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Director and Chief Medical Officer

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Chief Operating Officer

COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
313 N. Figueroa, Los Angeles, CA 90012
(213) 240-8101

March 10, 2004

TO: Each Supervisor

FROM: Thomas L. Garthwaite, M.D.
Director and Chief Medical Officer

SUBJECT: **MEDI-CAL BENEFITS BASED ON STATUS OF IMMIGRANTS PERMANENTLY RESIDING UNDER COLOR OF LAW (PRUCOL)**

This is in response to the February 17, 2004 Board motion to report to you what individuals are eligible for PRUCOL and what steps are included in Department of Health Services (DHS) eligibility determination process to identify patients eligible for Medi-Cal under PRUCOL and to help them obtain benefits.

The term "PRUCOL" refers to noncitizen persons in the United States who are permanently residing *under color of law*. This means that persons who would not otherwise be considered permanent residents are considered permanent residents of the United States, if they meet certain criteria.

PRUCOL is not an official United States Citizenship and Immigration Services (USCIS) classification, but the term is used frequently by other federal, state, and local agencies. Health and Human Services regulations specify PRUCOL persons as a category of noncitizen persons that must be considered permanent residents for the purposes of Medicaid eligibility.

Medicaid regulations define an individual with PRUCOL status as "...an alien residing in the United States with the knowledge and permission of [USCIS], and the [USCIS] does not contemplate enforcing the alien's departure." The regulations then list sixteen categories of aliens permanently residing in the United States under color of law which include certain Cuban/Haitian entrants, aliens residing pursuant to an indefinite stay, aliens granted asylum, etc (42 Code of Federal Regulations 435.408).

Of course, to receive Medicaid, an alien with PRUCOL status must also meet all other Medicaid eligibility criteria.

DHS actively financially screens all patients, and where appropriate, takes and processes Medi-Cal applications for individuals with PRUCOL status. Additionally, through referrals to our safety net Medi-Cal Resource Development and Recovery Services (MRDRS) vendors, patients who qualify for PRUCOL are identified and Medi-Cal full scope applications are taken and processed. Furthermore, the Department recently implemented a special project at Martin Luther King, Jr./Drew Medical Center with one of its MRDRS vendors to identify individuals with PRUCOL status.

Attachment A provides more information regarding PRUCOL and DHS' procedures and Attachment B is the Medi-Cal Eligibility for Immigrants Fact Sheet prepared by Department of Public Social Services.

I will report to your Board the findings of this special project in approximately six months.

If you have any questions or require additional information, please let me know.

TLG:lg (1MaryJ\Medi-Cal\PRUCOL BM 0304_2.doc)
402:024

Attachments

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors
Bryce Yokomizo

ATTACHMENT A

BOARD OF SUPERVISORS

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COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
313 N. Figueroa, Los Angeles, CA 90012
(213) 240-7738

January 17, 2003

TO: Ronald E. Hansen, Health Deputy
Third District

FROM: Fred Leaf
Chief Operating Officer

SUBJECT: **PERMANENT RESIDENCY UNDER COLOR OF LAW (PRUCOL)**

This is in response to the recent correspondence sent to your office by Health Advocates (Attachment I). In October 2002, facility staff were alerted that PRUCOL is available to all Medi-Cal beneficiaries (Attachment II). Through referrals to our secondary Medi-Cal Resource Development and Recovery Services (MRDRS) vendors (including Health Advocates), we have another opportunity to identify additional PRUCOL applicants. Additionally, the Department of Health Services (DHS) is working with Department of Public Social Services (DPSS) to obtain updated PRUCOL procedures to supplement information for our facilities.

As indicated in the attached, patients are to complete the MC13 (Attachment III) to state their citizenship, alienage, and immigration status. If a patient states that he/she is an alien and attests to having satisfactory immigration status by means of being a PRUCOL alien, they are eligible for Medi-Cal full scope benefits pending confirmation of such status from Immigration and Naturalization Services (INS). Our experience, and the experience of our MRDRS vendors (including Health Advocates) with this patient population is that they continue to have fears related to Public Charge and INS, and are often hesitant to sign the necessary forms.

