

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
P.O. BOX 942732
SACRAMENTO, CA 94234-7320



TO: All County Welfare Directors
All County Administrative Officers

January 25, 1990
Letter No.: 90-15

SUBJECT: REVISED VERSIONS OF MEDI-CAL ELIGIBILITY MANUAL PROCEDURES
SECTIONS 7A and 7F

Reference: ACWDLs 89-59 and 89-62

This letter transmits an updated version of Procedures Section 7A, which lists the documentary requirements for "satisfactory immigration status" (SIS) for Medi-Cal purposes, and new Procedures Section 7F, which deals with how U.S. citizenship is acquired at birth or later conferred on persons born outside of the U.S.

We call your attention to the following changes in Procedures Section 7A:

LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (LAPR)

1. "Green cards" (INS Form I-551s) are now being issued with ten-year expiration dates. Previously issued I-551s will not be called in, however.
4. This item clarifies our previous explanation of INS Form I-181, Memorandum of Creation of Record of Lawful Permanent Residence, and the accompanying I-181a and I-181b notification letters.
7. American Indians born in Canada may obtain "green cards" (INS Form I-551) by applying to INS. An I-551 is preferable to Canadian tribal or school records or documents issued by the Canadian government because the authenticity of an I-551 can be verified through the SAVE system, the other documents cannot. Although preferable, an I-551 is not required to establish eligibility for American Indians born in Canada.

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

2. A distinction is made between persons paroled into the U.S. who do have PRUCOL status and certain other parolees who do not. Considered PRUCOL are Cuban/Haitian Entrants whose status has not been adjusted in accordance with IRCA and Public Interest/Humanitarian Parolees (mostly from the Soviet Union or Southeast Asia) who have been admitted to the U.S. for indefinite periods. A distinction is made between these groups and short-term parolees, admitted to the U.S. for some specific purpose, who are not PRUCOL because they must leave the country once that purpose has been achieved. An example would be testifying at a trial.
7. This entry corrects our previous description of adjustments of immigration status in accordance with INA Section 245.
10. Aliens granted voluntary departure usually must leave the U.S. within 90 days. If an extension of this status is granted, the new date of departure will be indicated on the Alien Voluntary Departure Notice.

LAWFUL TEMPORARY RESIDENT (LTR)

New information received from INS is added to make it clear that certain first-stage amnesty aliens (pre-1982 entrants) have thirty months during which to apply for lawful permanent resident status. Other amnesty aliens (SAWs) will instead receive notification that they must appear at a scheduled interview with an INS official.

A paragraph is added to discuss persons who applied for Special Agricultural Worker status outside of the U.S. and were issued an I-94 with an S-9 classification.

LAWFUL PERMANENT RESIDENT (LPR)

Mention is made of the use of extension stickers applied to the back of Temporary Resident Cards, which convert the cards into temporary evidence that LPR status has been granted. The stickers indicate that the person should receive his or her I-551 Alien Registration Receipt Card within one year of the legalization date given on the front of the I-688.

The last two paragraphs of this section discuss acceptable INS-issued documents which show that an amnesty alien has applied for replacement of a lost, stolen or damaged I-688 Extension Card or an I-551 Alien Registration Receipt Card.

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The next-to-the last paragraph of Procedures Section 7F has been rewritten to eliminate incorrect information contained in ACWDL 89-41 (Question 20) and ACWDL 89-62. Do a verification check of an INS-issued citizenship document or Individual Fee Register Receipt (INS Form G-711) showing that a replacement has been applied for only if you question the authenticity of the document or fee receipt. In this situation, do not do a "primary" (computer) check through the Systematic Alien Verification for Entitlements (SAVE) system. Instead, send INS a copy of the document together with a completed INS Form G-845 (Document Verification Request) and a note which explains why you are asking the Service to verify a citizenship rather than an alien (immigration) status document.

You can expect to receive the revisions of Sections 7A and 7F as part of Procedures Manual Letter No. 104. If you need additional information, please call Tom Dickson of my staff. He can be reached at (916) 324-4961, ATSS 8-454-4961.

Sincerely,

ORIGINAL SIGNED BY

Ricardo Bustamante for
Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosures

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: January 25, 1991

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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 Systematic Alien Verification for Entitlements (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. (Presentation of an expired INS document, though not evidence of SIS, does not preclude the possibility that the person might be shown to actually have SIS by a check of his or her alien registration or alien admission number through the SAVE system.) 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 (LAPR)

1. INS Form I-551 (or earlier Forms I-151 and AR-3a) (Alien Registration Receipt Card, commonly known as a "green card" or Resident Alien 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 INA.

Since late August 1989, INS has begun issuing INS Form I-551s with added antiforgery characteristics and ten-year expiration dates. INS is not calling in previously issued "green cards", however, and is phasing in the new version.

* All amnesty aliens must present their INS-issued evidence-of-legalization documents (INS Forms I-688 or I-551). They may then qualify for either full or restricted benefits, depending on whether or not they are otherwise eligible and aged, blind/disabled, or under 18 years of age. (See below under Lawful Temporary Resident and Lawful Permanent Resident.)

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2. A foreign passport stamped:
PROCESSED FOR I-551
TEMPORARY EVIDENCE
OF LAWFUL ADMISSION
FOR PERMANENT RESIDENCE
VALID UNTIL

Temporary evidence of lawful admission for permanent residence. INS should issue the I-551 within a year after stamping the passport.

EMPLOYMENT AUTHORIZED

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 PERMANENT
RESIDENCE AT

(PORT),

(DATE),

(OFFICE OF ISSUANCE)

(DATE).

