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**ALIEN REQUIREMENTS**

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**REVISED 5/31/2024 – CHANGE NO. 10-24**

**[Current Change Notice: 10-24](#)**

- Section X.A.4.d. (11) - The individual may submit another application at any time after the case is terminated. The caseworker must give the applicant another 90-day reasonable opportunity process. There is no limit to the number of ROP's allowed for any applicant.
- North Carolina Health Choice (NCHC) and CHIP language have been removed.

**I. INTRODUCTION**

Individuals who live in the U.S. and are not U.S. citizens are aliens. Each applicant/beneficiary (a/b) must provide or cooperate in obtaining proof of alien status. Once documented in the case record, no further requests are made unless the documents become questionable or the individual's alien status changes. If the a/b is undocumented, no citizenship, identity or alien documentation is needed.

The purpose of this section is to provide instructions for determining alien status. The Glossary of USCIS Terms in MA-2504.III below, provides definitions for the United States Citizenship and Immigration Services (USCIS) terms with which you may not be familiar. Section MA-2504.V below, Overview of Alien Eligibility for Medicaid, provides a list of immigration statuses, eligibility information and verification documents.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), and numerous amendments to it, have significantly changed Medicaid eligibility for individuals who are not citizens of the United States. Some laws which amended the Personal Responsibility and Work Opportunity Reconciliation Act are Section 501 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (P.L. 104-208), the Balanced Budget Act of 1997 (P.L. 105-33), the non-citizen Benefit Clarification and Other Technical Amendments Act of 1998 (P.L. 105-306), and the Violence Against Women Act of 2000 (Division B. of P.L. 106-386). The Trafficking Victims Protections Act of 2000 (Division A. of P.L. 106-386) made changes that affect the eligibility of non-citizens.

The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) expands Medicaid eligibility without a waiting period to all "lawfully residing" pregnant women (up to 60 days postpartum) and children under age 19 who are otherwise eligible. "Lawfully residing" immigrants include Lawful Permanent Residents (green card holders) as well as other "qualified" immigrants and many other categories of immigrants who have permission to live or work in the U.S. For a list of eligible statuses, refer to the chart in MA-2504.V below, Overview of Alien Eligibility for Medicaid. Lawfully residing immigrants who are eligible under the CHIPRA option are not subject to the 5-year bar or sponsor- deeming rules.

The Department of Defense Appropriations Act of 2010 (P.L. 111-118) amends the Refugee Crisis in Iraq Act of 2007(P.L. 110-181) and the Afghan Allies Protection Act of 2009 (P.L. 111-8) by making Iraqi and Afghan Special Immigrants (SIVs) eligible for resettlement assistance, federal benefits and entitlements for the same time period as Refugees.

Iraqi and Afghan special immigrants will no longer be bound by the 5-year bar or limited to an 8-month period of eligibility for Medicaid.

## II. PRINCIPLES AND KEY QUESTIONS

To be eligible for full Medicaid, an individual must be a U.S. citizen or an alien WITH LAWFUL IMMIGRATION STATUS in the United States. Immigrants who do not meet this requirement or citizens for whom citizenship and identity are questionable are eligible for Medicaid for emergency medical services only.

REGARDLESS OF IMMIGRATION STATUS, EACH A/B MUST MEET ALL CATEGORICAL AND FINANCIAL ELIGIBILITY REQUIREMENTS FOR THE AID PROGRAM/CATEGORY. THIS INCLUDES MA-2220 STATE RESIDENCY AND MA-2525, DISABILITY, IN THE AGED, BLIND AND DISABLED MEDICAID MANUAL (IF APPROPRIATE). ONCE EACH A/B MEETS ALL REQUIREMENTS, HE MAY BE ELIGIBLE FOR FULL OR EMERGENCY MEDICAID.

## III. GLOSSARY OF USCIS TERMS

The caseworker will encounter unfamiliar terms in processing applications from aliens. The following definitions are informational in nature and should not be used for any other purpose. They do not represent any formal position or policy of **Division of Health Benefits (DHB)**. Official definitions have been shortened or edited whenever necessary to facilitate use by the caseworker. Additional information regarding citizenship and immigration status may be found at the following website [www.uscis.gov/portal/site/uscis](http://www.uscis.gov/portal/site/uscis).

**Alien:** Any person who is not a citizen or national of the United States.

**Adjustment to Immigrant Status:** Procedure allowing certain aliens already in the U.S. to apply for immigrant status. Aliens admitted to the U.S. in a nonimmigrant, refugee or parolee category may have their status changed to that of lawful permanent resident if they are eligible to receive an immigrant visa and one is immediately available. In such cases, the alien is counted as an immigrant as of the date of adjustment, even though the alien may have been in the U.S. for an extended period of time. Some immigrants are also allowed to adjust status in the U.S. if they have been petitioned for by a spouse, parent or child who has sponsored them to become a lawful permanent resident and they meet other eligibility criteria for adjustment of status (section 245(i) of the INA, section 204 of the Act of 212(a)(5)(A)).

**Alien File (A-File):** The history file containing all data and documentation pertaining to an individual alien. An A-file is created or amended when any one of several USCIS actions occurs, for

example, an application for permanent resident status or for a Certificate of Citizenship. Alien Registration Numbers are assigned at the local File Control Office (FCO) processing the initial action. Each FCO has a set of pre-numbered folder jackets. The lower number folders are used first.

**Alien Registration Number (A-Number):** A seven or eight-digit number assigned to an alien at the time his Alien file is created. The “A-number appears on most correspondence to a non-citizen from USCIS, including I-797 notices. It appears on the front of a legal permanent resident card (I-551) and on the front of an Employment Authorization Card (I-766) under the heading, “USCIS number”.

**Amerasian Act:** P.L. 97-359 (Act of 10/22/1982) provides for the immigration to the U.S of certain Amerasian children. In order to qualify for benefits under this law, an alien must have been born in Cambodia, Korea, Laos, Thailand or Vietnam after December 31, 1950 and before October 22, 1982 and have been fathered by a U.S. citizen.

**Amerasian (Vietnam):** Immigrant visas are issued to Amerasians under P.L. 100-202 (Act of 12/22/1987) which provides for the admission of aliens born in Vietnam after January 1, 1962 and before January 1, 1976 if the alien was fathered by a U.S. citizen. Spouses, children and parents or guardians may accompany the alien.

**Applicants for Adjustment to LPR Status with Approved Visa Petitions:** Individuals whose relatives or employers have petitioned for them to receive immigration benefits may be able to adjust to LPR status in the U.S. After the visa petition is approved, there may be a long waiting period before an eligible non-citizen may apply to adjust his or her status. Individuals with **approved** visa petitions who have applied for adjustment to LPR status are “lawfully present”.

**Applicants for asylum or withholding of deportation/removal (including withholding of deportation/removal under the Convention Against Torture (CAT) act:** If the individual is **over** 14 years old, they are considered “lawfully present” **if** they are granted employment authorization. Applicants who are **under** 14 years of age are considered “lawfully present” **if** their application for asylum or withholding of deportation/removal has been pending for 180 days. Some applicants for relief under the CAT or under the CAT act are granted a *deferral* of removal instead. Individuals granted deferral of removal may be released under an “order of supervision” and may obtain authorization to work on that basis. **If** they obtain a work authorization document, these individuals would be considered “lawfully present” in the U.S.

**Applicants for Cancellation of Removal or Suspension of Deportation with employment authorization:** Individuals in removal or deportation proceedings who establish that they have been continuously present in the U.S., that they have good moral character and that their removal would cause “exceptional and extremely unusual hardship” to a U.S. citizen or LPR parent, spouse or child may apply for the discretionary relief of cancellation of removal or suspension of deportation.

**Applicant for Legalization under IRCA or the LIFE Act with employment authorization:** Applicants for adjustment under IRCA or LIFE who have been granted employment authorization are “lawfully present”.

**Applicants for Special Immigrant Juvenile Status:** Children who are declared dependent on the juvenile court and who are eligible for long-term foster care may apply for adjustment of status when a court or agency determines that return to their country of origin is not in their best interest. Children who have applied for special immigrant juvenile status (SIJS) are “lawfully present”.

**Applicant for Temporary Protected Status:** Applicants for TPS must be granted employment authorization if they have filed a “prima facie” application for TPS. Applicants for TPS who have been granted employment authorization are “lawfully present”.

**Asylee:** An alien in the U.S. or at a port of entry who is found to be unable or unwilling to return to his or her country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the alien’s race, religion, nationality, membership in a particular social group or political opinion. For persons with no nationality, the country of nationality is considered to be the country in which the alien last habitually resided. Asylees are eligible to adjust to lawful permanent resident status after one year of continuous presence in the U.S. These immigrants are limited to 10,000 adjustments per fiscal year. The status is covered by section 212 of the Immigration and Nationality Act of 1952. (See also definition for refugee).

**Battered Alien:** A battered spouse, child or parent may file an immigrant visa petition under the Immigration and Nationality Act (INA), as amended by the Violence Against Women Act (VAWA). The VAWA provisions in the INA allow certain spouses, children and parents of U.S. citizens and certain spouses and children of permanent residents (Green Card-Holders) to file a petition for themselves without the abuser’s knowledge. This allows victims to seek both safety and independence from their abuser, who is not notified about the filing.

**Border Crosser:** An alien resident of the U.S. re-entering the country after an absence of less than six months in Canada or Mexico, or a nonresident alien entering the U.S. across the Canadian border for stays of no more than six months or across the Mexican border for stays of no more than 72 hours. Entry for a citizen of Mexico requires a passport and a nonimmigrant VISA or a DSP-150. (This is the same as a B1-B2 Visa). The passport must be valid for 6 months beyond the initial period of stay in the U.S. (The I-586 is no longer valid as a border crossing document).

**Central Index System (CIS):** An automated system containing information on aliens. The CIS from which ASVI (Alien Status Verification Information) is extracted, is the USCIS’s most complete database on aliens in the U.S.

