

B Qualified Noncitizens



This subject includes a list of noncitizens that are potentially eligible for NA and CA.

Policy

A noncitizen is a person who is not a United States (U.S.) citizen by birth or by naturalization. A qualified noncitizen is a person lawfully residing in the U.S. with a classification status that allows potential eligibility for NA and CA. Qualified noncitizens are potentially eligible for NA and CA. When a participant in the household is not a qualified noncitizen, see [nonqualified noncitizens](#) for important information.

Participants are required to declare the immigration status of any noncitizen applying for NA or CA benefits. Noncitizens who meet the qualified noncitizen criteria are potentially eligible to receive NA and CA. A noncitizen is determined qualified by the Status and Class of Admission (COA) Code given by the United States Citizenship and Immigration Services (USCIS).

Qualified noncitizens have either temporary qualified status or permanent qualified status.

To determine whether a noncitizen with temporary qualified status is potentially eligible for NA and CA, see **any** of the following:

- [Amerasian](#)
- [Asylee](#)
- [Battered noncitizen](#)
- [Cuban or Haitian entrant](#)
- [Deportation withheld](#)
- [Indefinite detainee](#)
- [Parolee](#)
- [Refugee](#)
- [Special immigrant Visa holder](#)
- [Ukrainian Refugees](#)
- [Victim of severe trafficking](#)

To determine whether a noncitizen with permanent qualified status is potentially eligible for NA and CA, see **any** of the following:

- [American Indians born outside of the United States](#)
- [Hmong and Highland Laotians](#)
- [Lawful permanent residents \(LPRs\)](#)

NOTE Most LPR's come to the U.S. in a temporary status listed above. A noncitizen that enters the U.S. as an LPR is usually sponsored.

Amerasian

An Amerasian is a person who is admitted into the U.S. pursuant to section 584 of Public Law 100-202, as amended by Public Law 100-461.

Amerasians as qualified noncitizens are potentially eligible for NA or CA.

NOTE An Amerasian who is later granted LPR status is potentially eligible for NA and CA based on their previous status.

Amerasians may also qualify for benefits provided by the Refugee Resettlement Program (RRP). Their cases are processed at designated FAA Refugee Offices for the first 12 months in the United States.

Noncitizen participants who have **one or more** of the following annotated USCIS documents are considered qualified noncitizens and are potentially eligible for NA and CA:

- I-94 card or electronic admission record with **any** of the following Class of Admission (COA) Codes:
 - AM-1
 - AM-2
 - AM-3
- I-551, Permanent Resident Card (or Resident Alien Card) with **any** of the following Adjustment Codes:
 - AM-6
 - AM-7
 - AM-8
- Vietnamese Exit Visa or passport with **any** of the following codes:
 - AM-1
 - AM-2
 - AM-3

NOTE This document may or may not include a temporary I-551 stamp

Asylee

An asylee is a person who has been granted protection and immunity from extradition by USCIS.

A noncitizen granted asylee status is potentially eligible for NA and CA.

NOTE An asylee who is later granted LPR status is potentially eligible for NA and CA based on their previous status.

An asylee may also qualify for benefits provided by the Refugee Resettlement Program (RRP). Their cases are processed at special FAA Refugee Offices for the first 12 months in the United States.

Noncitizen participants who have **one or more** of the following annotated USCIS documents are considered qualified noncitizens and are potentially eligible for NA and CA:

- I-94 stamped admitted under Section 208
- I-688B (Employment Authorization) with the provision of law code 274a.12(a)(5)
- I-730 Approval letter
- I-766 (Employment Authorization) displaying A5
- I-571 (Refugee Travel Document)
- Approval letter from USCIS
- An order from an Immigration Judge granting asylum
- A written decision from the Board of Immigration Appeals

Battered Noncitizen

A battered noncitizen is a person who has suffered abuse or extreme cruelty while living with their abuser in the United States. **Any** of the following must have caused the abuse:

- Parent.
- [Spouse\(g\)](#).
- Relative of the parent or spouse who resides in the same home as the battered noncitizen. The parent or spouse must not actively have participated in the battery or cruelty.

Only battered noncitizens designated as qualified are potentially eligible for NA and CA. To be a qualified battered noncitizen, the noncitizen is required to possess a Prima Facie Determination petition for immigration status. The petition may be in an approved or pending status. The petition may be in **one** of the following categories:

- Petition for Alien Relative (I-130) form filed by their spouse or the child's parent
- A form I-130 petition as a widow or widower of a U.S. citizen
- Self-petition under the Violence Against Women Act (VAWA) application for cancellation of removal or suspension of deportation filed as a victim of domestic violence. The Self-Petition must be completed on the Petition for Amerasian, Widow(er), or Special Immigrant (I-360) form. **Each** of the following is eligible to complete a self-petition under VAWA:

Spouses abused by a U.S. citizen or an LPR. (This includes an intended spouse or a former spouse.) The spouse may also complete a self-petition for all their unmarried children under age 21 when the child has not completed their own

petition.