DHS has issued a Patient Financial Services (PFS) Memo regarding the Public Charge issue and facilities continue to train staff on this subject on an ongoing basis. Additionally, we recently re-verified that DHS and its MRDRS vendors (including Health Advocates) actively screen and qualify patients for Medi-Cal full scope benefits. After receiving direction from DPSS, DHS will issue further instructions to the facilities. At that time, DHS will generate a flyer addressing PRUCOL, if appropriate.

If you have any questions or require additional information, please call Larry Gatton or Pat Adams at (213) 240-8366.

FL:mj (1MARYJ\Medi-Cal\PRUCOL 1202r1.wpd))
02-12-17-004

Attachments

c: Larry Gatton
Gary W. Wells
Board Health Deputies

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JEFFREY MARVEL**
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HOW TO MAXIMIZE MEDI-CAL REIMBURSEMENT FOR UNDOCUMENTED ALIENS

The Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 (P.L. 104-193) ("PRWORA") and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208) significantly changed the eligibility requirements for all Federal benefit programs for individuals who are not citizens of the United States ("U.S."). In effect, these laws stated that a large number of immigrants and aliens residing in the U.S. would no longer be able to participate in many of the federally funded, state administered, public assistance programs. This includes the Medicaid program which provides access to health care and services to the medically needy and categorically needy.

In response to Title IV of PRWORA, which is entitled "Restricting Welfare and Public Benefits For Aliens", the California Medicaid program ("Medi-Cal") provides that only those aliens who (1) meet all Medi-Cal eligibility requirements (residency, linkage, property & income requirements) **and** who (2) are in a "satisfactory immigration status" (also known as "Qualified Aliens") are entitled to full-scope Medi-Cal benefits. All other aliens who meet the Medi-Cal eligibility requirements above but who are **not** in a "satisfactory immigration status" ("Unqualified Aliens") are eligible only for Emergency and/or Pregnancy Related Medi-Cal benefits.

In California, the following aliens are considered to be in a "satisfactory immigration status" and thus eligible for full-scope benefits: (1) amnesty aliens with valid and current lawful temporary resident cards (I-688); (2) Lawful Permanent Residents (LPR's), and; (3) aliens **Permanently Residing Under Color Of Law ("PRUCOL").**

The designation, "PRUCOL,"was created by federal agencies in conjunction with the courts and applies to four federal programs: (1) Medicaid, (2) Supplemental Security Income, (3) Temporary Assistance for Needy Families ("TANF") (formerly known as Aid to Families with Dependent Children ("AFDC") but now known as CalWORKS in California), and (4)Unemployment Insurance Benefits.

Generally, the PRUCOL label applies to those alien individuals who are neither U.S. citizens nor legal resident aliens. To be a PRUCOL alien means that the individual has the appearance of, but the not the substance of, a legal right. The individual is or has been allowed to reside in the United States "under the color of law" and therefore is entitled to certain benefits like full-scope Medi-Cal. According to California Department of Health Services ("DHS"), an individual is considered a PRUCOL alien if he/she meets one of sixteen (16) specific categories on the Health and Human Services Agency's MC-13 Form entitled "Statement of Citizenship, Alienage, and Immigration Status" (see attached) which is completed during the Medi-Cal eligibility process.

suspend deportation proceedings as will be discussed below. These specific situations comply with the requirement of "remaining permanently" are what are statutorily referred to as "under the color of law."

IDENTIFICATION OF PRUCOL CATEGORIES

The next step during the screening and application process is to determine if the alien/patient is in the Untied States "under the color of law" thereby complying with one of the sixteen (16) PRUCOL categories on the MC-13 ("Statement of Citizenship, Alienage, and Immigration Status") and entitling him/her to full-scope Medi-Cal benefits. **This, we believe, is a critical yet commonly overlooked step in the eligibility programs at many not for profit and/or County Hospitals & Health Systems.** In most cases, County Medi-Cal Eligibility Workers will simply check off "no" to question #4 on the MC-13, which inquires if "the applicant is a PRUCOL alien." This selection of "no" is made without reviewing or screening the alien/patient to determine if in fact he/she qualifies for one of the sixteen (16) PRUCOL categories on the MC-13. Submitting a Medi-Cal application without carefully screening an alien/patient for PRUCOL eligibility precludes the provider from obtaining the maximum TAR authorization for all the services rendered. Identification of a PRUCOL category should be a top consideration when screening a self-pay or County Medically Indigent Adult (MIA) aliens/ patients for Medi-Cal eligibility.