**Certificate of Citizenship:** An identity document proving U.S. Citizenship.

**Certificate of Naturalization:** An identity document proving U.S. Citizenship.

**Change of Nonimmigrant Status:** The action of changing a nonimmigrant’s classification. e.g. from visitor to student.

**Citizenship:** The country in which a person is born (and has not renounced or lost citizenship) or naturalized and to which that person owes allegiance and by which he/she is entitled to be protected.

**Compact of Free Association (COFA) or Compact Citizens:** Citizens of the Federated States of Micronesia, the Marshall Islands and the Republic of Palau have special rights. They are “qualified non-citizens” who are allowed to enter, reside, and work in the U.S. indefinitely. COFA individuals are not citizens or national of the United States. These individuals are exempt from the 5-year bar. This applies to all Medicaid benefits

**Conditional Entrant:** A refugee. (See also definition for refugee conditional entrant). Before “refugee” status was established in the U.S. law by the Refugee Act of 1980, nationals of communist countries or of certain countries in the Middle East were admitted as “conditional entrants” a status similar to refugee status. This classification has not been used since 1980. Conditional entrants are “qualified” immigrants and are “lawfully present” in the U.S. as a refugee. (REAA 1980 and section 209 INA).

**Cuban-Haitian Entrant:** Any individual granted parole status (by DHS) as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided and any other national of Cuba or Haiti (1) Who:(i) was paroled in the United States and has not acquired any other status under the INA: (ii) is the subject of exclusion or deportation proceedings under the INA or (iii) has an application for asylum pending with (DHS) and (2) with respect to whom a final, non-appealable and legally enforceable order of deportation or exclusion has not been entered. This status is covered by section 505(e) of INA.

**Conditional Resident:** An alien granted a two-year period of legal permanent resident status based on a “qualifying” marriage to a U.S. citizen or national or permanent resident alien.

Children of a U.S. citizen or national or permanent resident alien may also have this status. The conditional status may be removed after two years, when the USCIS rules favorably or unfavorably on granting permanent lawful resident status to the alien. Conditional residents are treated the same as lawful permanent residents for purposes of public benefits eligibility.

**Deferred Action:** Deferred action is granted by USCIS administratively for a limited number of reasons. This relief most commonly has been used by USCIS to grant employment authorization to individuals who have petitioned for status under the VAWA and for people with urgent medical needs. With the exception of individuals granted deferred action under the DACA program described below. Individuals granted deferred action are “lawfully present”.

**DACA-Deferred Action for Childhood Arrivals:** Deferred Action for childhood arrivals, is a policy which allows certain undocumented immigrants who entered the country before their 16<sup>th</sup> birthday and before June 2007 to receive a renewable two-year work permit and exemption from deportation. It does not confer legal immigration status or provide a path to

citizenship. DACA individuals can **only** be considered for coverage under emergency services Medicaid even if pregnant or a child under age 19.

**Document Verification Request (Form G-845):** A document designed for use by entitlement benefit agencies to request additional verification of alien status and sponsorship from USCIS under the Immigration Reform and Control Act of 1986.

**Documented Alien:** An alien in the U.S. who is in possession of valid documents.

**Deferred Enforced Departure (DED):** is a status very similar to Temporary Protected Status (TPS). DED is granted to non-citizens from particular countries by presidential proclamation or other executive action. DED status allows eligible persons to remain lawfully in the U.S. for a limited, specified period and to receive employment authorization. Persons granted DED are “lawfully present”.

**Family Unity Beneficiaries:** (LIFE Act) Family Unity status provides protection from deportation/removal and eligibility for employment authorization to the spouses and children of non-citizens who legalized under IRCA of LIFE Act.

**File Control Office (FCO):** An USCIS field office where Alien Files are maintained.

**Green Card:** A slang term describing the Alien Registration Receipt Card (Form I-151 or Form I-551). Many versions of these cards are not green in color.

**Granted Withholding of Deportation or Withholding of Removal Deportation:** This status is similar to, but separate from, asylum for persons whose life or freedom would be threatened if they return to their home country. Persons granted withholding may be deported to a third country if one will accept them, but they may not be returned to their home country. Unlike refugee and asylum status, this status does not provide a path for individuals to obtain LPR status. These individuals are “lawfully present”.

**Iraqi or Afghan Special Immigrants:** Iraqi or Afghan nationals who worked for the U.S. government and their derivatives. Afghan and Iraqi special immigrants are eligible for the same period as refugees.

**Illegal Alien:** A foreign national who (a) entered the U.S. without inspection or with fraudulent documentation or (b) who, after entering legally as a nonimmigrant, violated status and remained in the U.S. without authorization. (See also definition for undocumented alien).

**Immigrant:** An alien who has been lawfully afforded the privilege of residing permanently in the U.S. (See also definition for lawful permanent resident alien and permanent resident alien). (INA section 101(a)(15)).

**Immigrant Visa:** A document, issued by a U.S. consul abroad, which authorizes an alien to apply for admission as an immigrant to the U.S.

**Immigration and Nationality Act of 1952 (INA):** The Act (INA), which along with other immigration laws, treaties and conventions of the U.S. relates to the immigration, temporary admission, naturalization and removal of aliens.

**Immigration Reform and Control Act of 1986 (IRCA):** P.L. 99-603 (Act of 11/6/1986), which was passed in order to control and deter illegal immigration to the U.S. Its major provisions stipulate legalization of undocumented aliens who had been continuously unlawfully present since 1982, legalization of certain agricultural workers, sanctions for employers who knowingly hire undocumented workers and increased enforcement at U.S. borders.

**Immigration Status:** The legal status conferred on an alien by Immigration laws.

**Immigration Status Verifier (ISV):** A USCIS employee that performs additional verification duties at local File Control Offices or a county worker completing verification in the SAVE system.

**Lawful Permanent Resident Alien:** Any person not a citizen of the U.S. who is residing in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant. Also known as, “Permanent Resident Alien,” “Resident Alien Permit Holder,” and “Green Card Holder”.

**Lawfully Residing/Lawful Presence and/or Qualified Aliens:** “Lawfully residing in the U.S” means that an individual is “lawfully present” as defined by 8 CFR 103.12(a) and is a resident of the U.S. The terms “lawfully residing and lawfully present” are broader than the term “qualified alien” in section 431 of PRWORA (8U.S.C. § 1641) with respect to immigration status. “Lawfully present” individuals include not only those classified as “qualified” immigrants, but also several other categories of non-U.S. citizens who have permission to live and/or work in the U.S. (See also Qualified Alien for other individuals who may be eligible for Medicaid).

**LIFE Act Legalization:** A program whereby an illegal alien may receive amnesty and adjust his immigration status to that of a temporary resident. The alien must establish proof of entry prior to January 1, 1982 and continuous unlawful residence since that time. This program is covered by section 245(A)(c)(5) of IRCA.

**Migrant:** A person who leaves his/her country of origin to seek residence in another country.

**Nationality:** The state or country to which a person owes legal allegiance. Note that the country of birth does not necessarily correspond to the nationality.

**Naturalization:** The conferring of nationality of a state or country upon a person who has been born under allegiance to another nation.

**Nonimmigrant:** An alien who seeks temporary entry to the U.S. for a specific purpose. This category includes foreign government officials, visitors for business and pleasure and students. Some non-immigrants have specialized employment privileges, for example, foreign nationals who are employees of the U.S. office of a foreign owned company.

**Nonimmigrant Information System (NIIS):** The USCIS online files that store information on non-immigrants in the U.S. such as foreign visitors, government personnel, ship and flight crews.

**Order of Supervision:** (with employment authorization)-Under the authority of 8 CFR 241(a)(3). Individuals with final order of deportation or removal whom the immigration authorities are unable to remove, may be released under an order of supervision.

**Parolee:** An alien who appears to be inadmissible to the inspecting officer, that is allowed to enter the U.S. under emergency conditions or when the alien's entry is determined to be in the public interest. Although parolees are required to leave when the conditions supporting their parole cease to exist, they may sometimes adjust immigration status to Asylee. Parolee status is covered by section 212 of INA.

**Permanent Resident Alien:** A person that enters the country with an immigrant visa or adjusts his status after entering as a nonimmigrant, refugee or asylee. Permanent residents are also commonly referred to as immigrants. Lawful permanent residents are legally accorded the privilege of residing permanently in the U.S. Persons with this status are entitled to live and work in the U.S. and collect entitlement benefits, if qualified, (See also definition for immigrant lawful permanent resident alien).

**Qualified Alien:** Qualified aliens include lawful permanent residents, refugees, asylees, conditional entrants, persons granted withholding of deportation, certain Cuban/Haitian entrants, certain victims of domestic violence and human trafficking and persons paroled into the U.S. for one year or more. Some categories of Qualified Aliens are subject to a 5-year bar on receiving federal means-tested public benefits, while others are not. All immigrants who entered the country prior to August 22, 1996 and remained continually present until they secured qualified immigrant status are exempt from the five-year bar as well as several other categories of qualified aliens. An alien is a "qualified alien" pursuant to section 431(b) of the Personal Responsibility Act (P.L. 104-193) or under the definition as expanded in subsequent legislation. There are eight categories of qualified aliens. Use the chart below in MA-2504 V. to determine the documentation and verification requirements for each category.

**Refugee Conditional Entrant:** An alien who entered the U.S. or who adjusted his status to lawful permanent resident under the seventh preference category of P.L. 89-236, which was enacted in 1965. This status was established by section 203(a)(7) of INA, but the seventh preference was abolished by the Refugee Act of 1980 (P.L. 96-212). Refugees are non-citizens who, while outside the U.S. and their home country, were granted permission to enter and reside in the U.S. because they have a well-founded fear of persecution in their home country. Refugees are "qualified" immigrants and are "lawfully present" in the U.S.

**Registry Applicant:** (with employment authorization)- Individuals who have resided continuously in the U.S. since January 1, 1972 and who meet the requirements of LPR status may adjust their status by applying for "registry".

**Replenishment Agricultural Workers (RAW):** Established by the Immigration Reform and Control Act of 1986 (IRCA). Designed to provide immigration benefits to



farm workers who entered the country after a shortage of agricultural workers was deemed to have occurred. These individuals were granted Employment Authorization and were required to work in seasonal agricultural services for three years.

