

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS
QUALIFIED ALIENS**

BATTERED QUALIFIED ALIENS

Description: An immigrant who, or whose child or parent, has been **battered or subjected to extreme cruelty** in the United States by a U.S. citizen or lawful permanent resident spouse or parent can be considered a qualified alien. An immigrant whose child has been battered/abused by the child's U.S. citizen or lawful permanent resident other parent is similarly eligible, as are immigrant children, whose parent has been abused by the parent's U.S. citizen or lawful permanent resident spouse residing in the same household. The immigrant can be considered a qualified alien when it is determined that there is substantial connection between the battery, abuse or cruelty and the need for benefits.

Policy: Battered immigrants are considered **qualified aliens** and are said to be in satisfactory immigration status.

References:

SSL	Sect.	122 131-k
Dept Reg.		349.3 351.1 351.2 360-3.2(j)
ADMs		04 ADM-7 97 ADM-23 92 ADM-10 88 ADM-47 88 ADM-22 88 ADM-24
INFs		06 OMM-INF-5

Interpretation: Battery or extreme cruelty is defined as including, but not limited to, being a victim of any act or threatened act of violence, including forceful detention, which results or threatens to result in physical or mental injury or psychological or sexual abuse or exploitation, including rape, molestation, incest, or forced prostitution.

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Immigrant victims of battery/abuse can be treated as a “qualified alien” for Medical Assistance benefit purposes if they meet the following four requirements:

1. Be a **credible victim** of battery/abuse or extreme cruelty, who or who’s child or parent has been battered, abused or subject to extreme cruelty in the U.S., by a spouse or a parent, or by a member of the spouse’s or parent’s family residing in the same household; **and**
2. Be able to show a **substantial connection** between the need for benefits sought and the battery or extreme cruelty; **and**
3. **No longer resides** in the same household as the abuser; **and**
4. Have an **appropriate immigration status** including a pending or approved I-130 petition for an alien relative (K or V visa status), a pending or approved I-360 self petition, or Notice of Prima Facie Case determination (I-797 Notice of Action), or an Executive Office for Immigration Review (EOIR) order/letter granting suspension or cancellation under 8 U.S.C. 1229b(b)(2) and 8 U.S.C. 1254(a)(3) or evidence that an application for suspension of deportation/cancellation of removal has been made with evidence that sets forth a prima facie case.

EVIDENCE OF ABUSE:

An applicant who has an approved petition or court order granting him/her protection from the abuser has already shown battery or extreme cruelty and a new determination should not be made by the eligibility worker. Other **evidence of battery/abuse** that immigrants may present includes, but is not limited to: reports or affidavits from police, judges, court officials, medical personnel, school officials, clergy, social workers, counseling or mental health personnel; proof of a domestic violence conviction and proof of seeking safe-haven in a battered shelter.

SUBSTANTIAL CONNECTION:

There must be a **substantial connection** between the battery/abuse or extreme cruelty to which the immigrant, immigrant's child, or immigrant child's parent has been subjected to and the need for the medical assistance. The following list demonstrates circumstances in which a substantial connection exists between the battery and the need for medical assistance benefits:

- where the benefits are needed to enable the immigrant, immigrant's child, or an immigrant child's parent to become self-sufficient following separation from the abuser;

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- where the benefits are needed to enable the immigrant, immigrant's child, or an immigrant child's parent to escape the abuser and/or the community in which the abuser lives and to ensure safety;
- where the benefits are needed due to a loss of financial support resulting from the immigrant's separation from the abuser;
- where the benefits are needed because the battery/abuse or cruelty, separation from the abuser, work absences, or lower job performance resulting from the abuse or court-related proceeding cause the immigrant, the immigrant's child, or immigrant child's parent to leave or lose employment;
- where the benefits are needed because the battery/abuse or extreme cruelty has caused the immigrant, the immigrant's child, or immigrant child's parent to require medical attention/counseling or become disabled;
- where the benefits are needed because of the loss of a dwelling or source of income or because fear of the battery/abuse after separation diminishes the immigrant's, or immigrant child's parent's ability to care for the children;
- where the benefits are needed to alleviate nutritional risks and needs following battery/abuse and/or after separation;
- where the benefits are needed to provide medical care during pregnancy resulting from sexual assault or the relationship with the abuser; and
- where medical coverage or health care services for the immigrant, the immigrant's child, or immigrant child's parent are needed to replace the services provided while living with the abuser.

NON-RESIDENCY WITH THE BATTERER:

The following examples will serve as **credible evidence** to support the claim of non-residency with the batterer and include, but are not limited to:

- a civil protection order requiring the batterer to stay away from the battered immigrant, immigrant child, or immigrant child's parent;

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- an eviction notice removing the batterer from the immigrant's residence;
- employment records;
- utility receipts;
- school records;
- hospital or medical bills;
- rental records from a building or property manager;
- affidavit from a staff member at a battered or homeless shelter;
- affidavits from witnesses, including landlords and neighbors; and
- any other records establishing that the immigrant, immigrant's child, or immigrant child's parent no longer resides with the abusive abuser.

NOTE: Districts should be cautioned that they should not contact the abuser for any verification or documentation of living arrangements or other factors of eligibility.

Information with respect to victims of domestic violence must not be released to any outside party or other governmental agencies unless the information is required to be disclosed by law, or unless authorized in writing by applicant/recipient. Districts need to be concerned about how information is shared (i.e., insure that information pertaining to **good cause** or domestic violence is mailed to the victims' homes). Notices and other information may be mailed to an alternate mailing address (i.e., shelter) or held at district office. The client must decide the safest way to obtain the information.

REFERRAL TO A DOMESTIC VIOLENCE LIAISON (DVL):

Battered immigrants are "qualified aliens" and may receive Medical Assistance benefits if **all** of the following criteria are met, including financial requirements: A battered qualified alien must be:

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- an alien who has been battered or subjected to extreme cruelty (“abused”) in the U.S. by a spouse or parent or by a member of the spouse’s or parent’s family residing in the same household as the alien; **or**
- the parent of a battered or abused child; **or**
- the child of a battered or abused parent.

Applicants and recipients who cannot document that the United States Citizenship and Immigration Services (USCIS) or immigration court has determined the immigrant has in fact been subject to battery/abuse or extreme cruelty will need to see the district’s DVL for a credibility determination. These individuals must demonstrate that they are credible victims of domestic violence in order to be considered qualified for Medical Assistance as a “battered qualified alien”. If districts are unable to verify that an acceptable immigration document has been filed with USCIS, districts can accept the alien’s written attestation and then refer the alien to an immigration attorney or legal services for assistance. The DVL does not have the authority to determine eligibility for assistance.

