

Medical Services – Appendix C, Verification of Citizenship, Alien Status and SSN Enumeration Markup

1. Citizenship Verification - Acceptable Documents for Proof of Citizenship

When citizenship cannot be verified through the Federal Data Services Hub (FDSH) or the SSA match, the worker must access Vital Records through ARFind for verification of birth. If citizenship documentation cannot be obtained through Vital Records, specific forms of documentation may be acceptable evidence of citizenship. If an individual presents evidence from the listing of Primary Documentation, no other information is required.

To establish U.S. citizenship, the document must show a U.S. place of birth and that the person is a U.S. citizen. The documents must be original or certified copies. Copies of documents already obtained will be accepted as assumed made from the original unless questionable (e.g. stamped "copy", or unreadable).

In general, the caseworker should obtain primary evidence of citizenship before using the secondary documentation or tertiary list. The following forms of documentation may be accepted:

Primary documentation— The highest reliability that conclusively establishes identification and citizenship.

- A U.S. Passport.
- A Certificate of Naturalization (United States Department of Homeland Security (USDHS) Forms N-550 or N-570).
- A Certificate of U.S. Citizenship (USDHS Forms N-560 or N-561).

Secondary documentation— Secondary evidence of citizenship is documentary evidence of satisfactory reliability that is used when primary evidence of citizenship is not available.

- A U.S. birth certificate.
- A Certification of birth Issued by the Department of State (Form DS-1350).
- A Report of Birth Abroad of a U.S. Citizen (Form FS-240).
- A Certification of Birth Abroad (FS-545).
- An American Indian Card Issued by the Department of Homeland Security with the classification code "KIC". (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).
- Final adoption decree.
- Evidence of civil service employment by the U.S. government before June 1976.

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- An official military record of service showing a U.S. place of birth.
- A Northern Mariana Identification Card (issued by the USDHS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986).

Third level documentation— Third level evidence of U.S. citizenship is documentary evidence of satisfactory reliability that is used when neither primary nor secondary evidence of citizenship is available. This documentation includes:

- Extract of U.S. hospital record of birth established at the time of the person's birth, created at least 5 years before the initial application date and indicating a U.S. place of birth.
- Life or health or other insurance record created at least 5 years before the initial application date showing a U.S. place of birth.
- Religious records recorded in the U.S. within 3 months after the birth which show that the birth occurred in the U.S. showing the date of the birth of the individual or the individual's age at the time the record was made. These must be official records recorded with the religious organization (e.g., baptismal certificates). Entries in a family bible are not considered recorded religious records.
- Early school records which show the name of the child, the date of admission to the school, the date of birth (or age at the time the record was made), a U. S. place of birth, and the name(s) and place(s) of birth of the applicant's parents.

Fourth level documentation— Fourth level evidence of U.S. citizenship is documentary evidence of the lowest reliability. This level should only be used in the rarest of circumstances. This level of evidence is used only when primary evidence is not available, both secondary and third level evidence do not exist or cannot be obtained within the reasonable opportunity period, and the applicant alleges a U.S. place of birth. This documentation includes:

- Federal or State census record showing U.S. citizenship or a U.S. place of birth, as well as the applicant's age.
- Birth records that were recorded with vital statistics 5 years after a birth (a delayed birth record).
- Institutional admission papers from a nursing home, skilled nursing care facility or other institution created at least 5 years before the initial application date and which indicate a U.S. place of birth.

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- Medical (clinic, doctor, or hospital) record which was created at least 5 years before the initial application date and indicates a U.S. place of birth unless the application is for a child under 5.
- Other document that was created at least five years before application for Medicaid. These documents are Seneca Indian tribal census record, Bureau of Indian Affairs tribal census records of the Navaho Indians, U.S. State Vital Statistics official notification of birth registration, an amended U.S. public birth record that is amended more than 5 years after the person's birth or a statement signed by the physician or midwife who was in attendance at the time of birth.
- The Roll of Alaska Natives maintained by the Bureau of Indian Affairs.
- Written affidavit. This should be in rare circumstances when the applicant or recipient cannot provide evidence from another listing.

Written affidavits may be used in circumstances when the state is unable to secure evidence of citizenship from another listing. The affidavits must be supplied by at least two individuals, one of whom is not related to the recipient. Each must attest to having a personal knowledge of the event(s) establishing the recipient's claim of citizenship. Those making affidavits will be subject to prosecution for perjury. If the persons claiming knowledge of another's citizenship has information, which explains why documentary evidence establishing the claim of citizenship does not exist or cannot be readily obtained, the affidavit should contain this information as well.

A second affidavit from the recipient or other knowledgeable individual explaining why documentary evidence does not exist or cannot be readily obtained must also be requested.

II. Identity

If citizenship is verified with a document on the secondary or lower level listed above, providing proof of identity will be required. Acceptable forms of identity are:

1. Driver's license issued by the State or Territory either with a photograph of the individual or other identifying information of the individual such as name, age, sex, race, height, weight or eye color.
2. Identification card issued by the Federal, State or local government with the same information included on driver's licenses (e.g., ID card issued by DF&A).
3. School identification card with a photograph of the individual.

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4. U.S. military card or draft card.
5. Military dependent's Identification card.
6. Certificate of Degree of Indian Blood or other U.S. American Indian/Alaska Native tribal document. This document must carry a photograph of the applicant or recipient.
7. Native American Tribal document.
8. U.S. Coast Guard Merchant Mariner card.
9. Sentencing order from a correctional facility.

Note: If the expiration date has expired, the ID is still acceptable.

III. Alien Status Verification - Using SAVE (Systematic Alien Verification for Entitlement)

When an individual's USDHS documentation appears valid but does not have the necessary coding to show the alien's status, or the entry or admission date is missing, verification of the alien's status can be obtained through SAVE's automated database, the Alien Status Verification Index (ASVI).

At application, individuals will be requested to provide information of alien status including document type, alien number, document ID, expiration date of document. This information will be electronically verified using the Verified Lawful Presence (VLP) service through the Federal Data Services Hub (Hub) for its MAGI population or through its web-based connection to SAVE for its non-MAGI population. When prompted the paper G-845 will be utilized.

To access the ASVI:

- Using a touch-tone phone, dial the toll-free system number, 1-800-365-7620.
- Enter the access code, then press the pound (#) sign when instructed by the recorded message.
- Enter the alien registration number when instructed by the recorded message. The alien registration number is a series of digits preceded by the letter "A." Do not enter the "A."
 - If the number is less than nine digits, use zeros at the beginning of the number to make it nine digits (e.g., if the number is "A12345" enter it as "000012345").

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If a record for the alien is found, the ASVI system will give the alien's:

- Registration number,
- Verification number,
- Last and first name, spelled out,
- Date of birth,
- Status code,
- Country of birth code,
- Social Security number,
- Date of entry,

If no record is found for the alien, the ASVI system will instruct you to "institute secondary verification." When this message is received, use form G-845, *Document Verification Request*, to request information from USDHS.

Electronic Verification

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SAVE electronically verifies immigration status or naturalized or derived citizenship using a three-step process:

- **Initial Verification (first step)** - electronically compares information the agency enters against immigration databases and returns a response within seconds. The system will respond with the applicant's current immigration status or naturalized or derived citizenship information and other specific information (such as employment authorization, admit to/expiration date) or a message prompting the user to "Institute Additional Verification".
- **Additional Verification (second step)** - is initiated electronically by the agency. A Status Verifier with SAVE's Status Verification Operations (SVO) will conduct a manual search of immigration databases, including databases not automatically searched during the initial step. This step takes between 3–5 federal working days. The status verification system will return either the applicant's immigration status or U.S. citizenship information and other information such as employment authorization, admit to or expiration date or a request to "Resubmit with Doc". The "Resubmit with Doc" response is the prompt for a third step verification. **Note:** The agency may use the Scan and Upload function at second step to electronically submit photocopies (front and back) of

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the applicant's relevant Immigration/citizenship documents when initiating second step verification and avoid the possibility of a "Resubmit with Doc" response. The benefit is that, except for very limited circumstances, the entire verification process will be completed at second step within 3-5 federal working days.

- **Third Step Verification** - Is an electronic process for most agencies. The agency must submit photocopies (front and back) of the applicant's relevant Immigration documents to a designated SVO office. The photocopies can be submitted electronically with the Scan and Upload function or attached to a Form G-845, Verification Request, and sent by traditional mail. A Status Verifier conducts a manual search of Immigration databases. Agencies should receive a response through the system within 3-5 days if using the Scan and Upload function or 10-20 federal working days if sent by traditional mail.

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Paper Based G-845 Verification

The SAVE Program also provides a paper-based verification method as an alternative to the electronic system. It can be used to initiate a verification or to conduct third step verification. Agencies may verify an applicant's Immigration status or U.S. citizenship by mailing a USCIS Form G-845, Verification Request, with photocopies (front and back) of the applicant's Immigration document(s) to a designated SVO Office. The Status Verifier at the designated SVO office generally takes 10 to 20 federal working days from the date of receipt of the Form G-845 and document photocopies to conduct a manual search of Immigration databases and mail the Form G-845 back to the agency with the applicant's current immigration status or naturalized or derived citizenship information, or the action necessary to complete the verification process as indicated on the G-1120 or the G-845 Part 3. SVO may also provide comments, as described below.

Secondary Documentation of Alien Status

Secondary documentation is the process for obtaining status information from the USDHS when using form G-845, Document Verification Request, and its supplement.

Obtain secondary documentation only when:

- ~~SAVE instructs you to do so.~~
- ~~The documentation the individual provided shows an eligible status, but the document itself is expired or appears questionable or not genuine.~~

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- The documentation is a receipt showing that the alien has an eligible status but has applied to USDHS for a replacement card.
- The USDHS documentation appears to be genuine and the alien claims to have an eligible status, but necessary codes or dates are missing from the card.

Until verification is received from the USDHS indicating the individual is a qualified alien, the individual should be treated as a nonqualified alien.

IV. Alien Documentation Chart

The chart below shows the types of documentation that can be used to verify alien status, and additional verification that certain aliens must provide to verify that they are eligible for Medicaid (e.g., the date they were admitted to the U.S., or the date a particular alien status was granted or adjusted).

Note: USDHS Form I-94 is processed electronically and can be retrieved online at www.cbp.gov/i94.

Alien Status	Acceptable Documentation of Alien Status	Medicaid Status
Amerasian Immigrant	<ul style="list-style-type: none"> • USDHS Form I-551, Permanent Resident Card, annotated AM6, AM7 or AM8. • Unexpired temporary I-551 stamp in a foreign passport annotated AM1, AM2 or AM3. • USDHS Form I-94, Arrival/Departure Record, annotated AM1, AM2 or AM3. 	Eligible Regardless of U.S. entry date
Asylee	<ul style="list-style-type: none"> • USDHS Form I-94, Arrival/Departure Record, noting admittance under section 208 of the INA. • USDHS Form I-94, Arrival/Departure Record, annotated AS-1, AS-2 or AS-3. • USDHS Form I-94, Arrival/Departure Record, with Visa 92 or V-92. • Order of an immigration judge granting asylum. • Written decision letter from the Board of Immigration Appeals. • USDHS Form I-730, Approval Letter. • USDHS Form I-766, Employment Authorization Document, annotated "AS." 	Eligible as of date asylum is granted

