



## IMMIGRATION AND MEDI-CAL ISSUES

### PRUCOL

Some immigrants, even if they are not Legal Permanent Residents or U.S. citizens, may still be eligible for full scope Medi-Cal benefits under the Medi-Cal "PRUCOL" classification.<sup>1</sup> PRUCOL stands for "Permanently Residing in the United States Under the Color of Law" and means that the U.S. Citizenship and Immigration Services (USCIS) (formerly known as the INS) knows that the immigrant is living in the U.S. and is not taking steps to deport him or her. PRUCOL is a Medi-Cal classification, not a type of immigration status. A person in the PRUCOL classification might be someone whose application to adjust his or her status has only been recently submitted and received by USCIS and is pending review. USCIS knows that the person is here, but has not yet processed his or her application or issued a "green card."

In order for Medi-Cal to determine if a person meets the PRUCOL classification, that person should have a notice or letter from USCIS stating that his or her application has been received, or that there is some sort of USCIS paperwork in process. The applicant or beneficiary should have a copy of the USCIS notice available to give to the Medi-Cal worker upon request.

To receive full-scope benefits under the PRUCOL classification, the beneficiary or applicant, who is otherwise eligible for Medi-Cal, should inform the Medi-Cal worker that he or she has satisfactory immigration status under the PRUCOL classification and ask to be evaluated for full-scope Medi-Cal. There are no other conditions to being evaluated for the PRUCOL classification, such as having a certain medical condition or being in long-term care!

Once the request is made, Medi-Cal will send the applicant or beneficiary a form called the "Statement of Citizenship, Alienage and Immigration Status" or the MC 13. After the MC13 form is completed and sent back to the Medi-Cal worker, the Medi-Cal worker should change the applicant's or beneficiary's aid code to allow full-scope Medi-Cal benefits. There should be no delays by Medi-Cal to change the scope of benefits.

The Eligibility Worker must complete another form, MC 845 SAVE, which will be sent to USCIS to verify whether or not the applicant/beneficiary is known to USCIS. If the applicant/beneficiary is not known to USCIS or they are pursuing the expulsion of the applicant/beneficiary, then the level of benefits will be reduced back to restricted scope. The applicant/beneficiary only needs to fill out form MC845 if they are in Long Term Care, on Renal Dialysis or in Foster Care.

For further information, please refer to DPSS Medi-Cal Health Care Program Update July 2006, All County Welfare Directors Letter 92-48 or DPSS Administrative Memo MOD 04-07, or call MCHA at (213) 749-4261 or Health Consumer Center at (800) 896-3203.

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<sup>1</sup> For a list of immigration categories that may fall under the PRUCOL classification, see Title 22 California Code of Regulations Section 50301.3.

## **VISA ISSUES**

In general, a person who enters the country with tourist visas, work visas, or border crossing cards is not considered Medi-Cal eligible. This is because he or she does not meet the California state residency requirement, not because of his or her immigration status. The fact that the person holds a visa or border-crossing card suggests that the person is here temporarily and plans to return to his or her country of origin. However, Medi-Cal recognizes that a person's intent to stay may change. Therefore, if a person decides to stay in California, is otherwise eligible for Medi-Cal, and can show that he or she has established residency in California, the person could be eligible for Medi-Cal. If the person is eligible for Medi-Cal based on state residency, he or she may only be eligible for restricted Medi-Cal benefits because of his or her immigration status. (Refer to All County Welfare Directors Letter 98-48).

Please note that if a person is eligible for Medi-Cal because his or her intent to stay in California changed, this does not mean that the person will not have problems with immigration authorities if he or she decides to leave or re-enter the country. For clarification on individual cases, contact CHIRLA at (888) 624-4752 or Health Consumer Center at (800) 896-3203.

## **ALL COUNTY WELFARE DIRECTORS LETTERS**

To access Medi-Cal's All County Welfare Directors Letters, go to <http://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/ACWDLbyyear.aspx> . Under the heading Medi-Cal, click on All County Welfare Directors Letters. From there you can look up a letter by year or click on the index page and search by subject.