

## Article 5 Section 04 Aliens

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### 05.04.01 Alien Status

#### 05.04.01 General

This section contains CMS policy for eligible aliens and the specific Immigration status and documentation required to receive CMS benefits. On March 1, 2003, the Immigration and Naturalization

Services (INS) became a department of the U.S. Department of Homeland Security and was renamed the Bureau of Citizenship and Immigration Services (BCIS). On November 2003, the name was changed again to U.S. Citizenship and Immigration Services (USCIS).

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**05.04.01A  
Scope of  
Services**

All aliens who meet the eligibility requirements for CMS receive the same scope of services as all other CMS beneficiaries.

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**05.04.01B  
I-688B USCIS  
Document**

Document I-688B is issued for aliens who have been granted permission to work in the U.S. The I-688B by itself is **NOT** evidence of legal status and does **NOT** provide adequate verification for CMS eligibility. However, it does provide the provision of law that allows the alien to work, which may indicate how the alien entered the country. Some alien categories listed in [05.04.03](#) shows the provisions of law identified to be on the I-688B issued for a specific status.

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**05.04.01C  
Ineligible  
Aliens**

Aliens who do not have the specific USCIS status **AND** documents listed in [05.04.02](#) and [05.04.03](#) are **NOT** eligible to CMS. This includes aliens who have a change of status and no longer meet the eligible alien criteria for CMS and those with expired documents. **CMS must never be certified beyond the expiration date of the document.**

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## **05.04.02 Eligible Alien Categories**

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**05.04.02A  
Legal  
Permanent  
Resident  
Alien (LPR)**

Below are tables that list the USCIS alien status and documents required for the CMS program.

**ALERT:** USCIS uses many of the forms for purposes other than what is listed in the tables below. The status or the terminology may appear similar on other forms. However, only the forms with the status, notation and codes exactly as described are acceptable verification for CMS.

Definition: Lawful Permanent Residents (LPR) are non-citizens who are lawfully admitted for permanent residence by USCIS. These non-citizens may also have entered the country with an immigrant visa or adjusted their status after entering as a nonimmigrant, refugee, or asylee.

Rule: Aliens with verified LPR status are eligible for CMS. Only the USCIS status, documents and codes listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued For This Period Of Time</b>
Legal Permanent Resident	I-551	There are numerous codes, all are valid. Older version of card has no expiration date and is acceptable as verification.	10-years; must not be expired.
	I-151	There are numerous codes, all are valid.	Has no expiration date.
	I-94	“Processed for I-551. Temporary evidence of lawful admission for permanent residence valid until _____”.	Varies; must not be expired.
	Foreign Passport	Visa stamp that verifies temporary evidence of LPR status.	
	I-327	Reentry permit is given to an LPR when traveling outside of the U.S. for an extended period of time.	Good one year from issue date.
	AR-3/AR-3a	There are numerous codes, all are valid. Older version of I-551 issued between 1941 and 1949 is acceptable as verification.	Has no expiration date.

**05.04.02B  
Conditional  
Permanent  
Resident  
(CPR)**

Definition: An alien granted a **two-year period** of conditional permanent resident status based on a “qualifying” marriage to a U.S. citizen or national, or lawful permanent resident. The conditional status expires after two years. It is the responsibility of the CPR to obtain new immigration status from USCIS.

Rule: Aliens who have CPR status are eligible for CMS benefits until the expiration date. Expired CPR documents cannot be accepted as evidence of eligible alien status for CMS. Only the USCIS status, documents and codes listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued For This Period Of Time</b>
Conditional Permanent Resident (CPR)  This status is identified by the two-year expiration date on the I-551.	I-551	There are numerous codes, all are valid.	2 years and must not be expired.
	I-94	Notation that verifies temporary evidence of the CPR admitted status.	Cannot exceed 1 year from issue date; must not be expired.
	Foreign Passport	Stamp/notation that verifies temporary evidence of the CPR admitted status.	
<b>NOTE: Review documents carefully and do not confuse with LPR status.</b>			

**05.04.02C  
IRCA  
Amnesty  
Alien**

Definition: Unauthorized or illegal aliens who were given the opportunity to legalize their immigration status. The Immigration Reform and Control Act (IRCA) was enacted in 1986 to grant certain individual’s amnesty. The IRCA Amnesty program has ended; However, there are still IRCA individuals whose USCIS status has not been resolved.