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Alien Status	Acceptable Documentation of Alien Status	Medicaid Status
Battered Alien	<p>Proof of admission of entry date and one of the following documents:</p> <ul style="list-style-type: none"> • I-360 or I-130 petition with proof of filing (a file-stamped copy of the petition or another document demonstrating filing, such as a signed certified return receipt or cash register or computer-generated receipt). • Order or document from the Immigration Court or Board of Immigration Appeals granting suspension of deportation under INA section 244(a)(3), or cancellation or removal under INA section 204A(b)(2). • Application for cancellation of removal (Form EOIR 428) or suspension of deportation (Form EOIR 40) with proof of filing (a file-stamped copy of the application or another document demonstrating filing, such as a signed certified return receipt or cash register or computer-generated receipt). • A document from the Immigration Court or Board of Immigration Appeals indicating that the applicant has established a prima facie case for suspension of deportation under INA section 244(a)(3), or cancellation of removal under INA section 204A(b)(2). 	<p>Barred for five (5) years if entered U.S. on or after 8/22/96 Eligible if entered U.S. before 8/22/96</p>
Canadian-born American Indian	<ul style="list-style-type: none"> • USDHS Form I-551, Alien Registration Receipt Card, coded S13. • I-551 stamp in a Canadian passport coded S13. • USDHS Form I-94, Arrival/Departure Record, coded S13. • Proof of tribal membership or a tribal document showing the individual has at least 50% American Indian blood. Proof of membership can be a tribal membership card, other tribal documents showing membership, or collateral contact with the tribe's government. 	<p>Eligible Regardless of U.S. entry date</p>
Conditional Entrant	<p>Proof of admission or entry date and one of the following documents:</p> <ul style="list-style-type: none"> • USDHS Form I-94, Arrival/Departure Record, with stamp showing admission under section 203(a)(7) of the INA. • USDHS Form I-766, Employment Authorization Document, annotated "A3." 	<p>Barred for five years if entered U.S. on or after 8/22/96. Eligible if entered U.S. before 8/22/96</p>
Cuban or Haitian Entrant	<ul style="list-style-type: none"> • USDHS Form I-551, Permanent Resident Card, annotated CU6, CU7 or CH6. • Unexpired temporary I-551 stamp in a foreign passport annotated AM1, AM2 or AM3. • USDHS Form I-94, Arrival/Departure Record, annotated CU6 or CU7, or with a stamp showing parole as "Cuban/Haitian Entrant" under section 212(d)(5) of the INA. 	<p>Eligible regardless of U.S. entry date</p>

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Alien Status	Acceptable Documentation of Alien Status	Medicaid Status
Deportation or removal withheld	<ul style="list-style-type: none"> • USDHS Form I-766, Employment Authorization Document, annotated "A10." • Order of an Immigration Judge showing deportation withheld under section 243(h) or removal withheld under section 241(b)(3) of the INA and date of grant. 	Eligible Regardless of U.S. entry date
Lawfully admitted for permanent residence	<ul style="list-style-type: none"> • USDHS Form I-551, Permanent Resident Card. • Unexpired "Temporary I-551" stamp in a foreign passport. • USDHS Form I-94, Arrival/Departure Record, with a temporary I-551 stamp. 	Barred for five years if entered U.S. on or after 8/22/96 Eligible if entered U.S. before 8/22/96
Paroled into U.S. for at least one year	<p>Proof of admission or entry date and USDHS Form I-94, Arrival/Departure Record, showing admission for at least one year under section 212(d)(5) of the INA.</p> <p>NOTE: The applicant cannot use admission periods for less than one year to meet the one-year requirement.</p>	Barred for five years if entered U.S. on or after 8/22/96 Eligible if entered U.S. before 8/22/96
Refugee	<ul style="list-style-type: none"> • USDHS Form I-94, Arrival/Departure Record, showing entry under section 207 of the INA. • USDHS Form I-766, Employment Authorization Document, annotated "A3." • USDHS Form I-571, Refugee Travel Document. <p>NOTE: Refugees who have adjusted to lawful permanent resident status are still considered refugees for Medicaid eligibility. If a refugee has a Form I-551, Permanent Resident Card*, it will be annotated RE-6, RE-7, RE-8, RE-9 or R8-6.</p>	Eligible regardless of U.S. entry date
Veteran or active duty military personnel lawfully admitted for permanent residence (and families)	<p>To verify alien status:</p> <ul style="list-style-type: none"> • USDHS Form I-551, Permanent Resident Card. • Unexpired "Temporary I-551" stamp in a foreign passport. • USDHS Form I-94, Arrival/Departure Record, with a "Temporary I-551" stamp. <p>To verify military status:</p> <ul style="list-style-type: none"> • Honorably discharged veteran: Original or notarized copy of form DD214 (discharge papers). <p>NOTE: This verification is sufficient when the veteran is a U.S. citizen, and the spouse or unmarried dependent children (or surviving spouse and unmarried dependent children of a deceased veteran) are aliens.</p> <ul style="list-style-type: none"> • Active duty: Original or notarized copy of the current orders showing the person is on full-time duty in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard, or a DD form 2 military ID card (active duty papers). 	Eligible regardless of U.S. entry date
Other (legal or illegal)	Documents that indicate the person's alien status is one other than those specifically listed under Aliens Subject to Five-Year Bar (MS D-223) or under Aliens Exempt from Five-Year Bar (MS D-224).	Ineligible regardless of U.S. entry date

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*In 1998, the Immigration and Naturalization Service (INS) changed the name of Form I-551 from "Alien Registration Receipt Card" to "Permanent Resident Card" because the new name more appropriately identifies the individual as having permanent resident status.

If the documentation provided does not contain all the information needed to establish the alien's eligibility, additional verification can be obtained from the USDHS by contacting them in writing, using form G-845, or by contacting SAVE by phone.

If the documentation provided appears questionable, contact USDHS in writing using form G-845 to attempt verification of the document, rather than using SAVE.

The below chart lists the Immigration status for lawfully present alien children under age 19 and pregnant women who are exempted from the five year bar waiting period:

Alien Status	Acceptable Documentation of Alien Status	Children under 19 and Pregnant Women
<u>Qualified alien</u>		
<u>Valid nonimmigrant Status</u>		
<u>Deferred Action</u>	<ul style="list-style-type: none"> • USDHS Form I-797 indicating a notice of action for Deferred Action. • USDHS Form I-765, Application for Employment Authorization or receipt from USCIS indicating filing of application. • USDHS Form I-766 or I-688B, Employment Authorization Document. 	Eligible and exempted from the 5 year bar. Noncitizens granted deferred action under the Deferred Action for Childhood Arrivals (DACA) process are not considered lawfully present and is not eligible for Medicaid.

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Deferred Enforced Departure	<ul style="list-style-type: none"> • USDHS Form I-765, Application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766 or I-688B, Employment Authorization Document. • Any verification from the immigration authorities or other authoritative documents indicating Deferred Enforced Departure status. 	Eligible and exempted from the 5 year bar.
Family Unity Beneficiary	<ul style="list-style-type: none"> • USDHS Form I-797, Notice of Action showing approval of I-817, Application for Family Unity. • USDHS Form I-765, Application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766 or I-688B, Employment Authorization Document. • Any verification from the immigration authorities or other authoritative documents indicating Family Unity status. 	Eligible and exempted from the 5 year bar.
Citizens of Micronesia, the Marshall Islands and Palau	<ul style="list-style-type: none"> • USDHS Form I-94, Arrival or Departure Card with a stamp indicating that the person was admitted as a citizen of Micronesia, the Marshall Islands or the Republic of Palau. • USDHS Form I-765, Application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766 or I-688B, Employment Authorization Document. • Unexpired Micronesian, Marshall Islands or Palauan passport. 	Eligible and exempted from the 5 year bar.
Lawful Temporary Residents (LTRs)	<ul style="list-style-type: none"> • USDHS Form I-688, Temporary Resident Card. • USDHS Form I-765, application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766 or I-688B, Employment Authorization Document. • Any verification from the immigration authorities or other authoritative documents indicating LTR status. 	Eligible and exempted from the 5 year bar.
Paroled for less than one year	<ul style="list-style-type: none"> • USDHS Form I-94, Arrival/Departure Card with a stamp displaying a grant of parole under Section 212 (d)(5) of the INA. The I-94 may be stamped "PIP" or "HP" • USDHS Form I-765, application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766 or I-688B, Employment Authorization Document. • USDHS Form I-512 Parole Authorization annotated with the reason parole was granted under section 8 CFR. 	Eligible and exempted from the 5 year bar.
Temporary Resident Status		

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Temporary Protected Status (TPS)	<ul style="list-style-type: none"> • USDHS Form I-765, Application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766 or I-688B, Employment Authorization Document. • Any verification from the immigration authorities or other authoritative documents indicating Temporary Protected Status. 	Eligible and exempted from the 5 year bar.
Employment Authorization	•	
Administrative Stay of Removal	•	
Asylum and for Withholding of Removal	•	
Withholding of Removal under the Convention Against Torture	•	
Special Immigrant Juvenile	•	
American Samoa	•	
Order of Supervision	<ul style="list-style-type: none"> • USDHS Form I-220B, Order of Supervision • USDHS Form I-94, Arrival/Departure Card annotated "Order of Supervision". • USDHS Form I-766 or I-688B, Employment Authorization Document. 	Eligible and exempted from the 5 year bar.
Northern Mariana Island	•	
Victim of Severe Trafficking	•	
Nonimmigrants with K-Visas	<ul style="list-style-type: none"> • Notice of Action form I-797, granting K nonimmigrant status, along with the attached form I-94, Arrival/Departure Card. • A copy of the person's passport with a K nonimmigrant visa along with the attached form I-94, Arrival/Departure Card, evidencing that the person was admitted into the United States with a K nonimmigrant status. • USDHS Form I-765, Application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766 or I-688B, Employment Authorization Document. 	Eligible and exempted from the 5 year bar.

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Nonimmigrants with U-Visas	<ul style="list-style-type: none"> • Notice of Action form I-797, granting U nonimmigrant status, along with the attached form I-94, Arrival/Departure Card. • A copy of the person's passport with a U nonimmigrant visa along with the attached form I-94, Arrival/Departure Card, evidencing that the person was admitted into the United States with a U nonimmigrant status. • USDHS Form I-765, Application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766 or I-688B, Employment Authorization Document. 	Eligible and exempted from the 5-year bar.
Nonimmigrants with V-Visas	<ul style="list-style-type: none"> • Notice of Action form I-797, granting V nonimmigrant status, along with the attached form I-94, Arrival/Departure Card. • A copy of the person's passport with a V nonimmigrant visa along with the attached form I-94, Arrival/Departure Card, evidencing that the person was admitted into the United States with a V nonimmigrant status. • USDHS Form I-765, Application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766 or I-688B, Employment Authorization Document. 	Eligible and exempted from the 5-year bar.

V. Social Security Number (SSN) Enumeration

SSNs that have mismatched through the electronic verification process will be submitted to the queue with a message that the SSN could not be verified.

To resolve the mismatch, first check for obvious mismatches, (e.g., errors in keying the SSN, sex, name or date of birth). Next check SOLQ to determine if a correction can be made in the system from the SSA data on SOLQ.

Other methods of resolving a mismatch include:

- Viewing the social security card. The name in the system must match the name on the social security card; and
- Viewing a copy of the birth certificate or other proof of age or date of birth mismatch.

Household Cooperation In Clearing the Mismatch

When declared SSNs are returned by SSA as unverified, it is often necessary for the household to furnish the information necessary to resolve the mismatch.

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A request for contact must be issued by the caseworker to advise the recipient of the mismatch, what caused the problem (e.g., name is incorrect) and what information must be provided to resolve the problem. The recipient will be given 10 days to furnish the information. If the household does not furnish the needed information by the end of the designated 10-day period an advance notice of adverse action will be issued.

The notice will specify that:

1. the recipient has 10 days to furnish the information needed to clear the SSN mismatch;
2. failure to provide the information will result in terminating eligibility for the individual whose SSN has not been verified or closure of the case if applicable; and
3. if there are problems in obtaining the needed material the recipient should contact the DCO county office at once.

If the recipient claims that the information needed to clear the mismatch report cannot be furnished, the caseworker must substantiate the inability to provide the needed information. For example, a household may claim it cannot verify a name change because official records were destroyed in a fire. The case worker would attempt to verify the occurrence of the fire because SSA records cannot be corrected without the missing documentation. If the caseworker verifies that the recipient cannot provide the information needed to verify the SSN, the individual may continue to participate if otherwise eligible.

All actions taken to clear SSN mismatches must be fully documented in the system.

Monitoring

The DCO Supervisor, or designee in the absence of the supervisor, will be responsible for monitoring the mismatch notifications.

MEDICAL SERVICES POLICY MANUAL, SECTION B MARKUP

B-200 Families and Individuals Group (MAGI)

B-240 Pregnant Women

If an adult meets the criteria for this group, he or she must be assigned to this group even if eligibility exists in another MAGI eligibility group. Therefore, eligibility for this group is determined first before moving to other categories that may have higher income limits.

NOTE: Only adults are included in this group. Children will not be placed in this group. Their coverage will be in the appropriate ARKids program or some other type of Medicaid such as TEFRA, or a private insurance plan.

Adults covered in the group receive the full range of Medicaid benefits.

