

Chapter 4: Amerasians and Other Eligible Individuals

Amerasians

Definition

Amerasians acquire status under the Amerasian Homecoming Act, Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988 (P.L. 100-202), as amended. The act provides that Vietnamese nationals who have a parent who was an American serviceman may qualify for immigrant visas to the United States and that they are eligible for refugee program benefits. Eligibility for refugee program benefits is not affected by adjustment to permanent resident status.

This category includes a few Amerasians admitted to the United States as American citizens or with regular immigrant petitions.

Who is an Amerasian? An Amerasian is a . . .

- ◆ Child born in Vietnam between January 1, 1962, and before January 1, 1976, fathered by an American citizen.
- ◆ Spouse, child, parent, or guardian accompanying or following an Amerasian admitted under this program.

Authorized by the Amerasian Homecoming Act, Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriation Act of 1988.

Explanation of Status/DHS Codes

For a brief explanation of the DHS codes and annotations detailed below, refer to the chart below.

Documentation of status as an Amerasian is indicated by a DHS stamp annotated with AM1, AM2, or AM3 on a Form I-94, in a Vietnamese passport, on a Vietnamese Exit Visa (Laissez Passer), or in certain cases a U.S. passport. Codes AM1, AM2, and AM3 are used on Permanent Resident Cards (Form I-551), or if the individual is approved for adjustment to Amerasian status after entry, permanent resident codes AM6, AM7, and AM8 are used. The date of entry is considered the date of residence.

Immigration Status Codes for Amerasians

| CODE | STATUS | NATIONALITY | DOCUMENT |
|------|-------------------------------------|-------------|---|
| AM1 | Amerasian | Vietnamese | I-94, Passport (Vietnamese or U.S.), I-551, Laissez-Passer (exit visa) |
| AM2 | Spouse or child of Amerasian | Vietnamese | |
| AM3 | Mother or relative of unmarried AM1 | Vietnamese | |
| AM6 | AM1 adjustment to LPR | Vietnamese | I-551 |
| AM7 | AM2 adjustment to LPR | Vietnamese | |
| AM8 | AM3 adjustment to LPR | Vietnamese | |

Note: Verify date of entry to determine eligibility.

Victims of Trafficking in Persons

Definition

Foreign victims of severe forms of human trafficking certified by the Department of Health and Human Services are eligible for benefits and services to the same extent as refugees under the authorization of P.L. 106-386, Victims of Trafficking and Violence Protection Act of 2000, enacted October 28, 2000, as amended, 22 U.S.C. § 7105(b). “Severe forms of trafficking in persons” means:

- 1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- 2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Who is a Victim of Trafficking?

A victim of trafficking is a person who, through the use of force, fraud, or coercion, has...

- ◆ been induced to performed a commercial sex act (force, fraud or coercion do not need to be present for minors), or
- ◆ been recruited, harbored, transported, provided or obtained for labor or services for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.


Authorized by the Trafficking Victims Protection Act of 2000, P.L. 106-386, Division A, 114 Statute 1464, as amended.

Explanation of Status/DHS Codes

The Trafficking Victims Protection Act requires that adult victims from other countries be certified by the Department of Health and Human Services (HHS) in order to receive refugee program benefits. For certification, HHS in consultation with the Attorney General reviews whether the individual:

- (1) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and
- (2) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act . . . that has not been denied; or
- (3) is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate the prosecution of traffickers in persons.


To receive services, adult applicants must present the original HHS certification letter; applicants under the age of 18 must present a similar HHS letter as proof of eligibility, although the law exempts those under 18 from certification requirements.

 **Note:** Victims of severe forms of trafficking are **not required to present DHS documentation** of immigration status. The HHS letter should be accepted as proof of a status that confers eligibility.


The Office of Trafficking in Persons (OTIP) issues Interim Assistance and Eligibility Letters to minor foreign national victims of trafficking upon receiving credible information that the minor was subjected to a severe form of human trafficking. To speak to an OTIP Child

Protection Specialist, call 202-205-4582 during regular business hours; email: ChildTrafficking@acf.hhs.gov. Additionally, the Request for Assistance form can be found at www.acf.hhs.gov/otip/resource/rfa. If you want to make a referral for a potential case of trafficking for a minor, this form can be filled out and sent directly to ChildTrafficking@acf.hhs.gov.

The eligibility date for these clients is the **date of certification** (or the date HHS issues the letter of eligibility or interim assistance for child victims under the age of 18). Letters are issued without expiration dates. To verify the certification letter prior to providing service, call the HHS Office of Trafficking in Persons (OTIP) trafficking verification line at 1-866-401-5510 for assistance.

 **Note:** Before providing benefits to trafficking victims, **providers must call the OTIP trafficking verification line at 1-866-401-5510.**

Family members of trafficking victims may receive derivative T-visa status. The chart below shows documentation requirements. The date of eligibility for family members is the date of entry shown on the I-94 or passport. If the family member was already present in the United States at the time the T-visa was approved, the eligibility date is the notice date on DHS Form I-797 (Notice of Receipt). Family members with T-visas will not have certification letters.