Rule: IRCA Amnesty aliens granted temporary resident status who meets the eligibility requirements are entitled to CMS. Only the USCIS status, documents and codes listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued For This Period Of Time</b>
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Amnesty: Temporary Resident	I-688 that is current and valid and has unexpired extension dates.	Sections: 210, 210A, 245A	Varies; must not be expired.
Amnesty: Legal Permanent Residence	I-551	S16, S26, W-16, W-26, W36, Ch6, 01M, MP5	

### 05.04.03 Other Eligible Alien Categories

#### 05.04.03A Asylees

**Definition:** A person who has been granted asylum under Section 208 of the INA. These individuals will have a letter with a written decision from USCIS or an immigration judge that states asylum has **been granted**. Not all letters are the same but must specifically state that asylum has been granted.

**Rule:** Individuals **granted** asylum are entitled to CMS, if otherwise eligible. Only the USCIS status and documents with the USCIS codes listed below are acceptable verification for CMS. If asylum has been applied for, but not yet granted, the individual is not eligible for CMS.

USCIS Status	USCIS Documents	USCIS Codes/ Section/Notation	Issued For This Period Of Time
Alien <b>granted</b> asylum	1-94 annotated: →	Asylum granted per Section 208 of the INA.	Document must not be expired.
	A letter from USCIS or an immigration judge.	States asylum has been granted.	
	I-766 annotated: → AND additional USCIS verification/ documents as listed above.	"A5"	
	1-688B annotated: →	Provision of law:	

	<b>AND</b> additional USCIS verification/ documents as listed above.	274a.12(a)(5)	
<b>NOTE: Individuals granted asylum are eligible for RCA eight months from date of entry into the U.S., they are not eligible for CMS during this period.</b>			

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**05.04.03B  
Deportation  
Categories**

Definition: Aliens who would otherwise be deported but are allowed to stay for any of the following reasons:

- Granted an **“Indefinite Stay of Deportation”** due to humanitarian reasons.
- Granted a **“Stay of Deportation”** for a specified period by Court order, statute or regulation, or by individual determination of USCIS in accordance with INA Section 106.
- Granted **“Suspension of Deportation”** in accordance with INA Section 244.
- **“Withholding of Deportation/Cancellation of Removal status** is granted to aliens who can prove they would be prosecuted if returned to their country.

Rule: For CMS, all the Deportation categories listed above must be **granted for a period of one year or more or an indefinite period.** Persons granted less than one year are not eligible for CMS. Only the USCIS status and documents listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued For This Period Of Time</b>
Granted Indefinite Stay of Deportation Due to Humanitarian Reasons.	I-94	Must state “Indefinite Stay of Deportation”.	Indefinite.
	Letter from USCIS or Order from an USCIS administrative law judge.		
Granted Stay of Deportation for a Specified	I-94	INA Section 106.	Must specify a period of one year or more AND
	Letter from USCIS or Order from an	Must state “Stay of Deportation”.	

Period.	USCIS administrative law judge		not be expired.
Granted Suspension of Deportation in Accordance with Section 244.	Letter from USCIS or Order from an USCIS administrative law judge.	Must state granted "Suspension of Deportation" in accordance with Section 244.	
Granted Withholding of Deportation.  Cancellation of Removal.	Court order from immigration judge.	Must show deportation withheld or cancellation of removal under Section 243(h) or 241 (b)(3)	
	I-766 annotated → <b>AND</b> Court Order from immigration judge.	"A10"	
	I-688B annotated → <b>AND</b> additional USCIS verification/ documents as listed above.	Provision of law: 274.12(a)(10)	
<b>NOTE: USCIS uses the above documents for other purposes and status than those listed above. Review and ensure they contain the information exactly as stated above.</b>			

**05.04.03C  
Memorandum  
of Creation of  
Record of  
Lawful  
Permanent  
Residence**

Definition: A notification letter from USCIS issued when an alien has applied for or has been granted permanent LPR status. Document I-181a is issued when an alien's request for adjustment to LPR status is received. Document I-181b is issued when LPR status is granted. This is a temporary identification document. The individual should receive a permanent I-551 within one year.

