

WGIUPD

GENERAL INFORMATION SYSTEM

02/10/04

DIVISION: Office of Medicaid Management

PAGE 1

GIS 04 MA/003

TO: Local District Commissioners, Medicaid Directors

FROM: Kathryn Kuhmerker, Deputy Commissioner
Office of Medicaid Management

SUBJECT: Revised Desk Guides:
- Documentation Guide Immigrant Eligibility
For Health Care Coverage in New York State
- Key to I-766, I-688B, Employment Authorization Documents (EADs)

EFFECTIVE DATE: Immediately

CONTACT PERSON: Local District Support Unit
Upstate (518) 474-8216 NYC (212) 268-6855

The purpose of this GIS message is to provide revised desk guides based on GIS message 04 MA/002 "Clarification of Nonimmigrant Visa Status" issued on 2/10/04. The attached desk guides "Documentation Guide Immigrant Eligibility for Health Care Coverage in New York State" and "Key to I-766, I-688B, Employment Authorization Documents (EADs)" reflect PRUCOL status for those nonimmigrants who are holders of special nonimmigrant visas coded K, V, S, T and/or U for the purposes of determining Medicaid/FHPlus/CHPlus eligibility.

Please replace all previous versions with the attached desk guides dated 02/04, including the desk guides in the reference materials handout from the video teleconference "Immigrant Eligibility for Medicaid" on 1/14/03.

GIS message 04 MA/002 because of its size will be transmitted by e-mail to the Local District Commissioners by COB 2/10/04. A copy of this GIS may also be found on the Human Services Intranet site: [HTTP://SDSSNET5/](http://SDSSNET5/) after 2/17/04 or on the Health Provider Network (HPN), which is the Department of Health's Secure Intranet site.

If you cannot access this GIS from the e-mail or through the Intranet, please contact Chris Larsen at (518) 486-9054.

Documentation Guide

Immigrant Eligibility for Health Coverage in New York State

Listed below are immigration documents that can establish one's immigration status when applying for **public health coverage** in New York. These documents can also be used for the purposes of applying for other federal and state benefit programs. The categories of immigrants who are eligible will vary with each benefit program.

Immigrant Eligibility for Medicaid, Family Health Plus and CHP A

In New York State, immigrants listed under the following categories are eligible for Medicaid, Family Health Plus and Child Health Plus A (CHPlus A): U.S. Citizens, nationals, Native Americans and individuals with satisfactory immigration status¹ (i.e. Qualified immigrants and PRUCOL).

Immigrant Eligibility for Other Health Care Programs

New York State residents, regardless of their immigration status, are eligible for Child Health Plus B (CHPlus B), Prenatal Care Assistance Program (PCAP), Emergency Medicaid, and sliding-fee scale at the public hospitals and clinics. For each program, the immigrant must meet other eligibility criteria, including income requirements.

Category 1: U.S. Citizens

Category	Documents	WMS ACI code
<p>U.S. Citizen (Includes the 50 States, the District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands, and Samoa or Swain's Island for purposes of Medicaid)</p>	<ul style="list-style-type: none"> ▶ U.S. Birth Certificate ▶ U.S. Passport ▶ Naturalization Papers of Certificate (N-550 or N-570) ▶ Consulate Report of Birth Abroad (FS-240) ▶ Certification of Report of Birth (DS-1350) ▶ U.S. Citizen I.D. Card (I-97 or I-179) ▶ Certificate of Citizenship (N-560 or N-561) ▶ Information from a primary source Federal agency (such as SSA) verifying U.S. as place of birth ▶ Religious document such as a baptismal record, recorded within 3 months of age showing the ceremony took place in the U.S. <p><i>Note: Listed are the most common documents used to prove citizenship. The list is not exhaustive and there are other documents that can establish citizenship.</i></p>	C

