239B.2B Eligibility of noncitizens.

A person who meets the conditions of eligibility under section 239B.2 and who meets either of the following requirements shall be eligible for participation in the family investment program:

- 1. The person is a conditional resident alien who was battered or subjected to extreme cruelty, or whose child was battered or subjected to extreme cruelty, perpetrated by the person's spouse who is a United States citizen or lawful permanent resident as described in 8 C.F.R. §216.5(a)(3).
- 2. The person was battered or subjected to extreme cruelty, or the person's child was battered or subjected to extreme cruelty, perpetrated by the person's spouse who is a United States citizen or lawful permanent resident and the person's petition has been approved or a petition is pending that sets forth a prima facie case that the person has noncitizen status under any of the following categories:
- a. Status as a spouse or child of a United States citizen or lawful permanent resident under the federal Immigration and Nationality Act, §204(a)(1), as codified in 8 U.S.C. §1154(a)(1)(A).
- b. Status as a spouse or child who was battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident, under the federal Immigration and Nationality Act, \$204(a)(iii), as codified in 8 U.S.C. \$1154(a)(1)(A)(iii).
- c. Classification as a person lawfully admitted for permanent residence under the federal Immigration and Nationality Act.
- d. Suspension of deportation and adjustment of status under the federal Immigration and Nationality Act, \$244(a), as in effect before the date of enactment of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
- e. Cancellation of removal or adjustment of status under the federal Immigration and Nationality Act, §240A, as codified in 8 U.S.C. §1229b.
- f. Status as an asylee, if asylum is pending, under the federal Immigration and Nationality Act, §208, as codified in 8 U.S.C. §1158.

2002 Acts, ch 1175, §27