

MA Health Care Training Forum January 2024 Meeting

Understanding Citizenship and Immigration Requirements for Health Coverage Transcription

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Transcription]

Sue Kane: Good afternoon, everyone. Welcome to the Understanding Citizenship and Immigration Requirements for Health Coverage meeting today. Thank you for joining us.

I'm Sue Kane from the Massachusetts Healthcare Training Forum team and I'll be facilitating today's meeting.

Our presenters today are Kara Chiev, Manager of External Training and Communications at MassHealth and Belkis Candelario, Member Outreach and Education Manager at MassHealth. Subject matter experts will join us during the Q&A portion of the meeting.

Now I'm going to turn the meeting over to Kara Chiev.

Kara Chiev: Hi everyone, Happy New Year.

Welcome to the Understanding Citizenship and Immigration Requirements for Health Coverage webinar. Today, Belkis, and Sage from the Health Connectors Policy Department and I are going to talk to you about citizenship and immigration requirements when applying for healthcare coverage for MassHealth and the Massachusetts Health Connector program.

[MA Health Care Learning Series]

So, this webinar is a two-part series that will guide you in supporting applicants and members applying for coverage. Now, before we dive into today's content, I want to mention the goal of the Massachusetts Health Care Learning Series and that is to provide you with regular updates, educating you as you help our residents understand or apply, get, and keep their health coverage through MassHealth, the Health

Connector, and the Health Safety Net or HSN via the mahealthconnector.org. And this is the online integrated eligibility platform that both our organizations use to support individuals 64 and younger and applicants over 65 that are a parent or a caretaker relative of a child under the age of 19. They can use this application to apply for coverage.

[Webinar Objectives]

So, moving into today's learning objectives. After this webinar, you will be able to describe Citizens and Noncitizens for the purpose of health care coverage offered by both MassHealth and the Health Connector. You will also be able to identify immigration documents and explain the steps included in determining someone's eligibility for coverage.

[Agenda]

So, as we move into today's agenda, I will start us off reviewing the coverage options and eligibility criteria, and I will hand it over to Belkis where she will go over the key terms and definitions and I'll move us to some best practice and provide some helpful resources that's available to identify immigration documents. And lastly, we'll open it up for questions and answers.

[Coverage Options and Eligibility Criteria]

Okay. So going into the Coverage Options and Eligibility Criteria.

[Coverage Options]

So, before we look at the rules and criteria for eligibility, what are the options available for applicants and members when they're applying for health care coverage? And they're going to be using that joint online application or submitting it by paper using the ACA-3 Application for Health and Dental Coverage and Help Paying Costs.

So, first MassHealth, MassHealth is the Medicaid and Children's Health Insurance Program or CHIP in Massachusetts. MassHealth provides health benefits and help and

helps pay for them to qualifying children, families, seniors, and people with disabilities living in the Commonwealth. Under the MassHealth program for eligible individuals, we have the following coverage type. That's MassHealth Standard, CommonHealth, CarePlus, Family Assistance, MassHealth Limited*, the Children's Medical Security Plan or CMSP*, and services covered by the Health Safety Net* or HSN. Now, quickly, I want to point out the star you see next to Limited, CMSP and HSN, it means that these coverage types are not considered as insurance for tax purposes.

[Coverage Options continued]

So, quickly I'm going to hand it over to Sarah to go over the Health Connector program.

Sarah Buonopane: I'm sure a lot of you are familiar with the Health Connector and our coverage options. But again, we have our ConnectorCare program, which is coverage for those who are making income up to 500% of the federal poverty level, including they have no deductibles and lower premiums. And then for people who may qualify for some assistance, Qualified Health Plans with APTC or Advanced Premium Tax Credits and then Unsubsidized Qualified Health Plans. And then we also offer dental plans as an add on to any of those health plans or as standalone plans as well.

Kara Chiev: Thanks, Sarah.

Sarah Buonopane: Thanks, Kara.

[Eligibility Criteria]

Kara Chiev: Okay. So, with all of those programs, right. So, what other criteria that we look at? What are the rules, the eligibility rules that must be verified for anyone seeking subsidies or subsidized or unsubsidized coverage?

We look to understand if the individual or member is what their, their citizenship status is. This is a requirement, and we need to verify this information, verifying if the applicant or member is a citizen, national or non-citizen who's lawfully present. We will dive, and this is where we'll dive deeper into the topic today. So, as you can see the, the green box in number one.

Next, we look at incarceration status this verifies if the applicant or member is not incarcerated. Then, we also look at residency, verifying if the applicant or member is a resident or intends to reside in Massachusetts. If an individual is visiting for personal pleasure, such as for vacation, or for the purpose of receiving medical care in a setting other than a nursing facility, they do not meet this residency requirement. Going onto the next slide.

[Additional Eligibility Criteria]

Additional criteria's must be verified for anyone seeking subsidized coverage or Advanced Premium Tax Credits offered through the Health Connector. Right.

So, there are some cost sharing rules for American Indian and Alaska Natives. Also, they can enroll in coverage or change their health plan on a monthly basis throughout the year. To determine countable income and family size, we use Modified Adjusted Gross Income or MAGI, and that factors in IRS income tax rules.

Then we look to see if the individual is eligible for, or enrolled in Government Sponsored Insurance such as MassHealth, Medicare, Veteran's benefit to name a few. And then we also look in one of the other criteria's is if the individual is eligible for, or is enrolled in affordable Employer Sponsored Insurance. So those are the criteria's that our programs considering when determining eligibility.

[The Application]

There are several ways an individual younger than 64 or an individual over the age of 65 who are a parent or, or a caretaker relative of a child younger than 19 can apply. And here is one of those ways. They can go online, that is the fastest way to complete an application. And they can go to MAhealthconnector.org. They can also apply by completing and signing the paper ACA-3 application that can be mailed to our Taunton office. They can also fax the application to MassHealth or drop the application off at any one of the MassHealth Enrollment Centers or MECs. If it's after hours, the application can be dropped off using our secure lockbox and it's at the majority of our MEC's. You can also apply in person. So, by calling our Customer Service Center or visiting one of

our MECs to apply in person. Additionally, individuals can seek help from any of our Certified Assisters across the state, working at local health centers, hospitals, or community nonprofits.

[Data Matching]

Now say you completed the application online, as that's the quickest way to submit that application. What happens when the information is entered? The system will attempt to verify the self-attested information such as U.S. citizenship or immigration status electronically, and that happens via a federal and state data source. So, we have access to federal and state data sources to be able to do that electronic data match.

If we're unable to use that electronic data match or that data source doesn't come back with a match, documentation will be required so an RFI or a Request for Information will be sent to the applicant or the member. So going to the next slide.

[Request for Information Notice (RFI)]

In this example, if the citizenship or immigration status entered doesn't match or there is no data, the RFI will be sent with a list of all requested verifications and the deadline of when the verifications need to be submitted. That individual will have up to 90 days of a reasonable opportunity period from the date of the RFI notice to submit all requested verifications. In some cases, this can be extended for an additional 90 days, and we'll talk about that extension in a few slides.

Just for you, for reference, is the at the bottom, there is a resource for you. It refers to the verification documents for acceptable RFI documents.

[Request for Information Notice (RFI): Valid Document Not Received Within 90 Days]

So, what happens if the valid documentation is not received within 90 days? So, the individual does not respond to that RFI, the system will attempt to determine if the individual is eligible based on data source that we may be able to retrieve. If we get a match, but it's not consistent with the self-attested information or there's no

information available, the individual may be re-determined for a different benefit or denied benefit.

So, here's an example of what the new redetermination may happen for that member experience. They may apply, I mean, this may end a member's QHP eligibility and in turn end their enrollment. With the new determination, it could change a MassHealth member's benefit type and result in a possible lesser coverage type.

So, note if the verification is submitted later after that RFI deadline, but within a year, it may be that we can reinstate that application but to a later effective date.

[Request for Information Notice (RFI): Documentation Received But Does Not Match]

So here if the documentation is received within 90 days but doesn't match the self-attested information or the electronic data sources, the information will be manually verified. So, somebody at our office will look at that information to, to verify their documents. If the information sent is different than the attestation on the current application, the information, such as immigration status, will be updated to include the information they provided.

For immigration documents, the applicant or member should send that information with their application. If you're working with an individual, they do have documents of some sort related to immigration or, or income, absolutely send it with their application. They can mail it, fax it, and drop it off with the application or if they're applying online, they can upload those documents using the upload document functionality in the system. So going on to slide 14.

[Reasonable Opportunity Extension: MassHealth]

Reasonable Opportunity Extension, what does that mean? If the applicant needs additional time to gather their documents beyond the 90 days, they may request an addition, additional reasonable opportunity. MassHealth applicants who have made a good faith effort to resolve inconsistencies in obtaining verification of immigration status, they may request and receive that additional 90 days.

The 90-day extension only applies to immigration status, and the request must be made to MassHealth before the end of the initial 90-day time period. If they submit all other required verifications, the applicant may receive benefits during the extended reasonable opportunity period.

[Reasonable Opportunity Extension: Health Connector]

And now what does it look like for, for Health Connector? There is no time period outlined in the ACA for Health Connector coverage. An individual can request an extension, so if they need a little bit more time to gather documents related to immigration, they may request it and is, it may be granted on a case-by-case basis.

[Key Immigration Terms]

Okay. So now I'm going to hand this over to Belkis, where she'll go over key immigration terms and definitions.

Belkis Candelaria: Hello everyone, I'm Belkis Candelaria and I'll be reviewing key immigration terms.

[MassHealth and Health Connector Eligibility Categories (slide 1 of 3)]

So MassHealth and the Health Connector have different eligibility categories. With Citizenship and Immigration, you can see that it's broken up and each category has its own break offs within each type.

