MA-2504 – ALIEN REQUIREMENTS
REVISED 05/01/11 – CHANGE NO. 09-11

I. INTRODUCTION

Individuals who live in the U.S. and are not U.S. citizens are aliens. For Medicaid purposes, aliens are referred to as qualified aliens or non-qualified aliens. Each applicant/recipient (a/r) 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/r 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 III., below, provides definitions for the United States Citizenship and Immigration Services' (USCIS) terms with which you may not be familiar.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L.104-93), and numerous amendments to it, have significantly changed Medicaid eligibility for individuals who are not citizens of the United States. Some of the 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 Noncitizen 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 noncitizens.

The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA or PL 111-3) provides a provision to extend Medicaid/CHIP coverage to qualified alien pregnant women and children under age 19 lawfully residing in the US who have not met the 5-year disqualification period or 5-year bar required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. These individuals are exempt from the 5 year bar. Refer to the chart, Overview of Alien Eligibility For Medicaid, in IV C. below.

Additionally, CHIPRA added 12 categories of non qualified aliens lawfully residing in the US who may be eligible for Medicaid for emergency medical services. These 12 categories of non qualified aliens are referred to as "special aliens". Otherwise eligible pregnant women or children under age 19 who are lawfully residing in the US, referred to as "special aliens" may be eligible for full Medicaid/CHIP coverage. Refer to the chart, Overview of Alien Eligibility For Medicaid, in IV. C. below.

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 or North Carolina Health Choice (NCHC).

II. PRINCIPLE

To be eligible for full Medicaid or North Carolina Heath Choice (NCHC), an individual must be a U.S. citizen or an alien admitted to the United States by USCIS under a specific immigration status. 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/R MUST MEET ALL CATEGORICAL AND FINANCIAL ELIGIBILITY REQUIREMENTS FOR THE AID PROGRAM/CATEGORY. THIS INCLUDES MA-2220, STATE RESIDENCE AND MA-2525, DISABILITY, IN THE AGED, BLIND, AND DISABLED MEDICAID MANUAL (IF APPROPRIATE). ONCE EACH A/R 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 stance or policy of DMA. 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: http://www.uscis.gov/portal/site/uscis

Alien: Any person who is not a citizen or national of the U.S.

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. Beginning in October 1994, section 245(i) of the INA allowed illegal residents who were eligible for immigrant status to remain in the U.S. and adjust to permanent resident status by applying at a USCIS office and paying an additional penalty fee.

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Section 245(i) is no longer available unless the alien is the beneficiary of a petition under section 204 of the Act or of an application for a labor certification under section 212(a)(5)(A), filed on or before April 30, 2001. And, if filed after January 1, 1998, the alien must have been present in the U.S. on December 21, 2000. Prior to October 1994, most illegal residents were required to leave the U.S. and acquire a visa abroad from the Department of State as they are again now.

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 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.

Amerasian Act: Public Law 97-359 (Act of 10/22/82) 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 Public Law 100-202 (Act of 12/22/87), 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.

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.)

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 non-immigrant 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.)

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Central Index System (CIS): An automated system containing information on aliens. The CIS, from which ASVI 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 Non-Immigrant Status: The action of changing a non-immigrant'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.

Conditional Entrant: A refugee. (See also definition for refugee conditional entrant.)

Conditional Resident: An alien granted a two-year period of permanent resident status based on a "qualifying" marriage of a U.S. citizen or national, or permanent resident alien. Children of a U.S. citizen or national, or permanent resident alien also may have this status. The conditional status may be removed after two years, when USCIS rules favorably or unfavorably on granting permanent lawful resident status to the alien.

Cuban-Haitian Entrant: The status afforded to (a) Cubans who entered the U.S. illegally between April 15, 1980, and October 10, 1980, and to (b) Haitians who entered the country illegally before January 1, 1981. This status is covered by section 502(e) of INA. Cubans and Haitians meeting these criteria who have continuously resided in the U.S. since before January 1, 1982, and who were known to the USCIS before that date, may adjust to permanent residence under a provision of the Immigration Control and Reform Act of 1986.

Document Verification Request (Form G-845S): A form 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.

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 forms are not green in color.

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 non-immigrant, violated status and remained in the U.S. without authorization. (See also definition for undocumented alien.)

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Immigrant: An alien who has been lawfully afforded the privilege of residing permanently in the U.S. His status allows authorization for work and entitlement benefits. (See also definitions for lawful permanent resident alien and permanent resident alien.).

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): Public Law 99-603 (Act of 11/6/86), 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."

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.

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Non-immigrant: 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.

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

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.

Passport: Any travel document issued by competent authority showing the bearer's origin, identity, and nationality, if any, which is valid for the entry of the bearer into a foreign country.

Permanent Resident Alien: A person that enters the country with an immigrant visa or adjusts his status after entering as a non-immigrant, 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 definitions for immigrant and lawful permanent resident alien.)

PRUCOL: A person permanently residing in the U.S. under color of law. This is not a status as defined by the Immigration and Nationality Act of 1952.

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 Public Law 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 (Public Law 96-212).

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 IRCA.

Students/Schools System (STSC): The USCIS online file that contains information on foreign students in 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.

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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 USCIS rules favorably or unfavorably on granting permanent lawful resident status to the alien.

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

IV. QUALIFIED ALIENS

A. Introduction

Medicaid eligibility and the level of coverage for an alien is based on whether the alien is qualified or non-qualified, entered the U.S. before August 22, 1996, the number of years since qualified alien status obtained, and immigration status. Some qualified aliens are banned from receiving assistance until 5 years from the date they became a qualified alien, while others are exempt from this disqualification period. The Deficit Reduction Act of 2005 (P.L. 109-171) did not change the requirements for qualified and non-qualified aliens. See VIII. for information on non-qualified aliens.

B. 5 Year Mandatory Disqualification Period (Five-Year Bar)

1. There is a 5-year mandatory disqualification period for certain qualified aliens if admitted on or after August 22, 1996. If the 5-year disqualification period applies, evaluate for emergency medical services only.

   NOTE: The 5-year disqualification period does not apply to aliens applying only for emergency Medicaid services.

2. If an applicant is not a U.S. citizen, he may only receive full Medicaid if he is a qualified alien and exempt from the 5-year bar. After the 5-year disqualification period expires, qualified aliens are potentially eligible for full Medicaid just like U.S. citizens. Refer to the chart, Overview of Alien Eligibility For Medicaid, in IV. C. below, to determine the alien status and who is subject to or exempt from the 5-year bar.

(IV.B.1.)

NOTE: If the five-year bar applies, the clock begins to run on the date that the person obtained qualified status; however, if the person entered the country prior to August 22, 1996, and remained continually present until they secured qualified immigrant status, the five-year bar does not apply. The person is eligible as soon as they obtained qualified immigrant status.

This rule applies equally to persons who were in the country without documents prior to August 22, 1996. Presence will likely be difficult to establish, but, can be verified through various forms of documentation including utility bills.

3. The Centers for Medicare and Medicaid Service (CMS) lists the following as exempt from the 5 year bar: refugees, asylees, Cuban and Haitian entrants, Amerasian immigrants, persons granted withholding of deportation, victims of trafficking, veterans and active duty military personnel and their spouses and children, as well as certain Native Americans.

4. Iraqi and Afghan SIV's, are exempt from the 5-year mandatory disqualification period (bar) and may receive full Medicaid if otherwise eligible.

5. Qualified alien pregnant women and children under age 19 lawfully residing in the US who have not met the 5-year disqualification period (bar) are exempt from the 5-year mandatory disqualification period (bar) and may receive full Medicaid if otherwise eligible. See IX. below.