SIGNATURE OF ISSUING
OFFICIAL (TITLE)

4. INS Form I-181b

INS Forms I-181a and I-181b are supplemental pages issued in connection with INS Form I-181 (Memorandum of Creation of Record of Lawful Permanent Residence). The I-181a notifies the alien that his/her application for LAPR status has been accepted as "properly filed". The I-181b tells the alien that he or she has been granted LAPR status and will be issued an INS Form I-551. Until the I-551 arrives, the alien has his/her foreign passport stamped as indicated above in 2 or 3 or is issued an INS Form I-94 stamped as indicated in 3. To guard against accepting forged documents, a person who has received an I-181b should be asked to present either his/her passport or I-94 in addition to the I-181b.

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5. INS Form I-327 (Permit to Reenter the United States, commonly known as a "reentry permit"). Issued to aliens lawfully admitted for permanent residence before they leave the United States 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 accorded to "conditional resident aliens" based on a qualifying marriage to a United States citizen (or national of the United States) or a lawfully admitted permanent resident alien. Children of such persons may also have this status. INS rules favorably or unfavorably on the couple's joint petition to remove the conditional LAPR status two years after issuing the I-551.

7. A letter from the Canadian Department of Indian Affairs, a birth or baptismal record issued on a Canadian Indian reservation, tribal or school records, or INS Form I-551. Section 289 of 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. (NOTE: INS will issue INS Form I-551s to American Indians born in Canada if they apply for them.)

Permanently Residing in the United States 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 United States 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 INA after April 1, 1980.

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2. INS Form I-94 (Arrival-Departure Record) with notation that the alien was paroled into the United States in accordance with INA Section 212(d)(5). Paroled into the United States for an indefinite period either as a Cuban/Haitian entrant whose status has not been adjusted in accordance with Section 202 of the Immigration Reform and Control Act (IRCA) of 1986 or as a Public Interest or Humanitarian Parolee. Not considered PRUCOL are aliens paroled into the United States for a definite period to achieve a specific purpose such as testifying at a trial.

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 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 departure, but whose departure INS does not contemplate enforcing. (Immediate relative petition approved.)

7. INS Form I-94 (Arrival-Departure Record) stamped I&NA SECTION 245 APPLICANT or INS Form Letter I-181a. Aliens who have a "properly filed" application for adjustment to lawful admission for permanent residence status in accordance with INA Section 245. See above under Lawfully Admitted for Permanent Residence, item No. 4, for an explanation of INS Forms I-181a and I-181b.

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8. INS Form I-94 (Arrival-Departure Record) or a letter 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 immediately. The alien's I-94 and/or I-210 usually indicates a departure within 90 days. In a few cases, the deadline may be extended. If an extension is granted, the new date of departure will be indicated on the I-210.
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 Operations 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 United States 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.
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).

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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 (LTR)

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. Amnesty aliens who were illegally present in the United States before January 1, 1982 but who met certain conditions may keep their LTR status until the end of the 30th month after it was granted. Their deadline for filing an application for lawful permanent resident status is likewise the end of the 30th month after the actual date of legalization. Special Agricultural Workers, on the other hand, are either made lawful permanent residents or lose their amnesty status after they are called in for an interview by INS.

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

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entitles them to only restricted Medi-Cal benefits (emergency medical treatment and pregnancy care) even if they are otherwise eligible.

You may have some applicants for Medi-Cal who applied for Special Agricultural Worker status outside of the United States and were issued an INS Form I-94 (Arrival-Departure Record) with an S-9 classification that was valid for 90 days. Once in the United States, they should have received I-688As pending INS's decision to grant or deny their amnesty applications. You can check on their current status through the SAVE system using the alien admission number on the I-94.

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

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- . Foreign-born children of United States citizens must apply to INS or the Department of State for documents which establish derived or acquired citizenship. They do not have such status for Medi-Cal purposes if they lack the proper documents.
- . The law that applies to the transmission of acquired citizenship from United States citizen parents to their children imposes special conditions on certain classes of persons and has changed considerably over the years. Refer persons to INS who claim to be United States citizens based on some special provision of the INA not discussed in this Procedures Section.
- . Adopted children born outside of the United States do not acquire United States citizenship by virtue of being adopted by citizen parents. The adoptive parents must apply to INS for naturalization of the child.
- . Children of United States citizens may not be entitled to derived or acquired citizenship, may not have applied for or been granted it, or may no longer have the documents INS or the Department of State issued to them if it was granted.

Persons who believe they qualify for either derived or acquired citizenship should contact either INS or the Passport Office of the U. S. Department of State. The three district INS offices in California are located at 630 Sansome Street in San Francisco (94111), 300 North Los Angeles Street in Los Angeles (90012), and 880 Front Street in San Diego (92188). Passport Offices are located at 525 Market Street in San Francisco (94105) and 11000 Wilshire Boulevard in Los Angeles (90024). Be sure to emphasize to persons contacting INS or the Passport Office that they need to keep adequate records of their dealings with these federal agencies. If either INS or the Department of State cannot locate information about them, you may need to document the fact that they did attempt to obtain the requested proof of citizenship.

Documentation of Citizenship

Naturalized United States citizens should have originals of one of the following documents:

- . Certificate of Naturalization (INS Form N-550 or INS Form N-570)
- . Special Certificate of Naturalization (INS Form N-578)
- . Individual Fee Register Receipt (INS Form G-711) showing that the person has filed an Application for a New Naturalization or Citizenship Certificate (INS Form N-565).