

Department of Social and Health Services
Olympia, Washington
EAZ Manual

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Category	Citizenship and Alien Status Requirements for all Programs - Definitions
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Summary

Revisions of citizenship definitions

See below for edited text:

Definitions

Revised May 6, 2020

Deleted:

Purpose:

This section provides basic definitions of various citizen and immigrant statuses relevant for determining eligibility for federal and state programs.

[WAC 388-424-0001](#) Citizenship and alien status – Definitions

- Clarifying Information
-

Clarifying Information - [WAC 388-424-0001](#)

The Immigration and Nationality Act (INA) is the federal statutes that govern the entire immigration law. It is codified in Title 8 of the U.S. Code, starting with *Section 1101*.

For a list of typical citizenship/immigration documents see the:

- National Immigration Law Center (NILC) Guide in Appendix II, or
- Documents Typically Used by Lawfully Present Immigrants.

CSD staff: For guidance on how to read a Visa, I-94 Class of Admission Codes, or I-551, Lawful Permanent Resident (LPR) Category Codes and ACES 3G Coding refer to information in the Training – CSD Desk Aids - Immigration Section of the CSD Internal SharePoint website.

Release of information regarding immigrants and undocumented aliens is subject to the same confidentiality rules that govern release of all DSHS clients' data to outside parties. For more information on confidentiality of individually identifiable data, please see [RCW 74.04.060](#). The department is only obligated to report clients' information to the federal government when a sponsored immigrant receives federally funded benefits under the "indigence exemption". See WAC 388-450-0156, (7) for a description of this reporting requirement.

When requesting information necessary to determine citizenship or immigration status, be mindful of client rights. DSHS does not discriminate based on race, color or national origin. All similarly situated clients should be treated in the same manner.

Request immigration status information **only when needed** to determine an applicant's eligibility for public benefits. Never ask undocumented immigrants to contact United States Citizenship and Immigration Services (USCIS) themselves.

Notify your supervisor if you believe a report to USCIS is necessary.

Eligibility for public benefits depends on an individual's citizenship or [immigration](#) status. All individuals fall into one of the following four groups for purposes of benefits eligibility. For more information, click the links for each category:

- **U.S. Citizens or U.S. Nationals**
 1. U.S. Citizens or U.S. Nationals
 2. Born Abroad/Acquisition of Citizenship
 3. American Indian
 4. The Child Citizenship Act of 2000
- **Lawfully Present Qualified Aliens**
 5. Lawfully present alien
 6. Qualified aliens
 7. Lawful Permanent Resident (LPR), or "green card" holder
 8. Five Year Bar and Humanitarian Immigrants

- [9. Refugee](#)
- [10. Withholding of Removal or Deportation, or Removal Withheld](#)
- [11. Hmong or Highland Laotian tribe members](#)
- [12. Parolee](#)
- [13. Sponsored Immigrants](#)

- **Lawfully Present Non-Qualified Aliens**

- [14. Lawfully present non-qualified aliens](#)
- [15. Lawfully present non-qualified aliens, who may be eligible for state funded assistance](#)
- [16. Applicant for Asylum](#)
- [17. Citizens of Republic of Marshall Islands \(RMI\), Federal State of Micronesia \(FSM\), or Republic of Palau](#)
- [18. Nonimmigrants who are in the U.S. for a specific purpose and limited time](#)

- **Undocumented Aliens**

- [19. Undocumented Aliens](#)

Additional Information

[The links below provide additional information for determining immigration status for individuals applying for public benefits:](#)

- [Alien](#)
- [Alien Number, or USCIS Number](#)
- [Immigration Status and Adjustment of Status](#)
- [Expired Documents versus Expired Status](#)
- [Additional Information About Specific Documents:](#)
 - [USCIS form I-797, Notice of Action](#)
 - [USCIS form I-797, Approval Notice](#)
 - [Order from an Immigration Judge](#)
 - [Receipt of Application for Asylum, USCIS form I-589](#)
 - [Employment Authorization Document \(EAD\)](#)
 - [USCIS form I-942, Request for Reduced Fee](#)
- [How to check status of an immigration application on the USCIS website](#)

Consult the **Decision Tree** in [Appendix I](#) for an overview of citizenship and alien status eligibility rules.

