

CHAPTER 6. EVIDENCE OF ELIGIBLE IMMIGRATION STATUS

6-1. When Evidence Of Eligible Immigration Status Is Required To Be Submitted. The HA shall require evidence of eligible immigration status to be submitted at the times specified in paragraph 6-1, subject to any extension granted in accordance with paragraph 6-2. [812.6(g); 950.310(h); 912.6(g)]

a. Applicants. For applicants, the HA must ensure that evidence of eligible immigration status is submitted simultaneously with the date the HA anticipates or has knowledge that verification of other aspects of eligibility for assistance will occur (see paragraph 7-1).

b. Families already receiving assistance. For a family already receiving the benefit of assistance in a covered program on June 19, 1995, the required evidence shall be submitted at the first regular reexamination after June 19, 1995, in accordance with program requirements.

c. New occupants of assisted units. For any new family members, the required evidence shall be submitted at the first interim or regular reexamination following the person's occupancy.

d. Changing participation in a HUD program. Whenever a family applies for admission to a Section 214 covered program, evidence of eligible immigration status is required to be submitted in accordance with the requirements of the Noncitizens Rule unless the family already has submitted the evidence to the HA for a covered program.

e. One-time evidence requirement for continuous occupancy. For each family member, the family is required to submit evidence of eligible immigration status only one time during continuously-assisted occupancy under any covered program. However, even though the members of a family have already met the requirement, if the family uses portability to relocate to a different HA's jurisdiction under Section 8, the receiving HA is required to obtain new evidence of eligible immigration status unless the initial HA forwards the prior documentation to the receiving HA.

6-2. Extensions Of Time To Submit Evidence Of Eligible Immigration Status. [812.6(h); 950.310(i); 912.6(h)]

a. When extension must be granted. The HA shall extend the time, as provided in paragraph 6-1, to submit evidence of eligible immigration status if the family member:

(1) Submits the declaration required under paragraph 4-4 certifying that any person for whom required evidence has not been submitted is a noncitizen with eligible immigration status; and

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(2) Certifies that the evidence needed to support a claim of eligible immigration status is temporarily unavailable, additional time is needed to obtain and submit the evidence,

and prompt and diligent efforts will be undertaken to obtain the evidence.

b. Prohibition on indefinite extension period. Any extension of time, if granted, shall be for a specific period of time. The additional time provided should be sufficient to allow the family the time to obtain the evidence needed. The HA's determination of the length of the extension needed shall be based on the circumstances of the individual case.

c. Granting or denial of extension to be in writing. The HA's decision to grant or deny an extension as provided in paragraph 6-2a shall be issued to the family by written notice. If the extension is granted, the notice shall specify the extension period granted. If the extension is denied, the notice shall explain the reasons for denial of the extension.

6-3. Failure To Submit Evidence Or Establish Eligible Immigration Status. If the family fails to submit required evidence of eligible immigration status within the time period specified in the notice, or any extension granted in accordance with paragraph 6-2, or if the evidence is timely submitted but fails to establish eligible immigration status, the HA shall proceed to deny, prorate or terminate assistance, or provide continued assistance or temporary deferral of termination of assistance, as appropriate, in accordance with the provisions of Chapter 8 and Chapter 10 respectively. Denial or termination of assistance shall be in accordance with the procedures of Chapter 8. [812.6(h)(3)(i); 950.310(k); 912.6(i)]

6-4. Documents Of Eligible Immigration Status. [812.7; 950.310(k); 912.7]

a. General. An HA shall request and review original documents of eligible immigration status. The HA shall retain photocopies of the documents for its own records and return the original documents to the family.

b. Acceptable evidence of eligible immigration status. The original of one of the following documents is acceptable evidence of eligible immigration status, subject to verification in accordance with Chapter 7. [Note: Sample forms of acceptable evidence of eligible immigration status are illustrated in Appendix A of the INS SAVE Program Instructions Manual For HUD. SAVE is an acronym for Systematic Alien Verification for Entitlements. A copy of the INS SAVE Program Instructions Manual For HUD is contained in Appendix G of this Guidebook.]

(1) Form 1-151, Alien Registration Receipt Card (issued to lawful permanent residents prior to 1979). Form 1-151 will no longer

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be valid after March 20, 1996. Detailed information on how and where to apply for a new green card may be obtained by telephoning the INS toll-free number: 1-800-755-0777.

(2) Form 1-5, 1, Alien Registration Receipt Card (for permanent resident aliens);

(3)Form 1-94, Arrival-Departure Record, with one of the following annotations:

- (a)"Admitted as Refugee Pursuant to Section 207";
- (b)"Section 208" or "Asylum";
- (c)"Section 243(h)" or "Deportation stayed by Attorney General";
- (d)"Paroled Pursuant to Section 212(d)(5) of the INA";

(4)If Form 1-94, Arrival-Departure Record, is not annotated, then accompanied by one of the following documents:

- (a)A final court decision granting asylum (but only if no appeal is taken);
- (b)A letter from an INS asylum officer granting asylum (if application is filed on or after October 1, 1990) or from an INS district director granting asylum (if application filed before October 1, 1990);
- (c)A court decision granting withholding of deportation; or
- (d)A letter from an asylum officer granting withholding of deportation (if application filed on or after October 1, 1990).

(5)Form 1-688, Temporary Resident Card, which must be annotated "Section 245A" or "Section 210";

(6)Form 1-688B, Employment Authorization Card, which must be annotated "Provision of Law 274a.12(11)" or "Provision of Law 274a.12";

(7)A receipt issued by the INS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified; or

c.Other acceptable evidence. If other documents are determined by the INS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.