

# Services to Older Refugees

*December 12, 2006  
1:30 – 3:30*

## Handout Packet



New York State  
Office of Temporary and Disability Assistance  
and  
SUNY Training Strategies Group

# **SERVICES TO OLDER REFUGEES**

**December 12, 2006**

**1:30pm – 3:30pm**

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**KEY TO I-766, I-688B, Employment Authorization Documents (EADs)**

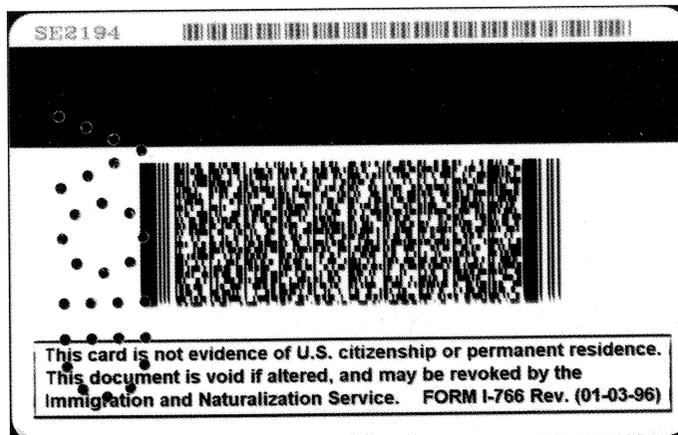
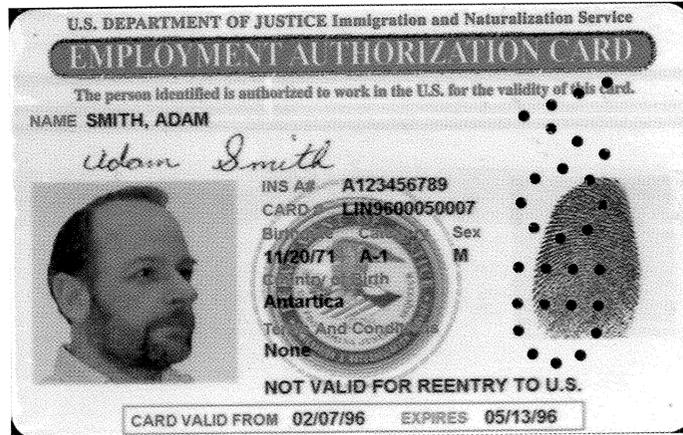
There are codes on the front of the card that indicate the person's immigration status and refer to the section of the regulation authorizing employment. The following list of codes and categories is not exhaustive.

CODE ON EAD	EMPLOYMENT AUTHORIZATION MEANING	Immigration Status	Type of Health Benefit
(a)(3)	Refugee	Qualified immigrant	MA/FHPlus/CHPlus
(a)(4)	Paroled as a refugee*	Qualified immigrant	MA/FHPlus/CHPlus
(a)(5)	Granted asylum	Qualified immigrant	MA/FHPlus/CHPlus
(a)(6)	Fiancé(e) of a U.S. citizen dependent of fiancé(e)	Nonimmigrant (or PRUCOL, if filed to adjust status with USCIS)	Eligible for emergency MA only (but if filed to adjust status w/USCIS, may be eligible for MA/FHPlus/CHPlus)
(a)(7)	Son or daughter of former international organization employee	Nonimmigrant	Eligible for emergency MA only
(a)(8)	Citizen of the Federated States of Micronesia or the Marshall Islands	PRUCOL	MA/FHPlus/CHPlus
(a)(9)	Children of citizen/LPR [K nonimmigrant-LIFE ACT] [V nonimmigrant]	PRUCOL	MA/FHPlus/CHPlus
(a)(10)	Granted withholding of deportation	Qualified immigrant	MA/FHPlus/CHPlus
(a)(11)	Granted extended voluntary departure or DED	PRUCOL	MA/FHPlus/CHPlus
(a)(12)	Granted temporary protected status (TPS)	PRUCOL	MA/FHPlus/CHPlus
(a)(13)	Granted family unity	PRUCOL	MA/FHPlus/CHPlus
(a)(15)	Spouses of LPR and dependents of spouse [K nonimmigrant-LIFE ACT] [V nonimmigrant]	PRUCOL	MA/FHPlus/CHPlus
<i>T visa</i> (a)(16)		<i>T visa - like refugee</i>	<i>it</i>
(c)(1)	Dependent of foreign government official	Nonimmigrant	Eligible for emergency MA only
(c)(2)	E-1 nonimmigrant	Nonimmigrant	Eligible for emergency MA only
(c)(3)(i)-(iii)	Foreign students	Nonimmigrant	Eligible for emergency MA only
(c)(4)	Dependent of employee of international organization	Nonimmigrant	Eligible for emergency MA only
(c)(5)	Dependent of exchange visitor	Nonimmigrant	Eligible for emergency MA only
(c)(6)	Foreign student	Nonimmigrant	Eligible for emergency MA only
(c)(7)	Dependent of NATO employee	Nonimmigrant	Eligible for emergency MA only
(c)(8)	Asylum applicant	PRUCOL	MA/FHPlus/CHPlus
(c)(9)	Applicant for adjustment to lawful permanent resident	PRUCOL	MA/FHPlus/CHPlus
(c)(10)	Applicant for suspension of deportation	PRUCOL	MA/FHPlus/CHPlus
(c)(11)	Paroled for emergent or public interest reasons*	Qualified immigrant	MA/FHPlus/CHPlus
(c)(12)	Granted voluntary departure	PRUCOL	MA/FHPlus/CHPlus
(c)(13)	Deportation or exclusion proceedings pending	Nonimmigrant	Eligible for emergency MA only
(c)(14)	Granted deferred action	PRUCOL	MA/FHPlus/CHPlus

<b>CODE ON EAD</b>	<b>EMPLOYMENT AUTHORIZATION MEANING</b>	<b>Immigration Status</b>	<b>Type of Health Benefit</b>
(c)(16)	Applicant for registry (resided in U.S. since before January 1, 1972)	PRUCOL	MA/FHPlus/CHPlus
(c)(17)(i)	Employee of business visitor	Nonimmigrant	Eligible for emergency MA only
(c)(17)(ii)	Employee of foreign airline	Nonimmigrant	Eligible for emergency MA only
(c)(18)	Deportable alien under order of supervision	PRUCOL	MA/FHPlus/CHPlus
(c)(19)	TPS applicant	PRUCOL	MA/FHPlus/CHPlus
(c)(20)	Applicant for Special Agricultural Worker Legalization (INA Section 210)	PRUCOL	MA/FHPlus/CHPlus
(c)(21)	Nonimmigrant witness or informant and dependents (S status)	PRUCOL	MA/FHPlus/CHPlus
(c)(22)	Applicant for legalization under INA Section 245A	PRUCOL	MA/FHPlus/CHPlus
(c)(24)	Applicant for adjustment under the LIFE Act Legalization Program	PRUCOL	MA/FHPlus/CHPlus
(c)(25)	Immediate family member of T status nonimmigrant	Qualified Immigrant*  *Victims of Trafficking receive benefits to the same extent as refugees (GIS 02 MA/022)	MA/FHPlus/CHPlus

**\* If here for less than one year, is a PRUCOL. If more than one year, is a legal permanent resident.**

In January 1997, INS began issuing a new **EMPLOYMENT AUTHORIZATION CARD**, Form I-766. The new card is a credit card-type of document. The front of the card contains a photo, fingerprint, and signature of the rightful holder. The reverse contains a standard bar code, magnetic strip, and a two-dimensional bar code which will contain unique card, biographic, and biometric data.



