

INTERPRETIVE MEMO

Medicaid Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded -- either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

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This memo: is new Replaces one dated _____

Cuban & Haitian Entrants

There are three general categories of individuals who are considered "Cuban and Haitian entrants."

A **Haitian national** meets the definition of "Cuban and Haitian entrant" if he or she:

- 1) was granted parole status as a Cuban/Haitian entrant (Status Pending) on or after April 21, 1980 or **has been paroled into the United States** on or after October 10, 1980; or
- 2) is the **subject of removal, deportation or exclusion proceedings** under the Immigration and Nationality Act and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered; or
- 3) has **an application for asylum pending** with the Department of Homeland Security and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

Documentation

In order to access ORR-funded benefits and services, a Haitian national must provide acceptable documentation showing that he or she meets the definition of "Cuban and Haitian entrant." The following list includes documents that provide proof of status.

(see chart on next page)



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Documentation (continued)

A national of Cuba or Haiti who was granted parole status as a Cuban/Haitian entrant (Status Pending) on or after April 21, 1980 or **has been paroled into the United States** on or after October 10, 1980, regardless of the status of the individual at the time assistance or services are provided:

Documents/Codes	Comments
An I-94 Arrival/departure card with a stamp showing parole into the U.S. on or after April 21, 1980	I-94 may refer to §212(d)(5). I-94 may refer to humanitarian or public interest parole. I-94 may be expired.
An I-94 Arrival/departure card with a stamp showing parole at any time as a "Cuban/Haitian Entrant (Status Pending)"	I-94 may refer to §212(d)(5). I-94 may be expired.
CH6 adjustment code on the I-551	Even after a Cuban/Haitian Entrant (Status Pending) becomes a permanent resident, he/she technically retains the status Cuban/Haitian Entrant (Status Pending). I-551 may be expired.
A Cuban or Haitian passport with a §212(d)(5) stamp dated after October 10, 1980.	Passport may be expired.