

**OTHER ELIGIBILITY REQUIREMENTS  
CITIZENSHIP AND IMMIGRATION STATUS**

**TEMPORARY PROTECTED STATUS (TPS)**

**Description:** “Temporary protected status (TPS)” is a temporary immigration status granted under federal law at 8 U.S.C. 1254a to aliens who are physically present in the United States and who are from certain countries designated by the U.S. Secretary of Homeland Security as unsafe to accept their return because of ongoing environmental disasters or other extraordinary and temporary conditions. At present, the following countries have TPS designation: Angola, Burundi, El Salvador, Honduras, Liberia, Montserrat, Nicaragua, Sierra Leone, Somalia, and Sudan. [A list of countries designated for TPS is located at the United States Citizenship and Immigration Services’ (USCIS) (formerly the Immigration and Naturalization Service-INS), website, at: <http://www.uscis.gov>]

**Policy:** Immigrants who have been granted Temporary Protected Status (“TPS”) may be eligible for Medicaid, Family Health Plus (FHP) or Child Health Plus (CHPlus) based on their status as permanently residing in the United States under color of law (PRUCOL), if they meet such programs’ requirements.

Immigrants who have applied for TPS may also be considered to be PRUCOL and may thus be eligible for Medicaid, Family Health Plus or Child Health Plus, if otherwise eligible.

**References:**

ADMs	04 ADM-7
GISs	08 MA/009

**Interpretation:** Immigrants Granted Temporary Protected Status (TPS): These immigrants should be treated as PRUCOL for purposes of their eligibility for Medicaid, FHP or CHPlus “Persons granted TPS are authorized to remain in the United States for a specific limited period; the U. S. Secretary of Homeland Security can extend it for a further specified period. Prior to 1990, a similar status called “Extended Voluntary Departure” was used in the same way to provide relief to particular nationalities.

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Immigrants who have been granted TPS will have the following documentation:

- Form I-688B; or
- Form I-766 EAD coded 274a.12(a) (12) or A12; or
- A letter, verification or correspondence from USCIS, such as a Notice of Action (I-797) indicating temporary protected status has been granted.

**Immigrants who have *applied* for Temporary Protected Status (TPS):** These immigrants should be treated as PRUCOL for purposes of their eligibility for Medicaid, Family Health Plus or Child Health Plus if it reasonably appears, based on all the facts and circumstances of the case, that they are present in the United States with the **knowledge** and **permission** or the acquiescence of the federal immigration agency and that such agency is not presently contemplating deporting them. Social services districts should request proof from the immigrant that he or she filed the Application for Temporary Protected Status (Form I-821) and the Application for Employment Authorization (Form I-765) to the USCIS or its predecessor, the INS. For example, the immigrant may have a receipt or letter from the federal immigration agency that shows that such agency received these documents. However, the immigrant does not need to have written confirmation from the federal immigration agency acknowledging its receipt of these documents. An immigrant can be considered PRUCOL if the immigrant can prove that he or she mailed these documents to the federal immigration agency on a certain date. When the federal immigration agency has not acted on the application after a reasonable period of time after mailing, the district may reasonably presume that the applicant is PRUCOL.

**Documentation:** Immigrants applying for temporary protected status will have one of the following types of documentation:

- Receipt or notice showing filing of Form I-821 (Application for Temporary Protected Status) and Form I-765 (Application for Employment Authorization); or
- Form I-688B; or
- Form I-766 EAD codes 274a.12 (c) (19) or C19; or
- Any letter, verification or correspondence from USCIS or a U.S. Postal Return Receipt.

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**Category 3: Persons who are Permanently Residing Under Color of Law (PRUCOL)\***

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

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 USCIS and whose departure the USCIS does not contemplate enforcing: Examples include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▶ Applicants for adjustment of status to LPR<sup>1</sup>, asylum<sup>2</sup>, suspension of deportation or cancellation of removal<sup>3</sup> or requesting deferred action; or</li> <li>▶ Persons granted Deferred Enforced Departure (DED)<sup>4</sup> due to conditions in their home country; or</li> <li>▶ Permanent non-immigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and the Marshall Islands<sup>5</sup>);</li> <li>▶ Persons granted Temporary Protected Status<sup>6</sup>; or</li> <li>▶ Applicants for Temporary Protected Status<sup>7</sup> (TPS); or</li> <li>▶ Persons having a K, V, S or U visa.<sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>▶ I-94 Arrival/Departure Record coded K1, K2, K3, K4, V1, V2, or V3, T, U, or S;</li> <li>▶ I-688B Employment Authorization Card annotated 8 C.F.R.274a.12(c)(9)<sup>1</sup>, 274a.12(c)(8)<sup>2</sup>, 274a.12(c)(10)<sup>3</sup>, 274a.12(a)(11)<sup>4</sup>, 274a.12(a)(8)<sup>5</sup>, 274a.12(a)(12)<sup>6</sup> or 274a.12(c)(19)<sup>7</sup>, 274a.12(a)(9)<sup>8</sup>, 274a.12(a)(13)<sup>8</sup>, 274a.12(a)(15)<sup>8</sup>, 274a.12(c)(21)<sup>8</sup>, and 274a.12(c)(24)<sup>8</sup></li> <li>▶ I-766 Employment Authorization Document annotated C9<sup>1</sup>, C8<sup>2</sup>, C10<sup>3</sup>, A11<sup>4</sup>, A8<sup>5</sup>, A12<sup>6</sup>, or C19<sup>7</sup>, or A9<sup>8</sup>, A13<sup>8</sup>, A15<sup>8</sup>, C21<sup>8</sup> and C24<sup>8</sup>.</li> <li>▶ I-797 indicating the USCIS has received an application or petition or request for change of status; or</li> <li>▶ Postal Return Receipt addressed to 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.</li> </ul> <p>(* 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>