Parents who complete a Self-Petition when they are abused by their U.S. citizen child and the abusive child is 21 or older. This includes stepparents.

Unmarried children under the age of 21 when they are abused by a U.S. citizen or LPR parent. This includes stepchildren or adopted children. When the abusive parent causes a delay in completing the Self-Petition, the I-360 may be completed after the abused person turns 21. The I-360 must be completed before their 25th birthday.

- The abuse occurred in the United States.
- The noncitizen no longer resides with the abusive person

The participant is required to write a statement providing **all** of the following information:

- The citizenship status of the abuser
- The participant's relationship with the abuser
- When the abuse occurred
- When they moved away from the abuser
- Other than the Prima Facie determination petition, does the participant have any other USCIS documented status

For potential eligibility, qualified battered noncitizens are required to have five years in a qualified noncitizen status, unless they meet **one** of the following exemptions:

- LPR with 40 quarters (their own, their spouse's when married (not ending in divorce), and a parents' up until the child's 18th birthday)
- Asylee
- Refugee
- Deportation withheld
- Cuban or Haitian entrant
- Amerasian
- Military connection – veteran, active, spouse, or dependent child
- Receiving benefits or assistance for blindness or disability
- For NA, lawful noncitizen children under the age of 18 automatically meet citizenship status

NOTE The date of legal entry into the U.S. and the length of legal residency are not NA eligibility requirements for legal noncitizen children under the age of 18.

- For CA, a lawful noncitizen is required to have entered the U.S. before 08/22/1996. When they entered the U.S. before 08/22/1996, they are required to provide all documentation verifying continuous residency in the United States.

NOTE Participant statement verification may be provided when documented or collateral contact verification does not cover any period of time since entry. The participant's statement must explain where the participant was during the time the written and collateral contact verification does not cover.

For assistance, participants may contact the following legal resources:

- The Arizona Coalition Against Domestic Violence (AZCADV)
- The National Domestic Violence Hotline

Cuban or Haitian Entrant

A Cuban or Haitian Entrant is a person who has fled to the U.S. from either Cuba or Haiti to escape oppression, persecution, national distress, or environmental disasters. For Cuban or Haitian nationals who are not classified as Entrants, see [Cuban or Haitian Nationals with Temporary Protected Status](#).

Cuban or Haitian Entrants are considered qualified noncitizens under Section 501(e) of the Refugee Education and Assistance Act (REAA) of 1980. There is no five-year waiting period for potential eligibility. This law defines a Cuban or Haitian Entrant as **one** of the following:

- Any person granted parole as a Cuban or Haitian Entrant (Status Pending) or granted any other special status. The status is established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the person at the time of assistance or when services are provided.
- Any other national of Cuba or Haiti who includes **one or more** of the following attributes:
 - Was paroled into the U.S. and has not acquired any other status under the Immigration and Nationality Act (INA).
 - Is the subject of removal proceedings under the INA.
 - Has an application for asylum pending with the INA.

Cuban or Haitian entrants are treated the same as refugees or asylees. As qualified noncitizens, they are potentially eligible for NA benefits indefinitely without a waiting period.

NOTE These noncitizens are not work eligible and therefore exempt from CA Jobs Program requirements.

Cuban or Haitian entrants may also qualify for benefits provided by the Refugee Resettlement Program (RRP). Their cases are processed at special FAA Refugee Offices for the first 12 months in the United States.

A Cuban or Haitian entrant who is later granted LPR status is potentially eligible for NA and CA based on their previous eligible status.

Cuban or Haitian participants can provide different documents as proof of their

immigration status.

Noncitizen participants who have **one or more** of the following annotated USCIS documents are considered qualified noncitizens and are potentially eligible for NA and CA:

- Form I-94 - (Arrival/Departure Record) with a stamp noting "Cuban-Haitian Entrant" or "paroled into the United States on or after 04/21/1980, under 212(d)(5)." Some Cuban-Haitian Entrants may also have a Cuban or Haitian passport with a stamp noting "parole under 212(d)(5). I-94 may refer to humanitarian or public interest parole. The I-94 may be expired.)
- Form I-551 - Permanent Resident Card with a category code of CH6. Even after Cuban or Haitian Entrants (Status Pending) become permanent residents, they technically retain the status of Cuban or Haitian Entrant (Status Pending). The I-551 may be expired.
- DHS Form I- 862 - Notice to Appear
- DHS Form I-220A - Order of Release on Recognizance
- DHS Form I-221S - Order to Show Cause, Notice of Hearing, and Warrant of Arrest
- DHS Form I-122 - Notice to Applicant Detained for a Hearing Before an Immigration Judge
- DHS Form I-589 date stamped by the Executive Office for Immigration Review (EOIR) - Application for Asylum and Withholding of Removal; This person is subject to removal, deportation, or exclusion proceedings
- DHS Form I-485 date stamped by EOIR - Application to Register Permanent Residence or to Adjust Status; This person is subject to removal, exclusion, or deportation proceedings
- EOIR form 26 - Notice of Appeal, date stamped by the Office of the Immigration Judge
- I-766 Employment Authorization Document with the code C10 - Application for suspension of deportation/cancellation of removal submitted to DHS or EOIR
- I-688B Employment Authorization Document with the provision of law 274a.12(c)(10) - Application for suspension of deportation/cancellation of removal submitted
- Other applications for relief that have been date stamped by EOIR
- Other documentation pertaining to a noncitizen's removal, exclusion, or deportation proceedings - Example: a notice of a hearing date before an Immigration Judge
- DHS receipt for filing Form I-589 - Application for Asylum and Withholding of Removal
- I-766 Employment Authorization document with the code C08