Form I-766 (January 1997)

**ALIEN ELIGIBILITY DESK AID**

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Refugees	R	<p><b>I-94:</b> stamped "Admitted under Section 207 of the INA," "Refugee," "RE1, RE2, RE3, RE4" or</p> <p><b>I-551:</b> stamped "R8-6, RE5, RE6, RE7, RE8 or RE9" or</p> <p><b>I-571:</b> Refugee Travel Document or</p> <p><b>I-688B:</b> Employment Authorization Document annotated with "8 C.F.R. § 274a.12(a) (3)" or</p> <p><b>I-766:</b> Employment Authorization Document annotated "a3"</p>	Entry				
Cuban/Haitian Entrants	H	<p><b>I-94:</b> stamped "Cuban/Haitian Entrant (status pending)," "Section 212(d) (5) of the INA," "Form I-589 filed," or "CU6," or CU7" or</p> <p><b>I-94</b> stamp showing parole under Section 212(d)(5) of INA or stamp showing parole in US on or after 10/10/80 and reasonable evidence that parolee has been a National (citizen) of Cuba or Haiti<sup>2</sup> or</p> <p><b>I-551:</b> stamped "CU6, CU7, or CH6" or</p> <p>Temporary <b>I-551</b> stamp in foreign passport. or</p> <p>USCIS notice or letter indicating ongoing exclusion or deportation proceedings or</p> <p>A document from USCIS indicating individual applied for asylum.</p>	Status Granted				Yes
Asylees	A	<p><b>I-94:</b> stamped "Granted asylum under Section 208 of the INA" or</p> <p><b>I-551:</b> Stamped "AS1,AS2, AS3, AS6, AS7, or AS8" or</p> <p><b>I-688B:</b> Employment Authorization Card annotated with "8 C.F.R. § 274a.12(a)(5)" or</p> <p><b>I-766:</b> Employment Authorization Document annotated "(a5)" or</p> <p>Grant letter from USCIS Asylum Office or</p> <p>Order of an immigration judge granting asylum.</p>					

<sup>1</sup>REMINDER: For Medicaid, undocumented immigrants and non-immigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid *at any time* without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

<sup>2</sup>EXCEPTION: This guideline does not apply when the individual was paroled solely to testify as a witness in a judicial, administrative or legislative proceeding or when the parolee is in legal custody pending criminal prosecution.

## ALIEN ELIGIBILITY DESK AID

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Amerasian Immigrants	R	<p><b>I-94:</b> stamped "AM1, AM2, AM3, AM6, AM7, or AM8." Derive date of entry from date of inspection on stamp; if date is missing, obtain from I-551 or from USCIS</p> <p><b>or</b></p> <p><b>I-551:</b> stamped "AM1, AM2, AM3, AM6, AM7, or AM8"</p> <p><b>or</b></p> <p>Temporary <b>I-551</b> stamp in foreign passport</p> <p><b>or</b></p> <p><b>1-571:</b> Refugee Travel Document</p> <p><b>or</b></p> <p>Vietnamese exit visa or passport stamped "AM1, AM2, or AM3"</p>	Entry				
Deportation or Removal Withheld	J	<p><b>I-688B:</b> Employment Authorization Card annotated with "8 C.F.R. § 274a.12(a)(10)"</p> <p><b>or</b></p> <p><b>I-766:</b> Employment Authorization Document annotated "(a10)"</p> <p><b>or</b></p> <p>Order from Immigration Judge showing the date deportation was withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of INA</p>				Yes	
Certain Hmong or Highland Laotian	Z	<p><b>I-94:</b> stamped "Admitted under Section 207 of the INA," "Refugee," "RE1, RE2, RE3, or RE4"</p> <p><b>or</b></p> <p><b>INS I-551:</b> Stamped "RE5, RE6, RE7, RE8, or RE9"</p> <p><b>or</b></p> <p>Has a signed affidavit sworn under penalty of law that s/he was a member of Hmong or Highland Laotian tribe between 8/5/64 and 5/7/75 or a verified spouse*, widow, widower or unmarried dependent of a tribal member</p> <p><b>and</b></p> <p>Documents to show lawfully residing in the US</p> <p><b>*Divorced spouses do not qualify</b></p>	Status Granted				

<sup>1</sup>REMINDER: For Medicaid, undocumented immigrants and non-immigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid *at any time* without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

## ALIEN ELIGIBILITY DESK AID

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
* Lawfully Admitted For Permanent Residence (LPR) <u>with</u> 40 Qualifying Quarters	S	<u>I-551</u> : (Permanent Resident Card)	Entered Before 8/22/96	Yes			
		or Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94</u> or <u>I-327</u> : (Re-entry Permit) or <u>I-181</u> : Memorandum of Creation of Lawful Permanent Residence with approval stamp <b>and</b> <b>Proof of qualifying quarters</b>	Entered On/After 08/22/96	Yes	Yes, after 5 years in US in a qualified status		Yes
Lawfully Admitted For Permanent Residence (LPR) <u>without</u> 40 Qualifying Quarters	K	<u>I-551</u> : (Permanent Resident Card)	Entered Before 8-22-96	Yes			
		or Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94</u> or <u>I-327</u> (Re-entry Permit) or <u>I-181</u> : Memorandum of Creation of Lawful Permanent Residence with approval stamp	Entered On or After 08/22/96	Yes	Yes, after 5 years in US in a qualified status	Yes	Yes if: <ul style="list-style-type: none"> <li>In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or</li> <li>After five years in US in a qualified status or</li> <li>In a qualified status and under age 18</li> </ul>
Veteran, spouse, unmarried surviving spouse and unmarried dependent child of a U.S. veteran who fulfilled minimum active duty requirement (2 years)	V	A Discharge Certificate ( <u>Form DD-214</u> ) that states "Honorable." A character of discharge "Under Honorable Conditions" is not an "Honorable Discharge" for these purposes. Narrative Reason for Separation block must not state that discharge was for reason of "alienage" or lack of U.S. citizenship	Status Granted	Yes			
Active Military: Active duty or a member of the Armed Forces on full-time duty in the Army, Navy, Air Force, Marine Corps or Coast Guard, spouse and children	M	Military Identification Card ( <u>DD Form 2</u> ) (Active) that lists an expiration date of more than one year from the date of determination. If ID card is due to expire within one year from the date of determination, use a copy of current military orders.	Status Granted	Yes			
Conditional Entrant (status granted to refugees before 1980)	F	<u>I-94</u> with stamp showing admitted under Section 203(a)(7) of INA or <u>I-688B</u> (Employment Authorization Card) annotated "274a.12(a)(3)" or <u>I-766</u> (Employment Authorization Document) annotated "(a1)" or "(a3)"	Entry	Yes			

\*No quarters earned after 12/3/96 may be counted in which an alien has received a Federal means-tested public benefit (FA, SSI, Food Stamps or Medicaid.)

<sup>1</sup>REMINDER: For Medicaid, undocumented immigrants and non-immigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid at *any time* without regard alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

**ALIEN ELIGIBILITY DESK AID**

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
<p>A US citizen's or LPR's battered spouse or child, or parent or child of such person, who obtains "Notice of Prima Facie Case from USCIS under the Violence Against Women Act (VAWA)</p>	<p>B<sup>3</sup></p>	<p>I-797 (Notice of Action) indicating prima facie eligibility of an I-360 self-petition under INA Section 204(a)(1)(A) (iii) or (iv); or INA Section 204(a)(1)(iii)(B) (i) or (iii)</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes if:</p> <ul style="list-style-type: none"> <li>• In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or</li> <li>• After five years in US in a qualified status or</li> <li>• In a qualified status and under age 18 or</li> <li>• In a qualified status and have 40 qualifying quarters</li> </ul>
			<p>Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained</p>	<p>Yes</p>	<p>Yes, after 5 years in US in a qualified status</p>	<p>Yes</p>	
<p>A U.S. citizen's or LPR's battered spouse or child, or parent or child of such person, whose I-360 self-petition under VAWA is approved</p>		<p>I-797 (Notice of Action) indicating approval of an I-360 self-petition under INA Section 204(a)(1)(A)(iii) or (iv), or INA Section 204(a)(1)(iii)(B) (i) or (iii)</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	
			<p>Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained</p>	<p>Yes</p>	<p>Yes, after 5 years in US in a qualified status</p>	<p>Yes</p>	
<p>A U.S. citizen's or LPR's battered spouse or child or parent or child of such person, whose I-360 self-petition under VAWA is pending and is determined to be a credible victim of domestic violence by the social services district's Domestic Violence Liaison (DVL)</p>		<p>I-797 (Notice of Action) indicating pending I-360 self-petition under INA Section 204(a)(1)(A)(iii) or (iv), or INA Section 204(a)(1)(iii)(B) (i) or (iii)</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	
			<p>Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained</p>	<p>Yes</p>	<p>Yes, after 5 years in US in a qualified status</p>	<p>Yes</p>	

**ALIEN ELIGIBILITY DESK AID**

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
<p><b>An alien determined to be a credible victim of domestic violence by the social services district's DVL with a pending or approved I-130 petition</b></p>		<p>I-797 (Notice of Action) indicating approval or pending I-130 visa petition under Section 201(b) of the INA (spouse or child of a U.S. citizen) or Section 203(a)(2)(A) (spouse of a permanent legal resident); <b>or</b></p>	<p><b>Entered Before 8/22/96</b></p>	<p><b>Yes</b></p>	<p><b>Yes</b></p>	<p><b>Yes</b></p>	<p><b>Yes, If:</b></p> <ul style="list-style-type: none"> <li>• <b>In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)]</b> <b>or</b></li> <li>• <b>After five years in US in qualified status</b> <b>or</b></li> <li>• <b>In a qualified status and under age 18</b> <b>or</b></li> <li>• <b>In a qualified status and have 40 qualifying quarters</b></li> </ul>
		<p>I-94 coded K3, K4, V1, V2 or CR -1-7 and a pending or approved I-130 <b>or</b></p> <p>Any other USCIS document indicating the alien has a K or V visa and a pending or approved I-130; <b>or</b></p> <p>I-688B or I-766 (Employment Authorization Documents) annotated (a)(9) or (a)(15)</p>	<p><b>Entered On/After 8/22/96</b> <b>The relevant date for eligibility is the date qualified status was obtained</b></p>	<p><b>Yes</b></p>	<p><b>Yes, after 5 years in US in a qualified status</b></p>	<p><b>Yes</b></p>	
<p><b>An application for VAWA cancellation of removal or suspension of deportation has been granted or is pending and the immigration court finds that applicant has a prima facie case for this relief</b></p>	<p><b>B<sup>3</sup> (cont'd.)</b></p>	<p>Order from the Executive Office of Immigration Review (EOIR) under INA 240A(b) or if the application is pending documentation that the court finds that the applicant has a "prima facie case" for this relief</p>	<p><b>Entered Before 8/22/96</b></p>	<p><b>Yes</b></p>	<p><b>Yes</b></p>	<p><b>Yes</b></p>	
			<p><b>Entered On/After 8/22/96</b> <b>The relevant date for eligibility is the date qualified status was obtained</b></p>		<p><b>Yes, after 5 years in US in a qualified status</b></p>	<p><b>Yes</b></p>	

## ALIEN ELIGIBILITY DESK AID

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Victim of Human Trafficking	D	Certification Document (for adults) or Eligibility Letter (for children) from the Office of Refugee Resettlement (ORR); Must call 1-866-401-5510 for verification <b>or</b> <b>I-94</b> Coded T1, T2, T3, T4 or T5 stating admission under Section 212(d)(5) of the INA if status granted for at least one year	Entry <sup>2</sup>			Yes	
Parolee (for at least one year) (Non-citizens who have been allowed to come into the U.S. for humanitarian or public interest reasons)	G	<b>I-94</b> with annotation "Paroled pursuant to Section 212(d)(5)" or "parole" or "PIP" with date of entry and date of expiration indicating one year <b>or</b> <b>I-688B</b> annotated "8 CFR Section 274a 12(a)(4) or 274(a) 12(c)(11)" <b>or</b> <b>I-766</b> annotated "C11" or A4, and <b>I-94</b> indicating admitted for at least one year	Lawfully Residing in U.S. on 8/22/96			Yes	
			Entered on or after 8/22/96	Yes	Yes, after 5 years in US in a qualified status	Yes	Yes, If: <ul style="list-style-type: none"> <li>In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] <b>or</b></li> <li>After five years in US in qualified status <b>or</b></li> <li>In a qualified status and under age 18 <b>or</b></li> <li>In a qualified status and have 40 qualifying quarters</li> </ul>
Parolee (for less than one year)	T	<b>I-94</b> with annotation "Paroled pursuant to Section 212(d)(5)" or "parole" or "PIP" <b>or</b> <b>I-688B</b> coded 274a.12(a)(4) or 274a12(c) (11) <b>or</b> <b>I-766</b> coded A4 or C11	NA	Yes	No	Yes	No
North American Indian born in Canada	To be determined (PA)  C (MA)	<b>I-551</b> : (Permanent Resident Card): stamped "S1-3", temporary <b>I-551</b> stamp in a Canadian passport <b>or</b> <b>I-94</b> : stamped "S1-3" <b>or</b> <b>Tribal document</b> certifying at least 50% American Indian blood, as required by Section 289 of the INA or documented member of a federally recognized tribe <b>and</b>  School records, <b>or</b> A birth or baptismal certificate issued on a reservation, <b>or</b> Other satisfactory evidence of birth in Canada	NA			Yes	

**REMINDER:** For Medicaid, undocumented immigrants and non-immigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid *at any time* without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

<sup>2</sup> For a Victim of Human Trafficking, ENTRY means the date of Certification by the Office of Refugee Resettlement (ORR) – See 03 ADM-1.

## ALIEN ELIGIBILITY DESK AID

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid <sup>1</sup>	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Member of federally recognized tribe born outside U.S.	To be determined (PA) C (MA)	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	NA			Yes	
PRUCOL (not in any of above statuses)	O (PA & MA) N (MA)	See <u>TASB</u> Chapter 24 See 6-15-01 MA-026 ATTACHMENT B	NA	Yes <sup>2</sup>	No <sup>2</sup>	Yes <sup>2</sup>	No
Undocumented immigrants or non-immigrants (aliens with a temporary immigration status)	E		NA	Treatment of emergency medical condition only <sup>1</sup>		No	

<sup>1</sup> REMINDER: For Medicaid, undocumented immigrants and non-immigrants may receive coverage for care and services necessary for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid at any time without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under CHIP B program.

<sup>2</sup> PRUCOL refers to aliens who are permanently residing in the US under Color of Law. A description of TA PRUCOL can be found in Temporary Assistance Source Book Chapter 24, pages 436 - 438. A description of MA PRUCOL can be found in GIS 04 MA/003 ATTACHMENT 1.

## United States Citizenship and Immigration Services (USCIS – Formerly INS) Documents

I-94	Arrival/Departure Record	I-571	Refugee Travel Document
I-130	Petition for an Alien Relative	I-688	Temporary Resident Card
I-181	Memorandum of Creation of Record of Lawful Permanent Residence	I-688A	Employment Authorization For Legalization Applicants
I-327	Reentry Permit of permanent residents	I-688B	Employment Authorization Card
I-485	Application to Register Permanent Residence or to Adjust Status	I-766	Employment Authorization Card
I-551	Legal Permanent Resident Card, Resident Alien Card or "green card"	I-797	Notice of Action (1-797C current version)

Footnote for Page 4 and Page 5

<sup>3</sup> There are four requirements for qualified battered alien status:

1. Be a credible victim of battery or extreme cruelty; and
2. Have appropriate immigration documentation; and
3. Be able to show a substantial connection between the need for benefits and the battery or extreme cruelty; and
4. No longer reside in the same household as the abuser.

