Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth

Eligibility Operations Memo 20-11
June 5, 2020

TO: MassHealth Eligibility Operations Staff

FROM: Heather Rossi, Deputy Policy Director for Eligibility

RE: **Eligibility Rules for Cuban and Haitian Entrants**

Introduction

This memo provides clarification about eligibility rules for Cuban/Haitian immigrants.

Background

Cuban/Haitian entrants are defined as certain nationals of Cuba or 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 category is defined in 501 (e) of Refugee Education Assistance Act (REAA).

Examples

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

- were paroled into the U.S. on or after October 10, 1980, regardless of any later changes in immigration status. 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. (An individual paroled before this date may still qualify. Please contact the policy hotline if such a case arises.);
- were granted parole status as a Cuban/Haitian Entrant (Status Pending);
- have an asylum application pending and there is no indication that the non-citizen is subject to a final, non-appealable, enforceable order of removal;
- are currently in removal proceedings and there is no indication the non-citizen is subject to a final, non-appealable, 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

- tourists with a B-2 visa
- persons who entered the U.S. as permanent residents sponsored by a family member or employer

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's status cannot be verified by a trusted data source, the applicant 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/members must 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.

Document Type	"Provision of Law" or "Category" Code	Status
Legal Permanent Resident (LPR) Card	CH-6	Cuban Haitian entrant
	CU-0, CU-6, CU-7, CU-8, CU-9, CU-P, or CN-P	Adjustment to LPR status under Cuban Adjustment Act (CAA)
	NC-6, NC -7, NC -8, or NC -9	Adjustment to LPR status under Nicaragua Adjustment and Central American Relief Act (NACARA)
	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)
	SL-1 or SL-6	Special Immigrant Juveniles
Employment Authorization Card	274a12(a)(4) or A4	Paroled
	274a12(c)(8) or C8	Applicant for asylum
	274a12(c)(11) or C11	Parole
	274a12(c)(18) or C18	Under orders of supervision

Document Type	"Provision of Law" or "Category" Code	Status
I-94 Arrival/Departure Record	8 C.F.R. 212.12(b), 241.13, or 241.14	Paroled
	Cuban Haitian entrant	Cuban Haitian entrant
	212(d)(5); PIP; or parole	Paroled
	"OOE" or "Outstanding Order of Exclusion"	In removal proceedings
OTHER ACCEPTABLE PROOF: Form I-589 (receipt for filing asylum application); documents showing pending removal proceedings with no final, nonappealable, enforceable order (for example, Form I-220B (Order of supervision); Form I-221 (Order to show cause & notice of hearing); Form I-122 (Notice to applicant detained for a hearing); Form I-862 (Notice to appear); or 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).		

Verification

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

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 on which 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 time period.

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