

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

PRUCOL

- 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