B-240 Pregnant Women

MS Manual 08/15/14

This group consists of women age 19 and above who are pregnant at the time of application and are not eligible in either the Parent/Caretaker Relative (MS B-230) or Former Foster Care (MS B-260) group. A pregnant woman can apply for retroactive Pregnant Women Medicaid up to 3 months after birth of the baby.

There are two categories of coverage within the Pregnant Woman group.

- Those with household income at or below the income limit for Low-Income Pregnant Woman Coverage (MS E-110) receive the full range of Medicaid services.
- Those with income above that limit but under the limit for High-Income Pregnant Woman Coverage (MS E-110) are provided services related to prenatal, delivery and postpartum care, and to other conditions that may complicate pregnancy.

Both levels provide postpartum coverage through the end of the month in which the 60th day from the date of delivery falls.

B-250 Unborn Child (Pregnant Woman)

MS Manual 08/15/14/1477-CHIPRA-214

This group consists of non-citizen pregnant women who do not meet the alienage requirements for Medicaid and whose household income is at or below 209% of the federal poverty level for the appropriate household size. This includes pregnant women who are anyeither of the following:

- Lawfully admitted aliens who do not yet meet the 5 year residency requirements or one of the conditions listed in D-224;

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B-200 Families and Individuals Group (MAGI)

B-260 Former Foster Care Adults

- ~~Lawfully present in the United States under a Compact of Free Association with the United States (e.g., individuals from the Marshall Islands);~~
- Undocumented aliens.

The purpose of this group is to provide pre-natal care to the unborn child who is expected to be born in the United States. As this coverage is intended to benefit unborn children who will be U.S. citizens at birth, the pregnant woman will not qualify for this coverage if she intends to leave the U.S. before the baby is born.

This group is also different from the other Pregnant Women groups in that it receives an enhanced federal match rate under the Children's Health Insurance Program (CHIP). The CHIP enhanced funding coverage is available only to pregnant women who have no other insurance that covers pregnancy related services.

The non-citizen pregnant woman will receive postpartum coverage. Postpartum coverage is through the end of the month in which the 60th day from the date of delivery falls.

B-260 Former Foster Care Adults

MS Manual 06/08/16

This group consists of adults up to age 26 who aged out of foster care in Arkansas. There is no income or resource test. Other than the general Medicaid eligibility requirements that all Medicaid eligibles must meet (MS D-100), the requirements for eligibility in this group are that the adult was in foster care in Arkansas, was enrolled in Medicaid when aging out of foster care at age 18-21 depending on the individual circumstances and is currently under age 26.

Individuals in this group receive the full range of Medicaid benefits.

B-270 Adult Expansion Group (Arkansas Works Program)

MS Manual 01/01/17

The Health Care Independence Program has been amended to become the Arkansas Works Program starting January 1, 2017. Throughout this policy manual the Arkansas Works Program will be referred to as the Adult Expansion Group.

This group consists of adults who are 19 through 64 years of age with household income below 133% (138% with 5% disregard applied) of the applicable federal poverty level (MS E-110) and are not eligible in either the Parents/Caretaker Relatives group (MS B-230) or Former Foster Care group (MS B-260). Adults who are blind or who have a disability may be covered in this

MEDICAL SERVICES POLICY MANUAL, SECTION D MARKUP

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D-200 General Citizenship and Alien Status Requirements

D-201 Declaration of Citizenship or Satisfactory Alien Status

D-200 General Citizenship and Alien Status Requirements

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MS Manual 01/01/14

Medicaid coverage will only be provided to those individuals verified to be citizens or nationals of the United States or an alien in satisfactory immigration status.

D-201 Declaration of Citizenship or Satisfactory Alien Status

MS Manual 01/30/15

The Immigration Reform and Control Act of 1986 (IRCA) requires that all Medicaid applicants and recipients must declare in writing under penalty of perjury that they are citizens or nationals of the United States, or that they are an alien in satisfactory immigration status.

For individuals declaring to be U.S. citizens or nationals, the declaration will be made at the time of application. If the application was made via an application form, then the application form itself will serve as the declaration of citizenship.

For applicants declaring to be aliens in satisfactory status, form DCO-9, Declaration of Citizenship or Satisfactory Immigration Status, must be completed regardless of the application form used. If the applicant is unable to sign, the authorized representative's declaration on the application form will be accepted as the declaration of citizenship.

In LTC cases where the recipient or legal guardian has completed an application form, no further action for this requirement is necessary. In instances where an authorized representative other than a legal guardian has signed the application, the applicant should sign the DCO-9, unless he or she is physically or mentally incompetent to do so. If the applicant is unable to sign, the authorized representative's declaration on the application form will be accepted as the declaration of citizenship.

Once an adult has provided the declaration of citizenship or satisfactory immigration status for himself, herself or others, a declaration will not be required again unless the individual loses eligibility. If the individual later applies, a new declaration of citizenship or satisfactory immigration status will be obtained.

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D-200 General Citizenship and Alien Status Requirements

D-210 Citizenship

D-210 Citizenship

MS Manual ~~2010/2011~~ 177

42 U.S. Code

~~18091(2)48~~ U.S.C. 1806e

Consider any person born in the United States to be a citizen. People born abroad are considered U.S. citizens when at least one of the parents is a U.S. citizen. Also, consider a person who is a U.S. national the same as a U.S. citizen. A U.S. national is a person who is born in one of the U.S. territories. The U.S. territories include:

- Puerto Rico
- Guam
- The Virgin Islands
- The Northern Mariana Islands
- American Samoa
- The Swain Islands

People who are not citizens or nationals can become citizens through the process of naturalization.



NOTE: Citizens of the Marshall Islands including Palau and Micronesia are under a Compact of Free Association with the United States. They are free to travel to and from the U.S. without a visa. They are not U.S. citizens, nor are they under an alien status. ~~If a Marshall Island Woman is pregnant and intends to give birth in the United States, she may apply for "PW Coverage for Unborn Child" (MS B-250) pregnant women and children who are lawfully residing in the United States, may be approved for Medicaid if they meet all other eligibility criteria for the category for which he/she is applying being applied for (MS D-224). However, other Marshall Island individuals are not eligible for Medicaid except for Emergency Medicaid Services (MS B-500).~~

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Citizenship must be verified for all Medicaid applicants declaring to be U.S. citizens or nationals. Refer to MS G-130 for verification requirements.

D-211 Citizenship of Children Born Outside of the U.S.

MS Manual ~~1001/01~~ 147

A child born abroad to at least one parent who is a U.S. citizen automatically becomes a U.S. citizen at birth if the parent(s) reports the birth to an American Consular Office and registers for

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D-200 General Citizenship and Alien Status Requirements

D-211 Citizenship of Children Born Outside of the U.S.

a Consular Report of Birth (FS-240). An original FS-240 is furnished to the parent(s) at the time the registration is approved.

The Child Citizenship Act of 2000 allows the automatic acquisition of U.S. citizenship for both biological and adopted children of U.S. citizens who are born abroad and who do not acquire U.S. citizenship at birth. Under this act, a child born outside of the United States automatically becomes a citizen when the following conditions are met:

- At least one parent is a U.S. citizen whether by birth or naturalization.
- The child is under the age of 18.
- The child is residing in the U.S. in the legal and physical custody of the U.S. citizen parent after having been lawfully admitted into this country as an immigrant for lawful permanent residence.
- If the child has been adopted, the adoption must be final.

If a child's citizenship is questionable, the following documents can be used if needed to verify that the child has acquired U.S. citizenship:

- Certificate of Citizenship (N-560 or N-561).
- Certificate of Naturalization (N-550 or N-570).

If proof of citizenship is needed but documentation is not available, refer the person to INS the United States Department of Homeland Security (USDHS) for a determination of U.S. citizenship.

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D-200 General Citizenship and Alien Status Requirements

D-220 Alien Status

D-220 Alien Status

MS Manual 012210/302201/15217

431 of PRWORA

This section contains policy relating to eligibility requirements for individuals who are aliens or immigrants. The immigration status of aliens who appear to be eligible for Medicaid must be verified. If the applicant claims alien status, he or she must provide documentation from the Immigration and Naturalization Service (INS) ~~United States Department of Homeland Security (USDHS)~~ verifying their status. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P. L. 104-193, enacted August 22, 1996, changed Medicaid eligibility for individuals who are not citizens of the United States. This act divides immigrants into two basic categories:

- "Qualified Aliens" - those legally living in the United States and meeting one of the conditions at MS D-223 or MS D-224.
- "Nonqualified Aliens" - those living in the United States without meeting legal conditions or those admitted legally but not meeting one of the conditions at MS D-223 or MS D-224.

Medicaid eligibility for aliens is determined by whether the alien is qualified or nonqualified and whether the individual meets the other eligibility requirements for Medicaid. In addition to alien status, the individual must meet all eligibility factors for the category for which he/she is applying. Applicants must provide documentation of qualified alien status for each person for whom Medicaid is being requested. Refer to MSG-140 for alien verification requirements. If an alien has a sponsor, the sponsor's income and resources may be deemed available to the alien when determining eligibility (MS E-280 MS E-300).

Qualified aliens who entered the United States before August 22, 1996 are generally eligible for Medicaid, provided they meet other eligibility criteria.

Qualified aliens who entered the United States on or after August 22, 1996, are barred from participation in Medicaid (with the exception of emergency services) for five years from the date of entry. After these individuals have been in the U.S. for five years, their sponsors' income may then be deemed available to them for determining income eligibility for Medicaid with some exceptions. Refer to MS E-280-300 and MS E-445. Certain groups of qualified aliens are exempt from this five-year bar. Refer to MS D-223 - MS D-224 for conditions of exemption.

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D-200 General Citizenship and Alien Status Requirements

D-221 Alien Categories

Nonqualified aliens who meet the other Medicaid eligibility requirements are eligible for emergency Medicaid services only. Refer to MS B-500. A nonqualified (undocumented) alien woman who is pregnant may be eligible for Pregnant Woman Unborn Child (MS B-250).

D-221 Alien Categories

MS Manual 01/01/142210/2201/167

Any person who is not a citizen or national of the United States is termed an alien. Definitions for some of the different types of aliens are found below:

- **Non-Immigrant** - an alien who seeks temporary entry to the U.S. for a specific purpose. ~~The alien must have permanent residence abroad and qualify for the non-immigrant classification sought. Non-immigrants are not eligible for any medical assistance, including emergency medical assistance, as they do not meet residency requirements. Refer to MS D-230 for examples of non-immigrants.~~
- **Asylee** - an alien living in the U.S. who is unable or unwilling to return to his/her country of origin, or the last place they lived, or unwilling or unable to seek protection of that country because of persecution or a well-founded fear of persecution. Persecution or the fear of persecution may be based on the alien's race, religion, nationality, social status, or political opinion.
- **Refugee** - an alien living outside his/her country of nationality who is admitted into the U.S. because the individual is unable or unwilling to return to that country (or to the place they last lived) because of fear of persecution. Fear of persecution may be based on the individual's race, religion, nationality, social status or political opinion.
- **Qualified Alien** - an alien lawfully admitted and lawfully accorded the privilege of residing permanently in the United States. Qualified aliens are ineligible for medical benefits, except emergency medical assistance, for five years from the date of entry to the U.S., unless they are exempt from the five-year bar. Alien groups exempt from the five-year bar are discussed at MS D-224.
- **Non-qualified Alien** - an alien who is living in the U.S. as an illegal alien or a legal alien who does not meet one of the conditions at MS D-223 or MS D-224. Conditions of eligibility for emergency medical services for non-qualified aliens are discussed at MS B-500. For additional information regarding Non-Qualified Aliens see (MS D-230).

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D-200 General Citizenship and Alien Status Requirements

D-222 Public Charge

D-222 Public Charge

MS Manual 01/10/01/147

"Public Charge" has been a part of U.S. Immigration law for more than 100 years as grounds for inadmissibility and deportation. Identification by the Immigration and Naturalization Service (INS) as a public charge can be grounds for denying admission into the United States, for denying an application for permanent resident status, and in rare cases for deportation.

In 1999, the Justice Department issued regulations to clarify that receipt of most forms of Medicaid would not result in a public charge finding. To be considered a public charge by the INS/USDHS, an alien must:

- Have become or be likely to become primarily dependent on the government for survival through receipt of public cash assistance, or
- Be institutionalized at government expense in a long-term care facility.

