

# DMA ADMINISTRATIVE LETTER NO: 07-08

**DATE:** APRIL 25, 2008

**SUBJECT:** Iraqi and Afghanistan Special Immigrants

**DISTRIBUTION** County Directors of Social Services  
Medicaid Eligibility Staff

## I. BACKGROUND

Section 525 of Title V of Division G of Public Law 110-161, The Consolidated Appropriations Act 2008 signed into law on December 26, 2007, contains the following language:

Iraqi and Afghan aliens granted special immigrant status under section 101(a) (27) of the Immigration and Nationality Act (INA) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act for a period not to exceed 6 months.

Effective December 26, 2007, Iraqi/Afghan Special Immigrants became eligible for Office of Refugee Resettlement (ORR) benefits and services the same as other refugees for a period up to only six months. After that, their eligibility for ORR would stop. Eligibility could not begin on a date prior to December 26, 2007.

Effective January 28, 2008 Section 1244 of Public Law 110-181, National Defense Authorization Act extended eligibility to eight months for Iraqi aliens granted special immigrant status.

Iraqi and Afghan Special Immigrants are also referred to as principal applicants. Spouses and unmarried children under 21 of Iraqi and Afghan Special Immigrant principal applicants may accompany them to the United States (US) or follow to join them. These family members are not eligible for U.S. Government travel loans or travel assistance.

Centers for Medicare and Medicaid Services (CMS) has instructed that during their initial period of 6/8 months, these special immigrants will be treated like any other applicant for purposes of eligibility for federal means-tested public benefits, including Medicaid and NC Health Choice for Children (NCHC). Like refugees, they and their families are entitled to full Medicaid benefits for the initial period after their entry into the U.S., provided they otherwise meet Medicaid eligibility criteria. Eligibility for full coverage ends when their initial period after entry ends: six months for Afghan Special Immigrants and eight months for Iraqi Special Immigrants. These Special Immigrants will not be eligible for periods prior to the effective dates of the two laws stated above.

Per CMS, after the 6/8 month period of initial entry expires, Iraqi and Afghan Special Immigrants and their families may only qualify for Medicaid coverage of emergency medical services, until such time that they satisfy the 5 year bar. The 5 year bar starts with the date of entry into the United States, even though these immigrants may be eligible for full Medicaid benefits during their initial 6/8 month period. If these immigrants are found ineligible for Medicaid, they are automatically eligible to apply for Refugee Medical Assistance (RMA) but only during the 6/8 months after entry.

Iraqi and Afghan Special Immigrants may also apply for TANF benefits and /or Maintenance of Effort (MOE) funded public benefits as other lawful permanent residents. They may also apply for Refugee Cash Assistance (RRF).

## II. MEDICAID PRINCIPLES

The date of eligibility for full Medicaid benefits and services for the Iraqi or Afghan Special Immigrant is his or her entry date, the date he or she was admitted to the U.S. as an Iraqi or Afghan Special Immigrant. The *entry* date begins the 6/8 month period. The individual may not be authorized for the entire 6/8 months, depending instead on when an *application* for Medicaid is made. For example:

- For Afghans with an entry date prior to December 26, 2007, their eligibility date for Medicaid benefits remains their date of entry to the U.S. as an Afghan Special Immigrant. Thus, if the date of entry to the U.S. was October 1, 2007, the Afghan Special Immigrant would not be eligible for Medicaid benefits after March 31, 2008 regardless of his or her date of application for Medicaid benefits as this would be six months after date of entry.
- For Iraqis with an entry date prior to January 28, 2008, their eligibility date for Medicaid benefits remains their date of entry to the U.S. as an Iraqi Special Immigrant. Thus, if the date of entry to the U.S. was November 1, 2007, the Iraqi Special Immigrant would not be eligible for Medicaid benefits after June 30, 2008 regardless of his or her date of application for Medicaid benefits as this would be eight months after date of entry.

Iraqi and Afghan aliens and family members who claim Special Immigrant status must provide verification that they have been admitted under section 101(a)(2) of the Immigration and Nationality Act (INA).

For Iraqi and Afghan Special Immigrants who acquire Special Immigrant Status while in the U.S., the date of eligibility for Medicaid or ORR benefits and services (their entry date) begins on the date Iraqi or Afghan Special Immigrant status is granted.