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C. OVERVIEW OF ALIEN ELIGIBILITY FOR MEDICAID

Verification of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	ALIEN STATUS	ELIGIBILITY STATUS
Green Form DD-2 marked "ACTIVE", or • Current orders showing the individual is on full-time duty in the US Army, Navy, Air Force, Marine Corps, or Coast Guard (Reserves are not considered active duty)	**ACTIVE DUTY MILITARY** **(includes spouse and unmarried dependent children under 21)**	Eligible 5-year disqualification period does not apply
• Membership card or other tribal document demonstrating membership in a federally-recognized Indian tribe under section 4(e) of the Indian Self-Determination and Education Assistance Act.	**AMERICAN INDIAN**	Eligible This does not include a spouse or child of the individual. It also does not include a noncitizen whose membership in an Indian tribe or family is created by adoption, unless he is of at least 50% or more American Indian blood. 5-year disqualification period does not apply
• **I-551** (Alien Registration Receipt Card) with the code S13 • Canadian passport stamped with an with unexpired temporary I-551 stamp with the code S13 • **I-94** stamped with an unexpired temporary I-551 stamp with the code S13 • 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.	**AMERICAN INDIAN BORN IN CANADA**	Eligible 5-year disqualification period does not apply

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Verification of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	ALIEN STATUS	ELIGIBILITY STATUS
• **I-551** with the code AM6, AM7, or AM8 • **Foreign passport** stamped with an unexpired temporary I-551 stamp with the code AM1, AM2, or AM3 • **I-94** stamped with a unexpired temporary I-551 stamp with the code AM1, AM2, or AM3	**AMERASIAN IMMIGRANTS**	Eligible 5-year disqualification period does not apply
• **I-94** stamped showing grant of asylum under section 208 of the INA and date of entry • A grant letter from the Asylum Office of the USCIS • **I-571** Refugee Travel Document • **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(a)(5) • **I-766** (Employment Authorization Document) annotated "A5" • Court order of an immigration judge showing asylum granted under section 208 of the INA	**ASYLEE**	Eligible 5-year disqualification period does not apply

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Verification of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	ALIEN STATUS	ELIGIBILITY STATUS
• **I-797** indicating filing under one of the provisions listed below and approval of the petition or a finding that a prima facie case has been established. • Case Type: I-130 petition approved prima facie letter • Case Type: I-360 petition approved prima facie letter or petition approved. • **I-551** (Resident Alien Card or Alien Registration Receipt Card) with one of the following INS class of admission (COA) codes printed on the front of a white card (or the back of a pink card) demonstrates approval of a petition under 3.c.(1) or 3.c.(2) above: AR1, AR6, C20-C29, CF1, CF2, CR1, CR2, CR6, CR7, CX1 - CX3, CX6 - CX8, F20 - F29, FX1-FX3, FX6-FX8, IF1, IF2, IR1-IR4, IR6-IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21- P23, or P26-P28 (See NOTE) • **I-551** with one of the following COA codes stamped on the lower left side of the back of a pink card demonstrates approval of a petition under C.3.j.(1)3. IB1-IB3, IB6-IB8, B11, B12, B16, B17, B20-B29, B31-B33, B36-B38, BX1-BX3, or BX6-BX8.	**BATTERED ALIEN Includes battered alien's child and parent of a battered alien child**	Eligible if entered the U.S. prior to August 22, 1996 If admitted August 22, 1996 or after, ineligible for 5 years from the date they obtained qualified status. Eligible after the 5-year disqualification period. The 5 – year disqualification period does not apply to otherwise eligible pregnant women or children under age 19 who are special aliens and/or qualified aliens lawfully residing in the US.

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Verification of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	ALIEN STATUS	ELIGIBILITY STATUS
• **I-551** with one of the following COA codes stamped on the lower left side of the back of a pink card demonstrates approval of a petition under C.3.j.(1)3. Above: IB1-IB3, IB6-IB8, B11, B12, B16, B17, B20-B29, B31-B33, B36-B38, BX1-BX3, or BX6-BX8. • **I-551** with COA code Z13 *may* demonstrate approval of a petition. Ask the applicant where he or she received the grant of suspension of deportation. If received in Atlanta, Georgia, fax a DMA-5131 on county letterhead to (404) 331-4555 Executive Office for Immigration Review-Immigration Courts. (The Atlanta, Georgia office handles North Carolina cases.) Include a copy of any supporting documents provided by the individual, as well as a copy of the card and any other document(s) presented, to the EOIR court that granted the alien's suspension. The phone number of the Atlanta office is (404)331-7647. The address is Martin Luther King Jr. Federal Building, 77 Forsyth Street, Room 112, Atlanta, Georgia 30303. • **NOTE:** If grant of suspension of deportation received at any other EOIR office, call DMA policy unit at (919)855-4000 for the fax number. The EOIR addresses, phone and fax numbers are located in a table in Section 00502.116M of the POMS manual.	**BATTERED ALIEN CONTINUED Includes battered alien's child and parent of a battered alien child**	Eligible if entered the U.S. prior to August 22, 1996 If admitted August 22, 1996 or after, ineligible for 5 years from the date they obtained qualified status. Eligible after the 5-year disqualification period. The 5 – year disqualification period does not apply to otherwise eligible pregnant women or children under age 19 who are special aliens and/or qualified aliens lawfully residing in the US.

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Verification of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	ALIEN STATUS	ELIGIBILITY STATUS
• **Unexpired Temporary I-551** stamp in foreign passport or on INS Form I-94 with one of the COA codes specified in the above list (if the temporary stamp or the INS Form I-94 bears the code Z13, follow the process described immediately above) • An order from an immigration judge (EOIR) or the Board of Immigration Appeals granting suspension of deportation • or cancellation of removal under VAWA (EOIR Form 42B) or an order from an immigration judge (EOIR) or Board of Immigration Appeals showing that applicant has established a prima facie case for suspension of deportation or cancellation of removal. • **An approved I-360** establishing applicant as widow or widower of a U.S. citizen to whom the alien had been married for at least 2 years at the time of the citizen's death.	BATTERED ALIEN **CONTINUED** **Includes battered alien's child and parent of a battered alien child**	Eligible if entered the U.S. prior to August 22, 1996 If admitted August 22, 1996 or after, ineligible for 5 years from the date they obtained qualified status. Eligible after the 5-year disqualification period. The 5 – year disqualification period does not apply to otherwise eligible pregnant women or children under age 19 who are special aliens and/or qualified aliens lawfully residing in the US.

NOTE: For battered aliens, the codes, types, and stamps in foreign passports or on the I-94 that demonstrates an approved petition or application under one of the provisions are too numerous to describe here. If an alien claiming pending or approved status, presents a code different than those listed, or if you cannot determine the class of admission from the I-551 stamp, send the SAVE, G-845S, Document Verification Request, along with a copy of the document(s) presented to USCIS.

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Verification of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	ALIEN STATUS	ELIGIBILITY STATUS
• **I-94** with stamp showing admission under 203(a)(7) of the INA, refugee-conditional entry • **I-766 OR I-688B** (Employment Authorization Card) annotated 274a.12(a)(3) • **I-766** (Employment Authorization Document) annotated "A3"	**CONDITIONAL ENTRANT**	Eligible if entered the U.S. prior to August 22, 1996 If admitted August 22, 1996 or after, ineligible for 5 years from the date they obtained qualified status. Eligible after the 5-year disqualification period. The 5 – year disqualification period does not apply to otherwise eligible pregnant women or children under age 19 who are special aliens and/or qualified aliens lawfully residing in the US.
• **I-551** (Alien Registration Receipt Card) with the code CU6, CU7, or CH6 • **Foreign passport** stamped with an unexpired temporary I-551 stamp with the code CU6 or CU7 • **I-94** stamped with a unexpired temporary I-551 stamp with the code CU6 or CU7 • **I-94** with stamp showing parole as "Cuban/Haitian Entrant" under Section 212(d)(5) of the INA.	**CUBAN/HAITIAN ENTRANT**	Eligible 5-year disqualification period does not apply

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Verification of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	ALIEN STATUS	ELIGIBILITY STATUS
• Order of an immigration judge showing deportation withheld under section 243(h) of INA as in effect prior to April 1, 1997, or removal withheld under Sec. 241(b)(3) of the INA and date of grant • **I-571** Refugee Travel Document • **I-766 OR I-688B** (Employment Authorization Card) annotated 274a.12(a)(10) • **I-766** (Employment Authorization document) annotated "A10"	**DEPORTATION WITHHELD**	Eligible 5-year disqualification period does not apply
• **Iraqi or Afghan** passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) category SI1, SI2, SI3, or SQ1, SQ2, SQ3 and DHS stamp or notation on passport or I-94 showing date of entry • **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 S16, SI7, SI9 or SQ6, SQ7, SQ9	**Iraqi or Afghan Special Immigrant**	Effective December19,2009 Eligible 5 year disqualification period does not apply

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Verification of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	ALIEN STATUS	ELIGIBILITY STATUS
• **I-551** Alien Registration receipt Card commonly referred to as "green card" • **Foreign passport** stamped with an unexpired temporary I-551 stamp • **I-94** annotated stamped with a temporary I-551 stamp (for recent arrivals or aliens who have applied for a replacement I-551) including the I-155 or I-94 stamped with AM-1, AM-2, AM-3, AM-6, AM-7, and AM-8	Lawfully Admitted for Permanent Residence (LPR)	Eligible if entered the U.S. prior to August 22, 1996 and were continuously present in the U.S. until obtaining qualified alien status. If admitted August 22, 1996 or after, ineligible for 5 years from the date they obtained qualified status. Eligible after the 5-year disqualification period. The 5 – year disqualification period does not apply to otherwise eligible pregnant women or children under age 19 who are special aliens and/or qualified aliens lawfully residing in the US.
I-94 annotated with stamp showing grant of parole under 212(d)(5) and a date showing granting of parole for at least 1 year. (Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement.)	**PAROLEE**	Eligible if entered the U.S. prior to August 22, 1996 If admitted August 22, 1996 or after, ineligible for 5 years from the date they obtained qualified status. Eligible after the 5-year disqualification period. The 5 – year disqualification period does not apply to otherwise eligible pregnant women or children under age 19 who are special aliens and/or qualified aliens lawfully residing in the US.

