



# MEDICAID ELIGIBILITY HANDBOOK

## CITIZEN/ALIEN




### APPENDIX A

#### ALIEN STATUS CHART

For Medical Assistance (MA) purposes, information on aliens is listed below in four sections. Those aliens described in Section A are eligible for full MA benefits as long as they meet all other conditions of eligibility. Those aliens described in Section B are eligible for full MA benefits only if the INS does not plan to enforce departure. If the INS plans to deport any alien listed in Section B, that alien is eligible for MA benefits for an emergency medical condition only. Those aliens described in Section C are eligible for MA benefits for an emergency medical condition only. The eligibility of those aliens who present an Employment Authorization Document (I-688B) is described in Section D.

#### SECTION A - Full MA Benefits

	An alien	INS Document	INS Provision
1.	lawfully admitted for permanent residence as an immigrant. This includes an American Indian born in Canada who has at least one-half native American blood.	I-151 I-551 I-551 (conditional) passport booklet for permanent residents I-327 – reentry permit letter from Canadian Dept. of Indian Affairs	101(a)(15) 101(a)(20)
2.	who has been a continuous resident since entering the US prior to 1/1/72		249
3.	qualified for refugee/asylum status.	I-94	207 208
4.	admitted as a conditional entrant refugee.	I-94 (stamped “Refugee Conditional Entry”)	203(a)(7)
5.	present in the US “in the public interest” or as a result of a grant of parole. Cuban and Haitian entrants are		212(d)(5) 202 501(e) 203(a)(7)

	covered under this provisions.		207 208
6.	qualified as an Amerasian or Amerasian family member.	I-94 (stamped "processed for I-551" and containing an "AM" code) I-551 (containing an "AM" code)	
7.	admitted to the US under the Immigration Reform and Control Act (IRCA) of 1986, known as Eligible Legalized Aliens (ELAs).		210 210A 245A
<b>NOTE: ELAs are barred by IRCA from receiving MA benefits in AFDC categories for 5 years from the date of their adjustment to lawful temporary resident status <u>EXCEPT</u> for an ELA who is:</b>			
	 aged, blind, or disabled as defined by the Social Security Administration (SSA);		
	 under age 18; or		
	 in need of pregnancy related services.		
<b>NOTE: Use citizenship code 2.</b>			
8.	in possession of an unexpired I-688B under certain INS provisions.		

<b>SECTION B - full MA benefits only if INS does not plan to enforce departure.</b>			
<b>NOTE: The CAO must contact INS before authorizing benefits to determine whether they plan to enforce departure.</b>			
	<b>An alien...</b>	<b>INS Document</b>	<b>INS Provision</b>
9.	residing in the US under an indefinite stay of deportation.	I-94 and/or a letter indicating an indefinite stay of deportation	
10.	who is granted suspension of deportation.	I-94 and letter/order indicating suspension granted	244
11.	whose deportation has been withheld.	I-94 and order/letter	243(b)
12.	residing in the US under an	I-94 and/or letter indicating	

	indefinite voluntary departure.	indefinite voluntary departure	
13.	who is granted voluntary departure.	I-94 and/or I-210 indicating departure in 60 days	242(b)
14.	on whose behalf an immediate relative petition has been approved.	I-94 and/or I-210 letter	
15.	who is an immediate relative of an American citizen (i.e., spouse, father, mother, or unmarried child under age 21) and for whom a form I-130 petition for issuance of an immigration visa has been filed.	I-94 and/or I-210 letter	
16.	who is granted a stay of deportation by court order, statute, or regulation.	I-94 and/or letter or copy of the court order	106
17.	who is granted deferred action status.	I-210 or letter	
18.	who is residing in the US under order of supervision.	I-220B and/or letter	
19.	is not listed above but is living in the US with the knowledge and permission of the INS and whose departure the INS does not plan to enforce.	any INS document or letter	
20.	in possession of an I-668B under certain INS provisions.	<a href="#">See Appendix A, Section D</a>	
<b><u>SECTION C - MA benefits for only an emergency medical condition</u></b>			
21.	admitted under IRCA, but status is still pending with INS.	I-688A I-689	210 245A
22.	legally residing in the US temporarily for a specified period of time.	No documentation required but may present: I-688A I-688B I-689 I-94	None  <a href="#">See Appendix A,</a>