So, we're going to start with U.S. Citizen and U.S. Nationals. And within this category, we're going to discuss the U.S. Citizens as well as the U.S. Nationals and define those terms.

[U.S. Citizen: Definition]

So, U.S. Citizen, this is an individual who falls within one of these definitions. First, you have individuals who are born within the United States and/or its territories. And those territories consist of Puerto Rico, the U.S. Virgin Islands, the Northern Mariana Islands, and Guam, as well as the District of Columbia.

Then you have individuals who may be Naturalized Citizens, and these are individuals who have gone through the lawfully present permanent resident process and have met the criteria in order to apply for a naturalization status and have been awarded that status.

Next, we have our Derived Citizens, and these are children who are children of those who are Naturalized U.S. Citizens. So, because they're, they're children, if someone who is an adult gets their citizenship status via naturalization, their children get it as part of the citizenship package, they get it by default because their parents are Naturalized Citizens.

Next, we have those who are Acquired Citizens. And these are children of U.S. Citizens who have either been acquired at birth or after birth, but before the age of 18. And they can consist of children who have been adopted. So, think about those who may be adopted from overseas, and because they're now children of U.S. Citizens, they get their citizenship status.

[U.S. National: Definition]

Next, we have our U.S. National. And these are individuals who owe permanent allegiance to the United States. These individuals are typically born in the American Samoa or Swain Islands, or they are children of a U.S. National. Bear in mind that U.S. Nationals, all U.S. Citizens are considered U.S. Nationals as, by birthright or by the naturalization process, we are pledging our allegiance to the United States, but not all U.S. Nationals are considered U.S. Citizens.

[MassHealth and Health Connector Eligibility Categories (slide 2 of 3)]

So next, we're going to discuss Noncitizens. And there are three different categories.

We have our Lawfully Present Immigrants, our Protected Noncitizens and our PRUCOLs. We're going to first define our Lawfully Present Immigrants and the categories that fall within that status. And then we will define the other terms with, within the slides.

[Noncitizen: Lawfully Present Immigrant]

So, individuals who are Lawfully Present Immigrants, they're people who have lived in the United States and have a valid immigration status and there are three different types. The first is our Qualified Noncitizens and these are people in a special immigration group. And within those groups you will find additional statuses such as individuals who are Asylees, Refugees, Cuban Haitian Entrants, or a person who has had a legal permanent residence status for a minimum of five years.

Next, we have our Qualified Noncitizens Barred and these are individuals who are legally, legal permanent residents who have had that status for less than five years.

Next, we have our Nonqualified Individuals Lawfully Present and these are people who have applied for a valid nonimmigrant Visa status such as the B1, B2 Visa which are the visitor or business Visa, as well as the J1 Visa and F1 Visa, which are usually students. And you will also have individuals who have an employment authorization card.

Keep in mind a lot of these documents that we're going to discuss can be used for the various categories and we're going to talk more in depth as we proceed with the presentation. And you'll notice that there are several times where you will see certain cards or documentation that's acceptable for the statuses within these categories.

[Lawfully Present Immigrant: Qualified Noncitizen – Group 1]

So first we're going to discuss our Qualified Noncitizens, and these are individuals who have had a legal permanent status with, for at least five years or those who have had been continuously present before August 22, 1996.

And you'll notice without the definition if you completed the online application within the, in the HIX system, you will notice that date specifically because often times it will ask you to answer that question, partly because the individual that you may be assisting can have had the Qualified Noncitizen status for at least five years based on that date.

So, some of the documents or the statuses within this category are legal permanent residents; parolees who have been granted status for at least one year; battered

spouses, battered children, the child of a battered parent or parents of battered children.

[Lawfully Present Immigrant: Qualified Noncitizen – Group 2]

So here is just a list of some of the people that fall within the Qualified Noncitizen group. And these individuals are not subject to the five-year bar rule. So, there are the people who have been granted asylum within the Immigration and Nationality Act; you have refugees; people whose deportation has been withheld, and these are individuals who are aliens that have been detained or confined under the immigration process but have since been released from detention or confinement; we have our Cuban Haitian Entrants; our Native Americans with at least 50% of American Indian blood who were born in Canada or other tribal members born in territories outside of the United States, and this is for Medicaid purposes only.

And then we have victims of severe forms of trafficking and the spouse, child, sibling, or parent of the victim.

[Verification of Qualified Noncitizen: Legal Permanent Resident]

So next, we're going to discuss the types of documents that you can submit for these statuses.

For legal permanent residents* some of the documents most commonly used to verify that status are legal permanent resident cards; reentry permits; foreign passports with entry VISA language, and that's indicating that temporary I-551 status. Usually it appears as a form of a stamp on a foreign passport; there's the arrival departure record, the I-94 that has the I-551 language as well; a Visa with a temporary I-551 stamp; a Memorandum of Creation for legal permanent resident, as well as other forms of documents such as an I-797, which is a notice of action that's requesting a Legal Permanent Resident Status and has an approved Visa petition. And with the asterisk (*), you'll notice those statuses they have to have met the five-year bar.

