

Understanding Non-Citizen Eligibility for Health Coverage from MassHealth and the Health Connector

February 2022

To qualify for MassHealth benefits and to qualify to purchase low-cost insurance through the Massachusetts Health Connector, people must satisfy several financial and non-financial eligibility criteria. Among the non-financial criteria for comprehensive benefits –not just benefits for emergency services or safety net benefits--is a requirement that individuals be U.S. citizens or non-citizens who have an eligible immigration status.¹ This paper summarizes the rules that MassHealth and the Health Connector use to determine when non-citizens have an eligible status. Of course, eligible immigrants, like U.S. citizens, must also satisfy all the other applicable financial and non-financial eligibility criteria in order to receive benefits.

To be eligible to purchase insurance through the Health Connector, with or without a premium tax credit or other subsidy under the Affordable Care Act, a non-citizen must have an immigration status on the list of statuses defined as *Lawfully Present*. All the other financial and non-financial eligibility criteria for insurance through the Health Connector apply to Lawfully Present immigrants and U.S. citizens in the same way and are not summarized in this paper.²

MassHealth is more complicated. For some kinds of immigration statuses, MassHealth uses factors in addition to immigration status to determine an immigration status eligible for some types of MassHealth coverage but not others. MassHealth offers various types of comprehensive coverage with different benefits based on age, income, health status and other factors. Some eligible immigrants can obtain the same MassHealth benefits they could obtain if they were US citizens. Other eligible immigrants can obtain more than just emergency or safety net benefits, but not the same benefits for which they would be eligible if they were US citizens.

Table 1 shown below compares the relationship between the Lawfully Present category used by the Connector and the additional categories of eligible immigrants used in MassHealth.

Table 2 shown below summarizes the factors that affect immigrants' eligibility for different types of MassHealth plans and also shows eligibility for the Connector. However, Table 2 does not summarize all the other eligibility criteria that eligible immigrants and U.S. citizens must satisfy to receive benefits. See the sources at the end of this paper for websites with more

¹ Two groups of non-citizens: Pregnant people and certain “grandfathered” individuals who were receiving MassHealth or CommonHealth in 1997 may be eligible for comprehensive MassHealth benefits even without an eligible immigration status.

² The one exception to this rule applies to lawfully present immigrants with income under 100% of the poverty level who do not qualify for MassHealth because of their immigration status. They are not subject to the minimum income rule for help paying for health insurance through the Health Connector that otherwise limits eligibility to those with incomes over 100% of the poverty level.

information about MassHealth and Health Connector benefits generally in addition to more resources for immigrants.

Four Appendices list the various immigration statuses and other conditions that determine whether someone falls into one of the eligibility categories used by the Connector and MassHealth: 1. Qualified, 2. Qualified Barred, 3. Lawfully Present, 4. PRUCOL.

Table 1. Comparing Connector and MassHealth Immigrant Categories & Terminology			
Connector Term	MassHealth Terms	Code in HIX Computer System	Eligible Immigration Status?
Lawfully Present	Qualified	QLP	Yes
	Qualified Barred	QAB	
	Nonqualified Individual Lawfully Present	ILP	
Not Lawfully Present	Nonqualified PRUCOL	NQP	No
	Other (including undocumented)	UNDOC	

As shown in Table 1 an eligible immigration status for purposes of the Health Connector requires that an applicant has one of the statuses listed in Appendix 3 as *Lawfully Present*. For purposes of the Health Connector, it doesn't matter if a Lawfully Present individual is Qualified, Qualified Barred or NonQualified; all three are Lawfully Present and treated the same way under the Health Connector's eligibility rules.

Table 2 shows how the MassHealth designations shown in Table 1, combined with other factors, affect the types of MassHealth coverage for which immigrants may qualify. MassHealth eligibility rules for adults are both more restrictive than the Health Connector's rules in not treating all lawfully present adults the same way and more liberal in treating people whose status is not listed in Appendix 3 as Lawfully Present but who are described in Appendix 4 as in the US under color of law (PRUCOL) as eligible immigrants and in providing benefits to some individuals who do not have an eligible immigration status.

