

441—61.3(217) Eligibility for refugee services. Refugees eligible for services under this chapter include people who have one of the following statuses, as issued by the United States Citizenship and Immigration Service:

61.3(1) A person granted asylum under the Immigration and Nationality Act, Title II, Chapter 1, Section 208. Asylees are people who travel to the United States on their own and apply for and receive a grant of asylum.

61.3(2) A person admitted to the United States as a refugee under the Immigration and Nationality Act, Title II, Chapter 1, Section 207.

61.3(3) A person granted humanitarian parole as a refugee or asylee under the Immigration and Nationality Act, Title II, Chapter 2, Section 212. The United States Attorney General may, in the Attorney General's discretion, parole into the United States temporarily, under such conditions as the Attorney General may prescribe on a case-by-case basis, for urgent humanitarian reasons or significant public benefit, any alien applying for admission to the United States.

61.3(4) A Cuban or Haitian entrant in accordance with requirements in 45 CFR Part 401, as amended to June 7, 2022. Cuban and Haitian entrants include:

a. Any person 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 person's status at the time assistance or services are provided; and

b. Any other national of Cuba or Haiti who meets both of the following conditions:

(1) The person either:

1. Was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act; or

2. Is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act;

or

3. Has an application for asylum pending with the United States Citizenship and Immigration Service.

(2) A final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered with respect to the person.

61.3(5) A child born in Vietnam between January 1, 1962, and January 1, 1976, of an American citizen father and a Vietnamese mother, together with the child's immediate relatives, who are admitted to the United States as immigrants pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1988, as contained in Section 101(e) of Public Law 100-202 and amended by the ninth proviso under Migration and Refugee Assistance in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461).

61.3(6) A person admitted to the United States for permanent residence, provided the person previously held one of the statuses identified in subrules 61.3(1) through 61.3(5).

61.3(7) An alien immigrant who is a victim of a severe form of trafficking in persons, as certified by the United States Department of Health and Human Services pursuant to Section 107(b) of the Trafficking Victims Protection Act of 2000, as contained in Public Law 106-386, Division A, 114 Stat. 1464 (2000). "Severe forms of trafficking in persons" means:

a. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform the act has not attained 18 years of age; or

b. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

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