- I-688B Employment Authorization Document with the provision of law 274a.12(c)(8) - This is an older version of the employment authorization document

Cuban or Haitian Nationals with Temporary Protected Status

Cuban or Haitian nationals who are not classified as Entrants are granted Temporary Protected Status (TPS). A person on TPS is permitted to remain in the U.S. temporarily. On 05/22/2021, the Department of Homeland Security (DHS) granted TPS for Haitian nationals who reside in the U.S. as of 05/21/2021. Cuban or Haitian nationals who are granted TPS are not eligible for NA or CA until they have been in a qualified status for five years, or unless they meet other qualifying criteria.

Haitian Family Reunification Parole Program (HFRP)

The Haitian Family Reunification Parole Program (HFRP) allows Haitian beneficiaries of family-based immigrants the opportunity to apply for a grant of parole for approximately two years while residing in the U.S. with their families. Those approved for the HFRP are paroled into the U.S. as Cuban-Haitian entrants, allowing them to be eligible for NA benefits without a waiting period.

Noncitizen Whose Deportation is Withheld

A noncitizen whose deportation is withheld is a noncitizen whose continued presence in the U.S. is required by the U.S. government.

A noncitizen whose deportation is withheld is potentially eligible for NA and CA.

NOTE A noncitizen with deportation withheld status, who is later granted LPR status, is potentially eligible for NA and CA based on their previous status.

Noncitizen participants who have **one or more** of the following annotated USCIS documents are considered qualified noncitizens and are potentially eligible for NA and CA:

- I-94 with an order from an Immigration Judge showing **either** of the following:
Deportation withheld under 243(h)
Removal withheld under 241(b)(3)
- I-688B (Employment Authorization) with the provision of law code 274a.12(a)(10)
- I-766 (Employment Authorization) displaying A10

Indefinite Detainee

Indefinite Detainee status includes noncitizens who have served time in the U.S. for a criminal conviction and have been given formal orders to leave the country.

Indefinite Detainee status is granted by USCIS when the noncitizen is allowed to indefinitely remain in the U.S. because neither their home country nor any other country will accept them.

An Indefinite Detainee participant can be identified by an Order of Supervision (I-220B)

USCIS form which should include **both** of the following:

- The participant's alien registration number
- A notation regarding U.S. exclusion, deportation, or removal

NOTE Indefinite Detainee participants may also have an Employment Authorization (I-688B) form displaying 274a.12(c)18.

Noncitizen participants who have **one or more** of the following annotated USCIS documents are identified as indefinite detainees:

- Order of Supervision (I-220B) form
- I-688B (Employment Authorization) with the provision of law code 274a.12(c)(18)
- I-766 (Employment Authorization) displaying A18

Whether an indefinite detainee is eligible for NA or CA is determined by their noncitizen status before their incarceration. The participant is required to provide as much of the following information as possible to FAA to determine their prior status:

- Name and Date of birth
- Alien registration number
- Social Security Number
- Home country
- I-94 number
- Parent's names
- Driver's license number
- Copies of any immigration documents (I-220B, I-688B, etc.)

Noncitizen Paroled into the United States

A parolee is a person who has been granted lawful temporary residency in the U.S. by USCIS for humanitarian reasons, or the public benefit.

To be potentially eligible for NA or CA, parolee status are required to meet **both** of the following:

- Granted for at least one year
- Granted under 212(d)5(A) of the Immigration and Naturalization Act (INA)

These criteria do not apply to **any** of the following parolee participants:

- Parolees from Cuba or Haiti. (See [Cuban or Haitian Entrant](#) for the criteria of these parolees.)
- Afghan SI and Non-SI Parolees. (See [Special Immigrant Visa Holder](#) for the criteria of these parolees.)

A parolee who has been granted LPR status is potentially eligible for NA or CA. (For

CA, see [Continuous Residency](#) for additional information.)

