absence*, if it is established that you are deportable and you have been provided the appropriate notice of the hearing.

You are required by law to provide immediately in writing an address (and telephone number, if any) where you can be contacted. You are required to provide written notice, within five (5) days, of any change in your address or telephone number to the office of the Immigration Judge listed in this notice. Any notices will be mailed only to the last address provided by you. If you are represented, notice will be sent to your representative. If you fail to appear at the scheduled deportation hearing, you will be ordered deported *in your absence* if it is established that you are deportable and you have been provided the appropriate notice of the hearing.

If you are ordered deported *in your absence*, you cannot seek to have that order rescinded except that: (a) you may file a motion to reopen the hearing within 180 days after the date of the order if you are able to show that your failure to appear was because of exceptional circumstances, or (b) you may file a motion to reopen at any time after the date of the order if you can show that you did not receive written notice of your hearing and you had provided your address and telephone number (or any changes of your address or telephone number) as required, or that you were incarcerated and did not appear at your hearing through no fault of your own. If you choose to seek judicial review of a deportation order entered *in your absence*, you must file the petition for review within 60 days (30 days if you are convicted of an aggravated felony) after the date of the final order, and the review shall be confined to the issues of validity of the notice provided to you, the reasons for your failure to appear at your hearing, and whether the government established that you are deportable.

In addition to the above, if you are ordered deported *in your absence*, you are ineligible for five (5) years from the date of the final order for the following relief from deportation: voluntary departure under section 242 (b) of the Immigration and Nationality Act (INA); suspension of deportation or voluntary departure under section 244 of the INA; and adjustment of status under sections 245, 248, and 249 of the INA.

The copy of this Order to Show Cause served upon you is evidence of your alien registration while you are under deportation proceedings. The law requires that you carry it with you at all times.

Está obligado a asistir a la audiencia de deportación y de estar preparado para ella. Si no asiste a cualquiera de las audiencias después de haber sido notificado por escrito de la fecha, hora y lugar de la audiencia, se ordenará su deportación *en su ausencia*, si se establece que puede ser deportado y que recibió los avisos correspondientes.

La ley le obliga a informar inmediatamente por escrito de su domicilio (y número de teléfono, de haberlo) donde pueda ser localizado. Tiene la obligación de notificar por escrito, en el plazo de cinco (5) días, cualquier cambio de domicilio o de teléfono a la oficina del juez de inmigración que aparece en este aviso. Los avisos se enviarán solamente a la última dirección facilitada por Ud. Si ha decidido tener un representante, se enviarán los avisos a dicha persona. Si no asiste a cualquiera de las audiencias después de haber sido notificado por escrito de la fecha, hora y lugar de las mismas, se ordenará su deportación *en su ausencia*, si se establece que puede ser deportado y que recibió el aviso de la audiencia.

Si se ordena su deportación *en su ausencia*, no podrá solicitar la anulación de esa orden salvo que: a) pueda presentar un pedimento para tener otra audiencia en el plazo de 180 días después de la fecha de la orden si puede demostrar que no compareció debido a circunstancias excepcionales, o b) puede presentar un pedimento para tener otra audiencia en cualquier momento después de la fecha de la orden si puede demostrar que no recibió el aviso de la audiencia por escrito y que había facilitado su dirección y número de teléfono (o notificado los cambios de dirección o número de teléfono) según lo previsto, o que estaba encarcelado y no compareció a la audiencia por motivos ajenos a su voluntad. Si decide solicitar una revisión judicial de la orden de deportación *en su ausencia*, debe presentar la solicitud de revisión en el plazo de 60 días (30 días si ha sido condenado por un delito grave con agravantes) a partir de la fecha de la orden definitiva, y la revisión se limitará a decidir si el aviso que recibió es válido, las razones por las cuales no compareció a la audiencia y si el gobierno demostró que puede ser deportado.

Además de lo anterior, si se ordena su deportación *en su ausencia*, no podrá, en el plazo de cinco años después de la fecha de la orden definitiva, tener derecho a los siguientes recursos: salida voluntaria según la sección 242 (b) de la ley de Inmigración y Nacionalidad (INA), suspensión de la deportación o de la salida voluntaria según la sección 244 de la INA, y ajuste de condición según las secciones 245, 248, y 249 de la INA.

Esta copia de la Orden de Presentar Motivos Justificantes que le ha sido notificada constituye la prueba de su registro de extranjero mientras se llevan a cabo los trámites para su deportación. La ley le exige que la lleve consigo en todo momento.

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: _____

In the Matter of:

Respondent: _____ currently residing at:

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☐ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: _____

on _____ at _____ to show why you should not be removed from the United States based on the
(Date) (Time)
charge(s) set forth above.

(Signature and Title of Issuing Officer)

Date: _____

(City and State)

See reverse for important information

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of INS Officer)

Certificate of Service

This Notice to Appear was served on the respondent by me on _____, in the following manner and in compliance with section 239(a)(1)(F) of the Act:
(Date)

☐ in person

☐ by certified mail, return receipt requested

☐ by regular mail

☐ Attached is a list of organizations and attorneys which provide free legal services.

☐ The alien was provided oral notice in the _____ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent, if Personally Served)

(Signature and Title of Officer)

ATTACHMENT 6
INTERIM GUIDANCE – DOCUMENTARY EVIDENCE
FOR EXCEPTED CATEGORIES OF ALIENS
ELIGIBLE FOR SSI, FOOD STAMPS, TANF, MEDICAID
AND PROGRAMS FUNDED BY A SOCIAL SERVICES BLOCK GRANT

Under Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), only certain excepted categories of aliens remain eligible for SSI and Food Stamps. States may also limit eligibility for TANF, Medicaid and programs funded by a Social Services Block Grant to certain excepted categories of aliens. Some of the excepted categories enjoy unqualified exemptions from the restrictions in section 402, while others are exempted for limited time periods. The exceptions for each program, and the documents that may be used to determine eligibility under these exceptions, are set forth below.

EXCEPTIONS

A. SSI

Certain categories of aliens are excepted from the restrictions on SSI eligibility imposed by Section 402. If an alien falls within one of the categories listed below, he or she remains eligible for SSI:

- Lawfully admitted permanent resident aliens who have worked or can be credited with 40 qualifying quarters (any quarter after December 31, 1996 cannot be counted if the alien received any federal means-tested public benefit during that quarter);
- Qualified aliens lawfully residing in any State who are honorably discharged veterans and who fulfill minimum active-duty service requirements, or who are on non-training active duty in the U.S. Armed Forces, or who are the spouse, unmarried dependent child, or unremarried surviving spouse of such a veteran or active-duty personnel, provided that, in the latter case, the marriage satisfies the requirements of 38 U.S.C. § 1304 (see DOD/VA Guidance attached as Exhibit B hereto);
- Qualified aliens lawfully residing in the United States who were receiving SSI on August 22, 1996;
- Qualified aliens who were lawfully residing in the United States on August 22, 1996, and who are blind or disabled;
- American Indians born in Canada and to whom the provisions of section 289 of the INA apply;
- Members of an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act); or

- Qualified aliens receiving SSI benefits after July 1996 on the basis of an application filed before January 1, 1979, if the Commissioner of Social Security lacks clear and convincing evidence that such individuals are otherwise ineligible under section 402.

Other categories of aliens remain eligible for SSI for only a limited time period:

- Asylees, for a period of seven years after obtaining such status;
- Aliens whose deportation or removal has been withheld, for a period of seven years after obtaining such status;
- Refugees, for a period of seven years after the date they entered the U.S. as refugees;
- Cuban/Haitian entrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980, for a period of seven years after they obtain such status; and
- Amerasian immigrants admitted to the U.S. pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, for a period of seven years after their admission.

B. Medicaid

Regardless of whether a State chooses to impose additional restrictions on the eligibility of aliens to receive Medicaid, the following categories of aliens are eligible:

- Lawfully admitted permanent resident aliens who have worked or can be credited with 40 qualifying quarters (any quarter after December 31, 1996 cannot be counted if the alien received any federal means-tested public benefit during that quarter);
- Qualified aliens lawfully residing in any State who are honorably discharged veterans and who fulfill minimum active-duty service requirements, or who are on non-training active duty in the U.S. Armed Forces, or who are the spouse, unmarried dependent child, or unremarried surviving spouse of such a veteran or active-duty personnel, provided that, in the latter case, the marriage satisfies the requirements of 38 U.S.C. § 1304 (see DOD/VA Guidance attached as Exhibit B hereto);
- American Indians born in Canada and to whom the provisions of section 289 of the INA apply; and

- Members of an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act).

Time-limited exceptions apply to the following categories:

- Asylees, for a period of seven years after obtaining such status;
- Aliens whose deportation or removal has been withheld, for a period of seven years after obtaining such status;
- Refugees, for a period of seven years after the date they entered the U.S. as refugees;
- Cuban/Haitian entrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980, for a period of seven years after they obtain such status; and
- Amerasian immigrants admitted to the U.S. pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, for a period of seven years after their admission.

Also, any alien receiving SSI benefits retains derivative eligibility for Medicaid, regardless of whether he or she is otherwise ineligible for Medicaid under the Act.

C. Food Stamps, TANF, and Social Services Block Grant Programs

With respect to TANF and programs funded by a Social Services Block Grant, states have the option of limiting aliens' eligibility for such programs. As an initial matter, then, you should determine whether your State has imposed additional eligibility requirements. Even if your State has chosen to impose such restrictions, the following categories of aliens would remain eligible for Food Stamps, TANF, and programs funded by a Social Services Block Grant, without any time limitation:

- Lawfully admitted permanent resident aliens who have worked or can be credited with 40 qualifying quarters (any quarter after December 31, 1996 cannot be counted if the alien received any federal means-tested public benefit during that quarter); and
- Qualified aliens lawfully residing in any State who are honorably discharged veterans and who fulfill minimum active-duty service requirements, or who are on non-training active duty in the U.S. Armed Forces, or who are the spouse, unmarried dependent child, or unremarried surviving spouse of such a veteran or active-duty personnel, provided that, in the latter case, the marriage satisfies the

requirements of 38 U.S.C. § 1304 (see DOD/VA Guidance attached as Exhibit B hereto).

