

# Overview of Noncitizen Groups

A person born outside of the United States may be considered a **noncitizen**.

There are three groups of noncitizens.

- **Lawfully Present Immigrant** includes those who are residing in the United States with a valid immigration status. There are three types of Lawfully Present Immigrants: **Qualified Noncitizens**, **Qualified Noncitizens Barred**, and **Nonqualified Individuals Lawfully Present**
- **Nonqualified PRUCOL** a person who is residing in the United States under color of law
- **Other Noncitizen** any person who does not fall into the categories of Lawfully Present Immigrant or Nonqualified PRUCOL

The following chart shows a summary of the different groups and subgroups of noncitizens based on the MassHealth regulations found at 130 CMR 504.000 and 130 CMR 518.000. For complete information see the MassHealth regulations. For complete information about immigration statuses, consult an immigration expert.

Non-Citizen Group	Sub-Groups	Brief Description
<p><b>Lawfully Present Immigrants</b></p>	<p><b>Qualified Noncitizens</b></p>	<ul style="list-style-type: none"> <li>➤ Individuals who have had one of the following immigration statuses for at least five years or Individuals who have been continuously present in the United States since before August 22, 1996, until receiving one of the following statuses below: <ul style="list-style-type: none"> <li>• legal permanent residents (LPR);</li> <li>• parolees granted parole status for at least one year; or</li> <li>• a battered spouse, battered child, child of battered parent, or parent of battered child.</li> </ul> </li>   <li>➤ Individuals who have or had a status which is not subject to the five-year bar: <ul style="list-style-type: none"> <li>• persons granted asylum under section 208 of the Immigration and Nationality Act (INA);</li> <li>• refugees admitted under section 207 of the INA;</li> <li>• persons whose deportation has been withheld under 243(h) or 241(b)(3) of the INA;</li> <li>• veterans (former members of the armed forces, including certain immigrants who fought under U.S. command) and those on active duty in U.S. armed forces, or the spouse, un-remarried surviving spouse, or unmarried dependent children of veterans or those on active duty;</li> <li>• conditional entrants under 203(a)(7) of the INA (previously listed as a five-year bar status);</li> <li>• Cuban/Haitian entrants under 501€ of the REA Act of 1980;</li> <li>• Native Americans with at least 50% American Indian blood who were born in Canada, or other tribal members born in territories outside of the U.S. (for Medicaid purposes);</li> <li>• Amerasians under 402 of Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA);</li> <li>• victims of severe forms of trafficking, and the spouse, child, sibling, or parent of the victim;</li> <li>• Iraqi or Afghan Special Immigrant; or</li> <li>• Migrants from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who legally reside in the U.S. as</li> </ul> </li> </ul>

Non-Citizen Group	Sub-Groups	Brief Description
		<p>part of a series of treaties known as the Compacts of Free Association (COFA).</p> <p>➤ <b>Protected Noncitizens:</b> Noncitizens who were receiving MassHealth on June 30, 1997.</p>
<b>Lawfully Present Immigrants</b>	<b>Qualified Noncitizens Barred</b>	<p>➤ Individuals who have had one of the following immigration statuses for fewer than five years:</p> <ul style="list-style-type: none"> <li>• legal permanent residents (LPR);</li> <li>• parolees granted parole status for at least one year; or</li> <li>• a battered spouse, battered child, or child of battered parent, or parent of battered child.</li> </ul>
<b>Lawfully Present Immigrants</b>	<b>Nonqualified Individuals Lawfully Present</b>	<p>➤ Immigrants who</p> <ul style="list-style-type: none"> <li>• are paroled in the United States for less than one year in accordance with 8 USC 1182(d)(5). This does not include those paroled for prosecution, deferred inspection, or pending removal proceedings;</li> <li>• belong to one of the following groups: <ul style="list-style-type: none"> <li>○ granted temporary resident status in accordance with 8 USC 1160 or 1255(a);</li> <li>○ granted Temporary Protected Status (TPS), in accordance with 8 USC 1254a, and individuals with pending applications for TPS who have been granted employment authorization;</li> <li>○ granted employment authorization under 8 CFR 274a.12(c);</li> <li>○ Family Unity beneficiaries in accordance with 301 of Public Law 101-649;</li> <li>○ under Deferred Enforced Departure (DED) in accordance with a decision made by the President;</li> <li>○ granted Deferred Action status, except for applicants or individuals granted status under Department of Homeland Security (DHS) Deferred Action for Childhood Arrivals Process (DACA);</li> <li>○ granted an administrative stay of removal under 8 CFR 241; or</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>○ beneficiary of approved visa petition who has a pending application for adjustment of status.</li> <li>● are in a valid nonimmigrant status as otherwise defined in 8 U.S.C. 1101(a)(15) or otherwise under immigration laws (as defined in 8 U.S.C. 1101(a)(17));</li> <li>● have a pending application for asylum under 8 USC 1158 or for withholding of removal under 8 USC 1231, or under the Convention Against Torture who <ul style="list-style-type: none"> <li>○ have been granted employment authorization; or</li> <li>○ are under the age of 14 and have had an application pending for at least 180 days.</li> </ul> </li> <li>● have been granted withholding of removal under the Convention Against Torture; or</li> <li>● a child who has a pending application for Special Immigrant Juvenile status as described in 8 USC 1101(a)(27)(J), or a person who has received SIJ and has not yet received a green card</li> </ul>
<p><b>Nonqualified Persons Residing Under Color Law (PRUCOL)</b></p>	<p>Nonqualified PRUCOL</p>	<ul style="list-style-type: none"> <li>● Noncitizens living in the United States in accordance with an indefinite stay of deportation;</li> <li>● Noncitizens living in the United States in accordance with an indefinite voluntary departure;</li> <li>● Noncitizens and their families who are covered by an approved immediate relative petition, who are entitled to voluntary departure, and whose departure the DHS does not contemplate enforcing;</li> <li>● Noncitizens granted voluntary departure by the DHS or an Immigration Judge, and whose deportation the DHS does not contemplate enforcing;</li> <li>● Noncitizens living under orders of supervision who do not have employment authorization under 8 CFR 274a.12(c);</li> <li>● Noncitizens who have entered and continuously lived in the United States since before January 1, 1972;</li> <li>● Noncitizens granted suspension of deportation, and whose departure the DHS does not contemplate enforcing;</li> </ul>

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		<ul style="list-style-type: none"> <li>• Noncitizens 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;</li> <li>• Noncitizens granted Deferred Action for Childhood Arrivals status or who have a pending application for this status;</li> <li>• Noncitizens 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</li> <li>• Any noncitizen living in the United States with the knowledge and consent of the DHS, and whose departure the DHS does not contemplate enforcing. (This includes 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.)</li> </ul>
<b>Other Noncitizens</b>	Other Noncitizen	Persons with a status that is not described as Lawfully present, Protected Noncitizens, or Nonqualified PRUCOLs