## **SAMPLE DOCUMENTS**

506073141 10

A95 [REDACTED] CYNOU. 2003

705833710 10

Immigration and Naturalization Service I-94 Departure Record

Reason for entry	Public
Category	interests
Port	NYC
Date	10/3/02
Officer	[REDACTED]

Servicio de Inmigración y Naturalización I-94 Registro de salida

NOV 21 2002 Public Interest

14. Family Name	[REDACTED]	NYC 2303
15. First (Given) Name	[REDACTED]	12/01/75
16. Birth Date (Day/Mo/Yr)	[REDACTED]	
17. Country of Citizenship	CUBA	

4. Apellido	[REDACTED]	DATE	OFFICER
5. Primer nombre	[REDACTED]	10/3/02	[REDACTED]
7. Ciudad de origen	CUBA		

See Other Side

DOUGH

STAPLE HERE

Vea el reverso

SPANISH

STAPLE HERE

Departure Number

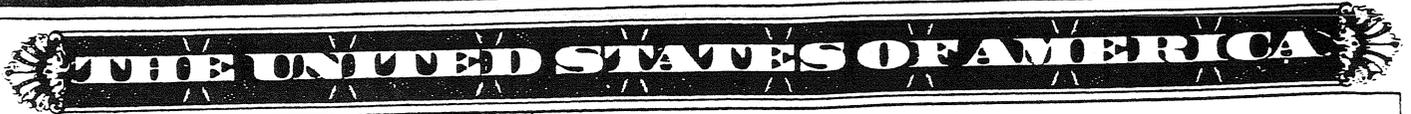
A961 [REDACTED] 07

Immigration and Naturalization Service I-94 Departure Record

PAROLED PURSUANT TO SEC 219 (D)(1) OF THE I.N.A. OF '52	2.03	
PURPOSE PAROLED		
PENDING ASYLUM PROCEEDINGS		
Port	Date	Officer
MIAMI	10/3/02	QB

14. Family Name	[REDACTED]	16. Birth Date (Day/Mo/Yr)	10/04/66
15. First (Given) Name	[REDACTED]		
17. Country of Citizenship	[REDACTED]		





Receipt Number		Case Type Petition for Amerasian, Widow (er) or Special Immigrant (Form I-360)
Receipt Date August 29, 2005	Priority Date	Petitioner
Notice Date September 1, 2005	Page 1	A-File Number A099078032

ATTN BARBARA WEINER ESQ  
EMPIRE JUSTICE CENTER  
119 WASHINGTON AVE  
ALBANY NY 12210

Section: Self-Petitioning Spouse of U.S.C. or L.P.R.  
**ESTABLISHMENT OF PRIMA FACIE CASE**

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 NOTICE MAY BE USED TO ASSIST YOU IN RECEIVING PUBLIC BENEFITS.

**THIS PRIMA FACIE DETERMINATION IS VALID FOR A PERIOD OF 180 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 not expected that a final decision will be made in this case before the end of 180 days. 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.

**A COPY OF THIS NOTICE MUST ACCOMPANY ANY REQUEST FOR AN EXTENSION OF THIS DETERMINATION.**

**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.**

\*\*\*\*\*  
**EXPIRATION DATE: February 28, 2006.**  
\*\*\*\*\*

The following derivative children are named on the pending Petition for Amerasian, Widow (er) or Special Immigrant (Form I-360) of

September 14, 2002

You will be notified separately about any other applications or petitions you filed. Save this notice. Please enclose a copy of it if you write to us about this case, or if you file another application based on this decision. Our address is:

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES  
VERMONT SERVICE C  
75 LOWER WELDEN STREET  
ST. ALBANS, VT 05479-0001



<b>RECEIPT NUMBER</b>		<b>CASE TYPE</b> I-360 PETITION FOR AMERASIAN, WIDOW(ER), OR SPECIAL IMMIGRANT
<b>RECEIPT DATE</b> December 24, 2003	<b>PRIORITY DATE</b> December 19, 2003	<b>PETITIONER</b>
<b>NOTICE DATE</b> November 18, 2004	<b>PAGE</b> 1	<b>BENEFICIARY</b>
GRATER UPSTATE LAW PROJECT 119 WASHINGTON AVE ALBANY NY 12210		Notice Type: Approval Notice Section: Self-Petitioning Spouse of U.S.C. or L.P.R. Class: IB1
<p>The above petition has been approved.</p> <p>The petition indicates that you, the self-petitioner, are in the United States and will apply for adjustment of status. You should contact the local INS office to obtain Form I-485, Application to Register Permanent Resident or Adjust Status. A copy of this notice should be submitted with the application.</p> <p>If you decide to apply for a visa outside the United States based on this petition, you should file Form I-824, 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).</p> <p>The NVC processes all approved immigrant visa petitions that need 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.</p> <p>Please read the back of this form carefully for more information.</p> <p><b>THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.</b></p> <p><b>THIS FORM DOES NOT CONSTITUTE EMPLOYMENT AUTHORIZATION NOR MAY IT BE USED IN PLACE OF AN EMPLOYMENT AUTHORIZATION DOCUMENT.</b></p>		

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

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES  
 VERMONT SERVICE CENTER  
 75 LOWER WELDEN STREET  
 SAINT ALBANS VT 05479

To: Darcia Nathan, Esq.  
Lorbara Wheeler, Esq.

IMMIGRATION COURT  
DELANWARE AVENUE, SUITE 410  
BUFFALO, NY 14202

In the Matter of

Case No.

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on February 27, 2003.  
This memorandum is solely for the convenience of the parties. If the  
proceedings should be appealed or reopened, the oral decision will become  
the official opinion in the case.

- The respondent was ordered removed from the United States to  or, in the alternative to .
- Respondent's application for voluntary departure was  and  respondent was ordered removed to  alternative to .
- Respondent's application for voluntary departure was granted until  upon posting a bond in the amount of \$  with an alternate order of removal to .
- Respondent's application for asylum was  granted  denied  withdrawn.
- Respondent's application for withholding of removal was  granted  denied  withdrawn.
- Respondent's application for cancellation of removal under section 240A(a) was  granted  denied  withdrawn.
- Respondent's application for cancellation of removal was  granted  granted under section 240A(b)(2)  denied  withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under section  of the INA was  granted  denied  withdrawn or  other.
- Respondent's application for adjustment of status under section  of the INA was  granted  denied  withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 216 .
- Respondent is admitted to the United States as a  until .
- As a condition of admission, respondent is to post a \$  bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation or discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other:

Date: February 27, 2003  
Appeal  Reserved Appeal Due by

*On file before*  
*March 31, 2003*  
MICHAEL RUCCO  
Immigration Judge

JK1

## KEY TO I-551 AND I-151 CARDS ("GREEN CARDS")

The codes on a green card indicate how an LPR immigrated to the U.S. This information can be useful, for example, in determining whether an individual immigrated through a family member, as a refugee, or through some other means. As noted below, the code also often indicates whether the immigrant became an LPR through processing at a consulate abroad or through adjustment of status in the U.S. *NOTE: This list is not comprehensive, even as to codes currently in use, and many codes that were used in the past are not included here. Anyone with a green card is an LPR, and a "qualified" immigrant, regardless of the particular code on the card.*

### IMMEDIATE RELATIVE CODES

PROCESSING ABROAD	ADJUSTMENT IN U.S.	MEANING
	CF-1, CF-2	Spouse and minor step-child of U.S. citizen who was admitted as a fiancé(e), and is subject to 2-year conditional residency
CR-1, CR-2	CR-6, CR-7	Spouse and step-child of a U.S. citizen subject to 2-year conditional residency
	IF-1, IF-2	Spouse and minor step-child of a U.S. citizen who was admitted as a fiancé(e)
IR-1	IR-6	Spouse of a U.S. citizen
IR-2	IR-7	Child of a U.S. citizen
IR-3, IR-4	IR-8, IR-9	Orphan adopted or to be adopted by a U.S. citizen
IR-5	IR-0	Parent of a U.S. citizen
IW-1, IW-2	IW-6, IW-7	Widow or widower and child of a U.S. citizen
	MR-0, MR-6, MR-7	Parent, spouse, or child of a U.S. citizen, presumed to be LPR, from the Northern Marianas
	Z4-3	Immediate relative of a U.S. citizen or special immigrant granted LPR status through private bill