[Verification of Qualified Noncitizen: Parolee Granted Status for at Least One Year]

Next, we have parolees who have been granted status for at least one year, and some of the documents that we most often see for this status are I-94s with parolee language. They may have codes such as the PIP a DT status; you also have an Employment Authorization card and some of the codes that you will notice on those documents are an A4, C11 status; as well as other documents that may have not, that may not be noted here.

[Verification of Qualified Noncitizen: Refugee]

For refugees, some of the documents that we most often receive are a I-94 or a foreign passport with a refugee stamp; an employment authorization card, and some of the codes that can be found on that document are the A3; a Refugee Travel Document; a Legal Permanent Resident Card with the codes RE-6, RE-7, RE-8, or RE-9; as well as additional documentation.

When in doubt, just submit the documents that you receive and MassHealth can make that determination, but it's best practice to try to identify the document before submissions to ensure that you're providing the member the most appropriate benefit.

[Verification of Qualified Noncitizen: Asylee]

For those that are considered Asylee, some of the documents we receive are an I-94 or foreign passport stamped with an Asylee stamp; we'll also get an order from the USCIS, which is the United States Citizenship and Immigration Services, or an immigration judge or a court document indicating that, that person has been granted Asylee status. There's also the Employment Authorization Card with a code of a A5; a travel document, a refugee travel document; as well as the Legal Permanent Resident Card with codes AS-6, 7 or 8.

[Verification of Qualified Noncitizen: Person Granted Withholding of Deportation or Removal]

For a person who has been granted withholding of deportation or removal, some of the documents submitted are I-94s; or foreign passports that are stamped; there's an order

from the USCIS or Immigration Office indicating that they've been granted withholding of deportation or removal under this regulation. They also may have an Employment Authorization Card with a code A-10; a refugee travel document; as well as other potential documents.

[Verification of Qualified Noncitizen: Cuban or Haitian Entrant]

Our Cuban Haitian entrants, they may submit some of the following documents noted. And I also wanted to shout out an eligibility operations memo that we have on our mass.gov website and it is EOM 2203 and there it outlines with greater detail documents that we accept for our Cuba, Haitian entrants.

Some of the documents that are noted are the I-94 with a notation that the individuals either a Cuban or a Haitian immigrant and they've been granted parolee status and some of the codes for that parolee status may be PAR, a DT, HHP; they can also submit documents showing that they have a pending Asylum application on file, and this is in the form of an I-589. It looks very similar to a Notice of Action Form, but it has that specific language for the I-589 also indicating that they have applied for asylum status; they may also have an Employment Authorization Card with a code C-11, A-4 or other codes indicating parolee status; a Legal Permanent Resident Card, and these are some of the codes that are noted HE6, CU6; then we have our individuals who are Special Immigrant Juveniles. They also may have a Legal Permanent Resident Card, but their coding will be a little different. It'll show an SL-6 or an SL-1; and then the status can also be granted under the REAA, and that's through the Immigration National Act.

[Verification of Qualified Noncitizen: Amerasians (Vietnamese)]

Amerasians are also considered Qualified Noncitizens and the types of documents for them are typically a Legal Permanent Resident Card with the codes AM-1, 2, 3, 6, 7, and 8; they may also provide additional documentation.

And for those who don't know what Amerasians are, they're individuals who have one American parent and one Asian parent and the Asian parent has to be from one of the

following countries, Korea, Vietnam, Laos or Thailand, born within, but after, December 31, 1950, or before October 22, 1982 and fathered, fathered by a U.S. citizen.

[Verification of Qualified Noncitizen: Battered Spouse, Battered Child, Child of Battered Parent, or Parent of Battered Child]

Next, we have our battered spouses, battered children, children of battered parents or parents of battered children, and a lot of their documentation is similar to the previous documents mentioned. On their coding they can submit proof of their battered noncitizen status by providing a petition of legalization that's based on or filed with the USCIS office. Oftentimes, their coding will also indicate that status as well.

So, when you're completing the online application for these individuals and you select a Legal Permanent Resident Card, for example, you also have an additional dropdown option to indicate that the person is either a battered spouse, child, a battered parent, and so forth.

[Verification of Qualified Noncitizen: Veteran of U.S. Military (Conditions Apply)]

For Qualified Noncitizens, those individuals who are veterans of the U.S. Army are considered veterans of U.S. military under the following conditions:

They are either veterans of the U.S. Armed Forces with an honorable discharge and not related to their noncitizen status; they were involved in the Filipino War as veterans and fought under U.S. command during World War II; are among our Hmong and Highland Lao veterans who were admitted for legal permanent residence status and who fought under the U.S. command during the Vietnam War; people with noncitizen status on active duty in the U.S. Armed Forces other than the active duty or training; the spouse, unremarried surviving spouse or unmarried dependent children of the noncitizen described in the four points above. It is important that they indicate on their application that they have served as a veteran to the U.S. military.

