

| Immigration Status: Duration, Ability to Sponsor Children and Path to Permanent Residency | | | | Access to Federal and State Funded Public Benefits | | | | | | Services Open to All Persons Without Regard to Immigration Status | |
|---|--|--|--|---|--|--|---|--|---|---|--|
| Immigration Status | Immigration Intent | Lawful Permanent Residency: Path to, Requirements of Maintaining and Who Controls the Application | Can they include their children in their application, or file an application asking DHS to grant their children legal immigration status? | When do they receive legal work authorization? | When is the immigrant considered PRUCOL? | When do they become lawfully present granting access to health care?* | When are they considered 'qualified aliens' for federal/state public benefits eligibility purposes? | Eligible for "federal public benefits" (e.g. Housing, Foster Care, Low Income Energy Assistance, Child Care) | When are they eligible for "federal mean-tested public benefits" - (e.g. TANF, Food Stamps, TANF: Child Care, Full Medicaid, SSI benefits) and meet all program requirements? | Services Necessary to Protect Life and Safety and Services Open to All Person Including Undocumented Immigrants | Requirements to maintain eligibility |
| Lawful and Conditional | Permanent Residency and Humanitarian Relief | | | | | | | | | | |
| Lawful permanent residents INA §101(a)(20); 8 U.S.C. §1101 | Stay in the US | Are lawful permanent residents. Cannot be outside of the U.S. for more than 6 months any year without permission; can lose status if they commit certain crimes. Immigrant controls the application. Immigrant files own application | Lawful permanent residents can file for their children and can include their children in the immigrant's application for lawful permanent residency. 22 C.F.R. §42.53(a) | Applicants with pending applications for work authorization can file for work authorization. 8 C.F.R. § 274a.12(c)(9). Upon receipt of status. No need to apply for employment authorization. 8 C.F.R. § 274a.12(a)(1) and § 1274a.12(a)(1) | Upon filing | When the immigrant is granted lawful permanent residency (Due to status as qualified alien - 8 U.S.C. §1641(b)(1)) | When they are granted lawful permanent resident status | Eligible for Federal and State Public Benefits as Qualified Aliens | 5-year bar (unless exempt from 5 year bar**) | Eligible | Are lawful permanent residents. Cannot be outside of the U.S. for more than 6 months any year without permission; can lose status if commit certain crimes |
| Conditional permanent residents INA §216; 8 U.S.C. § 1186a | Stay in the US | Citizen or lawful permanent resident spouse files a family based visa petition for the immigrant spouse and the parties are married for less than 2 years when the parties attend their DHS interview. The immigrant spouse receives permanent residency that is conditioned upon filing of a joint application by the applicant and their sponsoring citizen or lawful permanent resident spouse to remove conditions OR a self-petition by the applicant for a waiver of the joint filing requirement based upon divorce, battering or extreme cruelty, extreme hardship, or bigamy of citizen or lawful permanent resident spouse | Child gets the conditional permanent residency for being the son or daughter of an immigrant with a qualifying marriage to a U.S. citizen. INA § 216(b)(2); 8 U.S.C. 1186a. | Upon receipt of status. No need to apply for employment authorization. 8 C.F.R. § 274a.12(a)(1) and § 1274a.12(a)(1) | Upon filing | When the immigrant is granted conditional residency (due to status as qualified alien - 8 U.S.C. §1614(b)(6)) | When they are granted lawful permanent resident status | Eligible for Aid as Qualified Aliens | 5-year bar (unless exempt from 5 year bar**) | Eligible | The immigrant applicant and the sponsoring spouse, parent or step-parent must jointly file an application to remove conditions and grant full lawful permanent residency to the immigrant spouse (and the immigrant spouse's child, son or daughter). Only under specified conditions can the immigrant spouse seek a discretionary waiver from DHS of this joint filing requirement: 1) extreme hardship if the immigrant spouse were removed from the U.S.; 2) divorce; 3) battered spouse waiver (battering or extreme cruelty of the perpetrated against the immigrant spouse or child); or 4) marriage ceremony was performed and the citizen or lawful permanent resident spouse was a bigamist who perpetrated battering and/or extreme cruelty of the immigrant spouse or child. |
| Persons paroled into the United States for a period of at least one year- Indefinite, Humanitarian, significant public benefit (DHS granted indefinite or humanitarian parole) INA §212(d)(5); 8 U.S.C 1182(d)(5) | Stay in the US | Parolees usually ultimately file for a form of legal immigration status in this case a family based petition filed by their battered immigrant parent who received VAWA cancellation of removal; if they fail to file they could fall out of legal status | Cannot include children. Children would need to separately qualify for parole. | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(11) | When Paroled into the U.S. | At the time the immigrant was paroled into the United States (due to status as qualified alien - 8 U.S.C. §1614(b)(4)) | When granted parole for at least one year | Eligible for Aid as Qualified Aliens | 5-year bar | Eligible | Parolees may be able to file for a form of legal immigration status - i.e. through family based process, VAWA, U visa, etc. Parole is a temporary status in the US granted by the government; it will not lead to any permanent status in and of itself |
| Children of VAWA cancellation of removal recipients (DHS granted Humanitarian Parole) | Stay in the US | Parolees usually ultimately file for a form of legal immigration status; if they fail to file they could fall out of legal status | Cannot be included in the victims application. However once the victim is granted cancellation of removal. The victim's children automatically eligible for parole into the United States under INA § 240A(b)(4) | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(11) | When Paroled into the U.S. | At the time the immigrant was paroled into the United States (due to status as qualified alien - 8 U.S.C. §1614(b)(4)) | When they are granted lawful permanent resident status | When they are granted lawful permanent resident status | 5-year bar | Eligible | Parolees usually ultimately file for a form of legal immigration status; if they fail to file they could fall out of legal status |
| Cuban and Haitian entrants (US granted indefinite or humanitarian parole) PL 99-603, 100 Stat. 3359 §202 | Stay in the US | Parolees with status that leads to lawful permanent residency so long as no intent to abandon residence in the U.S. | Cannot include their children | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(10) | When Paroled into the U.S. | At the time the immigrant was paroled into the United States (due to status as qualified alien - 8 U.S.C. §1614(b)(7)) | When status is granted | Eligible for Aid as Qualified Aliens | EXEMPT from 5-year bar | Eligible | Parolees with status that leads to lawful permanent residency so long as no intent to abandon residence in the U.S. |

