

DEPARTMENT OF HEALTH SERVICES

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SACRAMENTO, CA 95814

July 28, 1989

TO: All County Welfare Directors
All County Administrative Officers

Letter No.: 89-59

SUBJECT: INS DOCUMENTATION OF SATISFACTORY IMMIGRATION STATUS FOR
MEDI-CAL PURPOSES

This letter transmits an advance copy of revised Medi-Cal Eligibility Manual Procedures Section 7A which explains the immigration status categories included on the Statement of Citizenship, Alienage and Immigration Status (MC 13). For each category, it lists the INS-issued documents you may accept as reasonable evidence that an applicant or beneficiary has the immigration status he or she is claiming. It is intended as a guide to the types of documents which alien applicants for Medi-Cal benefits should present before you do a check of the Systematic Alien Verification for Entitlements (SAVE) system.

We call your attention to the following corrections and additions to the February 2, 1987 revision of Procedures Section 7A:

LAWFULLY ADMITTED FOR PERMANENT RESIDENCE

- o Non-amnesty holders of "green cards" (INS Form I-551) or Re-Entry Permits are correctly referred to as having been "lawfully admitted for permanent residence" (LAPR). Second-stage amnesty aliens, on the other hand, are "lawful permanent residents" (LPRs). Medi-Cal Form MC 13 will have to be changed at the next revision to reflect this distinction of terms (See Section C, Question 2).
- o "Conditional resident alien" is a type of LAPR status which either becomes truly "permanent" or is revoked two years after the date of issuance.
- o See Procedures Section 7D for further discussion of American Indians born in Canada.

PRUCOL

- o Note that aliens designated "conditional entrants" before April 1, 1980 are now called "refugees".
- o Section 202 of the Immigration Reform and Control Act of 1986 (IRCA) allowed Cuban/Haitian entrants to apply for an adjustment to LAPR status (see All County Welfare Directors Letter 87-55, pages 3 and 4). PRUCOL category number 2 applies to those Cuban/Haitians who either did not apply for or have not been granted the IRCA Section 202 status adjustment.

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- o A person who has only applied for asylum is not considered PRUCOL for Medi-Cal purposes. INS must first have granted him or her asylum.
- o See Procedures Section 7D for further discussion of "permanent nonimmigrants" from Micronesia and the Marshall Islands.

LAWFUL PERMANENT RESIDENT

- o Note that amnesty aliens who had previously been granted extended voluntary departure on a nationality group basis (see ACWDL 89-43) will have the same I-551 class codes as pre-1982 entrants who qualified for amnesty under Section 245A of the Immigration and Nationality Act.
- o Replenishment agricultural workers (RAWs) will have two different class codes on their Alien Registration Receipt cards (INS Form I-551), namely, R16 and R26.

TEMPORARY LEGAL RESIDENTS

- o These persons, also known as "nonimmigrant aliens", do not have satisfactory immigration status (SIS) and therefore may receive only restricted Medi-Cal benefits and then only if they meet all other program eligibility requirements. This includes, in particular, being California residents.

You can expect to receive this material as part of the next Procedures Manual Letter no later than November 1, 1989. If you need additional information about how INS documents or status categories relate to eligibility for Medi-Cal benefits, please call any of the policy analysts assigned to alienage.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosure

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: July 28, 1990

7A--IMMIGRATION AND NATURALIZATION
SERVICE DOCUMENTS WHICH SERVE AS REASONABLE
EVIDENCE OF SATISFACTORY IMMIGRATION STATUS
FOR MEDI-CAL PURPOSES

All INS alien registration, admission or other documents presented by applicants for full Medi-Cal benefits who claim a satisfactory immigration status (SIS) for Medi-Cal purposes must be verified through the SAVE system. Before initiating a SAVE primary or secondary verification, however, original INS-issued documents must be presented which appear to be genuine and which the county department considers to be reasonable evidence indicating SIS. Listed below by INS status classification are documents which meet this requirement. Other INS-issued documents may also be accepted for SAVE verification if they appear to establish that the alien has one of the following immigration statuses. This includes application fee receipts for replacements of lost, stolen or unreadable documents issued by INS.

LAWFULLY ADMITTED FOR PERMANENT RESIDENCE

1. INS Form I-551 (or earlier Forms I-151 and AR-3a) (Alien Registration Receipt Card, commonly known as a "green card").
Lawfully admitted to the United States for permanent residence as an immigrant in accordance with Sections 101 (a) (15) and 101 (a) (20) of the Immigration and Nationality Act (INA), or considered to be lawfully admitted to the United States for permanent residence as a result of an exercise of discretion by the Attorney General in accordance with Section 249 of the INA.
2. A foreign passport stamped:
Temporary evidence of lawful admission for permanent residence. INS should issue the I-551 within a year after stamping the passport.

