



HEALTH CARE FOR ALL

health law advocates
Lawyers Fighting for Health Care Justice



Introduction to PRUCOL

What is PRUCOL?

PRUCOL is a term used to describe certain non-citizens living in the United States. It stands for “Persons Residing Under Color of Law” or “Permanent Residence Under Color of Law.” The official definition of PRUCOL is “[a]ny non-citizen living in the United States with the knowledge and consent of the DHS [Department of Homeland Security], and whose departure the DHS does not contemplate enforcing.”¹ “Knowledge and consent of DHS” means that a person possess a document showing that the government, usually the United States Citizenship and Immigration Services (USCIS), knows that they are in the country. “Does not contemplate enforcing” means that DHS has taken no action to remove the person or has not followed through on an initiated removal action. It’s important to remember that PRUCOL is *not* a type of immigration status, but rather an eligibility category for public benefits, such as MassHealth.

Who can be considered PRUCOL?

The most common categories of individuals who qualify as PRUCOL are those with pending applications for lawfully present status and those who have been granted Deferred Action for Childhood Arrivals (DACA) status or who have a pending application for this status. People with pending applications for legal status meet the PRUCOL definition because DHS is aware of their presence and they are not actively being deported.

Other individuals who qualify as PRUCOL include those who²:

- 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;
- Have been granted Deferred Action for Childhood Arrivals (DACA) status or who have a pending application for this status;
- Have an indefinite stay of deportation;
- Have an indefinite voluntary departure;
- Are covered by an approved immediate relative petition and entitled to voluntary departure;
- Have been granted voluntary departure by the DHS or an Immigration Judge;
- Are living under orders of supervision and do not have employment authorization;
- Have entered and continuously lived in the U.S. since before January 1, 1972;
- Have been granted suspension of deportation;
- Have pending applications for asylum or withholding of removal 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, or
- Have been granted Extended Voluntary Departure due to conditions in the noncitizen’s home country based on a determination by the U.S. Secretary of State.

¹ 130 C.M.R. § 504.003(C)(11).

² 130 C.M.R. § 504.003(C).

How do I find out if someone is PRUCOL?

The best way to find out whether individuals qualify as PRUCOL is to ask them if they've submitted any application or documentation to obtain an immigration status. People who say they are working with – or have worked with – an immigration attorney may be an indication that they qualify as PRUCOL.

What types of MassHealth coverage can PRUCOL get?

There are three types of MassHealth that people with PRUCOL may receive³:

- **MassHealth Family Assistance** is available to adults and children with household incomes up to 300% FPL
- **MassHealth CommonHealth** is available to children who are disabled and young adults (19 and 20-year olds) who are disabled and have incomes up to 150% FPL
- **MassHealth Standard** is available for pregnant individuals up to 200% FPL

How can someone prove PRUCOL to MassHealth?

The most common document individuals can use to demonstrate PRUCOL eligibility to MassHealth is an I-797 (or I-797C) Notice of Action issued by United States Citizenship and Immigration Services (USCIS). There are other types of documents that one can use to prove PRUCOL, as well. If someone you're working with has an immigration document that you do not quite understand or is difficult to identify, you can contact Health Law Advocates at 617-338-5241 or Health Care For All at 1-800-272-4232.

What's the difference between PRUCOL vs. being undocumented?

Undocumented people do not possess any documentation showing that DHS knows they are in the country, whereas people with PRUCOL have documentation that acknowledges their presence in the United States. In essence, undocumented people do not meet the first prong of the PRUCOL definition, possession of documentation acknowledging their presence. Interestingly, undocumented individuals often meet the second qualification for PRUCOL because DHS is not actively deporting them. Nonetheless, to qualify as PRUCOL you have to meet both elements of the definition.

I'm working with someone with a tourist visa, are they considered PRUCOL?

No. Individuals with tourist visas have an official and active immigration status, and therefore they are not considered PRUCOL.

When is someone no longer PRUCOL?

Once a person is approved for a lawfully present status such as a green card, a visa, or Temporary Protected Status, they are no longer PRUCOL. The updated status would determine their eligibility. People who obtain employment authorization while a status application is pending become lawfully present, as well, and are no longer PRUCOL.

I'm unsure if an individual I'm working with is PRUCOL, what can I do?

If you or someone you're working with is unsure of whether they qualify as PRUCOL, call Health Law Advocates at 617-338-5241 or Health Care For All at 1-800-272-4232.

³ 130 C.M.R § 505.002(D), § 505.004, § 505.005.