

7. Immigration

7.1 Acronyms

AREERA	Agriculture Research, Extension and Education Reform Act
ASAWs	Additional Special Agricultural Workers (AKA Replenishment Agricultural Workers, RAWs)
ASVI	Alien Status Verification Index - system of records
BBA	Balanced Budget Act
BCC	Border Crossing Card
CAPI	Cash Assistance Program for Immigrants
CBO	Community Based Organization
CCA	Child Citizenship Act
CFAP	California Food Assistance Program
CFRPP	Cuban Family Reunification Parole Program
CJF/HIAS	The Council of Jewish Federations/Hebrew Immigrant Aid Society
DHS	Department of Homeland Security
DOE	Date of Entry
DOL	Date of Legalization
EAD	Employment Authorization Document
ECA	Entrant Cash Assistance
ELA	Eligible Legalized Alien
EMA	Entrant Medi-Cal Assistance
EOIR	Executive Office for Immigration Review
FR	Federal Register
FSM	Federated States of Micronesia
GA/GR	General Assistance/General Relief
HP	Humanitarian Parolee
HIAS	Hebrew Immigrant Aid Society
INA	Immigration and Naturalization Act
INS	Immigration and Naturalization Service — See definitions.
§	USCIS symbol for “Section”

IRC	International Rescue Committee
IRCA	Immigration Reform Control Act of 1986 — Contained eligibility for assistance rules for certain amnesty noncitizens.
Kin-Gap	Kinship Guardianship Assistance Payment Program
LPR	Lawful Permanent Resident
MAA	Mutual Assistance Association
MIS	Republic of Marshall Islands
NCEP	Noncitizen Eligibility and Certification Provisions
NILC	National Immigration Law Center
NMI	Northern Mariana Islands
OBRA	Omnibus Budget Reconciliation Act of 1986 - Contained Medi-Cal eligibility rules for certain undocumented noncitizens.
ODP	Orderly Departure Program
ORR	Office of Refugee Resettlement
PRS	Permanent Resident Status
PRWORA	Personal Responsibility and Work Opportunity Reconciliation Act of 1996
PRUCOL	Permanently Residing In The United States Under Color Of Law
RAWs	Replenishment Agricultural Workers, (AKA Additional Special Agricultural Workers, ASAWs)
RCA	Refugee Cash Assistance
RMA	Refugee Medi-Cal Assistance
SAVE	Systematic Alien Verification of Entitlements
SAWs	Special Agricultural Workers
SIS	Satisfactory Immigration Status
SIV	Special Immigrant Visas
SLIAG	State Legalization Impact Assistance Grants (Funding ended 6/30/94)
SNAP	Supplemental Nutrition Assistance Program (Federal Food Stamp benefits)
SSA	Social Security Administration
SSI	Supplemental Security Income
TANF	Temporary Assistance for Needy Families (Federal Cash Aid program)
TCVAP	Trafficking and Crime Victims Assistance Program (TCVAP)
TPS	Temporary Protected Status
TRMA	Transitional Refugee Medical Assistance
TRS	Temporary Resident Status

TTPI	Trust Territories of the Pacific Islands
USCC	United States Catholic Charities
USCIS	United States Citizenship and Immigration Services
VAWA	Violence Against Women Act
VOLAG	Private Voluntary Resettlement Agency
WR	World Relief

7.2 Definitions

7.2.1 Affidavit of Support

The affidavit of support is a document which holds a sponsor financially responsible for the immigrant until the immigrant attains U.S. citizenship or has 40 work quarters. [\[Refer to “40 Quarters,” page 8-27\].](#)

Nearly all family-based and some employment-based immigrant visa applicants have to submit an affidavit of support form.

- The I-134 Affidavit of Support form was used prior to 12/19/97 and is non-enforceable.
- The I-864 Affidavit of Support is used effective 12/19/97. This affidavit is now legally enforceable.

7.2.2 Alien (Non-citizens)

[\[Refer to “Non-citizen,” page 7-10\].](#)

7.2.3 Amnesty (IRCA)

The Immigration Reform and Control Act (IRCA) was enacted in 1986 allowing certain non-citizens residing unlawfully in the U.S. to apply for permanent residency status if they could otherwise qualify as legal residents under USCIS guidelines. The IRCA Amnesty program has ended. However, there are still IRCA individuals whose immigration status has not been resolved. IRCA included:

- Pre-1982 Amnesty Aliens — Immigration and Naturalization Act (INA) Section 245A (general amnesty)
- Special Agricultural Workers (SAWs) — INA Section 210 (farm workers)
- Replenishment Agricultural Workers (RAWs) — INA Section 210A
- Cuban-Haitian Entrants — INA Section 212
- Registry Aliens Pre-1972 Amnesty — INA Section 249.

7.2.4 Asylees

An Asylee is an individual who has been granted asylum under Section 208 or 208(a) of the INA. Individuals already present in the U.S. who meet the requirements for refugee status because they fear persecution in their home country can apply for asylum.

7.2.5 Authorization to Work

Non-citizens, in the U.S., must receive authorization from USCIS in order to become employed. Visitors are barred from working in the U.S. Working without authorization is a violation of the non-citizen's immigration status and is a ground for deportation/exclusion.

7.2.6 California Food Assistance Program (CFAP)

CFAP is a state program that allows certain qualified legal non-citizens, if not eligible for federal Food Stamp (FS) benefits based solely on their immigration status, to receive state-funded FS benefits (CalFresh). Current FS regulations will apply to CFAP participants. CFAP eligibility is generally for adults who have not yet met the federal five-year residency requirement.

7.2.7 Child Citizenship Act (CCA) of 2000

The CCA became effective on February 27, 2001. Under this Act, a child born outside of the U.S. automatically becomes a citizen of the U.S. when all of the following conditions have been fulfilled:

- At least one parent is a citizen of the U.S., whether by birth or naturalization,
- The child is under the age of 18 years,
- The child is residing in the U.S. in the legal and physical custody of the citizen parent, and
- The child entered the U.S. pursuant to a lawful admission for permanent residence. (Admission in any immigrant classification will satisfy the requirement that the applicant be admitted to the U.S. as a lawful permanent resident.)

In the case of an adopted child, that child is under the age of 16 and has resided in the legal and physical custody of the citizen parent(s) for at least two years (sibling children adopted by the same parent(s) have until the age of 18).