| Immigration Status | Immigration Status: Duration, Ability to Sponsor Children and Path to Permanent Residency | | | Access to Federal and State Funded Public Benefits | | | | | Services Open to All Persons Without Regard to Immigration Status | Requirements to maintain eligibility | |
|---|---|---|---|---|--|---|---|--|---|--------------------------------------|---|
| | Immigration Intent | Lawful Permanent Residency: Path to, Requirements of Maintaining and Who Controls the Application | Can they include their children in their application, or file an application asking DHS to grant their children legal immigration status? | When do they receive legal work authorization? | When is the immigrant considered PRUCOL? | When do they become lawfully present granting access to health care?* | When are they considered 'qualified aliens' for federal/state public benefits eligibility purposes? | Eligible for "federal public benefits" (e.g. Housing, Foster Care, Low Income Energy Assistance, Child Care) | When are they eligible for "federal mean-tested public benefits" - (e.g. TANF, Food Stamps, TANF; Child Care, Full Medicaid, SSI benefits) and meet all program requirements? | | Services Necessary to Protect Life and Safety and Services Open to All Person Including Undocumented Immigrants |
| Amerasian immigrant children (family based self-petition) | Stay in the US | Leads to LPR status; children under 21 enter as first priority -- all other entrants follow the Visa bulletin, includes showing of humanitarian need, public interest or family unity | This visa status is provided to children born in Indochina after 1950 fathered by a US citizen who has provided a legal guarantee of custody and financial responsibility for the child. Amerasians can include their own children and natural mother | Either after their application for lawful permanent residency is pending, if eligible, or upon receipt of status. 8 CFR 274a. 12(a)(1), respectively. | At the time of admittance into the U.S. | When granted lawful permanent resident status | When the I-360 petition is granted | Eligible for Aid as Qualified Aliens | EXEMPT from 5-year bar | Eligible | Leads to LPR status; children under 21 enter as first priority -- all other entrants follow the Visa bulletin, includes showing of humanitarian need, public interest or family unity |
| VAWA self-petitioners (pending, with deferred action or approved) and their children included in their applications (family based self-petition) INA §204(a)(1)(A); 8 U.S.C. §§ 1153(a)(1)(A)(ii), (iii), (iv) | Stay in the US | Once approved apply for lawful permanent residency (immediately eligible if perpetrator family member is a citizen) must wait 2-5 years if the perpetrator family member is a lawful permanent resident) | VAWA self petitioners can include their children as derivatives when the petition is filed with USCIS. There is no need for the partner's consent or knowledge when applying. INA §§204(a)(1)(A)(iii)-(v). | Receive employment authorization once their VAWA self-petition has been approved. INA §201(a)(1)(k); 8 CFR §274a.12(c)(31) | Upon filing | connection between battery and need for benefits, and receiving prima facie determination from DHS (8 U.S.C. §1641(c)(1)) | Receiving prima facie determination from DHS | Eligible for Aid as Qualified Aliens | 5-year bar (unless exempt from 5 year bar**) | Eligible | Once approved apply for lawful permanent residency (immediately eligible if perpetrator family member is a citizen) must wait 2-5 years if the perpetrator family member is a lawful permanent resident) |
| VAWA suspension of deportation INA § 244(a)(3); 8 U.S.C. §1254(a)(3) as in effect on March 31, 1997) | Stay in the US | Once approved are granted lawful permanent residency, cannot be outside of the U.S. for more than 6 months any year without permission; can lose status if commit certain crimes | Children of parent who obtains cancellation of removal under VAWA may obtain parole under section 212(d)(5). INA § 240A(b)(4)(A)(i). | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(10) | Upon filing | connection between benefits and battery, and receiving prima facie determination from an immigration judge (qualified alien under 8 U.S.C. 1641(c)(1)(B)(iii)) | Receiving prima facie determination from an immigration judge | Eligible for Aid as Qualified Aliens | 5-year bar (unless exempt from 5 year bar**) | Eligible | Once approved are granted lawful permanent residency, cannot be outside of the U.S. for more than 6 months any year without permission; can lose status if commit certain crimes |
| VAWA cancellation of removal and VAWA suspension of deportation applicants INA § 240A(b)(2); 8 U.S.C. § 1229b(2) | Stay in the US | Once approved are granted lawful permanent residency, cannot be outside of the U.S. for more than 6 months any year without permission; can lose status if commit certain crimes | Children of parent who obtains cancellation of removal under VAWA may obtain parole under section 212(d)(5). INA § 240A(b)(4)(A)(i). | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(10) | Upon filing | Connection between benefits and battery, and receiving prima facie determination from an immigration judge (8 U.S.C. §1641(c)(1)(B)(v)) | Receiving prima facie determination from an immigration judge | Eligible for Aid as Qualified Aliens | 5-year bar (unless exempt from 5 year bar**) | Eligible | Once approved are granted lawful permanent residency, cannot be outside of the U.S. for more than 6 months any year without permission; can lose status if commit certain crimes |
| Cancellation of Removal recipients (immigrant files their own application) INA §240A; 8 U.S.C. §1229b | Stay in the US | When cancellation of removal application is granted the applicant receives lawful permanent residency from the immigration judge. <i>Cannot be outside of the U.S. for more than 6 months any year without permission; can lose status if commit certain crimes</i> | Cannot include their children. Once they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(10) | Upon filing | When they receive their lawful permanent residency, although someone applying for cancellation may already be a permanent resident and so may have access to health care already before applying for cancellation | After LPR status granted upon approval of their cancellation of removal application | After LPR status granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | When cancellation of removal application is granted the applicant receives lawful permanent residency from the immigration judge. <i>Cannot be outside of the U.S. for more than 6 months any year without permission; can lose status if commit certain crimes</i> |
| Immigrant Status that Allows Individual to file for Lawful Permanent Residency | | | | | | | | | | | |
| Asylees (file their own application) INA § 208; 8 U.S.C. 1158 | Stay in the US | Can file their own application for LPR status after 1 year | Asylees can include their children when applying for Asylum with the BCIS center or, if in removal proceedings, before the Immigration Judge. to 8 C.F.R. §§208.3(a), 1208.3(a). | Receive employment authorization within 180 days of filing the asylum application. INA § 208(d)(2); 8 C.F.R. § 274a.12(c)(8) Must file and for employment authorization. Once asylum is granted work authorization from that point on is included in asylee status 8 C.F.R. § 274a.12(a)(5) | Upon filing | When applicant has received EAD and Asylum application continues to be pending (qualified alien once received Asylum 8 U.S.C. § 1641(b)(2)) | Asylum Granted | Eligible for Aid as Qualified Aliens | EXEMPT from 5-year bar | Eligible | Can file their own application for LPR status after 1 year |
| Refugees (file their own application) INA §207; 8 U.S.C. §1157 | Stay in the US | Can file their own application for LPR status after 1 year | Refugees can include their children in the application. INA §207(c)(2), 8 U.S.C. §1157(c)(2) | Refugees paroled into the United States can apply for work authorization. 8 C.F.R. §274a.12(a)(4) . Upon receipt of status. Must file and for employment authorization. 8 C.F.R. § 274a.12(a)(3) | Upon filing | Entered U.S. under Refugee status (qualified alien under 8 U.S.C. § 1641(b)(3)) | Entered U.S. under Refugee status | Eligible for Aid as Qualified Aliens | EXEMPT from 5-year bar | Eligible | Can file their own application for LPR status after 1 year |