 **Note:** Family members do not require a certification letter or prior verification.

If other questions arise regarding persons who apply for services under the Trafficking Victim category, consult the Refugee Service Program or visit OTIP's website at www.acf.hhs.gov/otip.

For a brief explanation of the DHS codes and annotations, refer to the chart below.

Immigration Status Codes for Trafficking Victims

| CODE | STATUS | NATIONALITY | DOCUMENT |
|--------------------|---|-------------|--|
| (T1) | Victim of Human Trafficking | Any | HHS letter (certification or eligibility)* |
| T2 | Spouse of T1 | Any | I-94, Passport |
| T3 | Child of T1 | Any | |
| T4 | Parent of T1 | Any | |
| T5 | Unmarried sibling under 18 of T1 | Any | |
| T6 | Adult or minor child of derivative beneficiary of T1 | Any | |
| ST6 | T1 adjusted to LPR | Any | |
| ST7 | T2 adjusted to LPR | Any | |
| ST8 | T3 adjusted to LPR | Any | |
| ST9 | T5 adjusted to LPR | Any | |
| ST0 | T4 adjusted to LPR | Any | |
| T2, T3, T4, T5, T6 | Notice of Action of approval of family member's T visa status** | Any | DHS Form I-797 |

Note: *Verify date of eligibility. **The eligibility date of a family member already in the United States when T status is granted is the date of the I-797 Notice.

Special Immigrants of Iraqi and Afghan Nationality

Definition

Certain Iraqi and Afghan nationals granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (INA) are eligible for all programs and benefits to the same extent as a refugee admitted under section 207. These Iraqi and Afghan Special Immigrant Visa (SIV) classifications exist under a series of laws enacted since 2006. The first program, for Iraqi or Afghan translators and interpreters employed by or on behalf of the U.S. government, is permanent and has an annual numerical cap. The second SIV program is temporary and established eligibility for Iraqis employed by or on behalf of the U.S. government and for Afghans employed by or on behalf of the U.S. government or the International Security Assistance Force. Although the application date for the temporary programs has ended under current legislation, visas will be issued until all of the visas allowed under the laws are used.

Who is a an Iraqi or Afghan Special Immigrant?

An Iraqi or Afghan Special Immigrant is...

- ◆ an Iraqi or Afghan individual who worked directly with U.S. Armed Forces or under Chief of Mission Authority at least a year as a translator or interpreter;
- ◆ an Iraqi or Afghan individual who worked at least one year for or on behalf of the U.S. government in Iraq or Afghanistan, or for the International Security Assistance Force in Afghanistan, and experienced an ongoing serious threat as a result of their employment;
- ◆ spouses and children of eligible Iraqi or Afghan special immigrants.

Authorized by the National Defense Authorization Act of 2006, Section 1059, P.L. 109-163, as amended; the National Defense Authorization Act of 2008, Section 1244; P.L. 110-181, as amended; and Title VI of the Omnibus Appropriations Act of 2009, P.L. 111-8, as amended.

Spouses and unmarried children under 21 years of age may accompany Afghan or Iraqi special immigrants to the United States or follow-to-join at a later time.


Explanation of Status/DHS Codes

For a brief explanation of the DHS codes and annotations detailed below, refer to the chart below.

Documentation of status as an Iraqi or Afghan special immigrant under Section 1059 of the National Defense Authorization Act for Fiscal Year 2006, P.L. 109-163, as amended, is indicated by a DHS stamp annotated with SI1, SI2, or SI3 on the passport. The passport stamp uses wording such as, “Processed for I-551, temporary evidence of lawful admission for permanent residence valid until . . .” If presented to show the date of entry, a Form I-94 must be annotated with the Iraqi or Afghan special immigrant code SI1, SI2, or SI3. Permanent Resident Cards (Form I-551) issued to individuals admitted as special immigrants under this legislation show the entry code used SI1, SI2, or SI3. If the individual’s status was approved after entering the United States, the Form I-551 will show the codes SI6, SI7, or SI9.


A passport annotated with SQ1, SQ2, or SQ3 is evidence that the individual is a special immigrant admitted under Section 1244 of the National Defense Authorization Act for Fiscal Year 2008, P.L. 110-181 or Title VI, Omnibus Appropriations Act of 2009, P.L. 111-8, as

amended. If the individual presents an I-94, the I-94 must be annotated with the Iraqi or Afghan special immigrant code SQ1, SQ2, or SQ3. Passports would show a visa with the SIV codes and a temporary I-551 stamp giving the date of entry. A Permanent Resident Card (Form I-551) issued to Iraqi or Afghan nationals admitted under this section show the entry code SQ1, SQ2, or SQ3. If the individual’s status was approved after entering the United States, the Form I-551 will show the codes SQ6, SQ7, or SQ9.

 **Note:** These codes designate persons admitted as Iraqi and Afghan special immigrants under ORR’s guidance and chart of acceptable documentation. Providers should document nationality as part of the eligibility determination.

