

State Council of Higher Education for Virginia

ADDENDUM A

Descriptions and Domicile Eligibility Status for Various Categories of Aliens

Referenced in the Guidelines for Determining Domicile and Eligible for In-State Tuition Rates

The following tables list the various types of legal status or documentation that an “Alien” – or a person who is not a United States citizen or national – might possess. If the student claims the document was lost, they can provide an I-797 Receipt Notice indicating that a replacement document has been requested.

A status of “Eligible” means the document holder is eligible to establish domicile. A status of “Ineligible” means the document holder does not possess the legal ability to establish domicile in Virginia.

Eligibility Status	Description	Government Information
Adjustment Applicants		
Eligible	I-797 Receipt Notice An alien who has individually filed an application for Adjustment of Status, as evidenced by an I-797 Receipt Notice, and the application remains pending with USCIS. Domicile can be established no earlier than the official Receipt Date listed on the I-797 document (the actual mailing date of the I-797 is not relevant).	
Asylees		
Eligible	See text Asylees are generally granted asylee status in the United States for an indefinite period of time without domiciliary restrictions. The person is provided a legal determination of asylee status issued by an immigration judge.	8 CFR 209.2(a)(1)
A-10 – Withholding of Removal		
Eligible	“A-10” Stamp on Employment Authorization Card A grant of withholding of removal will allow the Attorney General to withhold removal of “an alien to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion.” INA §241(b)(3)(A). There are a few enumerated bars to such a grant, but if an alien meets the standards for a grant of withholding of removal, the law forbids the deportation or removal of such alien (whose life or freedom would be threatened in his or her home country on the grounds cited above). <i>Id.</i> Thus foreign nationals granted withholding of removal can stay in the United States “indefinitely.” Additionally, aliens in this status are also granted employment authorization pursuant to their status. 8 C.F.R. § Sec. 274a.12(a)(10) – withholding granted employment authorization.	8 CFR 241(b)(3)(A)

Legalization (Amnesty) program		
Eligible	I-688 or I-688A	<ul style="list-style-type: none"> • The Immigration Reform and Control Act provides for the legalization of aliens who establish that they were in the United States illegally as of January 1, 1982, and maintained continuous residence thereafter. • Holders of Form I-688A or I-688 are eligible to receive in-state tuition rates upon the requisite showing of Virginia domicile for the one-year period. <p>The standards for adjustment to permanent resident status for a special group of agricultural workers (SAWs) who worked in seasonal agricultural services between May 1, 1985, and May 1, 1986, are even more liberal than for the main legalization program. Applications for in-state status from SAWs who have been issued Form I-688 should be analyzed in the same manner as legalized immigrants.</p>
Parolees		
Ineligible	Not applicable	A parolee is an alien, appearing to be inadmissible to the inspecting officer, allowed into the United States for urgent humanitarian reasons or when that alien's entry is determined to be for significant public benefit. Parole does not constitute a formal admission to the United States. It confers temporary status only and requires parolees to leave when the conditions supporting their parole cease to exist. Types of parolees include deferred inspection, advance parole, port-of-entry parole, humanitarian parole, and public interest parole.
Permanent Resident		
Eligible	I-551 Card or I-551 Stamp in Passport	<ul style="list-style-type: none"> • A "permanent resident" has been granted the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws. • Even if the card has expired, the status does not; however, the student should have either an I-797 Receipt Notice for I-90 (Application to Replace Permanent Resident Card) or a stamp in the passport.
Conditional Permanent Resident		
Eligible	I-551 Card or I-551 Stamp in Passport or I-797 Receipt Notice if applicable	<ul style="list-style-type: none"> • A "conditional resident" has been granted the privilege or residing "conditionally" in the United States as an immigrant in accordance with immigration laws. • A person, and that person's children, may acquire permanent resident status through marriage to a United States citizen or lawful permanent resident. In order to discourage fraudulent applications based on sham marriages, the Immigration and Naturalization Service, pursuant to the Immigration and Nationality Act, is now issuing two-year "conditional" Alien Registration Receipt Cards (Form I-551) to such persons. These differ from the regular Form I-551 only insofar as there is an expiration date on the back. During the last 90 days of the two-year period, the couple must appear before the USCIS and file a petition to remove the condition, swearing under oath that the marriage was and is valid, and that it was not entered into for the purpose of procuring an alien's entry as an immigrant.