This legislation represents a significant and important change in the nationality laws of the U.S. The changes made by the CCA authorize the automatic acquisition of citizenship and permanently protect the adopted children of U.S. citizens from deportation.

Under the CCA, qualifying children who immigrate to the U.S. with a U.S. citizen parent automatically acquire U.S. citizenship upon entry; children who live abroad acquire citizenship on approval of an application and the taking of the oath of allegiance.

Individuals who are 18 years of age or older on February 27, 2001 do not qualify for citizenship under the CCA, even if they meet all other criteria. If they wish to become U.S. citizens, they must apply for naturalization and meet eligibility requirements that currently exist for adult lawful permanent residents.

7.2.8 Conditional Entrant

The provision of Public Law 89-236 for “Conditional Entrant” was the primary method of entry for refugees when enacted in 1965 under Section 203(a)(7). This provision was abolished by the Refugee Act of 1980; however, there may be individuals with this documentation. These individuals are considered qualified noncitizens. (Refer to the section on Qualified Noncitizens for more detailed information.)

7.2.9 Conditional Permanent Resident

A conditional permanent resident is a noncitizen granted a two year period of permanent resident status based on a “qualifying” marriage to a U.S. citizen, national, or LPR. Unlike other permanent residents whose eligibility may continue if their I-551 cards are expired, eligibility discontinues for conditional permanent residents who’s I-551s have expired.

Children of a U.S. citizen, national, or LPR may also have this status. The conditional status expires after two years. It is the responsibility of the conditional permanent resident to obtain a new immigration status from USCIS.

Noncitizens with conditional permanent resident status are lawful permanent residents and are eligible for public benefits. If the marriage is dissolved within two years, a noncitizen admitted as a result of that marriage could lose their LPR status and if this occurs, would no longer be eligible for benefits, unless the individual meets another status, such as VAWA.

7.2.10 Deeming

This is a method of presuming income and resources of a sponsor for a sponsored noncitizen. This attribution of income and resources is called “deeming.” Unless meeting the indigence exception, the “deemed” or countable portion of the sponsor’s income and resources are included as a part of the sponsored noncitizen’s income and resources when determining whether the noncitizen is eligible for benefits. Not all noncitizens are sponsored; not all sponsored noncitizens are subject to deeming.

Deeming of the sponsor’s income and resources to the sponsored noncitizen continues until:

- The sponsored noncitizen becomes a naturalized citizen;
- The sponsored noncitizen can be credited with 40 qualifying quarters of work;
- The sponsored noncitizen is no longer an LPR and leaves the U.S.;
- The sponsored noncitizen meets one of the exceptions*;
- The sponsor or the sponsored noncitizen dies.

**Note:**

Eligible noncitizen children under age 18 are exempt from sponsor deeming. Refer to MPP Section 63-503.492 for additional deeming exceptions. Sponsored noncitizens who meet the indigence exception also are not subject to deeming—only the amount of actually provided income is counted to determine whether the indigence exception is met.

7.2.11 Derivative Citizenship

Derivative citizenship is conveyed to children (under 18) through the naturalization of parents, or under certain circumstances, to spouses of citizens at or during marriage, to children of battered non-citizens, or to foreign-born children adopted by U.S. citizen parents, provided certain conditions are met.

Once children reach the age of 18, they must obtain status as adults to the extent they have not already derived citizenship through their parents.

7.2.12 Diversity Visa Program

The Diversity Visa program is also known as the “lottery” program. The Immigration Act allows a specified number of immigration opportunities for individuals from countries other than the principal sources of current immigration to the U.S. Individuals from countries determined by USCIS, according to a mathematical formula, will be able to compete for these visas. These individuals are not required to be sponsored.

7.2.13 Documented Non-citizen

A non-citizen in the U.S. who was lawfully admitted and in possession of valid USCIS issued documents. [[Refer to “Immigration Documents,” page 10-1\].](#)]

7.2.14 Exception Criteria

“Exception criteria” is the federal term used to refer to “qualified non-citizens” who are immediately eligible for Benefits regardless of their date of entry, if all other appropriate eligibility criteria is met.

“Qualified noncitizens” who meet the “Exception Criteria” are:

Table 7-1: Exception Criteria

NONCITIZEN STATUS	DEFINITION
Afghan and Iraqi Special Immigrants	Afghan and Iraqi Special Immigrants (individuals who provided translation services to the U.S. government) under the Department of Defense Appropriations Act of 2010, Section 8120, Public Law (P.L.) 111-118, enacted on December 19, 2009, are eligible for federal public benefits to the same extent and for the same time period as refugees.
Amerasian	A noncitizen admitted to the U.S. as an Amerasian as described in PRWORA, Section 402(a)(2)(A)(i)(V).
Asylee	Asylum has been granted under Section 208 or 208(a) of the Immigration and Nationality Act.
Cuban-Haitian Entrant	A noncitizen who is a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.
LPR with Work Quarters	An LPR admitted to the U.S. under the Immigration and Nationality Act and having 40 qualifying quarters of coverage as defined under Title II of the Social Security Act or can be credited with such qualifying quarters as provided under Section 435, and (ii) in the case of any such qualifying quarter creditable for any period beginning after December 31, 1996, the person earning the credit did not receive any Federal Means-Tested Public Benefits (as provided under PRWORA section 403) during any such period. [Refer to “40 Quarters,” page 8-27].]
“Qualified Noncitizen” with Veteran Status	Veteran status is defined as: <ul style="list-style-type: none"> • A veteran (as defined in Section 101 of the Title 38, U.S.C.) with a discharge characterized as an honorable discharge and not an account of alienage, and who fulfills the minimum active-duty service requirements of Section 5303A(d) of Title 38 U.S.C., or • A veteran on active-duty (other than active duty for training) in the Armed Forces of the United States, or • The spouse or unmarried dependent child of an individual described above, or • The surviving spouse of an individual (who has not remarried) described above who is deceased if the marriage fulfills the requirements of 38 U.S.C., Section 1304.
Refugee	Admitted as a refugee under Section 207 of the Immigration and Nationality Act.
Withholding of Deportation/ Cancellation of Removal	Deportation is being withheld under Section <ul style="list-style-type: none"> • 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of Section 307 of Division C of P.L. 104-208) OR • 241(b)(3) of the Immigration and Nationality Act (as amended by Section 305(a) of Division C of P.L. 104-208).