1. U.S. Citizens and U.S. Nationals.

Persons born in the **United States or in U.S. territories**, under the terms listed below, are U.S. citizens at birth. This includes persons born in:

- [Puerto Rico, on or after April 11, 1899;](#)
- [Canal Zone or the Republic of Panama, between February 26, 1904 and October 1, 1979, and one parent was a U.S. citizen at the time of the person's birth.](#)
- [U.S. Virgin Islands, on or after January 17, 1917;](#)

- Guam, on or after April 11, 1899; and
- Commonwealth of the Northern Mariana Islands (CNMI) on or after May 28, 1975 and their children, if under age 18 on that date.

U.S. Nationals are persons born in:

- American Samoa,
- Swains Island, or
- Northern Mariana Islands, who did not choose in 1975 to become U.S. citizens.

U.S. nationals have the same eligibility for public assistance benefits as U.S. citizens.

2. Born Abroad/Acquisition of Citizenship. It is possible that a child or a grandchild of a U.S. citizen who was born abroad, z may have acquired citizenship at birth. In such cases, citizenship may depend on:

- Which parent is a U.S. citizen,
- How long the citizen-parent resided in the U.S., and
- Whether the parents were married at the time.

If unable to verify, refer individuals to an immigration attorney at the Northwest Justice Project, or the Northwest Immigrant Rights Project (Western Washington - 206-587-4009; Eastern Washington - 509-854-2100).

3. American Indian is a term used to identify enrolled members of federally recognized tribes in the U.S. and Canada (see Governor's Office of Indian Affairs website) and Alaska Native villages and corporations.

NOTE: American Indians, including those who are born outside the U.S., have the same eligibility for benefits as U.S. citizens and do not have to provide U.S. citizenship documentation.

To qualify for benefits they must provide verification of tribal enrollment showing they are:

- Members of a federally recognized Indian tribe (see [Governor's Office of Indian Affairs website](#)) or Alaska Native villages and corporations and have a proof of tribal enrollment, or
- Canadian-born American Indians, who are at least 50% American Indian blood. This category does not include the spouse or child of such a person, unless he or she also possesses 50% of American Indian blood, or
- Canadian-born American Indians who are less than 50% American Indian blood, and who have been continuously residing in the U.S. since prior to December 24, 1952.

American Indians, who do not meet the criteria above, z are undocumented unless they have another immigration status with USCIS.

4. The Child Citizenship Act of 2000 applies to children related to a citizen parent by birth or adoption only. Stepchildren are not included unless also adopted. To acquire citizenship under

the Act, persons must meet all the conditions in [WAC 388-424-0001 \(5\) \(d-f\)](#) on or after February 27, 2001. If the child is 18 years or older when the parent becomes a citizen, child citizenship laws do not apply and [the child](#) must independently apply for naturalization. [Once the terms of the Act are met, subsequent changes in the parents' marital status, such a separation or divorce, have no bearing on the child's citizenship. Nor does it matter whether the parent in question was a U.S. citizen at the time the child entered the U.S.](#)

For persons who automatically become citizens under terms of the Child Citizenship Act of 2000 or previous legislation, USCIS [does not](#) issue documentation ***unless requested***. Clients may not be aware they, or their children, are already citizens.

If [the client](#) is uncertain about whether [they meet](#) conditions for automatic citizenship, refer them to an immigration attorney [at the Northwest Justice Project, or the Northwest Immigrant Rights Project \(Western Washington - 206-587-4009; Eastern Washington - 509-854-2100\).](#)

5. **Lawfully present alien** is any non-U.S. citizen presently permitted by the Department of Homeland Security, one of its agencies, or the Department of Justice to remain in the United States. A lawfully present alien must have current and valid proof of their status such as documentation issued by USCIS, Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), or Department of Justice. A lawfully present alien must also meet state residency requirements in [WAC 388-468-0005](#) to qualify for benefits.