		<ul style="list-style-type: none"> • In these cases, the institution should assume that the conditional basis will be removed and analyze the alien as a lawful permanent resident; however, the institution should verify at the appropriate time that the conditional basis of the alien's permanent resident status has in fact been removed. If permanent residence status is terminated by Immigration (which will occur if the United States Citizenship and Immigration Service (USCIS)) finds that the marriage was fraudulent), the institution may reconsider the student's application for in-state status to determine whether it was fraudulent. • If expiration date has passed, then student should present a receipt notice showing that they have petitioned to have the conditions lifted. I-797 Receipt Form for form I-751 (application for removal of conditions). 	
Refugees			
Eligible	Passport or I-94 with refugee designation	Refugees are generally admitted into the United States for an indefinite period of time without domiciliary restriction. A refugee carries a passport or I-94 endorsed to show refugee status. Although some of the I-94s may have an expiration date, e.g. one year, they are usually renewed indefinitely until the person adjusts to permanent resident status.	
Temporary Protected Status			
Eligible	See text	<ul style="list-style-type: none"> • An alien who is a national of a foreign state designated for Temporary Protected Status (TPS) by the United States government. • While in TPS, the United States shall not remove the alien from the United States during the period in which such status is in effect. The person is provided official government documentation indicating TPS approval. 	INA Section 244 8 CFR 244
Undocumented			
Ineligible	Absence of valid current legal status	<ul style="list-style-type: none"> • An "undocumented alien" is one who (i) entered the United States without inspection; (ii) is the subject of exclusion or deportation proceedings; or (iii) was admitted as a nonimmigrant and has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under or to comply with the conditions of any status. • Though each carries its own nuance, the following phrases are considered equivalent for purposes of determining eligibility to establish domicile: "illegal alien," "alien without legal status," "alien unlawfully present," and "alien out of status." 	

Nonimmigrant Classifications and Visas

All nonimmigrant visas below must be verified via Visa Stamp in the applicant's Passport or on an I-94 Card.

The document showing their admission status is the Arrival-Departure Record (Form I-94), which is usually stapled into the passport. This form normally contains the nonimmigrant visa category under which the alien is admitted and an expiration date.

The nonimmigrant visa is a stamp placed on one of the pages of the alien's passport. It is useful to distinguish between the nonimmigrant visa and Form I-94. A visa does not guarantee entry; it merely allows a person to board a plane whose destination is the United States and to apply for admission at the border. Form I-94 determines whether the alien will be admitted and how long he will be permitted to stay. When the expiration dates of the visa and the I-94 are different, the I-94 controls.

Though each of the following classifications is technically nonimmigrant and usually carries an expiration date, Congress does allow some to form "dual intent." This allows some classifications to legally have the intent to remain in the United States indefinitely and, therefore, establish domicile. A status of "Eligible" means the visa holder is eligible to establish domicile. A status of "Ineligible" means the visa holder does not possess the legal ability to establish domicile in Virginia.

Visa	Eligibility Status	Description	Government Information
Foreign Government Officials			
A-1	Eligible	Ambassador, public minister, career, diplomatic or consular officer who has been accredited by a foreign government recognized de jure by the United States and who is accepted by the President or by the Secretary of State, and the members of the alien's immediate family.	INA Section 101(a)(15)(A)(i) 8 CFR 214.2(a)
A-2	Eligible	Other foreign government officials or employees who have been accredited by a foreign government recognized de jure by the United States, who are accepted by the Secretary of State, and members of their immediate family.	INA Section 101(a)(15)(A)(ii) 8 CFR 214.2(a)
A-3	Eligible	Attendants, servants, or personal employees of A-1 and A-2, and members of their immediate family.	INA Section 101(a)(15)(A)(iii) 8 CFR 214.2(a)
Visitors			
B-1 B-2	Ineligible	An alien having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure.	INA Section 101(a)(15)(B) 8 CFR 214.2(b)
Aliens in Transit			
C-1 C-1D C-2 C-3 C-4	Ineligible	An alien in immediate and continuous transit through the United States, or an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District and foreign countries.	INA Section 101(a)(15)(C) 212(d)(8) 8 CFR 214.2(c)