VERIFICATION OF IMMIGRATION STATUS:

Battered or abused aliens will typically possess one or more of the following documents:

- I-797 Notice of Action indicating that the alien has an approved I-360 self-petition (entitled Petition for Amerasian, Widow(er) or Special Alien) under the Violence Against Women Act (VAWA) to obtain lawful permanent resident status as the battered or abused spouse or child of a U.S. citizen or lawful permanent resident [Do not refer to the domestic violence liaison (DVL)]; **or**
- I-797 Notice of Action indicating that the alien has a pending I-360 self-petition under VAWA that has established the alien’s prima facie eligibility for obtaining lawful permanent resident status as the battered or abused spouse or child of a U.S. citizen or lawful permanent resident (Do not refer to the DVL); **or**
- Order from the Executive Office for Immigration Review (EOIR) granting or finding a prima facie case for granting, suspension of deportation or cancellation of removal based on battery or abuse by a U.S. citizen or lawful permanent resident spouse or parent (Do not refer to the DVL); **or**
- I-797 Notice of Action indicating that the alien has a pending I-360 self-petition under VAWA to establish lawful permanent resident status as the battered or abused spouse or child of a U.S. citizen or lawful permanent resident **and** credible evidence of battery or abuse (Request alien’s permission to refer to the DVL); **or**

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- I-797 Notice of Action indicating that the alien is the beneficiary of a pending or approved I-130 Petition for Alien Relative as the battered or abused spouse or child of a U.S. citizen or lawful permanent resident **and** credible evidence of battery or abuse (Request alien's permission to refer to the DVL); **or**
- I-94 Arrival/Departure Record stamped "K3," "K4," "V1," "V2" or "V3 **and** credible evidence of battery or abuse (Request alien's permission to refer to the DVL); **or**
- Any other USCIS document indicating that the alien has a "K" or "V" visa and a pending or approved I-130 Petition for Alien Relative **and** credible evidence of battery or abuse (Request alien's permission to refer to the DVL); **or**
- I-94 Arrival/Departure Record or foreign passport stamped "CR-1," "CR-2," "CR-6," or "CR-7" **and** credible evidence of battery or abuse (Request alien's permission to refer to the DVL); **or**
- I-688B Employment Authorization Card coded "274a.12(a)(9)," "274a.12(a)(15)" or "274a.12(c)(10)" **and** credible evidence of battery or abuse (Request alien's permission to refer to the DVL); **or**
- I-766 Employment Authorization Document coded "A9," "A15" or "C10" **and** credible evidence of battery or abuse (Request alien's permission to refer to the DVL).

Districts must determine if the USCIS or the EOIR has approved an applicant's I-360 self-petition or has found that an applicant's pending petition set-forth a prima facie case by reviewing the applicant's documents.

- The worker must carefully examine the documents provided by the immigrant applicant.
- If based on the documentation provided to show citizenship, immigration, or qualified alien status the worker can conclude that the applicant is not a "qualified alien" (i.e. the applicant presents documents such as a tourist visa or other documents that do not make them eligible for Medical Assistance), the worker does not need to verify the applicant's status.
- If the documentation provided does not appear on its face to be genuine or does not appear to relate to the person presenting it, this should not serve as a basis to conclusively deny benefits without first checking with the USCIS. (Through SAVE or by filing a G-845 "Verification Request" [non-SAVE agencies] with USCIS. Refer to 04 ADM-7).
- If the USCIS notifies the applicant that they have an immigration status that makes him/her a qualified alien the eligibility worker should accept the USCIS verification and proceed to determine whether the applicant satisfies the remaining program requirements. If the USCIS notifies the applicant that he/she does not have an immigration status that makes him/her a qualified alien, the worker should notify the applicant of his/her appeal rights.

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If the applicant is a battered immigrant and the documentation provided does not appear on its face to be genuine or does not appear to relate to the person presenting it, the worker should contact the Immigration Court that is handling the case or the USCIS Vermont Service Center at 75 Lower Welden Street, Saint Albans, Vermont, 05479.

THE FIVE YEAR BAN TO BENEFITS ACCESS:

Battered immigrants who first entered the United States after 8/22/96 and become "qualified aliens" are not eligible to receive federal Medical Assistance benefits until they have **attained five years in a qualified alien status**. This is called the federal "five year bar." This ban applies to all immigrants who entered the United States after 8/22/96.

New York State covers "battered" qualified aliens with State only funds until the five-year ban expires.

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SOCIAL SECURITY NUMBERS (SSNs) FOR BATTERED QUALIFIED ALIENS:

The Social Security Administration (SSA) does not routinely assign new SSNs. However, SSA will do so when evidence shows the immigrant is being harassed, a victim of family violence, abused or their life is endangered.

Qualified aliens must provide a social security number. If they do not have a SSN, they must apply for one. An exception applies to pregnant women. Pregnant women are not required to provide or apply for a SSN for the duration of the pregnancy and the sixty-day period that begins on the last day of the pregnancy and including, but not exceeding, the last day of the month in which the sixty-day post-partum period ends.

If a qualified alien applies for a SSN, but is denied a SSN based on immigration status, the alien is not required to reapply for a SSN until his or her status changes. In these situations districts are to use WMS Social Security Code N, "State Benefits Eligible Alien".

ALIEN NUMBER (A#) REQUIREMENT FOR BATTERED QUALIFIED ALIENS:

Providing an alien registration number is **no longer** an eligibility requirement for Public Assistance, Medical Assistance or Food Stamp Assistance for battered qualified aliens (ACI Code "B"). This change is a result of MKB litigation.

Although not required, if an alien number is presented by the applicant/recipient, the alien number should be entered into the Welfare Management System (WMS).