Satisfactory Immigration Status¹

Category 2: Qualified Immigrants

Category	Documents	WMS ACI code
<p>Lawful Permanent Residents (LPRs or "green card" holders)</p>	<ul style="list-style-type: none"> ▶ I-94 or passport stamped 1-551 ▶ I-551 Legal Permanent Resident Card "green card" (I-551-older version) ▶ I-327 reentry permit ▶ I-181 Memorandum of Creation Of Lawful Permanent Resident with approval stamp 	<p>K (without 40 quarters) OR S (with 40 quarters)</p>
<p>Refugees</p>	<ul style="list-style-type: none"> ▶ I-94 or passport with annotation "Section 207" or "refugee" ▶ I-551 coded R8-6, RE6, RE7, RE8, or RE9 ▶ I-571 Refugee Travel Document ▶ I-688B or I-766 coded 274a.12(a)(3) or A3 	R
<p>Asylees</p>	<ul style="list-style-type: none"> ▶ I-94 or passport with annotation "Section 208" or "Asylee" ▶ I-551 coded AS6, AS7, or AS8 ▶ I-571 Refugee Travel Document ▶ I-688B or I-766 coded 274a.12(a)(5) or A5 ▶ Letter/order from the USCIS² or Court granting asylum 	A

Category	Documents	WMS ACI code
<p>Persons granted withholding of deportation or removal (Non-citizens whose deportation or removal has been withheld based on a finding that the person's life or freedom is threatened in the country of deportation based on race, religion, nationality, or membership in a particular social group or political opinion.)</p>	<ul style="list-style-type: none"> ▶ I-94 or passport stamped "Section 243(h)" or "Section 241(b)(3)" ▶ I-571 Refugee Travel Document ▶ I-688B or I-766 coded 274a.12(a)(10) or A10 ▶ Letter/order from USCIS or court granting withholding of deportation or removal 	J
<p>Parolees admitted into the U.S. for at least one year (Non-citizen who have been allowed to come into the U.S. for humanitarian or public interest reasons.)</p>	<ul style="list-style-type: none"> ▶ I-94 with annotation "Paroled Pursuant to Section 212(d)(5)" or "parole" or "PIP" with the date of entry and date of expiration indicating at least one year ▶ I-688B or I-766 coded 274a.12(a)(4), 274a.12(c)(11), A4, or C11, and I-94 indicating admitted for at least one year 	G
<p>Cuban/Haitian Entrants</p>	<ul style="list-style-type: none"> ▶ I-94 with annotation "Cuban-Haitian Entrant" or any notation indicating "parole" on or after 10/10/80* ▶ I-551 coded CU6, CU7, or CH6 ▶ I-688B or I-766 coded 274a.12(c)(8) or C8 ▶ Order to Show Cause (OSC)*, I-122, or Notice to Appear (NTA)* indicating pending exclusion, removal or deportation proceedings ▶ Any document indicating pending asylum application or filing of I-589 application for asylum* <p><i>*Note: With reasonable evidence on the document that the person has been a national of Cuba or Haiti</i></p>	H
<p>Amerasians</p>	<ul style="list-style-type: none"> ▶ I-94 or passport with the codes AM1, AM2, AM3, AM6, AM7, or AM8 ▶ I-551 coded AM1, AM2, AM3, AM6, AM7, or AM8 	R
<p>Conditional Entrants (Status granted to refugees before 1980.)</p>	<ul style="list-style-type: none"> ▶ I-94 or other document showing admission under Section 203(a)(7), "refugee conditional entry" ▶ I-688B or I-766 coded 274a.12(a)(3) or A3 	F
<p>Canadian born Native Americans</p>	<ul style="list-style-type: none"> ▶ I-94 coded S13 ▶ Tribal Record ▶ Birth or Baptismal Certificate issued on a reservation ▶ Letter from Canadian Department of Indian Affairs ▶ School Records 	C
<p>Native Americans belonging to a federally recognized Tribe born outside the U.S.</p>	<ul style="list-style-type: none"> ▶ Membership card or other tribal document demonstrating membership in U.S. federally-recognized Tribe 	C
<p>Certain battered spouses and children who have been granted, or found prima facie eligible for relief under the Violence Against Women Act (VAWA)</p>	<ul style="list-style-type: none"> ▶ I-797 indicating approved, pending, or prima facie determination of I-360 (Petition by self-petitioning Immigrant of abusive USC or LPR) under Section 204(a)(1)(iii) or (iv), or Section 204(a)(1)(B)(ii) or (iii) ▶ I-797 indicating approved or pending I-130 (visa petition) under Section 204(a)(1)(A)(i) or (ii), or Section 204(a)(1)(B)(i) ▶ Order from EOIR granting or establishing prima facie determination of suspension of deportation under Section 244(a)(3) or cancellation of removal under Section 240A(b)(2) 	B
<p>Victims of Trafficking (Victims of Trafficking (T) receive benefits to the same extent as refugees (GIS 02 MA/022).)</p>	<ul style="list-style-type: none"> ▶ I-94 coded T1 or T2 ▶ Certification letter (for adults) or eligibility letter (for children) from Office of Refugee Resettlement 	R-NYC D-Upstate
<p>Veterans or Persons on active duty in the Armed Forces and their immediate family members (Immediate family members: documentation of relationship to veteran or person on active duty)</p>	<ul style="list-style-type: none"> ▶ Original or notarized copy of current orders showing the person is on full-time duty in U.S. Armed forces ▶ Military I.D. card - DD Form 2 (active) ▶ DD Form 214 showing "Honorable" discharge ▶ Original or notarized copy of the veteran's discharge papers 	V OR M

