

**ALIEN ELIGIBILITY FORM**

**Original - To Case File  
Copy of Form & Proof - To the Director of Litigation's Paralegal**

If an applicant is not a U.S. citizen, you must determine whether he/she is an eligible or ineligible alien. Except when the only service provided is brief advice and consultation by telephone, the alien must submit appropriate documents to verify eligibility. If the alien is found eligible, check the appropriate category and proof below. **A copy of the proof must be kept with the case file.**

Name \_\_\_\_\_ Intake Sheet No. \_\_\_\_\_

Date \_\_\_\_\_ Check here if ineligible alien \_\_\_

Check here if eligible but no proof of eligibility due to emergency \_\_\_

I. \_\_\_\_\_ PERMANENT RESIDENT, H-2A WORKER, OR H-2B FORESTRY WORKER

**Required Proof (check applicable item):**

- \_\_\_\_\_ Alien Registration Receipt Card (INS Forms I-151, I-551 or AR-3)
- or \_\_\_\_\_ Temporary Evidence of Lawful Admission for Permanent Residence (INS Form I-181B)
- or \_\_\_\_\_ Valid passport and immigrant visa
- or \_\_\_\_\_ Verification that Special Agricultural Worker (SAW) application was granted (I-688 card marked "210")
- or \_\_\_\_\_ H-2A Visa (only for legal assistance relating to wages, housing, transportation, and other employment rights provided in the worker's contract)
- or \_\_\_\_\_ H-2B Visa (only for forestry workers for legal assistance relating to wages, housing, transportation, and other employment rights provided in the worker's contract)

II. \_\_\_\_\_ MARRIED TO A U.S. CITIZEN, OR IS A PARENT OR AN UNMARRIED CHILD UNDER THE AGE OF 21 OF SUCH A CITIZEN AND HAS FILED AN APPLICATION THAT HAS NOT BEEN REJECTED FOR ADJUSTMENT OF STATUS, PERMANENT RESIDENCY WITH INS OR WITH THE AMERICAN CONSULATE, OR SUSPENSION OF DEPORTATION.

**Required Proof (Check one from A and one from B):**

- A. \_\_\_\_\_ Fee receipt issued to the alien by the INS at the time Application for Status as Permanent Resident (INS Form I-485) was filed.
- or \_\_\_\_\_ Copy of the Application for Status as Permanent Resident accompanied by a notarized statement, signed by the alien, that such form was filed with INS.
- or \_\_\_\_\_ Copy of the Application for Immigrant Visa and Alien Registration (Department of State Form FS-510) accompanied by a notarized statement, signed by the alien, that such form was filed with a consulate office.
- or \_\_\_\_\_ Copy of the Application for Suspension of Deportation (INS Form I-256A) accompanied by a notarized statement, signed by the alien, that such form was filed with INS.

**And one of the following:**

- B. \_\_\_\_\_ Copy of alien's marriage certificate accompanied by proof of the spouse's U.S. citizenship.
- or \_\_\_\_\_ Copy of the U.S. birth certificate, baptismal certificate, adoption decree, or other documents demonstrating that the alien is the parent of a U.S. citizen under the age of 21.
- or \_\_\_\_\_ Copy of the alien's birth certificate, baptismal certificate, adoption decree, or other documents demonstrating that the alien is a child under the age of 21, accompanied by proof that the alien's parent is a U.S. citizen.
- or \_\_\_\_\_ Copy of the Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa (INS Form I-130) containing information that demonstrates that the alien is related to such a U.S. citizen spouse, parent, or child, accompanied by a notarized statement that such form was filed with INS or the American Consulate.

III. \_\_\_\_\_ LAWFULLY PRESENT IN U.S. UNDER SECTION 207, OR 208, OR 203(a)(7) OF THE IMMIGRATION AND NATIONALITY ACT (REFUGEE/ASYLEE/CONDITIONAL ENTRANT).

**Required Proof:**

- \_\_\_\_\_ Arrival-Departure Record (INS Form I-94) marked "Section 207" or "Refugee" (if claiming refugee status), "Section 208" or "Asylum" (if claiming asylum status), or "Section 203(a)(7)" or "Conditional entry" (if claiming conditional entrant status).

IV. — LAWFULLY PRESENT IN U.S. AS A RESULT OF THE ATTORNEY GENERAL'S WITHHOLDING OF DEPORTATION PURSUANT TO SECTION 243(h) OF THE IMMIGRATION AND NATIONALITY ACT.

**Required Proof:**

— Arrival-Departure Record (INS Form I-94) marked "Section 243(h)," or a court order or letter signed by an immigration judge stating that the Attorney General is withholding deportation of the alien.

V. — AGRICULTURAL/FORESTRY WORKERS

**Required Proof:**

— Arrival-Departure Record (INS Form I-94), or passport stamped "H-2A," or for forestry workers only passport stamped "H-2B."

VI. — SPECIAL AGRICULTURAL WORKER TEMPORARY RESIDENT

**Required Proof:**

— INS Forms I-688, 688A, or 766 indicating issuance under Section 210.

— OTHER DOCUMENTATION LISTED ON THE APPENDIX TO PART 1626.

Specify: \_\_\_\_\_

— OTHER DOCUMENTATION REVIEWED WITH THE EXECUTIVE DIRECTOR OR DESIGNEE.

Specify: \_\_\_\_\_

EMERGENCIES: IN AN EMERGENCY, LEGAL SERVICES MAY BE PROVIDED PRIOR TO PROVIDING PROOF OF ELIGIBILITY, IF

1. It is not feasible for an alien to come to LSNF's office or otherwise physically transmit documentation to Legal Services of North Florida before commencement of representation, in which case such required information as can be obtained orally shall be recorded by LSNF and written documentation shall be submitted as soon as possible; or
2. An alien is physically present, but cannot produce required documentation, in which case he or she shall make a written statement identifying the category under which he or she claims eligibility and the documents that will be produced to verify that status (such documentation to be submitted as soon as possible); and
3. The applicant's "emergency" falls within the criteria for emergency assistance defined in LSNF's determination of priorities; and
4. LSNF informs clients accepted under these procedures that only limited, emergency legal assistance may be provided them without satisfactory documentation and that failure or inability to produce satisfactory documentation will compel LSNF to discontinue representation consistent with its professional responsibilities as soon as the emergency no longer exists.

For persons requiring representation under this section, the applicant must complete the following:

I am not a U.S. citizen but am claiming eligibility for legal services on the basis of my status under Section \_\_\_ above. I will produce documents to verify my status as soon as they are available to me.

\_\_\_\_\_  
Signature

TELEPHONE CONTACT: No written verification of eligibility is required when the only service provided is brief advice and consultation by telephone (though an oral declaration of eligible alien status will be sought).

Amended 2/13/08