[Verification of Qualified Noncitizen: Victim of Severe Form of Trafficking in Persons]

For victims of severe form of trafficking in persons. Some of these individuals will provide the following documentation as proof that they are victims of severe form trafficking. They will have a T Visa; a certification or letter from the Federal Office on Trafficking in persons; as well as other potential documentation.

Remember, when in doubt, submit the documents and allow MassHealth to make the determination if you are unsure.

[Verification of Qualified Noncitizen: Native American – Noncitizen]

For verification of Qualified Noncitizen at Native Americans, so Native Americans, they will provide the following documentation, a tribal document; a Canadian birth certificate showing parent lineage; a Permanent Resident Card coded with an S-13; a Canadian passport with the I-551 stamp; as well as any other additional proof for this status.

[Lawfully Present Immigrant: Qualified Noncitizen Barred]

So next we're going to get into our Qualified Noncitizens Barred and these are individuals who have one of the following statuses for less than five years. They may either be a legal permanent resident; a parole granted their status for at least one year; a battered spouse, child, or child of a battered parent, or parent of a battered child.

[Verification of Qualified Noncitizen Barred: Legal Permanent Resident]

For verification of their status, we're going to start with our Legal Permanent Residents. They will submit the legal permanent resident card; reentry permit; foreign passport with the I-551 stamp; arrival/departure record; temporary I-551 stamp, but these individuals have not met the five-year bar rule, meaning that for example a legal permanent resident, if they were awarded their status on January 1, of 2021, as of today they haven't met that status for at least five years. So those are the types of individuals that will fall under the category of Qualified Noncitizens Barred.

[Verification of Qualified Noncitizen Barred: Parolee]

For our parolees that fall within the barred category, they will have the I-94 Parolee stamp, the PIP coding with the date of admission of at least one year from the date of entry. They may also have an Employment Authorization Card with the following codes of a A4 or C11, but these individuals again have not met the five-year bar rule, meaning they haven't had that status for a minimum of five years.

[Verification of Qualified Noncitizen Barred: Battered Spouse, Battered Child, Child of Battered Parent, or Parent of Battered Child]

For our battered children, parents, spouses, they can submit copies of their battered noncitizen status through a petition that they filed with the USCIS office, and they also have not met the five-year bar.

[Lawfully Present Immigrant: Nonqualified Individual Lawfully Present]

For our Nonqualified Individuals Lawfully Present, these are individuals who fall under one of the following categories or provide some of these documents, those who have been paroled in the United States for less than one year and they do not meet the criteria of those who have been paroled for prosecution, deferred inspection, or pending removal proceedings; we also have those that are been granted employment authorization status; those, have, that have been granted TPS or temporary protection status. These are individuals who have a pending application who have been granted employment authorization and you will be able to select those options within the online application. Family unity beneficiaries; as well as those granted deferred action, except for applicants who have been granted status under the Department of Homeland Security for Deferred Action of Childhood Arrivals process.

So Granted Deferred Action and the DACA program are not the same thing. If someone has been granted deferred action status, often times the documents that we have seen may appear to be like a notice of action indicating that status. But those that have received an employment authorization through the DACA program, those are not considered Nonqualified Individuals Lawfully Present.

[Noncitizen: Protected Citizen]

Next, we have our protected citizens, and these are individuals who have been receiving Medicaid on June 30, 1997. And there's a resource available on the mass.gov site for information for Noncitizens. That's also where you can find information regarding any eligibility operations memos that we send out regarding immigration.

[Noncitizen: Nonqualified PRUCOL]

Next, we're going to talk about our nonqualified PRUCOLs, and these are individuals or persons residing Under the Color of the Law. And these are people who may have applied for a valid immigration status or who live in the United States with the knowledge and consent of the Department of Homeland Security. They are considered Noncitizens and they're living in the United States with an indefinite stay of deportation. They also are living within the accord of indefinite voluntary departure.

So, these are typically individuals who are here with the knowledge, under the knowledge of the Department of Homeland Security and may be pending a status, they could have applied or have the intention of application. And we're going to talk about some examples of documents that we received for these individuals.

[Nonqualified PRUCOL: Examples, Part 1]

So some individuals who fall under the PRUCOL status are those living in the United States with an indefinite stay of deportation; those who are in accordance of indefinite voluntary departure; Noncitizens and their families who are covered by an approved immediate relative petition and are entitled to voluntary departure and whose departure from the Department of Homeland Security does not contemplate enforcing, meaning they don't plan on deporting them anytime soon; those who have been granted voluntary departure by Department of Homeland Security or an immigration judge whose deportation DHS does not contemplate enforcing; as well as those living under supervision who do not have employment authorization card status; and noncitizens who have entered and continuously lived in the United States since before January 1, 1972.