Rule: Only those aliens who have an I-181b that specifically states LPR has been granted are entitled to CMS. Only the USCIS status and documents listed below are acceptable verification for CMS.

USCIS Status	USCIS Documents	USCIS Codes/ Section/Notation	Issued For This Period Of Time
Lawful Permanent Residence	I-181b	Specifically states LPR status has been granted.	Document is good for one year from issue date unless there is a USCIS extension annotated.
<b>NOTE: If document is over one year old, applicant must write an explanation why I-551 has not been received and provide additional USCIS verification that status is still valid.</b>			

**05.04.03D  
Order of  
Supervision  
(INA Section  
242)**

Definition: Aliens found deportable who are not likely to actually be expelled because of their age, physical condition, humanitarian concerns, or the availability of a country that will accept them.

Rule: Only the USCIS status and documents listed below are acceptable verification for CMS.

**Note: When certifying CMS, do NOT certify beyond the next reporting date, which is considered the expiration date of the document.**

USCIS Status	USCIS Documents	USCIS Codes/ Section/Notation	Issued For This Period Of Time
<b>ORDER OF SUPERVISION</b>  I-220B is only issued for this purpose.	I-220B <b>AND</b> the handwritten attachment with entries made by USCIS officers that show individual has been meeting reporting requirements.	INA Section 242.  If code does not appear on I-220B form, it is still a valid verification.	**Handwritten attachment's last entry will always show the next reporting date and will be initialed by an USCIS officer followed with S-(3 numbers) or other USCIS ID code.
	I-688B annotated → <b>AND</b> additional	Provision of law: 274a.12(c)18	Must not be expired.



	USCIS verification/ documents as listed above.		
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**05.04.03E  
Parolee**

Definition: Parolees are persons who normally would not be admissible to the U.S. but are allowed to enter temporarily for humanitarian, medical, and legal reasons usually under emergency circumstances. Aliens entering the U.S. as Parolees are given the immigration status of:

- Paroled as a Refugee or Cuban/Haitian Entrant, or
- Humanitarian Parolee (HP), or
- Public Interest Parolee (PIP).

Rule: Parolees are allowed in the U.S. either indefinitely or for a specific period of time. Those allowed in the U.S. for a **specific period** of time are **NOT** eligible for CMS. Only the I-94s issued for an indefinite period with the USCIS status and codes listed below are acceptable verification for CMS.

Parolees, as defined in this section, who have **previously received** CMS benefits and provided CMS with documentation of Parolee status for an indefinite period may have turned in the documentation to USCIS when adjusting their status to LPR. They will remain eligible for CMS if they provide verification of their current pending LPR status and are otherwise eligible. **A copy of the I-94 that verifies Parolee status was granted for an indefinite period must be in the case file before CMS benefits are approved.**

USCIS Status	USCIS Documents	USCIS Codes/ Section/Notation	Issued For This Period Of Time
Humanitarian (HP)	I-94	Section 212(d)(5).  Notation that verifies status.	Must state indefinite.
Public Interest Parolee (PIP)	I-688B annotated→ AND additional USCIS verification/ documents as listed above.	Provision of law: 274a.12(c)11	Must not be expired.

Cuban/ Haitian Entrant whose status has not been adjusted in accordance with Section 202 of the INA are included in the category.	I-94	Section 212(d)(5)  Notation that verifies status.	Must state indefinite.
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**05.04.03F  
Refugees**

Definition: Refugees are persons who entered the U.S. as a nonimmigrant or entered without inspections because of persecution or fear of persecution on account race, religion, or political opinion. Refugees may convert to LPR status after one year of residence in the U.S.

