

OTHER ELIGIBILITY REQUIREMENTS SATISFACTORY IMMIGRATION STATUS

QUALIFIED ALIENS

Description:

Immigrants considered “Qualified aliens” include the following:

- Persons lawfully admitted for permanent residence;
- Persons admitted as refugees;
- Persons granted asylum;
- Persons granted status as Cuban and Haitian entrants;
- Persons admitted as Amerasian immigrants;
- Persons whose deportation has been withheld;
- Persons paroled into the United States for at least one year;
- Persons granted conditional entry;
- Persons determined to be battered or subject to extreme cruelty in the United States by a family member;
- Victims of trafficking; or
- Veterans or persons on active duty in the Armed Forces and their immediate family members.

Policy:

QUALIFIED ALIENS WHO ENTERED THE U.S. PRIOR TO AUGUST 22, 1996:

A qualified alien who entered the United States prior to August 22, 1996, may receive all care and services available under the Medicaid program, provided he or she is determined to be otherwise eligible. This provision includes individuals who attained qualified immigrant status subsequent to August 22, 1996, and who can demonstrate to the district’s satisfaction that they continuously resided in the United States until attaining qualified alien status. Federal Financial Participation (FFP) should be claimed for Medicaid provided to these qualified aliens.

QUALIFIED ALIENS WHO ENTERED THE U.S. ON OR AFTER AUGUST 22, 1996 AND ARE IN CERTAIN CATEGORIES EXEMPT FROM THE FEDERAL FIVE YEAR BAN ON MEDICAID:

The following qualified aliens who entered the United States on or after August 22, 1996, may receive all care and services available under the Medicaid program, provided they are determined to be otherwise eligible.

- Persons who have been granted asylum under Section 208 of the INA;
- Persons for whom deportation has been withheld under Section 243(h) or 241 (b) (3) of the INA;

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- Cuban/Haitian entrants, as defined in Section 501(e) of the Refugee Education Assistance Act of 1980 (P.L. 96-422);
- Qualified immigrants lawfully residing in the State who are on active duty in the armed forces, or who have received an honorable discharge from the armed forces and their spouses and unmarried dependent children, who are also qualified aliens.

NOTE: Non-citizen veterans and Active Duty Military personnel and their spouses and children are exempt from most of the immigration status related restrictions under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). For example they are eligible for Supplemental Security Income (SSI) and Food Stamps and are exempt from the five year ban.

- Refugees under Section 207 of the INA (including Amerasian immigrants admitted under the provisions of Public Law 100-202).
- Victims of a severe form of trafficking are qualified aliens who receive Medicaid to the same extent as refugees. A comprehensive discussion of this group is in the section “Victims of Trafficking” of this Reference Guide. Federal Financial Participation (FFP) should be claimed for Medicaid provided to these qualified aliens.

ALL OTHER QUALIFIED ALIENS WHO ARE NOT IN THE ABOVE TWO GROUPS:

This group of qualified aliens may receive all care and services available under the Medicaid program, provided s/he is determined to be otherwise eligible. However, for these individuals the date they physically entered the United States will determine whether or not Federal Financial Participation (FFP) is available. This date is called the “Date Entered Country” (DEC). During their first five years in the U.S. with a status as qualified alien, FFP is not available. The cost of their Medicaid coverage will be born solely by State and local shares (50% State/50% local). Once a qualified alien in this group has resided in the United States as a qualified alien for a period of five years, FFP will become available. This means the federal government will pay a share of their Medicaid costs.

Qualified aliens in this group include the following:

- Persons lawfully admitted for permanent residence (i.e. LPRs-“green card holders”) under the Immigration and Nationality Act (INA);

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- Persons paroled into the United States under Section 212(d)(5) of the INA for a period of at least one year;
- Persons granted conditional entry pursuant to Section 203(a)(7) Immigration and Nationality ACT (INA); and
- Persons who have been determined by the social services district to be in need of Medicaid as a result of being battered or subject to extreme cruelty in the United States by a spouse, parent, or by a member of the spouse’s or parent’s family residing in the same household as the alien family member at the time of the battering or extreme cruelty. (Refer to the section of this Reference Guide entitled “Battered Qualified Alien”)

References:	SSL Sect	122 131-k
	Dept Reg.	349.3 351.1 351.2 360-3.2 (j)
	ADMs	04 ADM 07 97 ADM 23 88 ADM 22 88 ADM 4 82 ADM 24
	INFS	06 INF-5

Interpretation: Applicants who meet the criteria above are considered to be in satisfactory immigration status and, if otherwise eligible, may receive all care and services provided by the Medicaid program.