**Special Agricultural Worker (SAW):** An alien who has resided in the U.S. and performed agricultural labor for at least 90 man-days during the one-year period prior to May 1, 1986. This alien may be granted temporary lawful resident alien status. The SAW status is limited to the first 350,000 aliens that apply. This program is covered under section 210(b)(6) of the IRCA.

**Students/Schools System (STSC):** The USCIS online file that contains information on foreign students in the U.S. academic and vocational educational institutions.

**Systematic Alien Verification for Entitlements (SAVE):** A web-based system used by state agencies to verify the status of an alien in order to determine eligibility for entitlement benefits.

**Temporary Lawful Resident Alien:** An alien granted a one-year period of lawful resident status based on his qualifications under the legalization or SAW programs. The temporary status may be removed after one year, when the USCIS rules favorably or unfavorably on granting permanent lawful resident status to the alien.

**Trafficking Victim/ “T” Visa:** Immigrant survivors of a severe form of human trafficking are eligible for federal benefits, such as Medicaid, to the same extent as refugees. Their status is NOT verified using SAVE.

**Trafficking Survivors-Derivative Beneficiaries:** Immediate family members of a trafficking victim, such as spouse or children.

**Undocumented alien:** An alien in the U.S. without proper documentation. He is in violation of U.S. immigration law. (See also definition for illegal alien).

**United States:** Defined in a geographical sense as the continental U.S., Alaska, Hawaii, Puerto Rico, Guam, U.S. Virgin Islands and Northern Mariana Islands.

**Veteran:** Those individuals serving on active duty in the U.S. Armed Forces, in the Selected Reserve of the Ready Reserve or who previously served in the U.S. Armed Forces or Selected Reserve of the Ready Reserve. (Immediate relatives includes spouses of U.S. citizens, children (unmarried dependent children under age 21) of U.S. citizens or parents of U.S. citizens.

#### **IV. 5-YEAR MANDATORY DISQUALIFICATION PERIOD (FIVE-YEAR BAR)**

There is a 5-year mandatory disqualification period for certain qualified aliens if admitted on or after August 22, 1996. If the 5-year bar applies, the clock begins to run on the date that the person obtained qualified status.

##### **A. Subject to the 5-year bar**

1. If the 5-year disqualification period applies, evaluate for emergency medical services.
2. After the 5-year disqualification period expires, qualified aliens are potentially eligible for full Medicaid just like U.S. citizens.
3. The 5-year disqualification period does not apply to aliens applying only for emergency Medicaid services.
4. When the 5-year disqualification period applies, the clock begins to run on the date that the individual obtained qualified status. This rule applies equally to persons who were in the country without documents prior to August 22, 1996.

Refer to the chart in MA-2504 V. below to determine if an applicant is subject to or exempt from the 5-year bar.

### **B. Exceptions to the 5-year Bar**

1. Continuous Presence: If the individual entered the country prior to August 22, 1996 and remained continually present until they secured qualified immigrant status, they are not subject to the five-year bar. They are eligible as soon as they obtained qualified immigrant status.
  - a. If the individual does not have documentation and they can prove they have been continuously present since August 22, 1996, they may be exempt from the 5-year bar. The applicant's presence will likely be difficult to establish but can be verified through various forms of documentation including utility bills.
  - b. If the individual cannot establish continuous presence by other documentation or if they left the U.S. for a period of time, they may be able to establish that they are exempt from the 5-year bar, by providing verification that they have obtained 40 qualifying quarters. (For instructions on how to determine the 40 qualifying quarters see, IX. below).
2. Pregnant women and children under 19, who are "lawfully present" or "qualified aliens" are not subject to the 5-year bar.

### **C. Federal Market Place Coverage**

If the individual is not eligible for Medicaid in any program category, they may be eligible for subsidies in the Marketplace. Health coverage applications from non- citizens in these categories should be accepted and if denied for Medicaid, will be forwarded to the Marketplace.

## **V. OVERVIEW OF ALIEN ELIGIBILITY FOR MEDICAID. This is not an all-inclusive list.**

**The caseworker is required to verify most Alien's classification status by utilizing SAVE Refer to MA-2504 VII, for Procedures to Obtain USCIS Verification.**

<p style="text-align: center;"><b>ALIEN CLASSIFICATION</b></p>	<p style="text-align: center;"><b>VERIFICATION DOCUMENTS- This is not an exhaustive list</b></p>	<p style="text-align: center;"><b>EVALUATE FOR</b></p>
<p><b>Active Duty Military</b> Includes spouse and unmarried dependent children under 21</p>	<ul style="list-style-type: none"> <li>• Green Form DD-2 marked “active”</li> <li>• Or current orders showing full time duty in U.S. Armed Forces (Reserves are not considered active duty)</li> </ul>	<p><b>Exempt from the 5-year bar</b> Evaluate for full Medicaid</p> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies.</p>
<p><b>American Indian</b></p>	<p>Tribal membership card or tribal document demonstrating membership in a federally recognized Indian tribe under section 4(e) of the Indian Self-Determination Education Assistance Act.</p> <p><u>Does not</u> include spouse or child of the individual. <u>Does not</u> include non-citizen whose membership in an Indian tribe or family is created by adoption unless he is of at least 50% or more American Indian by blood.</p>	<p><b>Exempt from the 5-year bar</b> Evaluate for full Medicaid</p> <p>If not eligible for Medicaid -the individual may be eligible for Marketplace subsidies.</p>
<p><b>American Indian Born in Canada</b></p>	<ul style="list-style-type: none"> <li>• I-551-(Alien Registration Receipt card) with code (S13)</li> <li>• Canadian passport stamped with an unexpired temporary I-551 stamp (S13)</li> <li>• A letter or other tribal document certifying at least 50% American Indian blood, as required by section 289 of the INA, combined with a birth certificate or other satisfactory evidence of birth in Canada.</li> </ul>	<p><b>Exempt from the 5-year bar</b> Evaluate for full Medicaid</p> <p>If not eligible for Medicaid -the individual may be eligible for Marketplace subsidies.</p>

<p><b>American Samoa</b></p>	<ul style="list-style-type: none"> <li>• Lawfully present in American Samoa under immigration laws of American Samoa</li> <li>• Documentation from American Samoa Immigration Office</li> </ul>	<p><b>Subject to the 5-year bar.</b>  (eligible for full Medicaid after the 5-year bar ends)  <b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>
<p><b>Amerasian Immigrants</b></p>	<ul style="list-style-type: none"> <li>• I-551, Foreign passport or 1-94 stamped with one of the following codes: AM-1, AM-2, AM-3, AM-6, AM-7, or AM-8</li> <li>• Any verification from the INS, DHS or other authoritative document.</li> </ul>	<p><b>Exempt from the 5-year bar</b>  Evaluate for full Medicaid</p> <p>If not eligible for Medicaid -the individual may be eligible for Marketplace subsidies.</p>

<p><b>Applicants for Adjustment to LPR Status with Approved Visa Petitions</b></p>	<ul style="list-style-type: none"> <li>• Receipt or notice showing filing or pending status of Form I-485 Application to Register Permanent Residence or Adjust Status</li> <li>• Form I-797 ASC Appointment Notice with Case Type “I-485 Application to Register Permanent Residence or Adjust Status”</li> <li>• Form I-688B or I-766 employment authorization document (EAD) coded 274a.12(c)(9) or C9 or C9P</li> <li>• I-797 receipt for Application for Employment Authorization based on C09</li> <li>• I-512 authorization for parole, indicating applicant for adjustment of status</li> <li>• Any verification from the INS, DHS, or other authoritative document</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid -the individual may be eligible for Marketplace subsidies</p>
<p><b>Applicants for asylum or withholding of deportation/removal (including withholding of deportation/removal under the CAT)</b></p>	<ul style="list-style-type: none"> <li>• I-797 Receipt or notice showing filing or pending status of Form I-589 Application for Asylum and Withholding or CAT</li> <li>• Form I-688B or I-766 EAD coded 274a.12(c)(8) or C8</li> <li>• Any verification from the INS, DHS, or other authoritative document</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>

<p><b>Applicants for Cancellation of Removal or Suspension of Deportation</b> with employment authorization</p>	<ul style="list-style-type: none"> <li>• Receipt or notice showing filing Form EOIR-40 (Application for Suspension of Deportation), EOIR-42 (Application for Cancellation of Removal), or I-881 (Application for Suspension of Deportation or Special Rule Cancellation of Removal)</li> <li>• I-256A (former suspension application)</li> <li>• Form I-688B or I-766 EAD coded 274a.12(c)(10) or C10</li> <li>• Any verification from the INS, DHS, or other authoritative document</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>
<p><b>Applicants for Special Immigrant Juvenile Status- (SIJS)</b></p>	<ul style="list-style-type: none"> <li>• Form I-797 Notice of Action Special Immigrant Juvenile Approval Notice</li> <li>• Form I-797 Welcome Notice/Approval of I-485, “Other Basis of Adjustment SL1 or SL6”</li> <li>• I-551 coded “SL1 or SL6”</li> <li>• Any verification from the INS, DHS, or other authoritative document.</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>

<p><b>Applicant for Temporary Protected Status</b></p>	<ul style="list-style-type: none"> <li>• Receipt or notice showing filing or pending status of Form I-821 (Application for Temporary Protected Status)</li> <li>• Form I-688B or I-766 EAD coded 274a.12(c)(19) or C19</li> <li>• Any verification from the INS, DHS, or other authoritative document</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>
<p><b>Asylee</b></p>	<ul style="list-style-type: none"> <li>• Form I-94, I-94A, or passport stamped “asylee” or “§ 208”</li> <li>• Order granting asylum issued by the INS, DHS, an immigration judge, the BIA, or a federal court</li> <li>• Form I-688B or I-766 EAD coded 274a.12(a)(5) or A5</li> <li>• Refugee travel document (I-571)</li> <li>• Any verification from the INS, DHS, or other authoritative document.</li> </ul>	<p><b>Exempt from the 5-year bar</b></p> <p>Evaluate for full Medicaid</p> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies.</p>

