



Eligibility Operations Memo 21-15
October 2021

TO: MassHealth Eligibility Operations Staff
FROM: Heather Rossi, Deputy Policy Director for Eligibility
RE: **MassHealth Benefits for Afghan Immigrant Evacuees**

Background

Massachusetts is currently engaged as part of the United States' ongoing effort to support and resettle individuals and families who have been evacuated from Afghanistan, especially those who may have supported the United States over the past two decades. As Afghan evacuees enter the United States, they are assigned various immigration status categories.

This eligibility operations memo describes the various immigration statuses. With this information, MassHealth staff can determine applicants for the appropriate MassHealth benefit.

Categories of Afghan Immigration Statuses

Afghan immigrant evacuees who apply for MassHealth and other public benefits will have the immigration status categories described in the sections that follow. These categories will vary based on several factors, such as whether the evacuee was assisting the United States while in Afghanistan; whether the evacuee filed for and completed paperwork before evacuation; or whether there is an urgent humanitarian need. At the current time, the following Afghan immigration statuses will be treated the same as a refugee.

Afghan Special Immigrant Visa (SIV)/ (SI LPR)

Afghan evacuees who aided the United States while in Afghanistan (such as translators or interpreters) may have a Special Afghan Immigrant Visa (SIV) as Special Immigrant Lawful Permanent Residents under INA Section 101(a)(27).

Applicants who submit a SIV will be determined eligible as Qualified Noncitizens. These Afghan Special Immigrant Visa holders will receive the same benefits as refugees and have a Special Immigrant Legal Permanent Residence (LPR) status. However, some of the new Afghan Special Immigrant LPR arrivals do not have a physical immigrant visa in their passport and may not have a temporary Form 1-551 stamp.

These SIVs will generally have foreign passports with a Department of Homeland Security, Customs and Border Protection stamp admitting them with an SQ1, SQ2, or SQ3 Class of Admission (COA).

Eligibility Operations Memo 21-15
October 2021
Page 2

Some SIVs may also have a Form I-551, Permanent Resident card. Regardless of documentation presented, electronic data sources may also verify a status of LPR for most of these SIVs.

Afghan Special Immigrant Conditional Permanent Resident (SI CPR)

A Conditional Permanent Resident (CPR) becomes an LPR after Department of Homeland Security (DHS) removes the conditions on their LPR admission. When these SI CPRs complete a medical examination and U.S. Citizenship and Immigration Services (USCIS) determines they are not medically inadmissible, DHS removes their conditions and they become an SI LPR.

Applicants who submit a SI CPR will be determined eligible as Qualified Noncitizens. Afghan Special Immigrant Conditional Permanent Residents will receive the same benefits as refugees.

These SI CPRs will generally have foreign-issued passports with a DHS, CBP admission stamp admitting them with a CQ1, CQ2, or CQ3 COA. However, some of these Afghan SI CPR arrivals may not have a physical immigrant visa or temporary Form I-551 stamp in their passport. USCIS is also issuing a Form I-551, Permanent Resident Card to these SI CPRs.

Based on information from their Permanent Resident Card or other documentation submitted, electronic sources may provide an initial verification of CPR and the class of admission for these SI CPRs. Some cases may require additional verification. Additional verification responses may state “CPR” and provide the class of admission in the comments to the Agency field.

Afghan Special Immigrant Parole (SQ/SI)

Special Immigrant Parole (SQ/SI) is a provisional status for Afghans who aided the United States but did not complete SIV paperwork before evacuation and do not have Special Immigrant Visa status. These applicants will also be determined eligible as Qualified Noncitizens and receive the same benefits as refugees.

Special Immigrant Parolees will have a separate, printed page on Customs and Border Protection letterhead with their Form I-94, Arrival Departure Record information and the following notation, signed and dated by a USCIS officer: *Special Immigrant Status (SQ/SI) Parolee Sec 602(b)(1) AAPA / Sec 1059(a) NDAA 2006.*

Some of these Special Immigrant Parolees may also have a form I-766, Employment Authorization Document, with a C11 parolee category. For these individuals, electronic data sources can usually verify the Special Immigrant Parolee status with an SQ4 or SQ5 COA.

Humanitarian Parole/non-SI Parolees

Authorized under INA Section 212(d)(5), many Afghan evacuees are being admitted to the United States under Humanitarian Parole. These Humanitarian Parolees may be authorized for less than one year or for longer than one year. Currently, the length of time that these Humanitarian Parolees are authorized into the U.S. for does not impact the benefit that they are eligible for.

Eligibility Operations Memo 21-15
October 2021
Page 3

Citizens or nationals of Afghanistan paroled into the U.S. between July 31, 2021, through September 30, 2022, are eligible for full benefits available to refugees, until March 31, 2023, or the end of their parole term, whichever is later. (Note that this is also the case for spouses or children of these individuals as defined by 8 U.S.C. § 1101(b) who are paroled into the U.S. after September 30, 2022.) These Afghan non-SI Parolees will be determined eligible as Qualified Noncitizens.

These Afghan parolees may have a Form I-766, Employment Authorization Document (EAD) regardless of age, with a C11 category or a CBP “PAROLED” stamp in their passport; and are verified by electronic sources with a “parolee” when there is a request for verification of their parole.

Some Afghan non-SI Parolees may have an “OAR” notation in the parole stamp in their passport. DHS recently began using this code to help distinguish these Afghans from other parolees. However, as noted above, these Afghan parolees are not Special Immigrant Visa holders.

Reasonable-Opportunity Extension

As new information is provided, MassHealth will update this memo and will brief MassHealth staff as soon as any further USCIS updates are made.

If an applicant’s immigration status cannot be verified by a data match or if a document is not provided, a request for information may be generated. The applicant will be provided a reasonable opportunity to verify their immigration status.

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.