Before submitting an application to Medi-Cal, hospital eligibility workers should screen all aliens/patients in order to identify those who are eligible for PRUCOL benefits pursuant to **one** of the following sixteen (16) categories:

1. As a conditional entrant admitted to the United States before April 1, 1980;
2. Paroled into the United States, including Cuban/ Haitian entrants;
3. Subject to an Order of Supervision;
4. Granted indefinite stay of deportation;
5. Granted an indefinite voluntary departure;
6. On whose behalf an immediate relative petition (INS Form I-130) has been approved and who is entitled to voluntary departure;
7. Who has properly filed an application for lawful permanent resident status;
8. Granted a stay of deportation for a specific period;
9. Granted asylum;
10. Admitted to the United States since April 1, 1980;
11. Granted voluntary departure who is waiting issuance of a visa;
12. Deferred action status;
13. One who entered and has continuously resided in the United States since January 1, 1972, who would be eligible for an adjustment of status to lawful permanent resident pursuant to INA Section 249 (eligible as Registry Alien);
14. Granted suspension of deportation whose departure INS does not contemplate enforcing;
15. Granted withholding of deportation pursuant to INS section 243 (h);
16. **As an alien, not in one of the above categories, who can show that : (1) INS knows he/she is in the United States; and (2) INS does not intend to deport him/her, either because of the person's status category or individual circumstances.**

Special attention should be given to category sixteen (16) on the MC-13. This category was designed to be a potential and likely catch-all. It is designed to make PRUCOL benefits available to any alien who may not fit perfectly into one of the other fifteen (15) pre-identified PRUCOL categories, but, who nevertheless meets

Health Advocates believes that determining if an alien patient is PRUCOL eligible is **critical** in maintaining the financial health of most hospitals and health systems which provide a disproportionately higher share of non-emergency and or clinical care to undocumented aliens. PRUCOL screening should ideally be conducted at the beginning of the eligibility process when the alien/patient completes the application in order to assure that once qualified for Medi-Cal, the patient beneficiary receives the correct Medi-Cal Aid Code in order to obtain a Treatment Authorization Request ("TAR") and payment for all services provided, including clinical, rehabilitation, SNF, etc..

Financial screening should be reinitiated at every available opportunity when a provider has contact with the alien/patient since a patient's alien status can change as a result of court decisions, changes in INS policy, actions taken by the patient to change their alien status, etc. The failure to identify and qualify an alien/patient for PRUCOL eligibility and therefore full-scope Medi-Cal benefits, when the patient in fact meets one of the PRUCOL categories, can result in significant losses of Medi-Cal reimbursements of otherwise authorized acute days and outpatient/ physician services.

ESTABLISHING THE CALIFORNIA RESIDENCY OF AN ALIEN

Every applicant must show that they are a California resident to be eligible for Medi-Cal. An applicant/patient need not necessarily own or rent a home, apartment or dwelling to be considered a resident. In fact, even a homeless alien/patient can easily establish residency. The threshold test for establishing residency in California is the demonstration of a **physical presence in California with an intent to remain permanently or for an indefinite period of time**.

Practically speaking, proving the requirement of **physical presence in California** is fairly simple. It can be accomplished by establishing some nexus to California, including but not limited to, a current and valid California driver's license, current and valid California motor vehicle registration in the alien/patient's name, a pay stub, rent or mortgage receipt, utility bills, affidavit or some type of proof that an alien/patient's children are enrolled in a school, etc.

Demonstrating that the **individual intends to remain permanently or for an indefinite period of time** can sometimes become more problematic, but is also relatively simple to do. The United States Court of Appeals in the Second Circuit, has determined that "*the term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with the law.*" *See* Holley v. Lavine, 553 F.2d 845, 850 (2d Cir. 1977).

The requirement of "**remaining permanently**" occasionally creates significant eligibility hurdles for aliens/patients who possess only temporary student visas, tourist visas or border crossing cards which do not have the "permanency" aspect inherent within them. All temporary visas have an expiration date which automatically negates the permanent intent to reside by the alien/patient. However, if the alien/patient can overcome these obstacles by demonstrating that they have a permanent attachment to the State, then establishing residency is rarely a problem. Even a temporary absence from California, lack of durational residency or the failure to maintain a permanent or fixed address is not enough to deny an application for benefits for failure to meet the residency requirement.