<p><b>Battered Alien-</b> (Violence Against Women Act) Includes battered alien's child and parent of battered alien child</p>	<ul style="list-style-type: none"> <li>• Receipt or other proof of filing I-130 (visa petition) under immediate relative (IR) or 2nd family preference (P-2) showing status as a spouse or child.</li> <li>• Form I-360 (application to qualify as abused spouse, child, or parent under the VAWA)</li> <li>• Form I-797 Notice of Action referencing pending I-130 or I-360 or finding establishment of a prima facie case</li> <li>• Receipt or other proof of filing I-485 Application for Adjustment of Status on basis of an immediate relative or family 2nd preference petition or VAWA application</li> <li>• Any documents indicating a pending suspension of deportation or cancellation of removal case, including a receipt from an immigration court indicating filing of Form EOIR-40 (Application for Suspension of Deportation) or EOIR-42 (Application for Cancellation of Removal)</li> <li>• Form I-688B or I-766 EAD coded 274a.12(a)(10) or A10 (applicant for suspension of deportation) or 274a.12(c)(14) or C14 (individual granted deferred action status)</li> <li>• Form I-688B or I-766 EAD coded 274.a.12(c)(9) or C9 (applicant for adjustment) or 274a.12(c)(10) or C10 (applicant for suspension of deportation) or 274a.12(c)(14) or C14 (individual granted deferred action status) or C31 (approved VAWA self-petition)</li> <li>• Any verification from the INS, DHS, or other authoritative document.</li> </ul>	<p><b>Subject to the 5-year bar.</b> (eligible for full Medicaid after the 5-year bar ends) <b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>
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<p><b>Compact of Free Association (COFA) or Compact Citizens</b></p>	<ul style="list-style-type: none"> <li>• I-94- marked Compact of Free Association (COFA) with FSM-Federated States of Micronesia or CFA with MIS-Marshall Islands</li> <li>• I-766 OR I-688B (Employment Authorization Card) annotated "274a.12(a)(8) or A8</li> <li>• Any verification from Department of Homeland Security (DHS) or other authoritative document</li> <li>• Unexpired Foreign Passport stamped by U.S. Customs and Border Protection (CBP) with one of the following. <ul style="list-style-type: none"> <li>• CFA/MIS,</li> <li>• CFA/FSM,</li> <li>• CFA/RMI</li> <li>• CFA/PAL</li> </ul> </li> </ul>	<p><b>Exempt from the 5-year bar.</b></p> <p><b>Evaluate for full Medicaid. If not eligible for Medicaid the individual may be eligible for Marketplace subsidies.</b></p>
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<p><b>Conditional Entrant</b></p>	<ul style="list-style-type: none"> <li>• Form I-94, I-94A, or other document indicating status as “conditional entrant,” “Seventh Preference,” § 203(a)(7) or A7</li> <li>• I-766 or I-688B (Employment Authorization Card) annotated 274a.12(a)(3) or A3 <ul style="list-style-type: none"> <li>◦ Note that some immigrants with cards coded “(a)(3)” are refugees and face no five-year bar, others are Conditional Entrants and do face a five-year bar.</li> </ul> </li> <li>• Any verification from the INS, DHS, or other authoritative document.</li> </ul>	<p><b>Subject to the 5-year bar.</b> (eligible for full Medicaid after the 5-year bar ends)</p> <p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others-Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>
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<p><b>Cuban-Haitian Entrant</b>  <b>NOTE:</b> Individuals who have adjusted to LPR status may have I-551 cards or temporary I-551 stamps in foreign passports coded CAA66, CB1, CB2, CB6, CB7, CH6, CNP, CU6, CU7, CU8, CU9, CUO, CUP, NC6, NC7, NC8, NC9, HA6, HA7, HA8, HA9, HB6, HB7, HB8, HB9, HC6, HC7, HC8, HC9, HD6, HD7, HD8, HD9, HE6, HE7, HE8, HE9. In addition, Cubans or Haitians with the codes LB1, LB2, LB6, or LB7 may also qualify. These codes were used for individuals granted LPR status under any of the 1986 legalization provisions including Cuban/Haitian entrants.</p>	<ul style="list-style-type: none"> <li>• I-94 with a stamp indicating “Cuban/Haitian entrant” (this may be rare as it has not been used since 1980)</li> <li>• I-551-codes CU6, CU7 or CH6</li> <li>• Foreign passport stamped with unexpired temporary I-551 stamp</li> <li>• I-94 stamped with an unexpired temporary I-551 stamp or stamp showing parole as Cuban/Haitian Entrant- section 212(d)(5) of INA</li> <li>• I-94 which show not alien classification and the legend CH-6 or Cuban-Haitian entrant (status pending) Renewable January 15, 1981 or July 15, 1981 and period of authorized stay</li> <li>• Any documents indicating a pending asylum application, including a receipt from an INS Asylum Office indicating filing of Form I-589.</li> <li>• I-688B-or I-766 which shows the category as 274a.12(c)(8), (11) or(14)-C8, C11 or C14</li> <li>• EAD-employment authorization</li> </ul>	<p><b>Exempt from the 5-year bar</b>  Evaluate for full Medicaid</p> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies.</p>
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<p><b>Deferred Action-<u>NOT</u> DACA</b></p>	<ul style="list-style-type: none"> <li>• Form I-797 Notice of Action or other form showing approval of deferred action status</li> <li>• Form I-688B or I-766 EAD coded 274a.12(c)(14) or C14</li> <li>• Any verification from the INS, DHS, or other authoritative document</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace Subsidies</p>
<p><b>Deferred Action for Childhood Arrivals (DACA)</b></p>	<ul style="list-style-type: none"> <li>• Employment Authorization card coded C33</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Emergency Services <u>only</u></li> </ul> <p><b><u>NOT</u> eligible for coverage under: Pregnant women or children under 19 or Marketplace subsidies</b></p>

<p><b>Deferred Enforced Departure (DED)</b></p>	<ul style="list-style-type: none"> <li>• I-766 OR I-688B (Employment Authorization Card) annotated "274a.12(a)(11) or A11</li> <li>• Approval Notice showing grant of Deferred Enforced Departure.</li> <li>• Any verification from DHS or other authoritative document</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>
<p><b>Deportation Withheld</b></p>	<ul style="list-style-type: none"> <li>• Court order (EOIR judge) showing deportation withheld under section 243(h) of INA in affect prior April 1, 1997 or removal withheld under section 241(b)(3) of INA with date of grant</li> <li>• <b>I-571</b> Refugee Travel Document</li> <li>• <b>I-766 OR I-688B</b> (Employment Authorization Card) annotated 274a.12(c)(10)</li> </ul>	<p><b>Exempt from the 5-year bar</b> Evaluate for full Medicaid</p> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies.</p>

<p><b>Family Unity Beneficiaries</b></p>	<ul style="list-style-type: none"> <li>• Form I-688 Temporary Resident Card</li> <li>• Form I-688A EAD</li> <li>• Form I-688B or I-766 EAD coded 274a.12(a)(14), 274a.12(c)(20), (c)(22) or (c)(24) or with other evidence indicating eligibility under INA §§210 or 245A</li> <li>• Form I-698 Application to Adjust from Temporary to Permanent Residence under INA § 245A</li> <li>• Any verification from the INS, DHS, or other authoritative document.</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>
<p><b>Granted withholding of deportation or withholding of removal Deportation</b></p>	<ul style="list-style-type: none"> <li>• Receipt or notice showing filing Form EOIR-40, EOIR-42 or I-881</li> <li>• Court order (EOIR judge) showing deportation withheld under section 243(h) of INA in affect prior April 1, 1997 or removal withheld under section 241(b)(3) of INA with date of grant</li> <li>• <b>I-571</b> Refugee Travel Document</li> <li>• <b>I-766 OR I-688B</b> (Employment Authorization Card) annotated 274a.12(a)(10) or C10</li> <li>• <b>I-256A</b></li> <li>• Or any verification from the INS, DHS or other authoritative document</li> </ul>	<p><b>Exempt from the 5-year bar</b></p> <p>Evaluate for full Medicaid</p> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies.</p>

<p><b>Iraqi or Afghan Special Immigrant</b></p>	<ul style="list-style-type: none"> <li>• Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) and DHS stamp or notation on passport.</li> <li>• I-94 showing date of entry with code SI-1,2,3; SQ-1, 2, 3</li> <li>• I-551 showing Iraqi or Afghan nationality (or Iraqi or Afghan passport) with an IV (Immigrant Visa)</li> </ul>	<p><b>Exempt from the 5-year bar</b> Evaluate for full Medicaid</p> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies.</p>
<p><b>Lawful Permanent Resident (LPR)</b></p>	<ul style="list-style-type: none"> <li>• Green card” (Form I-551) or earlier versions: I-151, AR-2 and AR-3</li> <li>• Reentry permit (I-327)</li> <li>• Foreign passport stamped to show temporary evidence of LPR or “I-551” status</li> <li>• Receipt from USCIS (U.S. Citizenship and Immigration Services) indicating that an I-90 application to replace LPR card has been filed</li> <li>• Memorandum of Creation of Lawful Permanent Residence with approval stamp (I-181)</li> <li>• I-94 or I-94A with stamp indicating admission for lawful permanent residence</li> <li>• Order issued by the INS/DHS (Immigration and Naturalization Service/Dept. of Homeland Security), an immigration judge, the BIA (Board of Immigration Appeals), or a federal court granting registry, suspension of deportation, cancellation of removal, or adjustment of status</li> <li>• Any verification from the INS, DHS, or other authoritative document.</li> </ul>	<p><b>Subject to the 5-year bar.</b> (eligible for full Medicaid after the 5-year bar ends) <b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others-Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>

<p><b>Lawful Temporary Resident under IRCA</b></p>	<ul style="list-style-type: none"> <li>• Form I-688B or I-766 EAD coded 274a.12(a)(2) or A2 or with other evidence indicating eligibility under INA §§ 210 or 245A</li> <li>• Any verification from the INS, DHS, or other authoritative document.</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>
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**Non-Immigrant Visa Holder**

- **A-Diplomats**
- **B-Tourists/Business**
- **C-Aliens in Transit**
- **D-Alien Crewman**
- **E-Investor/Business**
- **F-Students**
- **G-Accredited representatives of international organizations, their families and their servants**
- **H-work**
- **J-Exchange Students**
- **K- Fiancé**
- **L-Manager or Executive**
- **M-Vocational**
- **N-Parent of Special Immigrant**
- **O-extraordinary ability in arts/science/sports/ (and their assistants)**
- **P-Culturally unique performers**
- **Q-Cultural Exchange**
- **R-Religious Worker**
- **S-Witness/Informant in a criminal investigation**
- **U-Victim of crime in the US**
- **T-Victim of trafficking**
- **V-Waiting 3+ years for visa**

- Form I-94 or I-94A Arrival/Departure Record
- Foreign Passport indicating admission to U.S. with nonimmigrant visa
- I-766 or I688B EAD annotated with 274a.12(c ) (21)
- Receipt for Form I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document
- I-797 approving application to extend/change nonimmigrant status
- I-797 approving application for S, T, U, or V nonimmigrant status
- EAD or another INS/DHS document indicating nonimmigrant.
- Any verification from the INS, DHS, or other authoritative document.

