



**Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Office of Medicaid**  
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**Eligibility Operations Memo 22-03**  
**February 2022**

TO: MassHealth Eligibility Operations Staff  
FROM: Heather Rossi, Director of Eligibility Policy  
RE: **Eligibility Rules for Cuban and Haitian Entrants**

### **Introduction**

This Eligibility Operations Memo clarifies the eligibility rules for Cuban/Haitian Entrants.

### **Background**

Cuban/Haitian entrants are defined as certain nationals of Cuba and Haiti who have permission to reside in the U.S. based on humanitarian considerations or under special laws that apply to them. For MassHealth eligibility, these individuals are considered Qualified Non-Citizens.

- Not every national of Cuba or Haiti is a Cuban /Haitian entrant.
- The Cuban/ Haitian entrant categories are defined in 501 (e) of Refugee Education Assistance Act (REAA).

In some circumstances, the children of Haitian nationals are born in another country, prior to entering the United States. MassHealth has clarified that the children of these nationals would be considered Haitian nationals as well, and thus eligible for Haitian Entrant status if they satisfy the criteria for Haitian status described in this EOM. This clarification does not apply to the children of Cuban nationals born abroad at this time.

### **Examples**

Examples of Cuban/Haitian nationals who qualify as Cuban/Haitian entrants are individuals who

- were paroled into the U.S. or were granted parole status as a Cuban/Haitian entrant (status pending) on or after October 10, 1980, regardless of any later changes in status at the time of assistance. However, an individual paroled into the custody of law enforcement or prosecutorial authorities for criminal prosecution, or solely to testify as a witness, does not qualify under this bullet. (An individual paroled before this date may still qualify. MEC staff should have their MEC designee contact the policy hotline if such a case arises.);

**Eligibility Operations Memo 22-03**  
**February 2022**  
**Page 2**

- were paroled into the US regardless of whether paroled for prosecution, deferred inspection, or pending removal proceedings and have not acquired any other status under the Immigration and Nationality Act (INA) and there is no indication that the non-citizen is subject to a final, non-appealable, legally enforceable order of removal;
- have an asylum application pending and there is no indication that the non-citizen is subject to a final, non-appealable, legally enforceable order of removal;
- are currently in removal proceedings and there is no indication the non-citizen is subject to a final, non-appealable, legally enforceable order of removal; or
- are legal permanent residents who obtained permanent status under one of the following laws:
  - The Cuban Adjustment Act (CAA);
  - The Nicaragua Adjustment and Central American Relief Act (NACARA);
  - The Haitian Refugee Immigration Fairness Act (HRIFA); or
  - Special immigrant juveniles (who are deemed paroled).

Examples of Cubans or Haitians who are not Cuban/Haitian entrants

- Cuban or Haitian visitors or tourists with a B-1 or B-2 visa
- Cubans or Haitians who entered the U.S. as legal permanent residents and were sponsored by a family member or an employer
- Cubans or Haitians who were released from DHS at the border with an I-385 “Alien Booking Record”, and the I-385 and any additional paperwork provided by DHS, or the United States Citizenship and Immigration Services (USCIS) does not indicate parole status, application for asylum or removal proceedings.

### **Coverage Types for Cuban/Haitian Entrants**

For MassHealth purposes, a Cuban/Haitian entrant is considered a Qualified Non-Citizen

**Such entrants may qualify for**

- MassHealth Standard
- MassHealth CommonHealth
- MassHealth Family Assistance
- MassHealth Care Plus
- MassHealth Buy-In
- MassHealth Senior Buy-In
- Children’s Medical Security Plan (CMSP)
- Health Safety Net (HSN)

If the applicant or member’s immigration status cannot be verified by a trusted data source, the applicant or member will have to provide documentation of their status.

**Acceptable Documentation for Cuban/Haitian Entrant Status and the Most Common Codes for Cuban/Haitian Entrants**

Applicants or members may need to supply documentation that they are nationals of Cuba or Haiti, along with documentation showing they have a Cuban/ Haitian entrant status. Often the same document will show both that someone is from Cuba or Haiti and their status.

<b>Document Type</b>	<b>“Provision of Law” or “Category” Code</b>	<b>Status</b>
Legal Permanent Resident (LPR) Card (I-551)	CH-6	Cuban Haitian entrant
Legal Permanent Resident (LPR) Card (I-551)	CU-0, CU-6, CU-7, CU-8, CU-9, CU-P, or CN-P	Adjustment to LPR status under Cuban Adjustment Act (CAA)
Legal Permanent Resident (LPR) Card (I-551)	NC-6, NC -7, NC -8, or NC -9	Adjustment to LPR status under Nicaragua Adjustment and Central American Relief Act (NACARA)
Legal Permanent Resident (LPR) Card (I-551)	HA-6, HB-6, HC-6, HD-6, HE-6, HA-7, HB-7, HC-7, HD-7, HE-7, HA-8, HB-8,) HC-8, HD-8, HE-8, HA-9, HB-9, HC-9, HD-9, or HE-9	Adjustment to LPR status under Haitian Refugee Immigration Fairness Act(HRIFA)
Legal Permanent Resident (LPR) Card (I-551)	SL-1 or SL-6	Special Immigrant Juveniles
Employment Authorization Card (I-766)	274a12(a)(4), A4 or A04	Paroled
Employment Authorization Card (I-766)	274a12(c)(8) or C8	Applicant for asylum
Employment Authorization Card (I-766)	274a12(c)(11) or C11	Parole
Employment Authorization Card (I-766)	274a12(c)(18) or C18	Under orders of supervision

**Eligibility Operations Memo 22-03**  
**February 2022**  
**Page 4**

Document Type	“Provision of Law” or “Category” Code	Status
I-94 Arrival/Departure Record or Passport	8 C.F.R. 212.12(b), 241.13, 241.14	Paroled
I-94 Arrival/Departure Record or Passport	Cuban Haitian entrant	Cuban Haitian entrant
I-94 Arrival/Departure Record or Passport	212(d)(5); PIP; or parole	Paroled
I-94 Arrival/Departure Record or Passport	“OOE” or “Outstanding Order of Exclusion”	In removal proceedings
I-385 (Alien Booking Record)	Parole Notated	Paroled

**OTHER ACCEPTABLE PROOF:**

- Form I-589 (receipt for filing asylum application);
- Documents showing pending removal proceedings with no final, non-appealable, enforceable order

*Examples include:*

- Form I-220a (Order of Release on Recognizance);
- Form I-220b (Order of supervision);
- Form I-221 (Order to show cause & notice of hearing);
- Form I-221S (Order to show cause, notice of hearing, and warrant for arrest)
- Form I-122 (Notice to applicant detained for a hearing);
- Form I-862 (Notice to appear);

Any other Immigration Documentation from USCIS, Immigration Judge, Board of Immigration Appeals, federal court, or other authoritative source showing status under § 501(e) of REAA).

Proof of Cuban or Haitian Nationality (if not otherwise evident from immigration status documents)

*Examples include:*

- Current or expired passport from Cuba or Haiti
- Any document or returned data from DHS or federal hub that confirms nationality or Haitian parent-child relationship will be considered proof of nationality
- Any authoritative document showing proof of applicant or member’s nationality

## **Verification**

Every effort will be made to verify an individual's self-attested immigration status by performing data matches with federal and state agencies.

Applicants or members who attest or verify as Cuban/Haitian entrant status should select "Cuban/Haitian Entrant" status in the application system drop down menu, rather than a status such as Granted Parole for less than one year or Granted Parole for more than one year, which will not provide the most comprehensive benefit possible.

If an applicant or member does not have the documentation above to prove Cuban/Haitian Entrant status, the applicant or member may otherwise qualify for a different immigration status, such as Immigrant Lawfully Present (ILP), or Persons Residing Under Color of Law (PRUCOL). For more information about the eligibility and verification rules for PRUCOL, please see Eligibility Operation Memo 22-04.

If an applicant or members' immigration status cannot be verified by a data match and/or a document is not provided, a Request for Information will be generated. The applicant or members will be provided a reasonable opportunity to verify their immigration status. The reasonable opportunity period begins on and extends 90 days from the date that an applicant or member receives a reasonable opportunity notice.

## **Reasonable Opportunity Extension**

Applicants or members who have made a good-faith effort to resolve inconsistencies or obtain verification of immigration status may receive a 90-day extension.

Requests for a reasonable opportunity extension must be made before the expiration of the initial 90-day verification period.

## **Questions**

If you have questions about this memo, please have your MEC designee contact the Policy Hotline.