



DATE: January 15, 2025

OPERATIONS MEMORANDUM #25-01-03

SUBJECT: 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

TO: Executive Directors

FROM: Robert Hixson
Director
Bureau of Operations

PURPOSE

To inform the County Assistance Offices (CAOs) that as of March 9, 2024, COFA migrants from the RMI, the FSM, and the Republic of Palau (collectively known as the Freely Associated States (FAS)) are Qualified Non-Citizens and are exempt from the five-year bar for all federal programs. This includes Medical Assistance (MA), the Children's Health Insurance Program (CHIP), Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF) and Low-Income Home Energy Assistance Program (LIHEAP).

BACKGROUND

The COFA consists of agreements that govern the relationship between the United States and the RMI, the FSM, and the Republic of Palau. Individuals who are residing in the United States from the RMI, the FSM, and the Republic of Palau may be considered COFA Migrants. If they are residing in the United States lawfully and have not adjusted to Lawful Permanent Resident (LPR) status, they are residing under a COFA Agreement.

On December 27, 2020, the Consolidated Appropriations Act, 2021 (CAA, 2021), was signed into law and amended the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193 (PRWORA) to allow COFA migrants from the RMI, the FSM, and the Republic of Palau to be Qualified Non-Citizens, exempt from the five-year bar, for MA only.

On March 9, 2024, with the passage of the Consolidated Appropriations Act, 2024 (CAA, 2024), COFA migrants from the RMI, the FSM, and the Republic of Palau, again had their status amended under PRWORA and became Qualified Non-Citizens,

exempt from the five-year bar for all federal programs to include MA, CHIP, SNAP, TANF, and LIHEAP.

DISCUSSION

COFA migrants may receive federally funded benefits without any restrictions and do not have a five-year bar until they have a change in their citizenship status. This means:

- While the individual is lawfully residing in the United States under a COFA agreement, the five-year bar does not apply.
- Once the individual's status is adjusted to LPR, the five-year bar applies, and the individual is subject to it unless their five years have passed since obtaining Qualified Non-Citizen status, or they meet another exemption.

NOTE: The five-year bar does not apply to LIHEAP.

- The Date of Entry (DOE) sets the five-year bar in the Electronic Client Information System (eCIS), and the COFA migrant's DOE must be determined by the date the individual obtained Qualified Non-Citizen status, the type of benefit the individual is applying for, and the dates the CAA, 2021, and the CAA, 2024, were signed into law.

The CAO can use the following tables as a guide to determine what the DOE should be for the COFA migrant population:

| If the individual entered the United States and has COFA migrant status: | For MA, the DOE is: | For all other federal benefits, the DOE is: | Corresponding Example: |
|---|-----------------------------|--|-------------------------------|
| Prior to December 27, 2020 | December 27, 2020 | March 9, 2024 | 1 |
| On or after December 27, 2020, and prior to March 9, 2024 | The date of COFA admission. | March 9, 2024 | 2 |
| On or after March 9, 2024 | The date of COFA admission. | The date of COFA admission. | 3 |

| If the COFA migrant adjusted to LPR status: | For MA, the DOE is: | For all other federal benefits, the DOE is: | Corresponding Example: |
|--|--|--|-------------------------------|
| Prior to December 27, 2020 | The date the adjustment to LPR status was granted. | The date the adjustment to LPR status was granted. | 4 |

| | | | |
|---|--|--|---|
| On or after December 27, 2020, and prior to March 9, 2024 | The date of COFA admission (if date of admission occurred prior to December 27, 2020, the DOE would be December 27, 2020). | The date the adjustment to LPR status was granted. | 5 |
| On or after March 9, 2024 | The date of COFA admission (if date of admission occurred prior to December 27, 2020, the DOE would be December 27, 2020). | The date of COFA admission (if date of admission occurred prior to March 9, 2024, the DOE would be March 9, 2024). | 6 |

NOTE: For COFA individuals who adjust to LPR status (discussed in table above and examples 4-6 below), the CAO may need to perform an override when processing combination cases. This is discussed in the “Processing Combination Cases” portion of the “Procedures” section below in this Operations Memorandum (Ops Memo).