BATTERED QUALIFIED ALIENS DESK AID

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>Victims of Battery/Abuse</p> <p>The term “battered qualified alien” includes the following immigrants described at 8 U.S.C. §1641(c):</p> <ul style="list-style-type: none"> ▪ an alien who has been battered or abused in the U.S. by a spouse or parent, or by a member of the spouse’s or parent’s family residing in the same household as the alien; or • the parent of a battered or abused child; or • the child of a battered or abused parent. <p>A substantial connection must also exist between the battery or abuse and the need for public benefits such as Medicaid. The alien must no longer be living with the batterer or abuser.</p>	<p>A variety of documents provide evidence that an alien meets this definition.</p> <ul style="list-style-type: none"> ▶ I-797 Notice of Action indicating that the alien has an approved I-360 self petition (Do not refer to DVL); ▶ I-797 Notice of Action indicating that the alien has a pending I-360 self-petition that has established a prima facie case (Do not refer to DVL); ▶ Order from the Executive Office for Immigration Review (“EOIR”) granting or finding a prima facie case for granting, suspension of deportation or cancellation of removal (Do not refer to DVL); or ▶ I-797 Notice of Action indicating that the alien has a pending I-360 self petition AND credible evidence of battery or abuse (Request alien’s permission to refer to DVL); or ▶ I-797 Notice of Action indicating the alien is the beneficiary of a pending or approved I-130 petition and credible evidence of battery and/or abuse (Request alien permission to refer to DVL); or ▶ I-94 coded, K3, K4, V1 V2 or V3 and credible evidence of battery or abuse (Request alien’s permission to refer to DVL); or ▶ Any other USCIS document indicating the alien has a K or V visa and a pending or approved I-130 petition with credible evidence of battery or abuse (Request alien’s permission to refer to DVL); or ▶ I-94 or Foreign passport annotated CR1, CR2, CR6, CR7 with credible evidence of battery or abuse (Request alien’s permission to refer to DVL); or ▶ I-688B Employment Authorization Card annotated 274a.12(a)(9)-spouse/children of USC or LPR (K or V visa), 274a.12(a)(15)-spouses and dependents of LPR (K or V visa), 274a.12(c)(10)-applicant for suspension of deportation with credible evidence of battery or abuse (Request alien’s permission to refer to DVL); or ▶ I-766 Employment Authorization Document annotated A9, A15 or C10 with credible evidence of battery or abuse (Request alien’s permission to refer to DVL). 	<p>B</p>	<p>YES</p> <p>After 5 yrs in a qualified status</p>	<p>Immigrants with or without work authorization are required to apply for a Social Security Number.</p> <p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2)</p> <p>Note: Pregnant women are excluded from this requirement.</p>

NOTE: Referral to a domestic violence liaison (DVL): Medicaid-only offices must refer alien applicants and recipients who must demonstrate that they are credible victims of domestic violence to be considered qualified for medical assistance as “battered aliens” to the DVL for a credibility assessment. Those applicants and recipients who cannot document eligibility in any other category and cannot document that the United States Citizenship and Immigration Services (USCIS) or immigration court has determined the immigrant has in fact been subject to battery or extreme cruelty will need to see the district’s DVL for a credibility determination. If districts are unable to verify that an acceptable immigration document has been filed with USCIS, districts can accept the alien’s written attestation and then refer the alien to an immigration attorney or legal services for assistance. The DVL does not have the authority to determine eligibility for assistance.

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**U.S. ARMED FORCES
ACTIVE DUTY AND VETERANS**

Description: Qualified aliens who are on active military duty or who are veterans are eligible for Medical Assistance, if they are otherwise eligible.

Policy: Medicaid may be authorized for a qualified alien who is on active duty or who is a veteran of the U.S. Armed Forces, provided that he/she is otherwise eligible.

References: Balanced Budget Act of 1997

- SSL Sect. 122
- Dept Reg. 349.3
351.1
351.2
360-3.2(j)
- ADMs 04 ADM-7
- INF 06 INF-5

Interpretation: **Active Military Duty** - The individual must be on full-time duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard. Active Duty for training and full time National Guard duty are not included in this interpretation.

Medicaid is also provided to the immigrant's spouse and unmarried dependent children who are qualified aliens.

Veterans - The veteran's discharge must have been characterized as "honorable", and not because of his or her immigration status. Medicaid is also provided to the veteran's qualified alien's spouse, including his or her un-married surviving spouse if the veteran is deceased, and any unmarried dependent children of the veteran who are qualified aliens.

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**U.S. ARMED FORCES
ACTIVE DUTY AND VETERANS**

NOTE: The balanced Budget Act of 1997 provided that Hmong and other Highland Lao veterans who fought on behalf of the Armed Forces of the United States during the Vietnam conflict and have been lawfully admitted to the United States for permanent residence are to be considered veterans for the purpose of this provision.

Documentation: U.S. ARMED FORCES-ACTIVE DUTY AND VETERANS

Category 2: Qualified Aliens Continued

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
Veterans (Immediate family members: documentation of relationship to veteran or person on active duty)	<ul style="list-style-type: none"> ▶ DD Form 214 showing "Honorable" discharge; or ▶ Original or notarized copy of the veteran's discharge papers. 	V	YES	<p align="center">YES</p> <p>Immigrants with or without work authorization are required to apply for a Social Security Number.</p> <p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2) Note: Pregnant women are excluded from this requirement</p>
Persons on active duty in the Armed Forces and their immediate family members	<ul style="list-style-type: none"> ▶▶ Military I.D. card - DD Form 2 (active); ▶ Original or notarized copy of current orders showing the person is on full-time duty in U.S. Armed forces; <p>(Immediate family members must show documentation of relationship to the person on active duty.)</p>	M	YES	<p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2) Note: Pregnant women are excluded from this requirement</p>

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VICTIMS OF TRAFFICKING

Description: The federally eligible immigration category—"victims of a severe form of trafficking." Section 107(b) of The Trafficking Victims Protection Act of 2000 (P.L. 106-386) makes victims of "a severe form of trafficking in persons" eligible for Medicaid and other benefits (if otherwise eligible) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (INA).

Policy: Victims of "a severe form of trafficking in persons" (VOTs) are eligible for Medicaid and other benefits (if otherwise eligible) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act. Individuals with letters of certification or eligibility as victims of severe forms of trafficking are eligible for medical assistance. They retain this eligibility for seven years from the date of certification contained in the letter.

References:	The Trafficking Victims Protection Act of 2000	Sect.	107(B)
		P.L.	106-386
	The Trafficking Victims Reauthorization Protection Act of 2003	P.L.	108-193
	Dept. Regs.		360.3.2 (j)
	ADMs		04-ADM-7 03-ADM-1(OTDA)
	INF		06 OMM INF-5
	GIS		02 MA/022

Interpretation: A "victim of a severe form of trafficking in persons" means a person:

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- 1) Who has been subjected to a “severe form of trafficking in persons,” which is defined as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery”; and
- 2) Who has not attained the age of 18 years or who is the subject of a certification issued by the federal government pursuant to Section 107(b)(1)(E) of the Act.

For individuals who meet the above criteria, the Office of Refugee Resettlement (ORR) will issue the **certification letters for adults and the eligibility letters for children**. To receive a certification or a letter, a victim of trafficking must be willing to assist with the investigation and prosecution of trafficking cases AND either:

- (1) Have made a bona fide application for a “T” visa that has not been denied. **OR**
- (2) Be an individual whose continued presence the Attorney General is ensuring to effectuate a trafficking prosecution.