PROCESSED FOR I-551
TEMPORARY EVIDENCE
OF LAWFUL ADMISSION
FOR PERMANENT RESI-
DENCE VALID UNTIL

EMPLOYMENT AUTHORIZED

LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Continued)

- 3. A foreign passport or INS Form I-94 (Arrival-Departure Record) stamped: Temporary evidence of lawful admission for permanent residence. INS should issue the I-551 within a year after stamping the passport or I-94.

TEMPORARY FORM I-551,
ADMISSION FOR PERMA-
NENT RESIDENCE AT

(PORT),

(DATE),

(OFFICE OF ISSUANCE),

(DATE),

SIGNATURE OF ISSUING
OFFICIAL (TITLE)

- 4. INS Form I-181a (Memorandum of Creation of Record of Lawful Permanent Residence) stamped: APPROVED BY INS DISTRICT DIRECTOR Temporary evidence of lawful admission for permanent residence. INS should issue the I-551 within a year after issuing the I-181a.

- 5. INS Form I-327 (Permit to Reenter the United States, commonly known as a "re-entry permit"). Issued to aliens lawfully admitted for permanent residence before they leave the U.S. for a one-to-two year period. Contains an expiration date.

- 6. INS Form I-551 (Alien Registration Receipt Card) with an expiration date on the back. Lawful admission for permanent residence (LAPR) accorded to "conditional resident aliens" based on a qualifying marriage to a U.S. citizen (or national of the U.S.) or a lawfully admitted permanent resident alien. Children of such persons may also have this status. INS rules favorably or unfavorably on whether to continue LAPR status two years after issuing the I-551.

- 7. A letter from the Canadian Dept. of Indian Affairs; a birth or baptismal record issued on a Canadian Indian reservation; or tribal or school records. Section 289 of the INA says that American Indians born in Canada have a right to freely "pass the borders of the United States" but only if they present documents which establish that they were born in Canada and are of at least one half American Indian ancestry. For federal Medicaid reimbursement purposes, these persons are considered to be lawfully admitted for permanent residence if otherwise program eligible.

PERMANENTLY RESIDING IN THE U.S. UNDER COLOR OF LAW (PRUCOL)

- 1. INS Form I-94 (Arrival -Departure Record) annotated: REFUGEE-CONDITIONAL ENTRY or ADMITTED AS A REFUGEE PURSUANT TO SEC. 207 OF THE I&N ACT or INS FORM I-571 (Refugee Travel Document) Lawfully admitted to the U.S. as a conditional entrant before April 1, 1980 in accordance with INA Section 203 (a)(7) or as a refugee in accordance with Section 207 of the INA after April 1, 1980.
- 2. INS Form I-94 (Arrival-Departure Record) with notation that the alien was paroled into the U.S. in accordance with INA Section 212(d)(5) Paroled into the United States for an indefinite period. Cuban/Haitian Entrants whose status has not been adjusted in accordance with Section 202 of the INA are included in this category.
- 3. INS Form I-220B (Order of Supervision) Aliens found deportable who are not likely to actually be expelled because of their age, physical condition, humanitarian concerns or the the availability of a country which would accept them. (INA Section 242, Order of Supervision)
- 4. INS Form I-94 (Arrival-Departure Record) or a letter from INS showing this status Aliens granted an indefinite stay of deportation due to humanitarian reasons.
- 5. INS Form I-94 (Arrival-Departure Record) or a letter from INS showing this status. Aliens granted an indefinite voluntary departure instead of deportation.
- 6. INS Form I-94 (Arrival-Departure Record) or INS Form I-210 (Alien Voluntary Departure Notice) or a letter from INS showing this status Aliens on whose behalf an INS Form I-130 (Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa) has been filed (with their families covered by the petition) who are entitled to voluntary departurê, but whose departure INS does not contemplate enforcing. (Immediate relative petition approved).