Documentation: The following chart indicates examples of acceptable USCIS forms/documentation for qualified aliens who are in satisfactory immigration status.

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Category 2: Qualified Aliens

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
Native Americans born in Canada	<ul style="list-style-type: none"> ▶ I-94 coded "S1-3"; ▶ I-551 Permanent Resident Card stamped "S1-3"; ▶ Temporary I-551 stamp coded S1-3 in a Canadian passport; or ▶ Tribal Record or document certifying at least 50% American Indian blood, as required by Section 289 of the INA; and satisfactory evidence of birth in Canada, such as the following: <ul style="list-style-type: none"> - Birth certificate or Baptismal Certificate issued on a reservation; - Letter from Canadian Department of Indian Affairs; or - School Records. 	C	YES	<p>For the purposes of Medicaid, Native Americans are classified as U.S. citizens.</p> <p>An SSN is an eligibility requirement for all citizens applying for Medicaid or FHP.</p> <p>Note: Pregnant women are excluded from this requirement.</p>
Native Americans belonging to a Federally recognized Tribe born outside the U.S.	<ul style="list-style-type: none"> - Membership card or other tribal document demonstrating (I.E., tribal card), membership in federally recognized Indian tribe under Section 4(e) of the Indian Self-Determination and Education Assistance Act and satisfactory evidence of birth outside the U.S. 	C	YES	<p>Note: Pregnant women are excluded from this requirement.</p>
Refugees	<ul style="list-style-type: none"> ▶ I-94 or foreign passport with annotation "Section 207" of the INA or "Refugee" RE1, RE2, RE3, or RE4; ▶ I-551 coded R8-6, RE6, RE-7, RE-8, or RE-9; ▶ I-571 Refugee Travel Document; ▶ I-688B Employment Authorization Card annotated 8 C.F.R. 274a.12(a)(3); or ▶ I-766 Employment Authorization Document annotated "A3". 	R	YES	<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>
Asylees	<ul style="list-style-type: none"> ▶ I-94 or foreign passport annotated "granted Asylum under Section 208" of the INA, "Section 208" or "Asylee"; ▶ I-551 coded AS1, AS2, AS3, AS6, AS7 or AS8; ▶ I-571 Refugee Travel Document; ▶ I-688B Employment Authorization Card annotated 8 C.F.R. 274a.12(a)(5); ▶ I-766 Employment Authorization Document annotated "A5"; or ▶ Grant letter/order from the USCIS² Asylum Office or Immigration judge granting asylum. 	A	YES	<p>Note: Pregnant women are excluded from this requirement.</p>

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Category 2: Qualified Aliens continued

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
<p>Persons granted withholding of deportation or removal (Non-citizens whose deportation or removal has been withheld based on a finding that the person's life or freedom is threatened in the country of deportation based on race, religion, nationality, or membership in a particular social group or political opinion.)</p>	<ul style="list-style-type: none"> ▶ I-94 or foreign passport stamped "Section 243(h)" or "Section 241(b)(3)"; ▶ I-766 Employment Authorization Document annotated "A10"; ▶ Order issued by an immigration judge, the Board of Immigration appeals or a federal court showing the date that deportation was withheld under Section 243(h) of the INA, as in effect prior to April 1, 1997, or removal withheld under Section 241 (b)(3) of the INA. 	J	YES	<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>
<p>Cuban/Haitian Entrants</p>	<ul style="list-style-type: none"> ▶ I-94 with annotation "Cuban-Haitian Entrant" Section 212(d)(5) of the INA, or CU6, CU7 or any other notation indicating "parole" under 212 (d)(5) on or after 10/10/80; and satisfactory evidence that the parolee has been a citizen of Cuba or Haiti; ▶ I-551 coded CU6, CU7, CH6, CN-P, LB-2, LB-6 or LB-7; ▶ Temporary I-551 stamp coded "CU-6" or "CU-7" in a foreign passport; ▶ I-688B Employment Authorization Card annotated 8 C.F.R. 274a.12(c)(8), and satisfactory evidence that the parolee has been a citizen of Cuba or Haiti; ▶ I-766 Employment Authorization Document annotated "C8" and satisfactory evidence that the parolee has been a citizen of Cuba or Haiti;; ▶ Order to Show Cause (OSC), I-221S, or Notice to Appear (NTA), I-862, indicating pending exclusion, removal or deportation proceedings and satisfactory evidence that the parolee has been a citizen of Cuba or Haiti; or ▶ Any document indicating pending asylum application or filing of I-589 Application for Asylum with satisfactory evidence on the document that the person has been a citizen of Cuba or Haiti 	H	YES	<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>

