

## Appendix A



## Index of ORR Policy/State Letters

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	ORR State Letter #08-06 Public Law 110-181: National Defense Authorization Act for Fiscal Year 2008: Time Limited Eligibility for ORR Benefits and Services of Iraqis Granted Special Immigrant Status under Section 101(a)(27) of the Immigration and Nationality Act (INA)	02/07/2008
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	ORR State Letter #04-12 The Trafficking Victims Protection Reauthorization Act of 2003 -- Eligibility for Federally Funded or Administered Benefits and Services to the Same Extent as Refugees Extended to Certain Family Members of Victims of a Severe Form of Trafficking in Persons	06/18/2004
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	ORR State Letter #02-25 Toll-Free Phone Number for Trafficking Victim Verification -- 1 866 401 5510	07/23/2002
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	ORR State Letter #01-30 Employment Eligibility Requirements	11/21/2001
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<b>FY 2000</b>	ORR State Letter #00-23 States Cannot Require that Applicants for Office of Refugee Resettlement (ORR)-funded Assistance and Services Provide Social Security Numbers	11/16/2000
	ORR State Letter #00-17 Status and Documentation Requirements for the Federal Refugee Resettlement Program	09/14/2000
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	ORR State Letter #00-12 Asylee Eligibility for Refugee Resettlement Program Benefits Date of Entry Will Be Date Individual is Granted Asylum	06/15/2000

Department of Health and Human Services	
	Administration for Children and Families 370 L'Enfant Promenade, S.W. Washington, D.C. 20447
ORR State Letter # 02-29	Date: August 30, 2002
<p><b>TO:</b> STATE REFUGEE COORDINATORS NATIONAL VOLUNTARY AGENCIES OTHER INTERESTED PARTIES</p> <p><b>FROM:</b> Nguyen Van Hanh, Ph.D. Director Office of Refugee Resettlement</p> <p><b>SUBJECT:</b> Reminders on Registration, Change of Address and Adjustment of Status</p> <p>In recent months, the Attorney General has published proposed rules, which mention already existing responsibilities that non-citizens have under the Immigration and Nationality Act (INA) to register with the Immigration and Naturalization Service (INS) and to report changes of address.<sup>[1]</sup> Although these requirements are not new, many of the individuals that provide or receive ORR funded benefits and services may not be aware of these responsibilities. Some benefit-granting agencies have expressed concern that refugees and other ORR-eligible groups<sup>[2]</sup> will be penalized for not complying with these rules. ORR is issuing this State Letter to inform the organizations that serve ORR-eligible groups about the registration and change of address requirements. This State Letter also notes a refugee's responsibility to apply for adjustment of status after one year in the United States.</p> <p>ORR does not enforce this country's immigration laws and cannot provide legal advice on individual cases. However, ORR encourages organizations that are in a position to advise ORR eligible groups to work with them on these INS requirements so that their resettlement in the United States is not marred by immigration complications.</p> <p><b><u>Registration</u></b></p> <p>Section 262(a) of the INA requires virtually all non-citizens 14 years of age or older who remain in the United States for 30 days or longer to register with the INS.<sup>[3]</sup> The groups that ORR serves must register with the INS. The INS has designated certain forms as evidence of registration. Some of those forms are the I-551, Lawful Permanent Resident Card; I-688B, Employment Authorization Document; I-766, Employment Authorization Document; and the I-94, Arrival-Departure Record, for individuals paroled into the United States under section 212 (d)(5) of the INA.<sup>[4]</sup> (The I-94 is not a registration document for refugees and asylees.) Under section 266(a) of the INA, non-citizens who willfully fail or refuse to apply for registration will be guilty of a misdemeanor and, upon conviction, be fined not more than \$1,000 or be imprisoned not more than six months, or both. Under section 266(c) of the INA, non-citizens who file an application for registration that contains false statements or who procure or attempt to procure registration through fraud will be guilty of a misdemeanor and, upon conviction, be fined not more than \$1,000 or be imprisoned not more than six months, or both. Any non-citizen so convicted will, upon the warrant of the Attorney General, be taken into custody and removed.</p>	

### **Change of Address**

Section 265(a) of the INA says that non-citizens who are required to register must notify the Attorney General of a change of address within 10 days of the change. The groups that ORR serves must report a change of address. To do this, they may fill out INS Form AR-11, which can be found on the INS website at [www.ins.gov](http://www.ins.gov). Section 266(b) of the INA says that a noncitizen who fails to report a change of address will be guilty of a misdemeanor and, upon conviction, be fined not more than \$200 or be imprisoned not more than thirty days, or both. The section also says that a noncitizen who fails to report a change of address shall be taken into custody and removed from the United States, unless he or she can establish that the failure to report the change of address was reasonably excusable or was not willful.

### **Adjustment of Status for Refugees**

Refugees (not asylees, Cuban and Haitian entrants, Amerasians or trafficking victims) **are required** to apply to the INS for adjustment of their status (i.e., to become lawful permanent residents, "green card" holders) one year after entry.<sup>[5]</sup> Refugees apply for lawful permanent resident status by filling out INS Form I-485, for which refugees do not need to pay a fee.

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[1] 67 FR 40581, June 13, 2002. 67 FR 48818, July 26, 2002.

[2] Individuals with the following statuses are eligible for ORR benefits (45 CFR §400.43(a)(1) (6)): refugees admitted under §207 of the INA, asylees whose status was granted under §208 of the INA, Cuban and Haitian entrants, in accordance with the requirements in 45 CFR §401.2, certain Amerasians, and victims of a severe form of trafficking as defined in §107(b) (1)(C) of the Trafficking Victims Protection Act.

[3] Non-citizens under the age of 14 must be registered by their parent or legal guardian. INA §262(b)

[4] For a complete list of forms designated as evidence of registration, see 8 CFR §264.1(b).

[5] INA §209(a)(1), 8 CFR §209.1(a)(1).