EXAMPLES:

1. Ruth has been residing in the United States as a COFA migrant since July 15, 2018. For MA, Ruth’s DOE is December 27, 2020. For all other federal benefits, Ruth’s DOE is March 9, 2024. While Ruth is residing in the United States with COFA migrant status, she is exempt from the five-year bar.
2. Lina has been residing in the United States as a COFA migrant since April 1, 2022. For MA, Lina’s DOE is April 1, 2022. For all other federal benefits, Lina’s DOE is March 9, 2024. While Lina is residing in the United States with COFA migrant status, she is exempt from the five-year bar.
3. Roland has been residing in the United States as a COFA migrant since May 5, 2024. For MA and all other federal benefits, Roland’s DOE is May 5, 2024. While Roland is residing in the United States with COFA migrant status, he is exempt from the five-year bar.
4. Bill has been residing in the United States as a COFA migrant since January 1, 2019. He adjusted to LPR status on January 1, 2020. For MA and all other federal benefits, Bill’s DOE is January 1, 2020, and he is subject to the five-year bar until January 1, 2025.
5. Martha has been residing in the United States as a COFA migrant since August 1, 2021. She adjusted to LPR status December 7, 2022. For MA, Martha’s DOE is August 1, 2021, and she is subject to the five-year bar until August 1, 2026. For all other federal benefits, Martha’s DOE is December 7, 2022, and Martha is subject to the five-year bar until December 7, 2027.

6. Henry has been residing in the United States as a COFA migrant since June 2, 2024. He adjusts to LPR status on July 1, 2025. For MA and all other federal benefits, Henry's DOE is June 2, 2024. Henry is subject to the five-year bar until June 2, 2029.

PROCEDURES

Verification of COFA Migrant Status

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 take 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.

Systematic Alien Verification for Entitlements (SAVE) may provide an initial verification response of Non-immigrant Employment Authorized – Indefinitely. The initial verification response may also include employment authorization if the COFA migrant has a Form I-766. If the SAVE response is unexpected or is insufficient to make an eligibility determination, the CAO should institute additional verification and utilize the upload function and add any necessary notes for the SAVE worker to review.

NOTE: SAVE often refers to COFA migrants or COFA migrant documentation as FAS citizens or FAS documents, respectively.

ECIS Data Entry

The CAO should no longer code COFA migrants as “3-Temporary Non-citizens” in the “Citizen” field on the Demographics screen, and “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.

Effective with the issuance of this Ops Memo, when processing COFA migrants in eCIS, the CAO should enter code “2- Permanent Resident/Qualified Non-Citizen” in the “Citizen” field on the Demographics screen and “Qualified Non-Citizens Not Subject (Exempt) to the Five-Year Bar” in the “USCIS Status” field on the Non-Citizen/Refugee screen (see Figures 1 and 2).

NOTE: Once a COFA migrant adjusts to LPR status, the CAO should code them “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).

Demographic Information

*Citizen: [2 - Permani] *Verification: E - Electronic Docur Request Status for Citizenship: D - DPW *Source:

*Select ...

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

remove individual: Remove Reason Code: Written Request: Matches:

Marital Status: Married - Living *Verification: E - Electronic Docur

Ethnicity: L - Non-Hispanic

FIGURE 1: Demographics Screen

USCIS

USCIS Status: [] USCIS Status Date: 01/01/2022 USCIS Form: [] Verification: E - Electronic Docur

Select ...