The period of eligibility for refugee services for special immigrants of Afghan or Iraqi nationality is calculated from the date of entry into the United States. The date of entry may be found on the entry stamp in the individual’s passport or on the Form I-94. If an individual was admitted in some other immigration status and adjusted to special immigrant status once in the United States, the eligibility period begins on the date the status of special immigrant is granted.

Family members who accompany or follow the Iraqi or Afghan special immigrant to the United States should present documentation of identity, nationality, and immigration status as an Iraqi or Afghan special immigrant. Family members will be eligible from their date of entry into the United States, or if the family members are already in the United States in parole status or a non-immigrant status, eligibility will begin from the date the special immigrant status was granted.

 **Note:** Special immigrants of Iraqi and Afghan nationality are eligible for ORR benefits and services for the **same time period as refugees**, beginning on their date of entry to the U.S. or date of adjustment of status if applying from within the U.S. for Special Immigrant Status.

See ORR Policy Letter #16-01 and State Letters #08-04, # 08-06, #09-02, #09-17, #10-02, #16-01 for further explanation of Iraqi and Afghan special immigrant eligibility.


Immigration Status Codes for Iraqi and Afghan Special Immigrants

| CODE | STATUS | NATIONALITY | DOCUMENT |
|------|-----------------------------|-----------------|-----------------------|
| SI1 | Special Immigrant | Iraqi or Afghan | Passport, I-94, I-551 |
| SI2 | Spouse of Special Immigrant | Iraqi or Afghan | |
| SI3 | Child of Special Immigrant | Iraqi or Afghan | |
| SI6 | SI1 adjustment to LPR | Iraqi or Afghan | I-551 |
| SI7 | SI2 adjustment to LPR | Iraqi or Afghan | |
| SI9 | SI3 adjustment to LPR | Iraqi or Afghan | |
| SQ1 | Special Immigrant | Iraqi or Afghan | Passport, I-94, I-551 |
| SQ2 | Spouse of Special Immigrant | Iraqi or Afghan | |
| SQ3 | Child of Special Immigrant | Iraqi or Afghan | |
| SQ6 | SQ1 adjustment to LPR | Iraqi or Afghan | I-551 |
| SQ7 | SQ2 adjustment to LPR | Iraqi or Afghan | |
| SQ9 | SQ3 adjustment to LPR | Iraqi or Afghan | |

Note: Verify date of entry or status to determine eligibility. Remember, individuals must present passports or other evidence of Iraqi or Afghan nationality.


Other Related Groups

Certain individuals admitted in the past as a “conditional entrant” or “refugee conditional entrant” under section 203(a)(7) of the INA or with another immigration status for refugees prior to the enactment of the Refugee Act of 1980 may still be eligible for social services. Contact the Refugee Services Program (RSP) for clarification.

 Note: Persons under **Temporary Protected Status (TPS)** are **not** eligible for refugee services. Haitian clients may remain eligible, however, if they had previously qualified as a Cuban-Haitian entrant, even if they received TPS granted after the January 2010 earthquake and other events in Haiti. Contact Refugee Services if you have questions regarding the status or eligibility of Haitian individuals granted various forms of relief or the effect of a final order or order of supervision on eligibility for refugee services. See also **Chapter 3, Temporary Protected Status (TPS)**.

Unaccompanied Children

The Office of Refugee Resettlement (ORR) has the responsibility for the care and placement of unaccompanied children from other countries referred by Department of Homeland Security (DHS) officials after entry into the United States. In addition to safe shelter, ORR provides for case management, access to legal and medical services, and educational instruction. Under provisions of the William Wilberforce Trafficking Victims Protection Reauthorization Act (WWTVP) of 2008, certain unaccompanied children under 18 may be eligible for the ORR Unaccompanied Refugee Minors (URM) Program when they have one of the statuses below. While SIJ and U Visa holders who are unaccompanied children may be placed in ORR's Unaccompanied Refugee Minors Program, they do not qualify for the same services as a refugee.

 Note: SIJ and U-visa eligibility for the URM program should not be confused with unaccompanied children who are documented in the categories of clients eligible for refugee services. See especially refugees, asylees, victims of trafficking, and **Cuban and Haitian entrants** who have **Special Immigrant Juvenile** status.

Special Immigrant Juvenile (SIJ) Status

Children from other countries who enter the United States and are orphaned, abandoned, abused, or mistreated by one or both parents may receive a Special Immigrant Juvenile (SIJ) visa to be allowed to stay in the United States. The child must be declared dependent by a juvenile court. The status is shown by Form I-797 Notice of Action indicating SIJ status, a visa with the SL class of admission code, or the Form I-551 showing the SL category. In addition to the evidence of status, the child's documentation must show that s/he was in the custody of the ORR Unaccompanied Children's (UC) Program at the time of the court's dependency order.

U Visa Status

Unaccompanied children from other countries who have been a victim of a crime in the United States that was reported to the police may receive a U visa. Documentation includes the Form I-797 Notice of Action indicating U status, a U visa in a passport endorsed on entry, or the I-94 arrival/departure record showing admission in U status.