(IV. C.)

Verification of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	ALIEN STATUS	ELIGIBILITY STATUS
• **I-94** stamped showing admission under section 207 of the INA and date of entry to the US • **I-766 OR I-688B** (Employment Authorization Card) annotated 274a.12(a)(3) • **I-766** (Employment Authorization document) annotated 'A3' • **I-571** (Refugee Travel Document) (Refugees become eligible to apply for adjustment to LPR status after 12 months in the U.S., but it takes another 6-12 months to become approved. If adjusted to LPR status they are still considered refugees for eligibility purposes when they have a I-551 with a code of RE-6, RE-7, RE-8, or RE-9)	**REFUGEE**	Eligible 5-year disqualification period does not apply
• Office of Refugee Resettlement (ORR) certification letter	**TRAFFICKING VICTIM**	Eligible 5-year disqualification period does not apply
• **DD-214** indicating honorable discharge, or • Discharge papers indicating honorable discharge	**VETERAN** **(includes spouse and unmarried dependent children under 21)**	Eligible 5-year disqualification period does not apply.

(IV. C.)

Verification of Alien Status Includes But May Not Be Limited To The Documents Below
The following 12 categories are referred to in the manual as "Special Aliens"

VERIFICATION DOCUMENT	SPECIAL ALIEN Lawfully Residing in US	ELIGIBILITY STATUS
• **I-94** Arrival/Departure Record marked "CFA/MIS" "CFA/FSM" or "D/S" (duration of status) or other annotation indicating admission according to a Compact of Free Association • I-766 OR I-688B (Employment Authorization Card) annotated "274a.12(a)(8) • Any verification from Department of Homeland Security **(DHS)** or other authoritative document.	**Citizens of Micronesia, the Marshall Islands, and Palau admitted on non-immigrant visas**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.
• **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(a)(2) • Any verification from DHS or other authoritative document	**Temporary Resident Status under section 210 or 245A of the Immigration and Nationality Act (INA);**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.
• **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(a)(12)" • **I-797A** Approval Notice for Temporary Protected Status • Any verification from DHS or other authoritative document	**Temporary Protected Status (TPS)**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.

(IV. C.)

Verification Of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	SPECIAL ALIEN Lawfully Residing in US	ELIGIBILITY STATUS
• **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(a)(14)" • **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(c)(24)" • Any verification from DHS or other authoritative document	**"LIFE Act" Family Unity beneficiaries**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.
• **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(a)(11) • Approval Notice showing grant of Deferred Enforced Departure. • Any verification from DHS or other authoritative document	**Deferred Enforced Departure**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.
• **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(c)(9) • Receipt notice showing filing of form I-485 Application to Register Permanent Resident or Adjust Status • ASC Appointment Notice showing Case Type I-485 • Interview Notice showing case type I-485 • Any verification from DHS or other authoritative document.	**Spouses or children of a U.S. citizen whose visa petitions have been approved and who have pending applications for adjustment of status**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.

(IV. C.)

Verification Of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	SPECIAL ALIEN Lawfully Residing in US	ELIGIBILITY STATUS
• **Form I-94** Arrival/Departure Record marked N-8 or N-9 • Foreign passport containing non-immigrant visa marked N-8 or N-9 • **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(a)(7)" • Any verification from DHS or other authoritative document	**"N" Visa (parent or child of immigrant working for international organization)**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.
• **Form I-94** Arrival/Departure Record marked K-1 or K-2 • Foreign passport containing non-immigrant visa marked K-1 or K-2 • **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(a)(6)" – • **I-797A Approval Notice** for I-129 Petition for Fiancé • Any verification from DHS or other authoritative document	**"K" Visa (A Fiancé of a citizen or the fiancé's dependent)**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.
• **Form I-94** Arrival/Departure Record marked R-1 or R-2 • Foreign passport containing non-immigrant visa marked R-1 or R-2 • Any verification from DHS or other authoritative document	**"R" visa (Religious worker)**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.

(IV. C.)

Verification Of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	SPECIAL ALIEN Lawfully Residing in US	ELIGIBILITY STATUS
• **Form I-94** Arrival/Departure Record marked S-5, S-6, or S-7 • Foreign passport containing non-immigrant visa marked S-5, S-6, or S-7 • **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(c)(21)" • Any verification from DHS or other authoritative document	**"S" visa (Person assisting in a criminal investigation)**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.
• **Form I-94** Arrival/Departure Record marked U-1, U-2, U-3, U-4, or U-5 • Foreign passport containing non-immigrant visa marked U-1, U-2, U-3, U-4, or U-5 • **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(a)(19) or (a)(20)" • **I-797A Approval Notice** for Petition for U-Non-Immigrant Status or Petition for Qualifying Family Member of U-1 Recipient • Any verification from DHS or other authoritative document.	**"U" visa (Victims of qualifying crimes)**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.

Verification Of Alien Status Includes But May Not Be Limited To The Documents Below

VERIFICATION DOCUMENT	SPECIAL ALIEN Lawfully Residing in US	ELIGIBILITY STATUS
• **Form I-94** Arrival/Departure Record marked V-1, V-2, or V-3 • Foreign passport containing non-immigrant visa marked V-1, V-2, or V-3 • **I-766 OR I-688B** (Employment Authorization Card) annotated "274a.12(a)(15)" • **I-797A Approval Notice** for Extension or Change of Non-Immigrant Status showing "Class: V" • Any verification from DHS or other authoritative document.	**"V" visa (Individuals with petitions pending for 3 years or more)**	Eligible for Medicaid for emergency medical services only. Full Medicaid eligibility applies to otherwise eligible pregnant women or minor children under the age of 19 lawfully residing in the US.

D. Lawful Permanent Resident (LPR)

1. An LPR is an alien who is legally admitted to the U.S. by the USCIS to live and work on a permanent basis. The majority of qualified aliens are LPR's and often are referred to as a "resident aliens". USCIS issues each LPR an I-551. This is known as a "green card", even though it is not green. Aliens recently admitted to the U.S. as a LPR, or who have applied for a replacement I-551 may only have the I-94 with a temporary I-551 stamp. Other documents issued by USCIS for "resident aliens," include the I-155 or I-94 stamped with AM-1, AM-2, AM-3, AM-6, AM-7, and AM-8.

2. LPR's are potentially eligible for full Medicaid. Refer to the chart, Overview of Alien Eligibility For Medicaid, in IV C. above to determine if the 5-year mandatory disqualification period applies.

   Refer to F. for documentation of LPR status.

(IV.)

E. Exempt Aliens Who Adjust Status to LPR

1. Aliens who entered the U.S. in a status exempt from the 5-year bar remain exempt after they adjust to LPR status. These include: refugees, asylees, Cuban and Haitian entrants, Amerasian immigrants, persons granted withholding of deportation, victims of trafficking, veterans and active duty military personnel and their spouses and children, as well as certain Native Americans. They remain potentially eligible for full Medicaid without the 5-year bar.

2. Aliens can be legally admitted to the U.S. by the USCIS for many different reasons. For example, an individual may be admitted to the U.S. because he is fleeing persecution in his own country, or USCIS determines it is in the public interest for him to be admitted. Additionally, refugees who adjust their status to LPR and were originally admitted as a political admission, remain potentially eligible for Medicaid based on the original status when admitted. This is verified when the I-551 indicates a code of RE-6, RE-7, RE-8,or RE-9.

   Example: An individual is admitted as refugee in January 1997. He adjusts his status to LPR in 1998. Regardless, he remains potentially eligible for full Medicaid based on being admitted as a refugee/asylee.

F. Procedures to Verify and Document Qualified Alien Status

Below are the procedures for verifying and documenting qualified alien status for applicants requesting medical assistance (applicants/recipients) **except trafficking victims and battered aliens**. Refer to I. and J. below, for trafficking victims and battered aliens procedures.

1. Verify the alien’s current status.

   a. Request the alien's original USCIS documents (not copies) for current status. Verification of citizenship/alien status is required only for applicants for whom benefits are being requested.

   b. Use documents listed in the chart, Overview of Alien Eligibility For Medicaid, in IV C. above, to verify the alien’s status. If the alien does not have one of these documents, he cannot be considered a qualified alien for Medicaid purposes.

(IV. F.)

c. If an applicant presents an expired document or is unable to present any immigration documentation evidencing his alien status, refer the applicant to the local USCIS Office to obtain documentation of his immigration status listed below:

   United States Citizenship and Immigration Services
   Charlotte Sub Office
   6130 Tyvola Center Dr.
   Charlotte, NC 28217
   Telephone (800) 375-5283

d. Verify the authenticity of the alien document, and the date of admission using SAVE, Systematic Alien Verification for Entitlement Program. Follow procedures in EIS 1108, SAVE Verification Information System.

