



## Eligibility for Employment Authorization and ORR-Funded Benefits for Select Immigrant Categories

Immigrant Category	Employment Authorization	ORR-Funded Benefits <sup>1</sup>
Asylee/Refugee	Incident to Status <sup>2</sup>	Eligible <sup>3</sup>
Trafficking Victim (T Visa)	Principal Applicant/T-1 only, incident to status <sup>4</sup> ; derivatives/T-2,3,4,5,6 may apply <sup>5</sup>	Eligible <sup>6</sup>
Asylum Applicant	May apply not less than 150 days after submitting asylum application <sup>7</sup>	Not eligible
Afghan Parolee <sup>8, 9</sup>	Incident to parole <sup>10</sup>	Eligible <sup>11</sup>
Central American Minor (CAM) Parolee <sup>12</sup>	May apply <sup>13</sup>	Not eligible
Ukrainian Parolee <sup>14</sup>	Incident to parole <sup>15</sup>	Eligible <sup>16</sup>
Venezuelan/Nicaraguan Parolee <sup>17</sup>	May apply <sup>18</sup>	Not eligible
Cuban/Haitian Entrant, <sup>19</sup> Parolee <sup>20</sup>	May apply <sup>21</sup>	Eligible <sup>22</sup>
Cuban/Haitian Entrant, <sup>23</sup> Non-Parolee Asylum Applicant or in Removal Proceedings	Not eligible, unless asylum application filed at least 150 days prior (see note 7 below)	Eligible <sup>24</sup>
Cuban/Haitian with final, non-appealable removal order	May apply <sup>25</sup>	Not eligible <sup>26</sup>
Cuban/Haitian Adjustment Applicant, Non-Parolee, Non-Asylum Applicant and not in Removal Proceedings	May apply <sup>27</sup>	Not eligible
TPS Recipient	Incident to status <sup>28</sup>	Not based on TPS alone; only if in another eligible category (Afghan Parolee or Haitian Entrant, for instance)

<sup>1</sup> Office of Refugee Resettlement - see: <https://www.acf.hhs.gov/orr/programs/refugees>

<sup>2</sup> Per 8 CFR 274a.12(a)(3), (5): <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-274a/subpart-B/section-274a.12>

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- <sup>3</sup> Per INA Sec. 412: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1522&num=0&edition=prelim>; also see: <https://www.acf.hhs.gov/orr/policy-guidance/status-and-documentation-requirements-orr-refugee-resettlement-program>
- <sup>4</sup> Per 8 CFR 274a.12(a)(16): <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-274a/subpart-B/section-274a.12>
- <sup>5</sup> Per 8 CFR 274a.12(c)(25): <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-274a/subpart-B/section-274a.12>
- <sup>6</sup> Per Sec. 107, P.L. 106-386, Trafficking Victims Protection Act of 2000: <https://www.govinfo.gov/content/pkg/PLAW-106publ386/pdf/PLAW-106publ386.pdf>; also see: <https://www.acf.hhs.gov/orr/policy-guidance/status-and-documentation-requirements-orr-refugee-resettlement-program>
- <sup>7</sup> Per 8 CFR 274a.12(c)(8)(i): <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-274a/subpart-B/section-274a.12>
- <sup>8</sup> This refers to Afghans granted parole thru 09/29/2023. Per Sec. 2502(b), P.L. 117-43 (Afghanistan Supplemental Appropriations Act of 2022), as amended by Sec. 1501 of P.L. 117-328 ('Consolidated Appropriations Act of 2023).
- <sup>9</sup> For the purposes of this chart, a parolee is someone who has been granted parole under INA Sec. 212(d)(5).
- <sup>10</sup> Per Sec. 2502(b), P.L. 117-43; see also: <https://www.uscis.gov/newsroom/alerts/certain-afghan-and-ukrainian-parolees-are-employment-authorized-incident-to-parole>
- <sup>11</sup> Afghans paroled into the U.S. through 9/29/2023 (and their spouses/children who are paroled after that date) are eligible for benefits through 3/31/23 or the expiration of their parole, whichever is later. Per Sec. 2502(b), P.L. 117-43 (Afghanistan Supplemental Appropriations Act of 2022), as amended by Sec. 1501 of P.L. 117-328 ('Consolidated Appropriations Act of 2023). See also: <https://www.acf.hhs.gov/sites/default/files/documents/orr/ORR-PL-22-01-ORR-Authority-to-Serve-Afghan-Humanitarian-Parolees.pdf>
- <sup>12</sup> See <https://www.uscis.gov/CAM> and note 9 above.
- <sup>13</sup> Per 8 CFR 274a.12(c)(11): <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-274a/subpart-B/section-274a.12> and note 9 above.
- <sup>14</sup> See <https://www.uscis.gov/ukraine> and note 9 above.
- <sup>15</sup> Per Sec. 401, P.L. 117-128; see also: <https://www.uscis.gov/newsroom/alerts/certain-afghan-and-ukrainian-parolees-are-employment-authorized-incident-to-parole>
- <sup>16</sup> Ukrainians paroled into the U.S. between 02/24/22, and 09/30/23 (and their spouses/children who are paroled after that date), are eligible for benefits until the expiration of their parole period. Per Sec. 401, P.L. 117-128 Additional Ukraine Supplemental Appropriations Act, 2022: <https://www.congress.gov/bill/117th-congress/house-bill/7691/text>. See also: <https://www.acf.hhs.gov/sites/default/files/documents/orr/PL-22-13-Ukrainian-Humanitarian-Parolees-Eligible-for-ORR-Benefits-and-Services.pdf>.
- <sup>17</sup> See <https://www.uscis.gov/CHNV> and note 9 above.
- <sup>18</sup> Per 8 CFR 274a.12(c)(11): <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-274a/subpart-B/section-274a.12>
- <sup>19</sup> Per Sec. 501(e) of the Refugee Education Assistance Act (REAA) of 1980: <https://www.govinfo.gov/content/pkg/COMPS-758/pdf/COMPS-758.pdf>
- <sup>20</sup> See note 9 above.
- <sup>21</sup> Per 8 CFR 274a.12(c)(11): <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-274a/subpart-B/section-274a.12>
- <sup>22</sup> Per Sec. 501(c) of the Refugee Education Assistance Act (REAA) of 1980: <https://www.govinfo.gov/content/pkg/COMPS-758/pdf/COMPS-758.pdf>. See also: <https://www.acf.hhs.gov/orr/fact-sheet/benefits-cuban/haitian-entrants>
- <sup>23</sup> See note 19 above
- <sup>24</sup> See note 22 above.
- <sup>25</sup> Per 8 CFR 274a.12(c)(18): <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-274a/subpart-B/section-274a.12>
- <sup>26</sup> Per Sec. 501(e) of the Refugee Education Assistance Act (REAA) of 1980: <https://www.govinfo.gov/content/pkg/COMPS-758/pdf/COMPS-758.pdf>
- <sup>27</sup> Per 8 CFR 274a.12(c)(9): <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-274a/subpart-B/section-274a.12>
- <sup>28</sup> Per 8 CFR 274a.12(a)(12): <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-274a/subpart-B/section-274a.12>