It is important to note that the requirement of "remaining permanently" within the United States can be accomplished through other means like INS Policy Statements or Court mandated Orders or Injunction to

the PRUCOL definition of "under color of law" by application or inference. In Berger v. Heckler, 771 F.2d 1556, 1574,(2nd Cir. 1985), the court stated that "the phrase 'under the color of law' is designed to be an open vessel - to be given substance by experience."

The United States Court of Appeals, 2nd Circuit, states that "The phrase obviously includes actions not covered by specific authorizations of the law. It embraces situations within the body of the law, but also others enfolded by a colorable imitation...The phrase encircles the law, its shadows, and its penumbra. When an administrative body uses the phrase "under the color of law" it deliberately sanctions the inclusion of cases that are, in strict terms, outside the law, but near the border...There is no more common instance of action "under the color of law" than the determination of an official charged with enforcement of the law that he, as a matter of public policy, will exercise his discretion not to enforce the letter of a statute or regulation because such enforcement would involve consequences, or inflict suffering, beyond what the authors of the law contemplated." Holley 553 F.2d at 850.

As such, in light of the court's relaxed position, "PRUCOL" classifications under category sixteen (16) have been applied as loosely and expansively as possible. The task for hospital Eligibility Workers assisting patients in applying for PRUCOL benefits is to prove that the INS *knows* that the alien/patient is in the United States and *that they do not intend to deport him/her*, either because of the person's status category, court mandated injunction, INS Policy or individual circumstance, etc.. Certain "deportable" aliens are considered PRUCOL if deportation is deferred, unlikely, or the individual has been granted voluntary departure for an indefinite time period based on INS determination. In short, the INS must give permission (action) or **acquiesce** (inaction) to the applicant's presence in the U.S..

The subject of INS "**acquiescence**" has been has been addressed by some courts and has been broadly applied. Specifically in Farjam v. Commissioner, Social Sercurity Administration, 1995 WL 500477 *4, (E.D.N.Y. (1995), the court stated that INS acquiescence includes "scenarios in which the INS does not respond to requests by the Commissioner, yet in which official acquiescence to an individual's presence is nevertheless present. Such a situation would be present when INS is made aware on numerous occasions of the presence of an illegal alien yet does not take action to enforce the departure."

"Under the color of law" has also been interpreted to include an individual "whose departure the INS does not contemplate enforcing if it is the policy or practice of the INS not to enforce the departure of aliens in such categories or if, on all the facts or circumstances in that particular case, it appears that the INS is otherwise permitting the alien to reside in the United States indefinitely."*See* Berger v. Schweiker, No. CV-76-1420 (E.D.N.Y. 1984). Therefore, if the INS implements a policy statement like the suspension of all deportations to all aliens in a certain category, and that policy is applied across the board to all individuals who fall within that category, then in effect, as acknowledged by the Berger court above, that group of aliens may qualify for PRUCOL benefits.

The following are some practical examples of how an applicant/ patient may be able to obtain PRUCOL status and benefits pursuant to requirements one (1) and two (2) of category #16:

Requirement #1: Providing proof that the INS knew of presence in U.S.:

- Any form of written documentation sent from the INS and addressed to the immigrant;
- Valid or expired Tourist or Student Visa;

- A certified mail return receipt form (green post card) sent back from the INS after a letter was mailed by the immigrant (or his/her advocate) to the INS informing them of the intent to change legal status.

