

LEGAL SERVICES OF SOUTH CENTRAL MICHIGAN

"...there can be no equal justice where the kind of trial...(one) enjoys depends on the amount of money (one) has."

--Hon. Hugo Black
Griffin v Illinois
351 US 12 (1956)

ALIEN ELIGIBILITY FORM

(see 45 CFR 1626 for more details)

If an applicant is not a U.S. Citizen, you must determine whether s/he is an eligible or ineligible alien. The person must submit appropriate documents to verify eligibility, except for category 3. If the person is found eligible, check the appropriate category and proof below. **A copy of the proof must be kept in the case file.** A person who is not within one of the following six eligibility categories shall not be eligible for legal services.

Name: _____

Date: _____

Interviewer/Intake Worker: _____

Check here if ineligible alien

Emergencies: In an emergency, legal services may be provided prior to obtaining proof of eligibility:

1. If it is not feasible for an alien to come to Legal Services or otherwise physically transmit documentation to Legal Services, such required information as can be obtained orally shall be recorded by Legal Services and written documentation shall be submitted as soon as possible.
2. If an alien is physically present, but cannot produce required documentation, he or she shall make a written statement identifying the category under which he or she claims eligibility and the documents that will be produced to verify that status; this documentation shall be submitted as soon as possible.
3. The case handler shall inform clients accepted under these procedures that only limited, emergency legal assistance may be provided them without satisfactory documentation, and that failure or inability to produce satisfactory documentation will compel Legal Services to discontinue representation consistent with its professional responsibilities as soon as the emergency no longer exists.
4. Legal Services shall apply the same criteria for emergency assistance to alien applicants as apply to all other applicants.

Telephone Contact: No written verification of eligibility is required when the only service provided is brief advice and consultation by telephone.

NOTE: for "Required Proof" for categories 1, 2B, 4, 5, and 6, you may also accept "Any verification from INS or other authoritative document."

1. **PERMANENT RESIDENT** A#: _____
Required Proof (Check Applicable Box):
- Permanent Resident Card / Alien Registration Receipt Card / Resident Alien Card (Forms I-551 or I-151)
 - or Form I-94 with stamp indicating admission for lawful permanent residence
 - or Passport with immigrant visa or stamp indicating admission for lawful permanent residence.

2. (A) Spouse of a U.S. Citizen, **OR** Parent of U.S. Citizen, **OR** Unmarried Child under 21 of U.S. Citizen, **AND**
 (B) Has filed an application for adjustment of status to permanent residency and such application has not been rejected.

Required Proof (Check one from A **and** one from B):

A. Proof of relationship to U.S. Citizen (USC)

- Copy of alien's marriage certificate accompanied by proof of spouse's U.S. citizenship;
- or Copy of child's birth certificate or other document demonstrating that the alien is the parent of a USC;
- or Copy of alien's birth certificate or other document demonstrating that the alien is a child under 21 accompanied by proof that the alien's parent is a USC
- or Copy of Form I-130 or I-360 containing information demonstrating alien is related to such U.S. citizen, with proof of filing

B. Proof of filing* a non-rejected application for adjustment of status:

- Form I-129F, I-130, I-256A, I-360 self-petition, I-485, I-539, I-589, I-698, I-730, I-817, I-881, OF-230, EOIR-40, EOIR-42
- or Form I-688B or I-766 (employment authorization card) coded 8 CFR 274a.12(c)(9) or (c)(10) or (c)(16) or (c)(21) or (c)(20) or (c)(22) or (c)(24) or (a)(9) or (a)(13) or (a)(14) or (a)(15) or (a)(16) or (c)(25) or (c)(8)

* Proof of filing may include a fee receipt or Receipt Notice (Form I-797) showing that the above application was filed; a filing stamp showing that the application was filed; or a copy of the application accompanied by a notarized statement signed by the alien that such form was filed.

3. *Using any funds, provided that the legal assistance is directly related to the prevention of, or obtaining relief from, the battery or cruelty, sexual assault or trafficking, or the crimes listed in 8 USC 1101(a)(15)(U)(iii):*

- Battered alien, or subjected to extreme cruelty, or
- Victim of sexual assault or trafficking, or
- Qualifies for U visa (victim of certain crimes), or
- Alien whose child, without the active participation of the alien, has been battered, a victim of sexual assault, or qualifies for relief under the U Visa

See LSC Program Letter 06-2 for more details

4. **Refugee or Asylee or Conditional Entrant or Granted Withholding or Deferral of Deportation or Removal**
Required Proof:

- Form I-94 or passport stamped "refugee" or "§207" or "asylee" or "§208" or "conditional entrant" or "§243(h)" or "241(b)(3)" or an order granting asylum or withholding or deferral of deportation or removal from INS, immigration judge, BIA, or federal court
- or Form I-688B or I-766 (employment authorization card) coded 8 CFR 274.a12(a)(3) or (a)(4) or (a)(5) or (a)(10)
- or Form I-571 refugee travel document

5. **H-2A Agricultural Worker** (representation for wages, housing, transportation, and other employment rights matters)

Required Proof:

- Form I-94 or passport stamped "H-2"

6. **Special Agricultural Worker Temporary Resident**
Required Proof:

- Form I-688, I-688A, I-688B, or I-766 indicating issuance under INA §210 [or under 8 CFR 274a.12(a)(2), with other evidence indicating eligibility under INA §210]

7. **Victim of Trafficking** (see LSC Program Letter 05-2 for more details)
Person trafficked by force or fraud into the commercial sex industry as well as those individuals who are exploited for their labor.

- Adult victim of trafficking (must be "subject of a certification"), or
- Victim of trafficking under age 18, or
- Family member of victim of trafficking