Category 3: Persons who are Permanently Residing Under Color of Law (PRUCOL)*

*PRUCOL is not an immigration status. PRUCOL is not granted by the USCIS. PRUCOL is a public benefits eligibility category.

Category	Documentation	WMS ACI code
a. Parolees admitted into U.S. for less than a year	<ul style="list-style-type: none"> ▶ I-94 with annotation "Paroled Pursuant to Section 212(d)(5)" or "parole" or "PIP" ▶ I-688B or I-766 coded 274a.12(a)(4), 274a.12(c)(11), A4, or C11 	T
b. Persons under an Order of Supervision <i>(Non-citizens who have been found deportable; however certain factors exist which make it unlikely that USCIS would be able to remove them.)</i>	<ul style="list-style-type: none"> ▶ I-94 annotated "Order of Supervision" ▶ I-220B Order of Supervision ▶ I-688B or I-766 coded 274a.12 (c)(18) or C18 	O
c. Persons granted indefinite stay of deportation <i>(Non-citizens who have been found deportable, but USCIS deferred deportation indefinitely due to humanitarian reasons.)</i>	<ul style="list-style-type: none"> ▶ I-94 coded 106 ▶ Letter/order from the USCIS or Court granting indefinite stay of deportation 	O
d. Persons granted indefinite voluntary departure <i>(Status that was granted before 1996 to non-citizens who have been found deportable, but the USCIS deferred deportation indefinitely due to humanitarian reasons.)</i>	<ul style="list-style-type: none"> ▶ I-94 or letter/order from the USCIS or Court granting voluntary departure for an indefinite time period 	O
e. Persons on whose behalf an immediate relative petition has been approved and her/his families covered by the petition <i>(Non-citizens who are immediate relatives (spouse, father, mother, or unmarried child under 21) of a U.S. citizen/LPR who has filed an I-130 on their behalf.)</i>	<ul style="list-style-type: none"> ▶ I-94 and/or I-210 indicating departure on a specified date, however, the USCIS expects the non-citizen's visa will be available within this time ▶ I-797 indicating I-130 petition has been approved ▶ Also see documentation listed under category "I" 	O
f. Persons who have filed applications for adjustment of status under Section 245 of the INA and the USCIS has accepted as "properly filed" <i>(Non-citizens who filed for legal permanent resident status.)</i>	<ul style="list-style-type: none"> ▶ I-94 or passports with annotation "adjustment application" or "employment authorized during status as adjustment applicant" ▶ I-688 or I-688A coded 245A ▶ I-688B or I-766 coded 274a.12 (c)(22) or C22 ▶ Also see documentation listed under category "I" 	O
g. Persons granted stays of deportation <i>(Non-citizens who have been found deportable, but the USCIS may defer deportation for a specified period of time due to humanitarian reasons.)</i>	<ul style="list-style-type: none"> ▶ I-94 or letter/order from the USCIS or Court indicating granted stay of deportation 	O
h. Persons granted voluntary departure under Section 242(b) <i>(This section has been repealed.)</i>	N/A	O
i. Persons granted deferred action status	<ul style="list-style-type: none"> ▶ I-797 or any document from USCIS granting deferred action status ▶ I-688B or I-766 coded 274a.12 (c)(14) or C14 	O
j. Persons who entered and continuously resided in the U.S. before January 1, 1972 (Registry) <i>(Non-citizens are presumed by the USCIS to meet certain criteria for legal permanent residence.)</i>	<ul style="list-style-type: none"> ▶ Any documentary proof establishing entry and continuous residence ▶ I-688B or I-766 coded 274a.12(c)(16) or C16 ▶ I-797, letter/notice from the USCIS or Court indicating registry application is pending 	O