There is a common application form for people who are applying for help paying for coverage from either MassHealth or the Health Connector. If an applicant is not a US citizen, the application asks if they are an “eligible immigrant.” Anyone whose status is Lawfully Present or PRUCOL can answer that question YES.

If an applicant is eligible for comprehensive coverage from MassHealth, they will be found ineligible for help paying for coverage from the Health Connector. However, some Lawfully Present immigrants who are Qualified Barred or Nonqualified may qualify for both MassHealth Limited and ConnectorCare.

If the answer to the eligible immigrant question is NO, or if the question is not answered, the applicant will be treated as Other/Undocumented and only considered for health safety net benefits. With the exception of MassHealth Standard for pregnant people, health safety net benefits are not comprehensive. They include MassHealth Limited, the Children’s Medical Security Program (CMSP) and the Health Safety Net.

Immigration Status	Other Eligibility Factors Used in MassHealth³	MassHealth Eligibility?	Connector Eligible?⁴
Qualified –see Appendix 1 for list of Qualified statuses	Eligible for all MassHealth benefits in the same way as US citizens	All Types of MassHealth Coverage	Yes
Qualified Barred and Non-Qualified Lawfully Present , see Appendix 2 for list of Qualified Barred & Appendix 3B for list of Non-Qualified Lawfully Present	Pregnant people & children under age 19 eligible for all MassHealth benefits in the same way as Qualified immigrants	All Types of MassHealth Coverage	Yes
	Young adults 19 & 20 ⁵	MassHealth Standard	
	Disabled or elderly individuals clinically eligible for long term services.	MassHealth Standard or CommonHealth (state-funded) ⁶	
	Disabled adults 21-64 ≤100% FPL, and uninsured elderly 65 or older ≤100% FPL & asset test	Family Assistance	
	Other adults ≤133%	MassHealth Limited	
	Other adults >133%	No	

³ The percentages shown in this column are monthly upper income limits as a percentage of the federal poverty line

⁴ Generally, people who are eligible for MassHealth cannot also qualify for ConnectorCare or other help paying for insurance from the Connector. The only exception is MassHealth Limited (emergency Medicaid). Qualified Barred and Non-Qualified Lawfully Present non-citizens may be eligible for both MassHealth Limited AND ConnectorCare. They are also exempt from the ConnectorCare disqualification of people with income less than 100% FPL.

⁵ Lawfully present young adults age 19 and 20 including Qualified Barred and Non-Qualified Lawfully Present young adults are eligible for MassHealth Standard if their family income is 150% of the poverty level or less or if they are categorically eligible for MassHealth Standard on some other basis such as needing nursing facility care. However, they are treated in the same way as other Lawfully Present adults 21-64 for purposes of eligibility for any type of MassHealth other than MassHealth Standard.

⁶ Effective Nov. 1, 2021 there is a pathway to state-funded MassHealth Standard to pay for long term services such as nursing facility and personal care attendant services for Lawfully Present and PRUCOL individuals who meet the clinical and financial criteria for such services. See, Eligibility Operations Memo 21-26 Pathway to Short-Term and Long-Term Care for Family Assistance Members (Nov. 2021) and additional materials posted here <https://www.masslegalservices.org/content/family-assistance>

Immigration Status	Other Eligibility Factors Used in MassHealth³	MassHealth Eligibility?	Connector Eligible?⁴
Nonqualified PRUCOL - see Appendix 4 for list of statuses	Pregnant people $\leq 200\%$	MassHealth Standard	No
	Children 0-18 $\leq 300\%$	Family Assistance	
	Disabled or elderly individuals medically eligible for long term services ⁷	MassHealth Standard or CommonHealth (state-funded)	
	Other disabled children under 0-18	CommonHealth	
	Other disabled young adults 19 & 20 $\leq 150\%$	CommonHealth	
	Other disabled adults 21-64 $\leq 100\%$	Family Assistance	
	Other uninsured elderly $\leq 100\%$ & asset test; uninsured elderly $> 100\%$ $\leq 300\%$ (no asset test)	Family Assistance	
	Other uninsured adults under 65 $\leq 300\%$ (including disabled adults $> 100\%$ & non-disabled young adults 19-20 $> 150\%$)	Family Assistance	
Other – including undocumented non US citizens	Pregnant people $\leq 200\%$	MassHealth Standard	No
	Infants $\leq 200\%$; Children & Young Adults 1-20 $\leq 150\%$; Adults 21-64 $\leq 133\%$; Adults 65 or older $\leq 100\%$ & asset test	MassHealth Limited	
	Children under 19	Children’s Medical Security Plan (CMSP)	
	All ages $\leq 300\%$	Health Safety Net	
	Enrolled in MassHealth or CommonHealth since 1997 (grandfathered)	MassHealth Standard or CommonHealth	

