



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

**Eligibility Operations Memo 21-18**  
**November 2021**

TO: MassHealth Eligibility Operations Staff

FROM: Heather Rossi, Deputy Policy Director for Eligibility

RE: **Updates to MassHealth Eligibility for Compact of Free Association (COFA) Migrants**

### **Introduction**

Compact of Free Association (COFA) is an agreement between the United States and the three Pacific Island sovereign states of Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau—known as Freely Associated States (FAS). FAS citizens are not citizens or nationals of the United States. However, FAS citizens admitted to the United States under the Compacts (known as COFA migrants) may reside, work, and study in the United States for an unlimited length of time.

As of December 27, 2020, COFA migrants are now eligible to receive full MassHealth coverage as Qualified Non-Citizens (QLP). Under this new QLP status, COFA migrants will not be subject to the five-year bar if they maintain COFA migrant status. If a COFA migrant adjusts to legal permanent resident status (LPR) they may be subject to the five-year bar.

### **Eligibility Updates**

Prior to this policy change, COFA migrant applicants and members were determined eligible as an Immigrant Lawfully Present (ILP). Pregnant women, young adults, and children who met the categorical and financial requirements were eligible for MassHealth Standard, however other COFA migrant individuals who met other Standard categorical and financial requirements may have only been able to qualify for MassHealth Family Assistance or CommonHealth (for disabled children). Due to this new change, all applicants or members with COFA migrant status who meet categorical and financial requirements may qualify for MassHealth Standard under the upgraded Qualified Non-Citizen immigration status and they will be treated as QLPs, if they have not adjusted to LPR status.

### **Verification of COFA status**

Members may verify their COFA migrant status by submitting the following proof:

- Passport from country of origin with Compact Free Association (CFA) stamp:
  - CFA/PAL: for Palauan Citizens
  - CFA/FSM: for citizens of the Federated States of Micronesia
  - CFA/MIS: for a Republic of the Marshall Islands (RMI) citizen. Some older versions may be marked “CFA/RMI” for an RMI citizen.
- Form I-94, Arrival/Departure Record, which is issued to Palauan, FSM, and RMI citizens, upon their admission to the United States.

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- Employment Authorization card with country of origin from one of the FAS

### **System Updates**

MassHealth has made updates to the Verify Lawful Presence (VLP) section of the HIX based on CMS guidance to ensure that applicants and members who are COFA migrants are determined appropriately eligible based on Federal hub data. MassHealth has also made updates to the MA21 system to allow for appropriate verification and eligibility determinations for these applicants and members.

### **COFA Adjustment to Legal Permanent Resident Status – Special Five-Year Bar Rule**

Some COFA migrants may apply for adjustment of status to Lawful Permanent Resident (LPR). If a COFA migrant adjusts to LPR status a special five-year bar rule would apply. The individual would be subject to the special five-year bar rule, unless they also have or had a status listed at 130 CMR 504.003(A)(1)(a) or 130 CMR 518.003(A)(1)(a).

A COFA migrant who adjusts to LPR status after the change of law on December 27, 2020, will be able to use the date they began residing in the United States as a COFA migrant or December 27, 2020, whichever is later, as the first day for purposes of meeting the five-year bar.

Any COFA migrant who adjusted to LPR status before the change of law would have the five-year bar period run under the usual rule, which is from the date they became an LPR.

#### **Examples:**

##### COFA migrants adjusting to LPR status after the change in law of December 27, 2020:

- A COFA migrant is living in the United States since January 1, 2021, and adjusts to LPR status on January 1, 2025. After four years of living in the U.S. as a COFA migrant, they would have one year remaining of the five-year bar (i.e., until January 1, 2026). In this case the period would begin January 1, 2021 (the later of the date living in the US as a COFA migrant or the date of the change in law.)
- A COFA migrant living in the United States since January 1, 2019, who adjusts to LPR status on January 1, 2025, would have just under one year remaining of the five-year bar (i.e., until December 27, 2025), since in this case the period would run from December 27, 2020 (the later of the date living in the US as a COFA migrant or the date of the change in law).

##### COFA migrants who adjusted to LPR status before December 27, 2020:

- A COFA migrant living in the United States adjusted to LPR status on January 1, 2019. The date for calculating the five-year bar would run under the usual rule and would begin on the date such adjustment to LPR status was granted. This means that the five-year bar period would run until January 1, 2024.

### **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.