Time-limited exceptions apply to the following categories:

- Asylees, for a period of five years after obtaining such status;
- Aliens whose deportation or removal has been withheld, for a period of five years after obtaining such status;
- Refugees, for a period of five years after the date they entered the U.S. as refugees;
- Cuban/Haitian entrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980, for a period of five years after they obtain such status; and
- Amerasian immigrants admitted to the U.S. pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, for a period of five years after their admission.

Unlike the derivative eligibility provision for Medicaid, aliens receiving SSI benefits are not entitled to derivative eligibility for Food Stamps if they are otherwise ineligible for Food Stamp benefits under the Act.

DOCUMENTATION OF EXCEPTIONS

The documents listed below (examples of which are attached to Attachment 5 of the Interim Guidance) establish that an applicant falls within one of the excepted categories of aliens.

Under the INA, all aliens over the age of 14 who remain in the United States for longer than 30 days are required to register with the Immigration and Naturalization Service (the "INS") and obtain an alien registration document; all aliens over the age of 18 who receive a registration document are required to carry it with them at all times. With certain exceptions (e.g., Canadian visitors), aliens entering the U.S. are normally issued a registration document (e.g., an INS Form I-94) at the time of entry. The documents listed below that are registration documents are indicated with an asterisk ("*").

Each of the documents listed below will demonstrate lawful status, and you should not require presentation of a registration document if the applicant presents one of the other legally acceptable documents that reasonably appears on its face to be genuine and to relate to the person presenting it. However, if the document presented is not a registration document and does not on its face reasonably appear to be genuine or to relate to the person presenting it, it

is appropriate to ask the applicant to produce his or her registration document as additional evidence of immigration status, so long as the request is not made for a discriminatory reason (see Nondiscrimination Advisory, Attachment 2 to Interim Guidance). Presentation of a registration document listed below that reasonably appears on its face to be genuine and to relate to the person presenting it (or to satisfy a higher applicable standard) will often obviate the need to verify the applicant's immigration status with the INS; if the applicant presents a registration document that does not meet this standard, sending the INS a copy of the document will assist it in verifying the applicant's status quickly and accurately.

**Alien Lawfully Admitted for Permanent Residence ("LPR")
under the INA Who Has Worked or Can Be Credited With
40 Qualifying Quarters or Who Is Otherwise Eligible:**

LPR:

- *INS Form I-551 (Alien Registration Receipt Card, commonly known as a "green card"); or
- Unexpired temporary I-551 stamp in foreign passport or on *INS Form I-94.

40 Qualifying Quarters: Until you have access to SSA's automated system for verifying qualifying quarters, refer to the SSA Guidance attached as Exhibit A for guidance on how to verify 40 qualifying quarters. NOTE: Any quarter after December 31, 1996, cannot be counted if the alien received any federal means-tested public benefit during that quarter.

LPR Who Is Otherwise Eligible: An LPR who does not have 40 qualifying quarters will still be eligible if he or she:

- entered the U.S. as a refugee within the previous five years, was granted asylum during the previous five years, or had his or her deportation or removal withheld within the previous five years:

If an applicant attests to having been admitted as a refugee within the previous five years, review the applicant's INS Form I-551 (green card) for code RE-6, RE-7, RE-8 or RE-9, and derive the date of admission from the date on the card.

If an applicant attests to having been granted asylum or having had deportation or removal withheld within the previous five years, file INS Form G-845 and Supplement along with a copy of the I-551 with the local INS office to verify status.

or

- is an honorably discharged veteran who fulfilled minimum active-duty service requirements, or is a person on non-training active duty or is the spouse, dependent child, or unremarried surviving spouse of such a person:

Refer to DOD Guidance attached as Exhibit B for guidance on how to verify such status.

Qualified Alien Lawfully Residing in Any State Who Is an Honorably Discharged Veteran, On Non-Training Active Duty in the U.S. Armed Forces, or the Spouse, Unmarried Dependent Child, or Unremarried Surviving Spouse of Such a Veteran or Active-Duty Personnel:

- Refer to Attachment 5 to the Interim Guidance for documentation of qualified alien status; and
- Refer to DOD/VA Guidance attached as Exhibit B for guidance on how to verify veteran and active duty status.

Qualified Alien Lawfully Residing in the U.S. Who Was Receiving SSI on August 22, 1996:

- Contact SSA for guidance on appropriate documentation.

Qualified Alien Lawfully Residing the U.S. on August 22, 1996 Who Is Blind or Disabled:

- Contact SSA for guidance on appropriate documentation.

Qualified Alien Receiving SSI Benefits After July 1996 on the Basis of An Application Filed Before January 1, 1979:

- Contact SSA for guidance on appropriate documentation.

American Indians Born in Canada and Covered By Section 289 of the INA:

- *INS Form I-551 (Alien Registration Receipt Card, commonly known as a "green

card") with the code S13;

- Unexpired temporary I-551 stamp in Canadian passport or on *INS Form I-94 with the code S13; or
- A letter or other tribal document certifying at least 50 per centum American Indian blood, as required by INA Section 289, combined with a birth certificate or other satisfactory evidence of birth in Canada.

Members of an Indian Tribe:

- Membership card or other tribal document demonstrating membership in a federally-recognized Indian tribe under section 4(e) of the Indian Self-Determination and Education Assistance Act. Contact Soo Song, Deputy Director, Office of Tribal Justice, United States Department of Justice, (202) 514-8812, for a list of federally-recognized tribes under section 4(e).
- If the individual has no document evidencing tribal membership, contact the tribal government for confirmation of the individual's membership. Tribal government contact lists are available from Soo Song, Deputy Director, Office of Tribal Justice, Department of Justice, (202) 514-8812.

Asylee:

- *INS Form I-94 annotated with stamp showing grant of asylum under § 208 of the INA;
- *INS Form I-688B (Employment Authorization Card) annotated "274a.12(a)(5)";
- *INS Form I-766 (Employment Authorization Document) annotated "A5";
- Grant letter from the Asylum Office of INS; or
- Order of an immigration judge granting asylum.

Seven or Five-Year Limit: Where eligibility is limited to asylees who obtained asylee status within the previous seven or five years, INS Form I-94, the INS grant letter and the court order will each include the date asylee status was granted; if the applicant cannot provide any of these documents, file INS Form G-845 and Supplement along with a copy of the documents indicating asylee status with the local INS office to verify the date the status was granted.

Refugee:

- *INS Form I-94 annotated with stamp showing admission under § 207 of the INA;
- *INS Form I-688B (Employment Authorization Card) annotated "274a.12(a)(3)";
- *INS Form I-766 (Employment Authorization Document) annotated "A3"; or
- INS Form I-571 (Refugee Travel Document).

Seven or Five-Year Limit: Where eligibility is limited to aliens who were admitted as refugees within the previous seven or five years, the date of inspection on the refugee stamp on INS Form I-94 will indicate the date of admission as a refugee; if the date is missing or if the applicant cannot present an I-94, file INS Form G-845 and Supplement along with a copy of the pertinent documents with the local INS office to verify the date of admission as a refugee.

Alien Whose Deportation or Removal Was Withheld:

- *INS Form I-688B (Employment Authorization Card) annotated "274a.12(a)(10)";
- *INS Form I-766 (Employment Authorization Document) annotated "A10"; or
- Order from an immigration judge showing deportation withheld under § 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under § 241(b)(3) of the INA.

Seven or Five-Year Limit: Where eligibility is limited to aliens whose deportation was withheld within the previous seven or five years, the court order will include the date deportation was withheld; if the applicant does not present a court order, file INS Form G-845 and Supplement along with a copy of the pertinent documents with the local INS office to verify the date deportation was withheld.

Cuban/Haitian Entrants:

- *INS Form I-551 (Alien Registration Receipt Card, commonly known as a "green card") with the code CU6, CU7, or CH6;
- Unexpired temporary I-551 stamp in foreign passport or on *INS Form I-94 with the code CU6 or CU7; or

- INS Form *I-94 with stamp showing parole as "Cuban/Haitian Entrant" under Section 212(d)(5) of the INA.

Seven or Five-Year Limit: Where eligibility is limited to aliens who were granted status as a Cuban/Haitian entrant within the previous seven or five years, the date on the INS Form I-551 or the date of inspection on the stamp on INS Form I-94 will indicate the date status was granted; if the date is missing on Form I-94, file INS Form G-845 and Supplement along with a copy of the pertinent documents with the local INS office to verify the date status was granted.

Amerasian Immigrants:

- *INS Form I-551 (Alien Registration Receipt Card, commonly known as a "green card") with the code AM6, AM7, or AM8; or
- Unexpired temporary I-551 stamp in foreign passport or on *INS Form I-94 with the code AM1, AM2, or AM3.

Seven or Five-Year Limit: Where eligibility is limited to aliens who were admitted as Amerasian immigrants within the previous seven or five years, the date on the INS Form I-551 or the date of inspection on the stamp on INS Form I-94 will indicate the date of admission; if the date is missing on Form I-94, file INS Form G-845 and Supplement along with a copy of the pertinent documents with the local INS office to verify the date of admission.

Expired or Absent Documentation: If an applicant presents expired documents or is unable to present any documentation evidencing his or her immigration status, refer the applicant to the local INS office to obtain documentation of status. In unusual cases involving applicants who are hospitalized or medically disabled, or who can otherwise show good cause for their inability to present documentation, and for whom securing such documentation would constitute an undue hardship, if the applicant can provide an alien registration number, you may file INS Form G-845 and Supplement, along with the alien registration number and a copy of any expired INS document presented, with the local INS office to verify status. As with any documentation of immigration status, you should confirm that the status information you receive back from INS pertains to the applicant whose identity you have verified.

Receipt for Replacement Document: If an applicant presents a receipt indicating that he or she has applied to the INS for a replacement document for one of the documents identified above, file INS Form G-845 and Supplement, along with a copy of the receipt and a copy of any expired INS document presented, with the local INS office to verify status. Upon return receipt of information from INS, confirm that it pertains to the applicant whose identity you have

verified. You should ask to see the replacement document at a later date.