   NOTE: DO NOT use SAVE as verification for trafficking victims. Follow procedures in H. to verify trafficking victims.

e. Under most circumstances, an automated check of SAVE records is the first step in the verification process. However, there are circumstances that require you to perform secondary verification immediately instead of checking SAVE. Refer to XI below for a list of these circumstances.

   While you are waiting on a response from the secondary verification, treat the applicant as a non-qualified alien and process for emergency medical services only. Proceed to X. below.

(IV.F.1.)

f. Document his current alien status on the application/ redetermination form. Attach a copy of the USCIS documentation to the a/r's permanent record and return original document(s) to the a/r. Explain that when the person signs the form he certifies alien status for the applicant(s).

g. If the current documents verify he is a qualified alien as defined above, continue with these procedures.

2. Verify the date the alien entered the U.S.

A qualified alien who entered the U.S. before 8/22/96, and whose current alien status was granted after 8/22/96, may be able to provide a document (for example, a passport with an I-94 stamp) that shows that he was in an earlier status and the status was granted before 8/22/96. You must establish that he was continuously present in the U.S. until obtaining qualified alien status.

Potential sources of verification are tax returns, bills, rent receipts, or a letter from an employer. Any single absence from the U.S. of more than 30 days or a total of aggregate absences of more than 90 days should be considered to interrupt 'continuous presence.'

NOTE: "Continuous presence" is measured between the alien's last date of entry into the U.S. prior to 8/22/96 and the date qualified alien status is obtained. Therefore, if an alien entered the country on May 1, 1995, left on October 1, 1995, and returned on July 1, 1996, continuous presence is measured from July 1, 1996. The period between October 1, 1995, and July 1, 1996, is not counted as an absence.

If the individual is unable to provide a document, accept a written statement from a sponsor, family member, or as a last resort, the alien as verification. The statement must include when the alien entered the U.S., prior alien status, and the date that status was granted.

3. Determine whether the 5-year disqualification period applies or whether the qualified alien is exempt from the disqualification period. Refer to the chart, Overview of Alien Eligibility For Medicaid, in IV C. above.

4. Determine the appropriate citizenship/identity code 60-66 for refugee or alien status for immigrants. Refer to EIS 4000, Codes Appendix.

5. Re-verify alien status when the alien status is subject to change.

Examples of when alien status is subject to change include:

(IV. F. 5.)

a. An individual admitted under a temporary status may change to lawful permanent resident status.

b. An individual admitted under a temporary status that has expired may have updated his status.

c. A refugee may change his alien status to lawful permanent resident status.

d. An individual may meet the requirements as a battered alien or some other type of qualified alien status.

e. An illegal alien may change to a legal status.

Note: This is not an all-inclusive list. There may be other times when an individual's alien status may change.

6. Reporting to USCIS

Individuals who apply for any Medicaid program or service are not subject to any USCIS reporting requirements and should not be reported to the USCIS.

Declining to provide documentation of alien status is not a valid reason for USCIS referral. The a/r who declines to present documentation of alien status or a SSN will only be able to receive emergency Medicaid, if otherwise eligible. Therefore, there is no reason to seek further verification of his alien status.

7. Confidentiality of Alien Status

All rules of confidentiality must be applied in regard to alien status. It is a breach of confidentiality to discuss the alien status of an individual with employers, landlords, etc.

G. Immigrants - Refugee Code, Date, Alien ID and Citizenship/Identity Codes

1. Enter a Refugee Code to designate the immigrant's country of origin, date the individual entered the United States or the date the individual was assigned the immigrant/refugee status as applicable and an Alien ID number for <u>each</u> immigrant whose citizenship/identity code is 60-66. Key only the numeric parts of the Alien ID. Do not key the alpha "A." Refer to <u>EIS 4000, Codes Appendix</u>.

(IV. G.)

2. For Lawful Permanent Residents (LPRs), other than Iraqi/Afghan Special Immigrants, key only citizenship/identity code 51. Alien ID and Refugee Codes, date the individual entered the United States or the date the individual was assigned the immigrant/refugee status are not required for LPRs. Refer to EIS Manual Section 4000, Codes Appendix.

H. Iraqi and Afghanistan Special Immigrants

The Department of Defense Appropriations Act, P.L. 111-118 signed into law on December 19, 2009, granted Iraqi and Afghan Special Immigrants (SIV's) eligibility for resettlement assistance, federal benefits, and entitlements for the same time period as refugees. Like refugees, Iraqi/Afghan SIV's are considered to be qualified aliens who are not subject to the 5-year bar, and they are no longer limited to an 8 month eligibility period following date of entry.

1. A Special Immigrant must meet all other Medicaid eligibility requirements. Follow all policy rules regarding eligibility, including the 3-month retroactive period. If he is found ineligible for Medicaid, he is automatically eligible to apply for Refugee Medical Assistance (RMA).

2. The Special Immigrant 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. Continuous eligibility does not apply for children who receive Medicaid/NCHC under Special Immigrant status.

   NOTE: The individual may also apply for TANF benefits and/or Maintenance of Effort (MOE) funded public benefits as well as Refugee Cash Assistance (RRF).

3. Refer to the chart, Overview of Alien Eligibility For Medicaid, in IV C. above, to determine Iraqi/Afghan Special Immigrant status of an individual. Refer to EIS 4000, Codes Appendix for citizen/identity code.

I. Trafficking Victims

A victim of a severe form of trafficking is an alien who has been forced into the international sex trade, prostitution, slavery and forced labor through coercion, threats of physical violence, psychological abuse, torture, and imprisonment.

An alien whose status as a trafficking victim has been verified with the Office of Refugee Resettlement (ORR) is potentially eligible for full Medicaid to the same extent as refugees. The five-year disqualification period does not apply.

(IV. I.)

1. Verify and document the alien's status as a trafficking victim. ORR issues a certification letter for an adult who has been subjected to a severe form of trafficking and meets statutory certification requirements. In addition, ORR issues similar eligibility letters for children who have been found to be victims of a severe form of trafficking.

   NOTE: Other agencies, such as the USCIS, may issue letters or other documents to victims of severe forms of trafficking. However, only the original ORR letter may be accepted as proof of certification. Do not require a victim of severe trafficking to provide any USCIS documentation.

2. To verify the status of trafficking victims:

   a. Obtain the original certification letter for adults or eligibility letter for children issued by the ORR from the a/r. Place a copy of the letter in the file; **and**

   b. Call the trafficking verification line at (202) 401-5510 to confirm the validity of the certification letter or eligibility letter for children and to inform ORR of the type of benefits for which the individual has applied.

      NOTE: At this time, SAVE does not contain information about victims of severe forms of trafficking. Until further notice, do not contact SAVE concerning victims of severe forms of trafficking.

3. Contact the North Carolina State Refugee Office at (919) 733-7650 if you believe an adult or child may have been subjected to a severe form of trafficking and they have not applied for certification under the Trafficking Victims Protection Act.

J. Battered Alien (Violence Against Women Act)

An alien who has been battered or subjected to extreme cruelty and meets the requirements below is considered a qualified alien. The battered alien must be the spouse, former spouse, widow, child, or parent of a child of a U.S. citizen or LPR alien.

NOTE: If a parent is a battered alien, his child who lives with him also meets the criteria as a battered alien. If a child is a battered alien, his parent who lives with him also meets the criteria as a battered alien as long as the parent did not actively participate in the battery or extreme cruelty.

(IV.J)

1. Battered aliens are potentially eligible for full Medicaid. The 5-year disqualification period applies if the battered alien was admitted on or after August 22, 1996. It does not apply to anyone who entered the U.S. before 8/22/96.

2. Verify and document the alien's status as a battered alien. Refer to the chart, Overview of Alien Eligibility For Medicaid, in IV C. above and also the chart, Battered Aliens Documentation, in IV. K below, for a list of documents and actions to take when an individual claims to be a battered alien and either has or does not have verification.

3. Verification of battered alien status consists of either an order granted by USCIS (such as an approval letter or prima facie determination) or a bona fide copy of a petition or application filed with USCIS or the Executive Office of Immigration Review (EOIR). EOIR is the office in the Department of Justice that oversees the Board of Immigration Appeals.

4. Confirm that:

   a. USCIS or EOIR has either granted a petition of the applicant filed under the Violence Against Women Act (VAWA) or family-based petition, or

   b. There is prima facie approval under the VAWA or a family-based petition.

5. Document the client's current alien status in the case file.

   NOTE: "Battered or subject to extreme cruelty" includes, but is not limited to, any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution are considered acts of violence.

