

An Advocate's Desk Guide to Non-Citizen Eligibility for MassHealth

This Desk Guide is an advocacy tool prepared by the Massachusetts Law Reform Institute. It has been reviewed by MassHealth and to the best of our knowledge accurately reflects MassHealth policy. If you spot errors or have questions about the use of the Desk Guide please email Vicky Pulos at vpulos@mlri.org

Revised 2007

**Group 1: Certain Legal Permanent Residents and Persons Granted Parole Status
Eligible for MassHealth Standard, Commonwealth Care, and All Other Coverage Types**

Non-citizen status	Sample Proof	
<p>Legal permanent resident (LPR)</p> <p align="center">OR</p> <p>Person granted parole for at least one year</p>	<ul style="list-style-type: none"> • Permanent resident card (“green card,” but it’s not green) (Form I-551) • Reentry permit (Form I-327) • Foreign passport stamped LPR or I-551 • Arrival/Departure card (Form I-94) referencing I-551 • Memorandum of Creation of Record of LPR (Form I-181) • Order of USCIS, immigration judge, Board of Immigration Appeals or court granting suspension of deportation, cancellation of removal, or other documentary proof <ul style="list-style-type: none"> • Form I-94 showing “parolee” or PIP or 212(d)(5) with “date admitted to” at least one year from entry date • Employment authorization card (From I-688B or I-766 EAD) with code such as 274a12(a)(4), A4, 274a.12(c)(11), C11 or other documentary proof <p>Cubans or Haitians with parole status are Cuban/Haitian entrants, see Group 2</p>	
Additional eligibility conditions	Sample Proof	Notes
<p>LPR and/or parole status for 5 or more years</p> <p align="center">OR</p> <p>Continuously present in U.S. since before 8/22/96 until date LPR or parole status obtained Temporary absence of up to 30 consecutive days does not negate continuous presence</p> <p align="center">OR</p> <p>Previously was refugee or fleeing persecution</p> <p align="center">OR</p> <p>Domestic violence survivor</p> <p align="center">OR</p> <p>Veteran/military member or family</p>	<ul style="list-style-type: none"> • Documents showing LPR or parole status was obtained 5 or more years ago • Self-declaration of entry date before 8/22/96 on MBR or MHA <p>See Group 2</p> <p>See Group 3</p> <p>See Group 3</p>	<p>Entry before 8/22/1996 can be with or without status. Applicants claiming entry earlier than date on green card, must list earlier date and may need to check to assure earlier date was not overlooked.</p>

Group 2: Refugees and Other Non-citizens Who Fled Persecution or Are Treated Like Refugees Eligible for MassHealth Standard and All Other Coverage Types