When a victim of trafficking applies for Medicaid, local districts must follow their normal procedures for establishing Medicaid eligibility for refugees. Local districts must also:

1. Accept the certification letter or letter for children in place of USCIS documentation. **Please note, as of November 6, 2001, certification letters for adults and eligibility letters for children no longer contain an eight-month expiration date.** Victims of severe forms of trafficking do not need to provide any other documentation of their immigration status. The local district must call the trafficking verification line at 1-866-401-5510 to verify the validity of the documentation.

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2. Use the certification date as the “Date of Status ~~of Entry~~” (DOS) for Medicaid purposes. The certification date is in the body of the certification letter or the eligibility letter for children.
3. Issue benefits to the same extent as other refugees, provided the victim of a severe form of trafficking meets other program eligibility criteria (e.g., income levels).
4. Upstate WMS: Districts should use citizenship/alien code (ACI) “D”-Victim of Human Trafficking.

New York City WMS: Workers should use ACI code “R”- Person Admitted as a Refugee” for Victim of Human Trafficking.

For purposes of Medicaid/Family Health Plus and/or Child Health Plus, eligibility, victims of a severe form of trafficking, (holders of a T-visa/T-1, and holders of T-2, T-3, T-4 and T-5 [“Derivative T-visas”]) who are the minor children, spouses and in some cases the parents and siblings of victims of severe forms of trafficking in persons, may receive Medicaid benefits to the same extent as refugees. Recipients of a “T” visa are eligible for employment authorization. “T” visa recipients also may, if eligible; adjust their status to that of lawful permanent resident after three years. Victims may also apply for other immigration benefits such as an “S” visa (See section on OTHER VISA STATUSES) or asylum.

RESERVE SPACE FOR STATE “CONFIRMED” VICTIMS OF HUMAN TRAFFICKING

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VICTIMS OF TRAFFICKING

Documentation: Victims of Trafficking will have the following documentation:

Category 2: Qualified Aliens Continued

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirements
Victims of a Severe Form of Human Trafficking	<ul style="list-style-type: none"> ▶ I-94 Arrival/Departure Record coded T1, T2, T3, T4, or T5 stating admission under Section 212(d)(5) of the INA if status is granted for at least one year; ▶ Certification letter (for adults) or eligibility letter (for children) from the Office of Refugee Resettlement. Must call 1-866-401-5510 for verification; or ▶ I-797 Notice of Action acknowledging receipt of I-914, Application for T non-immigrant status.. 	D-Upstate or R-NYC	YES	<p align="center">YES</p> <p>Immigrants with or without work authorization are required to apply for a Social Security Number.</p> <p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2)</p> <p>Note: Pregnant women are excluded from this requirement.</p>

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PRUCOL

Category 3: Persons who are Permanently Residing Under Color of Law (PRUCOL)*

*PRUCOL is not an immigration status. PRUCOL is not granted by the USCIS. PRUCOL is a public benefits eligibility category.

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>a. Persons paroled into the U.S. for less than a year. <i>(Non-citizens allowed to come into the U.S. without being granted admission.)</i></p>	<p>▶ I-94 Arrival/Departure Record with annotation "Paroled Pursuant to Section 212(d)(5)" of the INA or "parole" or "PIP"; ▶ I-688B Employment Authorization Card annotated 8 C.F.R. 274a.12(a)(4) or 274a.12(c)(11); or ▶ I-766 Employment Authorization Document annotated "A4" or "C11".</p>	T	NO	<p>Immigrants with or without work authorization are required to apply for a Social Security Number.</p>
<p>b. Persons under an Order of Supervision. <i>(Non-citizens who have been found deportable; however certain factors exist which make it unlikely that they will be deported.)</i></p>	<p>▶ I-94 Arrival/Departure Record annotated "Order of Supervision"; ▶ I-220B Order of Supervision; ▶ I-688B Employment Authorization Card annotated 8 C.F.R. 274a.12 (c)(18); or ▶ I-766 Employment Authorization Document annotated "C18".</p>	O	NO	
<p>c. Persons granted indefinite stay of deportation <i>(Non-citizens who have been found deportable, but deportation is deferred indefinitely due to humanitarian reasons.)</i></p>	<p>▶ I-94 Arrival/Departure Record coded 106 "granted Indefinite Stay of Deportation"; or ▶ Letter/order from the immigration agency, immigration judge or a federal court granting indefinite stay of deportation.</p>	O	NO	<p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2)</p>
<p>d. Persons granted indefinite voluntary departure <i>(Status that was granted before April, 1997 to non-citizens who have been found deportable, but deportation is deferred indefinitely due to humanitarian reasons.)</i></p>	<p>▶ I-94 Arrival/Departure Record or letter/order from the immigration agency or immigration judge granting voluntary departure for an indefinite time period.</p>	O	NO	
<p>e. Persons on whose behalf an immediate relative petition has been approved and family members covered by the petition. <i>(Non-citizens who are immediate relatives (spouse, father, mother, or unmarried child under 21) of a U.S. citizen/LPR who has filed an I-130 Relative Petition on their behalf.)</i></p>	<p>▶ I-94 Arrival/Departure Record or I-210 indicating departure on a specified date, however, the USCIS expects the non-citizen's visa will be available within this time; or ▶ I-797 indicating I-130 Relative Petition has been approved.</p>	O	NO	
<p>f. Persons who have filed applications for adjustment of status to lawful permanent resident under Section 245 of the INA that the USCIS has accepted as "properly filed". <i>(Non-citizens who filed for legal permanent resident status.)</i></p>	<p>▶ I-94 Arrival/Departure Record or foreign passport with annotation "adjustment application" or "employment authorized during status as adjustment applicant"; ▶ I-688 Temporary Resident Card or I-688A Employment Authorization Card annotated "245A"; ▶ I-688B Employment Authorization Card annotated 8 C.F.R. 274a.12 (c)(22); or ▶ I-766 Employment Authorization Document annotated "C22".</p>	O	NO	<p>Note: Pregnant women are excluded from this requirement.</p>

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CITIZENSHIP AND IMMIGRATION STATUS**