Requirement #2: Providing proof that the INS does not intend to deport the individual or acquiesces to their presence in the U.S.:

- Any documents from the INS or from an Immigration Court which advises the immigrant that they can remain in the United States pending deportation or change of status;
- Any INS form addressed to the applicant which discusses their current immigration status and does not specifically state that the immigrant is going to be deported;
- An Immigration Courts or an INS Policy statement detailing immigrants status in country (e.g. suspension of deportation);
- "Acquiescence" means the INS has no intent of enforcing the departure of the applicant. For instance, if an INS Policy not to deport undocumented alien parents of US Citizen children was issued, then all aliens falling within the scope of the policy, effected by the contents of the policy or the inaction of the INS as a result of the policy could qualify as acquiescence. As such, if an alien/patient immigrant can demonstrate in some other way that the INS knows of their presence in the U.S. (i.e. their Tourist or Student Visa has expired and no contact was made by the INS to initiate deportation proceedings) and the alien/patient can prove inaction by the INS to deport them, that is sufficient to establish acquiescence by the INS to the patient's presence.
- The failure of the INS to respond positively or negatively to a letter written by the applicant (or his/her advocate on their behalf) regarding their immigration status can be proof of INS acquiescence. Remember to verify if the patient has proof that the letter was mailed to the INS (i.e. certified mail receipt)
- Identification of a major medical condition that is known to the INS, which would prevent the patient from being expelled or deported.

THE ISSUE OF THE "PUBLIC CHARGE"

Practically speaking, many aliens/patients may be apprehensive to discuss immigration status openly with hospital Eligibility Workers because of fear that their eligibility to the Medi-Cal program and receipt of state health benefits will directly influence their ability to naturalize legally to the United States. This is a legitimate and real concern to an alien/patient who is unfamiliar with the rules and regulations regarding government benefits programs, citizenship and immigration.

All Eligibility Workers should emphasize and reinforce to aliens/patients that since May 25, 1999, the receipt of health care benefits (including Medi-Cal and Healthy Families) does **not** affect an individual's ability to get a "green card." The only exception to this rule is when the health care benefits received are exclusively for long-term care. Therefore, not withstanding the one exception for long-term care, all alien patients should be reassured that participating in the Medi-Cal Eligibility process and applying for PRUCOL benefits when applicable will not render them a "public charge" unable to naturalize. See http://www.ins.usdoj.gov/graphics/publicaffairs/summaries/Summ(CA).htm for additional information regarding "public charges."

CONCLUSION

PRUCOL benefits are available to aliens/patients that meet all Medi-Cal eligibility requirements and one of sixteen (16) pre-identified categories of question #5 on the MC-13 Form. The positive financial impact to all hospitals and health system that actively screens and qualifies their self-pay alien patients as PRUCOL aliens is obvious and significant. Almost immediately after implementing the above recommendations, a hospital with a high volume of PRUCOL eligible patients can expect to see a significant increase in Medi-Cal TAR approval days. The increased number of approvals and immediate reduction in denials will be a direct result of a clear understanding and application of the PRUCOL process.

COUNTY OF LOS ANGELES - DEPARTMENT OF HEALTH SERVICES
REVENUE MANAGEMENT

PRUCOL STATUS IS AVAILABLE TO ALL MEDI-CAL BENEFICIARIES

PRUCOL is not just for persons in long-term care (LTC) or who are renal dialysis (RD) services patients.

DPSS Program Staff has confirmed that Permanent Residency Under Color of Law (PRUCOL) status may be claimed by all Medi-Cal beneficiaries who are **otherwise eligible** for Medi-Cal. Individuals claiming PRUCOL are to be granted **full Medi-Cal benefits without delay** (even without evidence of Satisfactory Immigration Status [SIS]) if the 30 days to present the required evidence of SIS have not lapsed.

DPSS is in the process of working with the State to release new written PRUCOL procedures and forms. In the meantime we are to continue utilizing the current PRUCOL forms Statement of Citizenship, Alienage, and Immigration Status (MC 13) and INS Document Verification Request (G-845).

In order to receive PRUCOL form MC 13 must be completed, signed and dated for each adult applicant, or adult acting on behalf of a child, requesting Medi-Cal benefits. Every Medi-Cal applicant is to provide information about his or her citizenship/immigration status.

Medi-Cal applicants are no longer asked to request full or restricted benefits. Therefore, the appropriate level of benefits will be based on a review of an individual's citizenship or immigration status and completion of the Systematic Alien Verification Entitlement (SAVE) process. Aliens presenting required evidence of Satisfactory Immigration Status (SIS) and who are otherwise eligible, receive **full** Medi-Cal benefits while their evidence is being verified with the Immigration and Naturalization Services (INS).

