

IMMIGRANT ELIGIBILITY

FOR

MEDICAID, FAMILY HEALTH PLUS, & CHILD HEALTH PLUS

TRAINING CURRICULUM

THIS TRAINING CURRICULUM WAS PREPARED BY THE STAFF OF THE LEGAL AID SOCIETY'S HEALTH LAW UNIT. IT WAS MADE POSSIBLE BY A GENEROUS GRANT FROM THE UNITED HOSPITAL FUND. WE WOULD LIKE TO THANK THE FOLLOWING EXPERT READERS: LINDA LeCLAIR, DIRECTOR, BUREAU OF MEDICAID ELIGIBILITY/DISABILITY, OFFICE OF MEDICAID MANAGEMENT & JUDITH ARNOLD, DIRECTOR CHILD HEALTH PLUS PROGRAMS OF THE NEW YORK STATE DEPARTMENT OF HEALTH; BETH OSTHIMER & MELINDA DUTTON, CHILDREN'S DEFENSE FUND; ADAM GURVITCH & SU YON YI, NEW YORK IMMIGRATION COALITION; AND KATE LAWLER, THE CHILDREN'S AID SOCIETY FOR THEIR VALUED COMMENTS. ALL MISTAKES, HOWEVER, ARE OUR OWN! WE WOULD ALSO LIKE TO THANK THE NATIONAL IMMIGRATION LAW CENTER FOR USE OF PHOTOS FROM THEIR FORTHCOMING *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS*, 4TH ED (CALL OR EMAIL FOR COPIES: 213-639-3900 OR [INFO@NILC.ORG](mailto:info@nilc.org))

PLEASE CALL THE LEGAL AID SOCIETY'S HEALTH HOTLINE FOR PERMISSION TO REPRODUCE THIS DOCUMENT AND TO ENSURE THAT YOU RECEIVE THE MOST RECENT EDITION: 212-577-3575.

DATED SEPTEMBER 6, 2002

Section One: Immigrant Eligibility for Medicaid and Family Health Plus, and Child Health Plus

Who is Eligible for Medicaid, Family Health Plus and Child Health Plus*?

All legal immigrants are eligible for Medicaid, Family Health Plus (“FHPlus”) and the children’s Medicaid program, called Child Health Plus A (“CHPlus A”) so long as the applicant meets the other eligibility requirements of the program.¹ Use the “Access NY Health Care” application to apply.

Quick Tip!

Undocumented immigrants are *generally ineligible* for full Medicaid, FHPlus, and CHPlus A. **But**, all New York residents, including people who are undocumented may be eligible for Emergency Medicaid, PCAP, and CHPlus B.

The immigration rules are the same for Medicaid (both community and long-term care Medicaid), FHPlus and CHPlus A.

Only two groups of Immigrants are clearly ineligible for full Medicaid, FHPlus and CHPlus A. They are:

- Undocumented (e.g. people with no INS paperwork).
- Nonimmigrants (e.g. short term visa holders, like students, tourists who are not adjusting their status with INS.).

But, all New York State residents, including people who are undocumented, may be eligible for the following three types of government health insurance:

1. **Emergency Medicaid** which pays for urgently needed medical care. Fill out a full Medicaid application plus a physician’s attestation form, called a MAP 2151;

* CHPlus has two child health insurance programs. CHPlus A (children’s Medicaid) and CHPlus B. CHPlus A provides comprehensive health coverage for low income children up to age 19. Many immigrant children can qualify. CHPlus B provides health coverage (less comprehensive than CHPlus A), solely through health plans, to uninsured children up to age 19, who live in families that make too much money to qualify for CHPlus A or whose immigration status makes them ineligible for CHPlus A.

2. **PCAP** which provides Medicaid to cover prenatal care for pregnant women (fill out a Growing Up Healthy or Access NY Health Care application) and
3. **CHPlus B** which is health insurance for low-income children up to age 19 who don't qualify for CHPlus A (fill out a Growing Up Healthy or Access NY Health Care application).

Immigrants eligible for Medicaid, FHPlus or CHPlus A are:

- Naturalized U.S. citizens
- 2. Native Americans belonging to a federally recognized tribe born outside of the U.S. (like Canada)**
- 3. Qualified Aliens
 - a. Legal Permanent Residents (or "Green Card" holder)
 - b. Refugees
 - c. Asylees
 - d. Persons granted withholding of deportation or removal
 - e. Persons paroled into the USA for more than one year
 - f. Cuban-Haitian entrants
 - g. Amerasians
 - h. Battered Women and their dependents
 - i. Conditional entrants
 - j. Veterans or active U.S. armed forces and their immediate family members
 - k. Victims of trafficking
- 4. Immigrants who are Permanently Residing Under Color of Law (PRUCOL).

What is a Qualified Alien?

Qualified aliens are immigrants who usually live and work here with the permission of the INS. Examples of Qualified Aliens are Green Card Holders (or Lawful Permanent Residents or "LPRs"), people who have been granted asylum because of political or religious persecution, refugees and so forth. All Qualified Aliens are eligible for Medicaid, FHPlus or CHPlus so long as they meet the relevant health program's other eligibility criteria. There is no five year waiting period for receipt of health benefits.

** The NYS Department of Health defines these people as "Native Americans, including Native Americans belonging to a federally recognized tribe born outside the U.S. and Canadian born Native Americans (if at least 50% American Indian blood)."

What is a PRUCOL Immigrant?

PRUCOL immigrants are also eligible for Medicaid, FHPlus and CHPlus. Let's break down what PRUCOL stands for:

- P = Permanently. This means that the immigrant is in the U.S. *for good*.
- R = Residing. This means that the immigrant *is a resident of, or lives in, New York*.
- U = Under }
C = Color } Under Color of Law means that the immigrant has *some legal basis*
of } for being in the country.
L = Law. }

Rule of thumb: A PRUCOL immigrant is a person who lives in the U.S. for good and has some kind of legal status from INS or has applied for legal status with INS. PRUCOL is a term used by New York State to grant State-funded benefits, like Medicaid, FHPlus, CHPlus and Safety Net Assistance.

INS does not grant "PRUCOL" status. **INS will not give the immigrant a piece of paper that says the immigrant is PRUCOL.** Instead, you will have to review the immigrant's documents to see if he or she fits in a PRUCOL category. Most PRUCOL immigrants do not know that they are "PRUCOL." Instead, the immigrant is likely to believe that he or she is an immigrant who is in the process of regularizing his or her immigration status.

The New York State Department of Health says that PRUCOL immigrants are people who are living here with INS' "knowledge and permission or *acquiescence*" and INS is not taking steps to deport the immigrant "Acquiescence" is an important word. It means agree by default (or inaction).

As we explain later, if the client has documents showing that INS has received the immigrant's request to *adjust his or her status* (or become a Green Card holder), he or she is probably a PRUCOL immigrant until INS makes its decision.

Because INS takes so long to make immigration decisions, many immigrants will have complicated immigration documents which prove that they are PRUCOL. In summary, if the immigrant has properly filed paperwork with INS to remain in the U.S. permanently, and INS has acknowledged that filing (even by issuing a receipt or a return receipt requested or a canceled check made out to INS), the immigrant should be considered a PRUCOL immigrant.

It is your job to help your immigrant client prove that his or her status is *at least* PRUCOL. Let's figure out how to do this job with the immigrant's documents.

What if an Immigrant's Application is Denied?

Whenever an application for Medicaid, FHPlus or CHPlus A is denied, the applicant has 60 days to appeal this denial. The applicant's appeal will be heard at a Fair Hearing before the New York State Department of Health.

Instructions on how to ask for a Fair Hearing are on the denial form issued by the local Medicaid office. You can ask for a Fair Hearing by: (1) going in person to 330 West 34th Street, 3rd floor; (2) calling (212) 417-6550; (3) faxing (518) 473-6735 or (4) mailing to OTDA, Fair Hearings, PO Box 1930, Albany, NY 12201-1930.

The Legal Aid Society's Health Law Hotline is available to assist applicants who are denied Medicaid, FHPlus or CHPlus. Call: 212-577-3575. Upstate residents may call Legal Aid's Health Hotline toll free at: 1-888-500-2455.

2. The I-94 Arrival/Departure Record

When an immigrant is first admitted into the United States, his or her passport is stamped with the I-94. The I-94 is either a stamp in the immigrant's passport or a little white card (picture on next page). An I-94 and the most common codes on the I-94 are pictured on the next page.

The I-94 often has a code written on it. The code tells you what the immigrant's status was when he or she entered the country. Sometimes, the code on the I-94 helps us prove that the immigrant is a LPR and may be waiting for INS to issue a Green Card. The codes may indicate if the immigrant is eligible for Medicaid, FHPlus and CHPlus A.

<u>Qualified Aliens</u>	<u>I-94 Code</u>	<u>Medicaid Eligible</u>
Asylum (applicant or granted)	208	Yes
Refugee	207 or REFUG	"
Amerasian	AM 1, 2, 3, 6, 7,8	"
Granted stay/withholding of deportation	106, 243(h) or 241(b)(3)	"
Parolee for more than a year	212(d)(5), "PIP" & with date of entry & expiration date > 1 year	"
Conditional Entrant	203(a)(7)	"
Human trafficking victim	T	"
<u>PRUCOLs</u>		
Granted Voluntary Departure ("DED")	242(b)	
Applicant for suspension of deportation		
Parolee for less than a year	212(d)(5), "PIP" & with date of entry & expiration date < 1 year	"
Granted indefinite stay of deportation	106	"

Possible PRUCOLs (you will need to see INS paper work indicating that these people have applied to adjust their status (or for a Green Card)

Fiancé/spouses (& their kids) of U.S. citizens	K 1, 2, 3, 4	Maybe
Spouse, child of LPR	V	"
Religious workers	R 1, 2	"
Snitch visa	S	"
People who have suffered mental or physical abuse	U	"

I-94
Arrival/Departure
Record

This 3x5 card is issued to almost all aliens upon entry to the U.S. It creates a record of arrival and departure; The card indicates the alien's immigration category or section of the law under which the person is granted admission. The words "Employment Authorized" may also be stamped onto the card. Aliens with I-94s include: persons fleeing persecution, persons with permission to remain in the U.S. based on a pending application, persons in deportation proceedings, and nonimmigrants.