Rule: Only the USCIS status and documents with the USCIS codes listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued For This Period Of Time</b>
<b>REFUGEE</b> Lawfully Admitted to the U.S. as a refugee since April 1, 1980.	1-94 annotated: → USCIS form I-571 Refugee Travel Document.	Admitted as a refugee pursuant to Section 207 of the INA <b>OR</b> Admitted as a Refugee Conditional Entrant before April 1, 1980 INA Section 203(a)(7).	If no expiration date is annotated, it is good for 7 years from date of entry <b>OR</b> up to the expiration date that is annotated on the document.
<b>REFUGEE CONDI- TIONAL ENTRANT</b> Lawfully Admitted to the U.S. as a conditional entrant before April	1-688B annotated: → AND other USCIS verification/ documentation as listed	Provision of law: 274a.12(a)4 274a.12(a)3	Must not be expired.

1, 1980.	above.		
<b>NOTE: Eligible for RCA/RMA eight months from date of entry. Not eligible to CMS during this period as they are entitled to Medi-Cal.</b>			

**05.04.03G  
Registry Alien  
Status**

Definition: Aliens who claim to have entered and continuously resided in the U.S. before January 1, 1972.

Rule: Must be evidenced by a fee receipt and an interview appointment letter from USCIS, which specifically states that an application has been submitted for adjustments of status from illegal alien to lawful admission for permanent resident in accordance with INA Section 249. Only the USCIS status documents listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued For This Period Of Time</b>
Registry Alien	USCIS Form G-7-11 (Individual Fee Register Receipt) <b>AND</b> USCIS Form I-468 (Interview Appointment Letter).	USCIS Interview Appointment Letter must specifically state adjustment of status to lawful admission for permanent residence in accordance with INA Section 249.	Good for 1 year from issue date. If more than 1 year old must verify adjustment of status is currently valid.
	I-688B annotated: → <b>AND</b> additional USCIS verification/ documents as listed above.	Provision of law: 274a.12(c) (16)	Must not be expired.
<b>NOTE: USCIS uses the above documents for other purposes and status than those listed above. Review and ensure they contain the information exactly as stated above.</b>			

**05.04.03H  
Voluntary**

Definition: Voluntary Departure is a status that entitles an alien to stay in the U.S. for either a specific period or indefinitely. Aliens granted

**Departure**

Voluntary Departure for any of the reasons listed below may be eligible to CMS.

- Aliens granted **Voluntary Departure** by USCIS before deportation proceedings have begun or by an Immigration Judge during deportation proceedings.
- Aliens waiting issuance of a Visa in accordance with INA Section 212(b) who have been granted **Voluntary Departure** (permission to leave at a later time) until the Visa is ready.
- Aliens on whose behalf an USCIS Form I-130 (Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa) has been filed (with their families covered by the petition) **AND** have been granted **Voluntary Departure**.
- Aliens under the Family Unity Program: Voluntary Departure provides protection from deportation to the spouses and children of amnesty aliens, legalized under IRCA Section 301, who have been granted a temporary **Stay of Deportation**.
- Aliens granted **Indefinite Voluntary Departure** in lieu of deportation.
- Aliens granted **Extended Voluntary Departure** for a specified time due to conditions in their home countries.

Rule: For CMS, all the “Voluntary Departure” and “Stay of Deportations” categories listed above must be granted for a period of one year or more. Persons granted less than one year are not eligible for CMS. Only the USCIS status and documents listed below are acceptable verification for CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued For This Period Of Time</b>
Granted Voluntary Departure	I-94 I-210	INA Section 242(b)  Must specifically state the USCIS status as Voluntary Departure.	Must specify a period of one year or more AND not be expired.
	I-668B annotated → <b>AND</b> additional USCIS verification/ documents as	Provision of law:274a.12(c)12	Must not be expired.