If an applicant claims SIS, but needs to obtain replacement immigration documents, the requirement to provide evidence of SIS will be considered met if the alien presents an Individual Fee Register Receipt (INS Form G-711) requesting replacement of an INS document. The applicant gets full Medi-Cal benefits.

Aliens claiming PRUCOL status, but who cannot provide evidence of SIS, are to be given **Medi-Cal Full Benefits** as long as they are willing to complete and sign the MC 13 and INS Form G-845. If otherwise eligible, the applicant will continue to be eligible for full benefits pending the return of the G-845 from INS.

Aliens cannot have their Medi-Cal benefits restricted if SIS documentation or PRUCOL documents (i.e., G-845) forms are pending and the due date has not expired. Also, benefits should not be restricted if SAVE confirmation is pending at the time the case is otherwise ready for approval.

Full-scope benefits given to persons claiming PRUCOL status shall be reduced to restricted if SAVE does not confirm SIS or the G-845 is returned by INS denying PRUCOL status.

Every applicant who has a Social Security Number (SSN) is asked to provide it to the Medi-Cal District. Applicants who claim to be U.S. citizens, U.S. Nationals, or aliens in a Satisfactory Immigration Status must provide proof within sixty days of the date of initial application, but not necessarily prior to approval of benefits [Section 50168(a)]. If a person or family member receives a Medi-Cal card prior to verification of HIC number, SSN, application for an SSN or evidence of an SSN, and that verification is not completed within the time limit for reasons **within** the beneficiary's control eligibility no longer exists and the person shall be discontinued [Section 50168(c)(1)].

The SSN shall be provided at time of application unless the applicant must apply for the number. If the application for an SSN must be made, the number will be provided to the Medi-Cal District [Section 50187(b)]. Eligibility of an applicant who refuses to apply for or provide a number shall be denied or discontinued [50187(d)(1)]. If the applicant and other family members already have Social Security numbers, verification of the numbers is to be requested at the time of application and given a 30-day deadline from the date of the SAWS 1. If the applicant does not provide Social Security number(s) within the first 30 days, a second notice (PA 2322) is to be sent setting as a deadline 60 days from the SAWS 1 date. (See Title 22, California Code of Regulations, Sections 50168 and 50187 for more information about this requirement).

Medi-Cal Eligibility Manual Section 7G provides guidelines on how to use the Medi-Cal form MC 13 and includes the July 1996 revisions.

NOTE: Time is of the essence in processing PRUCOL. There is no full-scope retroactive eligibility coverage for individuals claiming PRUCOL status. Currently it's taking INS between 60 and 90 days to respond to the G-845 being sent to them. A person that is denied PRUCOL status by INS must be changed from full-scope Medi-Cal to restricted. Persons in LTC claiming PRUCOL are to be changed to aid code 55.

A PFS Memo will be issue as soon as we receive DPSS's new written PRUCOL materials.

If you have questions or require additional information, please let me know or call Danny Johnson or Josie Marasigan at (213) 240-8277.

Thank you

(2Rios\Medi-Cal-Elig\PRUCOL) October 16, 2002

STATEMENT OF CITIZENSHIP, ALIENAGE, AND IMMIGRATION STATUS

Print name of applicant (the applicant is the person who wants Medi-Cal)	Date
Print name of person acting for applicant	Relationship to applicant

SECTION A: MEDI-CAL BENEFITS TO CITIZENS AND ALIENS

Citizens and nationals of the United States who meet all eligibility requirements may receive full Medi-Cal benefits.

Aliens who meet all eligibility requirements may receive either full Medi-Cal benefits (if they are in a satisfactory immigration status) or restricted benefits limited to emergency and pregnancy-related services (if they are not in a satisfactory immigration status).

Satisfactory immigration status and full Medi-Cal benefits for aliens: Federal and state law provide that *full* Medi-Cal benefits may be received only by aliens who are in a satisfactory immigration status and who meet all eligibility requirements **including California residency.** Aliens are in a satisfactory immigration status if they are amnesty aliens with valid and current lawful temporary resident cards (I-688) or lawful permanent residents or permanently residing in the U.S. under color of law (PRUCOL). **The 16 PRUCOL categories are listed in SECTION B, question 6 below.**

Documented aliens not in a satisfactory immigration status who meet all eligibility requirements, **including California residency**, may receive restricted benefits (limited to emergency and pregnancy-related services).

