

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

PRUCOL

Description: **PRUCOL** is an acronym for persons Permanently Residing Under Color Of Law. The federal immigration agency does not determine whether an alien is PRUCOL and does not grant PRUCOL status. This is because PRUCOL is not a federal immigration status. Rather, PRUCOL is a public benefits eligibility status. Immigrants who are PRUCOL for Medicaid eligibility purposes and who may be eligible for Medicaid are any immigrants who are **permanently residing in the United States with the knowledge and permission or acquiescence** of the federal immigration agency and whose departure from the United States the federal immigration agency does not contemplate enforcing.

The United States Citizenship and Immigration Services (USCIS) (formerly the Immigration and Naturalization Services [INS]), or Immigration and Customs Enforcement (ICE), under the umbrella of the Department of Homeland Security (DHS), and/or the Executive Office for Immigration Review (EOIR), under the Department of State, are collectively referred to in this document as “the federal immigration agency” or “agency”.

An immigrant will be considered as one whose departure the agency does not contemplate enforcing if:

- a. Based on all the facts and circumstances in that particular case, it appears that the federal immigration agency is otherwise permitting the immigrant to reside in the United States indefinitely; or
- b. It is the policy or practice of the federal immigration agency not to enforce the departure of immigrants in a particular category.

Policy: The Medicaid eligibility worker must determine whether the alien is PRUCOL based upon the documentation that the alien, or the alien’s representative, presents. An alien who establishes that he or she is PRUCOL is eligible for State Medicaid and FHPlus benefits if the alien meets the programs’ financial and other eligibility requirements, regardless of the date the immigrant entered the U.S. (*Aliessa v. Novello, 06/01*). *There is no longer a five-year waiting period.*

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Previously, Section 122 of the Social Services Law (SSL) provided an exception for certain PRUCOL immigrants who, on August 4, 1997, were residing in certain residential settings or who were diagnosed with AIDS and receiving Medicaid. Such individuals will continue to be provided Medicaid coverage to the extent they are otherwise eligible. The settings included are:

- Residential health care facilities licensed by the NYS Department of Health;
- Residential facilities licensed, operated or funded by the NYS Office of Mental Health (OMH), including psychiatric centers; residential treatment facilities; family care; community residences; teaching family homes; family based treatment; and residential care centers for adults; and
- Residential facilities licensed, operated or funded by the NYS Office of Mental Retardation and Developmental Disabilities (OMRDD), including: developmental centers and small residential units; intermediate care facilities for the developmentally disabled; family care; community residences; individual residential alternatives; and OMRDD certified schools for the mentally retarded.

References:	SSL Sect. 122 131-k
	Dept. Reg. 18 NYCRR §360-3.2(j)(1)(ii)
	ADM 04 OMM/ADM-7
	INFs 07 OHIP INF-2 08 OHIP INF-4
	GISs 01 MA/026 01 MA/030 01 MA/033 02 MA/002 02 MA/016 04 MA/002 04 MA/014

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Interpretation:

Some aliens are PRUCOL because the federal immigration agency has granted them a particular immigration status or relief. These aliens are permanently residing in the U.S. with the "knowledge and permission" of the federal agency. Examples include, but are not limited to, aliens paroled (admitted) into the U.S. for less than one year, aliens residing in the U.S. under an order of supervision, aliens granted an indefinite stay of deportation and aliens granted voluntary departure, deferred action or temporary protected status. A more complete list is included in the "Documentation Guide to Citizenship and Immigrant Eligibility for Health Coverage in New York State," pages 9-10, issued on March 26, 2008, as part of GIS 08 MA/009. Each of these aliens will have a form of documentation, as listed in this desk guide, issued by the federal immigration agency that shows that the agency has granted the alien a particular status or relief.

Other aliens may be PRUCOL because they have applied for or otherwise requested a particular immigration status or relief from removal and are awaiting the federal immigration agency's decision. The federal agency has received their application or request for relief and has not yet approved or denied the request. Under certain circumstances, and as further explained in this document, these aliens are PRUCOL pending the federal agency's determination. Until the agency has adjudicated the application or request, these aliens are residing in the U.S. with the "knowledge and acquiescence" of the federal immigration agency.