7.2.15 Federal Means-Tested Public Benefit Programs

Qualified non-citizens who entered the country after 8/22/96 may be barred from receiving federally funded means-tested benefits for a period of time in the U.S., unless they meet the “exception criteria”. States may provide the necessary funding for state programs.

The following are considered federal means-tested public benefits:

- SSI
- Medi-Cal
- CalWORKs
- CalFresh
- Healthy Families.



Note:

Foster Care and Adoption Assistance are not considered federal means-tested public benefits.

7.2.16 Five Year Bar (Period of Ineligibility)

A restriction that prohibits qualified noncitizens who physically entered the U.S. on or after August 22, 1996, from receiving federal means-tested benefits during their first five years in qualified noncitizen status, unless they meet the veteran exemption or refugee exemption.

7.2.17 Haitian Orphans

The Department of Homeland Security authorized the use of humanitarian parole status to certain Haitian orphans on January 18, 2010. These individuals meet the definition of Cuban/Haitian Entrant, and are eligible to receive benefits without a five year waiting period.

7.2.18 Immigrant

An immigrant is a non-citizen who has sought USCIS status to reside in this country indefinitely. This could include refugees, asylees and lawful permanent residents.

7.2.19 Immigration and Naturalization Service (INS)

The Immigration and Naturalization Service (INS) was reorganized and renamed the Bureau of U.S. Citizenship and Immigration Services (USCIS) effective March 1, 2003.

7.2.20 Indigent Sponsored Non-citizen

An eligible sponsored non-citizen is indigent if the sum of all the actual sponsored non-citizen's household's income and any assistance the sponsor or others provide (cash or in-kind) is less than or equal to 130 percent of the poverty income guideline.

To determine if a sponsored non-citizen is indigent, the county must first determine if the non-citizen “is unable to obtain food and shelter.” The term “is unable to obtain food and shelter” is used to mean the sum of the eligible sponsored non-citizen household’s own income, the cash contributions of the sponsor and others, and the value of any in-kind assistance the sponsor and others provide does not exceed 130 percent of the Federal Poverty Level (FPL) for the household size.

After the indigence determination is made, the normal budgeting process can begin where counties must verify and count actual income received by the sponsored non-citizen. Sponsor deeming is not required due to the finding of indigence; and therefore, verification of the sponsor’s income and resources is also not required. However, if the sponsored non-citizen receives a cash contribution from the sponsor, the amount given must be verified.

7.2.21 Indigent Referrals

Indigent referrals including the sponsor and the sponsored noncitizen names and addresses should be sent to the U.S. Citizenship and Immigration Services (USCIS). The referrals should be sent to:

U.S. Bureau of Citizenship and Immigration Services
Office of Policy and Planning, Room 4010
20 Massachusetts Ave. NW
Washington, D.C. 20529-0001

7.2.22 Lawful Permanent Resident

A non-citizen who is lawfully admitted for permanent residency under the Immigration and Nationality Act.

7.2.23 Match Grant

The goal of the Match Grant Program is to help non-citizens attain self-sufficiency within four months after arrival, without accessing public assistance. Participating agencies agree to match the Office of Refugee Resettlement (ORR) grant with cash and in-kind contributions. The applicant should come with a “Match Grant Referral Slip” from the Match Grant Agency. If the applicant does not have this form, there is no way of knowing they are Match Grant recipients. The Eligibility Worker (EW) must ask the refugee applicant if they are in the “Match Grant” program. Match Grant refugees are not sponsored.

There is **no** law that bars the Match Grant refugee from receiving public assistance. If the Match Grant refugee applies for assistance and is otherwise eligible, benefits must be established. However, if Match Grant applicants receive assistance from the county; they will lose their eligibility to **all** “Match Grant” services. These services include: clothing, specialized employment help, furniture, TVs, and computers. It is to the individual’s advantage to stay on Match Grant. **The EW must tell the individual they may lose those services by accepting public assistance.**

7.2.24 National

A national of the United States is defined as a person who, though not a citizen of the United States, owes permanent allegiance to the United States. Nationals can enter the U.S. at any time without going through immigration procedures [Refer to “Birth in U.S. Territories,” page 6-1].]

7.2.25 Naturalization

Naturalization is the process by which a lawful permanent resident becomes a U.S. citizen. [Refer to “Naturalization,” page 6-6].]

7.2.26 Non-citizen

A non-citizen is an individual who is not a citizen or national of the U.S. Many times the terms alien and non-citizen are used interchangeably. The terms may have slightly different definitions to USCIS but for eligibility purposes they are the same.

Non-citizens may include the following:

- Foreign government officials
- Persons who have immigrated with USCIS documentation
- Tourists
- Students
- Persons here on business
- Undocumented persons.

7.2.27 Non-Immigrant

A non-immigrant is a non-citizen who is allowed to enter the U.S. for a specific purpose and for a limited period of time.

7.2.28 Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)

A law enacted in August 22, 1996, which barred most legal non-citizens from receiving food stamp benefits and Supplemental Security Income (SSI). Three groups were exempt: (1) LPRs credited with forty qualifying quarters of work, who did not receive any federal means-tested benefits during any of the quarters after December 31, 1996; (2) veterans--non-citizens on active duty in the Armed Forces, their spouses, and unmarried dependent children; and (3) refugees, asylees, and those with their deportation withheld for five years after entry into the U.S. PRWORA was also called welfare reform.

7.2.29 Prima Facie

This is a Latin term that means by first examination, and is used to determine a substantial connection to battery or cruelty.

7.2.30 Public Charge

“Public charge” is a term used by USCIS when referring to non-citizens who have or may become dependent on public benefits. Public charge is evaluated in determining whether a non-citizen is inadmissible to the U.S., ineligible to adjust immigration status, or has become deportable on the grounds that they are likely to be a public charge. This determination is made by USCIS when a person is adjusting to lawful permanent resident status.

Knowledge about “Public Charge” will help non-citizens and their families make informed choices about whether to apply for certain benefits. This information is offered as a guideline only. USCIS has sole discretionary authority over the public charge issue.

