

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 eligible or ineligible alien. Except when the only service provided is advice and consultation by telephone, the alien must submit appropriate proof 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 OR H-2A WORKER

Required Proof (check applicable item):

Alien Registration Receipt Card (INS Forms I-151, I-551 or A-110) or Temporary Evidence of Lawful Admission for Permanent Resident (Form I-181B)

or Valid passport and immigrant visa

or Verification that Special Agricultural Worker (SAW) application 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 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 BEEN REJECTED FOR ADJUSTMENT OF STATUS, PERMANENT RESIDENCY WITH INS OR AN 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 (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 at 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 STATUS).

Required Proof:

- Arrival-Departure Record (INS Form I-94) marked "Section 207" (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 WAIVER 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
a court order or letter signed by an immigration judge stating
the Attorney General is withholding deportation of the alien

V. ___ AGRICULTURAL WORKERS

Required Proof:

___ Arrival-Departure Record (INS Form I-94) or passport stamped

VI. ___ SPECIAL AGRICULTURAL WORKER TEMPORARY RESIDENT

Required Proof:

___ INS Forms I-688, 688A, or 766 indicating issuance under Section
___ OTHER DOCUMENTATION LISTED ON THE APPENDIX TO PART 1626.

Specify: _____

___ OTHER DOCUMENTATION REVIEWED WITH THE EXECUTIVE DIRECTOR OR DESIGNATED

Specify: _____

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

1. It is not feasible for an alien to come to LSNF's office or otherwise transmit documentation to Legal Services of North Florida before commencing representation, in which case such required information as can be obtained 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 cause under which he or she claims eligibility and the documents that will be submitted 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 as defined in LSNF's determination of priorities; and
4. LSNF informs clients accepted under these procedures that only limited legal assistance may be provided them without satisfactory documentation and failure or inability to produce satisfactory documentation will compel LSNF to discontinue representation consistent with its professional responsibility as soon as the emergency no longer exists.

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

I am not a U.S. citizen but am claiming eligibility for legal services on t
my status under Section ___ above. I will produce documents to verify my s
as they are available to me.

Signature

TELEPHONE CONTACT: written verification of eligibility is required when the
service provided is brief advice and consultation by telepho
(though an oral declaration of eligible alien status will be
sought).