Departure Number 742832036 01	SAMPLE
Immigration and Naturalization Service I-94 Departure Record	U.S. IMMIGRATION 250 WAS SEP 13 1991 ADMITTED <u>L-1</u> UNTIL <u>July 10, 1993</u> CLASS
14. Family Name DCE	16. Birth Date (Dy, Mo, Yr) 11.6.04.62
15. First (Given) Name JOHN	17. Country of Citizenship U.K.

Key to I-94

Codes on the I-94 indicate the provision of law related to the alien's status.

Persons Fleeing Persecution	
Code	Meaning
203(a)(7)	conditional entrant
207	conditional entrant
207(c)	refugee
208	asylum (applicant or granted)
212(d)(5)	parolee
AM1.-2.-3	Amerasian

Persons Granted Permission to Remain in the U.S.

Code	Meaning
106	granted indefinite stay of deportation
242(b)	granted voluntary departure

Nonimmigrants

Code	Meaning
A-1,-2,-3	foreign government official, dependents, and employees
B-1	visitor for business

Nonimmigrants, continued

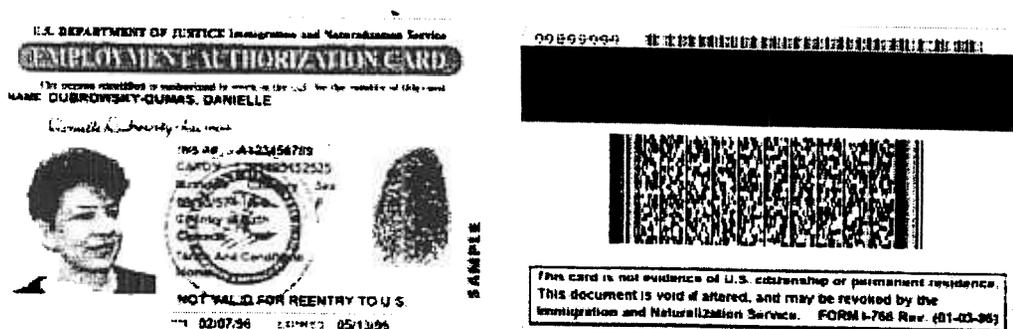
B-2	visitor for pleasure (tourist)
C-1,-2,-3	aliens in transit
D	crewmember of ship or aircraft
E-1,-2	treaty trader and investor and dependents
F-1,-2	foreign student and dependents
G-1,-2,-3,-4,-5	representative of international organization, dependents, and employees
H-1	temporary worker of distinguished merit
H-2A	temporary agricultural worker
H-2B	temporary worker
H-3	trainee
H-4	spouse or child of H worker or trainee
I	foreign information media representative and dependents
J-1,-2	exchange visitor and dependents
P K-1,-2	fianc(e) of U.S. citizen and children, <i>children & spouse of citizen</i>
L-1,-2	intracompany transferee and dependents
M-1,-2	vocational/nonacademic student and dependents
PN-8,-9	parent of special immigrant and children
NATO-1-7	representatives of NATO, dependents and employees
R V	Spouse, child of LPR
R S	"Snitch" USA, cooperating w/ government on criminal investigation
R T	Human Trafficking Victims
R U	People who have suffered mental or physical abuse & cooperated w/ govt
R R	religious workers

DATED: 9/6/02

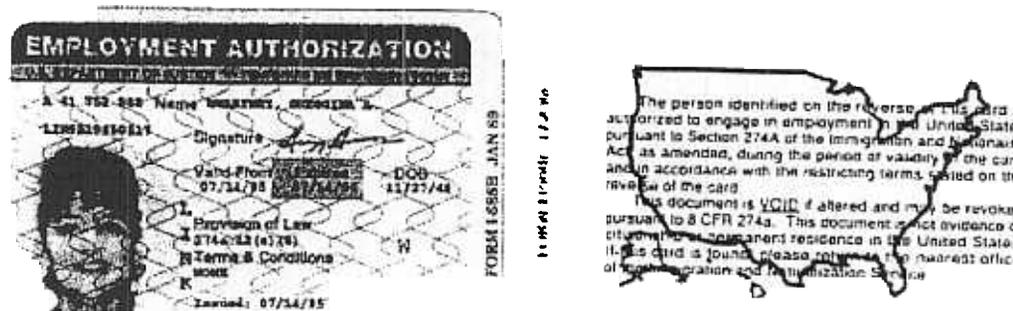
3. Employment Authorization Card

INS permits many immigrants to work legally in the United States. These immigrants are issued an Employment Authorization Card. Qualified Immigrants like Green Card holders can get employment authorization to work in the United States. In addition, PRUCOLs and people who are in the process of adjusting their status can get an Employment Authorization Card and work here legally.

Here are some examples of Employment Authorization Cards.



I-766 – Employment Authorization Document (EAD) (front and back)



I-688B – Employment Authorization Document (EAD) (front and back)

The Employment Authorization Card has a “category” section which indicates a special code that can tell you the client’s immigration status. But an applicant’s immigration status may have changed since he or she was issued an employment authorization card so it is a good idea to review all of the documents in the immigrant’s possession.

The State Department of Health created a chart that explains what the immigrant’s status is based on the code on the immigrant’s Employment Authorization Card.² A modified version of the SDOH chart is on the next page.

MODIFIED SDOH CHART (from CHPlus ADM #34, dated 12/24/01)

Code on EAD	Type of Immigrant	Imm. Status	Type of Health Benefit
(a)(1)	Lawful Permanent Resident (green card)	Qualified Immigrant	MA/FHPlus/CHPlus A & B
(a)(3)	Refugee	Qualified immigrant	MA/FHPlus/CHPlus A & B
(a)(4), c(11)	Parolee (more than 1 year) Parolee (less than 1 year)	Qualified Immigrant PRUCOL	MA/FHPlus/CHPlus A & B MA/FHPlus/CHPlus A & B
(a)(5)	Granted Asylum	Qualified immigrant	MA/FHPlus/CHPlus A & B
(a)(6)	Fiancé(e) of a U.S. citizen, dependent of fiancé	Nonimmigrant (or PRUCOL, if filed to adj. status w/INS)	ER Medicaid & CHPlus B in nys res (but if filed to adjust status w/INS, may be eligible for MA/FHPlus/CHPlus)
(a)(7)	Child of former internat'l org. employee	Nonimmigrant	ER Medicaid & CHPlus B if nys res.
(a)(8)	Citz's of Micronesia, Marshall Isles, Pulau	PRUCOL	MA/FHPlus/CHPlus A & B
(a)(9), (a)(15)	Spouse (& kids) of citizen/LPR	PRUCOL	MA/FHPlus/CHPlus A & B
(a)(10)	Granted withholding of deportation	Qualified immigrant	MA/FHPlus/CHPlus A & B
(a)(11)	Granted ext'ed voluntary departure or DED	PRUCOL	MA/FHPlus/CHPlus A & B
(a)(12)	Granted temporary protected status (TPS)	TPS	ER Medicaid & CHPlus B if nys res
(a)(13)	Granted family unity	PRUCOL	MA/FHPlus/CHPlus A & B
(a)(15)	Spouses of LPR and dependents of spouse	PRUCOL	MA/FHPlus/CHPlus A & B
(c)(1)	Dependent of foreign government official	Nonimmigrant	ER Medicaid & CHPlus B if nys res
(c)(2)	E-1 Treaty trader/investor & dependents	Nonimmigrant	ER Medicaid & CHPlus B if nys res
(c)(3)(i)-(iii), (c)(6)	Foreign students	Nonimmigrant	ER Medicaid & CHPlus B for nys res kids of foreign students
(c)(4)	Dependent of employee of internat'l org.	Nonimmigrant	ER Medicaid & CHPlus B if nys res
(c)(5)	Dependent of exchange visitor	Nonimmigrant	ER Medicaid & CHPlus B if nys res
(c)(7)	Dependent of NATO empl'ee	Nonimmigrant	ER Medicaid & CHPlus B if nys res
(c)(8)	Asylum applicant	PRUCOL	MA/FHPlus/CHPlus A & B
(c)(9)	Applicant for adjustment of status to LPR	PRUCOL	MA/FHPlus/CHPlus A & B
(c)(10)	Applicant for suspension of deportation	PRUCOL	MA/FHPlus/CHPlus A & B
(c)(12)	Granted Voluntary Departure	PRUCOL	MA/FHPlus/CHPlus A & B
(c)(13)	In deportation or exclusion proceedings	Nonimmigrant	ER Medicaid & CHPlus B if nys res
(c)(14)	Granted deferred action	PRUCOL	MA/FHPlus/CHPlus A & B
(c)(16)	Registry applicant (in US since b/4 1/1/72)	PRUCOL	MA/FHPlus/CHPlus A & B
(c)(17)(i)/(c)(17)(ii)	Employee of business visitor/foreign airline	Nonimmigrant	ER Medicaid & CHPlus B if nys res
(c)(18)	Deportable alien under order of supervision	PRUCOL	MA/FHPlus/CHPlus A & B
(c)(19)	TPS applicant	Nonimmigrant	ER Medicaid & CHPlus B if nys res
(c)(22), (c)(24)	Applicants for legalization under § 245 & late legalization	PRUCOL	MA/FHPlus/CHPlus A & B

4. Other Documents that Indicate An Immigrant Is PRUCOL

Some applicants for Medicaid and Family Health Plus do not have either a Green Card or an Employment Authorization Card. In addition, the information on their I-94 Arrival/Departure Record may be out of date.