### FAMILY-BASED IMMIGRANTS – 1ST FAMILY PREFERENCE

PROCESSING ABROAD	ADJUSTMENT IN U.S.	MEANING
F1-1	F1-6	Unmarried son or daughter of a U.S. citizen
F1-2	F1-7	Child of F1-1 or F1-6
P1-1	P1-6	Unmarried son or daughter of a U.S. citizen (pre-1991)
P1-2	P1-7	Child of P1-1 or P1-6

### FAMILY-BASED IMMIGRANTS – 2ND FAMILY PREFERENCE

PROCESSING ABROAD	ADJUSTMENT IN U.S.	MEANING
C2-1, C2-2	C2-6, C2-7	Spouse and step-child of an LPR subject to 2-year conditional residency
C2-3	C2-8	Child of C2-1, 2, 6, or 7
C2-4	C2-9	Unmarried son or daughter who is step-child of an LPR and subject to 2-year conditional residency
C2-5	C2-0	Child of C2-4 or C2-9
CX-1, CX-2	CX-6, CX-7	Spouse and step-child of an LPR subject to 2-year conditional residency
CX-3	CX-8	Child of CX-1, 2, 6, or 7
F2-1	F2-6	Spouse of LPR
F2-2	F2-7	Child of LPR
F2-3	F2-8	Child of F2-1 or F2-6
F2-4	F2-9	Unmarried son or daughter of LPR

key continued next page ►

**KEY TO I-551 AND I-151 CARDS (CONTINUED)****FAMILY-BASED IMMIGRANTS – 2ND FAMILY PREFERENCE (CONTINUED)**

PROCESSING ABROAD	ADJUSTMENT IN U.S.	MEANING
F2-5	F2-0	Child of F2-4 or F2-9
FX-1	FX-6	Spouse of LPR
FX-2	FX-7	Child of LPR
FX-3	FX-8	Child of FX-1, 2, 6, or 7
P2-1	P2-6	Spouse of LPR (pre-1991)
P2-2	P2-7	Child of LPR
P2-3	P2-8	Child of P2-1, 2, 6, or 7

**FAMILY-BASED IMMIGRANTS – 3RD FAMILY PREFERENCE**

PROCESSING ABROAD	ADJUSTMENT IN U.S.	MEANING
C3-1	C3-6	Married son or daughter of U.S. citizen subject to 2-year conditional residency
C3-2, C3-3	C3-7, C3-8	Spouse or child of C3-1 or C3-6 subject to 2-year conditional residency
F3-1	F3-6	Married son or daughter of U.S. citizen
F3-2, F3-3	F3-7, F3-8	Spouse or child of F3-1 or F3-6
P4-1	P4-6	Married son or daughter of U.S. citizen
P4-2, P4-3	P4-7, P4-8	Spouse or child of P4-1 or P4-6

**FAMILY-BASED IMMIGRANTS – 4TH FAMILY PREFERENCE**

PROCESSING ABROAD	ADJUSTMENT IN U.S.	MEANING
F4-1	F4-6	Brother or sister of U.S. citizen
F4-2, F4-3	F4-7, F4-8	Spouse or child of F4-1 or F4-2
P5-1	P5-6	Brother or sister of U.S. citizen (pre-1991)
P5-2, P5-3	P5-7, P5-8	Spouse or child of P5-1 or P5-2

**VAWA SELF-PETITIONERS**

PROCESSING ABROAD	ADJUSTMENT IN U.S.	MEANING
B1-1	B1-6	Self-petition unmarried son or daughter of a U.S. citizen
B1-2	B1-7	Child of B1-1 or B1-6
B2-1	B2-6	Self-petition spouse of an LPR
B2-3	B2-8	Child of B2-1 or B2-6
B2-4	B2-9	Self-petition unmarried son or daughter of an LPR
B2-5	B2-0	Child of B2-4 or B2-9
B3-1	B3-6	Self-petition married son or daughter of a U.S. citizen
B3-2, B3-3	B3-3, B3-8	Spouse or child of B3-1 or B3-6
BX-1	BX-6	Self-petition spouse of an LPR
BX-2	BX-7	Self-petition child of an LPR
BX-3	B2-8	Child of BX-1, 2, 6, or 7
IB-1	IB-6	Self-petition spouse of a U.S. citizen
IB-2	IB-7	Self-petition child of a U.S. citizen
IB-3	IB-8	Child of IB-1 or IB-6

## KEY TO I-94 Arrival Departure Record

Codes on the I-94 indicate the provision of law related to the individual's status. The following is a list of codes most commonly found on the I-94. This list is not all-inclusive.

<b>PERSONS FLEEING PERSECUTION</b>	
<b>CODE</b>	<b>MEANING</b>
203(a)(7)	Conditional entrant
207 or REFUG	Refugee
208	Asylum
243(h) or 241(b)(3)	Withholding of deportation or removal
AM 1, 2, 3	Amerasian

<b>PERSONS GRANTED PERMISSION TO REMAIN IN THE U.S.</b>	
<b>CODE</b>	<b>MEANING</b>
106	Granted indefinite stay of deportation
242(b)	Granted voluntary departure
212(d)(5)	Parolee

<b>NON-IMMIGRANTS</b>	
<b>CODE</b>	<b>MEANING</b>
A-1, A-2, A-3	Foreign government official, dependents & employees
B-1	Temporary visitor for business
B-2	Temporary visitor for pleasure (tourist)
C-1	Alien in transit directly through U.S.
C-1D	Combined transit and crewman visa
C-2	Alien in transit to UN headquarters district
C-3	Foreign government official, members of immediate family, attendant, servant, or personal employee in transit
C-4	Transit without visa
D-1, D-2	Crewmember of ship or aircraft
E-1, E-2	Treaty trader and investor and dependents
F-1, F-2	Foreign student and dependents
G-1, G-2, G-3, G-4, G-5	Representative of international organization, dependents & employees
H-1B	Alien specialty occupation
H-1C	Registered nurse (working up to 3- yrs in health professional shortage area)
H-2A	Temporary agricultural worker
H-2B	Temporary worker-skilled and unskilled
H-3	Trainee
H-4	Spouse or child of "H" worker (see categories above) or trainee
I	Visa for foreign media representative
J-1, J-2	Exchange visitor and dependents
K-1	Fiancé(e) of U.S. citizen
K-2	Minor child of "K-1"
K-3	Spouse of U.S. Citizen (LIFE Act)
K-4	Child of K-3 (LIFE Act)
L-1A	Intra-company transferee—executive, managerial

<b>NON-IMMIGRANTS</b>	
<b>CODE</b>	<b>MEANING</b>
L-1B	Intra-company transferee—specialized knowledge
L-2	Spouse or child of “L-1”
M-1, M-2	Vocational/nonacademic student and dependents
N-8	Parent of alien classified SK-3 “Special Immigrant”
N-9	Child of N-8, SK-1, SK-2, or SK-4 “Special Immigrant”
NATO-1 NATO-2 NATO-3 NATO-4 NATO-5 NATO-6 NATO-7	Representatives of NATO, dependents, and employees
O-1, O-2, O-3, O-4	Persons with extraordinary ability in the sciences, arts, education, business, and athletics, and dependents
P-1, P-2, P-3	Artists, entertainers, and athletes who are performing, teaching, or on an exchange program
Q-1	International cultural exchange visitors
Q-2	Irish Peace Process Cultural and Training Program (Walsh Visa)
Q-3	Spouse or child of “Q-2”
R-1, R-2	Religious workers and dependents (Spouse or Child of “R-1”)
S-5	Informant of criminal organization information
S-6	Informant of terrorism information
T	Victims of a severe form of trafficking in persons
T-1	Victim of severe form of trafficking in persons
T-2	Spouse of a victim of a severe form of trafficking in persons
T-3	Child victim of a severe form of trafficking in persons
T-4	Parent of victim of a severe form of trafficking in persons (if T-1 is under 21 years of age)
TN	Trade visa for Canadians and Mexicans (NAFTA)
TD	Spouse or child accompanying “TN”
TWOV	Transit without a visa-passenger or crew
U	Victims of certain crimes
U-1	Victim of certain criminal activity
U-2	Spouse of U-1
U-3	Child of U-1
U-4	Parent of U-1, (if U-1 is under 21 years of age)
V-1	Spouse of LPR who is principal beneficiary of a family-based petition (I-130) which was filed prior to December 21, 2000, and has been pending at least three years
V-2	Child of LPR who is principal beneficiary of a family-based petition (I-130) which was filed prior to December 21, 2000, and has been pending at least three years
V-3	The derivative child of a V-1 or V-2
TPS	Temporary Protected Status

# ORIS Programs

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## **New York State Citizenship (NYSC) Hotline**

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The New York State Citizenship Hotline is a New York State funded, multilingual service that provides information to callers on immigration questions and provides callers with referrals to service providers.

