STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

PETE WILSON, *Governor*

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
P.O. BOX 942732
SACRAMENTO, CA 94234-7320
(916) 657-2941

February 3, 1994

Letter No.: 94-15

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons

DOCUMENTATION REQUIREMENTS FOR REFUGEE MEDICAL ASSISTANCE PROGRAM AND CLARIFICATION OF PAROLEES EXEMPT FROM SPONSORED ALIEN REGULATION

Ref.: ARTICLE 2F

The purpose of this letter is to provide clarification regarding documentation requirements for the refugee resettlement program which provides Refugee Medical Assistance (RMA) to refugees, entrants, and asylees under 45 CFR Part 400, and also to clarify the issue of exemption of parolees from the sponsored alien regulations.

An applicant for medical assistance under 45 CFR Part 400 must provide proof of one of the following statuses as a condition of eligibility:

1. **Conditional Entrant** - Admitted under Section 203(a)(7) of the Immigration and Nationality Act (the Act). Parolees under 212(d)(5). Document: I-94 - Arrival-Departure Record.

2. **Refugee or Asylee** - Paroled under Section 212(d)(5) of the Act. Document: I-94 - Paroled as Refugee or Paroled as an Asylee. May include humanitarian or public interest, or abbreviation P.I.P. (public interest parolee). Humanitarian, public interest, or PIP parolees are not eligible for RMA.

3. **Refugee** - Admitted under Section 207 of the Act. Document: I-94 - admitted under Sec. 207 of the INA. Employment authorized.

4. **Asylee** - Granted asylum under Section 208 of the Act. An applicant for asylum is not eligible for RMA. Document: I-94, Section 208.

5. **Permanent Resident Status** - Person who previously held one of the statuses above and was admitted for permanent resident status. Document: I-551, Alien Registration Receipt Card, or I-151, or "green card". One of the following codes on green card means they held one of the above statuses previously: AS6, AS7, AS8, CU6, CU7, IC6, IC7, M83, M93, R86, RE6, RE7, RE8, and Y64.

6. **Amerasian** - Admitted pursuant to provisions of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, Pub. Law No. 100-202, Sec. 584(c), 101 Stat. 1329-184 (8 USC 1329-184, Sec. 1101 note); also known as Amerasian Homecoming Act. Document: (1) I-94 stamped with code AM1, AM2, AM3; (2) I-551 with the code AM1, AM2, AM3, AM6, AM7, or AM8; (3) Vietnamese Exit Visa, Vietnamese passport, or United States passport if stamped with AM1, AM2, or AM3. Only Amerasians from Vietnam are eligible for RMA under Part 400.

7. **Cuban/Haitian Entrants** - Any national of Cuba or Haiti granted parole status as a Cuban/Haitian Entrant (status pending), or granted any other special status subsequently established, or any other national of Cuba or Haiti who was paroled into the United States, or is the subject of exclusion or deportation proceedings, or has an application for asylum pending, and for whom no final order of deportation or exclusion has been entered. Document: I-94 with "Cuban/Haitian Entrant (status pending)". I-94 of entrant who has filed for political asylum will also have "Form I-589 Filed". Extra documentation is needed for these persons.

   Entrants who have gained permanent resident status will have a CH6 on their I-551. They are eligible under Part 400.

   A Cuban or Haitian national granted parole for humanitarian reasons or in the public interest are eligible under Part 400 unless a final order of deportation or exclusion has been issued; an entrant granted parole status as a humanitarian parolee or public interest parolee is not eligible as a refugee under Part 400.

   An applicant for asylum is not eligible as a refugee under Part 400 unless asylum is granted.

The following statuses are not eligible for RMA benefits under Part 400:

1. **Humanitarian Parolees** - Person residing in the United States under color of law. Document: Form I-94 (Arrival-Departure Record--Parole Edition) which shows bearer has been paroled into the United States under Section 212(d)(5) of the Act. This person is not a refugee.

2. **Public Interest Parolee** - Person who has been rejected for refugee status. Document: I-94 (Arrival-Departure Record -- Parole Edition) which shows bearer has been paroled into the United States under 212(d)(5) of the Act.

Sponsored Alien Regulations: There are two distinct categories for aliens paroled into the United States under Section 212(d)(5) of the Act: Parolee and Refugee. Refugees are exempt from the sponsored alien regulations. (Department of Social Services (DSS) Manual of Policy & Procedures (MPP) 43-119.123.)

Parolees are not exempt from sponsorship. Some may be required to have a sponsor. Each parolee must be handled on an individual basis to determine sponsorship. If an affidavit of support was completed as a condition of entry into the United States, then the sponsored alien provisions apply. If no affidavit of support, the parolee is exempt.

To verify sponsorship, a request can be sent through the Systematic Alien Verification for Entitlements (SAVE) system for validation. The sponsorship data can be obtained only through the secondary verification process with a specific request as to whether there is an affidavit of support on file for the parolee.

If you have any questions on refugees, please contact Elena Lara at (916) 657-0712; if you have any questions on other parolees or asylees, please contact Marlene King at (916) 657-0134.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch