

Identifying and Serving Cuban/Haitian Entrants



Wisconsin Department of Children and Families

Disclaimer

- This presentation seeks to address some of the common scenarios, with an emphasis on the case-by-case nature of working with Cubans and Haitians.
- We are working towards more durable processing strategies; in the meantime, always contact us if you are not sure.
- If you are uncertain about a CHE's benefit eligibility, please contact: DCFRefugee@wisconsin.gov.



Agenda

- Definition of Cuban/Haitian Entrant (CHE)
- Examples of Common Cuban Entrants' Statuses (Eligible for ORR Benefits & Services)
- Examples of non-Cuban/Haitian Entrants (not Eligible for ORR Benefits & Services)
- Overview of Employment Authorization Documents (EAD) and Social Security Numbers (SSN)
- Overview of Nonwork Social Security Numbers
- Resources



Cuban and Haitian Entrants (CHE) Eligible for ORR-Funded Assistance

- Certain CHE's who are neither refugees or asylees may be eligible for ORR-funded refugee assistance programs (45 CFR 401)
- CHEs eligible for refugee resettlement programs are defined in title V of the Refugee Education Assistance Act of 1980:
- (1) Any individual **granted parole status** as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, **regardless of the status of the individual at the time assistance or services are provided**; and (2) Any other national of Cuba or Haiti – (A) who --- (i) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act; (ii) is the **subject of exclusion or deportation proceedings** under the Immigration and Nationality Act; or (iii) **has an application for asylum pending** with the Immigration and Naturalization Service; and (B) with respect to whom **a final, non-appealable, and legally enforceable order of deportation or exclusion has not been entered**.



Cuban/Haitian Entrant - Overview

- A Cuban/Haitian entrant is... a Cuban or Haitian **and**
 - A parolee
 - An asylum applicant*
 - In removal proceedings*

*Until a final, non-appealable, legally enforceable order of removal (deportation) is issued.



Refugees & Asylees vs CHEs

ORR Population	Determining Status	Determining Benefit Eligibility
Refugee	Status determined abroad or follow-to-join	Refugee Status (examples: I-94, I-766, I-571 (refugee travel document), I-730 approval letter, Visa 93 on I-94 card.
Asylee	Status granted by USCIS or IJ in USA or follow-to-join	Asylum Status (examples: I-94, I-766, Order of an Immigration Judge granting asylum, USCIS Asylum Approval Letter, Written Decision BIA, I-730 Approval Letter, Visa 92 on the I-94 card.
CHE	The term 'Cuban-Haitian Entrant'(CHE) relates only to eligibility for ORR-Funded Assistance	CHE is not a status. The status of a CHE varies. A CHE can be a parolee, asylum seeker or in immigration proceedings.



Parole

- Temporary Status granted by DHS – INA 212(d)(5)
- Humanitarian reasons or “significant public benefit”
- Can be granted parole at the port of entry, after arrival or upon release from DHS detention
- Length (of parole) can vary from several months to two years, depending on manner of entry



Sample I-94



U.S. Customs and Border Protection
Securing America's Borders

Most Recent I-94

Admission (I-94) Record Number : [REDACTED]

Most Recent Date of Entry: 2023 January 28

Class of Admission : CHP

Admit Until Date : 01/28/2025

Details provided on the I-94 Information form:

Last/Surname : [REDACTED]

First (Given) Name : [REDACTED]

Birth Date : [REDACTED]

Document Number : [REDACTED]

Country of Citizenship : Cuba



Removal (also Deportation or Exclusion) Proceedings

Release on Recognizance (ROR)

- Refers to individuals who have entered the United States Without Inspection (EWI) and have been arrested or detained prior to release pending a removal hearing
- Documents: Release on Recognizance and most often also a Notice to Appear



CHEs who are in removal proceedings and have not been issued a final, non-appealable, and legally enforceable order of removal are considered CHE eligible for refugee program services.

Documents/Codes	Comments
DHS Form I-221	Order to Show Cause and Notice of Hearing
DHS Form I-862	Notice to Appear
DHS Form I-220A	Order of Release on Recognizance
DHS Form I-122	Notice to Applicant Detained for a Hearing Before an Immigration Judge
DHS Form I-2215	Order to Show Cause, Notice of Hearing and Warrant for Arrest



Documents Indicative of Eligibility

These documents do not confirm eligibility, but may indicate the applicant is in removal proceedings and may have other documents which confirm eligibility determination:

- "Record of Deportable Alien"
- "Notification of Rights"
- "Warrant for Arrest"
- "Certificate of Translation"
- A change of address form to notify DHS-Office of Immigration Judge



Sample Order of Release on Recognizance I-220A

Department of Homeland Security
U.S. Immigration and Customs Enforcement

Order of Release on Recognizance

File No: [REDACTED]

Date February 26, 2021

Name: [REDACTED]

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- You must report for any hearing or interview as directed by the Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- You must surrender for removal from the United States if so ordered.
- You must report in writing/person to _____

Duty Officer
(Name and Title of Case Officer)

at [REDACTED] [REDACTED] on _____ at _____

Days TBD
beginning [REDACTED]

(Day of each week or month)

Between
8:00am-
11:00am
(Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- You must not change your place of residence without first securing written permission from the officer listed above.
- You must not violate any local, State, or Federal laws or ordinances.
- You must assist the Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other. Must call [REDACTED] on report day for reporting instructions

See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Immigration and Customs Enforcement.



Sample Notice to Appear I-862

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No. A [REDACTED]

In the Matter of:

Respondent: [REDACTED] currently residing at:

[REDACTED]
(Number, street, city and ZIP code)

[REDACTED]
(Area code and phone number)

- You are an arriving alien.
 You are an alien present in the United States who has not been admitted or paroled. You are an applicant for admission.
 You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of [REDACTED] and a citizen of [REDACTED].
- 3) You entered the United States at an unknown location on or about [REDACTED].
- 4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;
- 5) You were not then admitted or paroled after inspection by an immigration officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General.

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

[REDACTED]
(Complete Address of Immigration Court, including Room Number, if any)

on [REDACTED] TBD (Date) at [REDACTED] TBD (Time) to show why you should not be removed from the United States based on the

charge(s) set forth above.

[REDACTED]
(Signature and Title of Issuing Officer)

Date [REDACTED]

[REDACTED]
(City and State)



Final non-appealable and legally enforceable order has not been entered

- May need to request additional documentation showing that removal proceedings are ongoing
- May call Executive Office of Immigration Review (EOIR) case status line (800-898-7180)
- May attempt to verify the applicant's status through SAVE
- May (and should!) apply, even if uncertain about eligibility
- Contact Bureau of Refugee Programs with questions



Examples of Cuban/Haitian nationals who are not Cuban/Haitian Entrants

- Spouse or child of a Cuban Entrant who is a national or citizen other than of Cuba (the spouse or child is not a Cuban Entrant)
- Tourist with a B-2 Visa
- Temporary Business Visa (B-1)
- Individuals who entered the U.S. as permanent residents sponsored by a family member or employer



Scenario

Oswaldo, a Cuban national, entered the US through the southern border. He was detained by Customs and Border Patrol (CBP) and released on humanitarian parole 212(d)(5). Oswaldo's parole status is valid 12/30/2022 - 03/05/2023.

Might Oswaldo be eligible for ORR benefits?



Accessing Benefits

Benefit	Enrollment Agency	Contact Information
Refugee Cash Assistance	W-2 Office	https://dcf.wisconsin.gov/w2/parents/locator
Refugee Medical Assistance		
BadgerCare Plus	Income Maintenance	https://dhs.wisconsin.gov/forwardhealth/imagency/index.htm
FoodShare		



Employment Authorization Document (EAD)

Some CHEs may apply for work authorization by filing I-765, Application for Employment Authorization (I-765) Examples include those who have:

- Been granted parole
- An asylum application pending for more than 150 days
- Been granted asylum



EAD and Social Security Number

Upon approval of the I-765, the beneficiary will receive two documents:

- Employment Authorization Document (EAD)
- SSN card

Detailed information can be found in SSA's flyer, [Apply for your Social Security Number while Applying for Your Work Permit](#)



SSN Initial Exemptions

- For some benefits (W-2 and Refugee Cash Assistance), an SSN initial exemption policy may apply
- Prior to work authorization, if an individual is unable to apply for a nonwork SSN (see next slide for more details), they may still apply for some benefits without an SSN or an SSN application
 - See W-2 manual: Chapter 2



2.7.1 Providing Social Security Numbers

Every member of the *W-2 Group*, including newborns, must provide a Social Security Number (SSN), or provide proof that any *W-2 Group* member without an SSN has applied for one, unless the individual is initially exempt. An individual is initially exempt if he or she does not have an SSN, does not have a work authorization, and is a member of one of the following qualified non-citizen groups:

1. Cuban/Haitian entrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980; or
2. Certified, foreign-born victims of trafficking; or
3. Parolees (alien paroled into the U.S. for at least one year under section 212(d)(5) of the *Immigration and Nationality Act (INA)*);
4. Certain battered aliens who meet the requirements of 8 U.S.C. s. 1641(c); or
5. Any qualified non-citizen (see [2.4.2](#)) who cannot apply for an SSN until his or her immigration status paperwork has been revised.

An individual who is initially exempt must continue to complete the necessary steps for obtaining an SSN in order to remain eligible for *W-2*. *W-2* agencies must assist the individual with these steps if the individual requires assistance. (See [4.1.3](#))



Nonwork Social Security Numbers

CHEs who are not eligible to work may be eligible for a nonwork SSN if:

- A federal law requires a SSN to get a particular benefit or service
- A state or local law requires a SSN to get general assistance benefits for which the individual has already qualified



Nonwork SSN: Application Process & ORR Eligibility

- Proof of identity and age document
- Letter from the government agency
 - Letterhead stationery (no form letters or photocopies)
 - Specifically identify the applicant
 - Specifically state the nonwork reason the SSN is required
 - Cite the law which requires an SSN
 - Indicate the applicant has met all agency requirements, except having the SSN
 - Contain an agency contact name, **wet signature**, and telephone number

***When someone is ORR-eligible but not work-authorized, they are eligible for everything except for employment and employability services.**



Nonwork Social Security Number Letter for FoodShare Eligibility

Effective date: March 12, 2023

This memo announces that the Department of Health Services (DHS) will provide a letter to assist FoodShare applicants with acquiring a nonwork Social Security Number (SSN) if they meet all other FoodShare eligibility requirements.

[Operations memo 23-07](#)



Resources

- [DCF-BRP Non-Profit Immigration Legal Resources](#)
- [USCIS Information for SAVE Users: Cuban-Haitian Entrants](#)
- [ORR Benefits for Cuban/Haitian Entrants](#)
- [USCIS Processes for Cuban, Haitian, Nicaraguans, and Venezuelans](#)
- [Nonwork Social Security Number Letter for Foodshare Eligibility](#)