Category	Documentation	WMS ACI code
<p>k. Persons granted suspension of deportation pursuant to Section 244 of the INA; the USCIS does not contemplate enforcing departure <i>(Non-citizens in this category have been found deportable, have met a period of continuous residence and have filed an application for the USCIS to suspend deportation, which has been granted.)</i></p>	<ul style="list-style-type: none"> ▶ I-797, letter/order from an immigration judge and ▶ I-94 showing suspension of deportation granted. After Lawful Permanent Residence is granted the person will have a “green card” (Form I-551). 	O
<p>I. Other Persons living in the U.S. with the knowledge and permission or acquiescence of the USCIS and whose departure the USCIS does not contemplate enforcing: Examples include, but are not limited to:</p> <ul style="list-style-type: none"> -Permanent nonimmigrants, pursuant to P.L. 99-239; -Applicants for adjustment of status¹, asylum², suspension of deportation or cancellation of removal³ or for deferred action -Persons granted extended voluntary departure⁴ or Deferred Enforced Departure (DED)⁴ due to conditions in their home country; -Citizens⁵ of the Federated States Micronesia and Marshall Islands; -Persons granted Family Unity⁶; or -Temporary Protected Status⁷. 	<ul style="list-style-type: none"> ▶ I-94 coded K3, K4, V1, V2, or V3, T*, U, or S (refer to Category 4: “SPECIAL NONIMMIGRANT” section below) ▶ I-688B or I-766 coded 274a.12(a)(8)⁵, 274a.12(a)(11)⁴, 274a.12(a)(13)⁶, 274a.12(c)(8)², 274a.12(c)(9)¹, 274a.12(c)(10)³, 274a.12(c)(12)⁶, A8², A9, A11⁴, A13⁶, C8², C9¹, or C12⁶, 274a.12(a)(12) or (c)(19), A12, C19⁷ ▶ I-688 or I-688A ▶ I-797 indicating the USCIS has received, taken action on or approved an application or petition ▶ Postal Return Receipt addressed to the USCIS or copy of cancelled check to the USCIS, and copy of the enclosed documents submitted to the USCIS, or ▶ Correspondence to or from the USCIS, showing that the person is living in the U.S with the knowledge and permission or acquiescence of the USCIS, and the USCIS does not contemplate enforcing the person’s departure from the U.S. 	O