Applicants with Disabilities and Nondiscrimination: If an applicant has a disability that limits the applicant's ability to provide the required evidence of immigration status (e.g., mental retardation, amnesia, or other cognitive or mental impairment), you should make every effort to assist the individual to obtain the required evidence. In addition, you should not discriminate against applicants on the basis of race, national origin, gender, religion, age or disability. See Nondiscrimination Advisory, Attachment 2 to Interim Guidance.

Local INS Offices: A list of local INS offices and their addresses is set forth in Attachment 1 to the Interim Guidance. Attachment 1 also includes a copy of INS Form G-845 and the Supplement thereto to be used to verify immigration status pursuant to the Guidance.

EXHIBIT A TO ATTACHMENT 6

SSA GUIDANCE ON CERTIFICATION OF 40 QUALIFYING QUARTERS

Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("the Act") generally limits the eligibility of legal immigrants for certain federal public benefits, but sections 402(a)(2)(B) and (b)(2)(B) provide an exception for aliens lawfully admitted for permanent residence who have worked or can be credited with 40 quarters of qualified work. The law provides that the worker's own quarters and quarters worked by a parent while the alien was under age 18 or by a spouse during the marriage if the alien remains married to the spouse or the marriage ended by the death of the spouse may also be credited to the individual in determining the number of qualifying quarters.

Implementing this requirement will be challenging for the individual immigrants, program administrators, and the Social Security Administration ("SSA"), which is the primary source of qualifying quarters information. SSA has developed an automated system to provide, on an overnight basis, information on qualifying quarters for work covered under the Social Security Act and certain, but not all, work not covered under the Social Security Act. Verification of quarters of coverage for most applicants and current recipients will be accomplished primarily through this automated system.

SSA's automated system is being revised to include additional available information on qualifying quarters from noncovered work. The following interim procedures for determining whether the 40 quarters of qualified work exception is met should be followed until you have access to the SSA automated system. This interim process authorizes certification of eligibility pending verification through the automated system. (This guidance does not supersede program requirements; programs should refer to statutes, regulations, and agency guidance governing certification of eligibility.)

Under these interim procedures, the individual's attestation to 40 quarters is sufficient provided the immigrant, alone or in combination with his parents and/or spouse, has spent sufficient time in this country to have acquired 40 quarters of qualified work. The individual need only state that he or she, alone or in combination with his or her parents and/or spouse, has met the work requirement. No further documentation of earnings is required at application. These interim procedures should be used when the legal immigrant does not qualify under other exemptions of the Act (e.g., refugees, asylees, or deportees with five years of limited eligibility, or applicants with a claim to eligibility based on military service).

Although the automated system is now available, each state must approve an addendum to the current Computer Matching and Privacy Protection Act agreement they maintain with SSA before access to the system can be approved. When you sign the agreement, SSA will provide further guidance defining covered/noncovered qualifying quarters, how to use the system when making determinations, and how to resolve problems arising from discrepancies.

After the agreement addendum is signed and access to the system approved, you should contact SSA to schedule a quarters of coverage verification for each individual you conclude has met the 40 quarters exemption using these interim instructions. SSA will report back a

qualifying quarters of coverage history for each individual and applicable family member requested. SSA will provide additional guidance and the name of the contact for scheduling verification.

Interim Procedures

To determine eligibility based on 40 qualifying quarters, the State agency/benefit provider should ascertain the applicant's understanding as to the following:

1. How many years has the applicant, the applicant's spouse (during their marriage if they are still married or the marriage ended by the death of the spouse), or the applicant's parents (before the applicant turned 18) lived and/or worked in this country.

(If the answer to 1 is a total of less than 10 years, the applicant cannot meet the 40 qualifying quarter requirement. Stop at this point.)

(If the total equals 10 years or the applicant alleges they commuted to work in the U.S., then proceed to question 2.)

2. In how many of the years reported in answer to question 1, did the applicant, the applicant's spouse, or the applicant's parent earn money through work.

(If the state agency/benefit provider or the applicant needs further information about what constitutes a "quarter of coverage" in those years, they may wish to refer to the attached chart.)

Verify, from INS documents, the date of entry into the country of the applicant, spouse and/or parent. If the dates are consistent with having 10 or more years of work, no further documentation is required at this time; the state agency/benefit provider should conclude that the immigrant meets the 40 qualifying quarters of work exception pending verification from SSA. Inform the applicant (subject to each program's requirements and due process considerations) that he/she may have to repay any benefits to which he/she is not found to be entitled after verification. Keep a record of each individual certified pending verification from SSA.

If the dates of entry are inconsistent with having 10 or more years of work, deny benefits and notify the applicant of his/her right to appeal the denial of benefits.

The applicant shall also provide, for purposes of future verification, the full name, social security number, date of birth, and sex of each individual (self, parent or spouse) whose work history is relevant to the determination of eligibility. In addition, obtain a release form signed by each such individual (copy attached) giving SSA permission to release information concerning that individual's entire quarters of coverage history to the state agency/benefit provider and/or the applicant. This form shall be retained in the case file to document the individual's consent.

As noted earlier, these are temporary instructions and you should schedule verification of all cases processed under these guidelines with SSA. In its response, SSA will provide available information about qualifying quarters of work. Consult the SSA guidelines for using the system if the immigrant believes the information from SSA is inaccurate or incomplete. If SSA action is required, SSA will give the individual a document indicating that the number of quarters is under review. Refer to the requirements of your program to determine whether an immigrant may receive benefits during the period of SSA's review.

Establishing Qualifying Quarters

The term "quarter" means the three calendar month period ending on March 31, June 30, September 30, or December 31 of any year.

Social Security credits called "quarters of coverage" ("QCs") are earned by working at a job or as a self-employed individual. Each earner can be credited with a maximum of four quarters each year.

For 1978 and later, credits are based solely on the total yearly amount of earnings. All types of earnings follow this rule. The number of creditable QCs are obtained by dividing the individual's total yearly earned income by the increment amount for the year up to a yearly maximum of four. The amount of earnings needed to earn a credit increases and is different for each year. For 1978 through 1997, the amount of earnings needed for each credit is:

1978	\$250	1988	\$470
1979	\$260	1989	\$500
1980	\$290	1990	\$520
1981	\$310	1991	\$540
1982	\$340	1992	\$570
1983	\$370	1993	\$590
1984	\$390	1994	\$620
1985	\$410	1995	\$630
1986	\$440	1996	\$640
1987	\$460	1997	\$670

A current year quarter may be included in the 40 quarter computation. Use the yearly amount shown in the chart as the divisor to determine the number of quarters available up to a yearly maximum of four. **FOLLOW YOUR AGENCY GUIDELINES REGARDING COUNTING A QUARTER THAT HAS NOT ENDED.**

If you need to use quarters before 1978:

- A credit was earned for each calendar quarter in which an individual was paid \$50 or more in wages (including agricultural wages for 1951-1954);

- Four credits were earned for each taxable year in which an individual's net earnings from self-employment were \$400 or more; and/or
- A credit was earned for each \$100 (limit to a total of four) of agricultural wages paid during the year for years 1955 through 1977.

QUALIFYING QUARTERS FROM NONCOVERED EARNINGS WILL ALSO BE DETERMINED USING THE ABOVE GUIDELINES.

EXHIBIT B TO ATTACHMENT 6
DOD GUIDANCE ON IMPLEMENTATION OF VETERAN
AND ACTIVE DUTY EXCEPTION

This fact sheet provides guidance for implementing certain sections of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("the Act") concerning exemptions for active duty service members and veterans and their family members. The Act limits the eligibility of certain aliens to receive public benefits. Under various provisions of the Act, a qualified alien who is lawfully residing in a state and is (1) a veteran (per 38 U.S.C. §§ 101(2), 107, 1101, or 1301) with an Honorable Discharge (not on account of alienage) and who fulfills the minimum active-duty service requirements of 38 U.S.C. § 5303A(d), (2) on active duty (other than active duty for training) in the United States Armed Forces; or (3) a spouse, unmarried dependent child, or unremarried surviving spouse of such an individual, is eligible for particular programs.

Honorably Discharged Veterans

- A discharge certificate, DD Form 214 or equivalent, that shows active duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard and character of discharge "Honorable" is acceptable to qualify for the veteran exemption without further inquiry, unless the certificate appears to have been altered or is otherwise irregular. A discharge certificate that shows character of discharge as anything but "Honorable" is not acceptable for purposes of this exemption and need not be referred to the VA. (NOTE: A character of discharge "Under Honorable Conditions" is NOT an "Honorable" discharge for these purposes.) A discharge certificate that shows "Honorable" and any other branch of service or any other type of duty (e.g., "Active Duty for Training," "Inactive Duty for Training," etc.) should be referred to the local VA regional office for determination as to veteran status.
- If veteran status is claimed but the individual has no papers showing service or discharge, refer the inquiry to the local VA regional office to determine veteran status.
- If a discharge certificate, DD Form 214 or equivalent, shows an original enlistment in the Army, Navy, Air Force, Coast Guard, or Marine Corps before September 7, 1980, there is no minimum active-duty service requirement. If a discharge certificate, DD Form 214 or equivalent, shows two or more years of continuous active duty in the Army, Navy, Air Force, Coast Guard, or Marine Corps, the individual meets the minimum active-duty service requirement. If such a discharge certificate is not available, or if it shows active-duty service of less than two years with an original enlistment after September 7, 1980, refer the inquiry to the local VA regional office to determine satisfaction of the minimum active-duty service requirement.
- Applications for exception based on status as a spouse, unmarried dependent child, or unremarried surviving spouse of an honorably discharged veteran require a determination of the veteran's status and a determination that the applicant is a spouse or child. Status of the veteran may be established by possession of a discharge certificate showing an

"Honorable" discharge. If the applicant is not in possession of a discharge certificate, refer the question of veteran status to the VA for a determination. The determination as to whether the individual is a spouse or an unmarried dependent child should be made based on your agency guidance for marital and dependency status. VA will not make spousal or dependency findings in these cases.