In these cases, you should ask to see the immigrant's correspondence with INS to see if he or she can be considered to be PRUCOL.

We have attached the INS paperwork of three cases of clients who are PRUCOL and eligible for Medicaid/FHPlus and one who is probably not PRUCOL.

Case A: Mr. A has two letters from INS explaining that his application with INS is pending the outcome of litigation. These letters convinced the New York State Department of Health that Mr. A is PRUCOL.

Case B: Ms. C has a receipt from INS saying that her petition has been received (see the top left box and first sentence) by INS. Ms. C is seeking to *adjust her status* or get a Green Card because her citizen son, "the petitioner" (top right box), has sponsored her "the beneficiary" (2nd right box). Even though Ms. C's petition to adjust her status was not yet approved by INS, the New York State Department of Health has said that this client is PRUCOL.

Case C: Ms. R has a U.S.I.N.S. Fee Receipt attached to a letter from her immigration lawyer showing that her son has filed an immediate relative petition for Ms. R to adjust status (get a Green Card). The next document is a letter from INS calling Ms. R to her adjustment of status appointment. INS has not yet approved Ms. R's adjustment of status application, but the New York State Department of Health has said that this client is PRUCOL.

Case D: Mr. D has an I-94 Arrival/Departure record that lists him as Code "F." Going back to our I-94 Codes we see that the F code is given to foreign students and their dependents. His next document is a receipt from INS which indicates that he has petitioned to be a "*nonimmigrant worker*." This means that Mr. D does not seek to immigrate to the United States, but wants to work legally while he is here. His last document also indicates that he is a student. Since Mr. D here on a temporary student visa, it is very difficult to argue that Mr. D intends to be here permanently. Therefore, he is probably not PRUCOL, and probably not eligible for full Medicaid or FHPlus. He is still eligible for Emergency Medicaid, if he meets the other eligibility requirements.

CASE A: 112



U.S.

NATURALIZATION SERVICE
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
ST ALBANS, VERMONT 05479-0001
(802) 527-3160

December 26, 1996

Mr. A. A.
AVE #9
NEW YORK NY 10009

RE: ATTACHED

The following is in response to your inquiry

Your application remains pending for the outcome of litigation in these matters. Once a decision is rendered on the litigation, your application will be processed.

We have determined that the file in question (A93 256 422) is located at the Immigration office whose address appears below. Please address any further inquiry to:

U.S. Department of Justice
U.S. Immigration and Naturalization Service
26 Federal Plaza
New York, NY 10278

For future inquiries of this nature you may want to utilize our automated phone system by calling (802) 527-3160 for status of a petition or application filed at this Center or for live assistance from an Information Officer.

William R. Yates
Center Director

INFO/jb

LULAK # 2

The Vermont Service Center, through teamwork,
continuous process improvements, and personal development,
will produce a product that is timely and of high quality
which will promote satisfaction and employee self-esteem

7

U. S. Department of Justice
Immigration and Naturalization Service

Notice of Acti

Applicant/Petitioner A #		Application/Petition	
Receipt # EAC910 2048		Applicant/Petitioner A M A	
Notice Date 10/15/91	Page		

AL, M J A
AVE
NEW YORK, NY 10009

Notice also sent to:

NOTICE

TO SERVE YOU MORE EFFICIENTLY, YOUR SCHEDULED INTERVIEW TO DETERMINE ELIGIBILITY FOR CLASS MEMBERSHIP IN CSS/LULAC IS CANCELLED, AND WILL BE RESCHEDULED AT AN EARLIER DATE ~~UNDER THESE~~ INSTRUCTIONS. YOU MUST SUBMIT A COMPLETED APPLICATION (FORM I-687), WITH ONE PASSPORT SIZE PHOTO, REQUIRED AFFIDAVIT, EVIDENCE OF CLASS MEMBERSHIP, AND A COPY OF THIS NOTICE TO: INS, EASTERN SERVICE CENTER, 75 LOWER WELDEN STREET ST. ALBANS, VT 05479-0006 NO LATER THAN 11/14/91. IF YOU DO NOT RETURN YOUR APPLICATION BY THAT DATE, YOU WILL NOT BE RESCHEDULED. IF YOU CLAIM CLASS MEMBERSHIP IN LULAC, YOU MUST ALSO SUBMIT A FEE OF \$185, AND FORM I-690 (WAIVER REQUEST) WITH A FEE OF \$35.

You will be notified separately about any other applications or petitions you filed. Save this notice. Please enclose a copy of it if you write to us about this case, or if you file another application based on this decision. Our address is:

U.S. I & NS
75 LOWER WELDEN ST.
ST. ALBANS, VT. 05479-0006

TELEPHONE # (802) 527-3134

THE UNCLE SAM

OF AMERICA

EAC-97- 50720

IMMIGRANT PETITION FOR RELATIVE,
ORPHAN

RECEIVED DATE
October 21, 1996

PRIORITY DATE

PETITIONER

C. E

CASE 8: 14

NOTICE DATE
October 25, 1996

PAGE
1 of 1

BENEFICIARY

C. R

E. C.
ST STREET
BELLEROSE NY 11426

Notice Type: Receipt Notice

Amount received: \$ 80.08

Section: Parent of U.S. Citizen 201(b)
INA

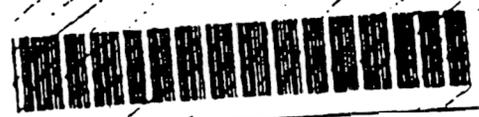
The above application or petition has been received. It usually takes 100 to 330 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect. Our customer service phone number is listed below.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number below to obtain case status information direct from our automatic telephone system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).



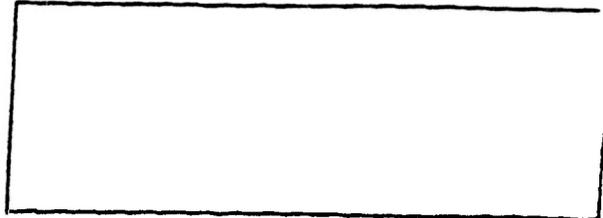
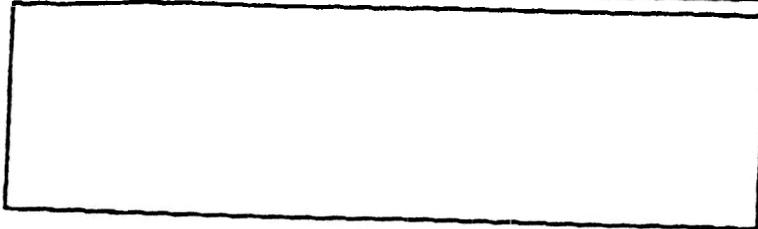
Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (802) 527-3160



Applicant/Petitioner A #		Application/Petition	
Receipt # EAC970C. 720		Applicant/Petitioner	
Notice Date	Page 2	Beneficiary	

CASE B 3/4



Notice also sent to:

d. Medical records, such as the hospital birth record which names the parent(s) and the child.

If you submit a document in any language other than English, it must be completely translated. The translator must certify that the translation is accurate and that he or she is competent to translate. Note: you must submit the requested foreign language document along with the translation.

You may submit either the original documents or legible photocopies of the originals, including copies of the front and back of each document. If you choose to submit original documents, they will not be returned to you.

You will be notified separately about any other applications or petitions you filed. Save this notice. Please enclose a copy of it if you write to us about this case, or if you file another application based on this decision. Our address is:

IMMIGRATION & NATURALIZATION SERVICE
 VERMONT SERVICE CENTER
 75 LOWER WELDEN STREET
 ST. ALBANS, VT 05479-0001

044F

BUILDING SERVICE 32B-J LEGAL SERVICES FUND

101 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10013-1906
16th FLOOR
TELEPHONE 212-388-3600
FAX 212-388-3061

BRUCE K. BENTLEY
Director

Writer's Direct Dial No.:

CASE C: 112

ALAN M. SNYDER
Deputy Director

(212) 388-3574

July 10, 2000

Supervising Attorneys
LESLIE ANN BRODY
MARK R. GRAYSON
HARRIET HOLTZMAN
ISADORE B. HUSS
DAVID M. PROJANSKY
MELISSA WERGER-LEON

United States Department of Justice
Immigration and Naturalization Service
26 Federal Plaza
I-485 Unit
New York, New York 10278

Re: I-130 Petition for Immediate Relative
I-485 Application for Adjustment of Status
D [REDACTED], USC Petitioner
M. E. R., Applicant/Beneficiary Mother of USC

Dear Sir/Madam:

Enclosed please find Forms I-130 Petition for Immediate Relative and I-485 Application for Adjustment of Status with supporting documentation being filed on behalf of the mother of D [REDACTED], a naturalized U.S. citizen. She entered the United States on September 27, 1978, as a B-2 visitor.

Enclosed please find the following documentation in support of Ms. R

U.S.I.N.S.
FEE RECEIPT
A CENTURY OF SERVICE

07-18/00 N.Y.C.
0916513124#
I 485 \$ 220.00
PR PRINT \$ 25.00
I 765 \$ 100.00
I 130 \$ 110.00
JUSTTL 455.00
TTLANT 455.00
BC 455.00
CHANGE 5.00

1. Forms G-28, Notice of Entry of Appearance;
2. Form I-130 Petition for Immediate Relative;
3. Copy of Naturalization Certificate of Petitioner;
4. Copy of Birth Certificate of Petitioner;
5. Form I-485, Application to Adjust Status;
6. Form G-325A, Biographic Information of Applicant;
7. Copy of Applicant's Birth Certificate;
8. Copy of Applicant's Passport showing U.S. visas, entry information, and most recent entry;
9. Form I-765 Application for Employment Authorization;
10. Four photographs of Applicant; and,
11. Check for \$455. to cover filing and fingerprinting fees.