Parolees may also qualify for benefits provided by the Refugee Resettlement Program (RRP). Their cases are processed at special FAA Refugee Offices for the first 12 months in the United States.

Noncitizen participants who have **one or more** of the following annotated USCIS documents are considered qualified noncitizens and are potentially eligible for NA and CA:

- I-94 stamped paroled pursuant to Section 212(d)(5)
- I-688B (Employment Authorization) with the provision of law code 274a.12(a)(4)
- I-766 (Employment Authorization) displaying A4
- Letter from USCIS showing a grant of parole pursuant to Section 212(d)(5)

NOTE The document cannot be expired, and the expiration date has to be at least one year after the issuance date

Refugee

A Refugee is a person who has fled their country to escape invasion, oppression, or persecution.

Refugees, as qualified noncitizens, are potentially eligible for NA or CA.

NOTE A Refugee or Amerasian who is later granted LPR status is potentially eligible for NA and CA based on their previous status.

Refugees may also qualify for benefits provided by the Refugee Resettlement Program (RRP). Their cases are processed at special FAA Refugee Offices for the first 12 months in the United States.

Noncitizen participants who have **one or more** of the following annotated USCIS documents are considered qualified noncitizens and are potentially eligible for NA and CA:

- I-94 card or electronic admission record indicating admitted under Section 207
- I-688B (Employment Authorization) with the provision of law code 274a.12(a)(3)
- I-766 (Employment Authorization) displaying A3
- I-571 (Refugee Travel Document)
- Letter from USCIS granting admission as a refugee

Ukrainian Refugees

Effective 05/21/2022, the Ukrainian Humanitarian Parolees (UHP) and other non-Ukrainian individuals displaced from Ukraine are eligible for NA and CA Benefits without any waiting period. To qualify, they must meet all other eligibility requirements. This has been authorized under the Additional Ukraine Supplemental Appropriations Act, 2022 (AUSAA).

Once the eligibility period begins, it continues until the end of the individual's parole

term. The following criteria determines the eligibility period start date:

- The initial date of eligibility is 05/21/2022 when an individual was paroled and entered the U.S. between 02/24/2022, and 05/21/2022.
- When the date of entry in the U.S. is after 05/21/2022, the date of eligibility is when the date of humanitarian parole was granted.

Due to urgent humanitarian reasons, the Department of Homeland Security (DHS) has paroled the following individuals into the U.S. between 02/24/2022 and 09/30/2023:

- Ukrainian citizens or nationals, also known as an UHP, who received humanitarian parole status by DHS.
- Other non-Ukrainian individuals in response to their displacement from Ukraine and entry into the United States.
- A spouse or child of an UHP or non-Ukrainian individual who is paroled into the U.S. after 09/30/2023.
- A parent, legal guardian, or primary caregiver of an unaccompanied refugee minor or an unaccompanied child who is paroled into the U.S. after 09/30/2023.

Noncitizen participants who have **one or more** of the following annotated USCIS documents are considered qualified noncitizens and are potentially eligible for NA and CA:

- Form I-94 – with the notation of humanitarian parole (per INA section 212(d)(5) or 8 U.S.C. § 1182(d)(5))
- Foreign passport with DHS/Center for Border Protection (CBP) admission stamp with the notation of “DT”
- Foreign passport with DHS/CBP admission stamp with the Uniting for Ukraine or “U4U” notation
- Foreign passport with DHS/CBP admission stamp with Ukrainian Humanitarian Parolee or “UHP” notation
- Form I-765 - Employment Authorization Document (EAD) receipt notice with code C11
- Form I-766 - Employment Authorization Document (EAD) with code C11

Any one of the forms or stamps listed above for UHPs along with documentation of last habitual residence in Ukraine is acceptable verification of qualified noncitizen status. Acceptable documentation indicating last habitual residency in Ukraine includes an original Ukrainian government-issued document, such as a current driver’s license or identification card.

Ukrainian refugees may also qualify for benefits provided by the Refugee Resettlement Program (RRP). Their cases are processed at special FAA Refugee Offices for the first

12 months in the United States.

NOTE Though Ukrainian refugees are generally sponsored, they are not Lawful Permanent Residents (LPRs). Therefore, Ukrainian refugees are exempt from the LPR sponsor deeming policy for both NA and CA.

Victim of Severe Trafficking

A victim of severe trafficking, also known as a trafficking victim, is certified by the Office of Refugee Resettlement (ORR) to have been subjected to at least **one** of the following:

- Commercial sex acts
- Debt bondage
- Involuntary servitude
- Peonage
- Slavery

Each of the following applies to trafficking victims:

- They are not considered refugees by USCIS
- USCIS Arrival / Departure documents are not required
- The Trafficking Victim Protection Act of 2000 gives trafficking victims eligibility for the same benefits as refugees

A victim of severe human trafficking is potentially eligible for NA and CA.