## **New York State Citizenship Initiative (NYSCI)**

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NYSCI provides assistance to immigrants regardless of date of arrival who have not yet obtained citizenship. Access to this program is not limited to refugees. Services include application assistance, test preparation and legal assistance.

## **New York State Refugee Resettlement Assistance Program (NYSRRAP)**

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This New York State funded program is intended to supplement mainstream refugee services during the first 60 months of eligibility to fill in the gaps not covered by other programs, and to extend services beyond the time limits imposed by other programs.

## **Refugee Social Services Program (RSSP)**

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RSSP provides services to Refugees, Asylees, Cuban and Haitian Entrants, Trafficking Victims and certain Amerasian Entrants during their first 60 months of eligibility in the United States. RSSP provides Job Skills and Placements, and Transitional Supports to help with any impediments to employment and self-sufficiency.

## **Targeted Assistance (TAG)**

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TAG provides services to Refugees, Asylees, Cuban and Haitian Entrants, Trafficking Victims and certain Amerasian Entrants during their first 60 months of eligibility in the United States. TAG provides Job Training and Placements and Services directed toward assisting eligible refugees to reach self-sufficiency.

## **Services to Victims of Trafficking**

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Victims of human trafficking who are certified by the Office of Refugee Resettlement are a displaced population with similarities to other groups served by the bureau, such as Refugees, Asylees, Entrants, and certain Amerasian immigrants. Service needs include health screening, health care and follow-up medical assistance, job training, job placement, and basic food, clothing and shelter. Additionally, certified trafficking victims require protection from alleged perpetrators and a strict adherence to confidentiality by those who are assisting them.

## **Refugee Health Screening**

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The Health Screening Program was created to ensure follow-up on conditions identified during the overseas medical exam; identify persons with communicable diseases; identify health conditions that may adversely impact resettlement and to introduce incoming refugees to the United States health care system.

## **Refugee Preventive Health**

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The Refugee Preventive Health program goals are to maintain a New York City Refugee Health Care Consortium to promote refugee access to health care, to train medical interpreters, to case manage client referrals to health and mental health care centers, and to provide community outreach through the distribution of multilingual materials and holding community education events. The Preventive Health Program is developed to enhance and complement the Refugee Health Screening Program.

## **Refugee School Impact Grant**

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The New York State Refugee School Impact Program provides services that help refugee children and their families adjust to American schools. The programs also provide supportive services to school staff. Services include summertime Refugee Academies, academic coaching, translation and interpretation services, school staff orientations, parent orientations and family activities.

## **Unaccompanied Refugee/Entrant Minors Program**

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The United States Department of State identifies refugee children overseas who are eligible for resettlement in the U.S., but do not have a parent or guardian. Upon arrival in the U.S., these refugee children are placed into the UREM program and they receive refugee foster care and other services and benefits. In New York State the Unaccompanied Refugee/Entrant Minors Program providers are the local county Departments of Social Services and local foster care providers.

## **Refugee Cash Assistance and Refugee Medical Assistance (RCA/RMA)**

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RCA/RMA provides temporary assistance for refugees who are not eligible for other cash or medical assistance programs, within eight months of being granted an eligible status. In New York State Refugee Cash Assistance and Refugee Medical Assistance services are provided by the local county Departments of Social Services.

## **Repatriation**

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The statutes authorize the Secretary of Health and Human Services to make arrangements for providing such temporary assistance to U.S. citizens and their dependents who have returned from a foreign country to the United States because of destitution, illness, threat of war or similar crisis and are without available resources. The Department of States (DOS) certifies that a citizen or dependent of a citizen is eligible for repatriation and returns him or her to the United States. Upon arrival in the United States, services are the responsibility of the Secretary of Health and Human Services. In New York State Repatriation services are provided by the local county Departments of Social Services.

# **SERVICES FOR OLDER REFUGEES**

## Resource Listing

### Immigration Information and Assistance

New York State Immigration Hotline...(212) 419-3737 or 1+(800) 566-7636  
Hotline staff speak 18 different languages and can give information about services available in local communities.

Office of Refugee and Immigration Home Page...[www.otda.state.ny.us](http://www.otda.state.ny.us)  
NYS Office of Temporary and Disability Assistance website. Click on the link for Office of Refugee and Immigration Services in blue bar along left side of page.

### Aging Services & Network

NYS Office for Aging (general website)...<http://aging.state.ny.us>

Resource Guide for Seniors...<http://aging.state.ny.us/findhelp/guide/index.htm>

Health Insurance Counseling...<http://hiicap.state.ny.us/index.htm>

Health and Wellness...<http://agingwell.state.ny.us/>

Senior Housing Guide...<http://seniorhousing.state.ny.us/>

Nursing Home Ombudsman...<http://ombudsman.state.ny.us/>

Senior Citizens Hot Line...1-800-342-9871 (within NYS) or 1-518-474-7158 (when calling from outside NYS)

Empire Justice Center  
[www.empirejustice.org](http://www.empirejustice.org)  
1-800-635-0355

### Why Should NY's Aging Network Learn About Older Refugees

- There are many elderly refugees in NYS who may need services provided by local offices for the aging.
- Most non-English speaking elderly face significant cultural and language barriers. These problems are often magnified for elderly refugees due to their loss of family, home, and economic resources.
- Many older refugees are entitled to SSI and Medicaid benefits, but may be in jeopardy of losing these benefits due to federal program rules unless they take appropriate actions.
- Local Offices for the Aging may be able to assist such persons through public information, outreach, case management, and information and assistance services.

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### Additional Needs of Older Refugees

- Many older refugees may also be undertaking efforts to become citizens and may benefit from assistance through English as a Second Language or citizenship programs in their communities.
- Some of these elders may have functional impairments and could benefit from learning about services that can help them remain independent and avoid institutional care.
- Others may benefit from information about services to assist them such as SSI, senior centers, meals programs, transportation, food stamps, HEAP, Emergency Assistance to Adults, home care, case management, and shelter programs.
- Many older refugees may also be caring for grandchildren and benefit from information about grandparent support groups or local caregiver programs.

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### As NYS's Minority Population Grows the Number of Older Refugees May Increase

- New York State has a proud tradition of serving as a gateway to America for generations of immigrants, including refugees.
- NY continues to see an influx of foreign born individuals and families who are settling here on a permanent or temporary basis and may be followed by elderly family members who are in refugee status as they reach out to make connections with family members in the United States.
- An older refugee with close relatives already in the United States will probably be resettled where the relatives live.

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## How Can NYS's Aging Network Help?

- Offices for the Aging should include reaching older refugees in plans to reach the minority elderly in their area.
- Offices for the Aging and community based providers should acquaint themselves with the programs to help refugees in their area.
- OTDA funds many local and regional programs and services. Most of these are identified on their website.
- <http://www.otda.state.ny.us/otda/bria>

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## Developing Local Partnerships

- By working with refugee services, local social services districts and other key agencies to develop partnerships with programs that assist refugees the aging network can help them learn more about the elderly and their needs and the services available to them.
- The aging network can also identify valuable resources that can help them translate information, as well as improve outreach to the minority elderly.