Immigration and Naturalization Service

PRESENT THIS LETTER AT THE WORTH STREET ENTRANCE

M. E. R.

File Number *MT 323*

Date *08-09-01*

1951

CASE C: 2/2

Brown, NY 10106

Please come to the office shown below at the time and place indicated in connection with an official matter.

OFFICE LOCATION	26 FEDERAL PLAZA NEW YORK, NEW YORK 10278	Room No. 8-800	Floor No. 8th
DATE AND HOUR			
ASK FOR	<i>08/16/2001 8:30am</i> IMMIGRATION EXAMINER		
REASON FOR APPOINTMENT	ADJUSTMENT OF STATUS		
BRING WITH YOU	SEE ATTACHMENTS		

IT IS IMPORTANT THAT YOU KEEP THIS APPOINTMENT AND BRING THIS LETTER WITH YOU.

If you are unable to do so, state your reason, sign below and return this letter to this office at once.

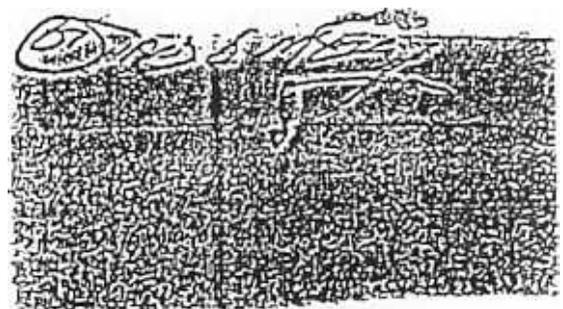
WARNING:

IF YOU CONSIDER DEPARTING FROM THE UNITED STATES TO ANY COUNTRY, INCLUDING CANADA OR MEXICO, BEFORE A DECISION IS MADE ON YOUR APPLICATION, CONSULT WITH THIS OFFICE BEFORE DEPARTURE, SINCE A DEPARTURE FROM THE UNITED STATES WILL RESULT IN TERMINATION OF YOUR APPLICATION.

I am unable to keep the appointment because:
ADJUSTMENT APPLICANT HAS BEEN HOSPITALIZED
AND IS NOT CONSCIOUS AT THE TIME.
SEE ATTACHED

Very truly yours,

SIGNATURE <i>No. [Signature] , ES9.</i>	DATE <i>9/25/01</i>
--	------------------------



CASE D : 113

Departure Number

191563900 09

Immigration and Naturalization Service

U.S. IMMIGRATION NYC ADMITTED 5039

I-94 Departure Record

JUN 09 2001

CLASS UNTIL F1

14. Family Name

15. First (Given) Name

17. Country of Citizenship

16. Birth Date (Day/Mo/Yr)

BANGLADESH

19.03.82

See Other Side

ENGLISH

STAPLE HERE

Warning - A nonimmigrant who accepts unauthorized employment is subject to deportation.

Important - Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future.

You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official.
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

Record of Changes

Reinstated to F-1 until 8/5
HTG 8/29/01 (PH)

Port:

Date:

Carrier:

Flight #/Ship Name:

Departure Record

PRINTED AND SOLD BY YANKEE SCHOONER INDUSTRIES CORPORATION
231 WEST 29TH STREET, NEW YORK, NY 10001-5209, U.S.A.
TEL: (212) 238-8200 · FAX (212) 238-0703

THE UNITED STATES OF AMERICA

RECEIPT NUMBER EAC-01- 56555		CASE TYPE I129	
RECEIVED DATE May 7, 2001		PETITION FOR A NONIMMIGRANT WORKER	
PRIORITY DATE		PETITIONER MR. D	CASE D: 2/3
NOTICE DATE June 13, 2001		PAGE 1 of 1	BENEFICIARY MRS. D
RECEIVED DATE RECEIVED DATE RECEIVED DATE		Notice Type: Receipt Notice Amount received: \$ 110.00	

The above application or petition has been received. It usually takes 30 to 90 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (802) 527-4913 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit the INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

Please see the additional information on the back. You will be notified separately about any other cases you file.

IMMIGRATION & NATURALIZATION SERVICE
 VERMONT SERVICE CENTER
 75 LOWER WELDEN STREET
 SAINT ALBANS VT 05479-0001
 Customer Service Telephone: (802) 527-4913



This page must be completed and signed in the U.S. by a designated school official.

Family Name (surname)	
First (given) name (do not enter middle name)	
Country of birth Bangladesh	Date of birth (mo./day/year) 03/19/82
Country of citizenship Bangladesh	Admission number (Complete if known) 19156390009
2. School (school district) name Bronx Community College	
School official to be notified of student's arrival in U.S. (Name and Title) Alba Cancetty, Director of Admissions/ Int'l Student Adv.	
School address (include zip code) University Avenue & W. 181 Street, Bronx, NY 10453	
School code (including 3-digit suffix, if any) and approval date NYC 214F 0812.008 approved on 10/11/83	

APPROVED

INS DISTRICT OFFICE
For Immigration Officer Use

AUG 29 2001

Recommended by: *E.M.*

NYC A934

Visa issuing post _____ Date visa issued _____

D/S

CASE D: 3/3

3. This certificate is issued to the student named above for:

- (Check and fill out as appropriate)
- a. Initial attendance at this school.
 - b. Continued attendance at this school.
 - c. School transfer.
Transferred from _____
 - d. Use by dependents for entering the United States.
 - e. Other REINSTATEMENT

7. This school estimates the student's average costs for an academic term of

12	(up to 12) months to be:
a. Tuition and fees	\$ 3,186.00
b. Living expenses	\$ 11,387.00
c. Expenses of dependents	\$ 0.00
d. Other (specify) _____	\$ 0.00
Total	\$ 14,573.00

4. Level of education the student is pursuing or will pursue in the United States:

- (check only one)
- a. Primary
 - b. Secondary
 - c. Associate
 - d. Bachelor's
 - e. Master's
 - f. Doctorate
 - g. Language training
 - h. Other

8. This school has information showing the following as the student's means of support, estimated for an academic term of 12 months (Use the same number of months given in item 7).

a. Student's personal funds	\$ 0.00
b. Funds from this school (specify type) _____	\$ 0.00
c. Funds from another source (specify type and source) <u>UNCLE</u>	\$ 14,573.00
d. On-campus employment (if any)	\$ 0.00
Total	\$ 14,573.00

5. The student named above has been accepted for a full course of study at this school, majoring in Business Administration

The student is expected to report to the school not later than (date) 08/01/01 and complete studies not later than (date) 06/30/04
 The normal length of study is 2 YEARS + 1 YEAR EXT.

9. Remarks: _____

6. English proficiency is required:

- The student has the required English proficiency.
- The student is not yet proficient, English instructions will be given at the school.
- English proficiency is not required because _____

10. School Certification: I certify under penalty of perjury that all information provided above in items 1 through 8 was completed before I signed this form and is true and correct; I executed this form in the United States after review and evaluation in the United States by me or other officials of the school of the student's application, transcripts or other records of courses taken and proof of financial responsibility, which were received at the school prior to the execution of this form; the school has determined that the above named student's qualifications meet all standards for admission to the school; the student will be required to pursue a full course of study as defined by 8 CFR 214.2(f)(6); I am a designated official of the above named school and I am authorized to sign this form. *AA*

Signature of designated school official: *[Signature]* Name of school official (print or type) Dir. of Admis/Int'l Student Adv. Title _____ Date issued 07/09/01 Place issued (city and state) Bronx, New York

11. Student Certification: I have read and agreed to comply with the terms and conditions of my admission and those of any extension of stay as specified on page 2. I certify that all information provided on this form refers specifically to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full course of study at the school named on Page 1 of this form. I also authorize the named school to release any information from my records which is needed by the INS pursuant to 8 CFR 214.3(g) to determine my nonimmigrant status.

Signature of student: *[Signature]* Name of student: _____ Date: 07-09-01

Signature of parent or guardian (if student is under 18) _____ Name of parent/guardian (Print or type) _____ Address (city) _____ (State or province) _____ (Country) _____ (Date) _____
 For official use only
 Microfilm Index Number _____

I-20-ID (STUDENT) COPY

Section Two: Public Charge, Sponsorship, and Verification of Status and Reporting Issues

Will A Client's Immigration Status Be Affected If He or She Receives Government-Funded Health Care Benefits?

Most immigrants immigration status will be unaffected if they receive government-funded health care benefits. Immigrants can use government-funded health care for children, the treatment of emergency conditions, and for prenatal care without affecting their immigration status. As described in this next section, there are issues that arise with the use of other government-funded health insurance.

Most immigrants to the United States are trying, or wish, to adjust their immigration status. Immigrants are often worried about how receipt of public benefits will affect their ability to naturalize or otherwise adjust their immigration status.

There are three areas of immigrants' public benefits law which are important to immigrants applying for health care: (1) public charge; (2) sponsor deeming and liability; and (3) verification of status and reporting. These topics are described below.

1. Public Charge

What is "Public Charge"?

Public Charge is the term used by INS to describe immigrants who become dependent on public benefits while living in this country. INS can try to exclude or refuse to admit or adjust the status of an immigrant found to be a public charge.

Use of government funded health benefits like Medicaid, Emergency Medicaid, FHPlus, CHPlus and PCAP should not make an immigrant a public charge. There are two exceptions to this rule: (1) use of Medicaid for long-term institutionalization; (2) use of Medicaid for immigrants who are HIV positive. People who are HIV positive should consult with an immigration expert before using Medicaid.