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Verification: PRUCOL CATEGORIES

- a. Immigrants **Paroled** into the United States pursuant to Section 212 (d)(5) of the Immigration and Nationality Act (INA) showing status for less than one year, except Cuban/Haitian entrants.
 - (1) Immigrants in this category are admitted to the United States for similar reasons as a refugee, i.e. humanitarian. However, this category, unlike refugee, does not grant legal residence status.
 - (2) Parole status allows the immigrant temporary status until a USCIS determination of his/her admissibility has been made, at which time another status may be granted.
 - (3) Immigrants in this category will have an Arrival/Departure Record (Form I-94) indicating that the bearer has been paroled pursuant to Section 212 (d)(5) of the INA. Possession of a properly annotated Form I-94 constitutes evidence of permanent residence in the U.S. under color of law, regardless of the date the Form I-94 is annotated.
- b. Immigrants residing in the United States pursuant to an **Order of Supervision**.
 - (1) Immigrants in this category have been found deportable; however, certain factors exist which make it unlikely that the federal immigration agency would be able to remove the immigrant. Such factors include age, physical condition, humanitarian concerns, and the availability of a country to accept the deportee.
 - (2) Immigrants in this category are required to report to USCIS periodically; if the factors preventing deportation are eliminated one of the federal immigration agencies will initiate action to remove the immigrant.
 - (3) Immigrants in this category will have USCIS Form I-94 or I-120B.
- c. Deportable immigrants residing in the United States pursuant to an **Indefinite Stay of Deportation**.
 - (1) Immigrants in this category have been found to be deportable, but the federal immigration agency may defer deportation indefinitely due to humanitarian reasons.

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- (2) Immigrants in this category will have a letter and/or a Form I-94 showing that the immigrant has been granted an indefinite stay of deportation.
- d. Immigrants residing in the United States pursuant to an **Indefinite Voluntary Departure**.
- (1) Immigrants in this category will have a letter and/or Form I-94 indicating that the immigrant has been granted voluntary departure for an indefinite time period.
- e. Immigrants in this category on whose behalf an **Immediate Relative Petition** (Form I-130) has been approved and their families covered by the petition, who are entitled to voluntary departure and whose departure the agency does not contemplate enforcing.

NOTE: An immediate relative for USCIS purposes is: husband, wife, father, mother, or child (unmarried and under age 21).

- (1) Immigrants in this category are the immediate relatives of a United States citizen or lawful permanent resident (LPR) and have had filed on their behalf a Form I-130 petition for issuance of an immigrant visa.
- (2) If this petition has been approved, a visa will be prepared, which will allow the alien to remain in the United States permanently.
- (3) Immigrants in this category may have a Form I-94 and/or Voluntary Departure Letter (I-210 Letter). These documents, or others, indicate that the immigrant is to depart on a specified date (usually 3 months from date of issue); however, USCIS expects the immigrant's visa to be available within this time. If it is not, extensions may be granted until the visa is ready.

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- f. Immigrants who have filed applications for **Adjustment of Status** pursuant to section 245 of the INA that USCIS has accepted as “properly filed” or has granted and whose departure the agency does not contemplate enforcing.
- (1) Immigrants in this category have filed for lawful permanent resident status.
 - (2) Immigrants in this category may have Form I-94 or Memorandum of Creation of Record of Lawful Permanent Residence (Form I-181). Form I-181 or their passports will be stamped with either of the following: “**Adjustment application**” or “**employment authorized during status as adjustment applicant.**”
- g. Immigrants granted **Stays of Deportation** by court order, statute or regulation, or by individual determination of the federal immigration agency pursuant to section 243 of the INA whose departure the agency does not contemplate enforcing.
- (1) Immigrants in this category have been found to be deportable, but the agency may defer deportation for a specified period of time due to humanitarian reasons.
 - (2) Immigrants in this category will have a letter or copy of the court order and/or a Form I-94.
- h. Immigrants granted **Voluntary Departure** pursuant to section 242(b) of the INA whose departure the agency does not contemplate enforcing.
- (1) Immigrants in this category are awaiting a visa.
 - (2) Such immigrants are provided Forms I-94 and/or Form I-210 which indicate a departure within 60 days. This may be extended if the visa is not ready within the time allotted.
- i. Immigrants granted Deferred Action Status pursuant to agency operating policy. Immigrants in this category will have a Form I-210 or a letter indicating that the immigrant’s departure has been deferred.