4.
PRUCOL (Continued)

7. INS Form I-94
(Arrival-Departure Record) or INS Form I-181 (Memorandum of Creation of Record of Lawful Permanent Residence) or a passport stamped either: ADJUSTMENT APPLICATION or EMPLOYMENT AUTHORIZED DURING STATUS AS ADJUSTMENT APPLICANT
Aliens who have a "properly filed" application for adjustment to lawful admission for permanent residence status in accordance with INA Section 245.
8. INS Form I-94
(Arrival-Departure or a letter from INS or an order from an INS administrative law judge showing this status.
Aliens granted a stay of deportation for a specified period by court order, statute or regulation, or by individual determination of INS in accordance with INA Section 106 or INS Operations Instructions, whose departure INS does not contemplate enforcing.
9. INS Form I-94
(Arrival-Departure Record) and a letter from INS showing this status.
Aliens granted asylum in accordance with INA Section 208 or other pertinent section. (NOTE: If asylum has been applied for but not yet been granted, the alien is not PRUCOL).
10. INS Form I-94
(Arrival-Departure Record) and/or INS Form I-210 (Alien Voluntary Departure Notice) bearing a departure date
Aliens granted voluntary departure in accordance with INA Section 242(b) whose departure INS does not contemplate enforcing.
11. INS Form I-210 (Alien Voluntary Departure Notice) or a letter from INS showing this status.
Aliens granted deferred action status in accordance with INS operating instructions.
12. INS Form G-711
(Individual Fee Register Receipt) and INS Form I-468 (Interview Appointment Letter)
Aliens who claim to have entered and continuously resided in the U.S. since before January 1, 1972. Claims to Registry alien status must be evidenced by a fee receipt and an interview appointment letter from INS which show that an application has been submitted for adjustment of status from illegal alien to lawful admission for permanent residence in accordance with INA Section 249.
13. An order from an INS administrative law judge showing this status.
Aliens granted a suspension of deportation in accordance with INA Section 244 whose departure INS does not contemplate enforcing.

PRUCOL (Continued)

14. An order from an INS administrative law judge showing this status. Aliens whose deportation is being withheld in accordance with INA Section 243(h).
15. INS Form I-94 (Arrival-Departure Record) annotated CFA/FSM or CFA/MIS "Permanent nonimmigrants" from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (MIS). These individuals are citizens of independent nations "freely associated" with the United States who may live or work here without restrictions.
16. INS Form I-210 (Alien Voluntary Departure Notice) or INS Form I-94 (Arrival-Departure Record) showing this status. Aliens granted extended voluntary departure for a specified time due to conditions in their home countries. This status may have been granted on an individual or a nationality group basis.

LAWFUL TEMPORARY RESIDENT

INS Form I-688 (Temporary Resident Card)

Aliens granted "amnesty" whose immigration status has been adjusted in accordance with INA Sections 210, 210A or 245A. These aliens will keep their status as lawful temporary residents until the end of the thirty-first month after the date they were legalized. However, they must have applied for lawful permanent resident status by the end of the thirtieth month or be subject to possible deportation.

The Temporary Resident Card has an expiration date, an alien registration number in the A-90,000,000 series and the INA Section number on the front: INA 210 - Special Agricultural Worker; INA 210A - Replenishment Agricultural Worker; INA 245A - pre-1982 entrant or a national of Poland, Uganda, Ethiopia or Afghanistan granted extended voluntary departure on a nationality group basis.

Individuals who have only applied for amnesty will have INS Form I-689 (Legalization Fee Receipt) or INS Form I-688A (Employment Authorization Card). Their status as applicants for legalization entitles them to only restricted Medi-Cal benefits (emergency medical treatment and pregnancy care) even if they are otherwise eligible.

Do not confuse the status classification lawful temporary resident with temporary legal resident. The latter classification refers to

LAWFUL TEMPORARY RESIDENT (Continued)

nonimmigrant aliens who have been issued INS Form I-94 (Arrival-Departure Record) annotated with any letter A through L. These aliens are admitted to the U.S. for limited periods as students, visitors, foreign government officials, etc. They may receive restricted Medi-Cal benefits but only if they meet all other program requirements including state residency.

LAWFUL PERMANENT RESIDENT

INS Form I-551 (Alien
Registration Receipt Card)

Aliens, granted amnesty in accordance with INA Sections 210, 210A or 245A, whose immigration status has been granted amnesty in accordance with INA adjusted from lawful temporary resident to lawful permanent resident. Their Alien Registration Receipt Cards have alien registration numbers in the A-90,000,000 series and one of the following codings in the "class" blank on the front of the card: S16 or S26-SAW; R16 or R26-RAW; W16, W26 or W36-pre-1982 entrant or a national of Poland, Uganda, Ethiopia or Afghanistan granted extended voluntary departure on a nationality group basis.

In most cases, the legalization date given on the I-551 will not differ from the one which appeared on the I-688. If the two are different, the I-551 date is the one you need to record in the case file so you can determine the end of the five-year period during which an otherwise eligible amnesty alien who is not aged, blind, disabled or under 18 is disqualified from receiving full Medi-Cal benefits.