| Immigration Status | Immigration Status: Duration, Ability to Sponsor Children and Path to Permanent Residency | | | Access to Federal and State Funded Public Benefits | | | | | | Services Open to All Persons Without Regard to Immigration Status | Requirements to maintain eligibility |
|---|--|---|---|--|--|---|---|--|---|---|---|
| | Immigration Intent | Lawful Permanent Residency: Path to, Requirements of Maintaining and Who Controls the Application | Can they include their children in their application, or file an application asking DHS to grant their children legal immigration status? | When do they receive legal work authorization? | When is the immigrant considered PRUCOL? | When do they become lawfully present granting access to health care?* | When are they considered 'qualified aliens' for federal/state public benefits eligibility purposes? | Eligible for "federal public benefits" (e.g. Housing, Foster Care, Low Income Energy Assistance, Child Care) | When are they eligible for "federal mean-tested public benefits" - (e.g. TANF, Food Stamps, TANF: Child Care, Full Medicaid, SSI benefits) and meet all program requirements? | Services Necessary to Protect Life and Safety and Services Open to All Person Including Undocumented Immigrants | |
| U-1 Victims of crime (file their own application) INA §101(a)(15)(U); 8 U.S.C. §1101(a)(15)(U). | Temporary visa; most victims intend at the time of application to stay in the U.S. due to humanitarian need or public interest | Self-petition for lawful permanent residency status after three years of continuous physical presence. Have direct path to lawful permanent resident not dependent on an employer of family member; wait three years and the lawful permanent residency status is immediately available to those who meet eligibility criteria (cooperation or not unreasonably refuse to cooperate) and public interest, humanitarian need or family unity | Victims of crimes applying for a U-Visa can include their children in their application. INA §101(a)(15)(U)(ii), 8 C.F.R. § 214.14(a)(10), (f) | U-visa victims receive work authorization once their U-visa has been granted. INA § 214(p)(3)(B); 8 C.F.R. §274a.12(a)(19) | Upon filing | U-visa status granted | After LPR status granted | After LPR status granted | After LPR status granted | Eligible | Self-petition for lawful permanent residency status after three years of continuous physical presence. Have direct path to lawful permanent resident not dependent on an employer of family member; wait three years and the lawful permanent residency status is immediately available to those who meet eligibility criteria (cooperation or not unreasonably refuse to cooperate) and public interest, humanitarian need or family unity |
| U-2 spouse of U-1 (included in crime victim spouse's application) | Temporary visa; most victims intend at the time of application to stay in the U.S. due to humanitarian need or public interest | Self-petition for lawful permanent residency status after three years of continuous physical presence. Have direct path to lawful permanent resident not dependent on an employer of family member; wait three years and the lawful permanent residency status is immediately available to those who meet eligibility criteria (cooperation or not unreasonably refuse to cooperate) and public interest, humanitarian need or family unity | See U-3 visa status | Must file and for employment authorization. 8 C.F.R. § 274a.12(a)(20) | Upon filing | U-1 visa status granted | After LPR status granted | After LPR status granted | After LPR status granted | Eligible | Self-petition for lawful permanent residency status after three years of continuous physical presence. Have direct path to lawful permanent resident not dependent on an employer of family member; wait three years and the lawful permanent residency status is immediately available to those who meet eligibility criteria (cooperation or not unreasonably refuse to cooperate) and public interest, humanitarian need or family unity |
| U-3 Children of U-1 (included in crime victim parent's application) | Temporary visa; most victims intend at the time of application to stay in the U.S. due to humanitarian need or public interest | Self-petition for lawful permanent residency status after three years of continuous physical presence must show public interest, humanitarian need or family unity | Cannot include their children. Once they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | Must file and for employment authorization. 8 C.F.R. § 274a.12(a)(20) | Upon filing | U-1 visa status granted | After LPR status granted | After LPR status granted | After LPR status granted | Eligible | Self-petition for lawful permanent residency status after three years of continuous physical presence must show public interest, humanitarian need or family unity |
| U-4 Parent of U-1 Children Victim (included in crime victim child's application) | Temporary visa; most victims intend at the time of application to stay in the U.S. due to humanitarian need or public interest | Self-petition for lawful permanent residency status after three years of continuous physical presence must show public interest, humanitarian need or family unity | See U-5 visa status | Must file and for employment authorization. 8 C.F.R. § 274a.12(a)(20) | Upon filing | U-1 visa status granted | After LPR status granted | After LPR status granted | After LPR status granted | Eligible | Self-petition for lawful permanent residency status after three years of continuous physical presence must show public interest, humanitarian need or family unity |
| U-5 Minor Siblings of U-1 Children Victim (included in crime victim sibling's application) | Temporary visa; most victims intend at the time of application to stay in the U.S. due to humanitarian need or public interest | Self-petition for lawful permanent residency status after three years of continuous physical presence must show public interest, humanitarian need or family unity | Cannot include their children. Once they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | Must file and for employment authorization. 8 C.F.R. § 274a.12(a)(20) | Upon filing | U-1 visa status granted | After LPR status granted | After LPR status granted | After LPR status granted | Eligible | Self-petition for lawful permanent residency status after three years of continuous physical presence must show public interest, humanitarian need or family unity |
| T-1 visa or prima facie determination of T-visa (file their own application) INA §101(a)(15)(T); 8 U.S.C. §1101(a)(15)(T) | Temporary visa; most victims intend at the time of application to stay in the U.S. due to a showing of hardship in returning to home country | Self-petition for lawful permanent residency status after three years of continuous physical presence and must show proof that they have assisted in the investigation and/or prosecution; exceptions for those under 18 or those that can show extreme hardship upon returning to home country | Victims of Trafficking can include their children when applying for a T-Visa. INA §(a)(15)(T)(ii); 22 C.F.R. §41.84(a) | Includes work authorization 8 C.F.R. § 274a.12(a)(16); Lose work authorization when T status ends. 8 C.F.R. § 274a.12(c)(21) | Upon filing | T-visa granted or a prima facie case determination (qualified alien under 8 U.S.C. §1641(c)(4)) | T-visa is approved | Eligible for Aid as Qualified Aliens | EXEMPT from 5-year bar | Eligible | Self-petition for lawful permanent residency status after three years of continuous physical presence and must show proof that they have assisted in the investigation and/or prosecution; exceptions for those under 18 or those that can show extreme hardship upon returning to home country |