PRUCOL

Category 3: Persons PRUCOL Continued

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
g. Persons granted stays of deportation (Non-citizens who have been found deportable, but the USCIS may defer deportation for a specified period of time due to humanitarian reasons.)	► I-94 Arrival/Departure Record or letter/order from the immigration agency, immigration judge or court granting stay of deportation.	O	NO	Immigrants with or without work authorization are required to apply for a Social Security Number. LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2) Note: Pregnant women are excluded from this requirement.
h. Persons granted voluntary departure under Section 242(b). (This section of the INA has been repealed.)	► I-797 Notice or form showing grant of extended voluntary departure; ► I-688B Employment Authorization Card annotated 274a.12(a)(11); or ► I-766 Employment Authorization Document annotated A11.	O	NO	
i. Persons granted deferred action status.	► I-797 or any document from USCIS granting deferred action status; ► I-688B Employment Authorization Card annotated 8 C.F.R 274a.12 (c)(14); or ► I-766 Employment Authorization Document annotated "C14".	O	NO	
j. Persons who entered and continuously resided in the U.S. before January 1, 1972. (Non-citizens are presumed by the USCIS to meet certain criteria for legal permanent residence.)	► Any documentary proof establishing entry and continuous residence; or ► I-688B or I-766 coded 274a.12(c)(16) or C16; or ► I-797, letter/notice from the USCIS or court indicating registry application is pending.	O	NO	

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

PRUCOL

Category 3: Persons PRUCOL Continued

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>k. Persons granted suspension of deportation pursuant to Section 244 of the INA; the USCIS does not contemplate enforcing departure <i>(Non-citizens in this category have been found deportable, have met a period of continuous residence and have filed an application for the USCIS to suspend deportation, which has been granted.)</i></p>	<p>▶ I-797, letter/notice from an immigration judge or court; and ▶ I-94 Arrival/Departure Record showing suspension of deportation granted.</p> <p>(After Lawful Permanent Residence is granted the person will have a "green Card" Form I-551).</p>	O	NO	
<p>l. Other persons living in the U.S. with the knowledge and permission or acquiescence of the USCIS and whose departure the USCIS does not contemplate enforcing: Examples include, but are not limited to:</p> <p>▶ Applicants for adjustment of status to LPR¹, asylum², suspension of deportation or cancellation of removal³ or requesting deferred action; or ▶ Persons granted Deferred Enforced Departure (DED)⁴ due to conditions in their home country; or ▶ Permanent non-immigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and the Marshall Islands⁵; ▶ Persons granted Temporary Protected Status⁶; or ▶ Applicants for Temporary Protected Status⁷ (TPS); or ▶ Persons having a K, V, S or U Visa.⁸</p>	<p>▶ I-94 Arrival/Departure Record coded K1, K2, K3, K4, V1, V2, or V3, T, U, or S; ▶ I-688B Employment Authorization Card annotated 8 C.F.R.274a.12(c)(9)¹, 274a.12(c)(8)², 274a.12(c)(10)³, 274a.12(a)(11)⁴, 274a.12(a)(8)⁵, 274a.12(a)(12)⁶ or 274a.12(c)(19)⁷, 274a.12(a)(9)⁸, 274a.12(a)(13)⁸, 274a.12(a)(15)⁸, 274a.12(c)(21)⁸, and 274a.12(c)(24)⁸ ▶ I-766 Employment Authorization Document annotated C9¹, C8², C10³, A11⁴, A8⁵, A12⁶, C19⁷, A9⁸, A13⁸, A15⁸, C21⁸ or C24⁸. ▶ I-797 indicating the USCIS has received an application or petition or request for change of status; or ▶ Postal Return Receipt addressed to the federal immigration agency* or a copy of a cancelled check to the federal immigration agency, and a copy of the application, petition or request submitted to the federal immigration agency.</p> <p>(* USCIS-United States Citizenship and Immigration Services; ICE-Immigration and Customs Enforcement; EOIR-Executive Office of Immigration Review.)</p>	O	NO	

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

DOCUMENTATION GUIDE FOR PRUCOL ALIEN CATEGORIES

rev. 07/15/04

PRUCOL: (Permanently Residing in the United States Under Color Of Law) are any aliens who are residing in the United States with the knowledge and permission or acquiescence of the United States Citizenship and Immigration Services (USCIS) (formerly the Immigration and Naturalization Services [INS]) and whose departure from the United States the INS does not contemplate enforcing.

ALIEN CATEGORIES	GENERAL INFORMATION		DOCUMENTATION/FORMS
a) Aliens paroled into the United States pursuant to Section 212(d)(5) of the INA showing status for less than one year, except for Cuban/Haitian entrants.	Aliens in this category are admitted to the United States for similar reasons as a refugee, i.e., humanitarian. However, this category, unlike refugee status, does not grant legal residence status.	Parole status allows the alien temporary status until USCIS determination of his/her admissibility has been made; at which time another status may be granted.	Aliens in this category will have a FORM I-94 indicating that the bearer has been paroled pursuant to Section 212 (d)(5) of the INA. Possession of a properly annotated Form I-94 constitutes evidence of permanent residence in the U.S. under color of law, regardless of the date the Form I-94 is annotated.
b) Aliens residing in the United States pursuant to an Order of Supervision.	Aliens in this category have been found deportable; however, certain factors exist which make it unlikely that USCIS would be able to remove the alien. Such factors include age, physical condition, humanitarian concerns, and the availability of a country to accept the deportee.	Aliens in this category are required to report to USCIS periodically; if the factors preventing deportation are eliminated, USCIS will initiate action to remove the alien.	Aliens in this category will have an USCIS Form I-94 or I-220B.
c) Deportable aliens residing in the United States pursuant to an indefinite stay of deportation.	Aliens in this category have been found to be deportable, but USCIS may defer deportation indefinitely due to humanitarian reasons.		Aliens in this category will have a letter and/or FORM I-94 showing that the alien has been granted an indefinite stay of deportation.
d) Aliens residing in the United States pursuant to an indefinite voluntary departure.			Aliens in this category will have a letter and/or Form I-94 indicating that the alien has been granted departure for an indefinite time period.
e) Aliens on whose behalf an immediate relative petition has been approved and their families covered by the petition, who are entitled to voluntary departure and whose departure USCIS does not contemplate enforcing.	NOTE: An immediate relative for USCIS purposes is: husband, wife, father, mother, or child (unmarried and under 21). Aliens in this category are the immediate relatives of an American citizen/LPR and have had filed on their behalf a Form I-130 petition for issuance of an immigration visa.	If this petition has been approved, a visa will be prepared, which will allow the alien to remain in the United States permanently.	Aliens in this category may have a Form I-94 and/or I-210 letter. These documents, or others, indicate that the alien is to depart on a specified date (usually 3 months from date of issue), however, USCIS expects the alien's visa to be available within this time. If it is not, extensions may be granted until the visa is ready.