Institutionalization in a long-term care facility includes residing in a nursing home or mental health institution. Short-term institutionalization for rehabilitation is not considered as public charge.

The receipt of cash assistance or being institutionalized for long-term care does not automatically cause the individual to be considered a public charge. The INS/USDHS also considers a number of other factors, such as the individual's age, health, financial status, education, and skills. Each determination is made on a case by case basis.

D-223 Aliens Subject to Five-Year Bar 8 U.S.C. 1641

MS Manual 01/01/147210/2201/167

431 of PRWORA

Individuals shown below, who entered the U.S. on or after August 22, 1996, are barred from receiving Medicaid except emergency services for five years. The five-year period begins on the date the individual entered the U.S. with one of the following statuses:

- ~~Aliens lawfully admitted for permanent residency, who do not have (or cannot be credited with) 40 qualifying quarters of coverage as defined under Title II of the Social Security Act and do not have sufficient earnings through noncovered employment. Noncovered employment is work that does not require payment into Social Security because the work is covered by a retirement plan that ends the requirement to pay into Social Security (Re. MS D-225).~~

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D-200 General Citizenship and Alien Status Requirements

D-224 Aliens Exempt from Five-Year Bar
U.S.C.1613b

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- Aliens paroled into the U.S. as Central American Minors for a period of at least two years.
- Aliens paroled into the U.S. under section 212(d)(5) of the Immigration and Nationality Act (INA) for a period of at least one year.
- Aliens granted conditional entry under section 230(a)(7) of the INA as in effect before April 1, 1980.
- Battered aliens under 8 USC 1641(c). For the alien and children to emigrate or remain in the United States, the alien's spouse must file a petition for lawful permanent residence status via INS/USDHS Form I-130, Petition for Alien Relative. Unless the spouse files this petition, the alien and children have no lawful immigrant status and face being deported. Since the 1994 enactment of the Violence Against Women Act, a battered alien may self-petition for lawful permanent residency via INS Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, without the cooperation or knowledge of the abuser.

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The battered alien may be eligible for Medicaid if he/she entered the U.S. before August 22, 1996. If the date of entry is on or after August 22, 1996, the battered alien, spouse or child is subject to the five-year bar, except for emergency medical treatment or pregnant women and children.

NOTE: Pregnant Women and children who are legally residing in the United States, may also be eligible without meeting the five year bar if they meet one of the conditions listed at (MS D-224).

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Due to the abusive relationship, battered aliens may not have access to the needed INS/USDHS documents. Applicants without documentation should be referred to the INS/USDHS Forms Request Line, 1-800-870-3676.

D-224 Aliens Exempt from Five-Year Bar 8 U.S.C.1613b

MS Manual 01/30/157710/7701/167

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U.S.C.1613b431 of PRWORA

Aliens with the following statuses are potentially eligible for Medicaid from the date the status is obtained:

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- Refugees admitted under section 207 of the Immigration and Nationality Act (INA).

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D-200 General Citizenship and Alien Status Requirements

D-224 Aliens Exempt from Five-Year Bar
U.S.C.1613b

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- Iraqi and Afghan Special Immigrants admitted as lawfully permanent residents but treated as refugees.
- Aliens granted asylum under section 208 of the INA.
- Aliens whose deportation or removal is withheld under section 243(h) or section 241(b) (3) of the INA.
- Cuban or Haitian entrants under section 501(e) of the Refugee Education Assistance Act of 1980.
- Cuban or Haitian entrants in the Haitian Family Reunification Program.
- Amerasian immigrants.
- Canadian born American Indians who have treaty rights to cross the U.S. borders with Canada and Mexico.
- Aliens lawfully admitted for permanent residence who have, or can be credited with, 40 qualifying quarters of coverage as defined under Title II of the Social Security Act, or have sufficient earnings through noncovered employment (Rc, MSD-225).
- Aliens lawfully living in the United States on 8/22/96 who were receiving AABD Medicaid at that time may continue to receive Medicaid benefits. This applies only to AABD categories.
- Aliens lawfully living in the United States on 8/22/96 who subsequently become blind or disabled may receive Medicaid benefits in the future.
- Aliens lawfully admitted for permanent residence who are veterans honorably discharged for reasons other than alienage, and their spouses, surviving unremarried spouses, and unmarried dependent children. This includes alien spouses, surviving unremarried spouses, and unmarried dependent children of veterans who are U.S. citizens or deceased veterans.
- Aliens lawfully admitted for permanent residence who are active-duty personnel of the United States Armed Forces and their spouses, surviving unremarried spouses, and unmarried dependent children. This includes alien spouses, surviving unremarried spouses, and unmarried dependent children of active duty personnel who are U.S.

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D-200 General Citizenship and Alien Status Requirements

D-224 Aliens Exempt from Five-Year Bar
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citizens or deceased active duty personnel. Active duty excludes temporary full-time duty for training purposes performed by members of the National Guard or Reserves.

- Pregnant Women and Children who are lawfully present. This includes but is not limited to pregnant women and children in the following statuses:

- 1) A qualified alien as defined in 8 U.S.C. 1641 (b) and (c)
- 2) An alien in valid nonimmigration status, as defined in 8 U.S.C. 1101 (a)(5) or otherwise under the Immigration laws as defined in 8 U.S.C. 1101 (a) (17):
- 3) An alien who has been paroled into the United States in accordance with 8 U.S.C. 1182 (d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;
- 4) An alien who belongs to one of the following classes:

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- Granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, respectively;
- Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. 1254a, and individuals with pending application for TPS who have been granted employment authorization;
- Granted employment authorization under 8 CFR 274a. 12c;
- Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;
- Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;
- Granted Deferred Action status;
- Granted an administrative stay of removal under 8 C.F.R.241;
- Beneficiary of approved visa petition who has a pending application for adjustment of status;

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- 5) An alien with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture who:

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- Has been granted employment authorization; or

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D-200 General Citizenship and Alien Status Requirements

D-225 Establishing Qualifying Quarters

- Is under the age of 14 and has had an application pending for at least 180 days;

6) An alien who has been granted withholding of removal under the Convention Against Torture;

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7) A child who has a pending application for Special Immigration Juvenile status as described in 8 U.S.C. 1101(a)(27)(J);

8) Is lawfully present in the Commonwealth of the Northern Mariana Islands under 48 U.S.C. 1806(e); or

9) Is lawfully present in American Samoa under the immigration laws of American Samoa; or

10) Is a victim of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000.

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EXCEPTION: An alien with deferred action under the USDHS's deferred action for childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered lawfully present with respect to any of the above categories.

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§ **NOTE:** Documentation that is required to verify lawfully residing status is found at Appendix C.

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D-225 Establishing Qualifying Quarters

MS Manual 01/01/14

When an alien's eligibility depends on meeting the 40-quarter requirement, the number of quarters with which the individual can be credited must be determined. Individuals can get up to four qualifying quarters of credit each calendar year based on their own earnings. Individuals may also be credited with additional quarters in a calendar year based on the earnings of a parent or spouse.

The chart on Appendix S shows the amounts required to earn one credit beginning with the year 1978. The quarter of coverage amount increases each year with the SSA cost of living increase.

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D-200 General Citizenship and Alien Status Requirements

D-226 Victims of Trafficking

To calculate the number of quarters available for one year, divide the individual's total earnings for the year by the amount needed to get one credit. Amounts remaining that equal less than the amount required for one quarter will not be used. For regular earnings, use the gross amount of earnings. For self-employment, use the amount after allowable self-employment expenses have been deducted.

~~NOTE:~~ As of January 1, 1997, income from any quarters in which an alien received any type of federal means-tested public assistance during the quarter is not counted. Means-tested public assistance includes TEA, SSI, Medicaid, and SNAP. Emergency Medicaid assistance for aliens is excluded from means-tested public assistance. If means-tested assistance was received, check the alien status in the other program to see if alien status was met for Medicaid eligibility.

Aliens can count their spouse's quarters earned during the marriage in addition to their own quarters to meet the 40-quarter requirement. For example, if each spouse had 20 quarters, the quarters would be added together and both spouses would be credited with having 40 quarters.

Count the spouse's quarters earned during the marriage when the spouse is either a citizen or an alien and any of the following conditions apply:

- The couple is currently married.
- A spouse is deceased and the surviving spouse has not remarried.
- The couple is separated but not divorced.

Aliens can also count the quarters earned by a parent in addition to their own quarters to meet the 40-quarter requirement. In this instance, parent means the natural or adoptive parent or the stepparent. Count the parent's quarters when the parent is either a citizen or an alien and the quarters were earned before the child turned 18, including quarters earned before the child was born. Death of the stepparent does not end the relationship. However, if the parent and stepparent are divorced the stepparent's quarters may not be counted.

Quarters earned by a child may not be counted toward the eligibility of a parent.

D-226 Victims of Trafficking

MS Manual 01/01/14

Public Law 104-193 states that aliens who are certified as victims of trafficking by the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) are

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D-200 General Citizenship and Alien Status Requirements

D-230 Non-Citizens Not Eligible for Emergency Services 435.956(c)(2)

eligible aliens for Medicaid purposes. Eligibility for victims of trafficking is determined in the same manner as Medicaid for refugees.

Trafficking is defined as all acts involved in the movement of human beings, usually women and children, from one country to another or within national borders for sexual exploitation or forced labor.

Adults who are certified as victims of trafficking receive an ORR certification letter. Children who are victims of trafficking receive an eligibility letter or an interim assistance letter. An interim assistance letter is given to a child who may have been subjected to trafficking to allow the child to be eligible to receive benefits and services for a 90-day period. Certification letters no longer contain an expiration date. A victim of trafficking is eligible to apply for Medicaid starting with the date of certification by ORR. If eligible, Medicaid coverage will be valid for one eight month period. If Medicaid coverage is needed beyond the initial eight months, the initial certification letter will be used to establish continued eligibility.

Follow the usual procedures for determining eligibility for refugees except:

- Accept the original ORR certification letter for adults or the eligibility or interim assistance letter for children under 18 in place of INS documentation.
- Contact the trafficking verification line at 202-401-5510 to confirm the validity of certification letters for adults and 202-205-4582 to confirm the validity of eligibility or interim assistance letters for children and to notify ORR of the assistance for which the individual has applied.

NOTE: Do not contact SAVE concerning victims of trafficking.

If the worker suspects that an applicant may be a victim of trafficking but does not have the required certification or eligibility letter, the worker will contact ORR at the above telephone numbers for verification of a certified letter.

D-230 Non-Citizens Not Eligible for Emergency Services

435.956(c)(2)

MS Manual 01/01/14 7/7/167

435.956(c)(2)

The INS/USHDS issues non-immigrant visas to people who indicate that they are seeking entry for a temporary purpose. These non-immigrants do not meet the residency requirements and are

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D-200 General Citizenship and Alien Status Requirements

D-230 Non-Citizens Not Eligible for Emergency Services 435.956(c)(2)

not are eligible for emergency services. If they meet all other requirements including State residency. The following groups of people may be eligible in this category:

- Foreign government representatives on official business and their families and servants.
- Visitors for business or pleasure, including exchange visitors.
- Aliens traveling through the U.S.
- Crew members on shore leave.
- Treaty traders and investors and their families.
- Foreign students and their families who are here as dependents and are not otherwise eligible.
- International organization representatives and personnel and their families and servants.
- Temporary workers including agricultural contract workers.
- Members of foreign press, radio, film or other information media and their families.

- NOTE: This is not an all-inclusive list.

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MEDICAL SERVICES POLICY MANUAL, SECTION E MARKUP

E-300 Sponsor Affidavits of Support and Deeming

E-300 Sponsor Affidavits of Support and Deeming

E-300 Sponsor Affidavits of Support and Deeming

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PRWORA of 1996

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Alien sponsor deeming established by the PRWORA, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), P. L. 104-208, and the Balanced Budget Act of 1997 (BBA), P. L. 105-33 will apply to all Medicaid categories.

Alien sponsor deeming will be applied to those aliens who are Lawfully Admitted Permanent Residents (LAPRs) that have been in the United States for five years. Refer to MS E-445 for exceptions to deeming for an alien's sponsor.

Aliens who seek admission to the U.S. as LAPRs must establish that they will not become a public charge (Re. MS D-222). Many aliens enter the country by having a sponsor who pledges to support them to establish that they will not become a public charge.

