



Eligibility Operations Memo 22-04
February 2022

TO: MassHealth Eligibility Operations Staff
FROM: Heather Rossi, Director of Eligibility Policy
RE: **Verification of PRUCOL Status**

Introduction

PRUCOL is an immigration status in Massachusetts that allows members to receive certain public benefits. Based on categorical, financial, and asset requirements, certain verified PRUCOL members may be eligible for

- MassHealth Standard
- MassHealth CommonHealth
- MassHealth Family Assistance
- MassHealth Limited
- Children's Medical Security Plan

Applicable coverage types for PRUCOL members can be found in the regulations at 130 CMR 504.006(C) and 130 CMR 518.006(C).

This memo identifies ways for non-citizens to verify that they are permanently residing in the US under color of law (PRUCOL) for purposes of MassHealth eligibility. This memo will also guide MassHealth staff to properly identify PRUCOL applicants and members.

MassHealth originally published Eligibility Operations Memo 21-06 "Verification of PRUCOL Status During the COVID-19 Emergency." For more information about verifying PRUCOL status during the Public Health Emergency (PHE), see EOM 21-06. This current memo is being published as permanent guidance and is not directly tied to the PHE.

Background

PRUCOLs include individuals who have either applied through the Department of Homeland Security (DHS) or U.S. Citizenship and Immigration Services (USCIS) for a lawfully present status or have not yet applied for a status but meet certain criteria.

PRUCOLs are described in the MassHealth regulations at 130 CMR 504.003(C) and 130 CMR 518.003(C). These are individuals who are not otherwise described in the Qualified Noncitizen, Lawfully Present or Protected Noncitizen regulations at 130 504.003(A) or (B) and 130 CMR 518.003(A) or (B).

Examples of PRUCOLs

Examples of PRUCOLs include noncitizens

- living in the United States in accordance with an indefinite stay of deportation;
- living in the United States in accordance with an indefinite voluntary departure;
- noncitizens and their families who are covered by an approved immediate relative petition, who are entitled to voluntary departure, and whose departure DHS does not contemplate enforcing;
- granted voluntary departure by the DHS or an immigration judge, and whose deportation the DHS does not contemplate enforcing;
- living under orders of supervision who do not have employment authorization under 8 CFR 274a.12(c);
- who have entered and continuously lived in the United States since before January 1, 1972;
- granted suspension of deportation, and whose departure the DHS does not contemplate enforcing;
- with pending applications for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention against Torture who have not been granted employment authorization, or are under the age of 14 and have not had an application pending for at least 180 days;
- granted Deferred Action for Childhood Arrivals status or who have a pending application for this status;
- who have filed an application, petition, or request to obtain a lawfully present status that has been accepted as properly filed, but who have not yet obtained employment authorization and whose departure DHS does not contemplate enforcing; or
- living in the United States with the knowledge and consent of the DHS, and whose departure the DHS does not contemplate enforcing. (These include persons granted Extended Voluntary Departure due to conditions in the noncitizen's home country based on a determination by the U.S. Secretary of State.)

Verification of PRUCOL Status

MassHealth applicants and members may verify as PRUCOL in the following ways:

- Arrival/Departure Card – I-94
- Employment Authorization card with code C33, which is evidence that the person has Deferred Action for Childhood Arrivals (DACA) status;
- I-797, showing proof of an application for an immigration status such as Asylum, Deferred Action for Childhood Arrivals or Withholding of Removal has been filed with USCIS or with an immigration court and there is no employment authorization for Asylum or Withholding applicants;
- Stamped application documents from an immigration court showing proof of a filed application along with a copy of the application. If the applicant or member does not have stamped documents from the immigration court or an I-797 from USCIS, the applicant or member may also submit proof of application delivery by a courier service or by a mail service (including, for example, a courier service return receipt confirming date and

location of delivery, or a certified mail receipt with tracking) along with a copy of the filed application;

- Immigration court documents or a USCIS notice showing that the applicant or member has an upcoming appointment, pending court date, or postponement of court date regarding an application for an immigration status;
- Signed affidavit from an attorney who is assisting the applicant or member with paperwork, informing the MassHealth agency that a completed application for a described immigration status has been filed with an immigration court, USCIS or both;
- Proof of an expired immigration status (such as Temporary Protected Status, Deferred Medical Action, or Employer Authorization), there is no employment authorization and:
 - Applicant or member has applied for an update of this status that has not been approved, due to delays with DHS or USCIS; and
 - There is no indication that DHS is contemplating enforcing departure.
- Some applicant or members may have an I-385 “Alien Booking Record.” This form is generally not enough to verify immigration status on its own. When a person is released from DHS border patrol, they will be sent additional documents that should be submitted, along with the Form I-385 to verify immigration status. If an applicant or member has not been sent additional documents, the applicant must submit a written affidavit explaining 1) the applicant or member’s circumstances, 2) why no further documents have been received, and 3) whether the individual has applied for an immigration status.

Upgrades or Downgrades from PRUCOL

Applicant or members who are eligible for MassHealth based on PRUCOL may eventually qualify either for an upgrade or downgrade, based on a later decision from USCIS or the Immigration Court. If a MassHealth worker receives verification of an upgraded or downgraded immigration status, the worker must ensure that all information is updated accurately to provide the appropriate benefit to the member.

Reasonable Opportunity Extension

Applicants or members who have made a good-faith effort to resolve inconsistencies or obtain verification of immigration status during their initial 90-day reasonable opportunity period 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.