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

DOCUMENTATION GUIDE FOR PRUCOL ALIEN CATEGORIES continued

ALIEN CATEGORIES	GENERAL INFORMATION		DOCUMENTATION/FORMS
f) Aliens who have filed applications for adjustment of status pursuant to Section 245 of the INA that USCIS has accepted as "properly filed" or has granted and whose departure the USCIS does not contemplate enforcing.	Aliens in this category have filed for lawful permanent resident status.		Aliens in this category may have Form I-94 or Form I-181 or their passports will be stamped with either of the following: " adjustment application " or " employment authorized during status as adjustment applicant ".
g) Aliens granted stay of deportation by court order, statute or regulation, or by individual determination of USCIS pursuant to Section 243 of the INA whose departure BCIS does not contemplate enforcing.	Aliens in this category have been found to be deportable, but USCIS may defer deportation for a specified period of time due to humanitarian reasons.		Aliens in this category will have a letter or copy of the court order and/or a Form I-94 .
h) Aliens granted voluntary departure pursuant to Section 242(b) of the INA whose departure USCIS does not contemplate enforcing.	Aliens in this category are awaiting a visa .	NOTE: N/A SECTION 242 (b) OF THE INA HAS BEEN REPEALED	Such aliens are provided Forms I-94 and/or I-210 which indicate a departure within 60 days. This may be extended if the visa is not ready within the time allotted.
i) Aliens granted deferred action status pursuant to USCIS operating instructions.			Aliens in this category will have Form I-210 or a letter indicating that the alien's departure has been deferred.
j) Aliens who entered and have continuously resided in the United States since before January 1, 1972 .	Aliens in this category are presumed by USCIS to meet certain criteria for lawful permanent residence.		Obtain any documentary proof establishing entry and continuous residence .

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

DOCUMENTATION GUIDE FOR PRUCOL ALIEN CATEGORIES continued

ALIEN CATEGORIES	GENERAL INFORMATION		DOCUMENTATION/FORMS
a) Aliens paroled into the United States pursuant to Section 212(d)(5) of the INA showing status for less than one year, except for Cuban/Haitian entrants.	Aliens in this category are admitted to the United States for similar reasons as a refugee, i.e., humanitarian. However, this category, unlike refugee status, does not grant legal residence status.	Parole status allows the alien temporary status until USCIS determination of his/her admissibility has been made; at which time another status may be granted.	Aliens in this category will have a FORM I-94 indicating that the bearer has been paroled pursuant to Section 212 (d)(5) of the INA. Possession of a properly annotated Form I-94 constitutes evidence of permanent residence in the U.S. under color of law, regardless of the date the Form I-94 is annotated.
b) Aliens residing in the United States pursuant to an Order of Supervision.	Aliens in this category have been found deportable; however, certain factors exist which make it unlikely that USCIS would be able to remove the alien. Such factors include age, physical condition, humanitarian concerns, and the availability of a country to accept the deportee.	Aliens in this category are required to report to USCIS periodically; if the factors preventing deportation are eliminated, USCIS will initiate action to remove the alien.	Aliens in this category will have an USCIS Form I-94 or I-220B.
k) Aliens granted suspension of deportation pursuant to Section 244 of the INA whose departure the USCIS does not contemplate enforcing.	Aliens in this category have been found deportable, have met a period of continuous residence and have filed an application for USCIS to suspend deportation, which has been granted.		Aliens in this category will have a letter/order from an immigration judge and a Form I-94 showing suspension of deportation granted. After lawful permanent residence is granted the alien will have a Form I-551.
l) Any other aliens living in the U.S. with the knowledge and permission or acquiescence of the USCIS and whose departure that agency does not contemplate enforcing.	Aliens in this category may be in a status not listed above, but based on a determination by USCIS or documentation supplied by the alien or his or her representative that indicates the alien is present in the U.S. with the knowledge of the USCIS and with the permission or acquiescence of the USCIS , local districts may find them to be PRUCOL.	Examples include, but are not limited to: permanent non-immigrants, pursuant to P.L. 99-239, applicants for adjustment of status, asylum, suspension of deportation or cancellation of removal, or deferred action or persons granted extended voluntary departure, or Deferred Enforced Departure (DED) for a specified time due to conditions in their home country, persons granted Family Unity, Temporary Protected Status and citizens of the Federated States of Micronesia and Marshall Islands.	Aliens in this category may have a copy of a letter to the USCIS with return receipt. If no proof of receipt and otherwise eligible, authorize Medicaid pending verification with USCIS.

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

TEMPORARY PROTECTED STATUS (TPS)

Description: “Temporary Protected Status (TPS)” is a temporary immigration status granted under federal law at 8 U.S.C. 1254a to aliens who are physically present in the United States and who are from certain countries designated by the U.S. Secretary of Homeland Security as unsafe to accept their return because of ongoing environmental disasters or other extraordinary and temporary conditions. At present, the following countries have TPS designation: Angola, Burundi, El Salvador, Honduras, Liberia, Montserrat, Nicaragua, Sierra Leone, Somalia, and Sudan. [A list of countries designated for TPS is located at the United States Citizenship and Immigration Services’ (USCIS), formerly the Immigration and Naturalization Service (INS), website, at: <http://www.uscis.gov>]

Policy: Immigrants who have been **granted** Temporary Protected Status (“TPS”) may be eligible for Medicaid, Family Health Plus (FHP) or Child Health Plus (CHPlus) based on their status as permanently residing in the United States under color of law (PRUCOL), if they meet such programs’ requirements.

Immigrants who have **applied** for TPS may also be considered to be PRUCOL and may thus be eligible for Medicaid, Family Health Plus or Child Health Plus, if otherwise eligible.

References: GIS 03 MA/005
ADMs 04 ADM-7

Interpretation: **Immigrants Granted Temporary Protected Status (TPS):** These immigrants should be treated as PRUCOL for purposes of their eligibility for Medicaid, FHP or CHPlus. “Persons granted TPS are authorized to remain in the United States for a specific limited period; the U. S. Secretary of Homeland Security can extend it for a further specified period. Prior to 1990, a similar status called “Extended Voluntary Departure” was used in the same way to provide relief to particular nationalities.

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

TEMPORARY PROTECTED STATUS (TPS)

Immigrants who have been **granted** TPS will have the following documentation:

- Form I-688B; or
- Form I-766 EAD coded 274a.12(a) (12) or A12; or
- A letter, verification or correspondence from USCIS, such as a Notice of Action (I-797) indicating temporary protected status has been granted.