Undocumented aliens who meet all eligibility requirements, **including California residency**, may receive restricted benefits (limited to emergency and pregnancy-related services).

Citizenship/immigration status information: Every person requesting Medi-Cal is required to provide information about his/her citizenship or immigration status. Immigration status information provided as part of the Medi-Cal application is confidential and cannot be used by the INS for immigration enforcement unless you are committing fraud.

Alien status documents and verification requirements: Aliens who claim to be in a satisfactory immigration status (SIS) for Medi-Cal purposes must present INS documents that show their immigration status if they have an INS document or are eligible to obtain one. Aliens who claim to be in an SIS, but who cannot obtain an INS document or replacement receipt (for example, aliens in the last PRUCOL category indicated in SECTION B below) should submit other evidence establishing their immigration status. INS documents will be verified by the INS. Aliens who do not have these documents with them, or who have unreadable documents, may bring us receipts which show that they have applied for replacements. Aliens will have 30 days to do this, or until their Medi-Cal application is ruled on, whichever is longer. If the alien is otherwise eligible, Medi-Cal will be issued during this period and while the submitted documentation is being verified by the INS. If none of the documents contains the applicant's photograph, they must show us an identity document which establishes that the applicant is the person named in the documents.

Social Security number requirement: Every person requesting Medi-Cal who has a Social Security number is asked to provide it to the county welfare department. U.S. citizens, U.S. nationals, and aliens claiming to be in a satisfactory immigration status who do not have a Social Security number must apply for one and provide it to the county welfare department. Aliens in satisfactory immigration status for Medi-Cal purposes who need help applying for a Social Security number should ask their eligibility worker for assistance. Aliens who are not in a satisfactory immigration status and who do not have a Social Security number can still get restricted Medi-Cal if they meet all eligibility requirements.

SECTION B: CITIZENSHIP/IMMIGRATION STATUS DECLARATION

1. Is the applicant a citizen or national of the United States? ☐ Yes ☐ No

   If the applicant is a citizen or a national of the United States, where was he/she born? _____ (city, state)

   IF YOU ARE A CITIZEN OR NATIONAL OF THE UNITED STATES, GO DIRECTLY TO SECTION D. IF YOU ARE AN ALIEN, PLEASE ANSWER QUESTIONS 2, 3, AND 4 BELOW (AND QUESTION 5 IF YOU CLAIM TO BE PRUCOL) THEN COMPLETE SECTIONS C AND D. **IF YOU ANSWER "NO" TO QUESTIONS 2, 3, OR 4 BECAUSE THOSE CATEGORIES DO NOT APPLY TO YOU, YOUR ANSWER IS CONFIDENTIAL. THIS INFORMATION CAN ONLY BE USED FOR MEDI-CAL PURPOSES AND CANNOT BE USED BY THE INS FOR IMMIGRATION ENFORCEMENT UNLESS YOU ARE COMMITTING FRAUD.**

2. Is the applicant an amnesty alien with a valid and current I-688? ☐ Yes ☐ No
3. Is the applicant a lawful permanent resident? ☐ Yes ☐ No
4. Is the applicant a PRUCOL alien? ☐ Yes ☐ No

IMPORTANT: All PRUCOL aliens must indicate their specific PRUCOL status in question 5.

5. If the applicant would qualify for Medi-Cal benefits as a PRUCOL alien, indicate the status category which entitles him/her to that classification:

   ☐ A conditional entrant admitted to the United States before April 1, 1980

   ☐ An alien paroled into the United States, including Cuban/Haitian entrants

- ☐ An alien subject to an Order of Supervision
- ☐ An alien granted an indefinite stay of deportation
- ☐ An alien granted an indefinite voluntary departure
- ☐ An alien on whose behalf an immediate relative petition (INS Form I-130) has been approved and who is entitled to voluntary departure
- ☐ An alien who has properly filed an application for lawful permanent resident status
- ☐ An alien granted a stay of deportation for a specified period
- ☐ An alien granted asylum
- ☐ A refugee admitted to the United States since April 1, 1980
- ☐ An alien granted voluntary departure who is awaiting issuance of a visa
- ☐ An alien in deferred action status
- ☐ An alien who entered and has continuously resided in the United States since before January 1, 1972, who would be eligible for an adjustment of status to lawful permanent resident pursuant to INA Section 249 (eligible as a Registry Alien)
- ☐ An alien granted a suspension of deportation whose departure INS does not contemplate enforcing
- ☐ An alien granted withholding of deportation pursuant to INA Section 243(h)
- ☐ An alien, not in one of the above categories, who can show that: (1) INS knows he/she is in the United States; and (2) INS does not intend to deport him/her, either because of the person's status category or individual circumstances