- Applications for exception based on status as an unremarried surviving spouse of a veteran or active-duty personnel further require the following findings (set forth in 38 U.S.C. § 1304), in addition to a determination that the surviving spouse has not remarried:
 - that the surviving spouse was married to the veteran or active-duty personnel within fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated;
 - that the surviving spouse was married to the veteran or active-duty personnel for one year or more; or
 - that a child was born of the relationship between the surviving spouse and the veteran or active-duty personnel, either during or before the marriage.

Members on Active Duty

- Active duty as a member of the Armed Forces means the individual is on full time duty in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard. It does not include full-time National Guard duty.
- Service members on active duty shall establish their status by presenting a current Military Identification Card (DD Form 2 (Active)) that lists an expiration date of more than one year from the date of determination.
- If the Military Identification Card is due to expire within one year from the date of the determination, the service member shall verify active duty by showing a copy of his or her current military orders. If the service member is unable to furnish a copy of his or her military orders, active duty may be verified through the nearest RAPIDS (Real Time Automated Personnel Identification System) (located at many military installations) or by notifying the following office in writing (which can be transmitted by facsimile):

DEERS Support Office
ATTN: Research and Analysis
400 Gigling Road
Seaside, California 93955-6771
Fax Number: (408) 655-8317

Reserve Members (not on active duty for training)

- Active duty for training is temporary full-time duty in the Armed Forces performed by members of the Reserves, Army National Guard, or Air National Guard for training purposes. Active duty for training does not establish eligible status. However, a discharge from active duty for training may establish veteran status and should be referred to VA for a determination.
- A Member of a Reserve Component shall establish status by showing a current DD Form 2 (Reserve) [red] and military active duty orders showing such person is on active duty, but not on active duty for training. No other method for verifying this status is currently available.

Spouse, Children, or Unremarried Surviving Spouse of Active Duty Members or Veterans

Step 1. Establish that the individual is a spouse, dependent child, or unremarried surviving spouse of an active duty member or veteran.

- The determination as to whether an individual is a spouse of an active duty member or veteran should be made based on your agency guidance. Possession of a current Military Identification Card showing that the individual is married to a veteran or active duty member may be considered as evidence of marriage to the member.
- The determination as to whether an individual is an unremarried surviving spouse of an active-duty member or veteran should be made based on agency guidance, in accordance with the following requirements (set forth in 38 U.S.C. § 1304), in addition to a determination that the surviving spouse has not remarried:
 - the surviving spouse was married to the veteran or active-duty personnel within fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated;
 - the surviving spouse was married to the veteran or active-duty personnel for one year or more; or
 - that a child was born of the relationship between the surviving spouse and the veteran or active-duty personnel, either during or before the marriage.
- The determination as to whether an individual is an unmarried legally adopted or biological dependent child of an honorably discharged veteran or active duty member of the Armed Forces should be made based on your agency guidance. Possession of a Military Identification Card may be considered as evidence that

a child is dependent on the veteran or on the active duty member of the Armed Forces for his or her support and is under the age of 18 or if a full time student, under age 22.

Step 2. Determine that the member is on active duty or is a veteran.

- A spouse or child in possession of a Military Identification Card with an expiration date of more than one year from the date of its presentation presumptively meets the active duty requirement for his or her spouse or parent respectively.
- If the Identification Card is due to expire within one year, the spouse or child must provide a copy of the military orders for his or her spouse or parent as applicable to establish the active duty status of the service member. If married to a reserve member or if an unmarried child of a reserve member, the orders must show that the service member is on active duty and not on active duty for training.
- For dependents not possessing military orders but possessing an Identification Card with an expiration date less than one year from the date of the date of presentation, active duty status can be verified by contacting RAPIDS or the DEERS Support Office.
- If a dependent child does not possess a Dependent Military Identification Card, status may be ascertained through the nearest RAPIDS station or by contacting the DEERS Office at the address provided above.
- A spouse or child showing a discharge certificate, DD Form 214 or equivalent, that shows active duty in the Army, Navy, Air Force, Marine Corps or Coast Guard and character of discharge "Honorable" is acceptable to establish the veteran status of his or her spouse or parent respectively without further inquiry, unless the certificate appears to be altered or irregular. If veteran status is claimed, but the spouse or child does not have papers showing service or discharge, refer the inquiry to the local VA regional office for determination.

ATTACHMENT 7

INTERIM GUIDANCE -- FEDERAL MEANS-TESTED PUBLIC BENEFITS

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act") provides that qualified aliens entering the United States on or after August 22, 1996, are ineligible for federal means-tested public benefits during the first five years they are qualified aliens, unless they fall within a specific exception. (With limited exceptions, non-qualified aliens are ineligible for such benefits regardless of when they entered the United States.) All qualified aliens are eligible for federal means-tested public benefits after the expiration of such five-year period, unless the State in which the alien seeks benefits has imposed additional restrictions on eligibility.

The Department of Health and Human Services and the Social Security Administration have interpreted the limitations on eligibility for federal means-tested public benefits to apply only to mandatory spending programs of the federal government in which eligibility for benefits, or the amount of such benefits, or both, are determined on the basis of income, resources, or financial need of the individual, household, or family. See 62 Fed. Reg. 45,256 (August 26, 1997); 62 Fed. Reg. 45,284 (August 26, 1997) (attached hereto). Under the HHS and SSA interpretations, TANF, Medicaid, and SSI are federal means-tested public benefits that are not otherwise exempted under the Act. You should consult with the appropriate federal agency overseeing the benefit program you administer to determine whether the program is a federal means-tested public benefit program.

The eligibility of qualified aliens for federal means-tested public benefits turns on whether they entered the U.S. before August 22, 1996, the number of years since they obtained qualified alien status, their particular immigration status, and the specific benefits they are seeking.

1. Determine whether the qualified alien entered the United States before August 22, 1996, by reviewing the documents evidencing his or her immigration status or, if the documents do not indicate whether the alien entered before August 22, 1996, by reviewing additional documentation pursuant to guidance provided by the agency or department overseeing your program. Further determine whether the qualified alien obtained qualified alien status prior to August 22, 1996. See Attachment 6 for a list of documents evidencing qualified alien status and guidance on how to derive relevant dates from those documents. In addition to the documents listed in Attachment 6, an alien who was in the United States before August 22, 1996, in a nonimmigrant or other lawful status, but who subsequently obtained qualified alien status, may present INS Form I-94, which is stamped with the date of entry, to demonstrate entry prior to August 22, 1996.
 - If the applicant entered the United States before August 22, 1996, and obtained qualified alien status before that date, he or she is eligible for all federal means-tested public benefits for which he or she satisfies all programmatic eligibility requirements. You should not engage in any further verification of immigration status for these persons.

- If the applicant entered the United States before August 22, 1996, but obtained qualified alien status after that date, you must verify that the alien was continuously present in the United States from the latest date of entry prior to August 22, 1996, until the date he or she obtained qualified alien status. In general, any single absence from the United States of more than 30 days, or a total of aggregated absences of more than 90 days, should be considered to interrupt "continuous presence." To verify continuous presence, you should follow guidance provided by the agency or department overseeing your program, which may call for an applicant to present additional documentation such as tax returns, bills, rent receipts, or a letter from an employer. If the applicant can demonstrate continuous presence, he or she is eligible for all federal means-tested public benefits for which he or she satisfies all programmatic eligibility requirements.
 - If the applicant entered the United States before August 22, 1996, and obtained qualified alien status after that date but was not continuously present in the United States from the latest date of entry prior to August 22, 1996, until obtaining such status, determine if he or she is eligible under Paragraphs 2 and 3 below.
 - If the applicant entered the United States on or after August 22, 1996, and is a qualified alien, determine if he or she is eligible under Paragraphs 2 and 3 below.
2. With certain exceptions listed below, an applicant who entered the United States on or after August 22, 1996, and has attained qualified alien status, or who entered the United States before August 22, 1996, and obtained qualified alien status after that date but did not remain continuously present in the United States from the latest date of entry prior to August 22, 1996, until obtaining such status, is ineligible for all federal means-tested public benefits during the first five years after he or she obtained qualified alien status. Thus, unless the applicant falls within one of the excepted categories listed below, such an applicant is only eligible for federal means-tested public benefits for which he or she satisfies all programmatic eligibility requirements if five years have passed from the date the applicant attained qualified alien status. Determine the date on which the applicant attained qualified alien status by reviewing the documents evidencing his or her status or, if the documents do not indicate the date he or she obtained such status, by filing INS Form G-845 and Supplement along with a copy of the document with the local INS office.