When Does INS Make a Public Charge Determination?

Public charge issues are important at several stages in the immigration process. INS will make a public charge decision when INS reviews the immigrant's case to see if he or she is "inadmissible." For example, INS may make a public charge determination

DATED: 9/6/02

when an immigrant: (1) applies to enter the United States; (2) tries to adjust his or her status to become a Lawful Permanent Resident; and (3) asks INS for an HIV+ waiver.

INS does not make a public charge determination when a Legal Permanent Resident applies for citizenship (or “naturalizes”).

Are There Special Public Charge Concerns for HIV+ Immigrants?

Yes. An immigrants who is HIV+ and seeks admission to the U.S. or to adjustment of his or her immigration status must file an HIV+ waiver. INS reviews public charge issues in all HIV+ waiver requests. INS reviews the totality of the circumstances of the HIV+ immigrant in its decision to grant or deny the HIV+ waiver.

HIV+ immigrant must be urged to consult immigration specialists before using a government funded health care benefit, like Medicaid, FHPlus or CHPlus.

Does Public Charge Apply to all Immigrant Categories?

No. Public Charge never applies to an immigrant who is a: Refugee; Asylee; Amerasian immigrant at initial admission; or an Entrant under the Cuban Adjustment Act, Nicaraguan Adjustment and Central American Relief Act; or Haitian Refugee Immigration Fairness Act.

For other groups of immigrants, INS may make a Public Charge review when they try to adjust their status (or get a Green Card). INS must look at the “totality of the immigrant’s circumstances” to see if he or she is a “Public Charge.” This means the INS agent will evaluate the immigrant’s age, health, family size, education, work history and prospects.

INS is not *supposed* to consider the immigrant’s use of government funded health benefits for public charge purposes, except for institutionalization (like nursing home care) and for HIV+ care.

Can a Legal Permanent Resident Travel Out of the Country Without Raising Public Charge Issues?

Yes. Generally, if you are an LPR, you cannot lose your status (your Green Card) because you or your family uses Health Care Benefits (other than long-term care). But if you are an LPR (Green Card holder) and leave the country for more than 180 days, you can be asked about your use of cash assistance and/or long-term institutional care when you reenter. See Quick Guide in the Materials for this section.

2. Sponsor Deeming and Liability

What is an Affidavit of Support?

An Affidavit of Support is an INS form signed by an immigrant's sponsor. This form is called an I-864. In the Affidavit of Support, or the I-864, the sponsor promises to financially support the immigrant if INS allows the immigrant into the country. After December 19, 1997, INS required a new Affidavit of Support from the sponsor of a family member applying for an immigrant visa or for adjustment of status.

When is an Affidavit of Support (form I-864) Required?

1. For all family petitions for entry into the U.S.
2. For all Employment petitions if a relative of the sponsored immigrant has a ownership interest of 5% or more in the company.

Who Does Not Need an Affidavit of Support (form I-864)?

1. Battered spouses or children (self-petitioning);
2. Qualified widow(er)s;
3. LPRs who can show 40 quarters of work prior to applying; and
4. Parolees, students and diversity immigrants (they use a different AOS).
5. Many people who are PRUCOL do not have Affidavits of Support.

An immigrant can be denied Legal Permanent Resident status if he or she does not have an Affidavit of Support from a sponsor which states that the sponsor's income is above 125% of the poverty line to sustain the required family size.

Does the Affidavit of Support Affect an Immigrant's Eligibility for Health Benefits?

Maybe. The Affidavit of Support may pose two problems when an immigrant applies for, or uses, Medicaid: (1) Sponsor deeming; and (2) Sponsor Liability. ***But, neither Sponsor Deeming nor Sponsor Liability are currently being used by the New York State Medicaid Program.***

First, soon New York State may apply "sponsor deeming" to the immigrant when he or she applies for Medicaid. New York is supposed to look at the sponsor's income and resources and "deem" it accessible to the immigrant who is applying for Medicaid.

In other words, the Medicaid agency assumes the Sponsor's income is available to immigrant when it evaluates whether the immigrant meets the income guidelines for Medicaid. **New York has not yet started to apply Sponsor Deeming rules in its Medicaid program.**

Second, at some point, the State *may* try to make the immigrant's sponsor "liable" for the immigrant's Medicaid costs. Under Sponsor Liability, the State can ask the immigrant's sponsor to pay back the money the government spent when the immigrant used Medicaid. If the immigrant's sponsor does not pay back the State, the State can sue the sponsor for repayment. **New York has not started to sue sponsors for Medicaid expenses incurred by a sponsored immigrant.**

Does Sponsor Deeming Apply to All Types of Health Care Benefits?

No. Sponsor deeming will not be applied to immigrants who use Emergency Medicaid, CHPlus B or pre-natal care (PCAP benefits).³ The State says it will apply sponsor deeming to the Medicaid program, but has not yet done so. The State has not said whether or not sponsor deeming will be applied to FHPlus.

Does Sponsor Deeming Apply to all Immigrant Categories?

No. Some immigrants do not need an Affidavit of Support to adjust their immigration status. Sponsor Deeming does not apply to immigrants who were not sponsored as part of the INS application process. This means, for example, that there is no sponsor deeming for Refugees, Asylees, people who are sponsored by an organization, people whose deportation or removal has been withheld, or battered immigrants who are "qualified aliens" (exempt for a 12 month period).

What if the Sponsor Does Not Support the Immigrant?

New York has not yet issued Medicaid "Sponsor Deeming" rules. It is unclear what Medicaid will do about immigrants who cannot get financial support from their sponsors. New York issued rules for the cash assistance program. If the sponsor's income or resources are not available to the immigrant, the cash assistance worker is supposed to make a "determination of indigence." After this determination of indigence is made, the cash assistance application is processed as if the immigrant's sponsor's income is unavailable. It may be that a similar system will be set up for Medicaid.

How Long Does Sponsor Deeming Last?

The State applies Sponsor deeming until:

The immigrant becomes a citizen; or

1. The immigrant can be credited with 40 quarters (10 years) of qualified work; or
2. The immigrant leaves the country and gives up Legal Permanent Resident status; or
3. The immigrant's sponsor dies.

What is Sponsor Liability?

Sponsor liability is when the City tries to get the immigrant's sponsor to pay the State and City back for the immigrant's use of Medicaid benefits. The City may try to make the sponsor liable, but only if it follows very specific rules.

How Does Medicaid Use Sponsor Liability?

The Medicaid program has 10 years from the date the immigrant used a Medicaid benefit to seek repayment from his or her Sponsor.

The Medicaid program must use a detailed procedure to seek reimbursement from the sponsor for any means-tested public benefits provided to a sponsored immigrant after the date the I-864 is signed (must be signed after December 19, 1997).

First, the Medicaid agency must make a Request for Reimbursement. This request must be served by personal service on the sponsor. Personal service is when an important document is hand delivered to someone personally or to an adult present in the home. This is the same way court papers are supposed to be served.

Second, the Request for Reimbursement must contain the following information: date of I-864 Affidavit of Support, sponsor's biographical information, benefits used by immigrants, dates benefits received, and total amount of benefits received.

Third, the Request for Reimbursement must notify the sponsor that she has 45 days from the date of service to respond to the Request for Reimbursement and to pay the amount of the reimbursement or make arrangements with the agency for a payback schedule.

Fourth, if the sponsor fails to respond to the Request for Reimbursement within 45

days, the agency may commence an action in either State or Federal court to collect the debt.

How Does Sponsor Liability Affect the Immigrant's Status?

Sponsor liability does not affect an immigrant's application to adjust his or her status. INS cannot make a public charge determination for an immigrant who used Medicaid, unless Medicaid was used for long-term care or for an HIV+ immigrant. Therefore, even when the sponsor does not pay back the State for the immigrant's use of Medicaid, it will not affect the immigrant's ability to adjust his or her status.⁴

Can a Sponsor Receive Medicaid?

Yes, if he or she eligible. The receipt of Medicaid (except for long term care or he she is HIV+) by the sponsor should not bar his or her adjustment of status.

But remember that when the sponsor signs the Affidavit of Support, she promises to support herself, her household and the immigrant(s) she is sponsoring at 125% of the federal poverty line. To be eligible for Medicaid in some categories, the applicant's income needs to be below 100% of the federal poverty line. (But to be eligible for FHPlus the applicant's income must below 133-150% of poverty). Some people cannot be both an adequate sponsor and eligible for Medicaid at the same time.

For example, the sponsor in a four person household must have an annual income of \$22,063 or \$1839 a month to have 125% of the federal poverty line to be a sponsor. For that same family to be eligible for regular Medicaid (without a spend-down), their annual income cannot be more than \$11,304 or \$942 a month. But the same family could qualify for the Medicaid-related program, Family Health Plus (annual income limit is \$24,084, monthly income limit is \$2,007).

If the sponsor cannot meet the 125% of poverty test, the immigrant should get a co-sponsor who can meet the 125% test.

These eligibility rules must be carefully reviewed with an immigrant health advocate or an immigration attorney.

3. What is Verification of Status and Reporting?

The process used by the government to determine an immigrant's status is called "verification of status." If an immigrant submits a false Social Security Number, Work Authorization or proof of residency, a government worker may report the immigrant to the INS or other authorities.

What Can the Government Ask an Immigrant When He or She Applies for Medicaid, FHP, CHPlus and PCAP?

When an immigrant applies for Medicaid, FHPlus and CHPlus A, the Medicaid program can ask the immigrant to verify his or her immigration status by:

- Asking for documents to prove that the immigrant is a U.S. Citizen, a Qualified Alien, or has PRUCOL status; or
- Signing a declaration, under penalty of perjury that the immigrant is a U.S. Citizen, qualified alien, or has PRUCOL status, or
- Asking the immigrant to provide a Social Security Number or proof that the immigrant applied for one.

