

TO: Local District Commissioners, Medicaid Directors, Temporary Assistance Directors, Legal Staff, Fair Hearing Staff, Staff Development Coordinators

FROM: Deborah Bachrach, Deputy Commissioner
Office of Health Insurance Programs

SUBJECT: Special Immigrant Visa (SIV): Iraqi and Afghan Immigrants
(Upstate)

EFFECTIVE DATE: Immediately

CONTACT PERSON: Local District Support Unit
Upstate (518) 474-8887 NYC (212) 417-4500

The purpose of this General Information System (GIS) message is to provide local departments of social services with information recently released by the Office of Refugee Resettlement on Iraqi and Afghan Special Immigrants.

Iraqi and Afghan Special Immigrants are a relatively new category of special immigrants, created by Section 1059 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109-163. These special immigrants are now eligible to receive public benefits, including Medicaid under the recently enacted laws (Section 525 of Title V of Division G of Public Law 110-161, which took effect on December 26, 2007 and Section 1244(g) of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181, effective January 28, 2008).

Local departments of Social Services (LDSS) will likely start receiving applications for benefits from these immigrants. Iraqi and Afghan Special Immigrants and their families (spouses and unmarried children under 21) are to receive public benefits, such as Public Assistance, Medical Assistance and Food Stamps, to the same extent as refugees for a limited period of time after their date of entry into the United States. The limited period of time is effective:

- December 26, 2007, for **Afghan special immigrant** visa (SIV) holders and continues for **six months** from the date they entered (DEC) into the United States as a special immigrant;
- January 28, 2008, for **Iraqi special immigrant** visa (SIV) holders and continues for **eight months** from the date they entered (DEC) into the United States as a special immigrant;
- Eligibility cannot be granted for periods prior to the effective dates of the two laws granting benefits to these immigrants. Eligibility may also be established from the date that the Iraqi or Afghan Special Immigrant (SI) acquired SI status, if the individual was already present in the United States.

During the initial eligibility period of 6/8 months in the United States, these special immigrants are treated like refugees for purposes of eligibility for federal means-tested public benefits, including Medicaid. Therefore, like other refugees, they and their families are entitled to full Medicaid benefits for the initial period after their entry into the United States, provided they otherwise meet Medicaid eligibility criteria.

If these immigrants are determined **ineligible** for Medicaid, single individuals and childless couples (S/CC) may apply for Refugee Medical Assistance (RMA), but only for coverage during the 6/8 month period after entry.

The eligibility period as a refugee begins on the date the special immigrant physically entered the country (DEC) as a special immigrant (SI) or the date they attain special immigrant (SI) status (DOS), if already present in the U.S and extends to the end of the six or eight month period as applicable. However, for Medicaid, after the 6/8 month period of initial eligibility expires, Iraqi and Afghan Special Immigrants and their families may qualify for State Medicaid coverage. These immigrants will be required to verify their current immigration status at the end of the initial eligibility (6/8 months). They may continue to be eligible for State Medicaid as persons Permanently Residing Under Color of Law (PRUCOL) or as qualified aliens (i.e. a Lawful Permanent Resident-LPR), until such time as they satisfy the 5-year ban. The 5 year "clock" starts with the date he/she entered into the United States as a Special Immigrant (SI) or if already present in the U.S. the date he/she attains special immigrant status. During the 6/8 month period after entry he/she can get State Medicaid benefits, if they qualify, even though the 5 yr-ban period is running.

SYSTEM IMPLICATIONS

Upstate:

- Alien Citizenship Indicator Code "R" (Refugee) must be used for the initial 6/8 month period of eligibility. These special immigrants are eligible for federal benefits to the same extent as refugees during the initial eligibility period.
- Anticipated Future Action Code (AFA) "302" (End of Authorization Period) should be used to designate the end of the initial eligibility period (6/8 months), at which time he/she will be required to verify their current immigration status.
- Based on the immigration documentation provided at the end of the initial eligibility period (6/8 months), the ACI code may need to be changed:
 - If the immigrant has an I-551 Lawful Permanent Resident (LPR) Card "Green Card", the worker must change the ACI to "K". Do not change the DEC or DOS.
 - If the immigrant has applied to adjust his/her status to LPR but has not yet been granted an LPR "green card", the ACI must be changed to "O"-PRUCOL. Do not change the DEC or DOS.

- o If the immigrant fails to follow through with a request to adjust his/her status to that of a LPR using the USCIS application form I-485 or presents an expired visa:
 - The eligibility worker must ask for other official correspondence to or from the federal immigration agency. If there is no additional documentation, the eligibility worker must do a Systematic Alien Verification for Entitlements (SAVE) request Form I-845. In the absence of current documentation, the immigrant is eligible only for the treatment of an emergency medical condition, if otherwise eligible, ACI = "E" (Emergency Services);
 - Close the case at the end of the 6/8 month period of initial eligibility, unless the immigrant has a medical emergency.
- Coverage Code/RVI: as appropriate.

New York City: NYC Instructions will be issued separately.

As additional information becomes available, the Office of Health Insurance will provide further guidance. Should the LDSS have one of these Special Immigrants apply for Medicaid, the LDSS should contact the Office of Health Insurance Program's local district support staff at 518-474-8887 for instructions.