



ORR State Letter

10-03

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TO: STATE REFUGEE COORDINATORS
NATIONAL VOLUNTARY AGENCIES
OTHER INTERESTED PARTIES

FROM: Eskinder Negash
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SUBJECT: "Cuban and Haitian Entrants": Eligibility for ORR-Funded Benefits and Services

With the recent devastation caused by the earthquake in Haiti, ORR has received many inquiries about the ORR-funded benefits and services that Haitian nationals might be eligible to receive if they are in the United States. "Cuban and Haitian entrants" are eligible for ORR-funded benefits and services, such as refugee cash and medical assistance and social services. In addition, "Cuban and Haitian entrants" are eligible for Federal public benefits, such as Temporary Assistance for Needy Families, to the same extent as refugees. This State Letter reviews the definition of "Cuban and Haitian entrant" as it applies to Haitian nationals and clarifies the acceptable documentation these individuals may present when they apply for ORR-funded benefits and services.

Definition

In determining whether someone is a "Cuban and Haitian entrant," ORR uses the definition in the Refugee Education Assistance Act of 1980. There are three general categories of individuals who are considered "Cuban and Haitian entrants."

A **Haitian national** meets the definition of "Cuban and Haitian entrant" if he or she:

- (1) was granted parole status as a Cuban/Haitian entrant (Status Pending) on or after April 21, 1980 or **has been paroled into the United States** on or after October 10, 1980; or
- (2) is the **subject of removal, deportation or exclusion proceedings** under the Immigration and Nationality Act and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered; or
- (3) has **an application for asylum pending** with the Department of Homeland Security and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

Documentation

In order to access ORR-funded benefits and services, a Haitian national must provide acceptable documentation showing that he or she meets the definition of "Cuban and Haitian entrant." The following lists include documents that provide proof of status. (These documents may or may not provide proof of identity or nationality.)

Chart 1

A national of Cuba or Haiti who was granted parole status as a Cuban/Haitian entrant (Status Pending) on or after April 21, 1980 or **has been paroled into the United States** on or after October 10, 1980, regardless of the status of the individual at the time assistance or services are provided

Documents/Codes	Comments
An I-94 Arrival/departure card with a stamp showing parole into the U.S. on or after April 21, 1980	I-94 may refer to §212(d)(5). I-94 may refer to humanitarian or public interest parole. I-94 may be expired.
An I-94 Arrival/departure card with a stamp showing parole at any time as a "Cuban/Haitian Entrant (Status Pending)"	I-94 may refer to §212(d)(5). I-94 may be expired.
CH6 adjustment code on the I-551	Even after a Cuban/Haitian Entrant (Status Pending) becomes a permanent resident, he/she technically retains the status Cuban/Haitian Entrant (Status Pending). I-551 may be expired.
A Cuban or Haitian passport with a §212(d)(5) stamp dated after October 10, 1980.	Passport may be expired.

Chart 2

A national of Cuba or Haiti who is the **subject of removal, deportation or exclusion proceedings** under the Immigration and Nationality Act (INA) and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered

Documents/Codes	Comments
Department of Homeland Security (DHS) Form I-221	Order to Show Cause and Notice of Hearing
DHS Form I-862	Notice to Appear
DHS Form I-220A	Order of Release on Recognizance
DHS Form I-122	Notice to Applicant Detained for a Hearing

	Before an Immigration Judge
DHS Form I-221S	Order to Show Cause, Notice of Hearing and Warrant for Arrest
Copy of DHS Form I-589 date stamped by the Executive Office for Immigration Review (EOIR)	Application for Asylum and Withholding of Removal; Individual is subject of removal, deportation or exclusion proceedings.
Copy of DHS Form I-485 date stamped by EOIR	Application to Register Permanent Residence or to Adjust Status; Individual is subject of removal, exclusion or deportation proceedings.
EOIR-26	Notice of Appeal, date stamped by the Office of the Immigration Judge
I-766 Employment Authorization Document with the code C10	Application for suspension of deportation/cancellation of removal submitted
I-688B Employment Authorization Document with the provision of law 274a.12(c)(10)	Application for suspension of deportation/cancellation of removal submitted
Other applications for relief that have been date stamped by EOIR	
Other documentation pertaining to an applicant's removal, exclusion or deportation proceedings	Example: a notice of a hearing date before an Immigration Judge

Chart 3

A national of Cuba or Haiti who has an **application for asylum** pending with the Department of Homeland Security and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered

Documents/Codes	Comments
DHS receipt for filing Form I-589	Application for Asylum and Withholding of Removal
I-766 Employment Authorization document with the code C08	
I-688B Employment Authorization Document with the provision of law 274a.12(c)(8)	This is an older version of the employment authorization document.