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- j. Immigrants who entered and have **Continuously Resided in the United States** since before January 1, 1972. Immigrants in this category are presumed by the federal immigration agency to meet certain criteria for lawful permanent residence. Obtain any documentary proof establishing entry and continuous residence.
- k. Immigrants granted **Suspension of Deportation** pursuant to section 244 of the INA whose departure the federal immigration agency does not contemplate enforcing.
- (1) Immigrants in this category have been found deportable, have met a period of continuous residence and have filed an application for the agency to suspend deportation, which has been granted.
 - (2) Immigrants in this category will have a letter/order from an immigration judge and a Form I-94 showing suspension of deportation granted. After lawful permanent residence is granted, the immigrant will have a Lawful Permanent Resident Card (Form I-551 "green card").
- l. Any other immigrant living in the U.S. with the **knowledge and permission or acquiescence** of the federal immigration agency and whose departure that agency does not contemplate enforcing.
- (1) Immigrants in this category may be in a status not listed above. But, based on a determination by one of the federal immigration agencies or documentation supplied by the immigrant or his or her representative that indicates the immigrant is present in the U.S. with the **knowledge of the federal immigration agency and with the permission or acquiescence of the agency**, local districts may find them to be PRUCOL. Examples include, but are not limited to:
 - Applicants for adjustment of status to Lawful Permanent Residence (LPR); asylum, suspension of deportation or cancellation of removal; or requesting deferred action; or
 - Deferred Enforced Departure (DED) due to conditions in their home country; or

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- Permanent non-immigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and the Marshall Islands); or
- Persons granted Temporary Protected Status (TPS); or
- Applicants for Temporary Protected Status; or
- Persons having a “K”, “V”, “S” or “U” visa.

DETERMINING PRUCOL STATUS

The following paragraphs describe the Department’s policy regarding the PRUCOL status of aliens who:

1. have filed official applications with the federal immigration agency, typically USCIS or EOIR, for a particular immigration status or to obtain other relief; or
2. have submitted letters or other correspondence to the federal immigration agency, typically ICE, for relief, such as deferred action, for which no official application form exists.

I. Applications filed on federal immigration agency forms

There are many types of immigration statuses or relief for which an alien may apply by submitting an official application to the federal immigration agency on its application forms. Examples include applications to USCIS for adjustment of status to that of a lawful permanent resident (Form I-485), asylum and withholding of removal (Form I-589), or temporary protected status (Form I-821). An alien in removal proceedings may also apply to EOIR for suspension of deportation (EOIR-40), cancellation of removal (EOIR-42A) and for certain other forms of relief. It is the Department’s understanding that the federal immigration agency generally confirms its receipt of an official application by issuing an I-797 Notice of Action.

It is the Department’s policy, as stated in 04 OMM/ADM-7, 07 OHIP/INF-2, and 08 OHIP/INF 4 that the alien is PRUCOL during the period of time that the federal agency is determining whether to approve the application by granting the requested immigration status or other relief. Local departments of social services should continue to follow the procedures described in these directives when the alien, or the alien’s representative, presents documentation that an application has been submitted to the federal immigration agency on the agency’s forms. In particular, the district should

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attempt to verify whether the application remains pending or whether the federal immigration agency has adjudicated the application by granting or denying the requested status or relief. There are a few ways that the district can verify the current status of an application. The alien may have an I-797 Notice of Action, employment authorization document or other federal immigration agency document that contains a 13 character receipt number. If so, the district worker can access the USCIS website at www.uscis.gov and follow the instructions for checking the case status online. This on-line search can confirm the accuracy of the information in the document as well as whether the agency has approved the request.

However, if the alien does not have a document with a receipt number, or the district worker does not have access to the USCIS website, the worker should send a Document Verification Request, Form G-845, (also known as a Systematic Alien Verification for Entitlements (SAVE) request) to USCIS. The worker should include copies of all documentation that the alien has submitted to, or received from, the federal immigration agency, and request that it verify the alien's current status. As a general rule, the district worker should also send a G-845 Document Verification Request when the documentation does not clearly indicate a particular immigration status, the alien has presented expired documents or the worker has reason to believe that the documentation may be questionable in any respect.

The Medicaid worker should find the alien to be PRUCOL if the alien's application remains pending with the federal immigration agency, not having yet been approved or denied, unless contradictory evidence indicates that the federal immigration agency is contemplating enforcing the alien's departure from the U.S.