There has been concern in the past about public charge being applied to our clients, when they re-enter the country. This was evidenced by the USCIS border crossing projects called “Port of Entry Detection Program” and California Airport Residency Review Program”. These programs ended April 1, 1999.

When is Public Charge Applied?

USCIS and the Department of State (DOS) make public charge determinations for immigrants who want to:

- Become a LPR, and
- Apply for a VISA for temporary admission to the U.S.

A public charge determination is not applied when an LPR wants to become a citizen.

Public Charge Test

The public charge test is a determination made by USCIS or the Department of State as to whether a non-citizen has become (for purposes of deportation) or is likely to become (for purposes of admissibility or adjustment) dependent on public benefits for their support. If the non-citizen is determined to be a public charge, the USCIS must deny admission to the U.S. or adjustment of immigration status for that person.

How Public Charge Test is Applied

USCIS will evaluate all the evidence regarding an immigrant’s past receipt of public benefits when determining whether or not the immigrant meets the definition of public charge and is therefore barred from admission to the U.S.

The U.S. government must deny the application for admission to the U.S. for anyone who is “likely to become a public charge”. Only benefits that provide cash assistance or LTC are considered receipt of public benefits under public charge. However, past receipt of cash benefits or LTC does not automatically make an immigrant inadmissible. The circumstances will be reviewed to decide whether the immigrant is likely to become a public charge in the future.

If an immigrant received benefits in the past during a period of unemployment, but now has a job and is self-supporting, it is most likely that the individual will not be found inadmissible as a public charge. The length of time the immigrant received benefits and the amount of benefits received would be reviewed. The more time that has elapsed since receipt of benefits the less importance it would be given.

**Note:**

The government can deny the readmission to the U.S. (on public charge grounds) of a permanent resident who has left the country for six months or more. USCIS looks at the future, giving consideration to the immigrant’s age, health, income, family size, education, skills, and the immigrant’s sponsorship under an affidavit of support. It is generally safe for LPRs to travel outside of the U.S. for under six months without fear of public charge consequences.

Persons Affected

The public charge test (determination) affects immigrants receiving cash assistance benefits that are the immigrant’s primary support (primarily dependent on the government for subsistence).

The public charge test also affects immigrants who receive Medi-Cal Long Term Care (LTC). Short term institutionalization for rehabilitation is not considered for public charge.

Receipt of cash benefits or LTC does not automatically make the immigrant inadmissible, ineligible to adjust status to LPR or deportable on public charge grounds. The law requires that USCIS and the DOS consider all issues on a case-by-case basis.

Persons Not Affected

There is no public charge test for any of the following:

- Citizens or persons applying for citizenship
- Persons granted asylum in the U.S.
- Refugees
- Persons applying for an adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998
- Cubans or Nicaraguans applying for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA)
- Cubans applying for adjustment of status under the Cuban Adjustment Act who were paroled as refugees prior to 4/1/80
- Amerasian immigrants when they are first admitted to the U.S.

- “Lautenberg” parolees (Certain Soviet and Indo-Chinese parolees applying for adjustment)
- Registry applicants (Persons in U.S. since before 1/1/72)
- Special immigrant juveniles.

Parents do not have to worry that USCIS will consider them to be a public charge if their children are enrolled in programs they are eligible to receive, unless these are cash programs which provide the sole support for the family. This is true whether or not the children are citizens.

Benefits Subject to Public Charge Consideration

Issuance of benefits from the following programs will be looked at as public charge benefits.

- Supplemental Security Income (SSI)
- Long Term Care Medi-Cal
- Cash Assistance Program for Immigrants (CAPI)
- California Work Opportunity and Responsibility to Kids (CalWORKs)
- General Assistance (GA).

Benefits NOT Subject to Public Charge Consideration

Non-cash or special-purpose cash benefits are generally supplemental in nature and do not make a person primarily dependent on the government for subsistence. Therefore, past, current or future receipt of these benefits do not impact a public charge determination. Non-cash or special purpose cash benefits that are not considered for public charge purposes include:

- Other health care programs such as Medi-Cal, Healthy Families and county health care initiatives
- CalFresh
- Special Supplemental Nutrition Program for Women, Infants and Children (WIC), school lunch, food pantries and other supplementary and emergency food assistance programs
- Emergency shelter, public housing, energy assistance
- Emergency disaster relief
- Job training
- Non-cash benefits under Temporary Assistance for Needy Families (TANF), such as subsidized child care or transportation allowance
- Foster Care and adoption assistance
- Educational assistance (such as attending public school), including benefits under the Head Start Act and aid for elementary, secondary, or higher education
- Cash payments that have been earned, such as Title II Social Security benefits, government pensions, and veterans' benefits, among other forms of earned benefits
- Unemployment compensation.

7.2.31 “Qualified Non-Citizen”

The term “qualified non-citizen” is a federal term used only to define a person’s immigration status for eligibility to receive federal means-tested public benefits. Effective 8/22/96 “Qualified Non-citizens” are

not eligible for federally funded means-tested public benefits for the first 5 years unless they meet the “exception criteria”. [Refer to “Exception Criteria,” page 7-6].]

To be eligible to receive “federal means-tested public benefits” the client must present documentation that they are a “qualified non-citizen”. The following non-citizens have “qualified non-citizen” status:

Table 7-2: Qualified Non Citizen Status

USCIS Status:	Definition:
Amerasian	Children born of a U.S. citizen father in Korea, Vietnam, Laos, Cambodia, or Thailand after 1950 and before October 22, 1982.
Asylee	Asylum has been granted under Section 208 or 208(a) of the Immigration and Nationality Act.
Battered Non-citizens	A non-citizen who has been battered or subjected to extreme cruelty within the meaning of Section 431 of PRWORA, Title IV.
Conditional Entrant	A non-citizen granted conditional entry pursuant to Section 203(a)(7) of the Immigration and Nationality Act in effect prior to April 1, 1980.
Cuban-Haitian Entrant	A non-citizen who is a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.
Lawful Permanent Resident	A person lawfully admitted for permanent residence under the Immigration and Nationality Act.
Paroled For At Least One Year	A non-citizen paroled in the U.S. under Section 212(d)(5) of the Immigration and Nationality Act for a period of at least 1 year.
Refugee	Admitted as a refugee under Section 207 of the Immigration and Nationality Act.
Withholding of Deportation/Cancelation of Removal	Deportation is being withheld under Section <ul style="list-style-type: none"> • 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of Section 307 of Division C of P.L. 104-208) OR • 241(b)(3) of the Immigration and Nationality Act (as amended by Section 305(a) of Division C of P.L. 104-208).