Non-citizen status	Sample Proof	Notes
<p>Refugee (includes person with previous status as refugee who is now LPR¹ or parolee)</p> <p align="center">OR</p> <p>Asylum granted (includes person previously granted asylum who is now LPR or parolee)</p> <p align="center">OR</p> <p>Person granted withholding of deportation or removal (includes person previously granted withholding of deportation or removal who is now LPR or parolee)</p> <p align="center">OR</p> <p>Vietnamese Amerasian who is now LPR</p> <p align="center">OR</p>	<ul style="list-style-type: none"> • Form I-94 or foreign passport stamped “refugee” or “§ 207” or codes RE1 to RE5 • Employment Authorization Card I-688B or I-766 EAD with code such as 274a.12(a)(3) or A3 • Refugee travel document (I-571) • Permanent Resident card with code such as R8-6, RE-6, RE-7, RE-8, RE-9 • Other documentary proof <ul style="list-style-type: none"> • Form I-94 or foreign passport stamped “asylee” or “§ 208” or codes AS1 to AS3 • Order of UCIS, immigration judge, Board of Immigration Appeals, or court granting asylum • Employment Authorization Card I-688B or I-766 EAD with code such as 274a.12(a)(5) or A5 • Refugee travel document (I-571) • Permanent Resident card with code such as AS-6, AS-7, AS-8, GA6 to GA8 • Other documentary proof <ul style="list-style-type: none"> • Form I-94 or foreign passport stamped “§ 243(h)” or “§ 241(b)(3) • Order of UCIS, immigration judge, Board of Immig. Appeals, or court granting withholding of deportation or removal • Employment Authorization Card I-688B or I-766 EAD with code such as 274a.12(a)(10) or A10 • Refugee travel document (I-571) • Other documentary proof <ul style="list-style-type: none"> • I-94 with codes AM-1 to AM3 • Proof of LPR status with code such as Am-6, AM-7, or AM-8 • Other documentary proof 	<p>Watch out that eligible refugees don’t lose coverage at renewal after obtaining a green card.</p> <p>Afghani/Iraqi special immigrants are treated as refugees for first 6/8 months & thereafter as PRUCOL or LPR; verify by SI-1,2,3 on I-94 or foreign passport or SI 6,7,9 on green card</p>
<p>Cuban/Haitian entrant (includes person who previously had parole or other Cuban-Haitian Entrant status who is now LPR)</p>	<p>Cuban or Haitian with:</p> <ul style="list-style-type: none"> • Form I-94 with notation “Cuban/Haitian entrant,” “parole” or “OOE” or “Outstanding Orders of Exclusion” • Documents showing pending asylum application (Form I-589) • Documents showing pending removal proceedings (with no final order) • Employment Authorization Card I-688B or I-766 EAD with code such as 247a.12(c)(8) or C8 (pending asylum) or 247a.12 (a)(4) or (c)(11) or A4 or C11 (parole) or 247a.12(c)(18) or C18 (under orders of supervision) • Permanent Resident card with code such as NC-6 to NC-9; HA-6 to HA -9, HB-6 to HB-9, HC-6 toHC-9, HD-6 to HD-9, HE-6 to HE -9; CUP, CU0, CU-6 to CU-9, CNP or CH6 • Status granted under § 501(e) or § 212(d)(5) • Other documentary proof 	<p>The code on the green card will not necessarily show a prior parole status; additional documentation must be submitted.</p>

¹ Legal Permanent Resident (LPR)

**Group 3: Domestic Violence Victims, Veterans and Current Military Members and their Families,
Victims of Trafficking, and Native Americans
Eligible for MassHealth Standard and All Other Coverage Types**

Non-citizen status	Sample Proof	Notes
<p>Domestic abuse victim (alien or unmarried dependent child subjected to battery or extreme cruelty by spouse, parent sponsor, or member of family group and no longer living in same family group as batterer)</p> <p align="center">OR</p> <p>Veteran of U.S. military (with honorable discharge); or Served under U.S. command in WWII (Filipino); or Vietnam (Hmong & Highland Lao); or Currently on active duty</p> <p align="center">OR</p> <p>Family member of veteran or active duty personnel (spouse, unremarried widow or widower, or dependnt)</p> <p align="center">OR</p> <p>Victim of severe form of trafficking in persons (victim or witness to exploitation or abuse such as sex trafficking or slavery)</p> <p align="center">OR</p> <p>Native American non-citizen</p> <ul style="list-style-type: none"> • federally recognized tribal members • other tribal member born in Canada 	<ul style="list-style-type: none"> • Self-declaration by checking appropriate box on MBR (Supplement D) or MHA • Self-declaration by checking appropriate box on MBR (Supplement D) or MHA • Self-declaration by checking appropriate box on MBR (Supplement D) or MHA • Certification by US Dep't of HHS (Office of Refugee Resettlement) that a person is assisting in investigation of severe form of trafficking • I-94 card with code such as T-1 or T-2 • Employment Authorization Card I-688B or I-766 EAD with code such as 247a.12(a)(16) or A16, 274a.12(c)(25), C25 • Other documentary proof • Tribal document • Canadian birth certificate • Permanent resident card coded S-13 • Canadian passport with I-551 stamp • Other documentary proof 	<p>Watch out that eligible individuals don't lose coverage at renewal after obtaining a green card</p> <p>Consult an immigration lawyer about whether an undocumented person subject to sex trafficking or forced labor who is not yet certified can get protection as a trafficking victim.</p>

