

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814  
(322-3141)



December 17, 1981

ALL-COUNTY INFORMATION NOTICE I-153-81

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: DETERMINING REFUGEE STATUS

REFERENCE: NIGHT LETTER OF NOVEMBER 26, 1980

This letter is being issued so that the counties will have current instructions on how to determine refugee status using Immigration and Naturalization Service (INS) documents.

The following individuals are eligible for funding under the Refugee Resettlement Program:

- 1) An individual from Cambodia, Laos or Vietnam who was paroled under Section 212(d)(5) of the Immigration and Nationality Act (INA), and who possesses a Form I-94 indicating parole status, voluntary departure status or conditional entry status. Individuals admitted under "Parole Program" are considered to be refugees. If the Form I-94 was issued on or after June 1, 1980, it must clearly indicate that the person has been paroled as a refugee or asylee.
- 2) An individual from Cuba who entered the United States (U.S.) on or after October 1, 1978, and was paroled under Section 212(d)(5) of the INA as indicated on Form I-94. If the Form I-94 was issued on or after April 21, 1980, it must clearly indicate that the person has been paroled as a refugee or asylee.
- 3) An individual from Cuba who entered the U.S. before October 1, 1978, but did not register with the U.S. Cuban Refugee Emergency Center in Florida. Persons who registered with the center are not eligible for assistance under the Refugee Resettlement Program. If documentation provided by the individual does not clearly state whether the person is registered, the center can be contacted by letter or telephone at:

Eligibility and Referral Section  
Cuban Refugee Emergency Center  
Post Office Box 340188  
Coral Gables, Florida 33134  
Telephone: (305) 350-5837

Individuals from Cuba who fall within this third category are not eligible for assistance under the Refugee Resettlement Program on or after October 1, 1981, because they will have resided in the U.S. for more than 36 months.

- 4) An individual from any country other than Cambodia, Laos, Vietnam or Cuba who was paroled under Section 212(d)(5) of the INA as a refugee, asylee or under "Parole Program" as indicated on Form I-94.
- 5) An individual from any country admitted as a conditional entrant under Section 203(a)(7) prior to April 1, 1980 of the INA as indicated on Form I-94. All persons with this status are defined as refugees.
- 6) An individual from any country admitted as a refugee under Section 207 of the INA as indicated on Form I-94.
- 7) An individual from any country who was granted asylum under Section 208 of the INA as indicated on Form I-94.
- 8) An individual from any country who is now a permanent resident alien as indicated by a Form I-151 or I-551 (Resident Alien forms), who previously held one of the above statuses. The individual must provide sufficient documentation to substantiate that he/she held one of these statuses prior to the adjustment of his/her status to that of resident alien. A photocopy of Form I-94, documentation provided in prior county/state records or documentation provided by a VOLAG would suffice.

Individuals who possess INS documentation which indicates that they are applicants for asylum (as distinguished from a person who has been granted asylum) or Cuban/Haitian Entrants are not eligible for assistance under the Refugee Resettlement Program.

The above statuses can be determined by reviewing the INS (Form I-94) document which should be in the possession of each refugee. Currently, there are two versions of this document. Following is a description of each version:

- 1) Form I-94 (Arrival-Departure Record) - This version contains a blank box in the lower right hand corner of the front of the form. This box is used by INS to note the admission status of the individual. The date of entry is also shown in this box.
- 2) Form I-94 (Arrival-Departure Record Parole Edition) - This version is identical to the first version with the exception of the lower right hand corner box. The box in this version is preprinted with: "Paroled pursuant to Sec. 212(d)(5) of the I&A Act to" and "Purpose". If this version is used and the INA parole section is different, INS will note the correct parole status and cross out the preprinted parole section. The date of arrival in this box is under "(Date)" between the Port of Entry and the INS Officer's initials.

It appears that some county workers may be using the date in the "Year Visa Issued" box which is found to the left of the parole box. This is not the date of entry into the U.S.; therefore, this date should not be used for program or

fiscal control purposes. The visa date is the date that the individual has been given permission by the American government to enter the U.S., and is normally before the actual entry date.

Refugees are eligible to apply for Resident Alien status after one year of residence in the U.S., pursuant to Section 209(a)(1) of the Refugee Act of 1980. INS Form I-581 is completed by INS showing that this process has begun; however, this form does not indicate the prior status held by the individual. Therefore, refugees should be encouraged to make a photocopy of their Form I-94 document before the original one is relinquished to INS. Photocopying Form I-94 is permissible.

If further questions arise due to unclear INS documents, please contact the Office of Refugee Services at (916) 322-3141 or (ATSS) 492-3141.

Sincerely,



MARION J. WOODS  
Director

cc: CWDA  
SDHS  
ORR-SF