Visa Category	I-94 Foreign Passport code	EAD Codes
<b>A</b>	A-1, A-2, A-3	C1
<b>B</b>	B-1, B-2	C17
<b>C</b>	C-1, C-2, C-3	C26
<b>D</b>	D-1, D-2	
<b>E</b>	E-1, E-2, E-3	A17
<b>F</b>	F-1	C3
<b>G</b>	G-1, G-2, G-3 or G-4	C4
<b>H</b>	H-1B, H1B1, H-2A, H-2B, H-3, H-4	A15
<b>I</b>	I-1	
<b>J</b>	J-1, J-2	C5
<b>K</b>	K-1, K-2, K-3 or K-4	A6 or A9
<b>L</b>	L-1 or L-2	A18
<b>M</b>	M-1 or M-2	C6
<b>N</b>	N-8 or N-9	A7
<b>O</b>	O-1, O-2, or O-3	
<b>P</b>	P-1, P-2, P-3, P-4	
<b>Q</b>	Q-1	
<b>R</b>	R-1 or R-2	
<b>S</b>	S-5, S-6, or S-7	C21
<b>T</b>	T-1, T-2, T-3, T-4 or T-5	A16 or C25
<b>U</b>	U-1, U-2, U-3, U-4, or U-5	A19 or A20
<b>V</b>	V-1, V-2, or V-3	A15

**Evaluate for:**

- Full Medicaid for Pregnant Women and Children under 19
- All others-Emergency Services

If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies

<p><b>Order of Supervision</b>-with employment authorization</p>	<ul style="list-style-type: none"> <li>• Notice or Form showing release under order of supervision</li> <li>• Form I-688B or I-766 EAD-annotated with 274a.12 (c)(18) or C18</li> <li>• Any verification from the INS, DHS, or other authoritative document.</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace Subsidies</p>
<p><b>Parolee</b></p>	<ul style="list-style-type: none"> <li>• Form I-94 or I-94A indicating “parole” or “PIP” or “212(d)(5),” or other language indicating parole status</li> <li>• Form I-688B or I-766 EAD coded 274a.12(a)(4), or A4 274a.12(c)(11) or C11</li> <li>• Any verification from the INS, DHS, or other authoritative document.</li> </ul> <p>NOTE: If subsequently adjusted to LPR status, may have I-551 card (for Lautenberg parolees, these may be coded LA).</p>	<p><b>Subject to the 5-year bar.</b> (eligible for full Medicaid after the 5-year bar ends)</p> <p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for</p>

		Marketplace subsidies
<b>Registry Applicants</b>	<ul style="list-style-type: none"> <li>• Receipt of notice showing filing form I-485 application to register permanent resident or adjust status</li> <li>• I-688B or I-766 coded 274a.12.(c)(16) or C16</li> <li>• Documents from INS, DHS or other authoritative document</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>
<b>Replenishment Agricultural workers (RAW)</b> Section 210A legalization	<ul style="list-style-type: none"> <li>• EAD with 274a.12.(c)(20) or C20</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> </ul>

		<ul style="list-style-type: none"> <li>All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>
<b>Refugee</b>	<ul style="list-style-type: none"> <li>Form I-94 or I-94A Arrival/Departure Record or passport stamped “refugee” or “§ 207”</li> <li>Form I-688B or I-766 EAD coded 274a.12(a)(3) or A3; or (a)(4) or “A4” (paroled as a refugee)</li> <li>Refugee travel document (I-571)</li> <li>Any verification from the INS, DHS or other authoritative document.</li> </ul> <p>NOTE: If adjusted to LPR status, I-551 may be coded R8-6, RE-6, RE-7, RE-8, or RE-9.</p>	<p><b>Exempt from the 5-year bar</b> Evaluate for full Medicaid</p> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies.</p>
<b>Special Agricultural workers (SAW)</b> Section 245A of legalization	<ul style="list-style-type: none"> <li>I-766 or I-766 coded 274a.12.(a) (12)</li> <li>I-797 A approval notice for Temporary Protected status</li> <li>Any verification from DHS or other authoritative document.</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>Full Medicaid for Pregnant Women and Children under 19</li> <li>All others- Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for</p>

		Marketplace subsidies
<b>Temporary Protected Status (TPS)</b>	<ul style="list-style-type: none"> <li>• <b>I-766 ORI-688B</b> (Employment Authorization Card) annotated 274a.12(a)(12) or A12</li> <li>• <b>I-797A</b> Approval Notice for Temporary Protected Status</li> <li>• Any verification from DHS or other authoritative document</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others-Emergency Services</li> </ul> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies</p>
<b>Temporary Resident Status (TRS)</b>	<ul style="list-style-type: none"> <li>• <b>I-766 ORI-688B</b> (Employment Authorization Card) annotated "274a.12(a)(2)</li> <li>• Any verification from DHS or other authoritative document</li> </ul>	<p><b>Evaluate for:</b></p> <ul style="list-style-type: none"> <li>• Full Medicaid for Pregnant Women and Children under 19</li> <li>• All others-Emergency Services</li> </ul> <p>If not eligible for</p>

		<p>Medicaid-the individual may be eligible for Marketplace subsidies</p>
<p><b>Trafficking Survivors – Derivative beneficiaries</b></p> <p><b><u>Exception:</u></b> <b><u>DO NOT VERIFY THROUGH SAVE</u></b></p>	<ul style="list-style-type: none"> <li>• Proof of approved I-914A petition (derivative T status)</li> <li>• I-94 or passport stamped T-2, T-3, T-4, or T-5</li> <li>• Form I-797 Notice of Action indicating approval of T-2, T-3, T-4 or T-5 status</li> <li>• I-766 EAD coded (c)(25)</li> <li>• Form I-797 “Extension of T or U Nonimmigrant Status”</li> <li>• I-512 authorization for parole, indicating T-2, T-3, T-4 or T-5 status</li> <li>• I-551 card coded ST7, ST8, ST9, or ST0</li> </ul> <p>Any verification from HHS, INS, DHS, or other authoritative document.</p>	<p><b>Exempt from the 5-year bar</b></p> <p>Evaluate for full Medicaid</p> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies.</p>

<p><b>Trafficking Victim/ “T” Visa</b></p> <p><b><u>Exception: DO NOT VERIFY THROUGH SAVE</u></b></p>	<ul style="list-style-type: none"> <li>• Certification from U.S. Dept. of Health and Human Services (HHS) Office of Refugee Resettlement (ORR)</li> <li>• ORR eligibility letter (if under 18)</li> <li>• Certification status verified through HHS Trafficking Verification Line 202-401-5510 or 866-401-5510</li> <li>• I-914 (T status application)</li> <li>• I-766 EAD coded (a)(16)</li> <li>• Form I-797 approval notice for “CP” (continued presence)</li> <li>• Form I-797 indicating approval of T-1 Status</li> <li>• Bona fide case determination on a T status application</li> <li>• Form I-797 “Extension of T or U Nonimmigrant Status”</li> <li>• I-512 authorization for parole, indicating T-1 status</li> <li>• I-551 coded ST6</li> <li>• Any verification from HHS, INS, DHS, or other authoritative document.</li> </ul>	<p><b>Exempt from the 5-year bar</b> Evaluate for full Medicaid</p> <p>If not eligible for Medicaid-the individual may be eligible for Marketplace subsidies.</p>
<p><b>Veteran</b>-includes spouse and unmarried dependent children under 21</p>	<ul style="list-style-type: none"> <li>• DD-214 indicating honorable discharge or</li> <li>• Discharge papers indicating honorable discharge</li> </ul>	<p><b>Exempt from the 5-year bar</b> Evaluate for full Medicaid</p> <p>If not eligible for Medicaid -the individual may be eligible for Marketplace subsidies.</p>

**REMINDER:** If the individual is not eligible for Medicaid in any program category, they may be eligible for subsidies in the Marketplace. Health coverage applications from non- citizens in these categories should be accepted and if denied for Medicaid, will be forwarded to the Marketplace.

**VI. PUBLIC CHARGE**

Aliens who seek admission to the U.S. must establish that they will not become ‘public charges.’ Many aliens establish that they will not become public charges by having

‘sponsors’ who pledge to support them. Refer to [MA-2262, Sponsor Deeming](#).

Aliens may ask staff about the consequences of becoming a public charge by applying for assistance. This is of concern to aliens who want to become a Lawful Permanent Resident (obtaining a Green Card). A “public charge” is an alien who has become (for deportation purposes) or who is likely to become (for admission/adjustment purposes) solely dependent on government assistance as demonstrated by either:

The receipt of public cash assistance for income maintenance (including Work First or SSI), or

The institutionalization for long-term care at government expense (institutionalization for short periods of rehabilitation does not constitute primary dependence).

Refugees and persons granted asylum may receive any benefit, including Work First, without affecting their chances of becoming a Legal Permanent Resident (LPR) or a U.S. citizen.