SECTION C: VERIFICATION OF IMMIGRATION STATUS (FOR ALIENS WHO CLAIM SATISFACTORY IMMIGRATION STATUS)

IMPORTANT: Complete this section only if you answered "yes" to questions 2, 3, or 4 in SECTION B on the front of this form.

1. Alien Registration number and/or Alien Admission number (INS Form I-94): _____
2. Date the applicant first entered the United States: _____
3. Applicant's name when he/she first entered the United States: _____
4. Of what country is the applicant a citizen: _____
5. Where was the applicant born: _____

SECTION D: SOCIAL SECURITY NUMBER

Does the applicant have a Social Security number (SSN)? (Aliens who are not in a satisfactory immigration status, and who do not have an SSN, can still get restricted Medi-Cal if they meet all eligibility requirements.)

- ☐ Yes, the applicant's Social Security number is: _____
- ☐ No

SECTION E:

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE ANSWERS I HAVE GIVEN ARE CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE.

Applicant signature	Date
Signature of person acting for applicant	Date

FOR COUNTY USE ONLY

EW number: _____ County: _____ Date: _____

Action taken:

- ☐ None necessary.
- ☐ SAVE primary verification performed. Date: _____
- ☐ Document Verification Request (INS Form G-845) and copies of documentation of satisfactory immigration status sent to INS. Date: _____
- ☐ Full Medi-Cal benefits were granted pending verification of immigration status.
- ☐ Copies of alien status documents are in the case file.
- ☐ Person referred to INS to obtain replacement documents. Date: _____

COUNTY DETERMINATION OF THE APPROPRIATE LEVEL OF MEDI-CAL BENEFITS.

Based on the information provided on this form:

- ☐ The above named applicant is a U.S. citizen or national, or an alien, who, if otherwise eligible, would receive **FULL** Medi-Cal benefits.
- ☐ The above named applicant is an alien, who, if otherwise eligible, would receive **RESTRICTED** Medi-Cal benefits.

MEDI-CAL ELIGIBILITY FOR IMMIGRANTS
FACT SHEET

United States Citizens, legal (or lawful) permanent residents and certain other immigrants, (including persons in the Permanently Residing Under Color of Law (PRUCOL) categories) may receive the full range of Medi-Cal covered services, provided they meet other eligibility requirements.

Undocumented and certain other immigrants qualify only for emergency and pregnancy-related services and some nursing home care.

A complex lexicon is used to identify a person's immigration status. California Department of Health Services (CDHS) uses "Satisfactory Immigration Status" (SIS) to refer to immigrants who qualify for the full range of Medi-Cal services.

Medi-Cal aid codes only define the level of benefits for immigrants - full or limited scope. They do not identify the immigration category or status.

Alien codes in Los Angeles Eligibility Automation Determination Evaluation and Reporting (LEADER) track the various immigration categories and are sent to Research, Evaluation and Quality Assurance Division (REQAD) and Medi-Cal Eligibility Data System (MEDS).

To determine immigration status, including PRUCOL, all Medi-Cal applicants, other than verified U.S. Citizens, must complete the Statement of Citizenship, Alienage and Immigration Status (MC13) and declare their status as a naturalized citizen, lawful permanent resident or PRUCOL to receive full scope benefits.

PRUCOL has 16 categories that include refugees, conditional entrants and other immigrants who claim SIS on the basis that they are residing in the United States with the knowledge and permission of United States Citizenship and Immigration Services (USCIS) (formerly Immigration and Naturalization Service - INS) and are not subject to deportation.

Information on the MC 13 is sent to USCIS through the Systematic Verification for Entitlement (SAVE) process for final validation of the immigration status.