Immigrant **parents** applying for Medicaid for citizen children do not have to supply any information about their immigration status. Parents only have to prove that the child fits the criteria above.

Battered Women immigrants applying for Medicaid or FHPlus must prove their status under the Violence Against Women Act (VAWA). They should not be asked for a social security number, citizenship documentation, or asked to sign a declaration.

Do All Immigrants Have to Provide Social Security Numbers?

No. Some immigrants, like pregnant women applying for PCAP and undocumented people applying for Emergency Medicaid or CHPlus B do not have to have a Social Security Number.

Also, immigrants who are PRUCOL and do not have a Social Security Number should try to apply for one. A Medicaid/FHPlus/CHPlus application cannot be delayed if the immigrant does not have a Social Security Number or cannot get "proof" (like a letter) from Social Security that he or she tried to apply. The worker should try to help the immigrant apply for a Social Security Number. The applicant can also provide proof by providing a letter describing when and where he or she tried to apply for a Social Security Number.

Never advise an undocumented immigrant or an immigrant under a deportation order from INS to apply for a Social Security Number.

Must Undocumented and Non-Immigrants Verify Their Status When They Apply for Emergency Medicaid, PCAP and CHPlus B?

No. Immigrants applying for Emergency Medicaid, PCAP and/or CHPlus B do not have to verify their immigration status or provide a Social Security Number.

What is the Duty to Report?

The “Access NY Health Care” and “Growing Up Healthy” health insurance applications are confidential. Facilitated enrollers do not have a duty to report a client’s immigration status to INS or anyone else. Facilitated enrollers must protect client confidentiality.

The State has instructed its social service districts that there is no Duty to Report when the immigrant is applying for Medicaid only.⁵ The State has told the social services districts that Social Service Law Section 369(4) says that information collected in the Medicaid application process is confidential and can only be used for purposes directly related to the administration of the Medicaid program.

Will Undocumented Immigrants Be Reported to INS if They Use or Apply for Medicaid, FHPlus, CHPlus, PCAP or Emergency Medicaid?

No. An undocumented immigrant only risks being reported to the INS if INS has issued a final Order of Deportation or uses false documents.

Undocumented immigrants should be strongly discouraged from using any false information (e.g. social security number) or false documents when applying for Medicaid, Emergency Medicaid, FHPlus, CHPlus or PCAP. Immigrants who use false documents are committing fraud and the local social services agency may report them.

1. See Aliessa v. Novello, 96 N.Y.2d 418 (2001) (ruling that all legal immigrants, regardless of date of entry, and PRUCOL immigrants must not be denied Medicaid solely because of their immigration status); see also GIS 01 MA/026, 7/16/01 which informs local districts to provide Medicaid to all otherwise eligible legal immigrants, regardless of date of entry, and PRUCOL immigrants, if otherwise eligible; GIS 01 MA/033 which states that all legal immigrants, regardless of date of entry, and PRUCOL immigrants are eligible for Family Health Plus, if otherwise eligible.
2. From CHPlus ADM #34 Attachment E (Issued 12/24/01).
3. See New York State Department of Health, Office of Medicaid Management, 00 OMM/ADM-9 at 3.
4. See Department of Justice Memorandum on Public Charge: INA Section 212(a)(4) and 237(a)(5) -- Duration of Departure for LPRs and repayment of Public Benefits, dated 5/20/99 at 7 (“Only if an immigrant receives a *cash benefit for income maintenance* within 5 years of entry or is institutionalized for long-term care (despite the eligibility limitations), there is a demand for repayment by the benefit-granting agency, and the sponsor or other responsible party fails to repay can the immigrant become deportable as a public charge.”); see also id. at 5 (stating that “[a]liens should not be asked to repay the cost of any benefits receive in order to qualify for admission or adjustment”).
5. In 1996, a new federal law created a duty on the part of federally-funded social service agencies to report to INS when the agency “knows” a person is not lawfully present in the country. The federal and state government have been very specific in defining when a local social services agency knows that an immigrant is “not lawfully present.” New York State has directed its local social services districts to report only those immigrants who have:
 1. A final INS Order of Deportation (an outstanding Order of Deportation is final when it is not subject to appeal); or
 2. INS reports that the immigrant has used falsified documents pursuant to a SAVE request. SAVE stands for Systemic Alien Verification for Entitlements Program. It is an information sharing system under development by INS for benefit granting agencies to be able to check the immigration status of applicants.

SUMMARY

10/18/99

A Quick Guide to 'Public Charge' And Receipt of Public Benefits

This guide provides a summary of how receiving public benefits in the United States may or may not affect an alien under the "public charge" provisions of the immigration laws.

- Aliens applying to become Lawful Permanent Residents (LPRs) (who do not yet have a "green card") –

- • An alien will not be considered a "public charge" for using:

→ HEALTH CARE BENEFITS, including programs such as Medicaid, the Children's Health Insurance Program (CHIP), prenatal care, or other free or low-cost medical care at clinics, health centers, or other settings (other than long-term care in a nursing home or similar institution)

FOOD PROGRAMS, such as Food Stamps, WIC (the Special Supplemental Nutrition Program for Women, Infants, and Children), school meals, or other food assistance

OTHER PROGRAMS THAT DO NOT GIVE CASH, such as public housing, child care, energy assistance, disaster relief, Head Start, or job training or counseling

- INS may consider an alien's use of the following in deciding whether to issue a "green card:"

→ CASH WELFARE, such as Supplemental Security Income (SSI), cash Temporary Assistance for Needy Families (TANF), and state General Assistance

→ INSTITUTIONALIZATION for long-term care, such as residing in a nursing home or mental health facility at government expense

Note: INS will not consider CASH WELFARE or NON-CASH PROGRAMS received by an alien's children or other family members for public charge purposes, unless the cash welfare is the family's only means of support.

- Aliens who are LPRs (who already have a "green card")
 - LPRs cannot lose their status (have their "green card" revoked) if they, their children, or other family members use:

HEALTH CARE, FOOD PROGRAMS, or other NON-CASH PROGRAMS

CASH WELFARE (* see note below for exception)

LONG-TERM CARE (* see note below for exception)

Notes:

* LPRs who leave the country for more than 6 months at a time can be questioned about whether they are "public charges" when they return, and the use of cash welfare or long-term care may be considered.

* In very rare circumstances, LPRs who use cash welfare or long-term care within their first 5 years in the United States for reasons (such as an illness or disability) that existed before their entry to the United States could be considered deportable as a public charge.

- REFUGEES AND PEOPLE GRANTED ASYLUM can use any public benefits, including cash welfare, health care, food programs, and other non-cash programs without hurting their chances of getting a "green card."
- SPONSORING RELATIVES – Using benefits, including cash welfare, health care, food programs, and other non-cash benefits, does not prevent citizens and LPRs from sponsoring relatives. However, sponsors must submit an Affidavit of Support showing that they have enough money (alone or with a co-sponsor) to support their relatives at 125 percent of the poverty level.
- BECOMING A NATURALIZED U.S. CITIZEN – LPRs (who already have a "green card") cannot be turned down for U.S. citizenship for lawfully receiving any public benefits for which they are eligible.

Need More Information?

For more information about "public charge" –

- Please see the INS Web site at www.ins.usdoj.gov for a fact sheet and questions and answers. Information is available in several languages under Public Affairs.

For more information about how to enroll in benefit programs –

- Please contact the appropriate federal, state or local service agency. Helpful contacts include:

For CHIP: 1-877-543-7669 (calls are free)

For Food Stamps: 1-800-221-5689 (calls are free)

For Medicaid or TANF: www.hhs.gov

For WIC: www.fns.usda.gov

REFERENCES

WEB SITES

www.ins.usdoj.gov Immigration and Naturalization Service

www.ssa.gov/online/ss-5.html Social Security Administration

www.nilc.org National Immigration Law Center
“Guide to Immigrant Eligibility for Federal Programs” 4th Edition

www.gulpony.org Greater Upstate Law Project

www.legalaid.org Legal Aid Society

HANDOUTS-DESK GUIDES

- **“Documentation Guide Immigrant Eligibility for Health Coverage in New York State”**
- **GIS 02 MA/027**
 - Samples: I-551 “Green Cards”
- **Key to I-766, I-688B Employment Authorization Documents (EAD)/Medicaid Eligibility Chart**
 - Samples: I-688B, I-766 EAD Documents
- **Key to I-94 Arrival Departure Record**
 - Sample: I-94 A/D Record and Card

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 benefits program.

Immigrant Eligibility for Medicaid and Family Health Plus

In New York State, immigrants listed under the following categories are eligible for Medicaid and Family Health Plus: U.S. Citizens, individuals with satisfactory immigration status, and PRUCOL.

Immigrant Eligibility for Other Health Care Programs

New York State residents, regardless of their immigration status, are eligible for Child Health Plus (CHP), 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 requirement.

