

Revised - Policy Clarification

Medical Assistance - All

PMA-20413-322

Submitted: **December 28, 2023**
December 20, 2021
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Agency: CAOs

Subject: **Revised** New Status for Compact of Free Association (COFA) migrants from the Republic of the Marshall Islands (RMI), the Federated States of Micronesia (FSM), and the Republic of Palau

Question: Is there a change to the way the County Assistance Office (CAO) processes Medical Assistance (MA) for COFA migrants from the RMI, the FSM, and the Republic of Palau?

Response By: Division of Health Services

Date: April 6, 2021

Yes. Effective December 27, 2020, with the passage of the Consolidated Appropriations Act, 2021 (CAA), COFA migrants from the RMI, the FSM, and the Republic of Palau now have a new status as Qualified Non-Citizens for MA under amendments to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193 and are also exempt from the five-year bar for MA. This new status is only for MA and does not apply to other federal programs, such as Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF) and Low-Income Home Energy Assistance Program (LIHEAP).

Before the CAA was signed into law, COFA migrants were eligible for General Assistance (GA)-related state funded MA benefits as lawfully present non-citizens, but they were not eligible for federally funded MA unless they were under the age of 21 or pregnant, or had an emergency medical condition. Now, COFA migrants may receive federally funded MA without any restrictions and do not have a five year wait period until they have a change in their citizenship status.

While the individual is lawfully residing in the United States under a COFA agreement, the five-year bar does not apply for MA. Once the individual's status is adjusted to Lawful Permanent Resident (LPR), the individual is subject to the five-year bar (unless they meet another exemption listed in [MAEH 322.312](#)), beginning either their date of entry into the United States as a COFA migrant, or December 27, 2020 if they were admitted to the United States prior to December 27, 2020. This means a COFA migrant

who adjusts to LPR status could have their five-year bar for MA start as early as December 27, 2020, in accordance with 8 U.S.C. § 1641(b)(8). If a COFA migrant adjusted to LPR status prior to December 27, 2020, the date for calculating the five-year bar would begin on the date such adjustment to LPR status was granted.

If the five-year bar applies and has not been met after the individual adjusts to LPR status, the individual would only be eligible for federally funded MA if they are under age 21, pregnant or have an emergency medical condition. If they're not eligible for federally funded MA, they must be evaluated for GA-related MA.

EXAMPLES:

1. Anne has been residing in the United States as a COFA migrant since January 1, 2021. She adjusted to LPR status on January 1, 2025. Anne is subject to the five-year bar until January 1, 2026 for MA.
2. Bob has been residing in the United States as a COFA migrant since January 1, 2019. He adjusted to LPR status on January 1, 2025. Bob is subject to the five-year bar until December 27, 2025 for MA.
3. Samantha has been residing in the United States as a COFA migrant since January 1, 2015. She adjusted to LPR status on January 1, 2018. Samantha is subject to the five-year bar until January 1, 2023.

MAEH 322 will be updated to add COFA migrants to the list of qualified non-citizens who are exempt from the five-year bar.

COFA migrants may provide one or more of the following immigration documents to verify their status:

- **Foreign Passport from RMI, FSM or Republic of Palau** - The stamp notation may vary, but it typically states "CFA/MIS" or "CFA/RMI" for an RMI citizen, "CFA/FSM" for an FSM citizen and "CFA/PAL" for a Palauan citizen. The admission period will indicate "D/S" (duration of status), which means the individual is authorized to remain in the United States as long as they maintain valid status.
- **Form I-94 (Arrival/Departure Record)** - The 11 alphanumeric admission/departure characters on Form I-94 takes the place of the alien registration number (A-number) for RMI, FSM and Palauan citizens who are not otherwise assigned an A-number. If the I-94 is printed online, it will have an admission period that indicates "D/S."
- **Form I-766 (Employment Authorization Document)** - RMI, FSM and Palauan citizens are not required to apply for an I-766, but they are

encouraged to apply for work authorization, so they may provide this to verify their status.

- **Form I-551 (Permanent Resident Card)** - RMI, FSM, and Palauan citizens may provide this if they became Permanent Residents under another immigration law.

~~Until system changes can be made, the CAOs should process MA for these individuals with Citizenship Code 2-Permanent Residents on the Demographics screen in Case Processing (CP)/eCIS and should select an INS Document Code of 41-I-94 Amerasian Immigrant on the Alien/Refugee screen in CP/eCIS. If the individual is also applying for SNAP, TANF or LIHEAP, the CAO should perform an eligibility override for these programs to make the individual ineligible and reject for citizenship.~~

~~The Office of Income Maintenance (OIM) will be implementing system changes in the future and will notify the field with a Daily Status (DS) once the system changes are in place.~~

When processing these individuals in the Electronic Client Information System, the CAO should code them as “3-Temporary Non-Citizen” in the “Citizen” field on the Demographics screen and “5-COFA Migrants-Qualified Non-Citizens Exempt from Five-Year Bar for MA Only” in the “United States Citizenship and Immigration Services (USCIS) Status” field on the Non-Citizen/Refugee screen. If they do not have one of the immigration documents listed above that verifies they have COFA migrant status, then they should not be coded as “5-COFA Migrants- Qualified Non-Citizens Exempt from the Five Year Bar for MA Only” under the “USCIS Status” field (see Figures 1 and 2).

NOTE: Once a COFA migrant adjusts to LPR status, the CAO should code them as “2-Permanent Resident” in the “Citizen” field on the demographics screen; and “1-Qualified Non-Citizen Subject to the Five-Year Bar” in the “USCIS Status” field on the Non-Citizen/Refugee screen. This selection will ensure the five-year bar is observed since the individual has adjusted their citizenship status and no longer meets the COFA migrant criteria (see Figures 1 and 3).

IMPORTANT: COFA migrants who were previously coded with the workaround Citizenship Code “2-Permanent Resident” and Immigration and Naturalization Services Document Code “41-I-94 Amerasian Immigrant” must be reviewed and correctly coded the next time eligibility is run or at the next renewal.

Demographic Information

*Citizen: *Verification: Request Status for Citizenship: *Source:

*Select ...
 US Citizen 1
 Permanent Resident 2
 Temporary Non-Citizen 3
 Refugee/Asylee 4
 Undocumented Non-Citizen 5
 Unaccompanied Refugee Minor 6

*Marital Status: *Verification:

*Ethnicity:

remove individual: remove reason Code: Written Request: Matches:

FIGURE 1: Demographics Screen

USCIS

USCIS Status: USCIS Status Date: USCIS Form: Verification:

Select ...
 Lawfully Present Non-Citizen
 COFA Migrants -Qualified Non-Citizens Exempt from Five-Year Bar for MA Only

FIGURE 2: Non-Citizen/Refugee Screen

USCIS

USCIS Status: USCIS Status Date: USCIS Form: Verification:

Select ...
 Qualified Non-Citizen Subject to the Five-Year Bar
 Qualified Non-Citizen Not Subject (Exempt) to the Five-Year Bar

FIGURE 3: Non-Citizen/Refugee Screen