

Appendix: Applicability of INA 212(a)(4) to Special Immigrant Adjustment of Status Applications

Applicability of INA 212(a)(4) to Special Immigrant 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?
Special Immigrant (EB-4)- Religious Workers ¹ 8 CFR 204.5(m); INA 101(a)(27)(C)	Yes, per INA 212(a)(4)	Not Applicable ²
Special Immigrant (EB-4) – International employees of US government abroad ³ INA 101(a)(27)(D), 22 CFR 42.32(d)(2)	Yes, per INA 212(a)(4)	Not Applicable ⁴
Special Immigrant (EB-4) Employees of Panama Canal ⁵ 22 CFR 42.32(d)(3); INA 101(a)(27)(E), INA 101(a)(27)(F), and INA 101(a)(27)(G)	Yes, per INA 212(a)(4)	Not Applicable ⁶

¹ Includes the following categories: SD-6 Ministers; SD-7 Spouses of SD-6; SD-8 Children of SD-6; SR-6 Religious workers; SR-7 Spouses of SR-6; SR-8 Children of SR-6.

² For this category, although the applicants are subject to public charge under [INA 212\(a\)\(4\)](#), the employers (for example, a religious institution), would generally not be a relative of the noncitizen or a for-profit entity and therefore the requirement for an affidavit of support under INA 212(a)(4)(D) is inapplicable.

³ Includes the following categories: SE-6 Employees of U.S. government abroad, adjustments; SE-7 Spouses of SE-6; SE-8 Children of SE-6. Note that this program does not have a specific sunset date and technically applicants could apply but should have already applied.

⁴ For this category, although the applicants are subject to public charge under [INA 212\(a\)\(4\)](#), the employers (for example, the U.S. armed forces), would generally not be a relative of the noncitizen or a for-profit entity and therefore the requirement for an affidavit of support under INA 212(a)(4)(D) is inapplicable.

⁵ Includes the following categories: SF-6 Former employees of the Panama Canal Company or Canal Zone Government; SF-7 Spouses or children of SF-6; SG-6 Former U.S. government employees in the Panama Canal Zone; SG-7 Spouses or children of SG-6; SH-6 Former employees of the Panama Canal Company or Canal Zone government, employed on April 1, 1979; SH-7 Spouses or children of SH-6. Note that this program does not have a specific sunset date and technically applicants could apply but should have already applied.

⁶ For this category, although the applicants are subject to public charge under [INA 212\(a\)\(4\)](#), the employers generally would not be a relative of the noncitizen or a for-profit entity and therefore the requirement for an affidavit of support under INA 212(a)(4)(D) is inapplicable.

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Special Immigrant (EB-4) - Foreign Medical School Graduates ⁷ INA 101(a)(27)(H), INA 203(b)(4)	Yes, per INA 212(a)(4)	Not Applicable ⁸
Special Immigrant (EB-4) -Retired employees of International Organizations including G-4 International Organization Officer ⁹ International Organizations (G-4s international organization officer/ Retired G-4 Employee) ¹⁰ INA 101(a)(27)(I) and INA 101(a)(27)(L) ; 8 CFR 101.5; 22 CFR 42.32(d)(5); 22 CFR 41.24;22 CFR 41.25	Yes, per INA 212(a)(4)	Not Applicable ¹¹
Special Immigrant (EB-4) -SL-6 Juvenile court dependents, adjustments	No, SIJs are exempt under INA 245(h)	Not Applicable, per INA 245(h)

⁷ Includes the following categories: SJ-6 Foreign medical school graduate who was licensed to practice in the United States on Jan. 9, 1978; SJ-7 Spouses or children of SJ-6; Note that this program does not have a specific sunset date and technically applicants could apply but should have already applied.

⁸ For this category, although the applicants are subject to public charge under [INA 212\(a\)\(4\)](#), the employers would generally not be a relative of the noncitizen or a for-profit entity and therefore the requirements for an affidavit of support under INA 212(a)(4)(D) is inapplicable.