Category 1: U.S. Citizens

Category	Documents
<p>U.S. Citizen (Includes the 50 States, the District of Columbia, Puerto Rico, Guam, U.S. Virgin Island, 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>

Category 2: Satisfactory Immigration Status

Category	Documents
<p>Legal Permanent Residents (LPR's or "green card " holders)</p>	<ul style="list-style-type: none"> - I-94 or passport stamped I-551 - I-551 Legal Permanent Resident Card "green card" (I-151-older version) - I-327 reentry permit - I-181 Memorandum of Creation Of Lawful Permanent Resident with approval stamp
<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
<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 of I-766 coded 274a.12(a)(5) or A5 - Letter/order from INS or Court granting asylum

<p>Persons granted withholding of deportation or removal <i>(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.)</i></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 INS or Court granting withholding of deportation or removal
<p>Parolees admitted into the U.S. for at least one-year <i>(Non-citizens who have been allowed to come into the U.S. for humanitarian or public interest reasons.)</i></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
<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) of 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>
<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
<p>Conditional Entrants <i>(Status granted to refugees before 1980.)</i></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
<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
<p>Native American 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
<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 U.S.C. or L.P.R) 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)
<p>Victims of Trafficking</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
<p>Veterans or Persons on active duty in the Armed Forces and their immediate family members <i>(Immediate family members: documentation of relationship to veteran or person on active duty)</i></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

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

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

Category	Documentation
a. Parolees admitted into U.S. for less than a year	- 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
b. Persons under an Order of Supervision <i>(Non-citizens who have been found deportable; however certain factors exist which make it unlikely that INS would be able to remove them.)</i>	- I-94 annotated "Order of Supervision" - I-220B Order of Supervision - I-688B or I-766 coded 274a.12 (c) (18) or C18
c. Persons granted indefinite stay of deportation <i>(Non-citizens who have been found deportable, but INS deferred deportation indefinitely due to humanitarian reasons.)</i>	- I-94 coded 106 - Letter/order from INS or Court granting indefinite stay of deportation
d. Persons granted indefinite voluntary departure <i>(Status that was granted before 1996 to non-citizens who have been found deportable, but INS deferred deportation indefinitely due to humanitarian reasons.)</i>	- I-94 or letter/order from Ins or Court granting voluntary departure for an indefinite time period
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 who has filed I-130 on their behalf.)</i>	- I-94 and/or I-210 indicating departure on a specified date, however, the INS 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"
f. Persons who have filed applications for adjustment of status under section 245 of the INA and INS has accepted as "properly filed" <i>(Non-citizens who filed for legal permanent resident status.)</i>	- 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"
g. Persons granted stays of deportation <i>(Non-citizens who have been found deportable, but INS may defer deportation for a specified period of time due to humanitarian reasons.)</i>	- I-94 or letter/order from the INS or Court indicating granted stay of deportation
h. Persons granted voluntary departure under Section 242(b) <i>(This section has been repealed.)</i>	-N/A
i. Persons granted deferred action status	- I-797 or any document from INS granting deferred action status -I-688B or I-766 coded 274a.12 (c)(14) or C14
j. Persons who entered and continuously resided in the U.S. before January 1, 1972 (Registry) <i>(Non-citizens are presumed by the INS to meet certain criteria for legal permanent residence.)</i>	- 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 INS or Court indicating registry application is pending
k. Persons granted suspension of deportation pursuant to Section 244 of the INA; INS 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 INS to suspend deportation, which has been granted.)</i>	- 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.)

<p>I. Other Persons living in the U.S. with the knowledge and permission or acquiescence of INS and whose departure INS does not contemplate enforcing</p> <p>Examples include, but are not limited to:</p> <ul style="list-style-type: none"> -Applicants for adjustment of status¹, for asylum², for 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 	<ul style="list-style-type: none"> - I-94 coded K3, K4, V1, V2, or V3 - I-688B or I-766 coded 274a.12(a)(8)⁵, 274a.12(a)(11)⁴, 274a.12(a)(13)⁶, 2741.12(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 C12². - I-688 or I-688A - I-797 indicating INS has received, taken action on or approved the application or petition - Postal Return Receipt addressed to the INS or copy of cancelled check to the INS, and copy of the enclosed documents submitted to the INS documentation, or correspondence to or from INS, showing that the person is living in the U.S. with the knowledge and permission and acquiescence of INS, and INS does not contemplate enforcing the person's departure from the U.S.
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Category 4: Non-Immigrants

Category	Documentation
<p>Non-immigrants include: Visitors for business or pleasure, crewmen on shore leave, foreign students, temporary workers, including agricultural contract workers, members of foreign government representatives on official business, personnel of international organizations, and members of the foreign press. <i>(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-586, Mexican Border Crossing Card - SW-434, Mexican Border Visitor's Permit - I-95A, Crewmen's Landing Permit

Category 5: Undocumented Immigrants

Category	Documentation
<p>Undocumented Immigrants <i>(Undocumented immigrants do not have the permission of the INS to remain in the U.S. They may have entered the United States legally but have violated the terms of their status, e.g. overstayed 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. Undocumented pregnant women continue to be eligible for PCAP.</p>

Immigration and Naturalization Services (INS) Documents

I-94 Arrival Departure Card	I-571 Refugee Travel Document
I-181 Memorandum Of Creation of Record of Lawful Permanent Residence	I-688 Temporary Resident Card
I-210 Voluntary Departure	I-688A Employment Authorization For Legalization Applicants
I-220B Order of Supervision	I-688B Employment Authorization Card
I-327 Reentry Permit for permanent residents	I-766 Employment Authorization Card
I-551 Legal Permanent Resident Card, Resident Alien Card or "green card"	I-797 Notice of Action (I-797C current version)

WGIUPD

GENERAL INFORMATION SYSTEM
DIVISION: Office of Medicaid Management

11/05/02

PAGE 1

GIS 02 MA/027

TO: Local District Commissioners, Medicaid Directors

FROM: Kathryn Kuhmerker, Deputy Commissioner
Office of Medicaid Management

SUBJECT: Expired Permanent Resident Cards (I-551, I-151)
"green cards"

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 clarify Medicaid documentation policy for aliens presenting expired "green cards".

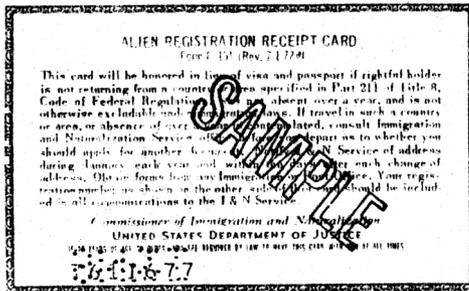
Immigration and Naturalization Forms I-551 and I-151 (i.e. "green cards") are issued to aliens who have been granted permanent resident status in the United States. The expiration date indicates when the card expires and must be renewed. It does NOT indicate that the aliens' status has expired. The alien retains his/her status as Legal Permanent Resident (LPR) while in this country.

For the purposes of obtaining Medicaid benefits, an I-551 or I-151 that contains an expired date is acceptable documentation of legal permanent resident status. Although the INS requires that the individual simply renew the I-551, this is not a requirement for the purpose of applying for Medicaid benefits.

ALIEN REGISTRATION RECEIPT CARDS

INS Forms I-151 and I-551 are issued to aliens who have been granted permanent resident status in the United States. They retain this status while in this country. The bearer is required to have this card in his/her possession at all times.

The first **ALIEN REGISTRATION RECEIPT CARD**, Form I-151, was introduced in 1946. Through 18 years of various revisions, it remained primarily green in color, causing it to become known as a "Green Card". This term is still used commonly, although the cards have not been green since 1959. These cards contained no expiration date and were only required to be renewed if the recipient was under the age of 14 at the time of issuance, or if the card was lost or stolen.



The **RESIDENT ALIEN CARD**, Form I-551, was introduced in January 1977 and phased in over a period of time. In addition to the photograph, the I-551 contains the bearer's signature and fingerprint.



FORM I-551 JAN. 77

Form I-551

NOTE: As of March 20, 1996, the Form I-151 is no longer acceptable as evidence of permanent residence.

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* (less than 1 year)	PRUCOL	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 INS)	Eligible for emergency MA only (but if filed to adjust status w/INS, 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)	Spouse & Children of citizen/LPR	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)	Nonimmigrant	Eligible for emergency MA only
(a)(13)	Granted voluntary departure under Family Unity	PRUCOL	MA/FHPlus/CHPlus
(a)(14)	Granted Family Unity under the Life Act	PRUCOL	MA/FHPlus/CHPlus
(a)(15)	Granted V nonimmigrant status	Nonimmigrant (or PRUCOL, if filed to adjust status with INS)	Eligible for emergency MA only (but if filed to adjust status w/INS, may be eligible for MA/FHPlus/CHPlus)
(a)(16)	Granted T nonimmigrant status	Qualified immigrant	MA/FHPlus/CHPlus
(c) (1)	Dependent of foreign government official	Nonimmigrant	Eligible for emergency MA only
(c) (2)	E-1 nonimmigrant (treaty trader/investor & dependent)	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 seeking employment for practical training	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* (at least one year)	Qualified immigrant	MA/FHPlus/CHPlus
(c)(12)	Granted Family Unity Benefits	PRUCOL	MA/FHPlus/CHPlus

CODE ON EAD	EMPLOYMENT AUTHORIZATION MEANING	Immigration Status	Type of Health Benefit
(c)(13)	Deportation or exclusion proceedings pending	Nonimmigrant	Eligible for emergency MA only
(c)(14)	Granted deferred action	PRUCOL	MA/FHPlus/CHPlus
(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 U.S. citizen living abroad on visit to U.S.	Nonimmigrant	Eligible for emergency MA only
(c)(17)(iii)	Employee of a foreign Airline	Nonimmigrant	Eligible for emergency MA only
(c)(18)	Deportable alien under order of supervision	PRUCOL	MA/FHPlus/CHPlus
(c)(19)	TPS applicant	Nonimmigrant	Eligible for emergency MA only
(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)	Nonimmigrant (or PRUCOL, if filed to adjust status with INS)	Eligible for emergency MA only (but if filed to adjust status w/INS, may be eligible for 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	Nonimmigrant (or PRUCOL, if filed to adjust status with INS)	Eligible for emergency MA only (but if filed to adjust status w/INS, may be eligible for MA/FHPlus/CHPlus)

*** If here for less than one year, is a PRUCOL. If more than one year, is a qualified immigrant.**

In May 1995, some INS offices began issuing a modified I-688B. The most significant change was to the card stock which was changed from the Polaroid process to a synthetic material called Teslin on which the biometric and biographic data of the bearer are printed. Note that, on this version, the bearer's name is printed on two lines.

