

TO:	Local District Commissioners, Medicaid Directors
FROM:	Gabrielle Armenia, Director Division of Eligibility and Marketplace Integration
SUBJECT:	PRUCOL Categorization – Executive Office for Immigration Review (EOIR) Hearing Dates
ATTACHMENT:	None
EFFECTIVE DATE:	Immediately
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The purpose of this General Information System (GIS) message is to update guidance on the Department of Health's (Department) policy regarding how to categorize a non-citizen as Permanently Residing Under Color of Law (PRUCOL), when the non-citizen has a hearing date with the Executive Office of Immigration Review (EOIR).

As a reminder, 18 NYCRR §360- 3.2(j)(1)(ii) defines PRUCOL as: *an alien who is residing in the United States with the knowledge and permission or acquiescence of the Federal Immigration Agency and whose departure from the U.S. such agency does not contemplate enforcing. An alien will be considered as one whose departure the Federal Immigration Agency does not contemplate enforcing if, based on all the facts and circumstances in a particular case, it appears that the Federal Immigration Agency is otherwise permitting the alien to reside in the United States indefinitely or it is the policy or practice of such agency not to enforce the departure of aliens in a particular category.*

To help local departments of social services (LDSS) assess all the facts and circumstances of the case, GIS 24 MA/06 PRUCOL Categorization and Revised Documentation Guide for Citizen and Non-Citizen Eligibility for Health Insurance Coverage in New York State Updates, advised LDSS to search the EOIR automated case information system to determine if the non-citizen has been placed in removal proceedings. The information provided by the EOIR automated case information system could determine if the non-citizen can be considered PRUCOL. A non-citizen will be determined PRUCOL if the information provided by the EOIR automated case information system indicates the non-citizen does not have a pending hearing. This GIS message is to advise that a non-citizen will also be determined PRUCOL if there is a hearing scheduled more than a year into the future. If the hearing is scheduled to occur in less than a year, the non-citizen cannot be determined PRUCOL without considering additional facts and circumstances. If the hearing date is less than a year and the non-citizen presents facts and circumstances that could make the non-citizen PRUCOL, staff may contact their district liaison to review the documentation. After review of the additional facts and supporting documents, the district liaison will inform the worker of the outcome.

Please direct any questions to your local district support liaison.