

OTHER ELIGIBILITY REQUIREMENTS CITIZENSHIP AND IMMIGRATION STATUS

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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.

1. 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. However, the alien may still be PRUCOL if 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 desk aids that follow this section describe 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
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.)	<ul style="list-style-type: none"> ▶ 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". 	T	NO	Immigrants with or without work authorization are required to apply for a Social Security Number. 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)
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.)	<ul style="list-style-type: none"> ▶ 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". 	O	NO	
c. Persons granted indefinite stay of deportation (Non-citizens who have been found deportable, but deportation is deferred indefinitely due to humanitarian reasons.)	▶ 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.	O	NO	
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.)	▶ I-94 Arrival/Departure Record or letter/order from the immigration agency or immigration judge granting voluntary departure for an indefinite time period.	O	NO	
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.)	<ul style="list-style-type: none"> ▶ 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. 	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>	O	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>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>	O	NO	
<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>	O	NO	
<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>	O	NO	
<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>	O	NO	
<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>	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>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: ► 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</p>	<p>► 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>	<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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DOCUMENTATION GUIDE FOR PRUCOL ALIEN CATEGORIES rev. 09/15/08

PRUCOL: (Permanently Residing in the United States Under Color Of Law) are any aliens who are residing in the United States with the knowledge and permission or acquiescence of the federal immigration agency (formerly the Immigration and Naturalization Services [INS]), now the United States Citizenship and Immigration Services (U.S.C.I.S.), or the United States Immigration and Customs Enforcement (I.C.E) or the Executive Office of Immigration Review (EOIR) and whose departure from the United States the agency does not contemplate enforcing.

ALIEN CATEGORIES	GENERAL INFORMATION		DOCUMENTATION/FORMS
a) Aliens paroled into the United States pursuant to Section 212(d)(5) of the INA showing status for less than one year, except for Cuban/Haitian entrants.	Aliens in this category are admitted to the United States for similar reasons as a refugee, i.e., humanitarian. However, this category, unlike refugee status, does not grant legal residence status.	Parole status allows the alien temporary status until USCIS determination of his/her admissibility has been made; at which time another status may be granted.	Aliens in this category will have a 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) Aliens residing in the United States pursuant to an Order of Supervision.	Aliens 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 alien. Such factors include age, physical condition, humanitarian concerns, and the availability of a country to accept the deportee.	Aliens in this category are required to report to the federal immigration agency periodically; if the factors preventing deportation are eliminated, the agency will initiate action to remove the alien.	Aliens in this category will have an USCIS Form I-94 or I-220B.
c) Deportable aliens residing in the United States pursuant to an indefinite stay of deportation.	Aliens in this category have been found to be deportable, but the federal immigration agency may defer deportation indefinitely due to humanitarian reasons.		Aliens in this category will have a letter and/or FORM I-94 showing that the alien has been granted an indefinite stay of deportation.
d) Aliens residing in the United States pursuant to an indefinite voluntary departure.			Aliens in this category will have a letter and/or Form I-94 indicating that the alien has been granted departure for an indefinite time period.
e) Aliens on whose behalf an immediate relative petition has been approved and their families covered by the petition, who are entitled to voluntary departure and whose departure the federal immigration agency does not contemplate enforcing.	NOTE: An immediate relative for USCIS purposes is: husband, wife, father, mother, or child (unmarried and under 21). Aliens in this category are the immediate relatives of an American citizen/LPR and have had filed on their behalf a Form I-130 petition for issuance of an immigration visa.	If this petition has been approved, a visa will be prepared, which will allow the alien to remain in the United States permanently.	Aliens in this category may have a Form I-94 and/or I-210 letter. These documents, or others, indicate that the alien is to depart on a specified date (usually 3 months from date of issue), however, USCIS expects the alien'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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ALIEN CATEGORIES	GENERAL INFORMATION		DOCUMENTATION/FORMS
f) Aliens 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 federal immigration agency does not contemplate enforcing.	Aliens in this category have filed for lawful permanent resident status.		Aliens in this category may have Form I-94 or 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) Aliens granted stay 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 BCIS does not contemplate enforcing.	Aliens in this category have been found to be deportable, but the federal immigration agency may defer deportation for a specified period of time due to humanitarian reasons.		Aliens in this category will have a letter or copy of the court order and/or a Form I-94.
h) Aliens granted voluntary departure pursuant to Section 242(b) of the INA whose departure the federal immigration agency does not contemplate enforcing.	Aliens in this category are awaiting a visa.	NOTE: N/A SECTION 242 (b) OF THE INA HAS BEEN REPEALED	Such aliens are provided Forms I-94 and/or I-210 which indicate a departure within 60 days. This may be extended if the visa is not ready within the time allotted.
i) Aliens granted deferred action status pursuant to the federal immigration agency's operating policy.			Aliens in this category will have Form I-210 or a letter indicating that the alien's departure has been deferred.
j) Aliens who entered and have continuously resided in the United States since before January 1, 1972.	Aliens 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) Aliens granted suspension of deportation pursuant to Section 244 of the INA whose departure the federal Immigration agency does not contemplate enforcing.	Aliens in this category have been found deportable, have met a period of continuous residence and have filed an application for the federal immigration agency to suspend deportation, which has been granted.		Aliens 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 alien will have a Form I-551.

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ALIEN CATEGORIES	GENERAL INFORMATION		DOCUMENTATION/FORMS
<p>I) Any other aliens 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.</p>	<p>Aliens in this category may be in a status not listed above, but based on a determination by the federal immigration agency or documentation supplied by the alien or his or her representative that indicates the alien is present in the U.S. with the knowledge of the agency and with the permission or acquiescence of the agency, local districts may find them to be PRUCOL.</p>	<p>Examples include, but are not limited to:</p> <p>Applicants for adjustment of status to LPR, asylum, suspension of deportation or cancellation of removal or requesting deferred action; or Persons granted Deferred Enforced Departure (DED) due to conditions in their home country; or</p> <p>Permanent non-immigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and the Marshall Islands);</p> <p>Persons granted Temporary Protected Status; or Applicants for Temporary Protected Status (TPS); or Persons having a K, V, S or U Visa.</p>	<p>Aliens in this category may have: I-94 Arrival/Departure Record; or I-688B Employment Authorization Card; or</p> <p>I-766 Employment Authorization Document; or</p> <p>I-797 "Notice of Action" indicating the USCIS has received an application or petition or request for change of status; or a 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.</p> <p>(* USCIS-United States Citizenship and Immigration Services; ICE-Immigration and Customs Enforcement; EOIR-Executive Office of Immigration Review.)</p>