6. [Qualified aliens](#) are lawfully present immigrants defined in federal law as one of the following:

- [Lawful permanent resident, US Code §1641\(b\)\(1\);](#)
- [Asylee, US Code §1641\(b\)\(2\);](#)
- [Refugee, US Code §1641\(b\)\(3\);](#)
- [Hmong or Highland Lao are members of a Hmong or Highland Laotian tribe which rendered military assistance to the U.S. during the Vietnam era \(August 5, 1964 to May 7, 1975\), and are "lawfully present" in the U.S.;](#)
- [Certified as a victim of human trafficking by the federal office of refugee resettlement \(ORR\) and their eligible family members;](#)
- [Special immigrants from Iraq and Afghanistan are individuals granted special immigrant status under INA §101\(a\)\(27\);](#)
- ["Alien" paroled under INA § 212\(d\)\(5\) for at least one year, US Code §1641\(b\)\(4\);](#)
- ["Alien" granted withholding, US Code §1641\(b\)\(5\);](#)
- ["Alien" granted conditional entry under INA § 203\(a\)\(7\) as in effect before April 1, 1980, US Code §1641\(b\)\(6\);](#)
- [Cuban and Haitian entrant as defined in § 501\(e\) of Refugee Education Assistance Act of 1980, US Code §1641\(b\)\(7\);](#)
- [Admitted as an Amerasian Immigrant from Vietnam through the orderly departure program, under section 584 of the Foreign Operations Appropriations Act, incorporated in the FY88 Continuing Resolution P.L. 100-212;](#)
- [Certain battered "aliens" as defined in US Code §1641\(c\)\(1\)-\(3\).](#)

NOTE: A person is a qualified alien if granted cancellation of Removal or Suspension of Deportation based on abuse, or Deferred Action based on an approved self-petition as an abused alien.

7. Lawful Permanent Resident (LPR), or “green card” holder is a person who has permission to live and work in the U.S. *permanently*. An LPR status holder may apply for naturalization after living in the U.S. for five years (three years, if married to a U.S. citizen). LPRs are lawfully present and qualified immigrants.

8. Five Year Bar and Humanitarian Immigrants.

Sec. 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) states that immigrants, who entered the U.S. on or after August 22, 1996, are not eligible to receive federally-funded benefits for five years from the date they entered the U.S. as a qualified alien. Once they have met the five-year bar, they may qualify for federal benefits, if they meet all other eligibility requirements.

The following categories of aliens, called *humanitarian immigrants*, are exempt from the five-year bar, regardless of their date of entry into the country:

- Refugees;
- Asylees;
- Cuban and Haitian Entrants;
- Victims of a severe form of trafficking;
- Aliens whose deportation is being withheld;
- Special Immigrants from Iraq and Afghanistan;
- Honorably discharged U.S. military veterans, active duty military personnel, and their spouses and unmarried dependent children;
- Battered aliens, as defined in WAC 388-424-0001(2)(e);
- Aliens admitted to the country as an Amerasian immigrant.

The five-year bar does not apply to aliens, including undocumented, applying for emergency medical treatment, if they meet all other eligibility criteria for the state’s Medicaid program.

9. Refugee is “an alien outside their country of origin who is unable or unwilling to return to his or her country of origin because of persecution or on account of race, religion, nationality, membership in a particular social group, or political opinion” as defined by sec. 101 (a) (42) of the INA.

10. Withholding of Removal or Deportation, or Removal Withheld is an immigration status, similar to asylee. It is usually granted by an Immigration Judge to an alien under section 241 (b)(3) or 243(h) of the INA. The USCIS or the Department of Justice withholds an alien’s deportation because of a threat to life or freedom in the person’s home country due to race, religion, nationality, membership in a particular social group, or political opinion. The [Personal Work Responsibility and Opportunity Reconciliation Act \(PWRORA\)](#) of 1996, codified at 8 U.S.C. 1612 (a)(2)(A) exempts aliens whose deportation (removal) was withheld from the five-year bar on

federally funded benefits. For more information on eligibility for benefits see WAC 388-424-0020(2)(iv).