A sponsor is a person who signs an Affidavit of Support agreeing to support an alien as a condition of the alien's admission for permanent residence in the U.S. An alien may have more than one sponsor. There are two versions of the Affidavit of Support:

- *Affidavit of Support*, form I-134 (Now unenforceable.)
- *Affidavit of Support*, form I-864 (Effective December 19, 1997.)

The process of counting the sponsor's income and resources for the sponsored alien is called deeming. Deeming will not apply when the sponsor is:

- An organization such as a church or service club,
- An employer who does not sign an Affidavit of Support, or
- The alien's eligible or ineligible spouse or parent whose income is otherwise considered in determining the alien's Medicaid eligibility.

A sponsored alien and the alien's spouse, if there is one, are responsible for providing information and documentation about the alien's sponsor and the sponsor's spouse. If the alien appears to be eligible for benefits but does not have the Affidavit of Support or does not know if there is a sponsor, instruct the alien to contact the Immigration and Naturalization Service (INS) United States Department of Homeland Security (USDHS) to obtain a copy of the Affidavit

MEDICAL SERVICES POLICY MANUAL, SECTION E MARKUP

E-300 Sponsor Affidavits of Support and Deeming

E-300 Sponsor Affidavits of Support and Deeming

of Support. If the applicant requires assistance, the caseworker may request information from the INS/USDHS by submitting Forms G-845 and G-845 Supplement.

The INS/USDHS will certify whether an alien has a sponsor and if so, what kind of affidavit the sponsor signed. Do not deem income or resources from a sponsor that has signed the old version, I-134, Affidavit of Support, or I-361, Affidavit of Financial Support and Intent to Petition for Legal Custody, as these affidavits are not considered enforceable.

Deeming instructions are shown below for individuals applying for Medicaid having an I-864, Affidavit of Support:

- Count all income of the sponsor and sponsor's spouse living in the same household as if they were income and resources of the alien.
- Do not allow deductions from the sponsor's income or resources.
- Count the sponsor's income as the alien's unearned income and use it to determine the alien's eligibility.
- Do not count the sponsor's income when determining eligibility for the alien's eligible children.
- Do not include the sponsor in the alien's household size.

Deeming continues until one of the following conditions is met:

- ~~The sponsored immigrant accrues 40 quarters of work credit.~~
- The sponsored immigrant becomes a U.S. citizen.
- The sponsored immigrant leaves the U.S. permanently.
- The sponsored immigrant or the sponsor dies.

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E-400 Determining Financial Eligibility for AABD Groups

E-445 Exceptions to Deeming for Alien's Sponsor

3. Reduce the excess income amount by a living allowance for each Ineligible child in the home (i.e., those not blind or determined to have a disability). If this reduces excess income to zero, there is no income to deem to the eligible child. If not proceed to #4.
4. If excess income remains after deduction of living allowances, it is deemed to the child as unearned income. If more than one eligible child is in the home, divide the income equally to each child. The amount deemed to the child as unearned income is subject to \$20.00 per month general exclusion in his/her eligibility determination (Re. MS A-214).

E-445 Exceptions to Deeming for Alien's Sponsor

MS Manual 01/01/14??/??/17

CHIPRA-214

Deeming from the alien's sponsor can be suspended for some aliens. The following aliens are not subject to deeming:

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- Aliens who do not have sponsors.
- Aliens who have been battered or subject to extreme cruelty in the United States, and their children or parents who have been battered or subject to extreme cruelty. The abuse may be perpetrated by a U.S. citizen or lawful permanent residence spouse, parent, or their family members living in the same household in the U.S. This exception applies for 12 months from the date of determination that the alien has been battered. (Re. MS D-223)
- Aliens who are indigent. An alien with a sponsor who signed form I-864 Affidavit of Support and the alien is unable to obtain food and shelter. If the alien lives with the sponsor, it will be assumed that the sponsor is providing food and shelter and the Indigence exception will not be granted, and deeming will apply. If the alien is living apart from the sponsor, consider the alien unable to obtain food and shelter if:
 - ✓ The income the alien receives is less than the income limit for the category of Medicaid for which the individual would be eligible.
 - ✓ The resources available to the alien are under the resource limit for the Medicaid category for which the alien would be eligible.
- Aliens who can be credited with 40 qualifying quarters or attain citizenship.
- Aliens qualifying for Emergency Medicaid services only. (Re. MS B-500)

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MEDICAL SERVICES POLICY MANUAL, SECTION E MARKUP

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E-400 Determining Financial Eligibility for AABD Groups

E 446 Items (Income) Not Included in Deeming

- Pregnant women and children who meet one of the conditions in D-224 are exempt from the five-year bar (Re. MS D-224).

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E 446 Items (Income) Not Included in Deeming

MS Manual 01/01/14

The Items listed below are excluded from income of the ineligible spouse or ineligible parent(s) before determination of deemed income.

1. Assistance or income based on need: includes payments by any Federal Agency, State or political subdivision of SSI payments and any income which was taken into account in determining such assistance. Exclusion applies to V.A. Pension but not to V.A. Compensation. Also includes TEA payments and income which was taken into account in determining assistance (including all income of a step-parent in cases which involve a step-parent);
2. Portions of Grants, Scholarships or Fellowships used to pay tuition and fees at an educational institution or the cost of Vocational Technical training which is preparatory for employment;
3. Foster Care Payments received for an ineligible child;
4. SNAP and Department of Agriculture donated foods;
5. Home produce grown for personal consumption;
6. Refund of income taxes, real property taxes, or taxes on food purchased by the family;
7. Income used to comply with terms of court-ordered support and Title IV-D support payments;
8. The value of In-Kind Support and Maintenance provided to ineligible members of the household.
9. Income excluded by other Federal Statute;
10. Earned income of an ineligible child who is a student unless the child makes such income available (contributes) to the family. This income would not be used to offset the living allowance which is deducted from parental income in the deeming process. If a contribution is being made by the student, consider only the amount contributed as available income; and



Systematic Alien Verification for Entitlements

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Verification Division
Washington, DC 20024



U.S. Citizenship
and Immigration
Services

Guide to Understanding SAVE Verification Responses

BACKGROUND

This guide provides general guidance for interpreting SAVE responses. The Systematic Alien Verification for Entitlements (SAVE) Program is a service that helps federal, state and local benefit-issuing agencies, institutions, and licensing agencies determine the immigration status of benefit applicants so only those entitled to benefits receive them. SAVE does not determine applicants' eligibility for specific benefits; the benefit-issuing agencies make those determinations.

The SAVE Program offers two methods for accessing information to verify applicants' status: electronic and paper-based. Regardless of the access method, SAVE uses online systems to check benefit applicants' immigration status or U.S. citizenship information against records contained in relevant immigration databases. To use either method, the agency must execute a Memorandum of Agreement with the SAVE Program.

VERIFICATION PROCESS

The majority of verification requests are resolved upon initial verification. However, in some instances, immigration status or naturalized or derived citizenship cannot be verified through initial verification. Accordingly, the SAVE Program will prompt the customer agency to provide additional information or copies of the applicant's immigration/citizenship document in order to verify the applicant's immigration status or U.S. citizenship. This does not necessarily mean that the applicant is not authorized to be in the United States or is ineligible to receive the benefit. It simply means that additional research is required in order to determine the applicant's immigration status.

Electronic Verification

SAVE electronically verifies immigration status or naturalized or derived citizenship using a three-step process:

- **Initial Verification** (first step) - **electronically** compares information the agency enters against immigration databases and returns a response within seconds. The system will respond with the applicant's current immigration status or naturalized or derived citizenship information and other specific information (such as *employment*

MEDICAL SERVICES POLICY MANUAL, SECTION E **MARKUP**

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E-400 Determining Financial Eligibility for AABD Groups

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E 446 Items (Income) Not Included in Deeming

MS Manual 01/01/14

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1. Assistance or Income based on need: Includes payments by any Federal Agency, State or political subdivision of SSI payments and any Income which was taken into account in determining such assistance. Exclusion applies to V.A. Pension but not to V.A. Compensation. Also includes TEA payments and Income which was taken into account in determining assistance (including all Income of a step-parent in cases which involve a step-parent);
2. Portions of Grants, Scholarships or Fellowships used to pay tuition and fees at an educational institution or the cost of Vocational Technical training which is preparatory for employment;
3. Foster Care Payments received for an ineligible child;
4. SNAP and Department of Agriculture donated foods;
5. Home produce grown for personal consumption;
6. Refund of Income taxes, real property taxes, or taxes on food purchased by the family;
7. Income used to comply with terms of court-ordered support and Title IV-D support payments;
8. The value of In-Kind Support and Maintenance provided to ineligible members of the household.
9. Income excluded by other Federal Statute;
10. Earned income of an ineligible child who is a student unless the child makes such income available (contributes) to the family. This income would not be used to offset the living allowance which is deducted from parental income in the deeming process. If a contribution is being made by the student, consider only the amount contributed as available income; and

authorization, admit to/expiration date) or a message prompting the user to "Institute Additional Verification".

- **Additional Verification** (second step) - is initiated electronically by the agency. A Status Verifier with SAVE's Status Verification Operations (SVO) will conduct a manual search of immigration databases, including databases not automatically searched during the initial step. This step takes between 3-5 federal working days. The status verification system will return either the applicant's immigration status or U.S. citizenship information and other information such as employment authorization, admit to or expiration date or a request to "Resubmit with Doc". The "Resubmit with Doc" response is the prompt for a third step verification. ***Note: The agency may use the Scan and Upload function at second step to electronically submit photocopies (front and back) of the applicant's relevant immigration/citizenship documents when initiating second step verification and avoid the possibility of a "Resubmit with Doc" response. The benefit is that, except for very limited circumstances, the entire verification process will be completed at second step within 3-5 federal working days.***
- **Third Step Verification** - is an electronic process for most agencies. The agency must submit photocopies (front and back) of the applicant's relevant immigration documents to a designated SVO office. The photocopies can be **submitted electronically with the Scan and Upload function** or attached to a Form G-845, Verification Request, and sent by traditional mail. A Status Verifier conducts a manual search of immigration databases. Agencies should receive a response through the system within **3-5 days if using the Scan and Upload function** or 10-20 federal working days if sent by traditional mail.

Paper Based G-845 Verification

The SAVE Program also provides a paper-based verification method as an alternative to the electronic system. It can be used to initiate a verification or to conduct third step verification. Agencies may verify an applicant's immigration status or U.S. citizenship by mailing a USCIS Form G-845, Verification Request, with photocopies (front and back) of the applicant's immigration document(s) to a designated SVO Office. The Status Verifier at the designated SVO office generally takes 10 to 20 federal working days from the date of receipt of the Form G-845 and document photocopies to conduct a manual search of immigration databases and mail the Form G-845 back to the agency with the applicant's current immigration status or naturalized or derived citizenship information, or the action necessary to complete the verification process as indicated on the G-1120 or the G-845 Part 3. SVO may also provide comments, as described below.

NOTE: The paper based Form G-845 is subject to higher fees than electronic verification requests. Please visit uscis.gov/SAVE for the most current fee schedule.

Electronic Initial Verification Responses

There are a limited number of responses that your agency may receive on electronic initial verification. Note that in some cases, a response will have employment authorization information and some will not. The fact that some responses do not have employment authorization language does not necessarily mean that the individual is not employment authorized. The following is a list of those text responses with interpretations:

INSTITUTE ADDITIONAL VERIFICATION: SAVE was unable to verify the applicant's status on electronic initial verification. There may have been an issue electronically locating the records or additional verification may be required due to conflicting data or the nature of the applicant's status.

UNITED STATES CITIZEN: Applicant that has a record of naturalized or derived citizenship with USCIS, usually documented with a Certificate of Naturalization or Certificate of Citizenship. Note: **SAVE does not verify the citizenship of native-born U.S. citizens. SAVE cannot verify United States citizenship using a United States passport or birth records.**

LAWFUL PERMANENT RESIDENT- EMPLOYMENT AUTHORIZED: Any person not a citizen or national of the United States who has been admitted to the United States as a lawful permanent resident. Usually documented with an I-551 Permanent Resident Card, I-327 Reentry Permit or I-571 Refugee Travel Document. Employment authorized incident to status.