EMPLOYMENT AUTHORIZATION

A 11 225 898 Name **HARTSOGH, JACK G.**
 WAC9505250001 Signature *John Doe*

Valid From **04/24/95** DOB **09/23/61**

W Provision of Law 274a.12(a)(12)
 A Terms & Conditions NONE
 H Issued: 04/24/95

FORM I-688B JAN 89

Form I-688B (May 1995)

In August 1995, changes were made to the software which prints the I-688Bs and the name reverted to the one line format similar to that of the original card.

EMPLOYMENT AUTHORIZATION

A 41 752 888 Name **OSSOWSKI, MICHELLE M.**
 LIND519650457 Signature *Michelle Ossowski*

Valid From **07/14/95** DOB **01/29/61**

L Provision of Law 274a.12(c)(8)
 B Terms & Conditions NONE
 A Issued: 07/14/95

FORM I-688B JAN 89

Form I-688B (August 1995)

In January 1997, INS began issuing a new **EMPLOYMENT AUTHORIZATION CARD**, Form I-766. The new card is a credit card-type of document. The front of the card contains a photo, fingerprint, and signature of the rightful holder. The reverse contains a standard bar code, magnetic strip, and a two-dimensional bar code which will contain unique card, biographic, and biometric data.

U.S. DEPARTMENT OF JUSTICE Immigration and Naturalization Service
EMPLOYMENT AUTHORIZATION CARD

The person identified is authorized to work in the U.S. for the validity of this card.

NAME **SMITH, ADAM**
Adam Smith

INS AS **A123456789**
 CARD S **0000000007**
 Sex **M**

NOT VALID FOR REENTRY TO U.S.

CARD VALID FROM **02/07/96** EXPIRES **05/13/96**

Form I-766 (January 1997)

STRIPE

This card is not evidence of U.S. citizenship or permanent residence. This document is void if altered, and may be revoked by the Immigration and Naturalization Service. FORM I-766 Rev. (01-03-96)

KEY TO I-94 Arrival Departure Record

Codes on the I-94 indicate the provision of law related to the individual's status. The following is a list of codes most commonly found on the I-94.

PERSONS FLEEING PERSECUTION	
CODE	MEANING
203(a)(7)	Conditional entrant
207 or REFUG	Refugee
208	Asylum
243(h) or 241(b)(3)	Withholding of deportation or removal
AM 1, 2, 3	Amerasian
PERSONS GRANTED PERMISSION TO REMAIN IN THE U.S.	
CODE	MEANING
106	Granted indefinite stay of deportation
242(b)	Granted voluntary departure
212(d)(5)	Parolee
NON-IMMIGRANTS	
CODE	MEANING
A-1, -2, -3	Foreign government official, dependents & employees
B-1	Visitor for business
B-2	Visitor for pleasure (tourist)
- , -2, -3	Aliens in transit
D	Crewmember of ship or aircraft
E-1, -2	Treaty trader and investor and dependents
F-1, -2	Foreign student and dependents
G-1, -2, -3, -4, -5	Representative of international organization, dependents & employees
H-1A	Registered nurse
H-1B	Alien specialty occupation
H-2A	Temporary agricultural worker
H-2B	Temporary worker
H-3	Trainee
H-4	Spouse or child of "H" worker (see categories above) or trainee
I	Foreign information media representative and dependents
J-1, -2	Exchange visitor and dependents
K-1, -2	Fiancé(e) of U.S. citizen and children
L-1, -2	Intra-company transferee and dependents
M-1, -2	Vocational/nonacademic student and dependents
N-8, -9	Parent of special immigrant and children
NATO -1 - -7	Representatives of NATO, dependents, and employees
0-1, -2, -3, -4	Persons with extraordinary ability in the sciences, arts, education, business, and athletics, and dependents
P-1, -2, -3	Artists, entertainers, and athletes who are performing, teaching, or on an exchange program
Q	Cultural exchange
R-1, -2	Religious workers and dependents
S5, -6, -7	Alien supplying information relating to crime or terrorism & qualified family members
TWOV	Transit without a visa
TC	Canadian citizen seeking temporary entry pursuant to Free Trade Agreement
TN, -D	NAFTA professional and dependents
WB	Visitor for business admitted under visa waiver pilot program
WT	Visitor admitted under visa waiver pilot program

When an alien has been granted admission into the U.S. by an Immigration Inspector at an authorized Port of Entry, he/she is issued an **ARRIVAL/DEPARTURE RECORD**, Form I-94, the bottom portion of which is stapled to a page in the Alien's passport. This document explains how long the bearer may remain in the U.S. and the terms of admission.

Departure Number
742831632 01

U.S. IMMIGRATION
 250 WAS 177

Immigration and Naturalization Service
SEP 13 1991

I-94
 Departure Record

ADMITTED B-2
 UNTIL MARCH 12, 1992

14. Family Name <u>DOE</u>	
15. First (Given) Name <u>JOHN</u>	16. Birth Date (Day/Mo/Yr) <u>01/01/91</u>
17. Country of Citizenship <u>ENGLAND</u>	

See Other Side

STAPLE HERE

Warning - A nonimmigrant who accepts unauthorized employment is subject to deportation.

Important - Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future.

You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

Record of Changes

Port: _____ Departure Record
 Date: _____
 Carrier: _____
 Flight #/Ship Name: _____

For sale by the Superintendent of Documents, U.S. Government Printing Office
 Washington, D.C. 20402

Who is Eligible?

All legal immigrants are eligible for:

- Medicaid
- Family Health Plus
- Child Health Plus A

Must meet other program requirements

Which Immigrants are Eligible for Medicaid, FHP or CHPlus A?

- Naturalized U.S. citizens
- Native Americans born outside the U.S.
- Qualified Aliens
- Persons Permanently Residing Under Color of Law (PRUCOL)

What Groups of Immigrants are Not Eligible for MA, FHP & CHPlus A?

- Undocumented

- Non-immigrants

Quick Tip!

Undocumented NYS residents may be eligible for:

- Emergency Medicaid
- PCAP
- CHPlus B

What is a Qualified Alien?

Examples include:

- Green Card Holders (or Lawful Permanent Residents)
- People who have been granted asylum because of political or religious persecution, refugees, certain others

A Qualified Alien....

- No five year waiting period

What is a PRUCOL Immigrant?

- P = Permanently → **In the U.S. for good**
- R = Residing → **Lives in NY (resident)**

- U = Under
- C = Color → **Some legal basis for being in the country**
- O = of
- L = Law

INS Does Not Grant PRUCOL Status

- **Check correspondence with INS**
- **Papers will not say PRUCOL**
- **You will need to review documents to see if someone is PRUCOL**

PRUCOL Immigrants Are:

- **Living in the U.S. with the “knowledge and permission or *acquiescence*” of the INS**
- **INS has no plans to deport**
- **“Acquiescence” means agree by default (or inaction)**

How to Figure Out Immigration Status

Four commonly presented documents:

1. Green Cards
2. I-94
3. Employment Authorization Card
4. Other

Sample Green Cards

Alien Registration Receipt Card I-151



Sample Green Cards I-551

Resident Alien Card

Permanent Resident Card





Arrival / Departure Record (I-94)

Employment Authorization Document I-688B





Employment Authorization Card I-766

Other Documents

- **Correspondence with INS**
- **Notice of Action**
- **Canceled check for payment of INS fee**
- **INS receipt/return receipt**

What to Look for...

- **Properly filed paper work with INS to remain in the U.S. permanently**
- **INS receipt acknowledging proper filing (Notice of Receipt or Notice of Action)**
- **Canceled check made out to INS**
or
- **Return receipt requested**

Immigrant Concerns:

- Verification of Status and Reporting Issues**
- Social Security Numbers**
- Public Charge**
- Sponsorship**

Do All Immigrants Have to Provide Social Security Numbers?

Most, but not all - exceptions:

- **Pregnant women applying for PCAP**
- **Undocumented people applying for Emergency Medicaid or CHPlus B**

Workers Can Assist the Immigrant By:

- **Directing to the Social Security Administration Office**
- **Giving the phone number for SSA**
 - **1-800-772-1213**
- **SSA Web site:**
 - **<http://www.ssa.gov/online/ss-5.html>**

AND

- **Providing an agency letter requesting issuance of SSN**

Social Security Numbers:

- **PRUCOL immigrants that don't have a Social Security number should try to apply for one**
- **However, an application can't be delayed if the immigrant doesn't have a SS number or can't get "proof" (like a letter) from Social Security that he or she tried to apply**

Verification of Status and Reporting

New York State does NOT report information from applications for Medicaid, FHP, CHPlus A, Emergency Medicaid or PCAP to the INS

Always Remember:

Clients should be strongly discouraged from using false information (e.g. social security number) or false documents when applying for any of these programs, as they run a risk of being reported for submitting false information

What is Public Charge?

- “Public Charge” means immigrants who become dependent on public benefits while living in this country
- If someone is a public charge, INS can try to:
 - exclude
 - refuse to admit or
 - deny a request to adjust the status

Public Charge...

Use of government funded health benefits like Medicaid, FHP, CHPlus A, Emergency Medicaid and PCAP should not make an immigrant a public charge

Public Charge...

Exceptions that could be Public Charge:

- Use of Medicaid for long-term institutionalization
- Use of Medicaid for immigrants who are HIV positive

People who are HIV positive should consult with an immigration expert before using Medicaid

Sponsor Deeming and Liability:

- Neither Sponsor Deeming nor Sponsor Liability are currently being used by the New York State Medicaid Program
- The State is not currently counting sponsor's income toward the immigrant applying for health coverage and is not suing sponsors to repay Medicaid for services used by the immigrant
