



**MARYLAND DEPARTMENT OF
HUMAN SERVICES**
Department of Human Services
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT,
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

FROM: LA SHERRA AYALA, EXECUTIVE DIRECTOR
DEBBIE RUPPERT, MDH EXECUTIVE DIRECTOR


Debbie Ruppert

**RE: CLARIFICATION OF CUBAN/HAITIAN ENTRANT (CHE)
ELIGIBILITY FOR PUBLIC BENEFITS**

**PROGRAMS IMPACTED: REFUGEE CASH ASSISTANCE (RCA),
REFUGEE MEDICAL ASSISTANCE (RMA),
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
(SNAP), TEMPORARY CASH ASSISTANCE (TCA),
MEDICAID (MA)**

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY:

In response to the recent increase of immigrants from Cuba and Haiti, the following guidance provides clarification on eligibility for public benefits for such populations. Individuals whose immigration status has been verified as Cuban/Haitian Entrants (CHE) are considered “qualified aliens” under the Personal Responsibility, and Work Opportunity Reconciliation Act (PRWORA) of 1996, and may be eligible for certain federal public benefits, including Medicaid, Refugee Cash and Medical Assistance, Refugee Social Services, Social Security, Supplemental Security Income (SSI), Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF), also known as Temporary Cash Assistance (TCA) in Maryland.

The Refugee Education Assistance Act of 1980 (REAA) Section 501(e) defines CHEs as:

- An individual granted parole as a Cuban-Haitian Entrant (Status Pending), or any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status at the time assistance or services are provided; or
- A national of Cuba or Haiti who is not subject to a final, non-appealable and legally

enforceable removal order, and

- Was paroled into the United States, and has not acquired any other status under the Immigration and Nationality Act (INA); or
- Is in removal proceedings under the INA; or
- Has an application for asylum pending.

If an applicant does not have another qualifying immigration status for public benefits or has an immigration status that is subject to the five-year bar, then they may be determined to be a CHE.

The following chart provides examples of documentation that may be presented by a person claiming to be a CHE. The examples are not comprehensive, as CHEs may have a wide variety of immigration documentation, including Permanent Resident Cards, that may not conclusively establish whether they are a CHE without SAVE verification, per the Department of Homeland Security (DHS), U.S. Citizenship & Immigration Services (USCIS), [Information for SAVE Users: Cuban-Haitian Entrants](#).

Applicant	Documentation
A Cuban or Haitian national granted parole status as a Cuban/Haitian Entrant (Status Pending) or any other special status established under the immigration laws for nationals of Cuba or Haiti.	<ul style="list-style-type: none">● I-94 Arrival/departure record with a stamp noting "Cuban/Haitian Entrant (Status Pending)" and/or referring to § 212(d)(5), or showing parole into the United States on or after April 21, 1980, (Cubans only) or on or after October 10, 1980.● I-551 Permanent Resident card ("green card") with adjustment code CH6.<ul style="list-style-type: none">○ Even after a Cuban/Haitian Entrant (Status Pending) becomes a permanent resident, they are still considered to be a CHE.● A Cuban or Haitian passport with a §212(d)(5) stamp dated on or after October 10, 1980.
A Cuban or Haitian national paroled into the U.S. and who has not acquired any other status and with respect to whom a final, non-appealable, and legally enforceable order of removal, deportation or exclusion has not been entered. ¹	<ul style="list-style-type: none">● I-94 or Cuban or Haitian passport with a Department of Homeland Security or legacy Immigration and Naturalization Service (INS) stamp noting parole under 212(d)(5), humanitarian, or public interest parole.● I-766, Employment Authorization Document (EAD), with category code C11 or A04.● Documentation issued by U.S. Immigration and Customs Enforcement (ICE), such as Form I-830, Notice to EOIR: Alien Address notifying that the individual was released from ICE custody and paroled pursuant to 8 CFR §212.5.

¹ This includes Cuban and Haitian nationals paroled through the [USCIS Cuban-Haitian-Nicaraguan-Venezuelan \(CHNV\) parole program](#) established in 2023 which allows individuals to arrive under the Code of Admission (COA) Haitian Humanitarian Parolee (HHP) or Cuban Humanitarian Parolee (CHP). See [ORR Dear Colleague Letter 23-13](#) and information on the [USCIS SAVE website](#) related to the CHNV program.