Immigrants who have *applied* for Temporary Protected Status (TPS): These immigrants should be treated as PRUCOL for purposes of their eligibility for Medicaid, Family Health Plus or Child Health Plus if it reasonably appears, based on all the facts and circumstances of the case, that they are present in the United States with the **knowledge** and **permission** or the **acquiescence** of the federal immigration agency and that such agency is not presently contemplating deporting them. Social services districts should request proof from the immigrant that he or she filed the Application for Temporary Protected Status (Form I-821) **and** the Application for Employment Authorization (Form I-765) to the USCIS or its predecessor, the INS. For example, the immigrant may have a receipt or letter from the federal immigration agency that shows that such agency received these documents. However, the immigrant does not need to have written confirmation from the federal immigration agency acknowledging its receipt of these documents. An immigrant can be considered PRUCOL if the immigrant can prove that he or she mailed these documents to the federal immigration agency on a certain date. When the federal immigration agency has not acted on the application after a reasonable period of time after mailing, the district may reasonably presume that the applicant is PRUCOL.

Documentation: Immigrants **applying** for temporary protected status will have one of the following types of documentation:

- Receipt or notice showing filing of Form I-821 (Application for Temporary Protected Status) and Form I-765 (Application for Employment Authorization); or
- Form I-688B; or
- Form I-766 EAD codes 274a.12 (c) (19) or C19; or
- Any letter, verification or correspondence from USCIS and a U.S. Postal Return Receipt.

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

TEMPORARY PROTECTED STATUS (TPS)

Category 3: Persons who are Permanently Residing Under Color of Law (PRUCOL)*

*PRUCOL is not an immigration status. PRUCOL is not granted by the USCIS. PRUCOL is a public benefits eligibility category.

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>I. Other persons living in the U.S. with the knowledge and permission or acquiescence of the USCIS and whose departure the USCIS does not contemplate enforcing: Examples include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ Applicants for adjustment of status to LPR¹, asylum², suspension of deportation or cancellation of removal³ or requesting deferred action; or ▶ Persons granted Deferred Enforced Departure (DED)⁴ due to conditions in their home country; or ▶ Permanent non-immigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and the Marshall Islands⁵); ▶ Persons granted Temporary Protected Status⁶; or ▶ Applicants for Temporary Protected Status⁷ (TPS); or ▶ Persons having a K, V, S or U Visa.⁸ 	<ul style="list-style-type: none"> ▶ I-94 Arrival/Departure Record coded K1, K2, K3, K4, V1, V2, or V3, T, U, or S; ▶ I-688B Employment Authorization Card annotated 8 C.F.R.274a.12(c)(9)1 , 274a.12(c)(8)2 274a.12(c)(10)3 , 274a.12(a)(11)4 274a.12(a)(8)5, 274a.12(a)(12)6 or 274a.12(c)(19)7 , 274a.12(a)(9)8, 274a.12(a)(13) 8, 274a.12(a)(15) 8, 274a.12(c)(21)8, and 274a.12(c)(24)8 ▶ I-766 Employment Authorization Document annotated C91, C82, C103, A114, A85, A126, C197, A98, A138, A158, C218 or C248. ▶ I-797 indicating the USCIS has received an application or petition or request for change of status; or ▶ Postal Return Receipt addressed to the federal immigration agency* or a copy of a cancelled check to the federal immigration agency, and a copy of the application, petition or request submitted to the federal immigration agency. <p>(* USCIS-United States Citizenship and Immigration Services; ICE-Immigration and Customs Enforcement; EOIR-Executive Office of Immigration Review.)</p>	O	NO	<p>Immigrants with or without work authorization are required to apply for a Social Security Number.</p> <p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN. (08 OHIP INF-2)</p> <p>Note: Pregnant women are excluded from this requirement</p>

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

OTHER VISA STATUSES

Visa Statutes: K, S, T, U, and V.

There have been several new visa categories issued by the United States Citizenship and Immigration Services (USCIS) [formerly the Immigration and Naturalization Services (INS)] over the past several years.

Some categories of nonimmigrant status allow the status (visa) holder to work and eventually adjust to lawful permanent residence. These categories allow the individual to apply for adjustment to Lawful Permanent Resident (LPR) status after he or she has had the nonimmigrant status for a period of time.

Such visa statuses include, for example:

- K status:** For the spouse, child, or fiancé (e) of a U.S. citizen.*
- S status:** For informants providing evidence for a criminal investigation. Also known as the "Snitch Visa".*
- T status:** For victims of trafficking.**
- U status:** For victims or witnesses of specified crimes (who have suffered substantial physical or mental abuse and agrees to cooperate with the government).*
- V status:** For spouses and children of LPR's whose visa petitions have been pending for at least three years.*

[Law found at 8 U.S.C. section 1101 (a)(15)(K), (S), (T), (U), and (V).]

*Statuses K, S, U, V are "special nonimmigrant" statuses. As non-immigrants, holders are eligible for emergency Medicaid only, but if they have filed to adjust their status with the USCIS, they may be eligible for Medicaid/FHPlus/CHPlus as PRUCOL (Permanently Residing Under Color of Law).

Victims of trafficking receive benefits to the same extent as refugees (06 OMM INF-5). (See **OTHER ELIGIBILITY REQUIREMENTS VICTIMS OF TRAFFICKING).

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

**“NON-IMMIGRANTS”
NON-IMMIGRANTS ADMITTED ON A TEMPORARY BASIS**

Description: **TEMPORARY NON-IMMIGRANT:** A temporary non-immigrant is an individual who has been allowed to enter the United States for a **specific purpose** and for a **limited period of time**. Examples include tourists, foreign students, and visitors on business or pleasure. For the purpose of Medicaid eligibility, non-immigrants may be eligible only for the treatment of an emergency medical condition.

Policy: Immigrants admitted on a temporary basis are “non-immigrants” and if other wise eligible, are limited to Medicaid coverage for the care and services necessary for the treatment of an emergency medical condition.

References:

SSL Sect	122 366(1)(b)
Dept. Reg.	360.3.2(j)
ADMs	04 ADM-07 92 ADM-10 88 ADM-47 88 ADM-22 88 ADM-4

Interpretation: Certain immigrants may be lawfully admitted to the United States temporarily for a specific purpose and for a specified period of time. Foreign students, visitors, tourists, some workers and diplomats are admitted but restricted due to the temporary nature of their admission status. Thus, although these individuals may be residing in the United States with the knowledge and permission of the USCIS, they are not qualified aliens.

Otherwise eligible non-immigrants who are admitted on a temporary basis and who require immediate medical care which is not otherwise available may receive Medicaid coverage for the care and the treatment of an emergency medical condition only. Such non-immigrants may receive this coverage, provided that they have not entered the State for the purpose of obtaining medical care.

