



**Eligibility Operations Memo 21-06**  
**April 1, 2021**

**TO:** MassHealth Eligibility Operations Staff

**FROM:** Heather Rossi, Deputy Policy Director for Eligibility

**RE: Verification of PRUCOL Status During the COVID-19 Emergency**

**Introduction**

This memo provides clarification about certain immigrants verifying as Persons Residing Under Color of Law (PRUCOLs) during the COVID-19 national health emergency.

PRUCOL is a public benefits 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).

**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 individuals who 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).

**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;
- 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;

## **Eligibility Operations Memo 21-06**

**April 1, 2021**

**Page 2**

- 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.)

During the COVID-19 national emergency period, DHS and USCIS have advised the public that the processing and filing time of Asylum and Withholding of Removal Application I-589 forms, as well as other immigration forms and processes, are being delayed.

Additionally, the federal Executive Office for Immigration Review (EOIR) has advised the public that certain immigration court cases for non-detained immigrants may be postponed or delayed due to COVID-19. While certain immigration courts may resume seeing cases, there could still be delays and postponements at other courts.

### **Verification of PRUCOL Status**

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

- Arrival/Departure Card – I-94
- Other documentary proof of their pending statuses. Currently acceptable verifications include:
  - I-797, showing proof of an application for an immigration status such as Asylum or Withholding of Removal was filed with USCIS;
  - Employment Authorization card with code C33, which is evidence that the person has Deferred Action for Childhood Arrivals (DACA) status;
  - I-797C, showing proof of an application for an immigration status such as Deferred Action or Cancellation of Removal filed with USCIS or with an immigration court.

During the COVID-19 national emergency, MassHealth workers may accept the following additional types of documentation to verify PRUCOL status:

- MassHealth workers should continue to accept an I-797 as proof from applicants or members that their application for immigration status has been stamped and received by DHS, or USCIS;
- MassHealth workers may also accept 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;
- MassHealth workers may also accept 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; or
- MassHealth workers may also accept a signed affidavit from an immigration lawyer 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 or USCIS or both.

During the COVID-19 national emergency, submitting the verifications above will satisfy the requirements to verify PRUCOL status.

If a MassHealth worker is unsure that a submitted document meets the requirements to verify PRUCOL, the worker should escalate the verification to their manager or supervisor, and then up to the Policy Hotline if further assistance is needed.

### **Upgrades or Downgrades from PRUCOL**

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.

Please note that members will not be downgraded during the COVID-19 national health emergency.

### **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 any questions about this memo, please have your MEC designee contact the Policy Hotline.