NOTE A certified victim and the immediate family members of severe trafficking who are later granted LPR status are potentially eligible for NA and CA based on their previous status.

Though not considered refugees by USCIS, trafficking victims may also qualify for benefits provided by the Refugee Resettlement Program (RRP). Their cases are processed at special FAA Refugee Offices for the first 12 months in the United States.

Noncitizen participants who have **one or more** of the following annotated USCIS documents are considered qualified noncitizens and are potentially eligible for NA and CA:

- I-94 annotated with a T Visa or Derivative T Visa
- Passport annotated with a T Visa or Derivative T Visa
- I-797, Notice of Action, annotated with **one** of the following T Visa or Derivative T Visa Class of Admissions Codes:
 - T-1
 - T-2
 - T-3
 - T-4

T-5

Special Immigrant Visa Holder

Special Immigrant Visa (SIV) holders are people who enter the U.S. under a special visa issued by USCIS to Iraqi and Afghani citizens. These visas entitle the noncitizen to the same benefits and services as refugees.

NOTE Iraqi citizens were issued the SIV from 03/20/2003 through 09/30/2013.

Afghan arrivals or refugees admitted in the U.S. under the Operation Allies Welcome (OAW) generally fall within one of four arrival categories. OAW, formerly known as OAR (Operation Allies Refuge) is a United States Department of Homeland Security (DHS)-led effort across the federal government that began in 07/2021. The goal of this program is to support vulnerable Afghans as they safely resettle in the United States.

The following are the four arrival categories:

- Special Immigrant lawful permanent resident (SI LPR)
- Special Immigrant Conditional Permanent Resident (SI CPR)

NOTE An SI CPR becomes an SI LPR after DHS removes the conditions on their LPR admission. When these SI CPRs complete a medical examination and USCIS determines they are not medically inadmissible, DHS removes their conditions and they become an SI LPR.

- Special Immigrant Parolee (SI Parolee)
- Non-SI Parolee (sometimes referred to as a “humanitarian parole” or “OAR parole”)

NOTE Some Afghan arrivals may have been eligible for and admitted in one of many other immigration categories, either at the time of their arrival at a port of entry or through a change afterwards.

Noncitizen participants who have **one or more** of the following annotated USCIS documents are considered qualified noncitizens and are potentially eligible for NA and CA:

- Visa issued by USCIS verifying the noncitizen has been admitted under section 101(a)(27) of INA, and that indicates **one** of the following Class of Admission Codes:
 - SI1
 - SI2
 - SI3
 - SI6
 - SI7
 - SI9

SQ1

SQ2

SQ3

SQ6

SQ7

SQ9

An asylee may also qualify for benefits provided by the Refugee Resettlement Program (RRP). Their cases are processed at special FAA Refugee Offices for the first 12 months in the United States.

Afghan arrivals entering Arizona may contact a Voluntary Agency (VOLAG). When the VOLAG determines that a participant may be eligible for FAA assistance, VOLAG staff assist the participant in completing the official FAA application. For more information about Afghan arrivals, see **each** of the following:

- [Afghan SI LPRs and SI CPRs](#)
- [Afghan SI Parolees and Non-SI Parolees](#)

Afghan SI LPRs and SI CPRs

Afghan SI LPRs and SI CPRs meet the immigration status requirement for NA and CA benefits under section 602(b)(8) of the Afghan Allies Protection Act of 2009 (8 U.S.C. § 1101 note).

When all other eligibility requirements are met, these participants are eligible for NA and CA benefits indefinitely without a waiting period.

The SI LPRs generally have foreign passports with a DHS, Customs and Border Protection (CBP) stamp admitting them with **any** of the following Class of Admission (COA) Codes:

- SQ1 (Arrival - Principal)
- SQ2 (Arrival - Spouse of SQ1)
- SQ3 (Arrival - Unmarried Child of SQ1)
- SQ6 (Adjustment - Principal)
- SQ7 (Adjustment - Spouse of SQ6)
- SQ8 (Adjustment - Child of SQ6)

The SI CPRs generally have foreign-issued passports with a DHS, CBP stamp admitting them with **any** of the following COA Codes:

- CQ1 (Principal)
- CQ2 (Spouse of CQ1)
- CQ3 (Child of CQ1)

Some SI LPR or SI CPR arrivals may not have a physical immigrant visa or temporary Form I-551 stamp in their passport. USCIS also issues to these SI LPRs and SI CPRs a Form I-551 document titled Permanent Resident Card.

Afghan SI Parolees and Non-SI Parolees

Afghan SI and Non-SI parolees are both paroled into the U.S. under section 212(d)(5) of the Immigration and Nationality Act (INA). Both groups may have a Form I-766, Employment Authorization Document (EAD), with a C11 category or a CBP "PAROLED" stamp in their passport.