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

**“NON-IMMIGRANTS”
NON-IMMIGRANTS ADMITTED ON A TEMPORARY BASIS**

Verification: Non-immigrants admitted on a temporary basis will have the following types of documentation:

Category 4: Temporary Non-immigrants

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>Temporary Non-immigrants include but are not limited to the following visa types::</p> <p>A –Foreign government representatives on official business;</p> <p>B-1 or B-2 - Visitors for business or pleasure;</p> <p>D - Crewmember on shore leave;</p> <p>E - Treaty Traders and investors;</p> <p>F - Foreign students;</p> <p>G - Representatives of international organizations;</p> <p>H - Temporary workers (including agricultural workers);</p> <p>I - Members of the foreign press;</p> <p>J - Exchange visitors;</p> <p>L - Intra-company transferee;</p> <p>O - Persons with extraordinary ability or achievement;</p> <p>P - Artists, Entertainers and Athletes;</p> <p>Q - Cultural Exchange Visitors; and</p> <p>R - Religious workers.</p>	<p>▶ I-94 Arrival/Departure Record or foreign passport stamped with non-immigrant code;</p> <p>▶ I-185 Canadian Border Crossing Card*;</p> <p>▶ I-586 Mexican Border Crossing Card*;</p> <p>▶ I-444 Mexican Border Visitor's Permit; or</p> <p>▶ I-95A Crewmen's Landing permit.</p> <p>▶ I-688B Employment Authorization Card</p> <p>▶ I-766 Employment Authorization Document</p> <p>*B-1/B-2 Visa/Border Crossing Card (BCC) is now issued in place of these documents</p> <p> </p> <p>(Temporary non-immigrants are lawfully admitted to the U.S. for a temporary or specified period of time.)</p>	<p style="font-size: 2em;">E</p> <p style="font-size: 1.2em;">Only eligible for the treatment of an Emergency medical condition</p>	<p style="font-size: 1.5em;">YES</p>	<p style="font-size: 1.2em;">NOT Required.</p> <p>However, may be assigned an SSN if USCIS/DHS has granted permission to work.</p>

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

“SPECIAL NON-IMMIGRANT”

Description: **SPECIAL NON-IMMIGRANT:** Some categories of “special” non-immigrant statuses allow the status (visa) holder to work in the United States and eventually adjust to Lawful Permanent Resident (LPR) status. These categories allow the individual to apply for adjustment to Lawful Permanent Resident (LPR) status after he or she has had the non-immigrant status for a period of time. These statuses are included in the category defined as: “other persons living in the U.S. with the knowledge and permission and acquiescence of USCIS and whose departure USCIS does not contemplate enforcing.”

Such statuses include, for example:

K status: For the spouse, child, or fiancé(e) of a U.S. citizen.

S Status: For informants providing evidence for a criminal investigation. Also known as the “Snitch Visa”.

U Status: For victims or witnesses of specialized crimes (who have suffered substantial physical or mental abuse and agrees to cooperate with the government).

V Status: For spouses and children of LPR’s whose visa petitions (Form I-130) have been pending for at least three years.

Policy: Immigrants granted a “K”, “V”, “S”, or “U” visa category, if otherwise eligible should be authorized for Medicaid, Family Health Plus and Child Health Plus as a person who is Permanently Residing in the U.S. Under Color of Law (PRUCOL).

Interpretation: Non-immigrant visas V (Visa codes V-1, V-2 and V-3) and K (Visa codes K-3 and K-4) are two new categories of “special” non-immigrant visas that were created by the Legal Immigration and Family Equity Act (LIFE Act) and are issued to persons intending to live permanently in the United States. The V visa may be issued to alien spouses and minor children of lawful permanent residents whose family petitions (the I-130) have been pending for some time. The V visa is intended to permit family reunification while the immigration cases of the lawful permanent resident’s spouse and children are pending. The K visa allows the spouse and minor children of United States citizens to enter the United States legally and obtain work authorization. Individuals issued any of these visas may enter the United States as non-immigrants to complete the immigration process.

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

“SPECIAL NON-IMMIGRANT”

Holders of the S (Visa codes S-5, S-6 and S-7) or U visas (Visa codes U-1, U-2, U-3, and U-4) are considered PRUCOL and, if otherwise eligible, may receive Medicaid, FHPlus or CHPlus.

The S visa status is given to aliens who assist U.S. law enforcement to investigate and prosecute crimes and terrorist activities. S visa holders are allowed to adjust status to permanent resident under Section 245(j) of the Immigration and Nationality Act.

The U visa status is given to immigrants who are victims and/or witnesses of certain crimes who are assisting an investigation or prosecution. This status allows the non-immigrant to remain in the U.S. and to work. After three years in this status, a U status holder can apply to adjust their status.

With respect to the U visa status, the USCIS has directed that individuals who satisfactorily demonstrate to USCIS that they are eligible for a U visa are to be granted Deferred Action status. As such, holders of U visas are to be considered PRUCOL and, if otherwise eligible, may receive Medicaid, FHPlus or CHPlus.

**OTHER ELIGIBILITY REQUIREMENTS
CITIZENSHIP AND IMMIGRATION STATUS**

“SPECIAL NONIMMIGRANT”

Category 4: Special Nonimmigrants

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>Special Non-immigrants:</p> <p>Some categories of non-immigrant status allow the status holder to work and eventually adjust to lawful permanent residence. These categories allow the individual to apply for the adjustment to LPR status after he or she has had the non-immigrant status for a period of time. As SPECIAL NON-IMMIGRANTS, (K), (S), (T)*, and (V) visa holders are PRUCOL and are eligible for Medicaid/FHPlus/CHPlus.</p> <p>* Victims of Trafficking (T visas) receive benefits to the same extent as refugees (04 OMM/ADM-7).</p>	<ul style="list-style-type: none"> ▶ I-94 Arrival/Departure Record coded K3, K4, V1, V2, or V3, T*, U, or S; ▶ I-797 indicating the USCIS has received, taken action on or approved an application or petition; ▶ Postal Return Receipt addressed to the USCIS or copy of cancelled check to the USCIS and a copy of the enclosed documents submitted to the USCIS, or ▶ Correspondence to or from the USCIS, showing that the person is living in the U.S. with the knowledge and permission or acquiescence of the USCIS, and the USCIS does not contemplate enforcing the person’s departure from the U.S. 	<p style="font-size: 24pt; margin: 0;">O</p> <p style="margin: 0;">PRUCOL*</p> <p style="margin: 0;">*Except for Victims of Trafficking</p>	<p style="font-size: 24pt; margin: 0;">NO</p>	<p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirements for federal or state benefits, except for having an SSN.</p> <p>(08 OHIP INF-2)</p> <p>Note: Pregnant women are excluded from this requirement</p>