11. Hmong or Highland Laotian tribe members:

- Must be born prior to May 8, 1975. The tribe member's spouse and unmarried dependent children do not have to be tribal members to qualify for federal benefits.
- Must be lawfully present in the U.S. and must sign the following statement under penalty of perjury to be eligible for federal benefits, *if not eligible under a qualified alien status*:

"I was a Hmong (or Highland Laotian) tribe member when the tribe assisted the U.S. military during Vietnam era (August 5, 1964 to May 7, 1975)."

See [Appendix III](#) for a printable version of this statement.

12. Parolee is a person granted authority to enter the U.S. in an emergency, or because it serves the humanitarian or public interest. Some parolees are allowed to enter the U.S. temporarily, e.g., to receive medical treatment. Others are permitted to enter with the understanding that they will remain permanently by adjusting their immigration status. If parole is in the U.S.:

- At least one year or longer, the parolee is a lawfully present qualified immigrant.
- For less than a year, the parolee is a lawfully present non-qualified alien.

13. Sponsored Immigrants came to the United States on a family-based visa. They are required to have a "sponsor", who is usually an immediate family member with income at least 125% of the Federal Poverty Level. Starting December 19, 1997 sponsors are required to sign a legally enforceable [USCIS form I-864 Affidavit of Support](#), which is a contract between the sponsor and the U.S. government.

Federal law **does not** limit the sponsor's obligations to only the first 5 years of the sponsored immigrant being in the U.S. The sponsored immigrants' eligibility for federal and state funded benefits **do not** terminate nor substitute for the sponsor's obligations.

The I-864 Affidavit of Support commits the sponsor (or sponsors) to financial support of the sponsored immigrant, which ends only if the alien:

- Becomes a naturalized U.S. citizen;
- Has worked or can be credited with 40 work quarters under the Social Security Act (can include spouse's quarters);
- Becomes subject to removal or no longer has Lawful Permanent Resident (LPR) status and has departed the U.S.; or
- Dies.

Divorce does not terminate a sponsor's obligation to a spouse.

NOTE: We do not deem the sponsor's income to battered aliens and their dependents, who self-petitioned under the Violence Against Women Act (VAWA).

State and federal programs have different rules and eligibility requirements, and sponsored immigrants still may be eligible for some state-funded benefits. For more information, see [WAC 388-450-0156](#) and [EA-Z Manual, Income, Allocation and Deeming](#).

14. Lawfully present non-qualified alien is a term used in federal immigration law. It does not indicate whether an [alien](#) is eligible for benefits. [Non-qualified aliens have temporary permission to stay in the U.S. If their application for status adjustment is denied, so is their temporary permission for remaining in the U.S., and their immigration documents are not re-issued after they expire.](#)

[Non-qualified aliens may be eligible for some benefits. For more information, see WAC 388-424-0001, and EA-Z Manual Section - Citizenship and Alien Status Requirements Specific to Program.](#)

[All non-qualified aliens with expired documents and no application pending with USCIS are undocumented for eligibility purposes.](#)

15. Lawfully present non-qualified aliens, who may be eligible for state funded assistance if they meet all other eligibility requirements:

- [Abused aliens who are a relative of a U.S. citizen with an approved I-130 petition but do not meet the other requirements of battered immigrants, as described in WAC 388-424-0001.](#)
- [Abused aliens who have self-petitioned under the Violence Against Women Act \(VAWA\) but have not yet received the Notice of "Prima Facie" eligibility, as described in WAC 388-424-0001.](#)
- **Applicants for:**
 - [Asylum,](#)
 - [Cancellation of Removal,](#)
 - [Suspension of Deportation](#)
 - [T visa \(victim of trafficking\)](#)
 - [U visa \(victim of crime\), or](#)
 - [Withholding of Deportation or Removal](#)
- **Aliens granted the following immigration statuses:**
 - [Cancellation of Removal,](#)
 - [Continued Presence,](#)
 - [Deferred Action,](#)
 - [Deferred Enforced Departure,](#)
 - [Family Unity,](#)
 - [Suspension of Deportation,](#)
 - [Stay of Deportation or Removal,](#)
 - [Order of Supervision](#)
 - [Temporary Protected Status \(TPS\),](#)
 - [Voluntary Departure Granted – definite or indefinite time](#)

- "K", "S", "U" or "V" visa holders (to allow family to stay together while waiting for the processing of an immigration visa)

NOTE: "K" status holders (fiancé of a LPR or a U.S. citizen) are not sponsored aliens until *after* the marriage, when the spouse adjusts their immigration status to LPR.

Example: Ron is a U.S. citizen, and Olga is admitted with a "K" visa. After they are married, they petition the USCIS for Olga to adjust her status to LPR. Ron's income is deemed after Olga becomes an LPR.

- Lawful temporary residents under the amnesty program of the Immigration Reform and Control Act (IRCA), including those admitted under Sections 210 ("special agricultural workers") and Sec. 245A of the INA.
- Citizens of the Marshall Islands, Micronesia or Palau, who have special rights under the Compacts of Free Association and can lawfully enter, reside, and work in the U.S.
- Individuals paroled into the U.S. for a period of less than one year.
- Individuals' eligible to petition as special immigrant juveniles. These are juveniles who have been declared a "dependent of the state" and are eligible for long-term foster care due to abuse, neglect, or abandonment.
- Deferred Action for Childhood Arrivals (DACA) are individuals granted deferred action status, but unlike other deferred action individuals, they are not eligible for Medicaid or CHIP. DACA individuals may be eligible for state-funded assistance, including MCS, SFA, and FAP.

NOTE: DACA individuals with expired an Employment Authorization Document are undocumented.

16. Applicant for Asylum is a person who applied for asylum with USCIS or the Immigration Court, because they fled their country and are unable or unwilling to return due to persecution or a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a social group. Refer to the INA, Section 208(d)(5) for more information. There are two ways to apply for asylum:

- **Affirmative asylum** – application with USCIS and an Asylum Officer makes decision;
- **Defensive asylum** - application with Immigration Court, and Immigration Judge with the Executive Office for Immigration Review (EOIR) makes decision. It is called *defensive asylum* because it is used as a defense against removal.

Applicants for asylum are lawfully present non-qualified aliens.

NOTE: If an applicant for asylum is a national of Cuba or Haiti, they are a Cuban/Haitian Entrant, eligible for benefits to the same extent as refugees while their application is pending.

17. Citizens of the Republic of Marshall Islands (RMI), Federal State of Micronesia (FSM), and Republic of Palau (PAL) are citizens of sovereign nations. They are not citizens of the U.S., or U.S. nationals. Under the Compact of Free Association Act of 1985, citizens of RMI, FSM and PAL are lawfully present nonqualified aliens. They may live, study and work in the U.S. for an unlimited length of stay.

To enter the U.S. they are not required to have visas, but they must be lawfully admitted into the U.S. and have verification of admission. To confirm their citizenship and entry status they may provide:

- Current or expired passport with admission stamp and notation that typically says “CFA/PAL” (Compact of Free Association/Palau), “CFA/FSM” (Compact of Free Association/Federated States of Micronesia), or “CFA/MIS” (Compact of Free Association/Republic of Marshall Islands), or
- Current or expired I-94 Arrival/Departure Record with a notation “CFA/PAL” (Compact of Free Association/Palau), “CFA/FSM” (Compact of Free Association/Federated States of Micronesia), or “CFA/MIS” (Compact of Free Association/Republic of Marshall Islands) and the letters “D/S,” which stand for “duration of stay”. It means they are not limited to a specific amount of time, or
- Other documents verifying their citizenship of the Marshall Islands, Micronesia or Palau and entry status.