The alien would be PRUCOL from the date that the federal immigration agency received the application. The I-797 Notice of Action indicates the date of receipt. If the alien does not have an I-797 Notice of Action, the date of receipt can be verified from a U.S. Postal Service return receipt, a "signature confirmation" or a "delivery confirmation."

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If the federal immigration agency denies the application or otherwise indicates that it is not permitting the alien to remain in the U.S., the alien is *not* PRUCOL. The alien would be eligible only for Medicaid coverage for the treatment of an emergency medical condition, if otherwise eligible.

II. Other letters or requests for relief from removal

There are various forms of relief from removal or deportation for which no formal application form or process exists. Two examples are deferred action and voluntary departure.

An alien whom the federal immigration agency would regard as illegal, and thus subject to removal, may still, under certain circumstances, be PRUCOL for purposes of eligibility for State Medicaid benefits and Family Health Plus (FHPlus).

DEFERRED ACTION/VOLUNTARY DEPARTURE

Deferred action is a form of relief that the Department of Homeland Security, in its' discretion, may afford to an otherwise removable alien whom DHS has decided not to prosecute for removal before the immigration courts, whether for humanitarian or administrative reasons. According to DHS estimates, the vast majority of cases in which deferred action is granted involve medical grounds. The former INS had operating instructions for making deferred action determinations under which the INS would consider the age or physical condition affecting an alien's ability to travel as well as the presence of sympathetic factors. Although the INS withdrew these operating instructions in 1997, deferred action continues to be available, according to DHS.

Voluntary departure permits an otherwise removable alien to depart the U.S. at his or her own expense, thus avoiding the stigma of being subjected to a removal proceeding. It is available both during and prior to removal proceedings. An alien may request voluntary departure to return to his or her home country or another country, if he or she can secure entry there.

Because no formal application process exists for these types of relief, the federal immigration agency might not timely respond to, or even acknowledge receipt of, the alien's letter requesting relief. Several months may pass before the agency responds to the informal request, if it responds at all. It is also

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more difficult for local departments of social services to verify the current status of the federal immigration agency's review of a request for deferred action or other relief made by letter rather than the current status of a formal application filed on official USCIS or EOIR application forms. However, an alien who has made a letter request for deferred action or other relief from removal may still be PRUCOL under certain circumstances.

Sections A through C of this document, which follow, present guidelines for local departments of social services to apply when determining the PRUCOL status of an otherwise removable alien who has requested, by informal letter, the federal immigration agency to grant relief from removal including, but not limited to, deferred action, voluntary departure or any other relief that may reasonably be construed as humanitarian relief.

A. Initial contact with the federal immigration agency

The letter or other correspondence to the federal immigration agency must clearly state the type of relief sought, which must be a recognized form of relief from removal or a recognized immigration status. The letter should summarize pertinent facts and circumstances of the alien's case that would support the granting of the relief. For example, if the alien is requesting deferred action or other humanitarian relief from removal based on the alien's medical condition, this information would include such factors as the following: date of birth and nationality; address in the U.S.; family ties in the U.S., if any; immigration history; criminal history, if any; and, in particular, the alien's current medical condition with a rationale for why the federal immigration agency should grant deferred action relief based on the alien's medical condition. If the alien is requesting voluntary departure, the alien must be capable of departing the U.S. if the federal immigration agency grants voluntary departure under the applicable federal regulations at 8 C.F.R. § 240.25 or § 1240.26. If the alien is represented by an attorney, the attorney should include an executed copy of the "Notice of Appearance as Attorney or Representative."

The alien, or the alien's representative, must present documentation sufficient to show that the letter was mailed to, and received by, the federal immigration agency. There is more than one way to establish mailing and receipt. A letter sent via the U.S. Postal Service by certified mail proves that the letter was mailed on a certain date. A certified letter, return receipt requested, is proof not only of mailing but also of receipt. A U.S. Postal Service "signature

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confirmation” or “delivery confirmation” also verifies receipt. In addition, a letter that is properly addressed, stamped and mailed by regular first-class mail is presumed to have been received, although this presumption can be rebutted.

B. Affording the federal immigration agency a “reasonable period of time” to adjudicate the request for relief

The alien is not considered PRUCOL immediately upon mailing of the initial letter requesting relief. Before the alien may be considered PRUCOL, the federal immigration agency must be afforded a “reasonable period of time” to consider and act upon the request. This is consistent with 04 OMM/ADM-7, in which the Department stated that an alien may be PRUCOL when the federal immigration agency, despite having been notified of the alien’s presence in the U.S., fails after “a reasonable period of time” to respond to the alien’s letter requesting relief or fails to take any action to enforce the alien’s departure from the U.S.