⁹ Includes the following categories: SK-6 Retired employees of international organizations; SK-7 Spouses of SK-1 or SK-6; SK-8; Certain unmarried children of SK-6; SK-9 Certain surviving spouses of deceased international organization employees.

¹⁰ Includes SN-6 Retired NATO-6 civilian employees; SN-7 Spouses of SN-6; SN-9; Certain surviving spouses of deceased NATO-6 civilian employees; SN-8 Certain unmarried sons/daughters of SN-6.

¹¹ For this category, although the applicants are subject to public charge under [INA 212\(a\)\(4\)](#), the employers would generally not be a relative of the noncitizen or a for-profit entity and therefore the requirements for an affidavit of support under INA 212(a)(4)(D) is inapplicable.

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Special Immigrant (EB-4)- U.S. Armed Forces Personnel ¹² INA 101(a)(27)(K)	Yes, per INA 212(a)(4)	Not Applicable ¹³
Special Immigrant - International Broadcasters ¹⁴ INA 101(a)(27)(M) ; 8 CFR 204.13	Yes, per INA 212(a)(4)	Not Applicable ¹⁵
Special Immigrant (EB-4) - Special immigrant interpreters who are nationals of Iraq or Afghanistan ¹⁶	No. Section 1059(a)(2) of the National Defense Authorization Act for Fiscal Year 2006, as amended, Pub. L. 109–163 (January 6, 2006), Section 1244(a)(3) of the National Defense Authorization Act for Fiscal Year 2008, as amended, Pub. L. 110–181 (January 28, 2008) Section 602(b) of the Afghan Allies Protection	Exempt. Section 602(b)(9) of the Afghan Allies Protection Act of 2009, Title VI of Pub. L. 111-8, 123 Stat. 807, 809 (March 11, 2009) which states that INA 245(c)(2), INA 245(c)(7), and INA 245(c)(8) do not apply to special immigrant Iraq and Afghan nationals who were

¹² Includes the following categories: SM-6 U.S. armed forces personnel, service (12 years) after 10/1/91 SM-9 U.S. armed forces personnel, service (12 years) by 10/91; SM-7 Spouses of SM-1 or SM-6; SM-0 Spouses or children of SM-4 or SM-9; SM-8 Children of SM-1 or SM-6.

¹³ For this category, although the applicants are subject to public charge under [INA 212\(a\)\(4\)](#), the employers would generally not be a relative of the noncitizen or a for-profit entity and therefore the requirements for an affidavit of support under INA 212(a)(4)(D) is inapplicable.

¹⁴ Includes the following categories: BC-6 Broadcast (IBCG of BBG) employees; BC-7 Spouses of BC-1 or BC-6; BC-8 Children of BC-6.

¹⁵ For this category, although the applicants are subject to public charge under [INA 212\(a\)\(4\)](#), the employers would generally not be a relative of the noncitizen or a for-profit entity and therefore the requirements for an affidavit of support under INA 212(a)(4)(D) is inapplicable.

¹⁶ Includes the following categories: SI-6 Special immigrant interpreters who are nationals of Iraq or Afghanistan; SI-6, SI-7, SI-8 - spouse and child of SI-6; SQ-6 Certain Iraqis and Afghans employed by U.S. Government SQ-6, SQ-7, SQ-8 Spouses and children of SQ-6; SI-6 Special immigrant interpreters who are nationals of Iraq or Afghanistan; SI-7 Spouses of SI-1 or SI-6; SI-8 Children of SI-1 or SI-6.

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	Act of 2009, as amended, Pub. L. 111-8 (March 11, 2009)	employed by or on behalf of the U.S. government (for Section 602(b) and 1244 adjustment applicants who were either paroled into the United States or admitted as nonimmigrants). See Section 1(c) of Pub. L. 110-36, 121 Stat. 227, 227 (June 15, 2007), which amended Section 1059(d) of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109-163, 119 Stat. 3136, 3444 (January 6, 2006) to state that INA 245(c)(2), INA 245(c)(7), and INA 245(c)(8) do not apply to Iraq or Afghan translator adjustment applicants.