	listed above.		
Granted Indefinite Voluntary Departure	I-94	Must specifically state the USCIS status as Indefinite Voluntary Departure.	Indefinite period.
	Letter from USCIS or Order from an USCIS Administrative law judge.		
	I-668B annotated → <b>AND</b> additional USCIS verification/ documents as listed above.	Provision of law:274a.12(c)12	Must not be expired.
Granted Extended Voluntary Departure	I-94	Must specifically state the USCIS status as Extended Voluntary Departure.	Must specify a period of one year or more AND not be expired.
	I-210		
	I-688B annotated → <b>AND</b> additional USCIS verification/ documents as listed above.	Provision of law: 274a.12(a)11	Must not be expired.
Granted Voluntary Departure or Stay of Deportation under the Family Unity Program	I-94	Must specifically state the USCIS status as Voluntary Departure OR Stay of Deportation OR Section 301 Family Unity.	Must specify a period of one year or more AND not be expired.
	I-797  Must be issued for Family Unity purposes only.		
		Must specifically state: Application/ Petition I-817 “Application for Voluntary Departure Under the Family Unity	

		Program: Valid from ____ to ____".	
	I-688 annotated → <b>AND</b> additional USCIS verification/ documents as listed above.	Provision of law:247a.12(a)13	Must not be expired.
<b>NOTE: USCIS uses the above documents for other purposes and status than those listed above. Review and ensure they contain the information exactly as stated.</b>			

**05.04.03I  
Additional  
Eligible alien  
Categories**

As of September 2007, the following additional alien categories have been determined by County Counsel to meet the requirements as an eligible alien qualified to receive CMS.

<b>USCIS Status</b>	<b>USCIS Documents</b>	<b>USCIS Codes/ Section/Notation</b>	<b>Issued For This Period Of Time</b>
Deferred Action status	I-797 Notice of Action reflecting establishment of Prima Facie case under the self petitioning provisions of the Violence Against Women Act.	Self-Petitioning Spouse of U.S.C. or L.P.R. under the Violence Against Women Act.	<b>180 days from notice date. Expiration date is used on the NOA. Must not be expired.</b>

**County of San Diego, Health and Human Services Agency (HHSA)  
County Medical Services Program Guide**

**Alien Status Verification**

**Number**

**05.04.04**

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**Revision Date:**

06/01/2018

**Background:**

The applicant must present their USCIS documents at every initial application, recertification, or reapplication. This section is revised to include information about e-SAVE for secondary verification and remove references to form G-845.

**Purpose:**

To provide instructions for verifying an Alien's Satisfactory Immigration Status (SIS).

**Policy:**

The USCIS document is viewed and scanned into the CMS IT System at initial application. At recertification or reapplication, if a copy of the same USCIS document is already in the case record, view the document, narrate in the case record what was viewed and the expiration date of the USCIS document.

**A. Alien Documentation with Expiration Dates**

Aliens with LPR status who have lost or have an expired I-551 card may **not** be certified for CMS.

An expiration date is printed or stamped on many USCIS documents. There is a possibility that USCIS may have revoked the alien status granted on the expired document.

<b>If the...</b>	<b>Then...</b>
expiration date has passed	the document is not valid and cannot be accepted as proof of alien status
alien does not provide a valid USCIS document	CMS eligibility is denied
document is due to expire within the normal six month certification period	end the certification period the month the document expires

In lieu of documents listed in 05.04.02 and 05.04.03, the applicant may submit a current (dated within 30 days before the application date) statement from USCIS that verifies eligible alien status as defined in 05.04.02 and 05.04.03.

**Note:** USCIS has a Fee Waiver program for individuals who meet certain criteria and/or can demonstrate inability to pay the replacement or renewal fees.

**County of San Diego, Health and Human Services Agency (HHS)**  
**County Medical Services Program Guide**

**Alien Status Verification**

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**B. Systematic Alien Verification for Entitlements (SAVE)**

SAVE enables USCIS to verify an alien's documentation of SIS through an automated system.

CMS does not have access to the Primary Verification System through CalWIN; therefore the SAVE Secondary Verification System is used.

SAVE Secondary Verification System

The SAVE Secondary Verification System is an automated process completed by USCIS and must be used when there are doubts about the identity, immigration status of the alien, or when there are discrepancies.