⁷ See footnote 5

Appendix 1

Qualified (not barred) Non-Citizens

130 CMR 504.003(A)(1); 504.006(A) (under 65).

130 CMR 518.003(A)(1); 518.006(A) (65 and older).

8 U.S.C. 1641 (definition of Qualified); 8 USC 1613 (5-year bar); 8 USC 1612(b)(2)(C) (veterans) and (E) (certain Indians); Victims of Trafficking Protection Act of 2000; Pub. L. 106-386, Section 107

All Qualified non-citizens are Lawfully Present.

Group A: Individuals who are Qualified regardless of date of entry into US or length of time with Qualified Status (never barred) or as Afghan parolees:

- Asylee (granted asylum)
- Refugee
- Granted withholding of deportation or withholding of removal under Immigration & Nationality Act (INA)
- Veteran or active duty military and spouse, widow and dependent child/ren
- Cuban/Haitian entrant including a Cuban or Haitian-
 - Paroled into US after 1980,
 - Applicant for Asylum, or
 - In removal but not subject to a final nonappealable order of exclusion
- American Indian born in Canada or other member of federally recognized tribe
- Victim of trafficking and his or her spouse, child, sibling, or parent
- Conditional entrant granted before 1980
- Afghan Humanitarian Parole/non-SI Parolees paroled into US between July 31, 2021 and Sept 30, 2022, or individual paroled into US after Sept 30, 2022 who is the spouse or child of the earlier Afghan parolee, or the parent or guardian of the earlier Afghan parolee who was an unaccompanied child, and whose parole has not been terminated. Also, Afghan Special Immigrant Conditional Permanent Residents (SI CPR); and Afghan

Special Immigrant Parolees (SQ/SI). (Eligibility Operation Memo 21-15, MassHealth Benefits for Afghan Immigrant Evacuees. Oct. 2021)⁸

- Compact of Free Association (COFA) immigrants from Micronesia, the Marshall Islands or Palau, (Eligibility Operations Memo 21-18. Dec 27, 2020)

Group B: Individuals with one of the following statuses potentially subject to 5-year bar who are not barred either because 5 years have been met or because they satisfy additional factors that exempt them from the 5-year bar:

- Lawful permanent resident (LPR/Green Card holder),
- Paroled into the U.S. for more than 1 year, or
- Battered spouse and child/ren, or battered child and parent
 - Battered in US by US citizen or Legal Permanent Resident spouse or parent or family member of such a spouse or parent,
 - No longer living with abuser, and
 - With an approved or pending petition that sets forth a “prima facie case” that will lead to permanent resident status

AND

- Had Lawful Permanent Resident/Parole/Battered Immigrant status for 5 or more years or
- Had such status for less than 5 years, but exempt from 5-year bar because:
 - Entered US prior to 8/22/96 (regardless of status at time of entry) & continuously present until becoming Permanent Resident/Parolee/Battered Immigrant,
 - Veteran or Active Duty Military or his/her spouse, widow or dependent child,
 - Iraqi or Afghan Special Immigrant,
 - American Indian born in Canada or other member of federally recognized tribe,
 - Cuban or Haitian who became a lawful permanent resident under certain special laws including Cuban Adjustment Act or Haitian Immigrant Refugee Fairness Act (not through a family member or employer),
 - Amerasian born in Vietnam during Vietnam War era, or

⁸ See MassHealth’s Fact Sheet and Tool Tip for a further description of Afghan evacuees. <https://www.masslegalservices.org/content/health-benefits-newly-arriving-afghans>

- Before becoming a lawful permanent resident was an asylee, refugee, granted withholding of deportation, Cuban-Haitian Entrant, or trafficking victim.⁹

Appendix 2

Qualified Barred Non-Citizens

**130 CMR 504.003(A)(2); 504.006(B) (under 65).
130 CMR 518.003(A)(2); 518.006(B) (65 and older).**

All Qualified Barred non-citizens are Lawfully Present.