The following Afghan SI and Non-SI parolee participants are eligible for NA and CA without a waiting period effective 09/30/2021 until 03/31/2023 or until the end of their parole term, whichever is later:

- Afghan citizens or nationals paroled into the U.S. between 07/31/2021 and 09/30/2022
- Their spouses or children paroled after 09/30/2022
- Their parents and guardians paroled after 09/30/2022 when the Afghan citizen or national is an unaccompanied child

SI Parolees have a separate, printed page on CBP letterhead with their Form I-94, Arrival-Departure Record. SI Parolees are assigned the following COA Codes:

- SQ4 (Principal)
- SQ5 (Dependent)

The printed page contains information including the following notation, and is signed and dated by a USCIS officer:

Special Immigrant Status (SQ/SI) Parolee
Sec 602(b)(1) AAPA / Sec 1059(a) NDAA 2006
Date _____ USCIS officer: _____

Non-SI parolees may also have a Form I-94 printed from the CBP Form I-94 web site with **any** of the following COA Codes:

- OAR (CBP implemented 08/2021)
- PAR, DT (these or other parole COAs used instead of OAR before 08/2021 and occasionally afterward)

American Indians Born Outside of the United States

[American Indians\(g\)](#) born outside of the U.S. who are enrolled in a federally recognized tribe are potentially eligible for NA and CA. United States residency is established before eligibility is determined.

Each of the following are recognized as LPRs:

- American Indian tribal members enrolled in a [federally recognized tribe](#) (PDF 74 KB)

- Members of the federally recognized Tohono O’odham Tribe born on the Tohono O’odham reservation in Mexico

American Indians born in Canada and not enrolled in a federally recognized tribe may be considered as an LPR when they meet **both** of the following criteria:

- Possess at least 50% American Indian blood
- Establish residency in the United States.

NOTE USCIS has an expedited process for these Canadian born American Indian noncitizens to obtain Form I-181. Possession of the I 181 is not a condition of eligibility.

American Indians born in a country other than Canada and not enrolled in a federally recognized tribe have the same noncitizen eligibility requirements as other noncitizens.

Hmong and Highland Laotians

Any of the following are potentially eligible for NA:

- A noncitizen who was a member of a Hmong or Highland Laotian tribe between 08/05/1964 and 05/07/1975
- **Any** of the following immediate family members of these Hmong or Highland Laotian tribe members (living or deceased):

Spouse

Surviving spouse

Unmarried dependent child under the age of 18

A child who is a full-time student under the age of 22

An unmarried adult child with a disability

NOTE The unmarried adult child must have had the disability before their 18th birthday

Lawful U.S. residency has to be established; however, these people are not required to meet any additional citizenship requirements to be eligible for NA.

Procedures

Before starting the interview or when adding a noncitizen to the case, the NA and CA Noncitizen Script (FAA-1710A) form must be read to the [PI\(g\)](#) or authorized representative when the application contains **one or more** of the following:

- A noncitizen that does not want to provide noncitizen status
- A noncitizen that does not have United State Citizenship and Immigration Services (USCIS) documents

(See [Nonqualified Noncitizens](#) for additional documentation requirements when the form is read.)

Noncitizen mandatory participants who are not applying for themselves or do not provide noncitizen verification are considered disqualified participants. These disqualified participants' income and other factors may be fully or partially included in the eligibility determination of the budgetary unit. (See [Disqualified NA Participants Effect on the NA Benefit Amount, CA Special Consideration of Income](#), and [Determining Budgetary Units](#) for details.)

Refugee participants must have NA and CA eligibility determined at an FAA Refugee office during the participant's first 12 months in the United States. The 12-month period applies to participants who arrived on or after 10/01/2021. See [Refugee Procedures](#) when **any** of the following noncitizens have been in the U.S. for 12 months or less:

- Amerasians
- Asylees
- Cubans or Haitian entrants
- Refugees
- Special Immigrant Visa (SIV) holders
- Ukrainian refugees
- Victims of severe trafficking

For each noncitizen who has applied for NA or CA benefits, determine whether the noncitizen is a qualified noncitizen by completing **all** of the following:

- Review Systematic Alien Verification for Entitlements (SAVE) results based on the information provided on the application. When SAVE confirms eligibility, no additional documents are required. (See [SAVE](#) for instructions.)

NOTE See [Indefinite Detainee Procedures](#) or [Battered Noncitizen Procedures](#) for the processes to replace the SAVE query for battered noncitizens.

For Afghan Special Immigrant lawful permanent resident (SI LPR) and SI Conditional Permanent Resident (SI CPRS), regardless of the documentation presented, the Verified Legal Presence (VLP) in HEAplus can provide initial verification of these arrivals except for those whose case involves something unusual that may require additional verification.

For Afghan SI and Non-SI Parolees, the Verified Legal Presence (VLP) in HEAplus can provide an initial verification response. The SAVE fact sheet includes detailed information and examples regarding Afghan arrival categories, documentation, and SAVE responses.