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## What is NYS's Aging Network?

The Aging Network includes the NYS Office for the Aging, the local area agencies on aging (Offices for the Aging) and a network of local community based provider agencies who all work hard to support the dignity of elderly persons and enable them to remain independent and enjoy healthy and rewarding lives.

New York State Office for the Aging, serves as an advocate for over 3.2 million New Yorkers 60 and older. The Office advocates for older persons at all levels of government and the private sector with the cooperation of concerned organizations and older New Yorkers.

In addition, the Office administers a variety of federal and state community based service programs for the elderly that are provided by communities in every county through local Offices for the Aging.

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## Area Agencies on Aging

- The majority of programs funded by the State are administered through local offices for the aging or area agencies on aging.
- There are 59 local offices which serve each county, the City of New York as well as the St. Regis Mohawk Indian Reservation, and the Seneca Nation of Indians which includes the Cattaraugus and Allegany Reservations. These are the only Indian Reservations with offices for the aging east of the Mississippi.
- These offices assist over 500,000 elderly annually.

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## Local Services

- The Area Agencies on Aging help provide many critical services at the local level such as information and assistance, case management, home care, meals, social adult day care, respite, services for caregivers, transportation, legal services, senior centers, and a variety of other services and programs.
- To provide these services Offices for the Aging often contract with a variety of local provider agencies including senior centers, licensed home care agencies, and a variety of community based organizations.

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## Information About Services

- The New York State Senior Citizen Hotline  
1-800-342-9871 (TDD).
- The Toll-Free Senior Citizens' Hot Line provides access to all residents of New York State to information about programs and services for the elderly. It supplements and complements the information and referral services provided by the local Offices for the Aging.
- To make the Hot Line as helpful as possible, a Spanish speaking staff person was hired and a telecommunications device for the deaf (TDD) was added to assist hearing and speech impaired callers.
- The Hot Line is staffed by older workers and may be reached on Monday through Friday, 8:00 AM to 4:00 PM. On holidays and weekends, callers hear a recorded message advising them to call during regular office hours.
- The Resource Guide: Information on Programs and Services for Seniors.  
To order copies call (518) 474-7158.

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## NY's Foreign-Born and Minority Populations Are Growing

- New York State's foreign born population consists of immigrants, refugees and asylees.
- New York's foreign-born population increased by more than 35 percent between 1990 and 2000 due to the continued high level of foreign immigration.
- This increase is most apparent in New York City and Nassau-Suffolk metropolitan areas where the foreign born make up nearly 30 percent of the total population.
- The foreign born population represents only 5 percent of the total population in the balance of the State, but has seen an increase between 1990 and 2000 of more than 13 percent.

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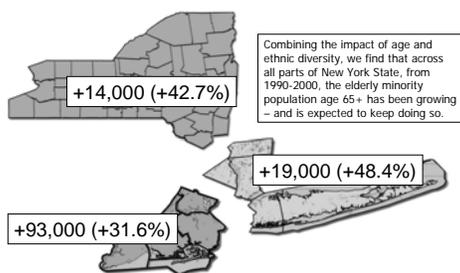
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## Growth of Elderly Minority Population 1990-2000



Combining the impact of age and ethnic diversity, we find that across all parts of New York State, from 1990-2000, the elderly minority population age 65+ has been growing -- and is expected to keep doing so.

[Source: "New York State: The Community Context" (PowerPoint presentation) by Dr. John R. Logan, Director, Lewis Mumford Center, University at Albany]

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## New York's Population is Increasingly Multicultural

- For the first time ever, the 2000 Census allowed for multi-racial identification. More than 590,000 persons in New York State identified themselves as being of two or more races. This represents 3.1 percent of the total population.
- The Decennial Census also identifies persons by their reported ancestry. While New York residents continue to represent a predominantly European ancestry, Indian and African populations have grown rapidly.

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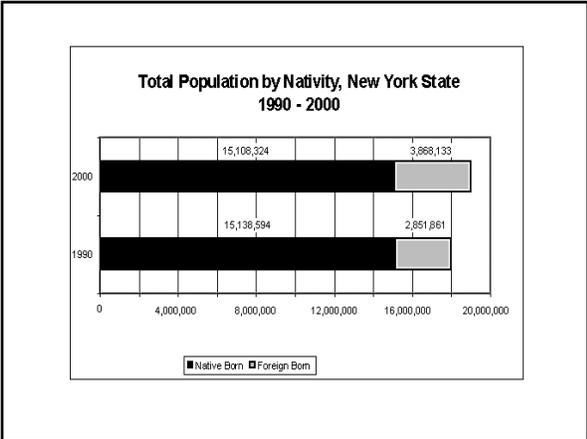
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**Language Barriers Limit Access to Services**

- Approximately 1/2 of persons who speak a foreign language at home are not proficient in the English language.
- New York's diverse racial and foreign-born populations speak many different languages and are less proficient in speaking English than they were in 1990. Of the population five years and older, nearly 5 million people, or 28 per cent, speak a language other than English at home, this is an increase from the level of 21 per cent in 1990.
- Persons who don't speak English at home are concentrated in New York City where 47.6 percent speak a language other than English, up from 41 percent in 1990. Ability to speak English in the Census is categorized as those who speak "very well," "well," "not well," or "not at all."

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**The Aging Network Understands that language and culture can create significant challenges that limit independence**

- How well an elderly person speaks English makes a huge difference in the how well he or she can perform activities of daily living, from grocery shopping and banking to communicating with public officials or health and human service providers (like offices for the aging).
- Information about services for elders does not often translate easily into some foreign languages and therefore may be ignored or misunderstood.
- Non-English speaking elders are also at risk of Medicare and Medicaid fraud.
- These barriers are compounded by potential concerns or perceived conflicts with the caregivers of elderly refugees, some of whom may have alien status or also have significant cultural or language barriers.

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## Follow up Needed

- Local Offices for the Aging and Aging Network providers should contact the refugee programs in there area to share information on how to access services for seniors.
- The aging network should provide outreach to try and help identify and assist those older refugees at risk of losing SSI benefits.

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## ORIS

Office of Refugee and Immigrant Services  
Formerly Bureau of Refugee and  
Immigrant Affairs

Established by the Federal Refugee Act of  
1980

Promotes integrated approach to refugee  
and immigrant policy and program  
development

Assures efficient use of services and  
benefits for refugees and immigrants

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## ORIS Mission

- Help refugees & other persons eligible for services to achieve economic and social self sufficiency
- Help other legal immigrants in their transition
  - Outreach activities
  - Information and referrals
  - Legal assistance
  - Citizenship assistance

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### **ORIS Mission**

- Provide assistance to victims of human trafficking
- Provide foster care services to unaccompanied refugee minors
- Help repatriated US citizens return home safely
- Improve access to information on OTDA services and programs
  - Especially for those with limited proficiency

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### **Refugees**

**An immigrant who has fled his or her home country because of persecution or fear of persecution**

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### **Asylee**

**A person already in United States or United State territory**

**Unable or unwilling to return to country because of persecution or fear of persecution**

**Based on person's race, religion, nationality, membership in particular social group, political opinion**

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## How Are Refugees Admitted To United States?

