

# Washington County Department of Housing Services

## **Immigration Status Policy**

As applicable to Section 8 or Public Housing Programs.

New federal regulations effective June 19, 1995 require every family member to certify that their citizenship status fits into one of the categories listed below.

Program participants must provide the documents listed below, **for each family member**, at initial screening for rental assistance, upon adding new members to the household, and/or at annual reviews for continued eligibility.

Persons who are not US Citizens or Non-Citizens with Eligible Immigration Status may still be eligible for rental assistance if other members of their household fall into either category. Determinations will be made based on Federal regulations.

The following details which documents are necessary for program participants to provide to meet this requirement.

### **US Citizens:**

1. A signed declaration of US Citizenship.

### **Non-Citizens with Eligible Immigration Status:**

1. A signed declaration of eligible immigration status (refer to form, included in this policy); and
2. A copy, front and back, of Immigration and Naturalization Service document of eligible immigration status (original document must be available for review); and
3. Signed authorization for release of information.

### **Non-Citizens without Eligible Immigration Status:**

1. Signed declaration of immigration status; and
2. Signed authorization for release of information.

### **Not Contending Immigration Status:**

1. Signed declaration of "not contending" immigration status; and
2. Signed authorization for release of information.

## **Definitions**

### ***Eligible Immigration Status***

- Lawfully admitted for permanent residence as an immigrant, including special agricultural workers;
- Entered the U.S. before January 1, 1972, and has maintained continuous residence thereafter, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General;
  - Lawfully present in the U.S. pursuant to the granting of asylum (refugee status);
  - Lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergency reasons or reasons deemed strictly in the public interest (parole status);

- Lawfully present in the U.S. as a result of the Attorney General's withholding deportation (threat to life or freedom); or,
- Lawfully admitted for temporary or permanent residence (amnesty granted under Immigration and Naturalization Act Section 245A).

### *Eligible I.N.S. Documents*

- Resident Alien Card. (I-551 Form)
- **Arrival Departure Record** (I-94 Form) annotated
  - "Admitted as a refugee pursuant to Section 207".
  - "Section 208" or "Asylum"
  - "Section 243(h) or "Deportation Stayed by the Attorney General".
  - "Paroled Pursuant to Section 212(d)(5) of the I.N.A".
- **Arrival Departure Record** (I-94 Form) not annotated accompanied by one of the following documents:
  - A final court decision to which no appeal was taken granting asylum.
  - A letter from an I.N.S. asylum officer granting asylum (if application filed on or after 10/1/90) or from an I.N.S. district director (if application filed before 10/1/90).
  - A court decision granting withholding of deportation.
  - A letter from an asylum officer granting withholding of deportation (if application filed on or after 10/1/90).
- **Temporary Resident Card** (I-688 Form) which must be annotated "Section 245A" or "Section 210".
- **Employment Authorization Card** (Employment Authorization Card I-688B Form) which must be annotated "Provision of Law 274a.12(11)" or "Provision of Law 274a.12").
- **Receipt Indicating Application of Issuance of Replacement Document** for one of the above listed documents. Must state that applicant's entitlement has been verified.