6. Verify that the alien or alien's child has been battered or subject to extreme cruelty in the United States by a:

   a. Spouse;

   b. Parent of the alien; or

   c. Member of the spouse's or parent's family residing in the same household.

   "Member of the spouse or parent's family" means any person related by blood, marriage, or adoption to the spouse or parent of the alien.

(IV. J.)

7. Corroborate, if possible, the claim of abuse, and document the corroboration used:

   a. If the alien has a pending or approved petition filed under VAWA, there is no need to request additional proof. The USCIS or EOIR has already made a determination that the alien or the alien's child has been battered and/or subject to extreme cruelty. There is no need to request additional proof to corroborate the claim of abuse.

   b. If the alien has a pending or approved petition as a widow(er) of a U.S. citizen or petition for immediate relative status, attempt to corroborate the claim of abuse through one of the following documents:

      (1) Reports or affidavits from police, judges and other court officials, medical personnel, school officials, clergy, Child Protective Services' staff, or counseling, or mental health personnel;

      (2) Any legal documents that document the abuse (protection orders, police reports, etc.);

      (3) Evidence that indicates that the alien sought safe haven in a shelter for battered individuals or similar refuge because of battery;

      (4) Statements by other people knowledgeable of the applicant's circumstances; or

      (5) Signed statement by the applicant.

8. In cases where an applicant's child has been battered, the applicant must submit his statement indicating that he did not actively participate in the battery or extreme cruelty.

9. A substantial connection between battery (or extreme cruelty) and the need for Medicaid must exist. Any of the following circumstances may be considered to determine whether a substantial connection exists:

   a. To enable the individual to become self-sufficient following separation from the abuser;

   b. To obtain medical attention or mental health counseling caused by abuse;

   c. To provide medical care during a pregnancy resulting from the abuser's sexual assault or abuse of, or relationship with, the individual; or

(IV. J. 9.)

d. To replace medical coverage and/or health care services lost when the individual separated from the abuser.

This list is not intended to be all-inclusive. There may be other circumstances that could be considered reasonable for determining that this requirement is met.

10. In order to be a qualified alien based on battery or extreme cruelty, the battered individual must no longer be physically residing in the same household as the individual responsible for the battery or extreme cruelty. (See below if the alien is still living with the batterer.) Accept any of the following as verification:

a. Reports or affidavits from police, judges or other court officials, medical personnel, school officials, clergy, Child Protective Services' staff, or counseling, or mental health personnel,

b. Signed statement from a staff member at a shelter for battered individuals or homeless persons,

c. Rental records or utility receipts in the battered alien's name,

d. School records,

e. Statement by family member, friend, or other person knowledgeable of the battered alien's circumstances; or

f. Signed statement by the battered alien.

11. If the battered individual resumes living with the batterer, he no longer meets the requirements as a battered alien beginning the month after the month in which they resume living together.

12. In cases where the a/r's child or the a/r's parent has been battered, the a/r and the battered individual must BOTH be residing in the same household apart from the batterer.

(IV. J.)

13. Applicants who still reside with the batterer may need the assurance of the availability of benefits in order to leave their batterer and survive independently. If this is the case, complete the eligibility determination and allow the alien up to the 45th day processing deadline to verify that he has left the batterer. See IV. J. 10, above, for potential sources of verification. If on the 45th day the applicant has not left, do not allow any exemption as a battered alien.

14. Aliens who claim to have been battered may have documentation of their immigration status. The chart in IV K, below, Battered Aliens Documentation, gives the actions the caseworker must take based on the documents presented.

(IV)

K. BATTERED ALIENS DOCUMENTATION

Aliens who claim to have been battered may have the following documentation of their immigration status. The following chart gives the actions the caseworker must take based on the document presented.

Approved Petition

Evidence	Category	Action by the County
A. **Form I-797 indicating:** **Case Type: I-130 Immigrant Petition for Relative, Finance(e), or Orphan** **Notice Type: Approval Notice** **Section:** "Husband or wife of U.S. citizen (or LPR), or "Unmarried children under 21 of U.S. citizens (or LPRs), or "Unmarried children over 21 of LPRs"	Sec. 204(a)(1)(A)(i) or Sec. 204(a)(1)(B)(i)	1. Verify abuse, 2. Determine connection between battery and need for Medicaid, 3. Verify no longer lives with abuser.
B. **Form I-797 indicating:** **Case Type: I-360** **Notice Type: Approval Notice** **Section:** Widow(er) of U.S. citizen to whom the alien had been married for at least 2 years at the time of the citizen's death	Sec 204(a)(1)(A)(ii)	1. Verify abuse, 2. Determine connection between battery and need for Medicaid, 3. Verify no longer lives with abuser. NOTE: Abuser can be a family member.
C. **Form I-797 indicating:** **Case Type: I-360** **Notice Type: Approval Notice** Section: Self-petitioning spouse or child of abusive U.S. citizen or LPR	Sec.204(a)(1)(A)(iii) or Sec.204(a)(1)(B)(ii) or Sec.204(a)(1)(A)(IV.I) or Sec.204(a)(1)(B)(iii)	1. Do not verify abuse, (Abuse has been determined by USCIS in this situation.) 2. Determine connection between battery and need for Medicaid, 3. Verify no longer lives with abuser.

(IV.K)

Approved Petition

Evidence	Category	Action by the County
D. **Final Order of Immigration Judge or Board Of Immigration Appeals** granting suspension of deportation under Sec. 244(a)(3) as in effect prior to 4/1/97 or cancellation of removal under Sec. 240A(b)(2)	Sec.244(a)(3)(before 4/1/97) or Sec.240A(b)(2)	1.If the order does not show under which INA provision relief was granted, verify through EOIR by faxing a DMA-5131 on county letterhead to (404) 221-4555 Executive Office for Immigration Review-Immigration Courts. Include a copy of any supporting documents provided by the individual, 2. Verify abuse, 3. Determine connection between battery and need for Medicaid, 4. Verify no longer lives with abuser.

Temporary Approval of Petition

Evidence	Category	Action by the County
A. Form I-797 indicating: **Case Type:** I-360, Petition for Amerasian, Widow, or Special Immigrant **Section:** Self-petitioning spouse or child of abusive U.S. citizen or LPR **Body of Notice:** "THIS PRIMA FACIE DETERMINATION IS VALID FOR A PERIOD OF 150 DAYS FROM THE NOTICE DATE SHOWN ABOVE, AND EXPIRES ON THE DATE INDICATED AT THE BOTTOM OF THE PAGE"	Sec. 204(a)(1)(A)(iii) or Sec. 204(a)(1)(B)(ii) or Sec. 204(a)(1)(A)(IV.I) or Sec. 204(a)(1)(b)(iii)	1. Consider the petition granted, but flag case for 150 days to verify final approval of petition, 2. Do not verify abuse, (Abuse has been determined by USCIS in this situation.) 3. Determine connection between battery and need for Medicaid, 4. Verify no longer lives with abuser.
B. Immigration Judge or Board Of Immigration Appeals Final Order indicating a prima facie case established for suspension of deportation under Sec. 244(a)(3) as in effect prior to 4/1/97 or cancellation of removal under Sec 240(b)(2)	Sec. 244(a)(3)(before 4/1/97) Or Sec. 240A(b)(2)	1. Consider the petition granted, but flag case for 150 days to verify final approval of petition, 2. Verify abuse, 3. Determine connection between battery and need for Medicaid, 4. Verify no longer lives with abuser.

(IV.K)

Petition Filed, No Evidence of Temporary Approval of Petition

Evidence	**Category**	**Action by the County**
A. Form I-797 indicating: **Case Type**: I-360, Petition for Amerasian, Widow, or Special Immigrant **Notice Type**: Receipt Notice Section: Self-petitioning spouse or child of abusive U.S. citizen or Self-petitioning spouse or child of an abusive LPR; or File-Stamped Copy of I-360 Petition for classification as "Self-petitioning Spouse (or Child) of Abusive U.S. Citizen or Lawful Permanent Resident"; or Copy of I-360 petition of classification as "Self-Petitioning Spouse (or Child) of Abusive U.S. Citizen or Lawful Permanent Resident" and proof of mailing dated after 6/6/97	Sec. 204(a)(1)(A)(iii) or Sec. 204(a)(1)(B)(ii) or Sec. 204(a)(1)(A)(IV.I) or Sec. 204(a)(1)(b)(iii)	1. If three weeks have elapsed since filing of petition, complete a DMA-5132, and FAX to USCIS Vermont Service Center FOR DETERMINATION OF STATUS, Fax: (802) 527-3252; Telephone: (802) 527-3160 2. Verify abuse, 3. Determine connection between battery and need for Medicaid, 4. Verify no longer lives with abuser. 1.Complete a DMA-5132, and fax to USCIS Vermont Service Center to request USCIS expedite processing of petition or make a prima facie determination, Fax: (802) 527-3252; Telephone: (802) 527-3160 2. Verify abuse, 3. Determine connection between battery and need for Medicaid, 4. Verify no longer lives with abuser.