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Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
Amerasians	<ul style="list-style-type: none"> ▶ I-94 Arrival/Departure Record of Vietnamese passport or exit visa stamped "AM1, AM2, AM3, AM6, AM7, or AM8"; ▶ I-551 Permanent Resident Card coded "AM1, AM2, AM3, AM6, AM7, or AM8"; ▶ Temporary I-551 stamp in Vietnamese passport "AM1, AM2, AM3, AM6, AM7, or AM8"; or ▶ I-571 Refugee Travel Document. 	R	YES	<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>
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 R NYC	YES	
Veterans (Immediate family members: documentation of relationship to veteran.)	<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	
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	

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Category 2: Qualified Aliens continued

Please note: **Qualified Aliens who are Eligible for State Medicaid until becoming Eligible for Federal Medicaid after a 5 Year Waiting Period:** Qualified aliens listed below, who entered the U.S before August 22, 1996, are eligible for federal Medicaid, if otherwise eligible. However, qualified aliens in these four categories who entered the U.S. on or after August 22, 1996, are subject to the federal five year ban. This means that they are *not* eligible for federally funded Medicaid until they have resided in the U.S. for five years in a qualified alien status. Until becoming eligible for federally funded Medicaid, these qualified aliens are eligible for State funded Medicaid coverage of all medically necessary care and services, if they meet the program's other eligibility requirements. Districts must enter the appropriate State/federal charge codes to assure proper claiming of federal and State shares. For these individuals the date they physically entered the U.S. will determine whether or not Federal Financial Participation (FFP) is available. This date is called the "Date Entered Country" (DEC). During their first five years in the U.S the cost of their Medicaid coverage will be born solely by the State and local share (50% State/50% local). Once a qualified alien in this group has resided in the United States as a qualified alien for a period of five years, FFP will become available. This means the federal government will pay a share of their Medicaid costs.

Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
Lawful Permanent Residents (LPRs or "green card" holders)	<ul style="list-style-type: none"> ▶ I-94 Arrival/Departure Record or foreign passport stamped I-551; ▶ I-551 Lawful Permanent Resident Card "green card"; ▶ I-327 Re-entry permit; or ▶ I-181 Memorandum of Creation of Record of Lawful Permanent Residence with approval stamp. 	K (without 40 quarters) S (with 40 quarters)	YES After 5 yrs in a qualified status	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.
Parolees admitted into the U.S. for at least one year (Non-citizen who have been allowed to come into the U.S. for humanitarian or public interest reasons.)	<ul style="list-style-type: none"> ▶ I-94 Arrival/Departure Record with annotation "Paroled Pursuant to Section 212(d)(5)" or "parole" or "PIP" or "public interest" with the date of entry and date of expiration indicating at least one year; ▶ 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". 	G	YES After 5 yrs in a qualified status	
Conditional Entrants (Status granted to refugees before 1980.)	<ul style="list-style-type: none"> ▶ I-94 Arrival/Departure Record stamped Section 203(a)(7), or otherwise indicating status as a conditional entrant;; ▶ I-688B Employment Authorization Card annotated "8 C.F.R. 274a.12(a)(3)"; or ▶ I-766 Employment Authorization Document annotated "A3". 	F	YES After 5 yrs in a qualified status	

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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 <u>approved</u> 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 permission to refer to DVL); or ▶ I-797 Notice of Action indicating the alien is the beneficiary of a <u>pending or approved</u> I-130 petition and credible evidence of battery and/or abuse (Request 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 permission to refer to DVL); or 	<p align="center">B</p>	<p align="center">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>

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Category	Documentation	WMS ACI Code	Federal Financial Participation (FFP)	Social Security Number (SSN) Requirement
(from previous page)	(from previous page) ► I-94 or Foreign passport annotated CR1, CR2, CR6, CR7 with credible evidence of battery and/or abuse (Request 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 and/or abuse (Request alien's permission to refer to DVL).			

NOTE: Referral to a domestic violence liaison (DVL): Medicaid-only offices may 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 alien 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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