An electronic I-94 can be accessed with client permission and printed at the U.S. Customs and Border Protection, I-94 website.

18. Nonimmigrants who are in the U.S. for a specific purpose and limited time are also non-qualified aliens, who have a permanent residence abroad to which they intend to return at the end of their stay. They all are in the U.S. for a limited time and do not meet residency requirements of [WAC 388-468-0005](#).

- **B1** and **B2** visas often come attached because their requirements are basically the same. The **B1 visa** is for business visits and the **B2 visa** is for tourism and medical visits. There is no limit on how many times a person may visit the U.S. for a maximum of 180 days per visit in any given period of time.
- The student visas, **J, F, and M visas**, are for persons visiting the U.S. in the pursuit of education.
 - **J visa** is an Exchange Visitor visa for individuals approved to participate in work- and study-based exchange visitor programs.

- **F visa** is for students who may remain in the U.S. for the entire time they remain full-time students with current enrollment.
- **M visa** is for students permitted to remain in the U.S. for one year initially, with the option of applying for an extension of status up to three years.

Most international students can obtain part-time on-campus jobs. Off campus work is allowed only with Employment Authorization Document.

19. Undocumented aliens are non-U.S. citizens who do not have authorization to reside in the United States. They may have crossed the U.S. border illegally, or may have come into the country with a non-immigrant visa and did not leave when their period of authorized stay ended (“overstay”), or didn’t show up for check-ins with ICE officers or for their court hearing.

Under state and federal law, undocumented aliens are not eligible for ongoing food and/or cash assistance. They may qualify for assistance from the **Consolidated Emergency Assistance Program (CEAP), Children’s Health Program, and Alien Emergency Medical (AEM) Program**, if they meet eligibility requirements.

Additional Information

- **Alien** is a term used in federal and state law to identify a foreign-born person who lives in the United States, has not naturalized, and is still a citizen of a foreign country.
- **An alien number**, also called “alien registration number”, “USCIS number”, “INS number”, or “A number”, is a unique identification number assigned by the Department of Homeland Security to each alien who:
 - Is legally admitted to the United States for permanent residency, or
 - Comes into contact with the agency (for adjustment of immigration status, employment authorization, deportation proceedings, etc.).

The “A” number stays with an alien much like a Social Security Number, until the alien naturalizes. USCIS, ICE, Customs and Border Protection, Immigration Courts, the Board of Immigration Appeals (BIA), the Systematic Alien Verification for Entitlements (SAVE) program - all track alien cases by the “A number”.

What is an Alien Registration Number Desk Aid has examples of immigration documents and correspondence with the “A” number.

- **Immigration status** is legal permission to remain in the U.S. under specific conditions defined by a visa category, or other visa document, e.g. Refugee Travel Letter. Customs and Border Protection inspects and admits the alien into the U.S. in the immigration status stated in the immigration documents. The alien receives an admission stamp showing a visa type and the amount of time for which they were admitted.

Adjustment of Status is a procedure that changes (adjusts) a non-immigrant status to LPR status.

Example: Mary enters the U.S. under the H-1B status, and while in the U.S., marries a U.S. citizen. She then adjusts her status from H-1B to LPR.

- **Expired Documents versus Expired Status.**

Many immigration documents have expiration dates. Some immigrants may lose their immigration status when their immigration document expires.

- **Qualified alien's** status does not expire when the immigration document expires (for example, expired LPR card, USCIS form I-551, does not mean expired LPR status).

Exceptions are listed below:

- i. **Parolee's** status expires after the expiration date on their I-94 arrival/departure record. If their expiration date is stamped "waived" or "indefinite", it means that they are paroled for longer than a year and can adjust their parolee status to LPR. They are lawfully present qualified aliens with a five-year bar on federally funded benefits.
- ii. **Conditional permanent residents** (two-year Conditional Residents) receive their LPR status based on a recent marriage to a U.S. citizen. Conditional LPRs have their green cards issued to them for two years only. At the end of two years, they must file a petition with USCIS to remove the condition. Ask a client with an expired conditional LPR card for proof of a pending petition, or application to waive the filing requirement. If no proof is provided, the client is undocumented.