As noted above, the following categories of aliens are exempt from this five-year ban:

- a. Refugees, asylees and aliens whose deportation or removal has been withheld -- see Attachment 5 to Interim Guidance for definition and documentation;
 - b. Qualified aliens lawfully residing in any state who are honorably discharged veterans and who fulfill minimum active-duty service requirements, or who are on non-training active duty in the U.S. Armed Forces, or who are the spouse, unmarried dependent child, or unremarried surviving spouse of such a veteran or active service member, provided that, in the latter case, the marriage satisfies the requirements of 38 U.S.C. § 1304 -- see Attachment 6 and Exhibit B thereto to Interim Guidance for definition and documentation;
 - c. Cuban/Haitian entrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
 - d. Amerasian immigrants admitted to the U.S. pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988; and
 - e. With respect to SSI and Medicaid benefits, American Indians born in Canada and to whom the provisions of section 289 of the INA apply or members of an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act).
3. Under the terms of the Act, the five-year ban does not apply to the following benefits or assistance:
- Medical assistance under Title XIX of the Social Security Act (or any successor program to such Title) for care and services that are necessary for the treatment of an emergency medical condition (as defined in § 1903(v)(3) of such Act) of the alien involved and are not related to an organ transplant procedure, if the alien involved otherwise meets the eligibility requirements for medical assistance under the state plan approved under such Title (other than the requirement of the receipt of aid or assistance under Title IV of such Act, SSI benefits under Title XVI of such Act, or a state supplementary payment);
 - Short-term, non-cash, in-kind emergency disaster relief;
 - Assistance or benefits under the National School Lunch Act;

- Assistance or benefits under the Child Nutrition Act of 1966;
- Public health assistance (not including any assistance under Title XIX of the Social Security Act) for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;
- Payments for foster care and adoption assistance under parts B and E of Title IV of the Social Security Act for a parent or child who would, in the absence of the Act's prohibition on payment of federal means-tested public benefits to qualified aliens during the first five years after entry into the U.S. with qualified alien status, be eligible to have such payments made on the child's behalf under such part, but only if the foster or adoptive parent(s) of such child is a qualified alien;
- Benefits covered by Attorney General Order No. 2049, 61 F.R. 45985 (Aug. 30, 1996), attached to Attachment 4 of the Interim Guidance, re: government-funded community programs, services or assistance that are necessary for protection of life or safety;
- Programs of student assistance under Titles IV, V, IX, and X of the Higher Education Act of 1965, and Titles III, VII, and VIII of the Public Health Service Act;
- Means-tested programs under the Elementary and Secondary Education Act of 1965;
- Benefits under the Head Start Act; and
- Benefits under the Job Training Partnership Act.

processing the payment of health insurance claims by performing data entry of customer provided information and information relating to the cost of medical treatment, and by utilizing the customer's database to match membership and provider information to facilitate payment between the provider and the insurer, and in collection of financial and other data from hard copies and electronic images of airline tickets that is provided to customers for billing purposes, pursuant to § 225.28(b)(14) of the Board's Regulation Y. *See, Banc One Corporation*, 80 Fed. Res. Bull. 139 (1994).

B. Federal Reserve Bank of San Francisco (Pat Marshall, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:
1. BankAmerica Corporation, San Francisco, California; to acquire all of the assets, and assume all of the liabilities of Robertson Stephens & Company Group ("Group"), and Robertson Stephen & Company, Inc. ("RS&Co., Inc."), and thereby engage worldwide in underwriting and dealing in, to a limited extent, all types of debt and equity securities other than interests in open end investment companies *See J.P. Morgan & Co., Inc., Citicorp and Security Pacific Corp.*, 75 Fed. Res. Bull. 192 (1989); in underwriting and dealing in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state members banks of the Federal Reserve System may be authorized to underwrite and deal in under 12 U.S.C. 24 and 335, pursuant to § 225.28(b)(8) of the Board's Regulation Y; in acting as investment or financial advisor, pursuant to § 225.28(b)(6) of the Board's Regulation Y; in providing securities brokerage services (including securities clearing and securities execution services on an exchange), alone and in combination with investment advisory services, and incidental activities (including related securities credit activities and custodial services), pursuant to § 225.28(b)(7) of the Board's Regulation Y; in buying and selling in the secondary market all types of securities on the order of customers as a riskless principal to the extent of engaging in a transaction in which the company, after receiving an order to buy (or sell) a security from a customer, purchases (or sells) the security for its own account to offset a contemporaneous sale to (or purchase from) the customer, pursuant to § 225.28(b)(76) of the Board's Regulation Y; in acting as agent for the private placement of securities in accordance

with the requirements of the Securities Act of 1933 and the rules of the Securities and Exchange Commission, pursuant to § 225.28(b)(7) of the Board's Regulation Y; and in providing administrative and other services to investment companies, including open-end investment companies ("mutual funds"). *See Bankers Trust* 83 Fed. Res. Bull. — (Order dated July 21, 1997); *Barclays PLC*, 82 Fed. Res. Bull. 158 (1996); *Bank of Ireland*, 82 Fed. Res. Bull. 1129 (1996). BankAmerica would engage in these activities in accordance with the limitations and conditions previously established by the Board by regulation or order, with certain exceptions relating to the proposed provision of advisory and administrative services to mutual funds that are discussed in the notice. BankAmerica also intends to acquire certain offshore subsidiaries, companies engaged in providing services to Group and RS & Co. and its affiliates, and proprietary investments currently owned by Group and RS & Co. Inc.

Board of Governors of the Federal Reserve System, August 20, 1997.

Jennifer J. Johnson,
Deputy Secretary of the Board.
 [FR Doc. 97-22601 Filed 8-25-97; 8:45 am]
 BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Tuesday, September 2, 1997.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 22, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97-22867 Filed 8-22-97; 3:44 pm]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of "Federal Means-Tested Public Benefit"

AGENCY: Office of the Secretary, HHS.

ACTION: Notice with comment period.

SUMMARY: This notice with comment period interprets the term "Federal means-tested public benefit(s)" as used in Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Pub. L. 104-193, to include only mandatory spending programs of the Federal Government in which eligibility for the programs' benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the eligibility unit seeking the benefit. At HHS, the benefit programs that fall within this definition (and are not explicitly excepted from the definition by Section 403(c)) are Medicaid and Temporary Assistance for Needy Families (TANF).

DATES: *Effective Date:* This notice is effective on August 26, 1997.

COMMENT PERIOD: Written comments will be considered if we receive them at the appropriate address, as provided in the ADDRESSES section below, no later than 5 p.m. on October 27, 1997.

ADDRESSES: Mail comments (1 original and 3 copies) to the following address: Division of Economic Support for Families, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, Room 404E, 200 Independence Ave., SW, Washington, DC 20201, Attention: David Nielsen.

FOR FURTHER INFORMATION CONTACT:

David Nielsen, (202) 690-7148.

Copies of comments may be inspected at the above address. Inquiries regarding how a particular program is affected by this notice should be submitted to DHHS program staff responsible for managing the program at either the appropriate Regional Office, or Headquarters in Washington, DC. The above contact should be used only to submit general comments regarding the policy interpretation contained in this notice.

SUPPLEMENTARY INFORMATION:

I. Background

Title IV of PRWORA contains several references to the term "Federal means-tested public benefit(s)." The most significant of these references are found in Sections 403 and 421. Section 403 denies "Federal means-tested public benefit(s)" to aliens who entered the United States with a qualified alien status "on or after the date of the enactment of this Act" for 5 years beginning on the date of the aliens' entry into the United States. Section 421 provides that new sponsor-to-alien deeming rules apply to "any Federal means-tested public benefits program." In the absence of a statutory definition of "Federal means-tested public benefit", HHS is interpreting the term to include only benefits provided by means-tested, mandatory spending programs.

Early versions of PRWORA contained a definition of "Federal means-tested public benefit" that could have encompassed benefits provided by both discretionary spending programs and mandatory spending programs. (These early versions provided that, with certain exceptions, "the term 'Federal means-tested public benefit' meant a public benefit (including cash, medical, housing, and food assistance and social services) of the Federal Government in which the eligibility of an individual, household, or family eligibility unit for benefits, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit." 142 Cong. Rec. S8481 (daily ed. July 22, 1996).) During debate over the bill in the Senate, a member of the Senate raised a point of order pursuant to the Byrd Rule, and the definition was struck. The Senate Parliamentarian upheld the Byrd Rule objection, the Senate did not appeal the ruling, and PRWORA was ultimately enacted without defining the term.

PRWORA was subject to Section 313 of the Congressional Budget Act of 1974, also known as the "Byrd Rule," because it was enacted as a budget reconciliation bill. Under the Byrd Rule, a Senator may raise a point of order to strike or prevent the incorporation of "extraneous" material. A provision in a reconciliation bill will be considered "extraneous" and subject to a point of order if, among other things, "it produces changes in outlays or revenues which are merely incidental to the non-budgetary components of the provision." 2 U.S.C. § 644(b)(1)(D). The legislative history of PRWORA indicates that the Senate understood the significance of the Byrd

Rule objection in terms of limiting the scope of the definition of "Federal means-tested public benefit" to mandatory spending programs, while leaving discretionary programs unaffected. See 142 Cong. Rec. at S9403 (daily ed. August 1, 1996) (statement of Senator Chafee); 142 Cong. Rec. at S9400 (statements of Senators Graham, Kennedy and Exon). Therefore, to the extent the definition of "Federal means-tested public benefit" included benefits provided by discretionary spending programs, it was subject to a Byrd Rule objection.

II. Interpretation

In light of the statutory language and legislative history, HHS is defining "Federal means-tested public benefit" to apply only to benefits provided by Federal means-tested, mandatory spending programs, and not to any discretionary spending programs or to any mandatory spending programs that are not means-tested. For purposes of this Federal Register notice, a program is considered "means-tested" if eligibility for the program's benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the eligibility unit seeking the benefit.

The following HHS programs are means-tested, mandatory spending programs: Medicaid, Temporary Assistance for Needy Families (TANF), Foster Care, Adoption Assistance, and part of the Child Care Development Block Grant. Foster Care and Adoption Assistance, however, are explicitly exempted from the term "Federal means-tested public benefit" under Section 403(c)(2)(F). The Child Care Development Block Grant program is unique in that it is funded from both mandatory and discretionary parts of the budget. Since the funds are operationally commingled at the state and local level, and since the mixed nature of the funding results in budgetary effects more closely akin to those of a discretionary spending program, we are treating Child Care as a discretionary spending program for purposes of interpreting "Federal means-tested public benefit." Therefore, the HHS programs that constitute "Federal means-tested public benefits" under PRWORA are Medicaid and TANF.

This interpretation pertains only to HHS and its benefit programs. Other Executive Branch agencies whose programs may be subject to PRWORA will make independent determinations about the scope of the term.

III. Comment Period and Effective Date

Although HHS is soliciting public comment on this interpretation, we believe that it is necessary to apply this interpretation to HHS programs immediately, prior to receipt and consideration of any comments.