Authorization of Medicaid coverage depends on the date of application. Follow all policy rules regarding eligibility, including the 3-month retroactive period. If an Iraqi or Afghan Special Immigrant does not apply during the month of entry, he or she may actually receive Medicaid for less than 6/8 months.

These Special Immigrants may apply for all Medicaid Programs/NCHC, including Medicaid for Pregnant Women (MPW). Automatic newborn coverage applies if the mother is authorized for Medicaid on the date of birth, or the mother is approved after the child's birth and Medicaid authorization is effective no later than the date of birth, or the newborn remains in the hospital after the mother's release, and it is her intent to take the child home when he is released from the hospital. Continuous eligibility does not apply for children who receive Medicaid/NCHC under this Special Immigrant status.

### III. DOCUMENTATION OF ELIGIBILITY FOR MEDICAID

Iraqi and Afghan Special Immigrants must meet all programmatic requirements to receive Medicaid benefits. The immigrant documentation requirements are listed below.

**The following documents will confirm both status and date of entry of Iraqi and Afghan Special Immigrants:**

<b>Applicant</b>	<b>Documentation</b>
Principal Applicant Iraqi or Afghan Special Immigrant	Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) category SI1 or SQ1 and DHS stamp or notation on passport or I-94 showing date of entry
Spouse of Principal Applicant Iraqi or Afghan Special Immigrant	Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI2 or SQ2 and DHS stamp or notation on passport or I-94 showing date of entry
Unmarried Child Under 21 Years of Age of Iraqi or Afghan Special Immigrant	Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI3 or SQ3 and DHS stamp or notation on passport or I-94 showing date of entry
Principal Applicant Iraqi or Afghan Special Immigrant Principal Adjusting Status in the U.S.	DHS Form I-551 ("green card") showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV (Immigrant Visa) code for this category SI6 or SQ6
Spouse of Principal Applicant Iraqi or Afghan Special Immigrant Principal Applicant Adjusting Status in the U.S.	DHS Form I-551 ("green card") showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV (Immigrant Visa) code for this category SI7 or SQ7
Unmarried Child Under 21 Years of Age of Iraqi or Afghan Special Immigrant Principal Applicant Adjusting Status in the U.S.	DHS Form I-551 ("green card") showing Iraqi or Afghan (or Iraqi or Afghan passport), with an IV ("Immigrant Visa") code for this category SI9 or SQ9

#### **IV. MEDICAID PROCEDURE**

Accept and process Iraqi and Afghan Special Immigrants applications for Medicaid/NCHC following policy in MA-2300, Initial Contact, MA-2304, Processing the Application, and MA-3200, Initial Contact, MA-3205, Conducting A Face To Face Interview. Follow all Medicaid eligibility requirements.

Authorize ongoing coverage from the month of application through the 6/8 month period of initial entry when the applicant does not have a deductible. If an Iraqi or Afghan Special Immigrant does have a deductible, please contact your Medicaid Program Representative for further instructions.

#### **V. EIS PROCEDURES**

Counties must maintain a manual list of all Iraqi and Afghan Special Immigrant Applicants. The list should show date of application and certification period.

Key the Citizenship Exemption Code "50" for the Special Immigrant cases. If a change occurs during the certification period, use EIS automated notice codes 02 (timely) and 50 (adequate). This will allow the caseworker to key special notice text on the second screen of the DSS-8125. This will also be useful when terminating the individual at the end of the 6<sup>th</sup> or 8<sup>th</sup> month.

Counties should contact EIS at 919-855-4000 if they encounter any problems in keying Iraqi and Afghan Special Immigrant cases.

EIS is in the process of implementing a new tracking system for Citizenship/Identity. An addendum to this letter will be issued when these procedures have been finalized.

#### **VI. EFFECTIVE DATE AND IMPLEMENTATION**

This policy is effective upon receipt. Apply this policy to all applications taken after receipt of this letter or for applications in process. Make adjustments in certification periods already established, if appropriate.

If you have any questions regarding this information, please contact your Medicaid Program Representative. For any other issues that are not able to be handled through that venue, Mrs. Angela Floyd, Assistant Director for Recipient and Provider Services, will be your point of contact and can be reached at (919) 855-4000.

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