LAWFUL PERMANENT RESIDENT: Any person not a citizen or national of the United States who has been admitted to the United States as a lawful permanent resident. This status is usually documented with an I-551 Permanent Resident Card, I-327 Reentry Permit, or I-571 Refugee Travel Document. Employment authorized incident to status.

NON-IMMIGRANT - TEMPORARY EMPLOYMENT AUTHORIZED: A non-citizen who is admitted to the United States for a specific reason and for a limited period of time. The non-citizen must have a permanent residence abroad (for most nonimmigrant classes of admission) and qualify for the nonimmigrant classification. The nonimmigrant classifications include, but are not limited to: foreign government officials, visitors for business and for pleasure, non-citizen in transit through the United States, treaty traders and investors, students, international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiancé(e)s of United States citizens, intracompany transferees, NATO officials, and religious workers. Spouses and unmarried children (also referred to as "dependents") can accompany or join the principal nonimmigrant but are not necessarily eligible for employment authorization. If the response says "Temporary Employment Authorized", the applicant is employment authorized incident to status. Nonimmigrants will typically have a Form I-94 (including electronic printout from CBP website) or a foreign passport with an admission stamp that evidences their temporary status and period of authorized stay.

NON-IMMIGRANT: A non-citizen who is admitted into the United States for a specific reason and for a limited period of time. The non-citizen must have a permanent residence abroad (for most nonimmigrant classes of admission) and qualify for the nonimmigrant classification. The nonimmigrant classifications includes, but are not limited to: foreign government officials, visitors for business and for pleasure, aliens in transit through the United States, treaty traders and investors, students, international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiancé(e)s of United States citizens, intracompany transferees, NATO officials, and religious

workers. Spouses and unmarried children (also referred to as “dependents”) can accompany or join the principal nonimmigrant but are not necessarily eligible for employment authorization. Nonimmigrants will typically have a Form I-94 (including electronic printout from CBP website) or foreign passport with an admission stamp that evidences their temporary status and period of authorized stay. **Note: The individual is not employment authorized unless he/she has a Form I-766 Employment Authorization Document (EAD).**

NON-IMMIGRANT - EMPLOYMENT AUTHORIZED CNMI ONLY: Applies only to the Commonwealth of the Northern Mariana Islands (CNMI). The CNMI-Only Transitional Worker (CW) visa classification allows employers in the Commonwealth of the Northern Mariana Islands (CNMI) to apply for temporary permission to employ foreign (nonimmigrant) workers who are otherwise ineligible to work under other nonimmigrant worker categories. Usually documented with a Form I-94 (including electronic printout from CBP website) or an unexpired foreign passport.

TEMPORARY EMPLOYMENT AUTHORIZED: Certain categories of non-citizens may apply for employment authorization during their authorized stay in the United States. A SAVE response of “Temporary Employment Authorized” indicates that the non-citizen applicant belongs to one of these categories and has been verified by the electronic system with an EAD that has been found to be valid. Whether an agency receives this response depends on the benefits the agency administers and its SAVE configuration.

IF PRINCIPAL - TEMPORARY EMPLOYMENT AUTHORIZED: Certain agencies will receive this nonimmigrant response when the applicant presents a Form I-94 (including electronic printout from CBP website) or foreign passport because of the way their responses are set by the SAVE Program. This response includes foreign government officials, treaty traders and investors, international representatives, representatives of foreign information media, and NATO officials. It says IF PRINCIPAL because the individual who was admitted under the Class of Admission (COA) as the representative or official is employment authorized incident to status. Spouses or unmarried children who accompany them are admitted under the same COA, but are not employment authorized incident to status.

ASYLEE - EMPLOYMENT AUTHORIZED: A non-citizen in the United States 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 non-citizen’s race, religion, nationality, membership in a particular social group, or political opinion. Usually documented with a Form I-94 (including electronic printout from CBP website), Form I-571 or an EAD. An asylee is employment authorized incident to status.

ASYLEE: A non-citizen in the United States 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 non-citizen’s race, religion, nationality, membership in a particular social group, or political opinion. Usually documented with a Form I-94 (including electronic printout from CBP website), Form I-571 or an EAD. **Note: An asylee is employment authorized incident to status.**

REFUGEE – EMPLOYMENT AUTHORIZED: A non-citizen outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the non-citizen’s race, religion, nationality, membership in a particular social group, or political opinion. Usually documented with a

Form I-94 (including electronic printout from CBP website), Form I-571 or an EAD. **Note: A refugee is employment authorized incident to status.**

REFUGEE: A non-citizen outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the non-citizen's race, religion, nationality, membership in a particular social group, or political opinion. Usually documented with a Form I-94 (including electronic printout from CBP website), Form I-571 or an EAD. **Note: A refugee is employment authorized incident to status.**

DACA – EMPLOYMENT AUTHORIZED: On June 15, 2012, the Secretary of the Department of Homeland Security announced that individuals who came to the United States as children and met other key requirements could request consideration for *deferred action*. This is referred to as Deferred Action for Childhood Arrivals (DACA) and is limited to a specific period of time but can be renewed, at which time a new EAD is issued. Certain agencies will receive this response when the applicant's immigration status was verified using a valid EAD demonstrating employment authorization because of the way their responses are set by the SAVE Program.

TEMPORARY PROTECTED STATUS (TPS): EMPLOYMENT AUTHORIZED: Establishes a legislative basis for allowing a group of people temporary refuge in the United States. The Secretary of Homeland Security may designate nationals of a foreign state to be eligible for TPS with a finding that conditions in that country pose a danger to personal safety because of ongoing armed conflict or an environmental disaster. Grants of TPS are initially made for periods of 6 to 18 months and may be extended depending on the situation. The response says EMPLOYMENT AUTHORIZED because the individual was verified using a valid EAD demonstrating employment authorization. Note that EADs for these individuals may be auto-extended. In such cases, SAVE will announce such an extension is in effect and in most cases will automatically add the extended work authorization period onto the existing EAD, which may be expired on its face. If the additional period is not added and you need a SAVE verification on that point, please submit the case for additional verification.

VERIFICATION IN PROCESS: When a SAVE data partner system is down and the agency user initiates a request. The request is placed in a queue and the SAVE system will continually attempt to run the request for up to 24 hours.

UNABLE TO PROCESS: When a VERIFICATION IN PROCESS has been in the queue for over 24 hours, the case will be automatically closed with this system response. The agency user must initiate a new request to verify the applicant's immigration status.

Other Information Provided on Electronic Initial Verification

In addition to the text response, your agency will receive information in the **Date Admitted To** field, based on the document presented. This relates to when the non-citizen's authorized period of stay/status in the United States expires. See EXPIRED DOCUMENT in the Third Step Verification section below.

If there is no date in the field, it may state one of the following:

- **Indefinite** - The person has no limit to how long he or she may remain in the United States. For example, a lawful permanent resident would receive this response.

- **D/S** - Stands for "duration of status." This means that a non-citizen's authorized stay in the United States is continuous so long as the person is still engaging in the activity associated with the non-citizen's immigration status. For example, a foreign student's authorized stay continues for as long as the student complies with the requirements associated with the foreign student's program.

Your agency will also generally receive a Class of Admission (COA) code with the Initial Verification response. The COA code may be relevant for benefit eligibility. However, the COA code provided is not always a definitive indicator of the individual's eligibility. SAVE recommends that agencies consider the COA in conjunction with the SAVE eligibility response and the immigration document presented. For example, someone with a pending application for asylum may have a COA code indicating that he or she is not legally in the United States. There are also some individuals granted temporary relief who are therefore lawfully present, such as Temporary Protected Status or Deferred Action, but whose COA does not reflect that temporary relief. SAVE recommends that agencies look to the eligibility statement and the immigration document as well in order to determine the applicant's eligibility for the benefit. Note: Refer to SAVE System Online Resources Library for a list of COA codes.

Electronic Additional (Second Step) Verification Responses

The responses returned by a Status Verifier are not identical to those returned by the electronic system on first step. The Status Verifier response protocol is largely based on the type of document used by the agency to verify the applicant's status. Generally, the Status Verifier will provide the applicant's immigration status as the primary DHS response. However, when the user agency uses an EAD for verification, the Status Verifier could provide employment authorization as the primary DHS response if the applicant does not have an immigration status. The following is a summary of current Status verifier response protocols when an EAD is presented:

- The response will be **LAWFUL PERMANENT RESIDENT, ASYLEE, REFUGEE, PAROLEE,** and **NON-IMMIGRANT** when that is the appropriate status for a person. The Status Verifier will state "Employment Authorized" in the comments.
- The response will be **EMPLOYMENT AUTHORIZED – INDEFINITE** or **EXPIRED** (as appropriate) for a person with the status of **DACA, TEMPORARY PROTECTED STATUS** or **APPLICATION PENDING**. The Status verifier will also state "DACA", "Temporary Protected Status" or "Application Pending" in the comments field.

Additionally, the Status Verifier will put a COA code in the Status Code field if **NON-IMMIGRANT** is the DHS response. The Admitted to Date will also be provided as indicated in the **Appendix**.

There are a limited number of DHS responses that your agency may receive on additional (second step) verification. The following is a list of those responses with interpretations:

LAWFUL PERMANENT RESIDENT: See **LAWFUL PERMANENT RESIDENT** above in initial verification section. Note that, unlike initial verification, the **COA code will not be provided** at this step when the individual is a Lawful Permanent Resident.

CONDITIONAL RESIDENT: A person allowed to live and work in the United States as a permanent resident. However, USCIS will reevaluate his or her status within two years to ensure that the person obtained it lawfully. An example of a person granted conditional resident status is a noncitizen/national that marries a United States citizen or national, or lawful permanent resident and adjusts status or is admitted on an immigrant visa before the marriage is two years old. Usually documented with a I-551 Permanent Resident Card, temporary I-551 stamp in a foreign passport, or I-327 Reentry Permit. Note that, unlike initial verification, the COA code will not be provided at this step when the individual is a Conditional Resident.

EMPLOYMENT AUTHORIZED – INDEFINITE: The non-citizen is authorized to work in the United States incident to status. Usually documented with a Form I-94 (including electronic printout from CBP website) or foreign passport.

EMPLOYMENT AUTHORIZED – EXPIRES: The non-citizen is authorized to work in the United States for a specified period of time. This response will be the primary response used when an EAD is the document presented by the individual who is verified as DACA, TPS or Application Pending. The Expiration Date will be provided. DACA, TPS and Application Pending will be stated in the comments from SAVE.

NOT EMPLOYMENT AUTHORIZED: The non-citizen is not authorized to work in the United States. Usually documented with a Form I-94 (including electronic printout from CBP website) or foreign passport.

APPLICATION PENDING: The non-citizen has filed an application with USCIS for an extension, change or adjustment of status, or to obtain employment authorization, but a USCIS decision on the application has not yet been made. Some non-citizens are employment authorized while the application is pending. Usually documented with a Form I-797 Notice of Action and/or an EAD issued as a result of the application.

ASYLEE: See ASYLEE above in initial verification section. Note that, unlike initial verification, the COA code will not be provided at this step when the individual is an Asylee.

REFUGEE: See REFUGEE above in initial verification section. Note that, unlike initial verification, the COA code will not be provided at this step when the individual is a Refugee.

PAROLEE – INDEFINITE: A noncitizen/non-national who has been allowed into the United States under emergency conditions or when his or her parole has been determined to be in the public interest. The term "Indefinite" denotes that there is no specified time limit placed on the individual's parole into the United States. Usually documented with a Form I-94 (including electronic printout from CBP website), foreign passport or EAD. Note that, unlike initial verification, **the COA code will not be provided** at this step when the individual is a Parolee.

PAROLEE – EXPIRES: A noncitizen/non-national who has been allowed into the United States under emergency conditions or when his or her parole has been determined to be in the public interest. The term "Expires" denotes that there is a specified time limit placed on the individual's parole into the United States. The relevant date will be included in the response. Usually documented with a Form I-94 (including electronic printout from CBP website), foreign passport or EAD. Note that, unlike initial verification, the COA code will not be provided at this step when the individual is a Parolee.

CONDITIONAL ENTRANT: An immigration status used for refugees prior to the Refugee Act of 1980. All conditional entrants entered the United States before 1981, when the federal government stopped using this status. While many conditional entrants have adjusted to lawful permanent resident status or became U.S. citizens, some retain their original status. See REFUGEE and LAWFUL PERMANENT RESIDENT above in initial verification section. Note that, unlike initial verification, the COA code will not be provided at this step when the individual is a Conditional Entrant.

