

**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 otherwise 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
GISs	08MA/009

**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.

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

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**“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.

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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 aliens 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.

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**Category 4: Special Non-Immigrants**

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"> <li>▶ I-94 Arrival/Departure Record coded K3, K4, V1, V2, or V3, T*, U, or S;</li> <li>▶ I-797 indicating the USCIS has received, taken action on or approved an application or petition;</li> <li>▶ Postal Return Receipt addressed to the USCIS or copy of cancelled check to the USCIS and a copy of the of the enclosed documents submitted to the USCIS, or</li> <li>▶ 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.</li> </ul>	<p align="center"><b>O</b> PRUCOL*</p> <p><b>*Except for Victims of Trafficking</b></p>	<p align="center"><b>NO</b></p>	<p>LDSS must provide immigrants with a letter addressed to SSA for those immigrants without work authorization who met all the eligibility requirement 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>