		I-185 I-186 SW-434 I-95A	<u>Section D</u>
23.	illegally residing in the US without permission of the INS.		None
24.	who is unable to present acceptable documentation of eligible status.		None
<p>Any INS document which identifies the alien as being admitted under one of the above provisions or contains the terms refugee, parolee, paroled, and/or asylum is acceptable evidence of alien status.</p> <p>If the alien presents a document which raises a question of whether the INS may enforce departure, the CAO should contact INS to verify the alien's status.</p>			

<b>SECTION D - MA eligibility for an alien who presents an I-688B</b>			
<p>If an alien presents an Employment Authorization Document (I-688B), the CAO will review the document to determine the person's immigration status. The alien's status is indicated by the INS provision stamped under "Provision of Law" on the I-688B. The card may also provide additional information under "Terms &amp; Conditions". See Appendix B for a sample I-688B.</p>			
<p><b>NOTE: If there is <u>no</u> status stamped on the I-688B or "none" is shown under "terms and conditions" on the I-688B, the applicant is eligible for only emergency medical services.</b></p>			
I-688B provision		Status	MA Eligibility
274a.12(a)	(1)	Lawful permanent resident	Full
	(2)	Temporary resident (IRCA amnesty	Full*
	(3)	aliens/ELAs)	Full
	(4)	Refugee	Full
	(5)	Refugee	Full
	(6)	Asylee	Emergency
	(7)	Nonimmigrant fiancée of US citizen or the fiancée's child	Emergency
	(8)	Parent or child of a permanent resident	Full
	(9)	alien	Full**
	(10)	Citizen of Micronesia or Marshall Islands	Full**
	(11)	Alien granted suspension of deportation	Full**
	(12)	Alien granted withholding of deportation	Emergency
		Alien granted extended voluntary departure	
		Alien granted temporary protected status (TPS)	

274a.12(c)	(11) (1II) (2) (3) (4I) (4II) (5) (6)	Adult dependent of a foreign government official Student dependent of a foreign government official Spouse or child of an alien employee of CCNAA Nonimmigrant student (F-1) Adult dependent of an employee of an international organization Student dependent of an employee of international organization Spouse or child of an exchange visitor Nonimmigrant student (M-1)	Emergency Emergency Emergency Emergency Emergency Emergency Emergency
274a.12(c)	(7) (8) (9) (10) (11) (12) (13) (14) (15)  (16) (17I) (17II) (18) (19)	Dependent of a NATO official Asylum applicant Applicant for adjustment of status Applicant for suspension of deportation Parolees Deportable alien granted voluntary departure Deportable alien without a final order of deportation Alien granted deferred action Alien whose application for extension of stay has not been adjudicated Applicant for registry/Section 249 Domestic servant Airline employee Alien under supervision Prima facie eligibility for TPS	Emergency Emergency *** Full** Full Full** Full** Full** Full** Full Emergency Emergency Emergency Emergency
274a.13	Family Unity Recipient (Spouse or unmarried child of an ELA)	Full****	

*	ELAs are barred by IRCA from receiving AFDC related MA benefits for 5 years from their date of adjustment to lawful temporary resident status. Authorize full benefits in GA categories during this period unless the alien is aged, blind or disabled as defined by SSA; under age 18; or in need of pregnancy related medical benefits. <a href="#">See Section 322.31</a> of this chapter.
**	Authorize full benefits only if INS does not plan to enforce departure. Contact INS before authorizing benefits to determine whether they plan to enforce departure.
***	Eligibility is dependent on the alien status <u>originally</u> granted to the individual. If the applicant does not have the original documentation, contact INS.
****	An ELA's spouse or unmarried child admitted under this provision is barred by IRCA from receiving AFDC related MA benefits during the same period of time as the ELA spouse/parent, <u>unless</u> the ELA's spouse or unmarried child is aged, blind, or disabled

as defined by SSA; under age 18; or in need of pregnancy related medical services.  
See Section 322.311 of this chapter.

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