7.2.32 Sponsorship

A sponsor must complete an enforceable affidavit of support (I-864) attesting that the sponsor has sufficient income and resources to meet the sponsored non-citizen’s needs. Sponsorship is required of some non-citizens to ensure they don’t become a public charge.

7.2.33 Undocumented Non-citizen

An undocumented non-citizen is a non-citizen present in the U.S. who is not in possession of valid USCIS issued documents.

7.2.34 U.S. Citizenship and Immigration Services (USCIS)

The Immigration and Naturalization Service (INS) was reorganized and renamed the Bureau of U.S. Citizenship and Immigration Services (USCIS).

USCIS is the branch of the government that administers regulations regarding non-citizens in the U.S.

- Online services are available at **USCIS Website:** www.uscis.gov
- Telephone Services are available by calling 1(800) 375-5283 Monday-Friday 8am to 6pm.

Table 7-3: USCIS Locations

CALIFORNIA USCIS LOCATIONS	
Santa Clara County 1450 Coleman Ave Santa Clara, CA 95050	Los Angeles County 300 North Los Angeles St., Room 1001 Los Angeles, CA 90012
San Francisco County 444 Washington St. San Francisco, CA 94111	Orange County 34 Civic Center Plaza Santa Ana, CA 92701
Sacramento County 650 Capitol Mall Sacramento, CA 95814	San Diego County 880 Front St., Suite B268 San Diego, CA 92101
Fresno County 1177 Fulton Mall Fresno, CA 93721-1913	San Bernardino County 655 West Rialto Ave San Bernardino, CA 92410-3327

7.2.35 Violence Against Women Act of 1994 (VAWA)

VAWA is an act that established a procedure by which abused immigrants are able to self-petition to become Legal Permanent Residents (LPRs). VAWA established more relaxed eligibility rules that allow undocumented abused individuals to qualify for suspension of deportation and cancellation of removal.

The immigration provisions of VAWA allow certain battered immigrants to file for immigration relief without the abuser's assistance or knowledge, in order to seek safety and independence from the abuser.

7.2.36 Visas

Visas are official authorization documents appended to a passport that permits the individual to whom it is issued to enter and travel or settle within a particular country. Non-immigrant visas allow only temporary stays in the U.S., whereas, immigrant visas provide for permanent residence.

Afghan and Iraqi Special Immigrant Visas (SIVs)

Displaced persons from Iraq and Afghanistan are being admitted to the U.S. with SIVs. These displaced individuals were employed by or assisted the U.S. Armed Forces with translation and interpreter services. Individuals with SIVs are eligible for federal public benefits to the same extent and for the same time period as refugees.

Senate Bill 1569 - T and U Visas

State law (SB 1569) was enacted to provide assistance to victims of human trafficking prior to federal Office of Refugee Resettlement (ORR) certification by creating a state supported program to provide critical services to these victims as they await, or prepare to request approval for federally-funded benefits.

The legislation also provides eligible, non-citizen trafficking victims, victims of domestic violence, and victims of other serious crimes with benefits equal to those available to refugees.

T Visa

T visas may be available to victims of severe forms of trafficking who have complied with any reasonable requests for assistance in the investigation or prosecution of acts of trafficking. Individuals who have been continuously present in the U.S. for at least three years following a grant of T visa status may adjust to lawful permanent residence status.

U Visa

State law (SB 1569) was enacted to also provide assistance to victims of domestic violence and of other serious crimes by creating a state-supported program to provide critical services to these victims. Recipients of U visas who are willing to cooperate with law enforcement officials need support and services. The legislation provides eligible, non-citizen trafficking victims, victims of domestic violence, and victims of other serious crimes with benefits and social services equivalent to those available to refugees.

Trafficking Victims Protection Act

U visas may be available to non-citizens who have suffered substantial physical or mental abuse as a result of being the victims of certain crimes designated by the Trafficking Victims Protection Act (TVPA) – including trafficking – that violate Federal, State, or local laws or have occurred while in the U.S.

To be eligible for a U visa, the victim must possess information concerning the crime and the U visa petition must include a certification from a government official stating that the victim is helping, has helped, or is likely to be helpful in the investigation or prosecution of the crime. Individuals granted U non-immigrant status may remain in the U.S. for up to four years, and may be accompanied by eligible

family members (spouse, children, unmarried siblings under 18, and parents). This is state-only funded. Unless the person applies for LPR status or a T Visa, the funding remains state-only.

U Interim Visa

USCIS announced on Sept. 5, 2007, the publication of an interim final rule granting immigrant benefits to certain victims of crimes who assist government officials in investigating or prosecuting the criminal activity. That rule was effective Oct. 17, 2007, and established procedures for applicants seeking U non-immigrant status, one of which encouraged non-citizens who had been granted interim relief to petition for U non-immigrant status prior to April 13, 2008 (180 days from the effective date of the rule). The rule states that USCIS will terminate interim relief for non-citizens who fail to petition for the “U” classification within the 180-day time period.

An April 10, 2008 announcement superseded that information and also clarified that there is no deadline for filing the Petition for U non-immigrant status (Form I-918). Until further notice, the agency will not reevaluate previous grants of deferred action, parole, and stays of removal. Non-citizens who originally received interim relief and who have filed the I-918 will see their interim relief status extended until their petition is adjudicated, and USCIS will continue to consider the evidence previously submitted with the request for interim relief as part of the I-918 petition package.

Visa Lottery

The U.S State Department administers a process whereby “Diversity Visas” are assigned at random to eligible applicants seeking to immigrate to the U.S. Individuals from qualifying countries enter the lottery by submitting specific, required information to the proper address at the National Visa Center. Application procedures change from year to year.

7.2.37 Withholding of Deportation/Cancellation of Removal

Withholding of Deportation/Cancellation of Removal is a status available in Removal Proceedings that prohibits the USCIS from returning an individual to a country where his or her life or freedom would be endangered. This status is similar to, but separate from, Asylum. The same defense in Deportation Proceedings is known as withholding of deportation. Individuals granted withholding may be deported to a third country if one will accept them, but they cannot be returned to their home country.