[Nonqualified PRUCOL: Examples, Part 2]

Additional examples are those granted suspension of deportation; those with pending applications for asylum or for withholding from removal; Granted Deferred Action for Childhood Arrivals, also known as DACA, and who have pending application for this status.

[Nonqualified PRUCOL: Examples, Part 3]

We also have noncitizens who have applied for an application, petition, or request to obtain a lawfully present status and has been accepted and properly filed, but they have not obtained an employment authorization card or whose departure Department of Homeland Security does not contemplate enforcing.

So oftentimes for these folks, they will have forms such as the I-797 that will indicate that they've submitted an application but that the status is pending.

[Verification of Nonqualified PRUCOL]

So now we're going to get into the Verifications for Nonqualified PRUCOLs. So, as stated before, they have an application for Asylum or Deferred Action that has been filed with the USCIS office, but a decision has not been made; an application for cancellation of removal or asylum application filed in Immigration court; an employment authorization card with the code C33 indicating that they have a DACA status; I-797's Notice of Action forms, which proves that an application has been filed, but it's still awaiting a decision.

[Verification of Nonqualified PRUCOL: I-797 Note, Part 1]

And this is just speaking about the same thing of an application that has been filed, and they have not been provided an employment authorization card or under the age of 14 and has not had an application for Withholding of Deportation or Withholding Removal that's been pending for at least 180 days; and for PRUCOL status, those who've applied for status and have not been approved as of yet, they can submit copies of those documents as proof.

[Verification of Nonqualified PRUCOL: I-797 Note, Part 2]

DACA applicants may be eligible for an Employment Authorization Card but may still be considered a PRUCOL for MassHealth eligibility purposes and their code will be indicated on their card as well.

[Form I-797A, Notice of Action with Tear-Off Form I-94]

So next I'm going to show you an example of an I-797 Notice of Action that has been torn off of an I-94. Some of the things you want to pay attention to are the first, the top right-hand corner where it's indicating the type of form that it is. So, this is really helpful, especially when you're assisting a member complete an online application, you can indicate that you received an I-797.

So, some of the documents or pieces of information you want to add in the online application are the receipt number, the I-94 number, as well as the expiration date because that's information that the system uses to do that data match and provide the member the correct benefit.

[Form I-797C, Notice of Action]

Next, we have an example of what the I-797 Notice of Action looked like after April 2, 2012, and what it looked like prior. So, you will notice that the top of the letterhead has changed. So more, more often than not you will notice that it'll say the Department of Homeland Security Notice of Action and the language at the top will say this notice does not grant an immigration status or benefit. When prior to it used to say the United States of America.

[Order of Release on Recognizance]

Next, we have the Order of Release on Recognizance, and this is just an example of a document that you will receive for proof of immigration status.

[Reminders: Valid Nonimmigrant Visas]

Next, we're going to talk about Valid Nonimmigrant Visas. So, per our regulations, applicants, and members with a valid, unexpired nonimmigrant Visa (such as a B1, B2)

are individuals who are considered lawfully present. There are instances where we may take the expired documents, so please make sure that you refer to the eligibility operations memo to know what statuses or what individuals we accept those documents for.

There are going to be instances where on the Visa booklet and the stamp of entry the expiration dates are different. Compare the stamped expiration date on the Visa versus the printed expiration date as the stamped expiration date has a past expiration date and then the printed expiration date and the Visa itself are no longer considered valid.

Other forms of nonimmigrant Visas that you may come across are J1 Visa and that's a work study-based exchange Visa; an F1 Visa which is a student Visa, and these individuals are also considered individuals lawfully present for MassHealth purposes.

If the applicant or member with a nonimmigrant Visa satisfies residency and other requirements, they may be eligible for a MassHealth or Health Connector benefit.

[Reminders: Valid Nonimmigrant Visas (continued)]

For Valid Nonimmigrant Visas, there are instances where a person may enter the United States with a valid nonimmigrant Visa and apply for a different immigration status at a later time. As the applicant's nonimmigrant Visa expires, but they can provide proof that they have applied for an upgraded status with the Department of Homeland Security or have an extension to their Visa, then they may qualify for PRUCOL status.

There are situations if the nonimmigrant Visa expires and the applicant or member has not yet applied for the extension or an upgraded status that they may qualify for PRUCOL status if the circumstances for this case indicate that the Department of Homeland Security is not contemplating enforcing departure, meaning they don't plan on deporting these individuals.

[Additional Reminders: Valid Nonimmigrant Visas]

Some additional reminders which I've mentioned before. Here are some of the eligibility operations memos that are a really good tool to use when trying to identify the status of the members that you're assisting.

An example of an Eligibility Operations memo that you may want to refer to, especially when assisting members who are Ukrainian and have entered following March 1, 2022, if they have an expired Visitor Visa or have not yet applied for a Visa extension or an upgraded status, these individuals may still be eligible for a MassHealth benefit. It is best to refer to the Eligibility Operations memo to determine the rules regarding those individual's status.