Under federal law, the federal immigration agency is required to conclude matters presented to it “within a reasonable time” (5 U.S.C. § 555). There is no hard and fast rule that defines a “reasonable time.” What is “reasonable” depends on all the facts and circumstances of a case. However, local departments of social services may consider that a “reasonable period of time” is six months. **This six-month period is measured from the date that the alien, or the alien’s representative, mailed to the federal immigration agency the initial letter requesting relief.**

C. Subsequent contacts with the federal immigration agency within the six-month period

A single letter or other piece of correspondence requesting relief from the federal immigration agency does not establish PRUCOL status. (An exception applies to applications to USCIS or EOIR that are filed on official application forms, as previously discussed.) It is reasonable to expect that any alien who has submitted a good faith request for relief to a federal immigration agency would take steps to follow-up on the status of the original request. The same principle applies here.

The Medicaid applicant, or the applicant’s representative, must make reasonable efforts to follow-up with the federal immigration agency on the status of the request for deferred action or other relief. These efforts to

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monitor the status of the initial request must occur during the six-month period that begins with the date that the alien, or the alien's representative, mailed to the federal immigration agency the initial letter requesting relief. If the applicant, or the applicant's representative, fails to make any effort to follow-up on the request within this period, this indicates that the request was not a "good faith" effort to seek relief.

This policy is consistent with court cases that have found otherwise removable aliens to be PRUCOL when the federal immigration agency was made aware on numerous occasions of the alien's presence in the U.S. but neither responded to the alien's letters nor took any action to enforce the alien's departure.

Applying these guidelines, local departments of social services should determine that the alien is PRUCOL when, based on all the facts and circumstances of the particular case, it appears that the federal immigration agency is acquiescing, at least for now, to the alien's presence in the U.S. Three examples of circumstances in which the local department of social services should conclude that federal acquiescence to the alien's presence exists, and the alien is thus PRUCOL, are illustrated below:

1. The federal immigration agency does not respond to the alien's initial or subsequent letters within six months after mailing and made no effort within that six-month period to enforce the alien's departure from the U.S.

In this example, the alien would be PRUCOL effective on the date that is six months after the alien, or the alien's representative, mailed the initial letter requesting relief provided that the alien, or the alien's representative, made reasonable and good faith efforts to follow-up on the status of the initial request during this six-month period. An exception applies if other evidence indicates that the federal immigration agency contemplates enforcing the alien's departure from the U.S.

2. The federal immigration agency responded to the alien's initial letter within six months after mailing by referring the matter to another entity and the entity to which the letter was referred did not respond within that same initial six-month period.

For example, ICE responded to the alien's initial letter within six months of the date it was mailed by referring the matter to another wing of the Department

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of Homeland Security, namely USCIS, and USCIS did not respond within that same initial six-month period.

In this example, the alien would be PRUCOL effective on the date that is six months after the alien, or the alien's representative, mailed the initial request that was then referred to another entity. This presumes, however, that the alien, or the alien's representative, made reasonable and good faith efforts to follow-up on the status of the request for relief during this six month period. Again, an exception applies if other evidence indicates that the federal immigration agency is contemplating enforcing the alien's departure from the U.S.

3. The federal immigration agency responds to the alien's initial letter within six months of mailing and the agency's response can be reasonably interpreted as indicating that the agency does not contemplate enforcing the alien's departure from the U.S. at this time.

In this example, the federal immigration agency *has* responded within six months after the alien, or the alien's representative, mailed the initial letter. If the agency had granted the alien's request for relief, the alien would be PRUCOL effective on the date of the agency's response. Although not granting the requested relief, also does not show that the agency intends to enforce the alien's departure from the U.S. For example, the federal immigration agency may have responded that the alien is not in any form of formal expulsion proceedings or is not under a final order of removal and that the agency is returning the request for deferred action or other relief without adjudicating the request; that is, without determining whether to grant or deny the requested relief. In that example, the alien would be PRUCOL effective on the date of the federal immigration agency's response.

NOTE: As a general rule, the Medicaid worker should determine that an alien is ***not*** PRUCOL when the federal immigration agency denies the alien's request for relief from removal or indicates that it is not permitting or acquiescing to the alien's continued presence in the U.S. or, from all the facts and circumstances of the particular case, it appears that the agency is contemplating enforcing the alien's departure from the U.S.