7.2.38 *Zadvydas v. Davis*

On June 28, 2001, the U. S. Supreme Court issued its decision in ***Zadvydas v. Davis***. The case concerned “indefinite detainees” or “lifers”, which are terms used to refer to non-citizens who after having served time for a criminal conviction and being given a final order of removal by the United States Citizenship and Immigration Services, remain indefinitely in detention in the U. S. because their home country and no other countries will accept them. These individuals may be eligible for benefits based upon documentation presented, e.g. deportation withheld.

7.2.39 Zambrano v. INS

Zambrano v. INS was a successful class action suit that challenged the “special rule” in regards to “public charge”, in which there were grounds for barring eligibility; consequently, there was a time period these individuals could adjust their status to legal permanent residence. Refer to the Amnesty (IRCA) section.

7.3 Documentation

Non-citizens must present documentation of “eligible” U.S. immigration status for the applicable program prior to the issuance of benefits. Non-citizens without acceptable USCIS documentation are NOT eligible for CalWORKs, GA, CAPI or CalFresh, yet may be potentially eligible for Restricted Medi-Cal. This includes but is not limited to:

- Non-citizens who have entered and remain in the U.S. illegally (without valid USCIS documents), or
- Non-citizens who have remained illegally beyond their departure date, or
- Non-citizens entering the country on work permits.

Non-citizen applicants or recipients who refuse to cooperate with the Social Services Agency or who are in the U.S. illegally or for temporary residence only are NOT eligible for CalWORKs, GA, CAPI or CalFresh.



Note:

Undocumented non-citizens are not prohibited from claiming PRUCOL status.

Recipients are required to report all changes in immigration status. When immigration status changes occur that cause ineligibility, CalWORKs, GA, CAPI and CalFresh must be discontinued, for the affected individual(s), as soon as an adequate and timely notice of action can be given. Persons who lose full-scope Medi-Cal benefits would be eligible for restricted Medi-Cal benefits, if otherwise eligible.

7.4 Verification

The Immigration Reform Control Act (IRCA) mandates that the immigration status of each non-citizen must be verified with USCIS as a condition of eligibility for CalWORKs, CalFresh and full-scope Medi-Cal. The Systematic Alien Verification for Entitlements (SAVE) is the system designated by USCIS to provide this information.

Clients must provide valid USCIS documentation of non-citizen status before the Non-citizen Number is entered into SAVE to obtain USCIS confirmation.

If at RRR or after a break in aid of less than 30 days, the case contains a USCIS verification and the applicant or recipient states that their non-citizen status documentation is lost, the previous USCIS verification must be accepted.

Exceptions

The following are excluded from the SAVE procedures:

- Applicants or recipients of restricted Medi-Cal benefits.
- Applicants or recipients of RCA and GA. However, if the RCA or GA cash case contains CalFresh, SAVE must be completed immediately.
- Clients who claim to fall under the PRUCOL category.

[Refer to “SAVE,” page 11-1] for detailed information on the process.]

7.5 Immigration Services

These nonprofit organizations provide one or more of the following services:

- Free education and outreach information, services, and materials about naturalization, Deferred Action for Childhood Arrivals (DACA), and other immigration remedies potentially available to individuals.
- Screening for eligibility, and assisting with, the application process for:
 - Naturalization and any appeals arising from the process,
 - Initial or renewal requests of deferred action under the DACA policy with the United States Citizenship and Immigration Services, and
 - Other immigration remedies.

Clients seeking information on how to obtain legal immigration remedies and available immigration services can visit: [Immigration-Services-Contractors](#) to find a local service provider.

7.6 Program Eligibility

Refer to the charts on the following pages for eligible immigration status for specific programs.

CalWORKs/CalFresh/Medi-Cal

Table 7-4: CalWORKs/CalFresh/Medi-Cal

IMMIGRATION STATUS	CalWORKs		Medi-Cal		CalFresh		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	Federal	State	
Afghan and Iraqi Special Immigrants		X	X		X		<p>An Iraqi or Afghan passport with an Immigrant Visa (IV) stamp noting that the individual has been admitted under any one of the following categories:</p> <ul style="list-style-type: none"> • SI1 or SQ1 (Principal Applicant); • SI2 or SQ2 (Spouse of SI1 or SQ1); • SI3 or SQ3 (Unmarried child, under the age of 21, of SI1 or SQ1); • SI6 or SQ6 (Principal Adjusting Status in the U.S.); • SI7 or SQ7 (Spouse of SI6 or SQ6); • SI9 or SQ9 (Unmarried child, under the age of 21, of SI6 or SQ6); and • A Department of Homeland Security (DHS) stamp or notation on passport or I-94 showing date of entry. <p>DHS Form I-551 with an code of SI6 or SQ6, SI7 or SQ7, or SI9 or SQ9 which confirms both the status and the date of entry into the U.S. for the principal SIV applicant.</p> <p>[Refer to "Afghan and Iraqi Special Immigrants" page 11-1]</p>
Amerasian INA § 402(a)(2)(A)(i)(v)	X		X		X		<ul style="list-style-type: none"> • I-94 annotated under 584 of Foreign Operations Export Financing & Related Program Appropriations Act • I-94 annotated 402(a)(2)(A)(i)(v) • I-94 annotated AM1, AM2, AM3, AM6, AM7, AM8 • I-551 annotated AM1, AM2, AM3, AM6, AM7, AM8, A11, A12, A16, A17, A31-33, A36-38 <p>[Refer to "Afghan and Iraqi Special Immigrants," page 8-1]</p>