NOTE: Abused immigrants may face difficulties in filing a petition to remove the condition on residence. Refer such clients to an immigration attorney at the Northwest Justice Project, or the Northwest Immigrant Rights Project (Western Washington - 206-587-4009; Eastern Washington - 509-854-2100).

- iii. **Qualified aliens** may lose their immigration status if their deportation is ordered by an Immigration Judge;
- iv. **DACA** individuals' immigration status expires with the expiration date on their Employment Authorization Document.

- **Additional Information About Specific Documents:**

- **USCIS form I-797, Notice of Action**, may or may not have an expiration date. The USCIS form I-797 notifies clients that a certain action was taken on their case, such as filing fee received, application filed, the case is pending, a step in the process is completed, or status is approved.

- **USCIS form I-797, Approval Notice**, for:

- I-360, Self-Petition under the Violence Against Women Act (VAWA) is, in most cases, issued after a "Prima Facie" notice. In this case, the I-797 indicates the petitioner submitted sufficient evidence to establish eligibility under VAWA. Such notices verify the client is a Qualified Alien and their status does not expire.

- I-130, *Petition for Alien Relative*, is an example of a completed initial step in the family-related immigration process. It does not grant immigration status or a lawful presence to the beneficiary. It only establishes a relationship between petitioner and beneficiary. If the beneficiary does not already have immigration status, the beneficiary is an undocumented alien.
- If I-797, Approval Notice, states that USCIS granted or extended client's immigration status, I-797 will contain a tear-off new I-94 attached to the bottom of the Notice.

○ Order from **an Immigration Judge** does not have an expiration date. It may be issued when an Immigration Judge decides to:

- Grant an immigration status, such as asylum, withholding of deportation, or an Order of Supervision; or
- Place the alien in removal proceedings to deport them from the U.S.

○ **Receipt of Application for Asylum, USCIS form I-589**, does not have an expiration date. USCIS is required to provide a decision within 180 days. Despite this requirement, many applicants may not receive a decision within the deadline. If the I-589 Receipt date is more than 180 days old, check the asylum application status at USCIS website, [Case Status Online - Case Status Search](#) using [the](#) receipt number on I-589.

○ **Employment Authorization Document (EAD), form I-765**, is not a mandatory immigration document and DSHS staff cannot require it as an eligibility condition. However, explain to the client that the EAD is a federally issued ID, and may be used as verification of the client's lawful presence. EAD may be used as a verification that:

- Alien has applied for immigration status, the decision is pending, and the applicant is a lawfully present non-qualified alien, or
- Alien was granted temporary immigration status, or
- Individual has a current DACA status.

If the client does not have any verification of their current immigration status and refuses to obtain an EAD, the client is undocumented.

○ **USCIS form I-942, *Request for Reduced Fee***, can be submitted to the USCIS **at the same time** clients apply for the immigration status and documents. When requesting a fee waiver, an alien must clearly demonstrate that they are low income and unable to pay filing fees. USCIS will accept:

- Federal income tax documents or a Verification of Non-filing,
- Verification that annual household income is at or below 150% of the Federal Poverty Level, or
- Any other proof verifying household's low income.

If USCIS approves the fee waiver request, they will notify an applicant by the I-797, Notice of Action.

- Staff can check the status of an application to USCIS by using the USCIS website and entering the receipt number at the Case Status Online search.

NOTE: If unable to confirm application status using the USCIS website, ask the client to provide proof of their current immigration status. If necessary, refer such clients to an immigration attorney at the Northwest Justice Project or the Northwest Immigrant Rights Project (Western Washington - 206-587-4009; Eastern Washington - 509-854-2100).

Immigration questions should follow established procedures for submission through the Policy Clarification system, so that everyone can view the questions and responses.