- When SAVE does not confirm eligibility or needs additional documents, ask the noncitizen for USCIS documentation and any documents needed as identified in the policy above.

NOTE For Cuban or Haitian entrants, contact the Executive Office for Immigration Review (EOIR) automated immigration court information system at (800)

898-7180 when additional information regarding the participant's continued eligible status is needed.

- When the participant states they do not have documentation, see [Nonqualified Noncitizens](#).
- When the noncitizen cannot or will not answer questions about the noncitizen status of any budgetary unit member, disqualify only the participant whose status is not verified. To disqualify participants who have not verified their citizenship or noncitizen status, see [Disqualifying Nonqualified Noncitizens](#).
- When the document is provided, compare the document to the documents listed in qualified noncitizen documents. When the document is one of the qualified noncitizen documents, the noncitizen has a qualified status.

NOTE Each USCIS document contains additional information that specifies noncitizen status.

Document the case file with all the facts related to the claim.

Battered Noncitizen Procedures

When a qualified noncitizen claims to be a battered noncitizen, the supervisor must complete **all** of the following:

- Verify that the case file is documented with all the facts of the battered noncitizen's claim and that all documents were provided.
- Priority [upload\(g\)](#) into OnBase the petition, the battered noncitizen written statement, any supporting documentation, and supporting continuous residence documentation, when applicable.
- Elevate the case situation to the Policy Support Team (PST) following the Request for Policy Clarification or Field Inquiry elevation process.
- When uploading to OnBase is not available, email the PST copies of the petition, all the battered noncitizen documentation, and supporting continuous residence documentation, when applicable. Staff must ensure that the Case Name and Number are on every document.
- When follow-up emails are sent to the PST, format the subject line as follows:

Provide the PST assignment number (YY-XXXX)

After the assignment number, indicate Documents to Support Battered Noncitizen Request

- Document the case file that the information was emailed to the PST.

The PST notifies the requestor via email whether the battered noncitizen meets qualified noncitizen eligibility.

The PST responds with the notification of the final designation of the noncitizen. A battered noncitizen who meets qualified noncitizen eligibility may adjust their USCIS status. When this adjustment and the FAA notification occurs, FAA uses the new status eligibility requirements.

Indefinite Detainee Procedures

An Indefinite Detainee may be eligible for NA and CA due to their noncitizen status before detention. However, the SAVE process no longer includes documentation of their original noncitizen status. The following process has been established to replace the SAVE query for Indefinite Detainees:

- Obtain as much of the following information as possible from the participant:
 - Name and Date of birth
 - Alien registration number
 - Social Security Number
 - Home country
 - I-94 number
 - Parent's names
 - Driver's license number
 - Copies of any immigration documents (I-220B, I-688B, etc.)
- Call the Office of Refugee Resettlement (ORR) to request an Indefinite Detainee eligibility determination and inform ORR that the collected information will be faxed.
- Fax the information collected from the participant to ORR. The fax must include the name, telephone number, and fax number of the worker requesting the determination.
- When faxing documents containing confidential information use the Fax Cover Sheet (DES-1078A) form. This form can be found in the Document Center.
- Document the [case file\(g\)](#) with all actions and the dates the actions were taken.
- Do not take action on the application pending the detainee's status confirmation from ORR. ORR submits the faxed information to USCIS and notifies the worker of the participant's status and potential eligibility by fax.

Refugee Procedures

Any of the following are considered refugees for FAA case processing:

- Amerasians
- Asylees
- Cubans or Haitian entrants
- Refugees
- Special Immigrant Visa (SIV) holders
- Ukrainian refugees
- Victims of severe trafficking

Designated FAA staff in an FAA Refugee office determine the refugee participant's NA and CA program eligibility during their first 12 months in the United States. The 12 months start from the date of the refugee's entry into the U.S. and end on the first day of the 13th month after entry. The arrival month is included in the 12-month count.

Most refugee applications are referred from a Refugee Resettlement Program (RRP) voluntary agency (VOLAG). See [RRP Referrals](#) for additional information. In the event an application of a refugee is submitted through HEAplus or to an FAA office other than a Refugee office, transfer the application to the appropriate FAA Refugee office within one [workday\(g\)](#) and complete **one** of the following:

- Notify the FAA Refugee Unit via an email at FAARefugeUnit@azdes.gov
- Upload the paper application to OnBase
- Fax the paper application to (623) 931-5676

NOTE When faxing documents containing confidential information use the Fax Cover Sheet (DES-1078A) form.

The appropriate FAA Refugee offices include **any** of the following:

- Site Code 285 for applications received in Pima County
- Site Code 169 for applications received in all other counties

After the first 12 months are completed, refugees are processed at any FAA location.

Verification

System interface and the [case file\(g\)](#) must be reviewed before verification is requested. No additional verification is needed when AZTECS interface or HEAplus hubs have verified the participant's noncitizen status.