Table 7-4: CalWORKs/CalFresh/Medi-Cal

IMMIGRATION STATUS	CalWORKs		Medi-Cal		CalFresh		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	Federal	State	
Asylee INA § 208, 208(a)	X		X		X		<ul style="list-style-type: none"> I-94 with stamp showing Section 208 or 208(a) of the INA I-94 with VISA 93 (or V-93) I-94 with AS-1, AS-2, or AS-3 I-688B annotated with 274a.12(a)(5) I-766 annotated "A5" Grant letter from USCIS or Asylum Office Order of an immigration judge granting asylum under INA Section 208 <p>[Refer to "Asylees," page 8-10]</p>
Battered Noncitizen		X<superscript>b		X**		X<superscript>b	<ul style="list-style-type: none"> I-797 or I-797C indicating approval or pending status of an I-130 or I-360 I-551 annotated with any of the following codes: AR1, AR6, IB1-IB3, IB6-IB8, B11, BI2, B16, B17, B20-B29, B31-B33, B36-B38, BX1-BX3, BX6-BX8, C20-C29, CF1, CF2, CR1, CR2, CR6, CR7, CX1-CX3, CX6-CX8, F20-F29, FX1-FX3, FX6-FX8, IF1, IF2, IR1-IR4, IR6-IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21-P23, P26-P28 will indicate battery I-551 annotated Z13 requires Secondary SAVE to verify battery Foreign passport with a code listed above I-94 with a code listed above <p>**[Refer to "Battered Noncitizens," page 8-11]</p>
Children under 18 years of Age - Any Qualified Noncitizen Status	N/A - CalFresh ONLY regulation				X		<ul style="list-style-type: none"> Proof of Qualified Noncitizen Status Proof of Age.
Conditional Entrants INA § 203(a)(7)		X<superscript>b		X<superscript>c		X<superscript>b	<ul style="list-style-type: none"> I-94 "Paroled as a refugee", or "Paroled as an asylee" I-94 stamped showing admission under section 203(a)(7) of the INA I-766 annotated A3 <p>[Refer to "California Food Assistance Program (CFAP)," page 8-18]</p>

Table 7-4: CalWORKs/CalFresh/Medi-Cal

IMMIGRATION STATUS	CalWORKs		Medi-Cal		CalFresh		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	Federal	State	
Cross Border Indians (Jay Treaty)	*	*	*	*	X		<ul style="list-style-type: none"> USCIS documentation of Indian Tribe Membership card, or Other tribal document <p>*[Refer to “Cross Border American Indian Tribes,” page 8-21] and “Jay Treaty Indians,” page 8-34]</p>
Cuban/Haitian INA § 501(e)	X		X		X		<ul style="list-style-type: none"> I-551 with code CU6, CU7, OR CH6 Unexpired temporary I-551 stamp in foreign passport or on I-94 with INA code CU6 or CU7 <p>[Refer to “Cuban/Haitian s,” page 8-22]]</p>
Disabled or Blind by SSI Standards - Any Qualified Noncitizen Status	N/A - CalFresh ONLY regulation				X		<ul style="list-style-type: none"> Proof of Qualified Noncitizen Status Proof of Disability or blindness which meets SSI/SSP criterion.
Hmong/Highland Laotian	X ^a		X ^a		X ^{**}		<ul style="list-style-type: none"> I-94 I-151 annotated RE1, RE2, RE3, RE6, RE7, RE8, R86, IC6, and IC7 I-551 annotated RE1, RE2, RE3, RE6, RE7, RE8, R86, IC6, and IC7 <p>**[Refer to “Hmong or Highland Laotian Tribal Members,” page 8-33]]</p>
LPR with 40 Work Quarters	X		X		X		<ul style="list-style-type: none"> I-551 Unexpired Temporary I-551 stamp in a foreign passport <p>[Refer to “40 Quarters,” page 8-27]]</p>
LPR without 40 Work Quarters		X ^b		X ^c		X ^b	<ul style="list-style-type: none"> I-551 Unexpired Temporary I-551 stamp in a foreign passport <p>[Refer to “40 Quarters,” page 8-27]]</p>

Table 7-4: CalWORKs/CalFresh/Medi-Cal

IMMIGRATION STATUS	CalWORKs		Medi-Cal		CalFresh		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	Federal	State	
Parolee for 1 year or more INA § 212(d)(5)		X<super script>b		X<super script>c		X<super script>b	<ul style="list-style-type: none"> I-94 "Paroled as a Refugee, Humanitarian Parolee or Public Interest Parolee" I-94 annotated with Section 207 of the INA I-688B annotated with 274a.12(a)(3) I-766 annotated "A3" I-571 <p>[Refer to "Parolees," page 8-39]</p>
PRUCOLs not listed above		X		X<super script>c	NOT ELIGIBLE.		<ul style="list-style-type: none"> I-688B annotated: 274a.12(c)11; 274a.12(c)12 or 274a.12(c)13 Other USCIS documentation declaring their status <p>[Refer to "PRUCOL," page 8-44]</p>
Refugee INA § 207	X		X		X		<ul style="list-style-type: none"> I-94 annotated with Section 207 of the INA I-688B annotated with 274a.12(a)(3) I-766 annotated "A3" I-571 <p>[Refer to "Refugees," page 8-46]</p>
Special Immigrant Visa		X		X	X		<p>An Iraqi or Afghan passport with an Immigrant Visa (IV) stamp noting that the individual has been admitted under any one of the following categories:</p> <ul style="list-style-type: none"> SI1 or SQ1 (Principal Applicant); SI2 or SQ2 (Spouse of SI1 or SQ1); SI3 or SQ3 (Unmarried child, under the age of 21, of SI1 or SQ1); SI6 or SQ6 (Principal Adjusting Status in the U.S.); SI7 or SQ7 (Spouse of SI6 or SQ6); SI9 or SQ9 (Unmarried child, under the age of 21, of SI6 or SQ6); and A Department of Homeland Security (DHS) stamp or notation on passport or I-94 showing date of entry.

Table 7-4: CalWORKs/CalFresh/Medi-Cal

IMMIGRATION STATUS	CalWORKs		Medi-Cal		CalFresh		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	Federal	State	
Trafficking Victim		X		X	X		<p>The individual gives a sworn statement that s/he is a victim of human trafficking and has filed for or is preparing to file for a T Visa and at least one of the following:</p> <ul style="list-style-type: none"> • Police, government agency or court records or files; • Documentation from a social services, trafficking or domestic violence program, or legal clinical, medical or other professional from who the applicant or recipient has sought assistance in dealing with the crime; • A statement from any other individual with knowledge of the circumstances that provided the basis for the claim; • Physical evidence; • Copy of a completed T Visa application; or • Written notice from USCIS of receipt of the T Visa application
Victims of Domestic Violence and other serious crimes		X		X	X		<p>Applicants must provide documentation that they have filed an application for or have been approved for a U Visa to be eligible for TCVAP benefits. A sworn statement is NOT acceptable. Applicants must also provide one of the following:</p> <ul style="list-style-type: none"> • The applicant's U Visa, or • A confirmation receipt or letter from USCIS verifying an application for U Visa has been filed, or • A fee receipt (Form I-797) for an employment authorization request based on an application for a U Visa, or • A copy of an application for a U Visa (Form I-918), or • An EAD issued under Category "A19" or "A20" for an approved U Visa applicant.