NON-IMMIGRANT: See NON-IMMIGRANT above in initial verification section.

U.S. CITIZEN: See UNITED STATES CITIZEN above in initial verification section.

NOT EMPLOYMENT AUTHORIZED PAROLEE – INDEFINITE: A parolee with no specified time limit on his or her parole into the United States who is not employment authorized. Certain agencies will receive this response because of the way the way their responses are set by the SAVE Program. Usually documented with a Form I-94 (including electronic printout from CBP website) or foreign passport.

NOT EMPLOYMENT AUTHORIZED PAROLEE – EXPIRES: A parolee with a specified time limit on his or her parole into the United States who is not employment authorized. Certain agencies will receive this response based on their SAVE profile. Usually documented with a Form I-94 (including electronic printout from CBP website) or foreign passport.

CONDITIONAL RESIDENT, EMPLOYMENT AUTHORIZED – EXPIRES: See CONDITIONAL RESIDENT above in this (second step) section. Certain agencies will receive this response because of the way their responses are set by the SAVE Program.

ASYLEE, EMPLOYMENT AUTHORIZED – INDEFINITE: See ASYLEE above in additional (second step) verification responses section. Certain agencies will receive this response because of the way their responses are set by the SAVE Program.

REFUGEE, EMPLOYMENT AUTHORIZED – INDEFINITE: See REFUGEE above in additional (second step) verification responses section. Certain agencies will receive this response because of the way their responses are set by the SAVE Program.

PAROLEE, INDEFINITE, EMPLOYMENT AUTHORIZED – EXPIRES: See PAROLEE – INDEFINITE above in additional (second step) verification section. Certain agencies will receive this response because of the way their responses are set by the SAVE Program.

PAROLEE, EXPIRES, EMPLOYMENT AUTHORIZED – EXPIRES: See PAROLEE – EXPIRES above in additional (second step) verification section. Certain agencies will receive this response because of the way the way their responses are set by the SAVE Program.

CONDITIONAL ENTRANT, EMPLOYMENT AUTHORIZED – EXPIRES: See CONDITIONAL ENTRANT above in additional (second step) verification section. Certain agencies will receive this response because of the way their responses are set by the SAVE Program.

NON-IMMIGRANT, EMPLOYMENT AUTHORIZED – EXPIRES: A non-immigrant with employment authorization approved for only a limited period of time. See NON-IMMIGRANT above in additional (second step) verification section. Certain agencies will receive this response because of the way their responses are set by the SAVE Program.

OTHER: Used when one of the other more specific responses listed in the additional (second step) verification section are not appropriate for the individual in question. When "Other" is selected, status and employment information (when available) will be provided by the Status Verifier in the comments to the agency.

RESUBMIT DOC (NEED COPY ORIGINAL): The Status Verifier was unable to determine the person's status without seeing a copy of the person's most recent immigration document. The user must submit a Form G-845 and a copy of the document (front and back) for third step verification. As indicated above. The agency may use the Scan and Upload function to more efficiently submit the request. **For more information about the Form G-845, please go to [USCIS.gov/forms](https://uscis.gov/forms).**

CONTINUE TO PROCESS: The Status Verifier is unable to determine the person's status based on the information currently available and further research is necessary. A final response will be provided upon completion of research.

Electronic Third Step Verification Responses

Third Step Verification has all of the responses provided by Second Step Verification, as well as the following responses not returned on Second Step Verification. Additionally, the same response protocol used by the Status Verifier for Second Step Verification is used for Third Step Verification.

AMERICAN INDIAN BORN IN CANADA: Under Section 289 of the Immigration and Nationality Act (INA), individuals born in Canada who possess at least 50% American Indian blood may live and work in the United States. Upon proving to USCIS or Customs and Border Protection (CBP) that they meet the requirements of INA § 289, such individuals are issued a Form I-94 (including electronic printout from CBP website), Arrival/Departure Record, indicating their status under INA § 289. If such individual can also prove that they maintain their principal residence in the United States, they will be accorded lawful permanent resident status under 8 C.F.R. § 289.2, and will be issued an I-551 Permanent Resident Card. If an individual has not previously had his or her status under INA § 289 verified by either CBP or USCIS, the individual should be directed to make an appointment at the nearest USCIS Field Office, during which time the individual may prove his or her claim through the submission of documentary evidence.

EXPIRED DOCUMENT: Document that has an expiration date that has already passed at the time it was used for immigration status verification. Note that the person has not necessarily exceeded his or her authorized stay or lost status in all cases because the date on the document has expired.

ALTERED DOCUMENT: Documents that were issued by a competent authority that have been altered without authorization. For example, a photo-substitution or an altered date of birth.

COUNTERFEIT DOCUMENT: Documents that have been entirely produced (top to bottom, front to back) through fraud. They are documents that were not issued by a competent authority.

OPERATOR ERROR: When a Status Verifier closes out a case due to incorrect information being entered by the Status Verifier.

CUBAN/HAITIAN ENTRANT, EMPLOYMENT AUTHORIZED – INDEFINITE: Cuban-Haitian Entrant is a term relevant to the determination of an individual's eligibility for various public benefits, such as

Guide to Understanding SAVE Verification Responses

Medicaid or refugee assistance. A Cuban-Haitian Entrant is defined in section 501(e) of the Refugee Education Assistance Act of 1980, Pub. L. No. 96-422, as amended, as:

- Any individual granted parole as a Cuban-Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided;¹ and
- Any other national of Cuba or Haiti who is not subject to a final, non-appealable and legally enforceable removal order and who:²
 - was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act; or
 - is in removal proceedings under the Immigration and Nationality Act; or
 - has an application for asylum pending with USCIS.

Cuban-Haitian Entrants will usually also have some form of immigration status or designation, such as parolee, lawful permanent resident. They may be asylum applicants or they may be in removal proceedings. It is important to note that individuals who qualified as Cuban-Haitian Entrants because they were paroled into the United States on or after October 10, 1980 maintain their Cuban-Haitian Entrant designation even if they later acquire some other immigration status or even if a final removal order is issued against them. The person is authorized to work incident to status.

CUBAN/HAITIAN ENTRANT, EMPLOYMENT AUTHORIZED – EXPIRES: See CUBAN/HAITIAN ENTRANT- EMPLOYMENT AUTHORIZED – INDEFINITE above. The person is authorized to work for a specified period of time.

FINAL Step

If the person's status is confirmed, the verification process is complete.³

If the status is not confirmed, the Status Verifier will provide additional information or guidance with the response concerning how to proceed, e.g., *"A records discrepancy exists with the document(s). Please refer applicant to USCIS NCSC at 1-800-375-5283 or SAVE website For Benefit Applicants Questions-About your Records."* Or *"A records discrepancy exists with the I-94. Please refer applicant to CBP Customer Service at 1-877-CBP-5511 or www.cbp.gov."*

¹ See 501(e)(1) of Refugee Education Assistance Act of 1980 (REAA). Note that individuals who were paroled in as Cuban Haitian Entrants (status pending) retain their Cuban-Haitian designation even if they later acquire some other immigration status or even if a final removal order is issued against them.

² See 501(e)(2) of REAA.

³ If an agency has requested additional (second step) and third step verification, and the applicant believes his or her information in DHS records is incorrect, the applicant can seek a records correction. Applicants can visit www.uscis.gov/save and click the link entitled "Questions About Your Records" for more information.

Form G-1120

In some cases, there may be issues with the submitted Third Step Verification (or paper based Form G-845 submission). Under those circumstances, the Status Verifier will send the requesting agency a Form G-1120, Status Verification Return Checklist, stating the reason for not completing the Third Step Verification or Form G-845. The Status Verifier will write one of the following reasons on the Form G-1120:

1. "Request could not be processed because the incorrect form was submitted. The acceptable USCIS form for submitting status verification requests is Form G-845, Document Verification Request. The form may be found on the USCIS website [G-845, Verification Request \(for SAVE Agencies\)](#)"
2. "Request could not be processed due to either missing or incomplete or unreadable information. Please resubmit the G-845 and include the additional information indicated by the checked box(es) below:
 - A. Complete name and address of agency
 - B. Applicant's Alien Registration or I-94 Number
 - C. Applicant's first name, last name, and middle initial (when applicable)
 - D. Applicant's date of birth (except for special circumstances such as the elderly or terminally ill)
 - E. Verification Number (for Department of Education only)
 - F. Photocopy of supporting immigration document (if primed on both sides, attach a copy of front and back)"
3. "Request could not be processed with address provided. If your address has changed, please contact your SAVE Agency administrator in order to update your new address information in the system."
4. "Request could not be processed since your agency has not entered into a Memorandum of Agreement (MOA) with USCIS. For information regarding the process for establishing an MOA with USCIS, please contact the SAVE Help Desk at 1-877-469-2563 or by email at SAVE.Help@uscis.dhs.gov."
5. "Request has been placed in "Continue to Process" for additional processing. Additional information is needed to complete your verification request. This process should take no more than twenty (20) federal working days. If you have additional questions regarding the status of your verification request, please call the Status Verification Operations support line at 1 -877-469-2563 or email SAVE-Help@uscis.dhs.gov."

Paper Based Form G-845 Verification Responses

If an agency uses a paper USCIS Form G-845, Verification Request, to access SAVE for initial verification or as a substitute for electronic third step, a Status Verifier will use the information provided on the form and the person's photocopied documents to manually search the immigration databases. The Status Verifier will respond by filling out the appropriate boxes on the Form G-845 and mailing it back to the requesting agency.

PART 2 USCIS Responses - The following is a list of USCIS responses found on the Part 2 of the Form G-845 with interpretations:

LAWFUL PERMANENT RESIDENT of the United States - See **LAWFUL PERMANENT RESIDENT** above in initial verification section.

CONDITIONAL PERMANENT RESIDENT of the United States - See **CONDITIONAL RESIDENT** above in additional (second step) verification section.

APPLICANT IS EMPLOYMENT AUTHORIZED IN THE UNITED STATES AS INDICATED:

a. **No Expiration Date (Indefinite)**

b. **Expiration Date**

See **EMPLOYMENT AUTHORIZED – INDEFINITE** and **EMPLOYMENT AUTHORIZED – EXPIRES** above in additional (second step) verification section. The Status Verifier will fill in the expiration date if appropriate.

APPLICANT IS NOT EMPLOYMENT AUTHORIZED IN THE UNITED STATES - See **NOT EMPLOYMENT AUTHORIZED** above in additional (second step) verification section.

APPLICANT HAS AN APPLICATION PENDING FOR THE FOLLOWING USCIS BENEFIT: (BLANK BOX) - See **APPLICATION PENDING** above in additional (second step) verification section. The Status Verifier will fill the box in with the type of benefit application (employment authorization, status or adjustment of status) that is under review by USCIS.

APPLICANT WAS GRANTED ASYLUM OR REFUGEE STATUS IN THE UNITED STATES - See **ASYLEE OR REFUGEE** above in initial verification section.

APPLICANT WAS PAROLED INTO THE UNITED STATES UNDER SECTION 212 OF THE IMMIGRATION AND NATIONALITY ACT (INA).

a. **No Expiration Date (Indefinite)**

b. **Parole Granted Date**

c. **Parole Expired Date**

See **PAROLEE – INDEFINITE** or **PAROLEE – EXPIRES** above in additional (second step) verification section. The Status Verifier will fill in the expiration date if appropriate.

CONDITIONAL ENTRANT OF THE UNITED STATES - See CONDITIONAL ENTRANT above in additional (second step) verification section.

NONIMMIGRANT (specify type or class and expiration date) See NON-IMMIGRANT above in initial verification section. The Status Verifier will fill in the type or COA and the expiration date of the person's nonimmigrant status.

U.S. CITIZEN - See UNITED STATES CITIZEN above in initial verification section.

CUBAN/HAITIAN ENTRANT of the United States - See CUBAN/HAITIAN ENTRANT, EMPLOYMENT AUTHORIZED – INDEFINITE or CUBAN/HAITIAN ENTRANT, EMPLOYMENT AUTHORIZED – EXPIRES above in third step verification section.

AMERICAN INDIAN BORN IN CANADA TO WHOM THE PROVISIONS OF INA § 289 APPLY, DATE STATUS RECOGNIZED - See AMERICAN INDIAN BORN IN CANADA above in third step verification section. The Status Verifier will fill in the date this status was recognized by DHS.