Category 4: Non-Immigrants

Category	Documentation	WMS ACI code
<p>Temporary Non-immigrants include: Visitors for business or pleasure (B-1, B-2), crewmen on shore leave (D), foreign students (F), temporary workers (H & O), including agricultural contract workers, members of foreign government representatives on official business (A), personnel of international organizations (G), Treaty Traders and investors (E), Cultural Exchange Visitors (Q), Athletes and entertainers (P), Religious workers (R), Exchange visitors (J) and members of the foreign press (I).</p> <p><i>(These non-immigrants are lawfully admitted to the U.S. for a temporary or specified period of time.)</i></p>	<ul style="list-style-type: none"> ▶ I-94, Arrival/Departure record ▶ I-185, Canadian Border Crossing Card* ▶ I-186, Mexican Border Crossing Card* ▶ I-444, Mexican Border Visitor’s Permit* ▶ I-95A, Crewmen’s Landing Permit <p>*B-1/B-2 Visa/BCC is now issued in place of these documents</p>	E Emergency services only
<p>Special Non-immigrants: Some categories of non-immigrant status allow the status holder to work and eventually adjust to lawful permanent residence. These categories allow the individual to apply for the adjustment to LPR status after he or she has had the nonimmigrant status for a period of time. As SPECIAL NONIMMIGRANTS [Law found at 8 U.S.C. Sect 1101 (a) (15) (K) (S) (T)* (U) and (V) visa holders are PRUCOL and are eligible for Medicaid/FHPlus/CHPlus A.</p> <p>* Victims of Trafficking (T) receive benefits to the same extent as refugees (GIS 02 MA/022).</p>	<ul style="list-style-type: none"> ▶ I-94 coded K3, K4, V1, V2, or V3, T*, U, or S ▶ I-797 indicating the USCIS has received, taken action on or approved an application or petition ▶ Postal Return Receipt addressed to the USCIS or copy of cancelled check to the USCIS and a copy of the enclosed documents submitted to the USCIS, or ▶ Correspondence to or from the USCIS, showing that the person is living in the U.S with the knowledge and permission or acquiescence of the USCIS, and the USCIS does not contemplate enforcing the person’s departure from the U.S. 	O PRUCOL *(EXCEPT VICTIMS OF TRAFFICKING)

Category 5: Undocumented Immigrants

Category	Documentation	WMS ACI code
<p>Undocumented Immigrants <i>(Undocumented immigrants do not have the permission of the USCIS to remain in the U.S. They may have entered the United States legally but have violated the terms of their status, e.g. over-stayed a visa, or they may have entered without documents.)</i></p>	<p>Undocumented immigrants are unable to provide documentation of immigration status; therefore, absent any documentation they are eligible only for the treatment of an emergency medical condition. Undocumented children may be eligible for CHPlus B. Undocumented pregnant women continue to be eligible for PCAP.</p>	<p>E Emergency services only</p>

U. S. Citizenship and Immigration Services (USCIS) Documents

<p>I-94 Arrival Departure Card I-181 Memorandum Of Creation of Record of Lawful Permanent Residence I-210 Voluntary Departure I-220B Order of Supervision I-130 Petition for Alien Relative I-140 Immigrant Petition for Alien Worker I-327 Reentry Permit for permanent residents I-551 Legal Permanent Resident Card, Resident Alien Card or "green card"</p>	<p>I-571 Refugee Travel Document I-688 Temporary Resident Card I-688A Employment Authorization For Legalization Applicants I-688B Employment Authorization Card I-766 Employment Authorization Card I-797 Notice of Action (I-797C current version) DD-Form 2 Military Identification Card DD-214 Report of Separation Military Discharge Document</p>
--	---

¹Satisfactory immigration status is an immigration status that makes the individual eligible for benefits under the applicable program.

²The United States Citizenship and Immigration Services (USCIS) was formerly the Immigration and Naturalization Services (INS) and the Bureau of Citizenship and Immigration Services (BCIS).

PLEASE NOTE:

The **DATE OF ELIGIBILITY** is the **DATE OF ENTRY** or the **DATE STATUS WAS GRANTED**. The date of entry is **optional** for "O" PRUCOL category immigrants.

KEY TO I-766, I-688B, Employment Authorization Documents (EADs)

There are codes on the front of the card that indicate the person's immigration status and refer to the section of the regulation authorizing employment. The following list of codes and categories is not exhaustive.