(IV.K)

Petition Filed, No Evidence of Temporary Approval of Petition

Evidence	Category	Action by the County
B. Form I-797 indicating: **Case Type:** I-130, Immigration Petition for Relative, Fiance(e), or Orphan **Notice Type:** Receipt Notice Section: "Husband or wife of U.S. citizen (or LPRs)," or "Unmarried children over 21 of LPRs" Or File-stamped Copy of I-130 or Cash register or computer-generated receipt indicating filing of I-130	Sec. 204(a)(1)(A)(i) or Sec. 204(a)(1)(B)(i)	1. Complete a DMA-5132, and fax to USCIS Vermont Service Center to request USCIS expedite processing of petition, Fax: (802) 527-3252; Telephone: (802) 527-3160 2. Verify abuse, 3. Determine connection between battery and need for Medicaid, 4. Verify no longer lives with abuser.
C. Form I-797 indicating: **Case Type**: I-360, Petition for Amerasian, Widow, or Special Immigrant **Notice Type**: Receipt Notice Section: Widow of a U.S. citizen to whom the alien had been married for at least 2 years at the time of the citizen's death; or Cash register or computer-generated receipt indicating filing of such I-360	Sec. 204(a)(1)(A)(ii)	1. Complete a DMA-5132, and fax to USCIS Vermont Service Center to request USCIS expedite processing of petition, Fax: (802) 527-3252; Telephone: (802) 527-3160 2. Verify abuse, 3. Determine connection between battery and need for Medicaid, 4. Verify no longer lives with abuser. **NOTE:** Abuser can be a family member.

(IV.K)

Deportation/Removal Proceedings

Evidence	Category	Action by the County
• Order to Show Cause • Notice to Appear • Notice of Hearing in Deportation Proceedings	In Deportation/Removal Proceedings and alien or child has been battered in the U.S., and has been in the U.S. for at least 3 years	1. Inform alien that he/she can file with EOIR for cancellation of removal, **NOTE:** Alien is not a battered alien if he/she does not file with EOIR for cancellation of removal. 2. Verify abuse, 3. Determine connection between battery and need for Medicaid, 4. Verify no longer lives with abuser.

Alleges Petition Filed

Evidence	Category	Action by the County
Some documentation or client is certain that petition has been filed		1. Complete and Fax a DMA-5132, to USCIS Vermont Service Center FOR A DETERMINATION OF STATUS, Fax: (802) 527-3252; Telephone: (802) 527-3160 2. Verify abuse, 3. Determine connection between battery and need for Medicaid, 4. Verify no longer lives with abuser.
Uncertain if petition filed		1. Refer alien to the National Domestic Violence Hotline (1-800-799-7233) so he can obtain assistance from a local domestic violence service provider and referrals to immigration attorneys, **NOTE:** Alien is not a battered alien unless provides proof petition is filed. 2. Verify abuse, 3. Determine connection between battery and need for Medicaid, 4. Verify no longer lives with abuser.

(IV.K)

No Petition; Has Basis To File

Evidence	Category	Action by the County
No petition filed, makes allegation or presents evidence of battery		1. Refer alien to the National Domestic Violence Hotline (1-800-799-7233) so he/she can obtain assistance from a local domestic violence service provider and referrals to immigration attorneys, **NOTE:** Alien is not a battered alien unless petition is filed. 2. Verify abuse, 3. Determine connection between battery and need for Medicaid, 4. Verify no longer lives with abuser.

V. 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. See 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 Legal 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

(V.)

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.

VI. Sponsor deeming

Legal 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.

VII. Verifying 40 qualifying Quarters

A. 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.

B. Verification of Quarters of Coverage

If the a/r receives Food Stamps, you may use verification in the food stamp record. If the food stamp record shows that the a/r 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. Detailed instructions regarding the use of IEVS are found in the EIS-1107, State Online Query/Third Party Query. 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.

5. Follow instructions in EIS-1107, State Online Query/Third Party Query to access the QC History in IEVS.

VIII. Non-Qualified Aliens

An alien who does not meet the specific requirements of a qualified alien is a non-qualified alien for Medicaid purposes. A non-qualified alien who meets the N.C. residency requirement (living in N.C. with the intent to remain) and who meets all other Medicaid eligibility factors can receive Medicaid for emergency medical services only. A non-qualified special alien pregnant woman or child under age 19 lawfully residing in the US, who meets N.C. residency requirements (living in N.C. with the intent to remain), and who meets all other eligibility requirements may receive full Medicaid. Refer to the chart, Overview of Alien Eligibility For Medicaid, in IV C. above.

A. Illegal (undocumented) alien

An illegal (undocumented) alien is:

1. An alien who entered the U.S. without knowledge of USCIS, or

2. A person lawfully admitted as a non-immigrant for a limited period of time, but violated the terms of the status or did not leave the U.S. when the period of time expired.

B. An alien admitted legally to the U.S., but he does not fall into one of the specific categories of qualified aliens listed in the chart, Overview of Alien Eligibility For Medicaid, in IV C. above.

This includes individuals who have PRUCOL status and Legal Temporary Residents (LTR). This also includes individuals who are given temporary administrative statuses (i.e. stay of deportation, voluntary departure) until they can formalize permanent status, or individuals paroled for less than one year, or individuals under deportation procedures.

C. Procedures to Establish and Document Non-qualified Alien Status of A/R's

1. Ask the a/r alien his status with USCIS. Record in the case record the a/r's verbal statement of his status. For example, "unknown to USCIS" or "papers have expired."

(VIII. C)

2. If the a/r alien does not know his status, request any documentation he has from USCIS. If his documents indicate he may be a qualified alien, evaluate under V. above.

3. The a/r alien does not have to:

   a. Make a written declaration of alien status, or

   b. Provide USCIS documentation.

4. The IMC does not have to verify non-qualified alien status through SAVE.

5. Ask the alien whether he is a N.C. resident. This is a separate determination from his USCIS status. Refer to MA-2220, State Residence, to establish state residence.

6. Explain to the alien that if he meets all the eligibility requirements for this program, including disability if it is a disability application, he will only be eligible for Medicaid for the dates he received emergency medical services. Refer to X. below.

7. Non-qualified aliens who are legally admitted must meet the enumeration requirement. Illegal aliens do not have to be enumerated. Refer to MA-2450, Enumeration Procedures.

8. Reporting to USCIS

   A/r's identified as illegally in the U.S. because they are applying for Medicaid/NCHC are not subject to any USCIS reporting requirements and should not be reported to the USCIS. Also, persons who apply for benefits on behalf of others (for example, an ineligible mother applying for her eligible child) are not subject to any USCIS reporting requirements themselves.

   Declining to provide documentation of immigration status is not a valid reason for USCIS referral. The a/r who declines to present documentation of alien status or a SSN will only be able to receive emergency Medicaid, if otherwise eligible. Therefore, there is no reason to seek further verification of their alien status.

9. Confidentiality of Alien Status

   All rules of confidentiality must be applied in regard to alien status. It is a breach of confidentiality to discuss the alien status of an individual with employers, landlords, etc.

Note: To determine if an applicant is a qualified alien refer to IV. above. If the alien is a pregnant woman or child under age 19, refer to the chart, Overview of Alien Eligibility For Medicaid, in IV. C. above to see if the individual's specific immigration status makes him/her eligible for full Medicaid.

(VIII.)

D. Non-immigrants (temporary residents)

Non-immigrants may be legally admitted to the U.S., but only for a temporary or specified period of time. These aliens are INELIGIBLE for full Medicaid or emergency medical services because they do not meet the N.C. residency requirement unless they are admitted for employment purposes. Refer to MA-2220, State Residence.

An alien admitted for a limited period of time who does not leave the U.S. when the period of time expires becomes an illegal alien. If he then establishes N.C. residency, he may be eligible for emergency Medicaid only. Refer to MA-2220, State Residence, for procedures for establishing state residency.

Examples of legal non-immigrants include, but are not limited to, the following:

1. Foreign government representatives on official business and their families and servants,

2. Visitors for business or pleasure, including exchange visitors,

3. Aliens in travel status while traveling directly through the U.S.,

4. Crewmen on shore leave,

5. Treaty traders and investors and their families,

6. Foreign students,

7. International organization representatives and personnel and their families and servants,

8. Temporary workers including agricultural contract workers, and

9. Members of foreign press, radio, film, or other information media and their families.

IX. Pregnant Women and Children Under Age 19 Lawfully Residing in the US

A. Qualified Alien Lawfully Residing in the US

Qualified alien children under the age of 19 lawfully residing in the United States, and qualified alien pregnant women lawfully residing in the United States are exempt from the 5-year mandatory disqualification period and may receive full Medicaid if otherwise eligible. Refer to IV. F above for procedures to verify and document qualified alien status and EIS 4000 Codes Appendix for citizenship/identity codes for refugees or other immigrants. Refer to the chart, Overview of Alien Eligibility For Medicaid, in section IV C. above.