[Eligibility Rules for Cuban and Haitian Entrants]

The rules for our Cuban, Haitian entrants. Cuban or Haitian Entrants are defined as certain nationals of Cuba and Haiti who have permission to reside in the U.S. based on humanitarian considerations or under special laws that apply to them.

For MassHealth eligibility these individuals are considered Qualified Non-Citizens. It's important to note that not every national of Cuba or Haiti is considered a Cuban or Haitian Entrant. The Cuban or Haitian Entrant categories are defined in 501(e) of the Refugee Education Assistance Act.

In some circumstances, the children of Haitian nationals are born in another country prior to entering to the United States. MassHealth has clarified that the children of these nationals would be considered Haitian nationals as well, and thus eligibility for our Haitian Entrant status if they satisfy the criteria for Haitian status described in the EOM noted on this slide. This clarification does not apply to the children of Cuban nationals born abroad at this time. And you can reference EOM 22-03 titled Eligibility Rules for Cuban and Haitian Entrants.

[MassHealth and Health Connector Eligibility Categories (slide 3 of 3)]

So next we're going to talk about our Other Noncitizens.

Which are typically known as Undocumented Noncitizens.

[Other Noncitizen]

Other Noncitizens are individuals who don't fall under the Lawfully Present Immigrant status or PRUCOL status. Many of them may be considered undocumented. There are instances where undocumented individuals may fall under PRUCOL status provided that they've applied for an immigration status and can provide proof that they have done so.

Only people without documentation that does not apply for a status or is residing in the United States under the knowledge and consent of DHS, or they have expired documentation that has not applied for an extension, they would fall under the Other Noncitizen group.

[Who may qualify for MassHealth or the Health Connector?]

So, who may qualify for MassHealth or the Health Connector? Members who may qualify are, U.S. Citizens or US Nationals; individuals who are Lawfully Present Immigrants that fall under one of the three categories of either, Qualified Noncitizen, a Qualified Noncitizen Barred or Nonqualified Individuals Lawfully Present; as well as our Protected Noncitizens; our Nonqualified Persons was under, Residing Under the Color of the Law also known as PRUCOL; and Other Noncitizens.

Those that qualify for the Health Connector are U.S. Citizens or U.S. Nationals; Lawfully Present Immigrants. And there may be other factors that will apply in determining the individual's eligibility.

[Application Completion Best Practices]

So next I will pass it back to Kara and she will discuss application completion best practices.

Kara Chiev: Thanks Belkis.

Okay, so let's move into best practice.

As you saw, Belkis went through a lot of information related to immigration and the type of documents that they may be coming in with.

So, if you're working with an applicant, a resident or a member and they want to understand how to, what type of documents to submit to MassHealth best practice is really they can submit it to us, mail it to us and we'll look at it. We'll identify the type of documents for those instances. Okay, so going into the next slide.

[Citizenship and immigration Information Necessary for Program Determination]

Citizenship and Immigration Information that's necessary for a program determination. A person who applies for, for coverage is asked to provide their citizenship or immigration status. We are required to verify that information. MassHealth and the Health Connector will determine the best benefit an individual may qualify for using that information.

Additionally, there are other factors that we look at as, when I went through the, at the beginning of the slide, at the beginning of this deck that we use to determine eligibility. If additional information is needed, an RFI will go out to the individual identifying which documents or what documents are acceptable and what information we will need. Going on to the next slide.

[Noncitizen: Application Requirements]

Okay. So, for Noncitizen Application Requirements. If a Noncitizen individual does not indicate their immigration status, they may still be eligible for a MassHealth Limited, the Children's Medical Security Plan (CMSP), or the Health Safety Net. And for those pregnant, they may qualify for a MassHealth Standard.

So, it's really important that they do indicate if they have status, that in the application or if they don't, that's okay. Absolutely still apply to see if you're eligible, if they're eligible for, for MassHealth Limited, CMSP or HSN. And the applicant must answer either "Yes" or "No" to the immigration question, that is a required question on the application. Now, if the individual reports that they don't have immigration status, we will not attempt to find or verify any immigration status.

If an individual has an eligibility, an eligible immigration status, but they didn't indicate it on their application, the system will not look for that information; it doesn't know to look for that information. We'll only be able to look and ping those data sources if the self-attested information indicates that they may have an immigration status. So, it's always important to ask the individual you're working with if you're a Certified Assister out in the community, don't assume their immigration status. Ask if they do have any documents or they've connected with any of the federal offices related to updating their status. So, when responding to the immigration question, it's really important to be sure to enter any immigration information that the applicant, the applicant may have. Again, it is really so the system can perform that data match to verify that information. If the data match does not happen, an RFI will go out and there's the additional opportunity for the individual to submit any verifications or any documents that they may have.

[Key Takeaways]

Okay. So today you really heard and got a lot of information from us related to immigration and, and citizenship. Again, if you are working with an individual or they're asking you questions about if they can apply for health care coverage, don't assume, have them answer all their, all those questions. If you're helping them, answer all those questions, ask those questions, that's on the application.