**Group 4: Persons Eligible for MassHealth Standard or CommonHealth
Based on Situation on July 1, 1997**

Non-citizen status	Sample Proof	Notes
<p>Person who does not have any of the statuses in Groups 1 through 3 who was receiving MassHealth or CommonHealth since June 30, 1997, was in a nursing home on June 30, 1997, or had an application pending for long term care on July 1, 1997</p> <ul style="list-style-type: none"> • LPRs/parolees subject to 5-year bar • Person residing under color of law (PRUCOL) 	<p>No proof of noncitizen status needed</p>	<p>Watch out that protected status is not lost at renewal</p>

**Group 5: Legal Permanent Resident or PRUCOL Children
Eligible for MassHealth Family Assistance or CommonHealth**

Non-citizen status	Sample Proof	Notes
<p>Child under age 19 who does not have any of the statuses in Groups 1 through 4</p> <ul style="list-style-type: none"> • LPRs/parolees who are subject to 5-year bar • Person residing in the U.S. under color of law (PRUCOL) 	<ul style="list-style-type: none"> • Proof of LPR or Parole Status • Any documentation from immigration official or other authoritative source showing that child is known by immigration officials to be residing in US and is not at risk of deportation. See PRUCOL chart below for examples. 	<p>For LPR or Parole, status should be automatically upgraded 5 years from date status obtained</p>

**Group 6: Legal Permanent Resident or PRUCOL Adults
Eligible for MassHealth Essential if Elderly or Disabled**

Non-citizen status	Sample Proof	Notes
<p>Adults age 65 or older or under 65 and determined disabled who do not have any of the statuses in Groups 1 through 4</p> <ul style="list-style-type: none"> • LPRs/parolees who are subject to 5-year bar • Person residing under color of law (PRUCOL) 	<ul style="list-style-type: none"> • Proof of LPR or Parole Status • Any documentation from immigration official or other authoritative source showing that person is known by immigration officials to be residing in US and is not at risk of deportation. See PRUCOL chart below for examples. 	

**Group 7: Legal Permanent Resident or PRUCOL Adults
Eligible for Commonwealth Care**

Non-citizen status	Sample Proof	Notes
<p>Adults who do not have any status in Groups 1-6 above and who are-</p> <ul style="list-style-type: none"> • LPRs/parolees who are subject to 5-year bar • Person residing under color of law (PRUCOL) 	<ul style="list-style-type: none"> • Proof of LPR or Parole Status • Any documentation from immigration official or other authoritative source showing that person is known by immigration officials to be residing in US and is not at risk of deportation. See PRUCOL chart below for examples. 	

**Group 8: Persons Eligible Only for MassHealth Limited, Healthy Start, CMSP or
Free Care/Uncompensated Care Pool/Health Safety Net**

Non-citizen status	Sample Proof	Notes
<p>Person (adult or child) who does not have any of the statuses in Groups 1 through 7</p> <ul style="list-style-type: none"> • Person who submits no documentation • Mass. resident with visitor's visa like B-1 or B-2 tourist visa* 	<p>No proof of status needed for MassHealth Limited, Healthy Start, CMSP or Free Care/Uncompensated Care Pool</p>	

* An individual with a valid non-immigrant visa should be referred to an immigration advocate for advice about possible consequences of applying for benefits as a Massachusetts resident.

Attachments:

1. Key to Employment Authorization Documents
2. Examples of Permanently Residing Under Color of Law (PRUCOL)
3. Key to Codes on Permanent Resident Card (I-551)
4. Key to Codes on Arrival/Departure Card (I-94)
5. Other documents

MassHealth regulations and eligibility operations memos, See, www.Mass.gov/masshealth 130 CMR 504.002; 518.002
 MassHealth Advocacy Guide, 2006 edition, (MLRI and MCLE Boston MA) See, www.Masslegalservices.org
 Guide to Immigrant Eligibility for Federal Programs, 4th edition, (National Immigration Law Center) See, www.nilc.org
 Information from the Massachusetts Immigrant and Refugee Advocacy (MIRA) Coalition: See, www.miracoalition.org
 Information from the U.S. Citizenship and Immigration Service (formerly part of INS) See, www.uscis.gov