PRWORA was enacted in August, 1996, and since that time HHS has received numerous inquiries regarding the application of the term "Federal means-tested public benefit." Additional delay will cause unnecessary or incorrect administrative actions by agencies or entities that administer our programs. We also believe it is possible that due to confusion about the application of the term "Federal means-tested public benefit" people may have been denied critical benefits and services who, according to the interpretation in this notice, are otherwise eligible. Without prompt issuance of this interpretation, state and local governments and other public and private benefit providers will remain confused over how to implement the requirements of Title IV of PRWORA. Finally, some states have indicated their intention to define the term "Federal means-tested public benefit" on their own if Federal guidance is not forthcoming soon. Independent interpretations by states will only compound the confusion on this issue since there is no certainty that each state will arrive at the same definition of the term. In sum, although we are providing a 60-day period for public comment, as indicated at the beginning of this notice, this interpretation is effective immediately.

IV. Economic Impact

The Department has analyzed the costs and benefits of this notice to determine whether it has a substantial economic effect on the economy as a whole, on states, or on small entities. The purpose of this analysis was to identify less burdensome or more beneficial alternatives and thereby to influence the requirements imposed by the notice.

PRWORA creates major economic effects, a large portion of which results from changes in the law relating to immigrants' eligibility for Federal benefits. We estimated the 1997-2002 Federal budget savings to Medicaid due to the immigrant restrictions would be \$5.1 billion. There were no Federal budget savings estimated for TANF because, as a block grant, its spending levels were fixed regardless of caseload size. These Medicaid budget effects are essentially due to the eligibility restrictions contained in the statute.

This notice provides HHS' interpretation as to whether any other HHS programs are subject to the PRWORA requirements regarding immigrants' eligibility for "Federal means-tested" benefits, and thereby serves to prevent confusion among administering agencies, grantee agencies, benefit providers, and the public. This interpretation has no effect on overall spending levels for any discretionary-funded HHS programs. Nor does this interpretation create burdens or mandates on states or small entities.

As a result of the PRWORA eligibility restrictions, this notice is classified as economically "significant" under Executive Order 12866's criterion of an economic effect of more than \$100 million. For the same reason, it is classified as a "major rule" for purposes of Congressional review under 5 U.S.C. § 801 et. seq., Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121). And, for the same reasons noted in section III above, this notice is effective immediately under the exception procedures of § 808 of that statute because we have determined for good cause that delayed implementation is impractical and contrary to the public interest.

Dated: August 21, 1997.

Donna E. Shalala,
Secretary.

[FR Doc. 97-22683 Filed 8-25-97; 8:45 am]
BILLING CODE 4150-04-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Contract Review Meeting

In accordance with Section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), announcement is made of the following technical review committee to meet during the month of September 1997:

Name: Committee on the Agency for Health Care Policy and Research Health Insurance Plan Abstraction Data Base Project.

Date and Time: September 3, 1997, 10:00-12:00 p.m.

Place: Agency for Health Care Policy and Research, 2101 East Jefferson Street, Suite 500, Rockville, Md 20852.

This meeting will be closed to the public. **Purpose:** The Technical Review Committee's charge is to provide, on behalf of the Agency for Health Care Policy and Research (AHCPR) Contracts Review Committee, recommendations to the

Administrator, AHCPR, regarding the technical merit of the contract proposals submitted in response to a specific Request for Proposals regarding the AHCPR Health Insurance Plan Abstraction Data Base Project.

The purpose of this contract is to create a data base of health insurance benefits information. These data describe the health benefits included in health insurance policy booklets that are collected as part of the Medical Expenditure Panel Survey. In order to develop a uniform set of benefits data, policy booklets are read, reviewed for completeness, and information is abstracted into an electronic data base. To support this effort, the contract also provides support for programming the required software and for implementing a training component. The training component is needed to instruct personnel in a uniform set of standards to be applied during the abstraction of information from health insurance policy booklets.

Agenda: The Committee meeting will be devoted entirely to the technical review and evaluation of the contract proposals submitted in response to the above referenced Request for Proposals. The Administrator, AHCPR, has made a formal determination that this meeting will not be open to the public. This action is necessary to protect the free and full exchange of views in the contract evaluation process and safeguard confidential proprietary information, and personal information concerning individuals associated with the proposals that may be revealed during the meeting. This action is taken in accordance with section 10(d) of the Federal Advisory Committee Act, 5 U.S.C., Appendix 2, 5 USC (b)(5)(2)(D), 41 CFR Section 101-6.1023 and Department procurement regulations, 48 CFR section 315.604(d).

Anyone wishing to obtain information regarding this meeting should contact Jessica Vistnes, Center for Cost and Financing Studies, Agency for Health Care Policy and Research, 2101 East Jefferson Street, Suite 500, Rockville, Maryland 20852, 301/594-1406.

Dated: August 20, 1997.

John M. Eisenberg,
Administrator.

[FR Doc. 97-22620 Filed 8-25-97; 8:45 am]
BILLING CODE 4160-00-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY-22-97]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these

requests, call the CDC Reports Clearance Office on (404) 639-7090. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Projects

1998 National Health Interview Survey, Basic Module (0920-0214)—Revision—The annual National Health Interview Survey (NHIS) is a basic source of general statistics on the health of the U.S. population. Due to the integration of health surveys in the Department of Health and Human Services, the NHIS also has become the sampling frame and first stage of data collection for other major surveys, including the Medical Expenditure Panel Survey, the National Survey of Family Growth, and the National Health and Nutrition Examination Survey. By linking to the NHIS, the analysis potential of these surveys increases. The NHIS has long been used by government, university, and private researchers to evaluate both general health and specific issues, such as cancer, AIDS, and childhood immunizations. Journalists use its data to inform the general public. It will continue to be a leading source of data for the Congressionally-mandated "Health US" and related publications, as well as the single most important source of statistics to track progress toward the National Health Promotion and Disease Prevention Objectives, "Healthy People 2000."

Because of survey integration and changes in the health and health care of the U.S. population, demands on the NHIS have changed and increased, leading to a major redesign of the annual core questionnaire, or Basic Module, and a redesign of the data collection system from paper questionnaires to computer assisted personal interviews (CAPI). Those redesigned elements were partially implemented in 1996 and fully implemented in 1997. This clearance is for the second full year of data collection using the Basic Module on CAPI, and for implementation of the first "Topical Module" (or supplement), which is on Health People 2000 Objectives. Ad hoc Topical Modules on various health issues are provided for in the redesigned NHIS. This data collection, planned for January-December 1998, will result in publication of new national estimates of health statistics, release of public use micro data files, and a sampling frame for other integrated surveys. In

Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of August 25, 1997.

A closed meeting will be held on Thursday, August 28, 1997 at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Hunt, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, August 28, 1997, at 10:00 a.m., will be:

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942-7070.

Dated: August 21, 1997.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 97-22799 Filed 8-22-97; 1:00 p.m.]

BILLING CODE 8010-01-M

SOCIAL SECURITY ADMINISTRATION

Personal Responsibility and Work Opportunity Reconciliation Act of 1996: Federal Means-Tested Public Benefits Paid by the Social Security Administration

AGENCY: Social Security Administration.

ACTION: Notice of Benefits Paid by the Social Security Administration Meeting the Definition of a "Federal Means-Tested Public Benefit".

SUMMARY: The Social Security Administration announces that, for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), as amended, the only benefits paid by the Social Security Administration which are "Federal means-tested public

"benefits" are supplemental security income payments made under title XVI of the Social Security Act. This notice pertains to the eligibility of aliens for certain government benefits during their first 5 years of entry with a specified immigrant status, to aliens who are lawfully admitted for permanent residence who can be credited with 40 qualifying quarters of coverage, and to the operation of alien-sponsor deeming rules.

FOR FURTHER INFORMATION CONTACT:

Diane Blackman, Deputy Associate Commissioner, Office of Program Benefits Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, 410-965-3571.

SUPPLEMENTARY INFORMATION:

Section 403 of title IV of the PRWORA, enacted August 22, 1996, provides that qualified aliens entering the United States on or after the date of enactment, are ineligible for "Federal means-tested public benefits" during the first 5 years they are qualified aliens, unless they fall within certain specified exceptions. In addition, sections 402 and 435 provide that aliens who are lawfully admitted for permanent residence are eligible for certain Federal benefits if they can be credited, individually and/or from a spouse or parent, with 40 qualifying quarters of coverage. However, qualifying quarters of coverage may not be credited for any quarter in which the individual received a "Federal means-tested public benefit" after December 31, 1996. Similarly, under section 412, aliens who are lawfully admitted for permanent residence are eligible for certain State public benefits if they can be credited with 40 qualifying quarters of coverage but only if they did not receive a "Federal means-tested public benefit" in that quarter after the foregoing date. Also, with respect to the operation of the alien-sponsor deeming rules described in section 421, receipt of "Federal means-tested public benefits" is a factor in determining the duration of the deeming period.

Prior to the enactment of PRWORA, early versions of the bill contained a definition of "Federal means-tested public benefit" that could have encompassed benefits provided by both discretionary spending programs and mandatory spending programs. (These early versions provided that, with certain exceptions, "the term 'Federal means-tested public benefit' meant a public benefit (including cash, medical, housing, and food assistance and social services) of the Federal Government in

which the eligibility of an individual, household, or family eligibility unit for benefits, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit." 142 Cong. Rec. S8481 (daily ed. July 22, 1996).)

PRWORA was subject to section 313 of the Congressional Budget Act of 1974, also known as the "Byrd Rule," because it was enacted as a budget reconciliation bill. Under the Byrd Rule, a Senator may raise a point of order to strike or prevent the incorporation of "extraneous" material. A provision in a reconciliation bill will be considered "extraneous" and subject to a point of order if, among other things, "it produces changes in outlays or revenues which are merely incidental to the non-budgetary components of the provision." 2 U.S.C. § 644(b)(1)(D). The legislative history of PRWORA indicates that the Senate understood the significance of the Byrd Rule objection in terms of limiting the scope of the definition of "Federal means-tested public benefit" to mandatory spending programs, while leaving discretionary programs unaffected. See 142 Cong. Rec. at S9403 (daily ed. August 1, 1996) (statement of Senator Chafee); 142 Cong. Rec. at S9400 (statements of Senators Graham, Kennedy and Exon). Therefore, to the extent the definition of "Federal means-tested public benefit" included benefits provided by discretionary spending programs, it was potentially subject to a Byrd Rule objection and thus stricken from the legislation.