NOTE: “Income Maintenance” does not include one-time cash payments for emergency assistance or Benefit Diversion. The receipt of public cash assistance for income maintenance for a child does not create a public charge problem for the parent unless that cash assistance is the only source of income for the family.

Long term institutionalized care under Medicaid may result in a public charge determination; however, it does not include short-term rehabilitation stays in long-term care facilities. Being institutionalized for long-term care does not automatically make an individual inadmissible to the U.S., ineligible for legal permanent resident status, or deportable on public charge grounds. The law requires that USCIS officials consider several additional issues. Each determination is made on a case-by-case basis. The county is not involved in this determination.

Determine eligibility for this person following all requirements in Medicaid.

## **VII. PROCEDURES TO OBTAIN USCIS VERIFICATION**

The caseworker must verify the alien status for most lawfully present aliens through the Systematic Alien Verification for Entitlements (SAVE) Program. See chart in MA-2504.V above. This requirement does not apply to undocumented aliens.

### **A. Initial Verification Procedures**

The U.S. Department of Homeland Security Systematic Alien Verification for Entitlements (SAVE) system is used for verifying the status of an alien in order to determine eligibility for Medicaid. This web-based system is used to verify the authenticity of the alien's USCIS documents, the date of admission, and his current immigration status. This is the primary automated procedure for verifying alien status.

The caseworker is required to verify an Alien’s classification status by utilizing



SAVE Located at; <https://save.uscis.gov>. For a complete table of USCIS “Class Of Admission (COA) codes or Employment Authorization Codes”, log into the SAVE system and click on the “online resources” tab.

## **B. Secondary Verification Procedures: Form G-845S and G-845 Supplement**

1. Require secondary verification using Form [G-845S](#) and [G-845 Supplement](#) any time:
  - a. A document appears to be counterfeit or altered. Characteristics of suspect documentation include photograph substitution and ink discoloration.
  - b. A non-citizen presents unfamiliar documentation, or a document that indicates immigration status, but does not contain an A-number.
  - c. A non-citizen presents immigration documentation with an A-number in the 60,000,000 or 80,000,000 series.
  - d. The non-citizen has no immigration documentation and is hospitalized, medically disabled, or who can otherwise show good cause for his inability to present documentation. Good cause may be defined as hospitalized or disabled as shown by receipt of Social Security benefits.
  - e. The non-citizen presents a foreign passport and/or Form I-94 and the “Admission for Permanent Residence” endorsement is more than 1 year old.
2. Obtaining Secondary Verification
  - a. To initiate secondary verification, complete and mail form G-845S and G-845 Supplement to USCIS with fully readable photocopies of original immigration documents.
  - b. Complete a separate G-845S and G-845 Supplement for each alien requesting Medicaid. Attach a photocopy of all applicable printed pages of each piece of immigration documentation presented for that person only. If a family unit has applied for a benefit, each a/b with alien status will require a separate G-845S and G-845 Supplement.
    - (1) A G-845S and G-845 Supplement sent to USCIS without photocopies showing front and back of original documents will be returned without a status determination.
    - (2) Although a USCIS document is all the identification required to complete the secondary verification process, the attachments should include identification bearing a photograph of the a/b whenever possible. If the alien has presented another pertinent document, such as a marriage record or court order, it should be included as well. Examples of USCIS documentation must be returned to the alien a/b.
  - c. Retain a copy of every alien a/b's immigration documentation in his file. Return the original documentation to the alien.

### 3. Completing Form G-845S

Complete the G-845S as fully as possible. It is essential that the form contain enough information to identify the alien. Complete the G-845S as follows:

- a. Alien Registration or I-94 Number:
  - (1) Enter the A-Number as the letter "A" followed by a series of seven or eight digits.
  - (2) Include the Admission Number if available. The Admission Number is found on Form I-94 and in the Alternate ID field.
- b. Applicant's Name: Enter last, first, and middle names of the a/b. If user documentation indicates more than one variation of the name, enter all versions.
- c. Nationality: Enter the foreign nation or country to which the applicant owes legal allegiance. This is normally, but not always, the country of birth.
- d. Date of Birth: Enter the birth date using the format MM/DD/CCYY. If the complete date of birth is not known, give available information.
- e. Social Security Number: Enter the alien's nine-digit Social Security Number, if known. Copy the number directly from the alien's Social Security Card whenever possible.
- f. Verification Number: Enter the Verification Number assigned during the automated query, if applicable.
- g. Photocopy of Document Attached/Other Information Attached: Indicate that USCIS documentation is attached by checking the top box. Use the bottom box if other information has been included in support or in lieu of USCIS documents.
- h. Benefit/Your Case Number: Mark the blocks showing the entitlement benefit program(s) for which this alien has applied. Show applicable county case numbers for the appropriate block.
- i. The submitting caseworker should provide his name, title, telephone number, and the current date. The name and address of the DSS should be typed or stamped in the block labeled "From."

### 4. Completing Form G-845 Supplement

The G-845 Supplement may only be used in conjunction with the G-845S, not separately. It should also be completed as fully as possible. The following

information should be provided on the G-845 Supplement:

- a. Non-citizen applicant's last, first, and middle name;
- b. Social Security Number (if available);
- c. Alien Registration Number (A-Number) and/or I-94 Number;
- d. Typed or stamped name and address of submitting agency;
- e. Current date;
- f. Submitting agency's telephone number.

You must indicate what status information is required from USCIS by checking off the appropriate numbered blocks in the "Complete the following items:" section on the top portion of the Form G-845 Supplement. It is very important that you complete this section, so that USCIS can provide all appropriate USCIS status information required to make a determination regarding the applicant's eligibility for benefits. The following USCIS information can be obtained by submitting the G-845 Supplement:

- a. date alien entered the United States;
- b. date status was granted;
- c. date status expires;
- d. citizen status;
- e. special benefit provisions for certain victims of abuse; and
- f. affidavit of support.

5. Mailing Form G-845S and G-845 Supplement to USCIS

- a. Copies of USCIS documentation should be stapled to the G-845S and G-845 Supplement with a single staple in the upper left-hand corner. The form(s) and documents should then be folded and placed in a window envelope so that the block labeled "To" will appear in the address area. More than one G-845S and G-845 Supplement may be mailed in a single envelope; however, USCIS discourages collecting forms over an extended period of time in order to mail them in bulk.
- b. Mail the document verification requests to the USCIS office listed below. Additional supplies of the G-845S and G-845 Supplement may be ordered through the USCIS Forms Request Line: 1-800-870-3676 (Due to the high volume of calls to this line, the best time to call is early mornings.); however, users may duplicate the blank Form G-845S and G-845 Supplement to meet immediate needs.

U.S. Citizenship and Immigration Services  
10 Fountain Plaza, 3<sup>rd</sup> Floor  
Buffalo, NY 14202  
Attention: Immigration Status Verification

6. G-845S Response from USCIS

- a. The Immigration Status Verifiers (ISV) at the USCIS will research the alien's records in USCIS files, complete the response portion of Form G- 845S, and return both the form and the attached photocopies to the DSS within ten working days of receipt by the USCIS Office.
- b. The G-845S is a self-reply form. The ISV will check all appropriate statements on the lower half and the back of the form to indicate the a/b's immigration status and work eligibility.

7. G-845S Supplement Response from USCIS

Following is an explanation of the USCIS information that will be returned on the G-845 Supplement.

- a. Immigration Status. The USCIS will provide the non-citizen applicant's current immigration status by conducting a thorough search of USCIS automated databases and paper files.
- b. Date alien entered the United States. The USCIS will provide the original date the non-citizen applicant entered the United States. (This date is not always the same as what is provided through the SAVE Verification Information System. It may be different if a non-citizen adjusts his immigration status. In most cases, the date of entry changes in SAVE Verification Information System to reflect the date the non-citizen obtained his Lawful Permanent Resident status.)
- c. Date status was granted. The USCIS will provide the date the non- citizen obtained his current immigration status as noted in paragraph a. above.
- d. Date status expires. The USCIS will provide the date the non-citizen's immigration status expires. If the non-citizen's immigration status is indefinite, USCIS will provide this information in the response.
- e. Citizen status. The USCIS will confirm whether a prior non-citizen is naturalized and is a United States citizen.
- f. Special Benefit Provision for Certain Victims of Abuse. The USCIS will confirm whether or not a non-citizen obtained his Lawful Permanent (or Conditional) Resident status because he was a battered alien or a parent of a battered child or a victim of domestic violence.
- g. Affidavit of Support. The USCIS will confirm whether or not the non-citizen was sponsored on Form I-864, Affidavit of Support, and if so, USCIS will provide sponsorship information.

The ISV will initial and stamp the back of the form in the block labeled **“Stamp.”**

8. When the G-845S and G-845 Supplement are returned, the caseworker must refer to Medicaid eligibility requirements and refer to the chart, Overview of Alien Eligibility for Medicaid, in section MA-2504V below, to determine whether the a/b qualifies for Medicaid and the level of coverage.

## VIII. SPONSOR DEEMING

Lawful Permanent Residents (LPR's) whose sponsor signed the I-864 Affidavit of Support are subject to alien sponsor deeming rules. See [MA-2262 Sponsor Deeming](#), for the policy and procedures on sponsor deeming.

When a sponsored alien who has Lawful Permanent Resident (LPR) status, attains 40 qualifying quarters of work credit, do NOT deem the sponsor's income and resources.

## IX. VERIFYING 40 QUALIFYING QUARTERS

Qualified Aliens who are otherwise eligible may receive Medicaid if they have earned or can be credited with 40 qualifying quarters of work. The Social Security Administration (SSA) establishes a qualifying quarter based on an individual earning a certain minimum amount of income.