(IX)

B. Special Aliens Lawfully Residing in the US

Other wise eligible special aliens lawfully residing in the US who are under the age of 19 or other wise eligible pregnant women who are special aliens lawfully residing in the US may receive full Medicaid. These special aliens include, but are not limited to, specified Amnesty beneficiaries, specified Family Unity beneficiaries, specified individuals under Deferred Enforced Departure, and specified special non-immigrant classifications. Refer to the chart, Overview of Alien Eligibility For Medicaid, in section IV C. above for individuals included under the 12 categories of the special alien classification.

C. Procedures to Authorize Qualified Alien or Special Alien Pregnant Women Lawfully Residing in the US

When authorizing otherwise eligible pregnant woman who fall into this category of qualified aliens for whom the 5 year bar does not apply or special aliens, an Individual Special Use Code is required.

1. Enter into EIS on the DSS-8125 an Individual Special Use Code of P1, P2, P3, P4, P5, P6, with a begin date and an end date to identify pregnant women who fall into this category of qualified aliens for whom the 5 year bar does not apply and/or special aliens. The dates indicate the time period the exemption applies.

    a. The Individual Special Use Code of P1 – P6 identifies the individual is pregnant and the pregnancy is the 1st – 6th pregnancy covered by Medicaid during the exempt period.

    b. The begin date is the first month of the individual's eligibility. The date is entered in mmccyy format.

    c. The end date is the month the individual's post partum period ends. The date is entered in mmccyy format.

    For example, the individual applies August 10, 2010. She is exempt from the 5 year bar. This is her first pregnancy covered by Medicaid during the 5 year bar exempt period. Her Individual Special Use Code is P1 with a begin date of 082010 and an end date of 062011. The individual applies again in June 2013. This is her second pregnancy covered by Medicaid during the 5 year bar exempt period and her Individual Special Use Code is P2 with a begin date of 062013 and an end date of 052014.

2. Once the woman is no longer pregnant and her post partum period ends, or if the pregnancy ends due to miscarriage:

    a. A qualified alien woman is no longer exempt from the 5 year bar because she is no longer a pregnant woman.

(1) If the pregnancy or post partum period ends with in the 5 year disqualification (bar) period, the recipient is no longer eligible for Medicaid. Terminate the case.

(2) If the pregnancy or post partum period ends beyond the 5 year disqualification (bar) period, evaluate for eligibility in all other programs.

b. A special alien woman is no longer eligible because she is no longer a pregnant woman. Terminate the case. These individuals are eligible for Medicaid for emergency medical services only as a non qualified alien.

D. Procedures to Authorize Qualified Alien or Special Alien Children Under Age 19 Lawfully Residing in the US

When authorizing otherwise eligible children under age 19 who fall into this category of qualified aliens for whom the 5 year bar does not apply or special aliens, an Individual Special Use Code is required.

1. Enter into EIS on the DSS-8125 an Individual Special Use Code of CH with a begin date and an end date to identify children under age 19 who fall into this category of qualified aliens for whom the 5 year bar does not apply and/or special aliens. The dates indicate the time period the exemption applies.

   a. The begin date is the first month of the individual's eligibility. The date is entered in mmccyy format.

   b. The end date is the month the individual turns 19. The date is entered in mmccyy format.

2. Once the child turns age 19:

   a. A qualified child is no longer exempt from the 5 year bar because he/she is no longer under age 19.

      (1) If the child turns 19 with in the 5 year disqualification (bar) period, the recipient is no longer eligible for Medicaid. Terminate the case.

      (2) If the child turns 19 beyond the 5 year disqualification (bar) period, evaluate for eligibility in all other programs.

   b. A special alien child who turns is no longer eligible because he/she is no longer a child under age 19. Terminate the case. These individuals are eligible for Medicaid for emergency medical services only as a non qualified alien.

(IX.)

E. Identifying Recipients that have Individual Special Used Codes

A NCXPTR report titled "DHRWDB 5 YEAR BAN LIFTED" is available to identify recipients (active and inactive) in EIS that have Individual Special Use Codes of P1- P6 and CH. This report is cumulative and lists all individuals with these codes as well as begin and end dates.

X. COVERAGE FOR EMERGENCY MEDICAL SERVICES

A. Principle

1. Non-qualified aliens are eligible for Medicaid for emergency medical services only. Also, qualified aliens during the 5-year disqualification period are eligible for Medicaid for emergency medical services only.

2. Evaluate the applicant who does not have citizenship and identity documentation after the 6 month pending period for emergency medical services if he states he has had an emergency.

3. This means the applicant who does not provide citizenship/identity documentation, the qualified alien who is not eligible for full coverage during the 5 year period from date of entry, and the non-qualified alien can only be authorized for Medicaid for the actual days he received an emergency medical service. An emergency medical service is defined in B.

4. 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 contractor determines for the Division of Medical Assistance (DMA) the dates of coverage for all other emergency services, including miscarriages and other pregnancy terminations.

   Medicaid may not be authorized until after the emergency service has occurred. Follow procedures in this section to determine whether a non-qualified alien or qualified alien with a 5-year disqualification period is authorized for Medicaid and the dates of coverage.

B. Definition of Emergency Services

1. Labor and delivery, including delivery by Caesarean section, or

   NOTE: For miscarriages and pregnancy terminations, follow procedures in D. to determine if and when an emergency existed.

(X.B)

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.

   NOTE: Once the medical condition is stabilized, even if it remains serious or results in death, it is no longer an emergency.

C. Procedures to Establish Authorization Dates for Labor and Delivery, including Delivery by Caesarean Section

1. When the IMC is notified that labor and delivery or a Caesarean section has occurred:

   a. Contact the hospital and obtain information regarding the day of admission and delivery, and

   b. Document the record with the information obtained from the hospital.

2. 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)

   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. Authorize one postpartum day. (2 total days)

3. Caesarean Section --Authorize a Caesarean section delivery for a maximum of 5 days beginning with the day the section is performed, i.e. day of Caesarean section plus 4 days maximum.

4. Determine other eligibility factors, including state residence. When all other eligibility requirements have been met, process the case as open/shut M-PW using the appropriate classification code according to EIS instructions.

   NOTE: Regular delivery and Caesarean section do not include prenatal care, postpartum care, or the 60 days continuation period.

(X.C.)

5. If the pregnant woman alleges other emergency medical services relating to her pregnancy, the days must be approved by DMA through a medical review. Follow instructions below.

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. Procedures to Establish Authorization Dates 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 OF A NON QUALIFIED ALIEN

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 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 Medical Assistance (DMA), and is based on medical evidence submitted by the IMC.

4. When the request is for approval of an inpatient hospital admission, the following medical evidence is required:

   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 in. 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.

(X.D.4 d)

(1) It must be clearly marked as "interim."

(2) 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 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.

7. **The county must review information submitted by the hospital, clinic, and doctor. Ensure that the information received includes all required information for the dates requested. Check to see if the copies are legible. Faxed copies may not be clear. Ensure that the medical records received from the provider belong to the applicant. 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, paper, or fax for the medical review:

   MAXIMUS
   Attn: Michele M. Kraynik RN, Esq.
   Project Director, State Appeals
   50 Square Drive, Suite 120
   Victor, NY 14564
   Fax number: 585-869-3355.

   When completing the DMA-5135, Date (s) Of Emergency Services Requested For An Alien;

   - Please type or print legibly.
   - Fill form out completely with specific dates requested.
   - 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.)

- Include a county contact person, contact phone, fax number and e-mail address.
- Provide complete review dates. If it is for a period of time, provide a beginning date and an ending date to be reviewed.
- Do not request a review for dates that have previously been reviewed unless a hearing decision requires the re-submittal for a new decision.
- Do not request a review for labor and delivery unless the days exceed the number allowed per X. C. above.
- Submit medical records for each day being requested. Bills are not needed. Do not send medical records for dates you did not list on DMA-5135, Date (s) Of Emergency Services Requested For An Alien.

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 county DSS 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 DMA-5133, noting what is needed, will be faxed to the county.

      (1) Request the additional information from the provider. Write on the DMA-5133, "Additional Request for Information" and note items that are needed.

      (2) Upon receipt of the additional information, send the information and the DMA-5133, to the medical review staff as soon as possible.

10. 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.

(X. D.)

11. When the county DSS forwards the information to the medical review staff for a decision regarding a request for emergency services, the county DSS 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.

12. 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 county dss.

13. When sending information requested by the medical review staff, do not send a new DMA-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.