Individuals with one of the following statuses who have had status for less than 5-years and are not exempt from the 5-year bar (see exemptions to 5 year bar in Appendix 1 Group B):

- Lawful permanent resident (LPR/Green Card holder),
- Paroled into the U.S. for more than 1 year, or
- Battered spouse and child/ren, or battered child and parent

Appendix 3

Lawfully Present Non-Citizens

**130 CMR 504.003 (A)(1)(2) and (3); 504.006(A) and (B) (under 65).
130 CMR 518.003(A)(1)(2) and (3); 518.006 (A) and (B) (65 & older).
45 CFR §§155.20 and 152.2; proposed § 155.20 and 42 CFR § 435.4 at 78 Fed. Reg. 4594
(Jan. 22, 2013) (definition of lawful presence); 45 CFR §155.305 (Exchange)
956 CMR § 12.05 (ConnectorCare)**

All Qualified and Qualified Barred Non-Citizens are also Lawfully Present. Lawfully Present is the only eligible category for the Health Connector; all non-citizens are eligible for the Connector in the same way that US citizens are. All Lawfully Present children under 19 are eligible for MassHealth in the same way that US citizens and Qualified non-citizens are. Lawfully present 19 & 20 year olds are eligible for MassHealth Standard in the same way the US citizens and Qualified non-citizens are.

⁹ COFA immigrants who become lawful permanent residents are subject to a special 5-year bar rule described in El. Ops Memo 21-18 (November 2021)

A. Lawfully Present and Qualified or Qualified Barred (See Appendix 1 Group A for a fuller description of Cuban/Haitian Entrant, Battered Immigrant, Afghan Evacuees and COFA Immigrant)

- Lawful permanent resident (LPR/Green Card holder)
- Asylee
- Refugee
- Cuban/Haitian entrant
- Person paroled into the U.S. for at least one year
- Conditional entrant granted before 1980
- Battered spouse, child, or parent
- Victim of trafficking and his or her spouse, child, sibling, or parent
- Person granted Withholding of Deportation or Withholding of Removal, under the INA
- Member of a federally recognized Indian tribe or American Indian born in Canada
- Afghans paroled into the US
- COFA immigrants

B. Lawfully Present but not Qualified or Qualified Barred (not shown in Appendix 1 and 2)¹⁰

- Person paroled into the US for less than one year
- Person granted Withholding of Deportation or Withholding of Removal under the Convention against Torture (CAT)
- Individual with valid non-immigrant status (including student visas (F-visa), crime victims (U-visa), specialty workers (H-visa), religious workers (R-visa) and others)
- Temporary Protected Status (TPS)
- Deferred Enforced Departure (DED)
- Deferred Action Status (except Deferred Action for Childhood Arrivals (DACA); they are Nonqualified PRUCOL, see Appendix. 4.)

¹⁰ MassHealth describes this group as Non-qualified individuals lawfully present

- Applicant for:
 - Special Immigrant Juvenile Status
 - Adjustment to LPR Status with an approved visa petition
 - Asylum who has either been granted employment authorization, OR is under 14 and has had an application for asylum pending for at least 180 days.
 - Withholding of Deportation or Withholding of Removal, under the INA or under the CAT who has either been granted employment authorization, OR is under 14 and has had an application for withholding of deportation or withholding removal under the immigration laws or under the CAT pending for at least 180 days.
- Individuals with employment authorization under 8 CFR 274a.12(c)¹¹ including:
 - Registry applicants
 - Individual under an Order of Supervision
 - Applicants for Cancellation of Removal or Suspension of Deportation
 - Applicants for Legalization under IRCA
 - Applicants for Adjustment of Status
 - Applicants for Temporary Protected Status (TPS)
 - Persons granted legalization under the LIFE Act
- Lawful temporary resident granted under legalization program (8 USC 1160 or 1255a)
- Granted an administrative stay of removal by the Department of Homeland Security (DHS)