The CMS case remains in a "pending" status until a response regarding the immigration status of the applicant is received.

**Procedure:**

Photocopy the documentation (front and back) provided by the applicant and follow EOPG, "Systematic Alien Verification for Entitlements (SAVE) Secondary Verification" procedures.

**References:**

MEDIL I 17-14

**Sunset Date:**

This policy will be reviewed for continuance on or by 06/30/2021

**Approval for Release:**



Rick Wanne, Director  
Eligibility Operation



## Appendix A USCIS Forms and Documents Listing

### Listing of USCIS Forms and Documents

Workers are not to use this listing as a sole source of verification of eligible alien status for CMS. Workers must refer to the section listed for specific instructions. If a document is not on this list, the worker must check to see if the applicant meets any of the eligible alien categories and documentation requirements listed in [05.04](#).

USCIS FORM/ DOCUMENT	STATUS	INA SECTION/ ANNOTATION	REFERENCE SECTION
I-94	Legal Permanent Resident (LPR)	Stamped: Processed for I-551 temporary evidence of lawful admission for permanent residence.	<a href="#">05.04.02A</a>
I-94	Conditional Permanent Resident (CPR)	Stamped: Processed for I-551 temporary evidence of lawful admission for permanent residence.	<a href="#">05.04.02B</a>
I-94	Asylee	Asylum granted.	<a href="#">05.04.03A</a>
I-94	Deportation	Annotated with words that refer to deportation.	<a href="#">05.04.03B</a>
I-94	Parolee Cuban or Haitian Entrant	212(d)(5) Humanitarian (HP) or Public Interest Parolee (PIP).	<a href="#">05.04.03E</a>
I-94	Refugee as of April 1, 1980	Section 207	<a href="#">05.04.03F</a>
I-94	Refugee before April 1, 1980	Section 203(a)(7)	<a href="#">05.04.03F</a>
I-94	Voluntary Departure	Annotated with words that refer to Voluntary Departure.	<a href="#">05.04.03H</a>
I-94	Voluntary	Section 301	<a href="#">05.04.03H</a>

	Departure	Family Unity.	
I-551	LPR	10 year expiration.	<a href="#">05.04.02A</a>
I-551	CPR	2 year expiration.	<a href="#">05.04.02B</a>
I-151	LPR		<a href="#">05.04.02A</a>
AR-3/AR-3a	LPR		<a href="#">05.04.02A</a>
I-181a	Pending adjustment of status		<a href="#">05.04.03C</a>
I-181b	Granted LPR		<a href="#">05.04.03C</a>
I-210	Voluntary Departure	Annotated with words that refer to Voluntary Departure.	<a href="#">05.04.03H</a>
I-220B	Order of Supervision		<a href="#">05.04.03D</a>
I-327	LPR		<a href="#">05.04.02A</a>
I-468	Registry Alien	INA Section 249	<a href="#">05.04.03G</a>
I-571	Refugee Travel Document		<a href="#">05.04.03F</a>
I-688	Amnesty Alien	210, 210A, 245A	<a href="#">05.04.02C</a>
I-688B	Must be accompanied by other documentation		<a href="#">05.04.01B</a>
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I-688B	Refugee	274a.12(a)3	<a href="#">05.04.03F</a>
I-688B	Registry Alien	274a.12(c)(16)	<a href="#">05.04.03G</a>
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I-688B	Voluntary Departure	274a.12(a)11	<a href="#">05.04.03H</a>
I-688B	Family Unity	274a.12(a)13	<a href="#">05.04.03H</a>
I-766	Asylee	A5	<a href="#">05.04.03A</a>
I-766	Deportation	A10	<a href="#">05.04.03B</a>
I-797	Family Unity	Annotated with words that refer	<a href="#">05.04.03H</a>

		to Family Unity.	
Foreign Passport	LPR	Stamped as Temporary evidence that verifies having LPR status.	<a href="#">05.04.02A</a>
Foreign Passport	CPR	Stamped as Temporary evidence that verifies having CPR status.	<a href="#">05.04.02B</a>

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