Crewmen			
D-1 D-2	Ineligible	An alien crewman serving in good faith as such in a capacity required for normal operation and service on board a vessel, or aircraft, who intends to enter temporarily and solely in pursuit of his calling as a crewman and to depart from the United States with the vessel or aircraft on which he arrived or some other vessel or aircraft.	INA section 101(a)(15)(D) 8 CFR 214.2(d)
Treaty Traders and Treaty Investors			
E-1 E-2	Eligible	An alien entitled to enter the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he is a national, and the spouse and children of any such alien if accompanying or following him.	INA Section 101(a)(15)(E)(i) 101(a)(15)(E)(ii) 8 CFR 214.2(e)(1) 8 CFR 214.2(e)(2)
E-3	Eligible	An alien entitled to enter the United States solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia.	INA Section 101(a)(15)(E)(iii) 8 CFR 214.2(e)(3)
Academic Students			
F-1	Ineligible	An alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States.	INA Section 101(a)(15)(F)(i) 8 CFR 214.2(f)
F-2	Ineligible	The alien spouse and minor children of any F-1 alien.	INA Section 101(a)(15)(F)(ii) 8 CFR 214.2(f)
Foreign Government Officials to International Organizations			
G-1	Eligible	A designated principal resident representative of a foreign government recognized de jure by the United States, which foreign government is a member of an international organization under the International Organizations Immunities Act (59 Stat. 669) 22 U.S.C. 288, note, accredited resident members of the staff of such representatives, and members of his or their immediate family.	INA Section 101(a)(15)(G)(i) 8 CFR 214.2(g)
G-2	Eligible	Other accredited representatives of such a foreign government to such international organizations, and the members of their immediate family.	INA Section 101(a)(15)(G)(ii) 8 CFR 214.2(e)(1)
G-3	Eligible	An alien able to qualify under G-1 or G-2 above except for the fact that the government of which such alien is an accredited representative is not recognized de jure by the United States, or that the government of which he is an accredited representative is not a member of such international organization, and the members of his immediate family.	INA Section 101(a)(15)(G)(iii) 8 CFR 214.2(g)

G-4	Eligible	Officers, or employees of such international organizations, and the members of their immediate family.	INA Section 101(a)(15)(G)(iv) 8 CFR 214.2(g)
G-5	Eligible	Attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees.	INA Section 101(a)(15)(G)(v) 8 CFR 214.2(g)
Temporary Workers			
H-1B	Eligible	An alien who is coming temporarily to the United States to perform services in a specialty occupation or other qualifying occupation.	INA Section 101(a)(15)(H)(i)(b) 8 CFR 214.2(h)(4)
H-1C	Eligible	Nurses going to work for up to three years in health professional shortage areas.	INA Section 101(a)(15)(H)(i)(c) 8 CFR 214.2(h)(3)
H-2A	Ineligible	An alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services.	INA Section 101(a)(15)(H)(ii)(a) 8 CFR 214.2(h)(5)
H-2B	Ineligible	An alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor.	INA Section 101(a)(15)(H)(ii)(b) 8 CFR 214.2(h)(6)
H-3	Ineligible	An alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States as a trainee.	INA Section 101(a)(15)(H)(iii) 8 CFR 214.2(h)(7)
H-4	Eligible	The alien spouse or minor child of an H-1B or H-1C visa holder.	INA Section 101(a)(15)(H)(iv) 8 CFR 214.2(h)(9)(iv)
H-4	Ineligible	Spouse or child of H-2A, H-2B, or H-3 alien.	INA Section 101(a)(15)(H)(iv) 8 CFR 214.2(h)(9)(iv)
Foreign Media Representatives			
I	Eligible	An alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation. The spouse and children of such a representative if accompanying or following to join him.	INA Section 101(a)(15)(I) 8 CFR 214.2(i) Dept. of State: Revalidation of "I" Journalist Visas
Exchange Visitors			
J-1	Ineligible	An alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in an approved program for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training.	INA Section 101(a)(15)(J)(i) 8 CFR 214.2(j)