¹¹ These are non-citizens who must apply for work authorization. The EAD Code on their employment authorization document will begin with the letter C. See list of EAD Codes at https://save.uscis.gov/web/media/resourcesContents/EAD_Code_Table.pdf

Appendix 4

Nonqualified Persons Residing in US under Color of Law (PRUCOL)

**130 CMR 504.003(C); 504.006(C) (under 65).
130 CMR 518.003(C); 518.006(C) (65 and older).**

Non-qualified PRUCOL non-citizens are not included on the Lawfully Present list but are residing in the US under color of law. They are not eligible to purchase insurance through the Health Connector.

Non-citizens who are not listed in Appendices 1-3 and have one of the following statuses/conditions:

- Granted indefinite stay of deportation;
- Granted indefinite voluntary departure;
- Have approved immediate relative petition, entitled to voluntary departure, and whose departure the U.S. Department of Homeland Security (DHS) does not contemplate enforcing;
- Granted voluntary departure by the DHS or an Immigration Judge, and whose deportation the DHS does not contemplate enforcing;
- Living under orders of supervision with *no* employment authorization under 8 CFR 274a.12(c);
- Have entered and continuously lived in the United States since before January 1, 1972;
- Granted suspension of deportation, and whose departure the DHS does not contemplate enforcing;
- Have a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention against Torture who have *not* been granted employment authorization, or are under the age of 14 and have *not* had an application pending for at least 180 days;
- Granted Deferred Action for Childhood Arrivals(DACA) or who have a pending application for DACA;
- Have filed an application, 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 Dept. of Homeland Security (DHS) does not contemplate enforcing; or
- Any noncitizen living in the United States with the knowledge and consent of the DHS, and whose departure the DHS does not contemplate enforcing. (These include persons

granted Extended Voluntary Departure due to conditions in the noncitizen's home country based on a determination by the U.S. Secretary of State.)¹²

Additional Resources

COVID-19 UPDATE: Testing and treatment of COVID-19 and vaccine administration are covered in all types of MassHealth including MassHealth Limited, and in all coverage available through the Health Connector.

MassHealth Eligibility Operations Memos <https://www.mass.gov/eligibility-operations-memos>

- El Ops Memo 21-15: MassHealth Benefits for Afghan Immigrant Evacuees (October 2021)
- El Ops Memo 22-04, Verification of PRUCOL (Feb., 2022),
- El Ops Memo 22-03, Eligibility Rules for Cuban and Haitian Entrants (Feb., 2022)

MassHealth and Health Connector, Member Booklet and Senior Guide Sections on US Citizenship and Immigrations rules. In English & Spanish online & available in additional languages by calling 800-841-2900. <https://www.mass.gov/lists/masshealth-member-guides-and-handbooks>

MassHealth and Health Connector, Immigration Document Types-description of documents, how to find codes from different documents and photos of sample documents: <https://betterhealthconnector.com/immigration-document-types>

Health Connector, Connector Care Overview in Resource Download Center (English, Spanish, Portuguese and Chinese): <https://www.mahealthconnector.org/help-center/resource-download-center>

MLRI, Table comparing benefits in the different types of MassHealth: <https://www.masslegalservices.org/content/benefits-included-masshealth-coverage-type>

MLRI, Health benefit available without regard to immigration status (English, Spanish & Portuguese) <https://www.masslegalservices.org/content/health-benefits-all-massachusetts-residents-regardless-citizenship>

National Immigration Law Center, information about immigrants and access to health benefits, privacy protections, public charge and COVID-19: <https://www.nilc.org/issues/health-care/>

Send questions or comments to Vicky Pulos, vpulos@mlri.org. This document is available online at masslegalservices.org

¹² MassHealth has been asked to clarify that an individual who has been released from detention or is in removal proceedings but whose right to remain in the US has not yet been adjudicated and who until then is not subject to an enforceable order of removal satisfies the definition of PRUCOL. As of the date of this paper, its legal office is still reviewing the matter, but this argument has been successful on a case by case basis.