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For example, the federal agency might respond to an alien's letter seeking deferred action or other relief by stating that the alien has been placed in formal removal proceedings or is under a final order of removal. In that case, the alien is ***not*** PRUCOL and is eligible ***only*** for Medicaid coverage for the treatment of an emergency medical condition, if financially and otherwise eligible.

Also as a general rule, Medicaid applicants are responsible for providing information and documentation necessary to establish their eligibility for Medicaid. This obligation includes providing information and documentation necessary to establish eligibility for Medicaid as a PRUCOL alien. Among other factors, an applicant who asserts that the federal immigration agency has a policy or practice of not enforcing the departure of aliens in a particular category, and that he or she falls within that category, is responsible for establishing that the federal immigration agency has such a policy or practice.

The chart/desk aids that follows this section describes the documentation that a PRUCOL individual may present.

Category 3: Persons who are Permanently Residing in the U.S. Under Color of Law (PRUCOL)*

***PRUCOL is not an immigration status. PRUCOL is not granted by the federal immigration agency. PRUCOL is a public benefits eligibility category.**

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>a. Persons paroled into the U.S. for less than a year. (Non-citizens allowed to come into the U.S. without being granted admission.)</p>	<p>▶ I-94 Arrival/Departure Record with annotation "Paroled Pursuant to Section 212(d)(5)" of the INA or "parole" or "PIP"; ▶ I-688B Employment Authorization Card annotated 8 C.F.R. 274a.12(a)(4) or 274a.12(c)(11); or ▶ I-766 Employment Authorization Document annotated "A4" or "C11".</p>	T	NO	<p>Immigrants with or without work authorization are required to apply for a Social Security Number.</p> <p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2)</p> <p>Note: Pregnant women are excluded from this requirement.</p>
<p>b. Persons under an Order of Supervision. (Non-citizens who have been found deportable; however certain factors exist which make it unlikely that they will be deported.)</p>	<p>▶ I-94 Arrival/Departure Record annotated "Order of Supervision"; ▶ I-220B Order of Supervision; ▶ I-688B Employment Authorization Card annotated 8 C.F.R. 274a.12 (c)(18); or ▶ I-766 Employment Authorization Document annotated "C18".</p>	O	NO	
<p>c. Persons granted indefinite stay of deportation (Non-citizens who have been found deportable, but deportation is deferred indefinitely due to humanitarian reasons.)</p>	<p>▶ I-94 Arrival/Departure Record coded 106 "granted Indefinite Stay of Deportation"; or ▶ Letter/order from the immigration agency, immigration judge or a federal court granting indefinite stay of deportation.</p>	O	NO	
<p>d. Persons granted indefinite voluntary departure (Status that was granted before April, 1997 to non-citizens who have been found deportable, but deportation is deferred indefinitely due to humanitarian reasons.)</p>	<p>▶ I-94 Arrival/Departure Record or letter/order from the immigration agency or immigration judge granting voluntary departure for an indefinite time period.</p>	O	NO	
<p>e. Persons on whose behalf an immediate relative petition has been approved and family members covered by the petition. (Non-citizens who are immediate relatives (spouse, father, mother, or unmarried child under 21) of a U.S. citizen/LPR who has filed an I-130 Relative Petition on their behalf.)</p>	<p>▶ I-94 Arrival/Departure Record or I-210 indicating departure on a specified date, however, the USCIS expects the non-citizen's visa will be available within this time; or ▶ I-797 indicating I-130 Relative Petition has been approved.</p>	O	NO	

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Category 3: PRUCOL continued