Table 7-4: CalWORKs/CalFresh/Medi-Cal

IMMIGRATION STATUS	CalWORKs		Medi-Cal		CalFresh		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	Federal	State	
Veterans - With Qualified Noncitizen Status	X		X		X		<ul style="list-style-type: none"> Discharge certificate - DD Form 214, or equivalent DD Form 214 that shows 2 or more years service DD Form 214 with original enlistment date prior to 9/7/80 CA 5 with adequate documentation [Refer to “Veteran Status,” page 8-57]
Withholding of Deportation/ Cancellation of Removal INA § 243(h), 241(b)(3)	X		X		X		<ul style="list-style-type: none"> I-688B annotated with 274.12(a)(10) I-766 annotated “A10” Order from immigration judge showing deportation withheld or cancellation of removal under 243(h) or 241(b)(3) [Refer to “Withholding of Deportation/Cancellation of Removal,” page 8-61]

- a. Ineligible unless a Refugee under INA 207
- b. 1st five years from date of status, then federally eligible
- c. 1st five years from date of status, then federal, the state monitors the funding

Refugee Cash Assistance (RCA)

Table 7-5: Refugee Cash Assistance (RCA)

IMMIGRATION STATUS	Federal	DOCUMENTATION may include but is not limited to:
Amerasian INA § 402(a)(2) (A)(i)(v)	X	<ul style="list-style-type: none"> I-94 annotated under 584 of Foreign Operations, Export Financing & Related Program Appropriations Act I-94 annotated AM1, AM2, or AM3 I-551 annotated AM6, AM7, AM8, A11, A12, A16, A17, A31-33, A36-38 [Refer to “Afghan and Iraqi Special Immigrants,” page 8-1]
Asylee INA § 208, 208(a)	X	<ul style="list-style-type: none"> I-94 with stamp showing Section 208 or 208(a) of the INA I-94 with VISA 93 (or V-93) I-94 with AS-1, AS-2, or AS-3 I-688B annotated with 274a.12(a)(5) I-766 annotated “A5” Grant letter from USCIS or Asylum Office Order of an immigration judge granting asylum under INA Section 208 [Refer to “Asylees,” page 8-10]
Conditional Entrant INA § 203(a)(7)	X	<ul style="list-style-type: none"> I-94 “Paroled as a refugee”, or “Paroled as an asylee I-94 stamped showing admission under section 203(a)(7) of the INA I-766 annotated A3 [Refer to “California Food Assistance Program (CFAP),” page 8-18]
Cuban/Haitian INA § 501(e)	X	<ul style="list-style-type: none"> I-551 with code CU6, CU7, OR CH6 Unexpired temporary I-551 stamp in foreign passport or on I-94 with code CU6 or CU7 [Refer to “Cuban/Haitian s,” page 8-22]
Parolee for 1 year or more INA § 212(d)(5)	X	<ul style="list-style-type: none"> I-94 annotated with Section 207 of the INA I-688B annotated with 274a.12(a)(3) I-766 annotated “A3” I-571 [Refer to “Parolees,” page 8-39]
Refugee INA § 207	X	<ul style="list-style-type: none"> I-94 annotated with Section 207 of the INA I-688B annotated with 274a.12(a)(3) I-766 annotated “A3” I-571 [Refer to “Refugees,” page 8-46]
Special Immigrant Visa	X	<p>An Iraqi or Afghan passport with an Immigrant Visa (IV) stamp noting that the individual has been admitted under any one of the following categories:</p> <ul style="list-style-type: none"> SI1 or SQ1 (Principal Applicant); SI2 or SQ2 (Spouse of SI1 or SQ1); SI3 or SQ3 (Unmarried child, under the age of 21, of SI1 or SQ1); SI6 or SQ6 (Principal Adjusting Status in the U.S.); SI7 or SQ7 (Spouse of SI6 or SQ6); SI9 or SQ9 (Unmarried child, under the age of 21, of SI6 or SQ6); and A Department of Homeland Security (DHS) stamp or notation on passport or I-94 showing date of entry

Table 7-5: Refugee Cash Assistance (RCA)

IMMIGRATION STATUS	Federal	DOCUMENTATION may include but is not limited to:
Trafficking Victim	X	<p>The individual gives a sworn statement that s/he is a victim of human trafficking and has filed for or is preparing to file for a T Visa and at least one of the following:</p> <ul style="list-style-type: none"> • Police, government agency or court records or files; • Documentation from a social services, trafficking or domestic violence program, or legal clinical, medical or other professional from who the applicant or recipient has sought assistance in dealing with the crime; • A statement from any other individual with knowledge of the circumstances that provided the basis for the claim; • Physical evidence; • Copy of a completed T Visa application; or • Written notice from USCIS of receipt of the T Visa application
Victims of Domestic Violence and other serious crimes		<p>Applicants must provide documentation that they have filed an application for or have been approved for a U Visa to be eligible for TCVAP benefits. A sworn statement is NOT acceptable. Applicants must also provide one of the following:</p> <ul style="list-style-type: none"> • The applicant's U Visa, or • A confirmation receipt or letter from USCIS verifying an application for U Visa has been filed, or • A fee receipt (Form I-797) for an employment authorization request based on an application for a U Visa, or • A copy of an application for a U Visa (Form I-918), or • An EAD issued under Category "A19" or "A20" for an approved U Visa applicant. <p>This is state-only funded, unless, the person applies for LPR status or a T Visa.</p>
Withholding of Deportation/ Cancellation of Removal INA § 243(h), 241(b)(3)	X	<ul style="list-style-type: none"> • I-688B annotated with 274.12(a)(10) • I-766 annotated "A10" • Order from immigration judge showing deportation withheld or cancellation of removal under 243(h) or 241(b)(3) <p>[Refer to "Withholding of Deportation/Cancellation of Removal," page 8-61]</p>