Determination of 40 qualifying quarters of work may be applicable in the following two situations:

- A. **Continuous presence since prior to August 22, 1996 cannot be established with documentation (See [MA-2504.VII](#))**
- B. **A sponsored alien and the sponsor income/resources causes the alien to be ineligible. (See 3313/2262 and [MA-2504 VIII](#), Sponsor Deeming)**
- C. **It is important to note that, in calculating the qualifying quarters that may be credited to an individual immigrant, do not count any quarters earned after December 31, 1996 if in the quarter the LPR alien or the worker (the LPR alien, his/her parent(s) and or spouse(s)) received a Federal means-tested public benefit. The following programs are considered to be Federal means-tested programs:**
  1. SSI,
  2. Medicaid (except emergency services),
  3. Food and Nutrition and,
  4. Temporary Assistance for Needy Families (TANF) formerly Aid to Families with Dependent Children (AFDC).

### D. Definitions

**Quarter** -- A quarter means a period of three calendar months ending on March 31, June 30, September 30, or December 31 of any year. The quarters credited may be worked by the alien himself, the parent while the alien was under age 18, or by a spouse during the marriage if the alien remains married to the spouse or the marriage ended by the death of the spouse.

Any quarter of coverage, beginning after December 31, 1996, in which the alien or spouse or parent of the alien applicant received Work First, SSI, or Medicaid cannot be credited to the alien for purposes of meeting the 40-quarter requirement.

**Quarter of Coverage (AC)** --Credit for a requisite amount of covered earnings assigned a calendar quarter. This information is shown in IEVS.

**Covered earnings** --Wages or self-employment income that requires payment of FICA (social security) taxes.

**QC History (QCH)** --A display of Quarters of Coverage (QC's) by quarter and year. This displays in IEVS.

**TPQY** – Third Party Query in IEVS which is the system that will be used to request QC Histories.

**Lag Quarters** – Current year quarters and proceeding year quarters that may not appear in the QC history because SSA has not processed the employer report. This could be up to seven quarters depending on when a request for QC history is processed.

## **E. Verification of Quarters of Coverage**

If the a/b receives Food Stamps, you may use verification in the food stamp record. If the food stamp record shows that the a/b has met the 40 qualifying quarters requirement, no further verification is needed. If the food stamp record shows verification for less than 40 quarters, you must verify whether additional quarters have been worked since the food stamp verification was obtained.

Most quarters of employment will be verified through IEVS. As explained previously, the alien's work and work by his parents and /or spouses can all be combined to attain the 40 quarters required. The following steps are used in applying the 40 quarters of coverage provisions.

1. Determine who can be included in the quarter coverage count. Question the applicant to determine that proper relationships exist, the date of birth of the applicant, and request social security numbers for each individual included.
2. Determine if it is possible for the applicant to meet the requirement. Ask how many years the applicant and each of the individuals to be included in the quarter coverage calculation have lived in the U.S. The total number of years for all of the individuals must equal at least ten years (40 quarters). If the total is less than ten years, the applicant cannot meet the 40 quarters coverage requirement.
3. Determine how many years in the total from step 2 included earnings. Always determine the applicant's own quarters first. Many applicants may have sufficient quarters on their own record and it will not be necessary to request earnings history for other individuals. If verification of quarters for individuals other than the applicant is needed, a consent for Release of

Information from each individual other than the applicant must be obtained or the applicant must obtain verification of coverage for the others.

4. Request a quarter coverage history using the 40 QC History query in IEVS when the interview shows:
  - a. The alien individual may meet the 40-quarter requirement with lag quarters.
  - b. The alien individual will not meet the 40-quarter requirement, but the alien still believes he meets the requirement.
  - c. Earnings by a qualifying parent, current or former spouse which must be verified.

## **X. COVERAGE FOR EMERGENCY MEDICAL SERVICES**

### **A. Principle**

1. Medicaid provides coverage for emergency medical services to individuals who meet all eligibility criteria with the exception of alien status. These services include labor and delivery, as well as other services approved by the medical review staff. Coverage for emergency medical services is limited to the dates upon which the medical emergency occurred. Once the medical condition is stabilized, even if it remains serious or results in death, it is no longer an emergency.
2. Lawfully present/undocumented aliens are eligible for Medicaid for emergency medical services only, unless they are lawfully present pregnant women and children under the age of 19. Also, qualified aliens during the 5-year disqualification period are eligible for Medicaid for emergency medical services only.
3. If the a/b does not have acceptable documentation of citizenship/identity, the 90-day reasonable opportunity period applies. The qualified alien who is not eligible for full coverage during the 5-year period from date of entry, can only be authorized for Medicaid for the actual days he received an emergency medical service. An emergency service is defined in section MA-2504. X.
4. Reasonable Opportunity

A 90-day Reasonable Opportunity Period must be provided to individuals for whom the local agency is unable to promptly verify citizenship or satisfactory immigration status by electronic means, third party source, or documentation. If all other eligibility factors are met except for citizenship/identity documentation, an individual may receive Medicaid while securing the documentation, known as the reasonable opportunity period. The reasonable opportunity to provide documentation is a 90- day period.

- a. Applications can include a request for retroactive and/or ongoing Medicaid and are treated as separate applications. The 90- day reasonable opportunity period to provide documentation of citizenship applies whether the application is retroactive and/or ongoing. Refer to [MA- 2300 Application](#), for procedures.
- b. The Reasonable Opportunity Period is 95 calendar days from the first request for information ([DHB-5097](#)) is sent to the applicant. It is 90 days plus 5 days for mailing of the notice.
- c. During the Reasonable Opportunity Period, if relevant to the verification, the local agency must:
  - (1) Attempt to resolve any inconsistencies between the information provided by an electronic source and information provided by the applicant,
  - (2) Provide information on how to contact the electronic source directly for the purpose of resolving inconsistencies,
  - (3) Allow the applicant to provide the required evidentiary documentation. Refer [MA-2506 US Citizenship Requirements](#), section Hierarchy Charts: Acceptable documentation of citizenship and identity.
- d. Medicaid Eligibility during the Reasonable Opportunity Period
  - (1) *Medicaid must be provided during the Reasonable Opportunity Period to otherwise eligible applicants:*
    - (a) Who are citizens or nationals of the United States, or
    - (b) Who are Qualified Aliens (Refer to [MA-2504 Alien Requirements](#) for the definition of a qualified Alien), or
    - (c) Who have declared themselves to be citizens or nationals of the United States, or an individual having satisfactory immigration status. Declaration of status must be documented, including approximate date they entered the U.S. or obtained lawful status, and
    - (d) Who meet all other eligibility requirements.
  - (2) Medicaid eligibility during the Reasonable Opportunity Period begins the first day of the month of application and/or retroactive request, if otherwise eligible. Follow all current rules for approving benefits.
  - (3) If, at the end of the Reasonable Opportunity Period, the applicant’s citizenship or immigration status has not been verified, terminate the



case (delete the individual) following current deletion/termination rules. Refer to [MA-2420 Hearings/Notices](#), for procedures.

- (4) The preferred method of citizenship/identity verification for applicants stating they are a US Citizen is a SSA Citizenship/Identity data match. Refer to [MA-2505, Citizenship/Identity SSA Data Match](#) for procedures.
- (5) Instances in which SSA cannot document citizenship/identity due to a hyphen or embedded spaces in the spelling of the name, individuals with no SSN, and newborns not entitled to auto newborn coverage, who state they are a US Citizen, are provided a 90-day reasonable opportunity period to provide documentation of citizenship if all other eligibility factors are met.
- (6) Send the individual the Request for Information form ([DHB-5097](#)) advising what items can be used to verify citizenship and identity.
- (7) Approve the application and authorize the appropriate certification period using acceptable evidence of citizenship. The date entered is the date the first Request for Information ([DHB- 5097](#)) is sent to the individual.
- (8) Allow the individual 12 days and, if the requested information is not received, a second [DHB-5097](#) is required.

The 90 days remain the same. Do not give an additional 90 days from the date the second [DHB-5097](#) is sent.

- (9) Although the individual is authorized, citizenship and identity have not been verified, and the information must be requested from the individual. The individual is allowed 90 days from the date the first Request for Information form ([DHB-5097](#)) is sent to provide acceptable documentation of citizenship and identity.
- (10) The caseworker must verify citizenship within 90 days. If unable to verify, send a timely notice, [DSS-8110](#), on the 91st day or the next workday following the 90th day to terminate the individual or case.
- (11) **The individual may submit another application at any time after the case is terminated. The caseworker must give the applicant another 90-day reasonable opportunity process. There is no limit to the number of ROP's allowed for any applicant.**

e. NCFAST and Reasonable Opportunity Period

The Reasonable Opportunity is displayed on the Person home page in NCFAST. To set a Reasonable Opportunity Period:

- (1) Click the verification folder on the Evidence Dashboard and Select “90-day Reasonable Opportunity.”
- (2) Enter the date of notice.
- (3) A Reasonable Opportunity indicator is displayed on the Person home page.
- (4) A task is sent to the worker when it is close to the end of the Reasonable Opportunity Period.
- (5) Further Instructions on how to set the Reasonable Opportunity Period in NCFAST are available in Fast Help.

f. Extend the Reasonable Opportunity Period for Citizenship/Identity Documentation

- (1) Extend the Reasonable Opportunity Period up to 6 months in NCFAST when:
  - (a) The applicant is making a good faith effort to provide the documentation, or
  - (b) The local agency needs more time to verify the individual’s status through other available electronic data sources, or
  - (c) To assist the individual in obtaining documents needed to verify their status.
- (2) At the end of the 6 months, if the county knows of emergency services the applicant incurred, evaluate for emergency Medicaid. Do an administrative application using the application date the first day of the month of the emergency service.

5. The county departments of social services (DSS) determine the dates of coverage when the emergency service is labor and regular delivery or Caesarean delivery. The medical review staff determines for the Division of Health Benefits (DHB) the dates of coverage for all other emergency services, including miscarriages and other pregnancy terminations.
6. Medicaid may not be authorized until after the emergency service has occurred. Follow procedures in this section to determine whether a non- qualified or qualified alien with a 5-year disqualification period is authorized for Medicaid and the dates of coverage.
7. Applications submitted in the month in which the emergency occurred will result in a six-month deductible for those individuals whose incomes are over the

income limit. Caseworkers must explain the advantages and disadvantages of applying for Medicaid retroactively as opposed to ongoing. Include a detailed explanation of the residence and residence requirements during the retroactive period.