<p>A Cuban or Haitian national who is the subject of removal, deportation, or exclusion proceedings and with respect to whom a final, non-appealable, and legally enforceable order of removal, deportation or exclusion has not been entered.</p>	<ul style="list-style-type: none"> ● I-94 or Cuban or Haitian passport with a Department of Homeland Security or legacy INS stamp noting parole under 212(d)(5). ● I-766 EAD with category code C10. ● Documentation issued by Department Homeland Security or the Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) showing pending removal proceedings, such as: <ul style="list-style-type: none"> ○ DHS Form I-221 Order to Show Cause and Notice of Hearing. ○ DHS Form I-862 Notice to Appear. ○ DHS Form I-220A Order of Release on Recognizance. ○ DHS Form I-122 Notice to Applicant Detained for a Hearing Before an Immigration Judge. ○ DHS Form I-221S Order to Show Cause, Notice of Hearing and Warrant for Arrest. ○ DHS Form I-589 stamped by the Executive Office for Immigration Review (EOIR) Application for Asylum and Withholding of Removal. ○ Copy of DHS Form I-485 date stamped by EOIR Application to Register Permanent Residence, or to Adjust Status; Individual is subject of removal, exclusion, or deportation proceedings. ○ EOIR-26 Notice of Appeal from a Decision of an Immigration Judge. ○ Other applications for relief that have been date stamped by EOIR. ○ Other documentation pertaining to an applicant's removal, exclusion, or deportation proceedings.
<p>A Cuban or Haitian national with a pending application with respect to whom a final, non-appealable, and legally enforceable order of removal, deportation or exclusion has not been entered.</p>	<ul style="list-style-type: none"> ● I-766 EAD with a category code of C08. ● I-797C, Notice of Action confirming USCIS receipt of the individual's Form I-589 Application for Asylum and Withholding of Removal.

Please note that individuals unable to provide any of the documentation above and/or demonstrate CHE status, but who have been granted Temporary Protected Status (TPS),² do not

² Temporary Protected Status for [designated countries](#) by the U.S DHS permits individuals to remain in the U.S. and receive work authorization because their country of origin is suffering ongoing armed conflict, environmental

meet the definition of CHEs and therefore are not qualified aliens eligible for public benefits.

REQUIRED ACTION:

- Case Managers are required to verify each applicant's immigrant status utilizing SAVE and/or that clients have one of the eligible documents described above.
- Case Managers may select "Asylee/Parolee" as the immigration status for all eligible CHEs on the Citizenship/Immigration Information page in E&E.
- Clients with this status are not subject to a waiting period and are immediately eligible for benefits as long as they meet all other financial and non-financial requirements.
- All other guidelines for refugee populations remain in place, including referrals to local Resettlement Agency (RA) affiliates within the Public/Private Partnership (PPP) jurisdictions administered by the Maryland Office for Refugees and Asylees (MORA):
 - Baltimore Metropolitan Area (Baltimore City as well as Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties):
 - International Rescue Committee (Baltimore)
 - Lutheran Social Services of the National Capital Area (Arbutus)
 - Suburban Washington Area (Montgomery and Prince George's Counties):
 - Ethiopian Community Development Council (Silver Spring)
 - International Rescue Committee (Silver Spring)
 - Lutheran Social Services of the National Capital Area (Greenbelt)
 - Frederick County
 - Lutheran Social Services of the National Capital Area (Frederick)
- Additional information for customers and staff is available on the [MORA website](#), including resources on MORA-funded benefits and providers, and contact information for MORA, Maryland Resettlement Agencies, and other refugee-supporting agencies.

INQUIRIES:

Please direct policy questions to FIA Policy by completing the [FIA Policy Information Request Form](#) found on Knowledge Base or via email at fia.policy@maryland.gov.

Contact the [Maryland Office for Refugees and Asylees](#) for additional information about policies and enrollment related to refugees or other humanitarian immigrant populations.

For MA policy questions: Direct MAGI and Non-MAGI policy questions to the Maryland Department of Health, Office of Eligibility Services at mdh.oesinquiries@maryland.gov.

For systems questions, please email fia.bsdm@maryland.gov.

disaster, an epidemic, or other "extraordinary or temporary" conditions. A non-citizen with TPS and no other qualifying status is "lawfully present" and can receive full benefit Medicaid if they are under age 21 or pregnant.

cc: DHS Executive Staff
MDH Executive Staff
Constituent Services
DHS Help Desk
FIA Management Staff
Office of Administrative Hearings