System interface that FAA has with the United States Citizenship and Immigration Services (USCIS) and collateral contact to other agencies are primarily used to verify noncitizen status from the information provided on the application. However, system interface and collateral contact are not always available. The participant has the primary responsibility for providing verification. (See [Participant Responsibilities – Providing Verification](#) for additional policy.)

Noncitizen status is verified only with new applications or when FAA is notified that the status of a participant has changed.

See **any** of the following policy sections for examples of what can be used for proof of noncitizen status:

- [Amerasian](#)
- [American Indians born outside of the United States](#)
- [Asylee](#)
- [Battered noncitizen](#)
- [Cuban or Haitian entrant](#)

- [Deportation withheld](#)
- [Hmong and Highland Laotians](#)
- [Indefinite detainee](#)
- [Parolee](#)
- [Refugee](#)
- [Severe trafficking victim](#)
- [Ukrainian refugee](#)
- [Special immigrant Visa holder](#)

AZTECS Keying Procedures

Refugee office staff are the only staff who key the RE Citizenship Code on IDCI during the first 12 months that the refugee is in the United States. After 12 months, staff in any FAA location must change the Citizenship Code on IDCI for refugees to EA.

Keying Eligibility

Eligibility for specific programs is determined by keying in AZTECS the appropriate codes in the PT field on SEPA and the CI field on IDCI.

Key **one** of the following Class of Admissions (COA) Codes on IDCI for an American Indian born outside of the United States:

- S13 for Canadian born American Indians
- TOH for members of the federally recognized Tohono O’odham Tribe born on the Tohono O’odham reservation in Mexico
- FR for all other American Indian tribal members enrolled in a [federally recognized tribe](#) (PDF 74 KB)

When the noncitizen is eligible for NA and CA, key **all** of the following:

- IN in the PT field on SEPA for NA and CA.
- EA in the CI field on IDCI.
- Key NOCS, when applicable. (See [Updating NOCS](#) for guidance.)

When the noncitizen is eligible for NA but not eligible for CA, key **all** of the following:

- IN in the PT field on SEPA for NA.
- DI in the PT field on SEPA for CA.
- EF in the CI field on IDCI.
- Key NOCS, when applicable. (See [Updating NOCS](#) for guidance.)
- For CA, when there are no other eligible participants in the case, key US in the DENIAL/CLOSURE REASON field on AFPD

When the noncitizen is not eligible for NA or CA, see [Nonqualified Noncitizen AZTECS](#)

[Keying Procedures.](#)

Updating NOCS

NOCS is accessed when any code other than US is keyed in the CI field on IDCI.

NOCS displays or allows keying **any** of the following information for each noncitizen:

- Type of United States Citizenship and Immigration Services (USCIS) document provided by the participant, when appropriate
- United States Citizenship and Immigration Services (USCIS) Class of Admission (COA) Code held by the participant
- Noncitizen status of the participant
- Date the status was granted by USCIS
- Date the status expires
- Date the Systematic Alien Verification for Entitlements (SAVE) was completed
- Secondary SAVE was requested
- Participant is sponsored
- Participant is under 18 years of age
- Participant has a permanent disability
- Participant has 40 quarters of earnings
- Participant has a military connection

NOTE When NOCS must be updated and current SAVE information is not in the [case file\(g\)](#), complete a SAVE verification before approval for all noncitizens who have valid USCIS documentation and are included in the budgetary unit.

When the noncitizen's USCIS status changes, key the new information on NOCS. AZTECS allows for more current USCIS status information to be keyed while permanently maintaining the previous information.

All qualified Ukrainian refugees regardless of the notations in their documents are keyed with the UHP COA code in the CIS-COA field on the NOCS screen in AZTECS.

For a comprehensive list of COA Codes, see CLASS OF ADMISSION CODES under DISPLAY TABLE VALUES in AZTECS.

NOTE When the noncitizen becomes a U.S. citizen key the US Citizenship Code in the CI field on IDCI.

DBME Job Aids in SharePoint

[Noncitizen Job Aid](#)

Legal Authorities

7 CFR 273.2(b)(1)(iii)

7 CFR 273.2(f)(1)(ii)(A)

7 CFR 273.4

7 CFR §273.4(a)

7 CFR 273.4(a)(1)-(3)

7 CFR 273.4(a)(5)

7 CFR 273.4 (a)(6)

7 CFR 273.4 (a)(6)(i-iii)

7 CFR 273.4(a)(6)(i)(H)

7 CFR 273.4(a)(7)

7 CFR 273.4(c)

8 CFR §204.2

45 CFR 233.50

AAC R6-12-305

ARS 46-292A.1(b)-(d)

ARS 46-292B.1(a)

62 FR 61344

Public Law 104-193

Public Law 104-208

PRWORA Section 401 & 402

TANF State Plan

[Prior Policy](#)

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