14. When the required medical evidence has not been received from the provider or you have not received a decision from the medical review staff by the 45th day, deny the application for missing information following procedures in MA-2304, Processing the Application. However, if it is a MAD-90 application and disability is not established, continue to pend the application until you receive the disability determination or 6 months, whichever comes first.

15. 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-2304, Processing the Application. Ensure the applicant meets all other eligibility requirements.

E. Approval and Authorization in EIS

1. The medical review staff will transmit the determination for emergency coverage with the dates of approval/denial indicated to the appropriate county DSS as a password protected attachment to an e-mail or via secure fax, depending on the capabilities and preferences of each county DSS office. Upon receipt, take appropriate action immediately.

2. The completed and signed DMA-5135, Date (s) Of Emergency Services Requested For An Alien, is mailed to the appropriate DSS within a week of the medical review staff's faxed decision. The medical records are NOT returned.

3. Determine other eligibility factors, including establishing disability and/or state residence. When all other eligibility requirements have been met, process the case as open/shut in the appropriate aid program/category and the appropriate classification code. Refer to EIS instructions.

(X E.)

4. Authorize only the dates approved by the medical review staff. If multiple dates in a month are approved, but they are not consecutive, contact the EIS unit for assistance in keying.

   NOTE: Inappropriate Medicaid authorization for this group of aliens will result in claims being charged to the county DSS.

5. If no days are approved by the medical review staff, deny the application.

F. Procedures to Establish Authorization Dates for Ongoing Hemodialysis

1. Follow procedures in D. and E. for the initial determination of emergency services for hemodialysis.

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's criteria for each hemodialysis treatment. The approval of emergency services for hemodialysis is indefinite

3. Verify with the provider of hemodialysis the dates that the applicant received dialysis in the retroactive months and in the month of application.

4. Include in the approval letter the dates 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 is for the month of application and three months of retroactive coverage. After the initial application, further applications are administrative.

6. Do not issue Medicaid cards. Inform the client that NO Medicaid cards will be issued.

7. Because there are so many dates that a patient with renal disease must have dialysis, and because MMIS can accommodate only so much data before it begins to "drop" eligible dates, be conscientious to handle these cases timely.

(X. F.)

8. To authorize multiple dates in months that are not consecutive, contact the EIS Unit at 919-855-4000 for assistance.

   NOTE: Inappropriate Medicaid authorization for this group of aliens will result in claims being charged to the county DSS.

   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 other need for emergency services.

   NOTE: This procedure does not apply to peritoneal dialysis. Follow instructions in D. and E. above, for each application that includes peritoneal dialysis.

XI. PROCEDURES TO OBTAIN USCIS VERIFICATION

The IMC must verify the alien status for all qualified aliens through the Systematic Alien Verification for Entitlements (SAVE) Program. This requirement does not apply to non-qualified 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. Instructions for accessing and using this web-based system are found in EIS 1108, SAVE Verification Information System.

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.

(XI. B. 1)

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.u. member with alien status will require a separate G-845S and G-845 Supplement.

- 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.

- 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/r 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/r.

c. Retain a copy of every alien a/r'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:

- Enter the A-Number as the letter "A" followed by a series of seven or eight digits.

- 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/r. 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 IMC 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:

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

(XI. B.4.)

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. immigration status;
b. date alien entered the United States;
c. date status was granted;
d. date status expires;
e. citizen status;
f. special benefit provisions for certain victims of abuse; and
g. 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, 3rd Floor
Buffalo, NY 14202
Attention: Immigration Status Verification Unit

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/r's immigration status and work eligibility.

c. Statements on the front of the form are interpreted as follows:

(1) This document appears valid and relates to a **Lawful Permanent Resident alien** of the United States: Checked where the documentation submitted is determined to be a valid I-551, I-181, or I-94, with the notation "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence." Immigration law allows this person to live and work in the U. S. on a permanent basis
The term "temporary" used here refers to documentary evidence. It does not mean the immigration status itself is temporary.

This person is a qualified alien. The IMC must determine whether the alien is under the five-year disqualification period.

(2) This document appears valid and relates to a **Conditional Resident alien** of the United States: Checked when the documentation submitted is determined to be a valid I-551, I-181, or I-94 stamped with the notation "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence." Under the law, this person is allowed to live and work in the U.S.; however, USCIS will re-evaluate his status within two years. Conditional resident alien status normally is granted to aliens that marry U.S. citizens or nationals, or permanent resident aliens.

This individual is ineligible for full Medicaid coverage unless he has a valid I-551 showing he is admitted as an LPR and has met the disqualification period.

(XI. B 6 c.)

(3) This document appears valid and relates to an alien **authorized employment** as indicated below: Checked to indicate whether the authorization covers full time or part-time employment and when, if applicable, the period of employment will expire. "Indefinite" will be indicated if there is no specific expiration date for employment eligibility. This individual is not a qualified alien.

(4) This document appears valid and relates to an alien who has an application pending for: Checked when an alien is pending a new immigration status or change of status is pending, the appropriate block indicating the current status also will be checked. This individual is not a qualified alien

(5) This document relates to an alien having been granted **asylum/refugee** status in United States: Checked when an alien has been granted asylee or refugee status in the U.S. because of persecution or a well-founded fear of persecution in his country of nationality. Documentation presented may include Form I-94, stamped with “Section 207-Refugee” or “Section 208 - Asylee,” or a Form I-571. This individual is a qualified alien.

(6) This document appears valid and relates to an alien **paroled** into the United States pursuant to Section 212 of the I&N Act: Checked for an alien allowed to enter the United States under emergency conditions or when his entry has been determined to be in the public interest. This status is temporary. Documentation presented may include Form I-94, stamped with "Section 212(d)(5) - Parolee." This individual is a qualified alien if the record shows he has been paroled for the duration of at least one year. You <u>must</u> determine whether the alien is under the five-year disqualification period.

(7) This document appears valid and relates to an alien who is a **Cuban/Haitian entrant**: Checked for Cubans who entered the United States between April 15, 1980, and October 10, 1980, and Haitians who entered the country before January 1, 1981. Documentation presented may include Form I-94, stamped "Cuban/Haitian Entrant." This status is covered by section 502(e) of I&N Act. This individual is a qualified alien.

(XI.B.6. c)

(8) This document appears valid and relates to an alien who is a **conditional entrant**: Checked to indicate a refugee who entered the United States or adjusted his status to lawful permanent resident alien under the seventh preference category of Public Law 89-236. Documentation presented may include Form I-94, stamped with "Section 203(a)(7)." This status was defined by section 203(a)(7) of I&N Act, but was abolished by the Refugee Act of 1980. This individual is a qualified alien.

(9) This document appears valid and relates to an alien who is a **non-immigrant**: Checked to indicate an alien who is temporarily in the U.S. for a specific purpose. This category includes students, visitors, and foreign government officials. Documentation presented may include Form I-94. This individual is not a qualified alien.

(10) This document appears valid and relates to an alien **not authorized employment** in the United States: Checked when an alien's status prohibits employment in the United States. Several immigration statuses do not allow gainful employment. This individual is not a qualified alien.

(11) Continue to process as legal alien. USCIS is searching indices for further information: Checked if USCIS will withhold judgment regarding the status or validity of documentation pending further investigation. This statement does not imply that the applicant is an illegal alien or the holder of fraudulent documentation. Benefits should not be denied on the basis of this statement. The alien should be presumed legal until USCIS sends a final notification regarding immigration status. This individual is not a qualified alien.

(12) This document is **not valid** because it appears to be: Checked for expired documentation or when an item appears to be counterfeit or altered. The ISV will use the back of Form G-845S to elaborate on this entry. When the entries for counterfeit or altered documents are checked, the DSS should follow its own guidelines for investigating and prosecuting cases of fraudulent documentation. This individual is not a qualified alien.

d. The "Comments" block on the second page is used to give the IMC further instructions. It includes the following statements:

(XI.B.6.d.)

(1) No determination can be made from the information submitted. Please obtain a copy of the **original** alien registration documentation and resubmit. This individual is not a qualified alien unless additional documentation is received and verified.

(2) No determination can be made without seeing **both** sides of the document submitted: Resubmit the G-845S with copies of all sides of each document. This individual is not a qualified alien.

(3) Copy of document is not readable: Resubmit the G-845S with higher quality copies of the original alien documentation. This individual is not a qualified alien.

(4) Items 16 and 17 on the G-845S are designed to assist benefit issuing agencies and institutions in determining when an alien applicant is permanently residing in the United States under color of law (PRUCOL). This information is only provided to the Social Security Administration. Any additional comments will be included in item 18. This individual is not a qualified alien.

e. ISV will initial and stamp the front of the form in the block labeled "USCIS Stamp."

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.

(XI.B.7.)

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 IMC must refer to Medicaid eligibility requirements and refer to the chart, Overview of Alien Eligibility For Medicaid, in IV. C., above to determine whether the a/r qualifies for Medicaid and the level of coverage.