J-2	Ineligible	The spouse or minor child of any such alien if accompanying him or following to join him.	INA Section 101(a)(15)(J)(i) 8 CFR 214.2(j)
Fiancé(e) or Spouse of US Citizen			
K-1	Eligible	The fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety (90) days after admission.	INA Section 101(a)(15)(K) 8 CFR 214.2(k)
K-2	Eligible	An alien spouse of a citizen who is the beneficiary of a petition to accord immigrant status and seeks to enter the United States to await the approval of such petition.	INA Section 101(a)(15)(K) 8 CFR 214.2(k)
K-3	Eligible	The minor child of a K-1 or K-2 visa holder who is accompanying, or following to join, the alien.	INA Section 101(a)(15)(K)(ii) 8 CFR 214.2(k)
Intracompany Transferee			
L-1A L-1B	Eligible	Subject to section 214(c)(2), an alien who, within 3 years preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge.	INA Section 101(a)(15)(L) 8 CFR 214.2(l)
L-2	Eligible	The alien spouse and minor children of L-1A or L-1B if accompanying him or following to join him.	INA Section 101(a)(15)(L) 8 CFR 214.2(l)
Vocational and Language Students			
M-1	Ineligible	An alien having a residence in a foreign country which he has no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution.	INA Section 101(a)(15)(M)(i) 8 CFR 214.2(m)
M-2	Ineligible	An alien spouse or minor child of an M-1 visa holder accompanying or following to join him.	INA Section 101(a)(15)(M)(ii) 8 CFR 214.2(m)
M-3	Ineligible	An alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in M-1 above except that the alien's course of study may be full- or part-time, and who commutes to the United States institution or place of study from Canada or Mexico.	INA Section 101(a)(15)(M)(iii) 8 CFR 214.2(m)
Certain Parents and Children of Special Immigrants			
N-1	Ineligible	An alien parent of an alien accorded the status of special immigrant based on G-4 or NATO 6.	
N-2	Ineligible	An alien child of such parent or of an alien accorded the status of a special immigrant based on G-4 or NATO 6.	
N-8	Eligible	Parent of alien classified SK-3 "Special Immigrant."	INA Section 101(a)(15)(N)(i)