During Senate debate on PRWORA, a point of order was raised pursuant to the Byrd Rule. The Presiding Officer sustained the point of order, and the ruling was not appealed. The definition was stricken and PRWORA was ultimately enacted without the term "Federal means-tested public benefit" being defined. H.R. Conference Report No. 725, 104th Congress, 2nd session 381-82 (1996).

In light of the statutory language and legislative history, "Federal means-tested public benefit" applies only to benefits provided by Federal means-tested, mandatory spending programs.

The purpose of this notice is to announce which payments made by the Social Security Administration constitute a "Federal means-tested public benefit" as described above. The Social Security Administration announces that, of the programs it administers, only supplemental security income benefits under title XVI of the Social Security Act are "Federal means-tested public benefits" for purposes of title IV of the Personal Responsibility

and Work Opportunity Reconciliation Act of 1996, as amended.

Dated: August 18, 1997.

Glenna Donnelly,
Assistant Deputy Commissioner for Programs
and Policy.

[FR Doc. 97-22697 Filed 8-25-97; 8:45 am]

BILLING CODE 4190-29-P

DEPARTMENT OF STATE

[Public Notice No. 2593]

United States International Telecommunications Advisory Committee (ITAC), Standardization Sector (ITAC-T); Study Groups B and D and Citel Ad-Hoc; Meeting Notice

The Department of State announces that the United States International Telecommunications Advisory Committee (ITAC), Telecommunications Standardization Sector (ITAC-T) Study Groups B and D and CITEL AD-HOC have scheduled meetings to develop United States positions and contributions for upcoming ITU-T meetings dealing with standardization activities of the International Telecommunications Union and preparatory activity for CITEL PCC-I and COM/CITEL. These meetings will take place at the Department of State, at 2201 C Street, NW., Washington, DC beginning at 9:30 a.m. each day and are scheduled to meet all day. The ITAC-T Study Groups B and D dealing primarily with the upcoming meetings of ITU-T Study Groups 7, 8, and 4 will meet September 23 in Room 1207, and the preparatory activities for CITEL meetings will follow in the same room.

Study Groups B and D will meet on November 4, 1997 in Room 1406 to continue preparations for ITU-T Study Group 7 in December, 1997, and the meeting of ITU-T Study Group in January 1998, and the COM/CITEL meeting scheduled for December 1-5, 1997 in Montevideo, Uruguay. A more extensive agenda may be developed and distributed by fax or electronic mail to members prior to the announced meetings including the scheduling of appropriate Ad-Hoc meetings. Other matters within the purview of U.S. Study Group D as well as Ad-Hoc CITEL preparations may be raised.

Members of the General Public may attend this meeting and join in the discussions, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In this regard, entrance to the Department of State is controlled. Questions regarding the meeting may be

addressed to Mr. Gary Fereno at (202) 647-0200.

Note: If you wish to attend please send a fax to (202) 647-7407 not later than 24 hours before the scheduled meeting. On this fax, please include subject meeting, your name, social security number, company/organization, and date of birth. One of the following valid photo identifications will be required for admittance: U.S. driver's license with your picture on it, U.S. passport, U.S. Government identification (company ID's are no longer accepted by Diplomatic Security). Enter from the "C" Street Main Lobby.

Dated: August 15, 1997.

Earl S. Barbely,
Chairman, U.S. ITAC for
Telecommunications Standardization.
[FR Doc. 97-22583 Filed 8-25-97; 8:45 am]
BILLING CODE 4710-45-M

DEPARTMENT OF STATE

[Public Notice No. 2591]

Shipping Coordinating Committee International Maritime Organization (IMO) Legal Committee; Notice of Meeting

The U.S. Shipping Coordinating Committee (SHC) will conduct an open meeting at 10:00 a.m., on Wednesday, October 1, 1997, in Room 2415 U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. The purpose of this meeting is to prepare for the 76th session of the IMO Legal Committee, which will be held October 13-17, 1997, in London, regarding the provision of financial security for seagoing vessels, compensation for pollution from ships' bunkers, a draft convention on wreck removal, the carriage by sea of radioactive materials, and other matters. This meeting will also be a further opportunity for interested members of the public to express their views on whether the United States should ratify the Hazardous and Noxious Substances Convention, adopted in London in May, 1996.

Members of the public are invited to attend the SHC meeting, up to the seating capacity of the room. For further information, or to submit views concerning the subjects of discussion, write to either Captain Malcolm J. Williams, Jr., or Lieutenant Commander Bruce P. Dalcher, U.S. Coast Guard (G-LMI), 2100 Second Street, S.W., Washington, D.C. 20593, or by telephone (202) 267-1527, telefax (202) 267-4496.

Dated: August 14, 1997.

Russell A. La Mantia,
Chairman, Shipping Coordinating Committee.
[FR Doc. 97-22582 Filed 8-25-97; 8:45 am]
BILLING CODE 4710-07-M

DEPARTMENT OF STATE

[Public Notice No. 2592]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea and Associated Bodies, Working Group on Stability and Load Lines and on Fishing Vessels Safety; Notice of Meeting

The Working Group on Stability and Load Lines and on Fishing Vessels Safety of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9 a.m. on Thursday, September 18, 1997, in Room 6103, at U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593-0001. This meeting will discuss the upcoming 41st Session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF) and associated bodies of the International Maritime Organization (IMO) which will be held on January 26-30, 1998, at the IMO Headquarters in London, England.

Items of discussion will include the following:

- Harmonization of damage stability provisions in the IMO;
- Progress of the Intersessional Correspondence Group on Load Lines issues;
- Technical revisions to the Code on Intact Stability;
- High Speed Craft Code revision;
- Role of the human element, including shipboard loading and stability software; and
- Safety aspects of ships engaged in a ballast water exchange.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Paul Cojeen, U.S. Coast Guard Headquarters, Commandant (G-MSE-2), Room 1308, 2100 Second Street, SW, Washington, DC 20593-0001 or by calling (202) 267-2988.

Dated: August 14, 1997.

Russell A. La Mantia,
Chairman, Shipping Coordinating Committee.
[FR Doc. 97-22584 Filed 8-25-97; 8:45 am]
BILLING CODE 4710-07-M

Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER EAC-97-094-50417		CASE TYPE I360 PETITION FOR AMERASIAN, WIDOWER, OR SPECIAL IMMIGRANT	
RECEIPT DATE February 24, 1997	PRIORITY DATE February 24, 1997	PETITIONER CARSWELL, GRACE E.	
NOTICE DATE February 24, 1997	PAGE 1 of 1	BENEFICIARY CARSWELL, GRACE E.	
GRACE E. CARSWELL 75 LOWER WELDEN ST SAINT ALBANS VT 05479		Notice Type: Approval Notice Section: Self-Petitioning Spouse of Abusive U.S.C. or LPR	

The above petition has been approved.

The petition indicates that the person the petition is for is in the United States and will apply for adjustment of status. He or she should contact the local INS office to obtain Form I-485, Application for Permanent Residence. A copy of this notice should be submitted with the application.

If the person for whom you are petitioning decides to apply for a visa outside the United States based on this petition, the petitioner should file Form I-624, Application for Action on an Approved Application or Petition, with this office to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

Please read the back of this form carefully for more information.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

I-360
Valid Applicants
May Include:

Self-petitioning spouse or
child of an abusive U.S. citizen

Self-petitioning spouse or
child of an abusive LPR

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (802) 527-3160



- *Please save this notice for your records. Please enclose a copy if you have to write us or a U.S. Consulate about this case, or if you file another application based on this decision.*
 - *You will be notified separately about any other applications or petitions you have filed.*
-

Additional Information

GENERAL.

The filing of an application or petition does not in itself allow a person to enter the United States and does not confer any other right or benefit.

INQUIRIES.

You should contact the office listed on the reverse of this notice if you have questions about the notice, or questions about the status of your application or petition. *We recommend you call.* However, if you write us, please enclose a copy of this notice with your letter.

APPROVAL OF NONIMMIGRANT PETITION.

Approval of a nonimmigrant petition means that the person for whom it was filed has been found eligible for the requested classification. If this notice indicated we are notifying a U. S. Consulate about the approval for the purpose of visa issuance, and you or the person you filed for have questions about visa issuance, please contact the appropriate U. S. Consulate directly.

APPROVAL OF AN IMMIGRANT PETITION.

Approval of an immigrant petition does not convey any right or status. The approved petition simply establishes a basis upon which the person you filed for can apply for an immigrant or fiance(e) visa or for adjustment of status.

A person is not guaranteed issuance of a visa or a grant of adjustment simply because this petition is approved. Those processes look at additional criteria.

If this notice indicates we have approved the immigrant petition you filed, and have forwarded it to the Department of State Immigrant Visa Processing Center, that office will contact the person you filed the petition for directly with information about visa issuance.

In addition to the information on the reverse of this notice, the instructions for the petition you filed provide additional information about processing after approval of the petition.

For more information about whether a person who is already in the U. S. can apply for adjustment of status, please see Form I-485, *Application to Register Permanent Residence or Adjust Status*.

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
LOS ANGELES, CA

In the Matter of: _____
File:
In DEPORTATION Proceedings

Order of the
Immigration Judge

This is a summary of the Oral Decision and Order entered on Jan 22, 1997. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed, the Oral Decision and Order will be transcribed and will become the official opinion in this case.

_____ The Respondent's application for Voluntary Departure was denied and he/she was ordered deported to _____

or

_____ Respondent's application for Voluntary Departure was granted to on or before _____ with an alternate Order of Deportation to _____

_____ Respondent's application for ASYLUM was Granted / Denied.
WITHHOLDING OF DEPORTATION was Granted / Denied.

_____ A waiver under Sec. 212 (c) was Granted / Denied.

_____ The Respondent was Granted / Denied adjustment of status.

☒ The Respondent's application for suspension of deportation is hereby Granted / ~~Denied~~.