## **B. Definition of Emergency Services**

1. Labor and delivery, including delivery by Caesarean section, or
2. Treatment after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:
  - a. Placing the patient's health in serious jeopardy, or
  - b. Serious impairment to bodily functions, or
  - c. Serious dysfunction of any bodily organ or part.
3. Medicaid may not be authorized until after the emergency service has occurred.

## **C. Authorization for Labor and Delivery**

1. Determine other eligibility factors, including state residence. When all other eligibility requirements have been met, process the case as an open/shut MPW or MAF-PW, medically needy, using the appropriate classification code.
2. When notified that labor and delivery or a Caesarean section has occurred:
  - a. Contact the hospital and obtain information regarding the date(s) of admission and delivery, and
  - b. Document the record with the information obtained from the hospital.
3. Vaginal Deliveries
  - a. Authorize one day if the day of admission and the day of delivery are the same day. Authorize one postpartum day. (2 total days)
  - b. Authorize two days if the day of admission and the day of delivery are consecutive days. Authorize one postpartum day. (3 total days)
  - c. Authorize one day if the day of admission and the day of delivery are **not** the same day and are not consecutive. Authorize the day of delivery and one postpartum day. (2 total days)
4. Caesarean Section --Authorize a Caesarean section delivery for a maximum of 5

days beginning with the day the section is performed. Authorize the day of Caesarean section and a maximum of 4 additional days. The number of additional authorized days are based on the evidence received from the hospital.

Regular delivery and Caesarean section do not include prenatal care, postpartum care, or the 60-day continuation period.

5. If the pregnant woman alleges other emergency medical services relating to her pregnancy, the days must be approved through a medical review. Follow instructions below in MA-2504 X. D., Authorization Date for Other Emergency Medical Services.
6. If the due date is not within the 45-day processing period or the pregnant woman has not delivered by the 45th day, deny the application.

#### **D. Authorization Date for Other Emergency Medical Services**

IT IS VERY IMPORTANT TO FOLLOW THESE PROCEDURES TO ASSURE THAT THE MEDICAL REVIEW STAFF HAS THE MEDICAL INFORMATION REQUIRED TO DETERMINE EMERGENCY STATUS

1. If the applicant does not allege an emergency service, deny the application.
2. For an applicant eligible only under the Medicaid for the Disabled Program and disability is not established, follow instructions in [MA-2525](#), Disability, in the Aged, Blind, and Disabled Medicaid Manual, to determine disability. The determination of emergency medical treatment by the medical review staff is a separate determination from the disability determination made by Disability Determination Services (DDS). Continue to process the application while awaiting a disability decision and/or approval of emergency dates from the medical review staff.
3. Approval or denial of date(s) of emergency medical services is made by the medical review staff for the Division of Health Benefits (DHB) and is based on medical evidence submitted by the caseworker.
4. When the request is for approval of an inpatient hospital admission, the following medical evidence is required for all dates included:
  - a. Physician's order sheets,
  - b. Physician's progress notes,
  - c. Admitting history and physical,
  - d. Death summary, discharge summary, or interim summary:

However, if a discharge summary or interim summary is not readily available, send information. The reviewer will determine if it is needed.

If the applicant has been hospitalized more than 60 days, the attending

physician may submit an "interim summary" in lieu of the official discharge summary.

- a. It must be clearly marked as "interim."
  - b. The decision rendered will cover only the admission date through the interim summary cut-off date.
5. When the request is for approval for an emergency room, clinic, or doctor's office visit (there is no inpatient hospitalization), the following medical evidence is required:
- a. Entire medical record for the date(s) requested, and
  - b. Statement indicating "Emergency Room [or Clinic/Doctor's Office] Record Only - No Other Documentation."
6. Request the required evidence from the appropriate provider using the [DMA-5133, Emergency Medical Services Request for Information](#), along with the [DHB-5028, Authorization to Disclose Information](#).
7. The local agency must review information submitted by the hospital, clinic, and doctor.
- a. Ensure that the information received includes all required information for the dates requested.
  - b. Check to see if the copies are legible. Faxed copies may not be clear.
  - c. Ensure that the medical records received from the provider belong to the applicant.
  - d. Do not send to the medical review contractor unless all necessary information is included for all dates requested.
8. When it is verified that all the necessary information has been received, attach it to the completed [DMA-5135, Date \(s\) Of Emergency Services Requested For An Alien](#) and forward the medical records by CD, DVD (Electronic Records are preferred), paper, or fax for the medical review:

ALLIANT ASO  
Attn: NC EMS  
PO BOX 105031  
Atlanta, GA 30348  
Fax: 1-678-527-3543  
Phone: 1-888-507-5191

Medical records that are either sent electronically or mailed on a CD or DVD must be encrypted. Each individual file must be encrypted and the password provided separately to Alliant ASO. The password must be provided by direct phone call or left on a voice message. Alternatively, medical records can be via ZixMail. The Recipient should follow instructions on accessing the data from the secure Zix Portal.

Contact Jay Jones with questions, issues or concerns at (919) 792-6971.

When completing the [DMA-5135](#), Date (s) Of Emergency Services Requested for An Alien:

- a. Please type or print legibly.
- b. Fill form out completely with specific dates requested.
- c. Include the Medicaid Identification Number (MID) for the applicant the review is for (patient). This may be different from the case head. (e.g. A child is the patient but the mother is the case head. Use the child's MID number.)
- d. Include a county contact person, contact phone, fax number and e-mail address.
- e. Provide complete review dates. If it is for a period of time, provide a beginning date and an ending date to be reviewed.
- f. Do not request a review for dates that have previously been reviewed unless a hearing decision requires the re-submittal for a new decision.
- g. Do not request a review for labor and delivery unless the days exceed the number allowed per section C. above.
- h. Submit medical records for each day being requested. Bills are not needed. Do not send medical records for dates not listed on the [DMA-5135](#), Date (s) Of Emergency Services Requested for An Alien.
- i. A separate [DMA-5135](#), Dates(s) of Emergency Services Requested for an Alien, must be submitted for each emergency determination.

9. Information Submitted to The Medical Review Staff:

- a. If during the initial review, the medical review staff determines that the information attached to [DMA-5135](#), Date (s) Of Emergency Services Requested For An Alien, is incomplete or inaccurate, the entire package will be returned to the local agency indicating what is missing or inaccurate on the [DMA-5134](#), Emergency Medical Services Request for Missing Information.
  - (1) Request the missing, or correct information from the provider. Write on the [DMA- 5133, Emergency Medical Services Request for Information](#), "Additional Request for Information" and note items that are needed.
  - (2) Upon receipt of the missing, or correct information, re-submit the entire package to the medical review staff as soon as possible.

- b. If during the medical review, the medical review staff determines that additional information is needed, the DHB-5133, noting what is needed, will be faxed to the county.
  - (1) Request the additional information from the provider. Write on the [DMA- 5133, Emergency Medical Services Request for Information](#), "Additional Request for Information" and note items that are needed.
  - (2) Upon receipt of the additional information, send the information and the [DMA-5133, Emergency Medical Services Request for Information](#), to the medical review staff as soon as possible.

When the provider states on the request that there is no additional information in the record, write on the [DMA-5135](#), Date (s) Of Emergency Services Requested for An Alien, or on the [DMA-5133, Emergency Medical Services Request for Information](#), "No additional information can be obtained," and re-submit to the medical review staff. This applies to this additional request only.

10. When the local agency forwards the information to the medical review staff for a decision regarding a request for emergency services, the local agency will receive from the medical review staff an acknowledgement of receipt. If acknowledgement is not received within 14 calendar days, call the medical review staff.
11. Do NOT have the hospital or other medical provider send the information directly to the medical review staff. Submission of all information goes through the local agency.
12. When sending information requested by the medical review staff, do not send a new DHB-5135, Date (s) Of Emergency Services Requested for An Alien. When a second one is completed and returned with the requested information, it appears to be a new request and can slow the review process.
13. When the required medical evidence has not been received from the provider you have not received a decision from the medical review staff by the 45<sup>th</sup> day, deny the application for missing information following procedures in [MA-2300, Application](#). However, if it is a MAD-90 day application and disability is not established, continue to pend the application until you receive the disability determination or 6 months, whichever comes first.
14. If you receive notification from the medical review staff that date(s) have been approved as an emergency after you have denied the application, reopen following instructions in [MA-2300, Application](#). Ensure the applicant meets all other eligibility requirements.

#### **E. Authorization Dates for Ongoing Hemodialysis**

1. For the initial determination of emergency services for hemodialysis, follow

the “Procedures to Establish Authorization Dates for Other Emergency Medical Services” outlined above and those included in this section.

2. Once it is determined that the individual is eligible for hemodialysis, the medical review staff issues a blanket approval by stating “...all on-going hemodialysis ...” on the faxed decision and on the [DMA-5135](#), Date (s) Of Emergency Services Requested for An Alien, that you receive. For future applications for this individual, do not submit medical information for hemodialysis. The individual meets the emergency service criteria for each hemodialysis treatment. The approval of emergency services for hemodialysis is indefinite
3. Retroactive applications can be approved for up to three full months prior to the month of application. Approve ongoing applications for one full month. Refer to [Emergency Hemodialysis of Undocumented Aliens Job Aid](#).
4. Include in the approval letter the dates and service approved. Remind the individual when he needs to apply again by giving the month in which he next needs to apply.
5. Notify the applicant to reapply at least every four months. Each application may be for the month of application and three months of retroactive coverage. After the initial application, further applications are administrative.
6. Emergency hemodialysis recipients who have not received a Medicaid ID card in the last year, receive a Medicaid ID card which includes their ID number and authorization date.  
  
Inappropriate Medicaid authorization for this group of aliens will result in claims being charged to the local agency.
7. This procedure does not apply to peritoneal dialysis. Follow Procedures to Establish Authorization Dates for Other Emergency Services for each application that includes peritoneal dialysis.
8. Emergencies other than hemodialysis must be handled as any other request for emergency services, including a situation connected with the dialysis that results in a hospitalization or need for emergency services.