| Immigration Status | Immigration Status: Duration, Ability to Sponsor Children and Path to Permanent Residency | | | Access to Federal and State Funded Public Benefits | | | | | | Services Open to All Persons Without Regard to Immigration Status | Requirements to maintain eligibility |
|--|--|--|---|--|--|---|---|--|---|---|--|
| | Immigration Intent | Lawful Permanent Residency: Path to, Requirements of Maintaining and Who Controls the Application | Can they include their children in their application, or file an application asking DHS to grant their children legal immigration status? | When do they receive legal work authorization? | When is the immigrant considered PRUCOL? | When do they become lawfully present granting access to health care?* | When are they considered 'qualified aliens' for federal/state public benefits eligibility purposes? | Eligible for "federal public benefits" (e.g. Housing, Foster Care, Low Income Energy Assistance, Child Care) | When are they eligible for "federal mean-tested public benefits" - (e.g. TANF, Food Stamps, TANF: Child Care, Full Medicaid, SSI benefits) and meet all program requirements? | Services Necessary to Protect Life and Safety and Services Open to All Person Including Undocumented Immigrants | |
| T-2 Spouses, children and unmarried siblings under 18 at the age of application of T-1 applicants (included in trafficking victim's application) | Temporary visa; most victims intend at the time of application to stay in the U.S. due to a showing of hardship in returning to home country. | Able to apply for lawful permanent residency when principal T-visa family member becomes a lawful permanent resident | Cannot include their children. Once they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | Includes work authorization 8 C.F.R. § 274a.12(a)(16); Lose work authorization when T status ends. 8 C.F.R. § 274a.12(c)(21) | Upon filing | T-1 visa granted or a prima facie case determination | T-1 visa principle is approved | Eligible for Aid as Qualified Aliens | EXEMPT from 5-year bar | Eligible | Able to apply for lawful permanent residency when principal T-visa family member becomes a lawful permanent resident |
| T-3 Children of T-1 (included in trafficking victim parent's application) | Temporary visa; most victims intend at the time of application to stay in the U.S. due to a showing of hardship in returning to home country. | Able to apply for lawful permanent residency when principal T-visa family member becomes a lawful permanent resident | Cannot include their children. Once they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | Includes work authorization 8 C.F.R. § 274a.12(a)(16); Lose work authorization when T status ends. 8 C.F.R. § 274a.12(c)(21) | Upon filing | T-1 visa granted or a prima facie case determination | T-1 visa principle is approved | Eligible for Aid as Qualified Aliens | EXEMPT from 5-year bar | Eligible | Able to apply for lawful permanent residency when principal T-visa family member becomes a lawful permanent resident |
| T-4 Parents of T-1 victim children (included in trafficking victim child's application) | Temporary visa; most victims intend at the time of application to stay in the U.S. due to a showing of hardship in returning to home country. | Able to apply for lawful permanent residency when principal T-visa family member becomes a lawful permanent resident | The T-1 victim must file for unmarried siblings under the age of 18 at the time of filing under T-3 | Includes work authorization 8 C.F.R. § 274a.12(a)(16); Lose work authorization when T status ends. 8 C.F.R. § 274a.12(c)(21) | Upon filing | T-1 visa granted or a prima facie case determination | T-1 visa principle is approved | Eligible for Aid as Qualified Aliens | EXEMPT from 5-year bar | Eligible | Able to apply for lawful permanent residency when principal T-visa family member becomes a lawful permanent resident |
| Trafficking Victims with continued presence | Temporary status for the duration of the criminal case, often precedes the victims T visa application, many, but not all, intend to stay in the US | Must apply for a T-visa or U-visa before status ends | Trafficking victims who receive continued presence cannot obtain continued presence for their children. If the trafficking victim applies for a T-1 visa they can include their children as T-2s | When trafficking victims are granted continued presence that status includes work authorization. 8 CFR 274a.12(a)(16). Work authorization is included if the trafficking victim files for and is awarded a T visa or U visa. 8 CFR 274.12(a)(19) or (20) for U visas. T and U visa applicants gain earlier access to work authorization if they are granted continued presence first | When victim receives HHS certification | When victim receives HHS certification | When victim receives HHS certification treated as refugees | When victim receives HHS certification treated as refugees | EXEMPT from 5-year bar | Eligible | Must apply for a T-visa or U-visa before status ends |
| Special Immigrant Juvenile Status (self-petition) INA §101(a)(27)(J); 8 U.S.C. §1101(a)(27)(J) | Stay in the US | Cannot be outside of the U.S. for more than 6 months any rear without permission; can lose status if commit certain crimes | Cannot include their children. Once they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | When Special Immigrant Juvenile Status is granted the child is granted lawful permanent residency and receives work authorization under that status | When child has a pending SIJS | When child has a pending SIJS. | After LPR status granted | After LPR status granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | Cannot be outside of the U.S. for more than 6 months any rear without permission; can lose status if commit certain crimes |
| NACARA Cubans (self-petition) PL 105-100, 111 Stat.2160, 2193 (Nov. 19, 1997) | Stay in the US | Have direct path to lawful permanent residency | If NACARA recipient seeks lawful permanent residency, as long as the child is physically present in the United States can include the child in the Adjustment of Status Application. 8 C.F.R. §245.13 | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(10) | Upon filing | When they acquire LPR status (LPR is a qualified alien) | After LPR status granted | Eligible for Aid | EXEMPT from 5-year bar | Eligible | Have direct path to lawful permanent residency |
| HRIFA (self-petition) 8 C.F.R. §§245.15, 1245.15 | Stay in the US | Have direct path to lawful permanent residency | When HRIFA recipients seek to adjust status to permanent residence, they can include a child who is physically present in the United States. 8 C.F.R. §§245.15(i)-(k), 1245.15(i)-(k) | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(10) | Upon filing | When they acquire LPR status (qualified alien) | After LPR status granted | Eligible for Aid | 5-year bar | Eligible | Have direct path to lawful permanent residency |
| HRIFA family members (Haitian spouse, child or unmarried son or daughter of HRIFA applicant-self-petition) 8 C.F.R. §§245.15, 1245.15 | Stay in the US | Have direct path to lawful permanent residency | Cannot include their children. Once they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(10) | Upon filing | When they acquire LPR status (qualified alien) | After LPR status granted | Eligible for Aid | 5-year bar | Eligible | Have direct path to lawful permanent residency |

| Immigration Status: Duration, Ability to Sponsor Children and Path to Permanent Residency | | | | Access to Federal and State Funded Public Benefits | | | | | | Services Open to All Persons Without Regard to Immigration Status | |
|--|--|--|---|--|---|---|---|--|---|---|--|
| Immigration Status | Immigration Intent | Lawful Permanent Residency: Path to, Requirements of Maintaining and Who Controls the Application | Can they include their children in their application, or file an application asking DHS to grant their children legal immigration status? | When do they receive legal work authorization? | When is the immigrant considered PRUCOL? | When do they become lawfully present granting access to health care?* | When are they considered 'qualified aliens' for federal/state public benefits eligibility purposes? | Eligible for "federal public benefits" (e.g. Housing, Foster Care, Low Income Energy Assistance, Child Care) | When are they eligible for "federal mean-tested public benefits" - (e.g. TANF, Food Stamps, TANF; Child Care, Full Medicaid, SSI benefits) and meet all program requirements? | Services Necessary to Protect Life and Safety and Services Open to All Person Including Undocumented Immigrants | Requirements to maintain eligibility |
| VAWA Cubans (treated as refugees) Cuban Refugee Adjustment Act PL 89-732, 80 Stat 1161 (1966); 1996 U.S.C.C.A.N. 3792; AFM 23.11. | Stay in the US | Have direct path to lawful permanent residency | Refugees can include their children in the application. INA §207(c)(2), 8 U.S.C. §1157(c)(2) | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(10) | Upon filing | When they acquire LPR status (qualified alien) | After LPR status granted | Eligible for Aid | EXEMPT from 5-year bar | Eligible | Have direct path to lawful permanent residency |
| Immigrant Status that Allows Individuals to file for Lawful Permanent Residency | | | | | | | | | | | |
| O-1 Temp worker or trainee in extraordinary ability INA §101(a)(15)(O); 8 U.S.C. §1101(a)(15)(O); 8 C.F.R. §214.2(o)(1)(i) | Dual Intent (DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently) | May not need a sponsor but subject to visa bulletin; may also qualify as priority worker | Children of O-1 are entitled to O-3 status subject to the same time requirements as O-1. 8 C.F.R. §214.2(o)(6)(iv) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(13) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Only if lawful permanent residency granted | Only if lawful permanent residency granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | May not need a sponsor but subject to visa bulletin; may also qualify as priority worker |
| O-3 Spouses or Children of O-1 INA §101(a)(15)(O); 8 U.S.C. §1101(a)(15)(O); 8 C.F.R. §214.2(o)(6)(iv) | Dual Intent (DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently) | May not need a sponsor but subject to visa bulletin; may also qualify as priority worker | Cannot include their children. If they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(13) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Only if lawful permanent residency granted | Only if lawful permanent residency granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | May not need a sponsor but subject to visa bulletin; may also qualify as priority worker |
| P-1 Athlete or Entertainer INA §101(a)(15)(P); 8 U.S.C. §1101(a)(15)(P); 8 C.F.R. §214.2(p) | Dual Intent (DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently) | May not need a sponsor but subject to visa bulletin; may also qualify as priority worker | If P-1 is granted a visa through sponsor, can apply for a visa for a child through P-4, who is granted the same term of admission as P-1. 8 C.F.R. §214.2(p)(15). | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(14) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Only if lawful permanent residency granted | Only if lawful permanent residency granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | May not need a sponsor but subject to visa bulletin; may also qualify as priority worker |
| Immigrant Status that Allows Individual to file for Lawful Permanent Residency -- Sponsor must file | | | | | | | | | | | |
| K-1 Fiancées of U.S.C INA §101(a)(15)(K)(i); 8 U.S.C. § 1101(a)(15)(K)(i); 9 FAM 41.81 | Dual Intent (DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently) | must marry within 90 days and sponsoring spouse must file an application for lawful permanent residency within 6 months | If U.S. Citizen petitioner files for K-1 fiancé, can also petition for K-1's children in the petition as K-2. 8 C.F.R. §214.2(k)(6)(ii) | Eligible to apply for work authorization 8 C.F.R. § 274a.12(a)(6) | At time of inspection and admittance into the U.S. (within their authorized stay) | At time of inspection and admittance into the U.S. (within their authorized stay) | After LPR status granted | After LPR status granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | must marry within 90 days and sponsoring spouse must file an application for lawful permanent residency within 6 months |
| K-2 Children of K-1 | Dual Intent (DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently) | child's parent must marry within 90 days and sponsoring parent must file an application for lawful permanent residency within 6 months | Cannot include their children. If they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | Eligible to apply for work authorization 8 C.F.R. § 274a.12(a)(6) | At time of inspection and admittance into the U.S. (within their authorized stay) | At time of inspection and admittance into the U.S. (within their authorized stay) | After LPR status granted | After LPR status granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | child's parent must marry within 90 days and sponsoring parent must file an application for lawful permanent residency within 6 months |
| K-3 Spouses of U.S.C. INA §101(a)(15)(K)(ii); 8 U.S.C. § 1101(a)(15)(K)(ii); 22 C.F.R. § 214.2(k). | Dual Intent (DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently) | sponsoring spouse must apply for lawful permanent residency status within 2 years | If the spouse of a U.S. Citizen, petitioner U.S. Citizen can petition for both parent and child. (K-3 and K-4 respectively) | Includes work authorization 8 C.F.R. § 274a.12(a)(9) | At time of inspection and admittance into the U.S. (within their authorized stay) | At time of inspection and admittance into the U.S. (within their authorized stay) | After LPR status granted | After LPR status granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | sponsoring spouse must apply for lawful permanent residency status within 2 years |
| K-4 Children of K-3 | Dual Intent (DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently) | sponsoring parent must apply for lawful permanent residency status within 2 years | Cannot include their children. If they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | Includes work authorization 8 C.F.R. § 274a.12(a)(9) | At time of inspection and admittance into the U.S. (within their authorized stay) | At time of inspection and admittance into the U.S. (within their authorized stay) | After LPR status granted | After LPR status granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | sponsoring parent must apply for lawful permanent residency status within 2 years |
| S-5 Aliens assisting Law Enforcement INA § 101(a)(15)(S) 8 U.S.C. §1101(a)(15)(S) : 8 C.F.R. §§121.4(i), 212.1, 214.2, 245.11, 248.3(h), 1212.1, 1212.4(i), 1245.11; 22 C.F.R. § 41.83 is it SS or S1? | Temporary visa up to 3 years | In limited circumstances when law enforcement files on the immigrant's behalf the S-visa holder may have an avenue to lawful permanent residency | Once granted S-5 status, can apply to bring child as S-7 if DHS or the Department of State consider it appropriate to provide status to the child. INA §101(a)(15)(S)(ii)(IV) | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(21) | when they are inspected and admitted into U.S | when they are inspected and admitted into U.S | Not eligible | Not eligible | Not eligible | Eligible | In limited circumstances when law enforcement files on the immigrant's behalf the S-visa holder may have an avenue to lawful permanent residency |

| Immigration Status | Immigration Status: Duration, Ability to Sponsor Children and Path to Permanent Residency | | | Access to Federal and State Funded Public Benefits | | | | | | Services Open to All Persons Without Regard to Immigration Status | Requirements to maintain eligibility |
|---|--|---|---|---|--|---|---|--|---|---|---|
| | Immigration Intent | Lawful Permanent Residency: Path to, Requirements of Maintaining and Who Controls the Application | Can they include their children in their application, or file an application asking DHS to grant their children legal immigration status? | When do they receive legal work authorization? | When is the immigrant considered PRUCOL? | When do they become lawfully present granting access to health care?* | When are they considered 'qualified aliens' for federal/state public benefits eligibility purposes? | Eligible for "federal public benefits" (e.g. Housing, Foster Care, Low Income Energy Assistance, Child Care) | When are they eligible for "federal mean-tested public benefits" - (e.g. TANF, Food Stamps, TANF; Child Care, Full Medicaid, SSI benefits) and meet all program requirements? | Services Necessary to Protect Life and Safety and Services Open to All Person Including Undocumented Immigrants | |
| S-6 Aliens assisting Law Enforcement | Temporary visa up to 3 years | In limited circumstances when law enforcement files on the immigrant's behalf the S-visa holder may have an avenue to lawful permanent residency | Once granted S-6 status, can apply to bring child as S-7 if DHS or the Department of State consider it appropriate to provide status to the child. INA §101(a)(15)(S)(ii)(IV) | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(21) | when they are inspected and admitted into U.S | when they are inspected and admitted into U.S | Not eligible | Not eligible | Not eligible | Eligible | In limited circumstances when law enforcement files on the immigrant's behalf the S-visa holder may have an avenue to lawful permanent residency |
| S-7 Children & Spouses of S-5 & S-6 | Temporary visa up to 3 years | In limited circumstances when law enforcement files on the immigrant's behalf the S-visa holder may have an avenue to lawful permanent residency | Cannot include children. | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(21) | when they are inspected and admitted into U.S | when they are inspected and admitted into U.S | Not eligible | Not eligible | Not eligible | Eligible | In limited circumstances when law enforcement files on the immigrant's behalf the S-visa holder may have an avenue to lawful permanent residency |
| Immigrant Visas that Allow the Granting of Lawful Permanent Resident Status through Employment -- Sponsor Required | | | | | | | | | | | |
| E-1 Treaty Investor INA § 101(a)(15)(E)(i); 8 U.S.C § 1101(a)(15)(E)(i) | Limited Dual Intent -- must keep ties in home country, but may intend to stay permanently | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency | Can include children subject to the same terms of E-1, can apply for child through H-4. 8 C.F.R. §214.2(e)(4); 22 C.F.R. §§41.51(a)(3) and (b)(3) | Upon receipt of status. Can only work for a specific employer. 8 C.F.R. § 274a.12(b)(5) No need to apply for employment authorization. 8 C.F.R. § 274a.12(a)(5) and § 1274a.12(b)(5); may apply for work authorization 8 C.F.R. § 274a.12(c)(2) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Only if lawful permanent residency granted | Only if lawful permanent residency granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency |
| E-2 Treaty Trader INA § 101(a)(15)(E)(ii); 8 U.S.C. § 1101(a)(15)(E)(ii); 22 C.F.R. §41.51. | Limited Dual Intent -- must keep ties in home country, but may intend to stay permanently | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency | Can include children subject to the same terms of E-2, can apply for child through H-4. 8 C.F.R. §214.2(e)(4); 22 C.F.R. §§41.51(a)(3) and (b)(3) | Upon receipt of status. Can only work for a specific employer. 8 C.F.R. § 274a.12(b)(5) No need to apply for employment authorization. 8 C.F.R. § 274a.12(a)(5) and § 1274a.12(b)(5) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Only if lawful permanent residency granted | Only if lawful permanent residency granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency |
| H-1B Temporary Worker Specialized 8 C.F.R. §214.2(h) | Dual Intent (Statutorily Recognized) DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently. | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency | Once H-1B is a granted, H-1B can to apply for child as H-4 subject to the same conditions and limitations. 8 C.F.R. §214.2(h) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(9); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Only if lawful permanent residency granted | Only if lawful permanent residency granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency |
| H-4 Spouse & children of H-1B | Dual Intent (Statutorily Recognized) DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently. | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency | Cannot include their children. If they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(9); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Only if lawful permanent residency granted | Only if lawful permanent residency granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency |
| L-1 Intercompany Transferee Principle INA §(a)(15)(L), 8 U.S.C. §1101(a)(15)(L), 8C.F.R. §214.2(l) | Dual Intent (Statutorily Recognized) DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently. | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency | If a parent has been granted L-1 visa, child qualifies for L-2 and it's subject to certain limits and restrictions. 8 CFR § 214.2(l)(1)(ii). INA § 101(a)(15)(l) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(12) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Only if lawful permanent residency granted | Only if lawful permanent residency granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency |
| L-2 Spouses & Children of L-1 | Dual Intent (Statutorily Recognized) DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently. | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency | Cannot include their children. If they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | Receive work authorization along with their L-2 visa. No application for work authorization required. | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Only if lawful permanent residency granted | Only if lawful permanent residency granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency |

| Immigration Status: Duration, Ability to Sponsor Children and Path to Permanent Residency | | | | Access to Federal and State Funded Public Benefits | | | | | | Services Open to All Persons Without Regard to Immigration Status | |
|---|--|---|---|---|--|---|---|--|---|---|---|
| Immigration Status | Immigration Intent | Lawful Permanent Residency: Path to, Requirements of Maintaining and Who Controls the Application | Can they include their children in their application, or file an application asking DHS to grant their children legal immigration status? | When do they receive legal work authorization? | When is the immigrant considered PRUCOL? | When do they become lawfully present granting access to health care?* | When are they considered 'qualified aliens' for federal/state public benefits eligibility purposes? | Eligible for "federal public benefits" (e.g. Housing, Foster Care, Low Income Energy Assistance, Child Care) | When are they eligible for "federal mean-tested public benefits" - (e.g. TANF, Food Stamps, TANF: Child Care, Full Medicaid, SSI benefits) and meet all program requirements? | Services Necessary to Protect Life and Safety and Services Open to All Person Including Undocumented Immigrants | Requirements to maintain eligibility |
| R-1 Religious workers INA §101(a)(15)(R), 8 U.S.C. §1101(a)(15)(R); 22 C.F.R. §41.58; 8 C.F.R. §214.2(r). | Dual Intent (DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently) | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency | Can include child under the same conditions as R-1, except R-2 cannot accept employment. C.F.R. §214(r)(4)(ii) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(16) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Only if lawful permanent residency granted | Only if lawful permanent residency granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency |
| R-2 Spouses & Children of R-1 | Dual Intent (DHS Acknowledges and accepts that entering on temporary visa intending to stay permanently) | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency | Cannot include their children. If they attain lawful permanent residency they can file an application for their children. Children must wait for a visa to become available which can take 2-3 years. | No lawful work authorization | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Only if lawful permanent residency granted | Only if lawful permanent residency granted | 5-year bar (unless exempt from 5 year bar**) | Eligible | Need to have family or employment based sponsorship and must wait for a visa to become available before they can apply for lawful permanent residency |
| Immigration Status that does not lead to lawful permanent residency | | | | | | | | | | | |
| Persons granted withholding of deportation INA § 241(b)(3); 8 U.S.C. § 1231 | Protected from deportation but not path to lawful permanent residency | does not lead to lawful permanent residency or citizenship | Cannot include children | Includes work authorization 8 C.F.R. § 274a.12(a)(10); Applicants can apply for work authorization. 8 C.F.R. § 274a.12(c)(8) | Upon filing | Only after withholding is granted and so long as it remains in effect | Statutorily eligible despite not having path to LPR or citizenship status Date Judge grants Withholding | Eligible for Aid as Qualified Aliens | EXEMPT from 5-year bar | Eligible | does not lead to lawful permanent residency or citizenship |
| Temporary Status or Temporary Protection from Deportation at DHS Discretion | | | | | | | | | | | |
| Temporary Protected Status (TPS) INA §244; 8 U.S.C §1254a | Protected from deportation but not path to lawful permanent residency | does not lead to lawful permanent residency or citizenship | Parents may register children for TPS after the parent has completed their initial registration. C.F.R §244.2(f)(2)(iv) | Applicants with pending applications for work authorization can file for work authorization. 8 C.F.R. § 274a.12(c)(19). Includes work authorization 8 C.F.R. § 274a.12(a)(12) | Upon filing | TPS applicants who have received work authorization | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| Deferred Action Meissner, Comm. Memo. HQOPP 50/4 (nov. 17, 2000). | Protected from deportation but not path to lawful permanent residency | does not lead to lawful permanent residency or citizenship | Cannot include children. Except that children included in a VAWA self-petitioner's application will receive deferred action status along with their parent self-petitioner and parents included in a VAWA self-petitioner's child's application will receive deferred action status along with the child self-petitioner. | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(14) | Upon filing | When Deferred Action is granted | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| Deferred Action for Childhood Arrivals (DACA) immigrants who came to the US as children (June 15, 2012 Memo issued by Janet Napolitano Secretary of Homeland Security: Exercising Prosecutorial Discretion Not to Remove These Children from the US | Protected from deportation but not path to lawful permanent residency | does not lead to lawful permanent residency or citizenship | Cannot include children | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(14) | Upon filing | Not eligible | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| Temporary Visas called "Nonimmigrant" Visas | | | | | | | | | | | |
| A-1 Foreign Govt INA §101(a)(15)(A), 8 U.S.C. §1101(a)(15)(A) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | A-1 can file for child as A-3 if child habitually resides with A-1 recipient, or dependent. 8 C.F.R. §214.2(a)(2) | Visa requires that the immigrant work is authorized to work for a specific employer only. 8 C.F.R. § 274a.12(b)(1); Spouses, unmarried children, sons or daughters of visa holder may apply for work authorization. 8 C.F.R. § 274a.12(c)(1); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |

| Immigration Status: Duration, Ability to Sponsor Children and Path to Permanent Residency | | | | Access to Federal and State Funded Public Benefits | | | | | | Services Open to All Persons Without Regard to Immigration Status | |
|--|-------------------------------------|---|---|---|--|---|---|--|---|---|--|
| Immigration Status | Immigration Intent | Lawful Permanent Residency: Path to, Requirements of Maintaining and Who Controls the Application | Can they include their children in their application, or file an application asking DHS to grant their children legal immigration status? | When do they receive legal work authorization? | When is the immigrant considered PRUCOL? | When do they become lawfully present granting access to health care?* | When are they considered 'qualified aliens' for federal/state public benefits eligibility purposes? | Eligible for "federal public benefits" (e.g. Housing, Foster Care, Low Income Energy Assistance, Child Care) | When are they eligible for "federal mean-tested public benefits" - (e.g. TANF, Food Stamps, TANF; Child Care, Full Medicaid, SSI benefits) and meet all program requirements? | Services Necessary to Protect Life and Safety and Services Open to All Person Including Undocumented Immigrants | Requirements to maintain eligibility |
| A-2 Foreign Govt | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | A-2 can include a child as an A-3 if child habitually resides with A-2 recipient, or dependent. 8 C.F.R. §214.2(a)(2) | Visa requires that the immigrant work is authorized to work for a specific employer only. 8 C.F.R. § 274a.12(b)(1); Spouses, unmarried children, sons or daughters of visa holder may apply for work authorization. 8 C.F.R. § 274a.12(c)(1); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| A-3 Family of Foreign Govt. | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include children | Visa requires that the immigrant work is authorized to work for a specific employer only. 8 C.F.R. § 274a.12(b)(2); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| B-1 Visitors for Business INA §101(a)(15)(B); 8 U.S.C. §1101(a)(15)(B); 22 C.F.R. §41.31 | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Children traveling alone or with their parents will receive their own B2 (tourist) visa | Only a subset of this group can apply for work authorization if they are the personal or domestic servant of a U.C. citizen or a (B), (E) (F), (H), (I), (J), (L) visa holder or a person engaged in international transportation. 8 C.F.R. § 274a.12(c)(17) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| B-2 Visitors for Pleasure INA §101(a)(15)(B); 8 U.S.C. §1101(a)(15)(B); 22 C.F.R. §41.31 | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | 22 C.F.R. §41.32. B-2 visa recipient has to apply for children as well. | No lawful work authorization | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| C-1 Transits and TWOV INA § 101(a)(15)(C); 8 U.S.C. § 1101(a)(15)(C); C.F.R. § 214.1(a)(2) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include children | No lawful work authorization | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| C-2 UN Transits INA § 101(a)(15)(C); 8 U.S.C. § 1101(a)(15)(C) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include children | Eligible to apply for work authorization 8 C.F.R. § 274a.12(b)(3) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| C-3 Foreign Government INA §212(d)(8), 8 U.S.C. §1182(d)(8) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include children | Eligible to apply for work authorization 8 C.F.R. § 274a.12(b)(3) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| D Crewmen INA § 101(a)(15)(D); 8 U.S.C. § 1101(a)(15)(D) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include children | No lawful work authorization | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| E-3 Treaty: AFTA INA § 101(a)(15)(E); 8 U.S.C. § 1101(a)(15)(E) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include child. 22 C.F.R. §41.5 (c) (2) | Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 see also 8 CFR 1274a.12(c)(2) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| F-1 Academic Studies INA § 101(a)(15)(F)(i); 8 U.S.C. § 1101(a)(15)(F)(i) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Yes. Once parent has F-1 can apply for children through F-2. 8 C.F.R. § 214.2(f)(3) | Employment limited to on-campus employment up to 20 hours a week or curricular practical training, or 17 month STEM extension, or following application for H-1B status § CFR 274a.12(b)(6); 8 C.F.R. § 274a.12 (c)(3) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |

Immigration Status: Work Authorization, Public Benefits, and Ability to Sponsor Children

By Leslye E. Orloff, Andrea Cavazos Carcamo, and Lucia Macias

April 17, 2013



| Immigration Status | Immigration Status: Duration, Ability to Sponsor Children and Path to Permanent Residency | | | Access to Federal and State Funded Public Benefits | | | | | | Services Open to All Persons Without Regard to Immigration Status | Requirements to maintain eligibility |
|---|---|---|--|--|--|---|---|--|---|---|--|
| | Immigration Intent | Lawful Permanent Residency: Path to, Requirements of Maintaining and Who Controls the Application | Can they include their children in their application, or file an application asking DHS to grant their children legal immigration status? | When do they receive legal work authorization? | When is the immigrant considered PRUCOL? | When do they become lawfully present granting access to health care?* | When are they considered 'qualified aliens' for federal/state public benefits eligibility purposes? | Eligible for "federal public benefits" (e.g. Housing, Foster Care, Low Income Energy Assistance, Child Care) | When are they eligible for "federal mean-tested public benefits" - (e.g. TANF, Food Stamps, TANF: Child Care, Full Medicaid, SSI benefits) and meet all program requirements? | Services Necessary to Protect Life and Safety and Services Open to All Person Including Undocumented Immigrants | |
| F-2 Spouses and children of F-1 INA § 101(a)(15)(F)(ii); 8 U.S.C. § 1101(a)(15)(F)(ii) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include children. | No lawful work authorization | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| F-3 Academic Studies: Canadian & Mexican commuters INA § 101(a)(15)(F)(iii); 8 U.S.C. § 1101(a)(15)(F)(iii) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include children | No lawful work authorization | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| G-1 Reps. of international orgs. INA §101(a)(15)(G)(i), 8 U.S.C §1101(a)(15)(G)(i), 9 FAM 41.24 | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include child. 8 C.F.R. §214.2(g) INA § 101(a)(15)(N) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(7); Spouse or unmarried child, son or daughter may apply for employment authorization 8 CFR 274a.12 (c)(4); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| G-2 Reps. of international orgs. INA §101(a)(15)(G)(ii), 8 U.S.C §1101(a)(15)(G)(ii) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include children §214.2(a)(2) and (3); 8 C.F.R. 9 FAM 41.24 N.1(2) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(7); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| G-3 Reps of international orgs. INA §101(a)(15)(G)(iii), 8 U.S.C §1101(a)(15)(G)(iii) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include children §214.2(a)(2) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(7); Spouse or unmarried child, son or daughter may apply for employment authorization 8 CFR 274a.12 (c)(4); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| G-4 Reps of international orgs. Other employees INA §101(a)(15)(G)(iv), 8 U.S.C §1101(a)(15)(G)(iv) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include children §214.2(a)(2) INA § 101(a)(15)(N) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(7); Spouse or unmarried child, son or daughter may apply for employment authorization 8 CFR 274a.12 (c)(4); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| G-5 Attendants, servants of Gvisa holders INA §101(a)(15)(G)(v), 8 U.S.C §1101(a)(15)(G)(v) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include children | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(8); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| H-2A Seasonal Agriculture Workers INA §101(a)(15)(H)(ii)(a), 8 U.S.C §1101(a)(15)(H)(ii)(a) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Once H-2A is a granted, H-2A entitled to petition for child as H-4 subject to the same conditions and limitations. 8 C.F.R. §214.2(h)(9)(iv) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(9); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |

| Immigration Status | Immigration Status: Duration, Ability to Sponsor Children and Path to Permanent Residency | | | Access to Federal and State Funded Public Benefits | | | | | | Services Open to All Persons Without Regard to Immigration Status | Requirements to maintain eligibility |
|--|---|---|--|--|--|---|---|--|---|---|--|
| | Immigration Intent | Lawful Permanent Residency: Path to, Requirements of Maintaining and Who Controls the Application | Can they include their children in their application, or file an application asking DHS to grant their children legal immigration status? | When do they receive legal work authorization? | When is the immigrant considered PRUCOL? | When do they become lawfully present granting access to health care?* | When are they considered 'qualified aliens' for federal/state public benefits eligibility purposes? | Eligible for "federal public benefits" (e.g. Housing, Foster Care, Low Income Energy Assistance, Child Care) | When are they eligible for "federal mean-tested public benefits" - (e.g. TANF, Food Stamps, TANF; Child Care, Full Medicaid, SSI benefits) and meet all program requirements? | Services Necessary to Protect Life and Safety and Services Open to All Person Including Undocumented Immigrants | |
| H-2B Seasonal Workers INA §101(a)(15)(H)(ii)(b), 8 U.S.C §1101(a)(15)(H)(ii)(b) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Once H-2B is granted, H-2B entitled to petition for child as H-4 subject to the same conditions and limitations. 8 C.F.R. §214.2(h)(9)(iv) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(9); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| H-3 Trainee INA §101(a)(15)(H)(iii), 8 U.S.C §1101(a)(15)(H)(iii) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Once H-3 is granted, H-3 entitled to petition for child as H-4 subject to the same conditions and limitations. 8 C.F.R. §214.2(h)(9)(iv) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(9); Spouses who are battered or subjected to extreme cruelty by A-1 visa holders can apply to the VAWA Unit at DHS for work authorization INA § 106 | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| I Visas representatives of media INA §101(a)(15)(I), 8 U.S.C §1101(a)(15)(I) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include child INA §101(a)(15)(I) | Authorized to work for a only for a specific employer; Spouse and children can apply for work authorization 8 CFR 274a.12(b)(10); | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| J-1 Exchange visitor INA §101(a)(15)(J), 8 U.S.C §1101(a)(15)(J) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include children as J-2 | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(11) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| J-2 Spouses & Children of J-1 INA §101(a)(15)(J), 8 U.S.C §1101(a)(15)(J) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include children | Eligible to apply for work authorization 8 C.F.R. § 274a.12(c)(5) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| M-1 Vocational Students INA §101(a)(15)(M)(i), 8 U.S.C §1101(a)(15)(M)(i) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include children as M-2 | Eligible to apply for work authorization for practical training related to field of study endorsed by University official. 8 C.F.R. § 274a.12(c)(6) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| M-2 Spouses & Children of M-1 INA §101(a)(15)(M)(ii), 8 U.S.C §1101(a)(15)(M)(ii) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include children | No lawful work authorization | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| M-3 Canadian & Mexican Vocational Students INA §101(a)(15)(M)(iii), 8 U.S.C §1101(a)(15)(M)(iii) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include children | No lawful work authorization | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| NATO TN visa 8 C.F.R. §214.2(s); 22 C.F.R. §§41.21, 41.25 | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include children INA § 101(a)(27)(L) in the same manner as described in §214.2(a)(2) | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(17) and (18); Parent or dependent child eligible to apply for work authorization 8 C.F.R. § 274a.12(a)(7); 8 C.F.R. § 274a.12(c)(7) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| O-2 Accompanying or Assisting O-1 INA §101(a)(15)(O)(ii), 8 U.S.C §1101(a)(15)(O)(ii) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include their children | No lawful work authorization | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| P-2 Artist & entertainers in exchange programs INA §101(a)(15)(P)(ii), 8 U.S.C §1101(a)(15)(P)(ii) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include children as P-4 granted same term of admission 8 C.F.R. §214.2(p)(15). | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(14) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| P-3 Artist or entertainers in cultural program INA §101(a)(15)(P)(iii), 8 U.S.C §1101(a)(15)(P)(iii) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include children as P-4 granted same term of admission 8 C.F.R. §214.2(p)(15). | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(14) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |

| Immigration Status: Duration, Ability to Sponsor Children and Path to Permanent Residency | | | | Access to Federal and State Funded Public Benefits | | | | | | Services Open to All Persons Without Regard to Immigration Status | |
|---|-------------------------------------|---|---|--|--|---|---|--|---|---|--|
| Immigration Status | Immigration Intent | Lawful Permanent Residency: Path to, Requirements of Maintaining and Who Controls the Application | Can they include their children in their application, or file an application asking DHS to grant their children legal immigration status? | When do they receive legal work authorization? | When is the immigrant considered PRUCOL? | When do they become lawfully present granting access to health care?* | When are they considered 'qualified aliens' for federal/state public benefits eligibility purposes? | Eligible for "federal public benefits" (e.g. Housing, Foster Care, Low Income Energy Assistance, Child Care) | When are they eligible for "federal mean-tested public benefits" - (e.g. TANF, Food Stamps, TANF: Child Care, Full Medicaid, SSI benefits) and meet all program requirements? | Services Necessary to Protect Life and Safety and Services Open to All Person Including Undocumented Immigrants | Requirements to maintain eligibility |
| P-4 Spouses & Children of P-1, P-2, P-3 INA §101(a)(15)(P)(iv), 8 U.S.C §1101(a)(15)(P)(iv) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include their children | No lawful work authorization | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| Q-1 International cultural exchange program INA §101(a)(15)(Q)(i), 8 U.S.C §1101(a)(15)(Q)(i) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Cannot include their children | Authorized to work for a only for a specific employer 8 CFR 274a.12(b)(15) | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| Q-2 Nonimmigrant from Northern Ireland INA §101(a)(15)(Q)(ii), 8 U.S.C §1101(a)(15)(Q)(ii) | Intend to return to foreign country | does not lead to lawful permanent residency or citizenship | Can include their children INA § 101(a)(15)(Q)(ii)(II) | No lawful work authorization | Date entered the U.S. as long as visa terms have not been violated | Date entered the U.S. as long as visa terms have not been violated | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |
| Undocumented | | | | | | | | | | | |
| Undocumented | Not applicable | does not lead to lawful permanent residency or citizenship | Undocumented | No lawful work authorization | Not eligible | Not eligible | Not eligible | Not eligible | Not eligible | Eligible | does not lead to lawful permanent residency or citizenship |

** IMMIGANTS EXEMPT FROM 5 YEAR BAR: Refugees, Asylees, Persons granted withholding of
 ** Department of Health & Human Services, Centers for Medicare & Medicaid Services Report. *Medicaid and CHIP Coverage of "Lawfully Residing" Children and Pregnant Women*

Are or can lead to lawful permanent residency
 Do not lead to lawful permanent residency