MassHealth and the Health Connector will determine the benefits an applicant may qualify for based on the information that they've provided in that application and other factors. So, entering a response into the online or a paper application, specifically their citizenship and immigration status is a requirement.

If a Noncitizen applicant does not provide immigration status information, then the applicant may only be considered eligible for Limited, HSN, or CMSP. And in the case of those pregnant and they don't have status, they may be, they'd be eligible for MassHealth Standard.

If additional information, again, if we need additional information related to citizenship, immigration or even income or any other verifications needed, the applicant or the member will be notified. The RFI will go out to them asking for those, that information.

The attempt to data match will happen in the backend as, as if you're working with that member as an Assister, it will happen at that time. So, answering those questions appropriately is really important to ensure the, the right benefit is available to the individual you're working with. Going on to the next slide.

[Resources]

Okay. So quickly, Resources.

[ACA-3: Immigration Statues and Document Types]

A great resource you have at your fingertip is the application.

There is a list both in the ACA-3 and the SACA-2, or the Senior Application, will have a list of immigrant statuses and document types, though look in the member booklet for the full list of PRUCOLs and I did provide that link to our member booklet. All of this, if it indicates mass.gov, is on the MassHealth website.

[Member Booklet: U.S. Citizenship and Immigration Rules]

Next here is the Member Booklet. This is the ACA 3. Any information related to U.S. citizenship and immigration rules, it's in this section, Section 11.

[SACA-2: Immigration Statues and Document Types]

And this is the SACA, just identifying the location of where the list of immigration status and document types are.

[Senior Guide: U.S. Citizenship and Immigration Rules]

Okay, and here is the Member Booklet and it's in Section 8 of the Senior Application.

[Online Application]

Okay. This is a great resource for you, MAhealthconnector.org, the website. Note the site is available in several languages as indicated here.

Also check the website if you are a Certified Assister working with an applicant or a member before you log in or let the individual know before they log into their application. Make sure they check this web page, this landing page to see if there are any systems messages at the top. At the top, there will be a banner message in the instance the system is down for maintenance or there are issues to let you know what's going on, just to ensure that your experience when you're in the system is not interrupted.

And the second screenshot the, the health coverage where you got the "Apply Now" button is the landing page for how to get into the online application. This is the MA, MA login page. Going on to the next slide.

[Immigration Status – Massachusetts Health Connector]

And here is the Immigration Status. This is a great resource for you. It is on, also on MAhealthconnector.org. Okay, so going on to the next slide.

[Resource: Immigration Toolkit]

Here is the Immigration Toolkit. This toolkit is available on the MTF website because we talked about immigration, really a long time ago. For those that have followed our MTF for, for many, many years, you may recognize this toolkit. And then, going on to the next slide.

[Additional Helpful Resources]

These are the Additional Resources that will be helpful in understanding immigration rules as well as types of documents that individuals may be coming with from the federal government or their home country. So, more information here.

[Question]

All right, so our last question and I'll read it and Belkis, I'm going to ask Belkis to help me with this one.

So, select all examples of PRUCOL members. Noncitizens? Is it "A", granted suspension of deportation and whose departure the DHS Department of Homeland Security does not contemplate enforcing; is the option "B", entering the country and receiving an I-94 stamp marked "UHP" on their foreign passport; is it "C", who have filed an application, individual who filed an application, a petition, or request to obtain a lawfully present status that has been accepted as properly filed but who have not yet obtained employment authorization and whose departure the Department of Homeland Security does not contemplate enforcing; or is it an individual living in the U.S. in accordance with an indefinite stay of deportation entering the U.S. with unexpired Nonimmigrant Visa such as a B1, B2, J1 or F1 Visa?

[Answer]

Belkis Candelario: So for examples of PRUCOL, the answers we're looking for were "A", granted suspension of deportation status and whose departure DHS does not intend to enforce; "C", those who have filed an application, petition, or request to obtain lawfully present status that has been accepted and properly filed but have not yet obtained the employment authorization or whose departure the Department of Homeland Security does not plan on enforcing; as well as those individuals who are living in the United States with an indefinite state of deportation with the following Nonimmigrant Visas, B1, B2, J1 or F1 Visa as long as they are unexpired.

Kara Chiev: Thanks, Belkis. So, as you can see for our PRUCOL members, those that fall under that PRUCOL bucket, there's, there's a number of myriads of situations for where they need to consider PURCOLs. So again, if you're unsure, if you're working with them and you're unsure of their, their status, send us the documents that they, they have, ask, make sure they ask them if they have connected with the federal government, any of those offices related to updating their status and let us know what, what the, the situation is like.

[Thank you!]

Sue Kane: Well, thank you everybody for joining us today. We really appreciate you taking the time. Special thanks to Belkis, Kara, Sage, Sarah, Lynn, and Nikki for providing information and answering all the questions. Stay well everyone and have a great rest of your day. Thank you.