N-9	Eligible	Child of N-8, SK-1, SK-2, or SK-4 "Special Immigrant."	INA Section 101(a)(15)(N)(ii) through (iv)
North American Free Trade Agreement			
NAFTA		See TN, below	
North Atlantic Treaty Organization			
NATO 1	Ineligible	Principal Permanent Representative of Member State to NATO and resident members of official staff or immediate family.	Not included in the INA Article 12, 5 US Treaties 1094 Article 20, 5 US Treaties 1098 8 CFR 214.2(s)
NATO 2	Ineligible	Other representatives of member State; Dependents of Member of a Force entering in accordance with the provisions of NATO Status-of-Forces agreement; Members of such a Force if issued visas.	Article 13, 5 US Treaties 1094 Article 1, 4 US Treaties 1794 Article 3, 4 US Treaties 1796 8 CFR 214.2(s)
NATO 3	Ineligible	Official clerical staff accompanying Representative of Member State to NATO or immediate family.	Article 14, 5 US Treaties 1096 8 CFR 214.2(s)
NATO 4	Ineligible	Official of NATO other than those qualified as NATO-1 and immediate family.	Article 18, 5 US Treaties 1096 8 CFR 214.2(s)
NATO 5	Ineligible	Expert other than NATO officials qualified under NATO-4, employed on behalf of NATO and immediate family.	Article 21, 5 US Treaties 1100 8 CFR 214.2(s)
NATO 6	Eligible	Member of civilian component who is either accompanying a Force entering in accordance with the provisions of the NATO Status-of-Forces agreement or attached to an Allied headquarters under the protocol of the Status of International Military headquarters set up pursuant to the North Atlantic Treaty; and their dependents. These persons are eligible for special immigrant status that allows them to adjust to permanent resident. This implied dual intent provides eligibility for domicile review.	Article 1, 4 US Treaties 1794 Article 3, 5 US Treaties 877 8 CFR 214.2(s)
NATO 7	Ineligible	Servant or personal employee of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or immediate family.	Articles 12-20, 5 US Treaties 1094 – 1098 8 CFR 214.2(s) 8 CFR 42.32(d)(5)
Workers with Extraordinary Abilities			
O-1	Eligible	An alien with extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim who seeks to enter the United States to continue work in the area of extraordinary ability.	INA Section 101(a)(15)(O)(i) 8 CFR 214.2(o)(1), 8 CFR 214.2(o)(2), 8 CFR 214.2(o)(3)
O-2	Ineligible	An alien who seeks to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performances by an O-1 visa holder.	INA Section 101(a)(15)(O)(ii) 8 CFR 214.2(o)(4)

O-3	Eligible	The alien spouse or child of an O-1 visa holder accompanying or following to join him.	INA Section 101(a)(15)(O)(iii) 8 CFR 214.2(o)(5)
O-3	Ineligible	The alien spouse or child of an O-2 visa holder accompanying or following to join him.	INA Section 101(a)(15)(O)(iii) 8 CFR 214.2(o)(5)
Athletes and Entertainers			
P-1	Eligible	An alien who seeks to enter the United States to perform as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group.	INA Section 101(a)(15)(P)(i) 8 CFR 214.2(p)(4)
P-2	Eligible	An alien who seeks to enter the United States temporarily and solely for the purpose of performing as such an artist or entertainer or with such a group under a reciprocal exchange program.	INA Section 101(a)(15)(P)(ii) 8 CFR 214.2(p)(5)
P-3	Eligible	An alien who seeks to enter the United States temporarily and solely to perform, teach, or coach as such as artist or entertainer or with such a group under a commercial program that is culturally unique.	INA Section 101(a)(15)(P)(iii) 8 CFR 214.2(p)(6)
P-4	Eligible	The alien spouse or child of a P-1, P-2, or P-3 visa holder who is accompanying or following to join the alien.	INA Section 101(a)(15)(P)(iv) 8 CFR 214.2(p)(8)(iii)(D)
International Cultural Exchange Visitors			
Q-1	Ineligible	An alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Secretary of Homeland Security for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers.	INA Section 101(a)(15)(Q)(i) 8 CFR 214.2(q)
Q-2	Ineligible	An alien having a residence in a foreign country which he has no intention of abandoning who is an alien citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months in Northern Ireland, or the counties of Louth, Monaghan, Cavan, Leitrim, Sligo, and Donegal within the Republic of Ireland, which the alien has no intention of abandoning who is coming temporarily (for a period not to exceed 24 months) to the United States as a participant in a cultural and training program approved by the Secretary of State and the Secretary of Homeland Security under section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 for the purpose of providing practical training, employment, and the experience of coexistence and conflict resolution in a diverse society.	Walsh Visa Program INA Section 101(a)(15)(Q)(ii)(I) 8 CFR 214.2(q)(15)
Q-3	Ineligible	The alien spouse or minor child of a Q-1 or Q-2 visa holder who is accompanying or following to join him.	INA Section 101(a)(15)(Q)(ii)(II) 8 CFR 214.2(q)(15)