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

FIGURE 2: Non-citizen/Refugee Screen

USCIS

USCIS Status: [] USCIS Status Date: 01/01/2019 USCIS Form: [] Verification: E - Electronic Docur

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

Processing Combination Cases

The DOE field on the eCIS Non-citizen/Refugee screen determines the date the five-year bar begins for individuals subject to the five-year bar. Because COFA migrants were considered Qualified Non-Citizens for MA effective December 27, 2020, and Qualified Non-Citizens for all other federal benefits effective March 9, 2024, the CAO may encounter instances in which there are two different Qualified Non-Citizen dates, and two different five-year bar dates the individual must reach before they qualify for federally funded MA versus the other federal benefits. However, eCIS only has one DOE and five-year bar date for all programs. The CAO may have to perform an override if the individual has not reached their five-year bar date for the applicable program.

See the following combination scenarios for how the CAO should handle applicants/recipients of MA and other benefits:

MA/CHIP – For MA and CHIP, the MA DOE should be used because COFA migrants are eligible for CHIP simply by their lawful presence and age under the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA).

MA/SNAP – For MA and SNAP, the MA DOE should be used, and an override may be needed in instances in which the individual is still subject to the five-year bar for SNAP.

MA/TANF – For MA and TANF, the MA DOE should be used, and an override may be needed in instances in which the individual is still subject to the five-year bar for TANF.

NOTE: Once the five-year bar has expired for MA, the CAO will need to complete a “Build New Budget Composition” override to correctly build Program Status Code 04 for households that include at least one budget group member who has not reached their five-year bar date for TANF.

MA/LIHEAP – For MA and LIHEAP, the MA DOE should be used since the DOE/five-year bar has no bearing on LIHEAP eligibility.

NOTE: The DOE field is not able to be edited once the case has been committed. If the CAO needs to update the DOE field, they must submit a ServiceNow request.

COMBINATION CASE EXAMPLE:

Jessica (age 33) applies for MA, SNAP, and TANF for herself and her two children Amy (age 11) and Greg (age eight) on December 1, 2024. The CAO verifies through documentation and SAVE they have been residing in the United States as COFA migrants since January 1, 2021. For MA, their DOE would be January 1, 2021. For all other federal benefits, their DOE would be March 9, 2024. The CAO will code these individuals as “2- Permanent Resident/Qualified Non-Citizen” in the “Citizen” field

on the Demographics screen and “Qualified Non-Citizens Not Subject (Exempt) to the Five-Year Bar” in the “USCIS Status” field on the Non-citizen/Refugee screen and will enter the MA DOE of January 1, 2021, on the Non-citizen/Refugee screen. The CAO authorizes federally funded MA, SNAP, and TANF for Jessica and her family.

In February 2025, Jessica reports she and her children are now LPRs and provides documentation. The CAO confirms their change in immigration status through SAVE and verifies they adjusted to LPR status effective February 15, 2025. The CAO will maintain the DOE of January 1, 2021, and change their code to “Qualified Non-Citizen Subject to the Five-Year Bar” in the “USCIS Status” field on the Non-citizen/Refugee screen. Jessica is now subject to the five-year bar for MA until January 1, 2026, and the CAO will evaluate her for General Assistance-related MA. Jessica’s children are automatically exempt from the five-year bar because of their lawful presence and age and remain eligible for federally funded MA. Jessica is now subject to the five-year bar for SNAP until March 9, 2029. Amy and Greg continue to be eligible for SNAP because they are under age 18. Jessica and her children are subject to the five-year bar for TANF until March 9, 2029. The CAO must evaluate Jessica and her children for state funded TANF, C04.

REMINDER: When eligibility is run on the case, ensure the overrides are maintained if still necessary.

NEXT STEPS

1. Share and review this Ops Memo with appropriate staff.
2. Direct questions on this Ops Memo to your Area Manager.
3. This Ops Memo obsoletes PMA-20413-322.
4. The “COFA Migrants - Qualified Non-Citizens Exempt from Five-Year Bar for MA Only” option in the “USCIS Status” field will be removed from eCIS in the future. CAOs will be notified when this option is removed.

This Ops Memo will become obsolete once it is incorporated in the appropriate Policy Handbook Chapters.