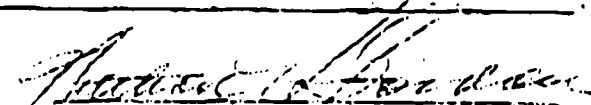
☒ The proceedings were terminated.

_____ The Respondent was ordered deported to _____

☒ Appeal ~~reserved~~ / waived by Service of Respondent. Notice of Appeal to be filed no later than _____

_____ Other _____

Date: Jan 22, 1997


NATHAN W. GORDON
Immigration Judge

AJJ

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

IN THE MATTER OF A [REDACTED]
[REDACTED]

CHARGE: SECTION 241(a)(2)
OF THE I&N ACT
APPLICATION:

ON BEHALF OF THE RESPONDENT: [REDACTED]
ON BEHALF OF INS: [REDACTED]

MEMORANDUM OF ORAL DECISION

THE RESPONDENT CONCEDED DEPORTABILITY ON THE ABOVE ENUMERATED CHARGE AND WAS THEREFORE FOUND DEPORTABLE AS CHARGED. THE RESPONDENT APPLIED FOR SUSPENSION OF DEPORTATION UNDER SECTION 244(a) OF THE ACT, AND SUBMITTED TESTIMONY AND EVIDENCE IN SUPPORT OF THE APPLICATION. AT THE CLOSE OF THE DEPORTATION PROCEEDINGS I ENTERED AN ORAL DECISION GRANTING THE RESPONDENT'S APPLICATION. IN MY ORAL DECISION I ARTICULATED THE FACTORS WHICH LED ME TO CONCLUDE THAT THE RESPONDENT'S APPLICATION SHOULD BE GRANTED. SINCE THE IMMIGRATION SERVICE HAS NOT APPEALED THIS DECISION, MY DECISION IS FINAL AND THE FOLLOWING ORDERS ARE ENTERED:

ORDER: IT IS ORDERED THAT THE DEPORTATION OF THE RESPONDENT BE SUSPENDED UNDER THE PROVISIONS OF SECTION 244(a)(1) OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED.

IT IS FURTHER ORDERED THAT PROCEEDINGS BE CANCELLED AFTER THE PERIOD SPECIFIED IN SECTION 244(c)(2) HAS EXPIRED, AND THAT APPROPRIATE ACTION BE TAKEN UNDER SECTION 244(d) OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED.

[REDACTED]
IMMIGRATION JUDGE
Mar 12, 1997

CC: DISTRICT COUNSEL INS

CF

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT

File: A [REDACTED]

In the Matter of

a.k.a. [REDACTED]

a.k.a. [REDACTED]

Respondent

)
)
) IN DEPORTATION
) PROCEEDINGS
)
)
)

CHARGE: Section 241(a)(2) of the Immigration and Nationality Act ("Act") [8 U.S.C. §1251(a)(2)] - Remained Longer than Permitted

APPLICATION: Suspension of Deportation

ON BEHALF OF RESPONDENT:

[REDACTED]

ON BEHALF OF SERVICE:

[REDACTED] Esq.
Trial Attorney Unit - INS
JFK Federal Bldg, Rm. 425
Boston, MA 02203

DECISION OF THE IMMIGRATION JUDGE

The respondent is a forty-four year old native and citizen of Liberia. The Order to Show Cause ("OSC") alleges that sometime before the Summer of 1984, the respondent entered the United States as a visitor for pleasure and was authorized to stay for a period not to exceed six months and that he remained beyond this time without authorization. Through counsel, the respondent claims he entered the United States on February 27, 1973 and has been here continuously since this time. The respondent claims he changed his visitor visa to a student visa in 1973 which he maintained until 1978. He admits that he remained in the United States after time that. On the record before me, I find that the respondent's deportability on the charge set forth above has been established by clear, unequivocal, and convincing evidence. See 8 C.F.R. section 242.14(a).

The respondent filed an application for suspension of deportation on Form I-256A pursuant to 244(a)(1) of the Act, 8 U.S.C. section 1254(a)(1). The issue before me is whether

the respondent should be granted this relief.

Summary of Evidence

The respondent, together with his sister [REDACTED] and friend, [REDACTED], testified on behalf of the respondent's application for relief. The following is a summary of the testimony of each witness.

[REDACTED]

The respondent testified that he entered the United States on February 27, 1973. To support this assertion, the respondent produced documents to show his presence in the United States at this time. He produced a letter from Newman Preparatory School which states that he attended the school from June 11, 1973 until May 24, 1974. (Exhibit 23). He also submitted a transcript from the school to support this letter. (Exhibit 24). He also presented a letter from a Reverend Hoffman which states that the respondent lived with the Reverend during the 1970's. (Exhibit 28). However, the respondent showed no record of entry into the United States. The Order to Show Cause (OSC) issued by the Service was produced on October 17, 1985 and states that the respondent entered on or just before the summer of 1984. The respondent denies this date of entry and claims he came to the US with a Visitor's Visa in 1973 and shortly after, changed his status to that of a student.

The respondent admits that he was out of student status during 1978 while he was taking a leave of absence from Boston University. He claimed he faced financial problems, but returned to Boston University in 1979. The respondent did not reapply for a student visa at this time because he could not receive a transcript from Boston University due to the debt he had accumulated there. He could not register for classes because he could not afford to pay his loans.

The respondent has no children and is not married. He was engaged in 1985 and was arrested for assault and battery with a weapon and assault on a police officer during this time because of an argument he had with his fiancée. He claimed he was not doing anything wrong and the police were just giving him a hard time. When he appeared at his hearing about a month later, the charges against him were dismissed. He has also been arrested for operating a motor vehicle without a license but this charge was also dismissed. The respondent claimed he had no other charges against him.

The respondent claimed he changed his name on September 16th, 1991 from [REDACTED] to [REDACTED] because he wanted to honor his father. (Exhibit 22; Name Change Registration Certificate). His father had been adopted and given the name [REDACTED]. The respondent changed

his name to his father's birth name to recognize his family. Two of his brothers also changed their names to honor the family.

The respondent has worked in a number of jobs since he entered the United States. He currently works at the Massachusetts College of Art in the Public Safety Department where he has been since August 21, 1996. Before this, he worked for Star Market as a grocery clerk from June to July, 1996. He has also worked at Barsamians (January 1996) and Central Square Market (July 1990-July 1992) as a grocery clerk. He also performs odd-jobs on his own such as house remodeling and painting which he has done since 1994. He was a security guard from 1992 to 1994 and from 1986 to 1990 for Burns Security. He claimed he did not have any documents pertaining to his employment.

The respondent testified that he has four brothers and five sisters, two of whom live in the United States. He has one brother who is a refugee in the Ivory Coast and one sister who is a refugee in Monrovia. Two of his sisters are deceased and one of his brothers is missing. The respondent claimed to have nephews and nieces in the US.

The respondent testified to his extensive involvement in the Calvary International Church and the Boston Temple Church. He has been a member of the Calvary Church and has served as the director of outreach services since 1973. He provided letters from the Pastor of the church, Edward Hoffman, describing this participation. (Exhibit 26-28). He also helps with the food pantry and seeks donations. With the Boston Temple Church, the respondent asserted that he distributed food to shelters through the Helping Hands Project and organized food drives for the hungry. He is also part of the Oasis Organization which tutors young people in the community.

The respondent claimed that he became a member of the Grace United Methodist Church in 1994 and is on the Board of Trustees and sings in the choir. He also raises money for the church and was on a committee to hire a contractor to repair damages done to the church. He has done this work from 1994 to the present and donates about twenty hours to helping the church with community related activities. The respondent presented a letter from the Pastor of the Grace Church which described his dedication to helping the needs of the community. (Exhibit 28). The respondent also submitted a letter from a members of the congregation describing his involvement in the church. (Exhibit 27).

The respondent also claimed he attended the Seventh Day Adventist Church in Cambridge and is currently studying to become a Deacon. He is the chairman of the fundraising committee and part of the Peer Youth Leadership Development Project that teaches the principles of Christ to young people. The respondent explained that his parents were

Methodist and he went to a Methodist School while in Liberia, but when he came to the US, he was sent to a Seventh Day Adventist Church which he is currently familiar and comfortable in. He has strong ties to both churches and that explains why he participates in both.

The respondent also described his participation with the Cambridge Equal Opportunity Commission; Food For Free which provides food for the needy. He helps collect the food and redistribute it to the hungry. He has been with this group since 1991 and spends about eight hours a week assisting them. The respondent submitted a letter from a representative of Food For Free describing the respondent's character and activities with the organization. (Exhibit 29).

The respondent claimed that the last time he was in Liberia was in 1973 when he was 23 years old. He has had contact with Liberians recently arriving into the US who have described the deteriorating conditions in Liberia. He has also seen news reports which described the bleak picture of present-day Liberia. He has heard that the country is in total chaos because of the civil war and the infrastructure has been destroyed. If he were to return, the respondent claimed he would have nowhere to live. He would not be able to get a job because unemployment is so high and the country is economically destroyed. His family owned property but it has been destroyed with the war. The respondent claimed that he could not survive if he were returned to Liberia and that he is terrified of this happening. The respondent claimed that his sister is in the US and most of his relatives are dead or missing. He has none that remain in Liberia. He is afraid of the open warfare and factions that target certain groups, such as those who practice a Christian religion. He claimed he would not be able to practice his religious beliefs because he would be killed. He described how most of the religious centers have been burned down and the people are no longer able to worship freely. He would not be able to study for the ministry or become a Deacon as he plans to do in the US.

The respondent claimed that he filed income tax with the Internal Revenue Service for seven years, but owes them \$6,000. In the beginning of October, 1996 he arranged to pay the IRS \$200 a month.

On cross examination, the respondent claimed that he last saw his sister in 1988 when he went to Houston to see her. Before that time, he had seen her in 1983 in Washington, DC. He claimed that he did not file his taxes every year but filed about a month ago. He did not file for the past three years because he did not know how to do so. He now owes \$6,070 for taxes not paid in 1988, 90, and 93. He has received money for painting the church and assistance with his immigration case but he has not received housing from the church. He has promised to pay the money he owes.