Religious Workers			
R-1	Eligible	An alien who for the two years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States.	INA Section 101(a)(15)(R) 8 CFR 214.2(r)
R-2	Eligible	The alien spouse or child of the R-2 alien if accompanying or following to join the alien.	INA Section 101(a)(15)(R) 8 CFR 214.2(r)
Witness or Informant			
S-1	Ineligible	Person in possession of critical reliable information concerning a criminal organization or enterprise who is willing to supply or has supplied such information to federal or state law enforcement authorities or court and whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or prosecution.	
S-2	Ineligible	Persons who both the Secretary of State and the Attorney General jointly determine: a. is in possession of critical reliable information concerning a terrorist organization, enterprise or operation; b. is willing or has supplied such information to federal law enforcement authorities or federal court; c. will be or has been placed in danger as a result of providing such information; and d. is eligible to receive an award under 22 U.S.C. §2708(a).	
S-5	Ineligible	Informant of criminal organization information.	INA Section 101(a)(15)(S)(i)
S-6	Ineligible	Informant of terrorism information.	INA Section 101(a)(15)(S)(ii)
Victims of a Severe Form of Trafficking in Persons			
			Victims of Trafficking & Violence Protection Act of 2000
T-1	Eligible	An alien who is or has been a victim of a severe form of trafficking in persons.	INA Section 101(a)(15)(T)(i) 8 CFR 214.11
T-2	Eligible	An alien spouse, child, unmarried sibling under 18 years of age or parent of a T-1 visa holder.	INA Section 101(a)(15)(T)(ii) 8 CFR 214.11(o)
North American Free Trade Agreement (NAFTA)			
TN-1	Ineligible	A Canadian or Mexican alien who seeks temporary entry into the United States to work in a TN-designated occupation. The alien must satisfy the inspecting immigration officer that the proposed stay is temporary.	INA Section 214(e)(2) 8 CFR 214.6 Canadians: 8 CFR 214.6(d) Mexicans: 8 CFR 214.6(e)
TD	Ineligible	The alien spouse or minor child of a TN visa holder who seeks to enter to accompany or follow to join the alien.	INA Section 214(e)(2) 8 CFR 214.6(j)
Transit Without Visa			
TWVOV	Ineligible	Passenger of ship, airplane, or other vessel entering US port.	INA Sections 212(d)(3) and 212(d)(5) 8 CFR 212.1(f)

TWOV	Ineligible	Crew of ship, airplane, or other vessel entering US port.	INA Sections 212(d)(3) and 212(d)(5) 8 CFR 212.1(f)
Victims of Certain Crimes			
U-1	Eligible	An alien who has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity; or possess information about criminal activity, or has been/could be helpful to law enforcement officials.	INA Section 101(a)(15)(U)
U-2	Eligible	The alien spouse, child, unmarried sibling under 18 yrs of age or parent of the U-1 visa holder accompanying or following to join him.	INA Section 101(a)(15)(U)
Visa Waiver Program			
VWP	Ineligible	Due to reciprocity agreements, the United States allows citizens from some countries to enter the country for business or pleasure without a visa. (e.g. Canada, Sweden, and others).	Visa Waiver Program (Immigration.gov) Visa Waiver Program (Dept. of State)
Certain Second Preference <u>Beneficiaries</u> (Dept. of State: The New K and V Visas)			
V-1	Eligible	Spouse of a Legal Permanent Resident (LPR) who is the principal beneficiary of a family-based petition (Form I-130) which was filed prior to December 21, 2000, and has been pending for at least three years.	INA Section 101(a)(15)(V) 8 CFR 214.15
V-2	Eligible	Child of an LPR who is the principal beneficiary of a family-based visa petition (Form I-130) that was filed prior to December 21, 2000, and has been pending for at least three years.	INA Section 101(a)(15)(V) 8 CFR 214.15
V-3	Eligible	The derivative child of a V-1 or V-2.	INA Section 101(a)(15)(V) 8 CFR 214.15

NOTE: It is not possible to include every nuance of the immigration process in this Addendum. For the domicile eligibility status of any other Alien classification, visa, or documentation not covered by this Addendum, contact SCHEV or immigration counsel for guidance.