CODE ON EAD	EMPLOYMENT AUTHORIZATION MEANING	Immigration Status	Type of Health Benefit
(a)(3)	Refugee	Qualified immigrant	MA/FHPlus/CHPlus
(a)(4)	Paroled as a refugee*	Qualified immigrant	MA/FHPlus/CHPlus
(a)(5)	Granted asylum	Qualified immigrant	MA/FHPlus/CHPlus
(a)(6)	Fiancé(e) of a U.S. citizen dependent of fiancé(e)	Nonimmigrant (or PRUCOL, if filed to adjust status with USCIS)	Eligible for emergency MA only (but if filed to adjust status w/USCIS, may be eligible for MA/FHPlus/CHPlus)
(a)(7)	Son or daughter of former international organization employee	Nonimmigrant	Eligible for emergency MA only
(a)(8)	Citizen of the Federated States of Micronesia or the Marshall Islands	PRUCOL	MA/FHPlus/CHPlus
(a)(9)	Children of citizen/LPR [K nonimmigrant-LIFE ACT] [V nonimmigrant]	PRUCOL	MA/FHPlus/CHPlus
(a)(10)	Granted withholding of deportation	Qualified immigrant	MA/FHPlus/CHPlus
(a)(11)	Granted extended voluntary departure or DED	PRUCOL	MA/FHPlus/CHPlus
(a)(12)	Granted temporary protected status (TPS)	PRUCOL	MA/FHPlus/CHPlus
(a)(13)	Granted family unity	PRUCOL	MA/FHPlus/CHPlus
(a)(15)	Spouses of LPR and dependents of spouse [K nonimmigrant-LIFE ACT] [V nonimmigrant]	PRUCOL	MA/FHPlus/CHPlus
(c) (1)	Dependent of foreign government official	Nonimmigrant	Eligible for emergency MA only
(c) (2)	E-1 nonimmigrant	Nonimmigrant	Eligible for emergency MA only
(c)(3)(i)-(iii)	Foreign students	Nonimmigrant	Eligible for emergency MA only
(c)(4)	Dependent of employee of international organization	Nonimmigrant	Eligible for emergency MA only
(c)(5)	Dependent of exchange visitor	Nonimmigrant	Eligible for emergency MA only
(c)(6)	Foreign student	Nonimmigrant	Eligible for emergency MA only
(c)(7)	Dependent of NATO employee	Nonimmigrant	Eligible for emergency MA only
(c)(8)	Asylum applicant	PRUCOL	MA/FHPlus/CHPlus
(c)(9)	Applicant for adjustment to lawful permanent resident	PRUCOL	MA/FHPlus/CHPlus
(c)(10)	Applicant for suspension of deportation	PRUCOL	MA/FHPlus/CHPlus
(c)(11)	Paroled for emergent or public interest reasons*	Qualified immigrant	MA/FHPlus/CHPlus
(c)(12)	Granted voluntary departure	PRUCOL	MA/FHPlus/CHPlus
(c)(13)	Deportation or exclusion proceedings pending	Nonimmigrant	Eligible for emergency MA only
(c)(14)	Granted deferred action	PRUCOL	MA/FHPlus/CHPlus

CODE ON EAD	EMPLOYMENT AUTHORIZATION MEANING	Immigration Status	Type of Health Benefit
(c)(16)	Applicant for registry (resided in U.S. since before January 1, 1972)	PRUCOL	MA/FHPlus/CHPlus
(c) (17)(i)	Employee of business visitor	Nonimmigrant	Eligible for emergency MA only
(c) (17)(ii)	Employee of foreign airline	Nonimmigrant	Eligible for emergency MA only
(c) (18)	Deportable alien under order of supervision	PRUCOL	MA/FHPlus/CHPlus
(c) (19)	TPS applicant	PRUCOL	MA/FHPlus/CHPlus
(c) (20)	Applicant for Special Agricultural Worker Legalization (INA Section 210)	PRUCOL	MA/FHPlus/CHPlus
(c) (21)	Nonimmigrant witness or informant and dependents (S status)	PRUCOL	MA/FHPlus/CHPlus
(c) (22)	Applicant for legalization under INA Section 245A	PRUCOL	MA/FHPlus/CHPlus
(c) (24)	Applicant for adjustment under the LIFE Act Legalization Program	PRUCOL	MA/FHPlus/CHPlus
(c) (25)	Immediate family member of T status nonimmigrant	Qualified Immigrant* *Victims of Trafficking receive benefits to the same extent as refugees (GIS 02 MA/022)	MA/FHPlus/CHPlus

*** If here for less than one year, is a PRUCOL. If more than one year, is a legal permanent resident.**