- Number allowed to enter country determined annually
- Federal Department of State works with national voluntary resettlement agencies to decide the number of refugees and specific individuals to be settled in a particular state

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## Refugees in New York

Over past 5 years about 2,500 have settled annually here primarily from:

- Somalia
- Liberia
- Ukraine
- Russia
- Burma

Most resettle across the state outside of New York City

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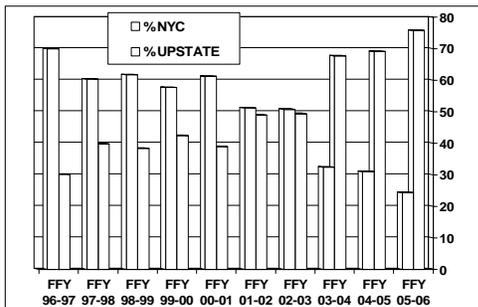
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## Refugees Resettled - %




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### Immigration & Refugee Statuses and Eligibility for Refugee Benefits

- Asylees
- Cuban or Haitian entrants
- Certain Amerasian immigrants
- Certified trafficking victims
- Certain family members of trafficking victims

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### Time Limits on Eligibility

- Service eligibility limited to 60 months from the date of arrival or status granted
- Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) is limited to 8 months from arrival or status granted/changed
- SSI eligibility limited to 7 years from status date, unless the recipient becomes a citizen

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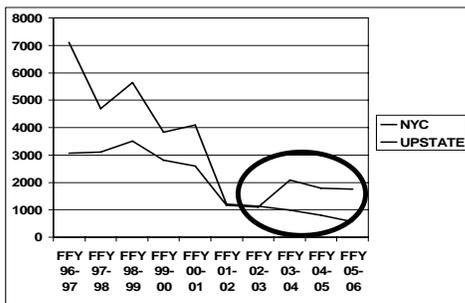
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### Resettlement in NYS




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**What About Undocumented Persons?**

**Undocumented persons are not considered refugees and aren't eligible for federally funded services administered by ORIS**

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**Older Refugees**

**From 1999-2004:**

- **NYS had 2<sup>nd</sup> largest number of older refugee arrivals in U.S.**
- **Highest percentage of elderly refugee arrivals**
- **In a 10 year period 7,822 older refugees arrived in NYS**
- **ORIS identified 4,466 in receipt of SSI benefits**

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**Barriers To Accessing Mainstream Again Services**

- **Social isolation**
- **Health problems**
- **Language and literacy**
- **Inability to self-advocate**

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## ORIS Programs For Older Refugees

- NYS Refugee Resettlement Assistance Program (NYSRRAP)
- NYS Citizenship Initiative (NYSCI) and Immigration Hotline
- Refugee Preventive Health Program (RPHP) and Health Screening
- Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA)

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## Services Offered

- Mental health, ESL, case management, resettlement assistance
- Case management services to elderly refugees to ensure access to mainstream aging services
- Initial health screening and adult immunizations within first 90 days of immigrant status
- Health and mental health care through case management and outreach

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## Service Delivery

ORIS services are delivered via performance-based contracts through local providers to help older refugees...

- Learn English
- Understand the benefits of citizenship and to assist with becoming citizens
- Understand their immigration status
- Acculturate to new land
- Access public transportation, mental health and health care services
- Effectively deal with discrimination

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### The SSI Program

- Federal income assistance for low- or no- income elderly, blind or disabled persons
- Must meet both financial need and disability tests
- Disability test:
  - severe impairment that has lasted or will last at least 12 months
  - Inability to engage in substantial gainful work

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### Benefits Eligibility After PRWORA: General Rule

Only citizens, nationals and immigrants with “qualified alien” status (*qualified immigrants*) are eligible for federal public benefits

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### Citizens and Nationals

**CITIZENS:**

- Birth (in US, Puerto Rico, Guam, Virgin Islands, Northern Mariana Islands)
- Naturalization
- Acquisition (at birth, through US citizen parent)
- Derivation (through parent’s naturalization)

**NATIONALS:** born in possessions of US, e.g. American Samoa

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### Qualified Immigrants

- Lawful permanent residents (green cards)
- Certain battered spouses and children
- Persons paroled into the US for at least a year
- Humanitarian Entrants

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### Humanitarian Entrants

Admitted because of fear of persecution:

- Refugees,
  - Asylees, and
  - Persons whose deportation is withheld
- Humanitarian admissions under special acts of Congress:
- Amerasians
  - Cuban/Haitian Entrants

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### Cuban/Haitian Entrants

- Category 1A: "Cuban/Haitian Entrant (Status Pending)" (CU6/CH6)
- Category 1B: Paroled on or after 10/10/1980 (no matter current status)
- Category 2A: Currently in Parole Status
- Category 2B: In removal proceedings, no final order
- Category 2C: Application for Asylum pending

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### Also Eligible for Benefits

- Canadian born Native Americans and other members of federally recognized, cross-border tribes - treated like citizens for benefits purposes
- Victims of severe form of trafficking with T-visas, including derivatives - treated like refugees for benefits purposes

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### Verification: "Reading" Immigration Documents

- I-797 Notice of Action
- I – 94's
- Stamps in Passports
- Codes on Employment Authorization Card
- Annotations on the Green Card
- Immigration Court Decisions

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### Immigrants Residing in U.S. On or Before August 22, 1996

- Lawfully residing immigrants in receipt of SSI on August 22,1996, remain eligible
- Qualified immigrants who were not in receipt of SSI on 8/22/96 but who were lawfully residing in US are eligible for SSI if they become disabled

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**Lawfully Residing  
Immigrants**

- Immigrant in qualified status
- Paroled into U.S. for less than 1 year
- TPS
- Deferred Action
- Immediate relative with approved petition and pending application for green card
- Applicant for asylum, withholding of removal with employment authorization
- Inspected & admitted & hasn't violated status

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**SSI Eligibility of Post -  
8/22/1996  
Qualified Immigrants**

- 40 Q LPRs (after 5 years in qualified status)
- Members of armed services & veterans & their dependents (deeming/sponsor liability)
- Humanitarian entrants & T visas – but only for 7 years (adjustment to LPR during 7 years does not affect eligibility)

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**40 Quarter LPRs**

Whose quarters count?

- Quarters of LPR
  - Spouse
  - Parent, earned while LPR under 18
- BUT**, quarter in which means tested benefit is received doesn't count
- Means tested benefits include: Medicaid, Welfare, Food Stamps, CHIP or SSI

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### Hypothetical

- A female, a citizen of Haiti, arrived in the U.S. in May of 1996 on a tourist visa
- She immediately applied for asylum and employment authorization
- She received her employment authorization in August of 1996 while her application for asylum was pending
- In May of 2000, she was finally granted asylum
- In January, she was in a car accident and became disabled. Is she eligible for SSI? For how long?

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### Variation....

- Same facts as before but this time, instead of being in a car accident, the woman turned 65 in May of 2000
- Is she eligible for SSI?

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### MAINTAINING SSI ELIGIBILITY OF REFUGEES BEYOND 7 YEARS

- Qualify as LPR with 40 work quarters
  - Qualify under armed services related eligibility criteria
- OR
- Naturalize

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**Can All Humanitarian Based Immigrants Adjust to LPR Status?**

- Refugees: Yes
- Asylees: Yes
- Withholding of Deportation: No
- Cuban parolees: Yes
- Haitian entrants: Maybe.
- T visas: Maybe
- Amerasians: Yes

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**Moving from LPR Status to Citizenship**

- Continuous residence in LPR status for 5 years;
- Physical presence in U.S. for at least 30 months of last 5 years;
- At least 18 years old;
- Good moral character, and
- Understanding of English and knowledge of U.S. history and government

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**Exemption from English Requirement**

- Over 50 and LPR for 20 years
- Over 55 and LPR for 15 years
- Over 65 and LPR for 20 years – native language and reduced pool of questions

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### **English and Civics Waiver**

- For those who cannot comply because of “physical or developmental or mental impairment”
- The doctor’s determination is conclusive

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### **Disability Must Meet Certain Conditions**

- Medically determinable physical or mental impairment, or combination, which has lasted or will last for at least 12 months
- Impairment must be medically verifiable by clinical or diagnostic techniques
- Impairment of cognitive ability must be directly related to impairment (illegal drugs don’t count)

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### **The N-648 Medical Certification for Disability Exception**

- Must be completed by medical doctor, doctor of osteopathy or clinical psychologist
- Based on their experience or medical specialty, qualifying them to make assessment
- Doctor or psychologist must link impairment with inability of immigrant to demonstrate or learn knowledge of English or history

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