

Appendix: Applicability of INA 212(a)(4) to Refugee, Asylee, and Parolee Adjustment of Status Applications

Applicability of INA 212(a)(4) to Refugee, Asylee, and Parolee Adjustment of Status Applications

Category	Subject to INA 212(a)(4)	INA 213A, and Form I-864, Affidavit of Support Under Section 213A of the INA, Required or Exempt?
Asylees ¹	No, per INA 209(c)	Exempt, per INA 209(c)
Indochinese Parolees from Vietnam, Cambodia, and Laos IC-6 Indochinese refugees (Pub. L. 95-145 of 1977) IC-7 Spouses or children of Indochinese refugees not qualified as refugees on their own	No, per Section 586 of Pub. L. 106-429 (November 6, 2000)	Exempt, per Section 586 of Pub. L. 106-429 (November 6, 2000)
Polish and Hungarian Parolees (Nationals of Poland or Hungary who were paroled into the United States from November 1, 1989 to December 31, 1991) ²	No, per Title VI, Subtitle D, Section 646(b), Pub. L. 104-208 (September 30, 1996); 8 CFR 245.12	Exempt, per Title VI, Subtitle D, Section 646(b), Pub. L. 104-208 (September 30, 1996); 8 CFR 245.12
Refugees ³	No, per INA 207(c)(3) and INA 209(c)	Exempt, per INA 207 and INA 209(c)
Cuban-Haitian Entrant under IRCA- CH-6, CH-7 ⁴	No, per Section 202 of Pub. L. 99-603, 100 Stat. 3359 (November 6, 1986) (as amended), 8 U.S.C. 1255a	Exempt, per Section 202 of Pub. L. 99-603, 100 Stat. 3359 (November 6, 1986) (as amended), 8 U.S.C. 1255a

¹ Including the following categories: AS-6 Asylees; AS-7 Spouses of AS-6; AS-8 Children of AS-6; SY-8 Children of SY-6; GA-6 Iraqi asylees; GA-7 Spouses of GA-6; GA-8 Children of GA-6.

² Note that this program does not have a specific sunset date and technically applicants could apply but should have already applied.

³ Includes the following categories: RE-6 Other refugees (Refugee Act of 1980, Pub. L. 96-212, 94 Stat. 102 (Mar. 17, 1980)); RE-7 Spouses of RE-6; RE-8 Children of RE-6; RE-9 Other relatives.

⁴ Note that this program has a sunset date of 2 years after enactment, however, some cases may still be pending.

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Category	Subject to INA 212(a)(4)	INA 213A, and Form I-864, Affidavit of Support Under Section 213A of the INA, Required or Exempt?
HRIFA - Principal HRIFA Applicant who applied for asylum before December 31, 1995 ⁵	No, per Section 902 of Pub. L. 105-277, 112 Stat. 2681 (October 21, 1998), 8 U.S.C. 1255.	Exempt, per Section 902 of Pub. L. 105-277, 112 Stat. 2681 (October 21, 1998), 8 U.S.C. 1255.

⁵ Includes the following categories: 1995 - HA-6 Principal HRIFA Applicant; Spouse of HA-6, HA-7 and Child of HA-6, HA-8; Unmarried Son or Daughter 21 Years of Age or Older of HA-6, HA-9 Principal HRIFA Applicant paroled into the United States before December 31, 1995- HB-6; Spouse of HB-6, HB-7; Child of HB-6, HB-8; Unmarried Son or Daughter 21 Years of Age or Older of HB-6 HB-9; Principal HRIFA Applicant who arrived as a child without parents in the United States HC-6; Spouse of HC-6, HC-7; Child of HC-6, HC-8; Unmarried Son or Daughter 21 Years of Age or Older of HC-6, HC-9; Principal HRIFA Applicant child who was orphaned subsequent to arrival in the United States HD-6, Spouse of HD-6, HD-7; Child of HD-6, HD-8; Unmarried Son or Daughter 21 Years of Age or Older of HD-6, HD-9 Principal HRIFA Applicant child who was abandoned subsequent to arrival and prior to April 1, 1998 - HE-6; Spouse of HE-6, HE-7; Child of HE-6, HE-8; Unmarried Son or Daughter 21 Years of Age or Older of HE-6, HE-9. Note that this program has a sunset date of March 31, 2000; however, dependents may still file for adjustment of status.