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>f. Persons who have filed applications for adjustment of status to lawful permanent resident under Section 245 of the INA that the USCIS has accepted as “properly filed”. (Non-citizens who filed for legal permanent resident status.)</p>	<p>► I-94 Arrival/Departure Record or foreign passport with annotation “adjustment application” or “employment authorized during status as adjustment applicant”; ► I-688 Temporary Resident Card or I-688A Employment Authorization Card annotated “245A”; ► I-688B Employment Authorization Card annotated 8 C.F.R. 274a.12 (c)(22); or ► I-766 Employment Authorization Document annotated “C22”.</p>	<p>O</p>	<p>NO</p>	<p>Immigrants with or without work authorization are required to apply for a Social Security Number.</p>
<p>g. Persons granted stays of deportation (Non-citizens who have been found deportable, but the federal immigration agency may defer deportation for a specified period of time due to humanitarian reasons.)</p>	<p>► I-94 Arrival/Departure Record or letter/order from the immigration agency, immigration judge or court granting stay of deportation.</p>	<p>O</p>	<p>NO</p>	<p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2)</p>
<p>h. Persons granted voluntary departure under Section 242(b). (This section of the INA has been repealed.)</p>	<p>► I-797 Notice or form showing grant of extended voluntary departure; ► I-688B Employment Authorization Card annotated 274a.12(a)(11); or ► I-766 Employment Authorization Document annotated A11.</p>	<p>O</p>	<p>NO</p>	<p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2)</p>
<p>i. Persons granted deferred action status.</p>	<p>► I-797 or any document from the federal immigration agency granting deferred action status; ► I-688B Employment Authorization Card annotated 8 C.F.R 274a.12 (c)(14); or ► I-766 Employment Authorization Document annotated “C14”.</p>	<p>O</p>	<p>NO</p>	<p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2)</p>
<p>j. Persons who entered and continuously resided in the U.S. before January 1, 1972. (Non-citizens are presumed by the USCIS to meet certain criteria for legal permanent residence.)</p>	<p>► Any documentary proof establishing entry and continuous residence; or ► I-688B or I-766 coded 274a.12(c)(16) or C16; or ► I-797, letter/notice from the USCIS or court indicating registry application is pending.</p>	<p>O</p>	<p>NO</p>	<p>Note: Pregnant women are excluded from this requirement.</p>
<p>k. Persons granted suspension of deportation pursuant to Section 244 of the INA; the USCIS does not contemplate enforcing departure (Non-citizens in this category have been found deportable, have met a period of continuous residence and have filed an application for the USCIS to suspend deportation, which has been granted.)</p>	<p>► I-797, letter/notice from an immigration judge or court; and ► I-94 Arrival/Departure Record showing suspension of deportation granted. (After Lawful Permanent Residence is granted the person will have a “green Card” Form I-551).</p>	<p>O</p>	<p>NO</p>	<p>Note: Pregnant women are excluded from this requirement.</p>

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Category 3: PRUCOL continued

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>I. Other persons living in the U.S. with the knowledge and permission or acquiescence of the federal immigration agency and whose departure the agency does not contemplate enforcing: Examples include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ Applicants for adjustment of status to LPR¹, asylum², suspension of deportation or cancellation of removal³ or requesting deferred action; or ▶ Persons granted Deferred Enforced Departure (DED)⁴ due to conditions in their home country; or ▶ Permanent non-immigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and the Marshall Islands⁵; ▶ Persons granted Temporary Protected Status⁶; or ▶ Applicants for Temporary Protected Status⁷ (TPS); or ▶ Persons having a K, V, S or U Visa.⁸ 	<ul style="list-style-type: none"> ▶ I-94 Arrival/Departure Record coded K1, K2, K3, K4, V1, V2, or V3, U, or S; ▶ I-688B Employment Authorization Card annotated 8 C.F.R.274a.12(c)(9)¹, 274a.12(c)(8)², 274a.12(c)(10)³, 274a.12(a)(11)⁴, 274a.12(a)(8)⁵, 274a.12(a)(12)⁶ or 274a.12(c)(19)⁷, 274a.12(a)(9)⁸, 274a.12(a)(13)⁸, 274a.12(a)(15)⁸, 274a.12(c)(21)⁸, and 274a.12(c)(24)⁸ ▶ I-766 Employment Authorization Document annotated C9¹, C8², C10³, A11⁴, A8⁵, A12⁶, C19⁷, A9⁸, A13⁸, A15⁸, C21⁸ or C24⁸. ▶ I-797 indicating the USCIS has received an application or petition or request for change of status; or ▶ Postal Return Receipt addressed to the federal immigration agency* or a copy of a cancelled check to the federal immigration agency, and a copy of the application, petition or request submitted to the federal immigration agency. (* USCIS-United States Citizenship and Immigration Services; ICE-Immigration and Customs Enforcement; EOIR-Executive Office of Immigration Review.) 	<p>O</p>	<p>NO</p>	<p>Immigrants with or without work authorization are required to apply for a Social Security Number.</p> <p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2)</p> <p>Note: Pregnant women are excluded from this requirement</p>

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