MEXICAN BORN MEMBER OF THE TEXAS OR OKLAHOMA BAND OF KICKAPOO INDIANS:

- a. I-872 Issuance Date
- b. COA (KIC or KIP)
- c. Other Foreign born American Indian Date of Entry
- d. COA

Under 25 U.S.C. § 1300b-13(c), for a five-year period only (from 1983 until 1989), Mexican national members of the Texas Band of Kickapoo Indians were eligible to apply for United States citizenship under a special naturalization process. Tribal members who applied for, and were granted, United States citizenship under this process were issued a Form I-872 American Indian Card containing a "KIC" COA code.

Under 25 U.S.C. § 1300b-13(d), Mexican national members of the Texas Band of Kickapoo Indians (who were not granted United States citizenship under 25 U.S.C. § 1300b-13(c)) may enter the United States, and may live and work in the United States. Upon proving to USCIS or CBP that they meet the requirements of 25 U.S.C. § 1300b-13(d), such individuals are accorded lawful permanent resident (LPR) status. However, rather than being issued a Form I-551 Permanent Resident Card, such individuals are issued a Form I-872 American Indian Card containing a "KIP" COA code.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) - See DACA - EMPLOYMENT AUTHORIZED above in initial verification section.

TEMPORARY PROTECTED STATUS (TPS) - See TEMPORARY PROTECTED STATUS: EMPLOYMENT AUTHORIZED above in initial verification section.

DEFERRED ACTION STATUS - An exercise of prosecutorial discretion by the executive branch not to pursue removal from the United States of a particular individual for a specific period of time. It may be

extended indefinitely. It does not confer any immigration status. Individuals who have been granted deferred action may apply for employment authorization and possess an EAD.

VAWA SELF-PETITIONER:

- a. Pending prima facie VAWA self-petition
- b. Approved VAWA self-petition

The Violence Against Women Act (VAWA) allows battered immigrants to petition for legal status without relying on abusive United States citizen or legal permanent resident spouses, parents or children to sponsor their *Adjustment of Status (Form I-485)* applications. For many immigrant victims of domestic violence, battery and extreme cruelty, the United States citizen or lawful permanent resident family members who would sponsor their applications will threaten to withhold legal immigration sponsorship as a tool of abuse. The VAWA program also allows victims the opportunity to "self-petition" or independently seek legal immigration status in the United States without the abuser's knowledge. Applicants must complete a *Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360)*. The Status Verifier will check the box indicating that the petition is pending if the person has filed the I-360 but USCIS has not yet reached a decision. If USCIS approved the I-360, the Status Verifier will check the box indicating it has been approved. **If the customer agency wants to know if the individual has a VAWA related status, it must specify that in the comments when it submits the G-845 or third step request.**

WITHHOLDING OF REMOVAL – Protects a person from returning to a home country that threatens his or her life or freedom. Unlike asylum, it offers only a temporary form of protection and there is no path to lawful permanent resident status. The person may also be removed to a safer third country.

USCIS IS SEARCHING INDICES FOR FURTHER INFORMATION – See **Continue to Process** above in additional (second step) verification section.

THIS DOCUMENT IS NOT VALID BECAUSE IT APPEARS TO BE:

- a. Expired
- b. Altered
- c. Counterfeit

See EXPIRED DOCUMENT or ALTERED DOCUMENT or COUNTERFEIT DOCUMENT above in third step verification section.

FINAL Step

If the person's status is confirmed, the verification process is complete. If an agency has requested additional (second step) and third step verification, and the applicant believes his or her information in DHS records is incorrect, the applicant can seek a records correction. Applicants can visit www.uscis.gov/save and click the link entitled "Questions About your Records" for more information.

Guide to Understanding SAVE Verification Responses

If the status is not confirmed, the Status Verifier will provide additional information or guidance concerning how to proceed, e.g., "A records discrepancy exists with the document(s). Please refer applicant to USCIS NCSC at 1-800-375-5283 or www.uscis.gov" or "A records discrepancy exists with the I-94. Please refer applicant to CBP Customer Service at 1-877-CBP-5511 or www.cbp.gov."

Proposed

PART 3 UCIS Comments - The following is a list of USCIS Comments found on the Part 3 of the Form G-845:

There are six comments/responses that a Status Verifier may be use if there is a problem with the submission:

- 1 Unable to process request without an original consent of disclosure statement signed by the applicant. Resubmit request.
- 2 No determination can be made because insufficient information was submitted. Obtain a copy of the applicant's most recently issued immigration document. Submit a new request.
- 3 No determination can be made without seeing both sides of the applicant's immigration document. Attach copies (front and back) of the applicant's most recently issued immigration document and submit a new request.
- 4 Copy provided of applicant's immigration document is illegible. Submit a new request with legible documents.
- 5 Unable to verify status based on the document provided. If this is the applicant's most recently issued immigration document, refer the applicant to the document issuing authority.
- 6 Other - See OTHER above in additional (second step) verification section.

In addition to the responses listed above, the Status Verifier will put the information in the large box at the end of the Form G-845 concerning matters such as employment authorization, admit to or expiration date and any special requests by the agency.

As indicated in the Form G-1120 section above, there may be issues with the Form G-845 submission. Under those circumstances, the Status Verifier will send the requesting agency a Form G-1120, rather than a completed Form G-845. Refer to the Form G-1120 section above for additional information.

APPENDIX

Expiration Dates For Second and Third Step Verifications:

The status expiration date will be provided for any status that expires (except for TPS/Deferred Enforced Departure)

- F-1 applicant: 60 days will be added to the program end or Optional Practical Training (OPT) date to reflect the 60 day grace period allowed for departure following the end of the program.
 - The admitted to date will be "D/S" when the student has a pending application to extend employment (I-765 OPT pending, Science, Technology, Engineering and Math (STEM) extensions)
 - The admitted to date will be 9/30/20XX when:
 - (CAP GAP) An F-1 applicant has applied to change status to H1B prior to their admitted to date and an I-129 has been approved and has an effective date of 10/1/20XX.
- M-1 applicant: 30 days is added to the program end or OPT expiration date to reflect the grace period allowed for M students to depart following the end of their program. Thirty days may not be added in its entirety if adding it would exceed 1 yr.
- J-1 applicant: 30 days is added to the program end date to reflect the grace period allowed for exchange visitors to depart after their program ends.

Employment authorization will be extended 240 days from I-94 expiration or petition end date (whichever is later) for:

- Certain nonimmigrant statuses (A-3, E-1, E-2, G-5, H-1, H-2A⁴, H-2B, H-3, I, J-1, L-1, O-1, O-2, P-1, P-2, P-3, R-1 or TN) when the applicant has a timely-filed I-129 pending with the same employer.
- Employment authorization for H-1B nonimmigrants is extended until the petition for extension is adjudicated when the H-1B extension is filed by a new employer (commonly referred to as H-1B portability).

Note that timely-filed as it pertains to H-1B portability is not simply limited to filings before the expiration of the I-94. Rather, timely-filed in this context includes those H-1B petitions filed after the expiration of the I-94, but while the beneficiary remained in an authorized period of stay based on a prior H-1B extension petition that was filed prior to the expiration of the I-94.

⁴ If the H-2A extension petition is filed by a new employer, a 120 day extension, rather than 240 days, will be applied pursuant to under 8 CFR 274a.12(b)(21).



U.S. Citizenship and Immigration Services

Haitian Family Reunification Parole (HFRP) Program

The HFRP Program offers certain beneficiaries of approved family-based immigration petitions (Forms I-130, Petition for Alien Relative), the opportunity to be reunited with family in the United States before their immigrant visas are expected to become available. Approved beneficiaries will enter the United States as parolees, but will apply for lawful permanent resident (LPR) status once their immigrant visas become available.

Eligibility to Apply

The Department of State's National Visa Center (NVC) issues invitations to U.S. citizens or LPRs who filed Forms I-130 for Haitian family members that were approved on or before Dec. 18, 2014, and for which immigrant visas are expected to be available approximately within 18 – 36 months from the date of the invitation. Only U.S. petitioners who receive invitations from the NVC are eligible to apply for the HFRP Program. The NVC issues invitations at least once per year.

Petitioners should make sure that the NVC has their current mailing addresses. Petitioners can update their addresses with the NVC using the Public Inquiry Form found on the Department of State website at <http://travel.state.gov/content/visas/english/contact/ask-nvc.html>.

Eligibility for Parole

USCIS will authorize parole on a case-by-case basis. Beneficiaries must be interviewed in Haiti. Generally, beneficiaries will only qualify for consideration for parole if they would qualify for an immigrant visa (if one were immediately available). Derivative children who are 21 years of age or older at the time the petitioner properly files for the HFRP Program will not be eligible for consideration. We will consider for parole any derivative children who are under 21 years of age on the date that a qualified petitioner properly files an HFRP Program application with USCIS on the child's behalf.

*A principal beneficiary is the relative for whom the petitioner filed the underlying approved Form I-130. Derivative beneficiaries are the principal beneficiary's spouse and unmarried children under 21. The invitation letter will indicate who is considered to be the principal beneficiary and who is considered a derivative beneficiary.

Applying to the HFRP Program

To apply to the HFRP Program on behalf of family members, petitioners who have received an invitation letter from the NVC must file a parole application (Form I-131, Application for Travel Document), along with the required fee (or fese waiver request), and at least one Form I-134, Affidavit of Support, for *each* relative they wish to have considered for parole. Petitioners must file

Form I-131 and Form I-134 for each eligible relative associated with the same underlying Form I-130 at the same time, meaning that they will need to file any applications for derivative beneficiaries at the same time as the application for the principal beneficiary. If a petitioner does not apply for the principal beneficiary of the Form I-130, we will not consider the associated derivative beneficiaries under the HFRP Program.

An application deadline is provided in the invitation letter from the NVC. Generally, petitioners are given six months from the date of the invitation to submit their application(s).

Costs

The current fee for filing a Form I-131 is \$360, although a petitioner may request a fee waiver by filing the Form I-912, Request for Fee Waiver. For instructions, please see USCIS's Fee Waiver Guidance. Petitioners and/or beneficiaries will also be required to cover all costs associated with attending an interview in Port-au-Prince, the completion of a medical examination and travel to the United States, among other costs.

Beneficiary Interview Required

An interview is required for all program beneficiaries before parole may be authorized. Although a USCIS Service Center may conditionally approve a Form I-131 application, final approval of the application will require an in-person interview with a USCIS officer at the U.S. Embassy in Port-au-Prince. The NVC will schedule HFRP Program interviews and will notify both the petitioner in the United States and the beneficiary in Haiti of the date and time of interview. Petitioners should not attempt to schedule an appointment directly with USCIS or the U.S. Embassy.

If Travel is Approved

We will issue the necessary travel documents to the beneficiary, who must pay for his or her travel to the United States. Once at the port of entry, a U.S. Customs and Border Protection (CBP) officer will inspect the beneficiary, review the documents and, assuming all is in order, parole the beneficiary into the United States. The beneficiary will be issued a Form I-94, *Arrival/Departure Record*, documenting his or her parole into the United States.

Initial Period of Parole

Beneficiaries approved under the HFRP Program will be paroled into the United States for an initial period of three years. This time period gives them time to apply for LPR status once their immigrant visas become available, which for most individuals, is expected to be within two years of being paroled into the United States.

Eligibility for Work Authorization

Parolees are lawfully present in the United States. Once in the United States, they will be eligible to apply for work authorization by filing the Form I-765, Application for Employment Authorization, and submitting the appropriate fee, which is currently \$380.

What it Means to be Paroled

Parole allows an individual to be lawfully present in the United States and to apply for work authorization. Parole itself does not confer any legal immigration status in the United States. However, HFRP Program beneficiaries paroled into the United States are expected to apply for LPR status as soon as their immigrant visas become available—generally within two years of parole into the United States.

Public Benefits Eligibility

Once paroled into the United States, HFRP Program beneficiaries will meet the definition of Cuban/Haitian entrants under section 501(e)(1) of the Refugee Education and Assistance Act of 1980, as amended, and will be “qualified aliens” for the purposes of public benefits eligibility.

Adjustment of Status

Beneficiaries will be expected to apply for adjustment of status as soon as their immigrant visas become available, which generally is expected to be within two years of their parole into the United States. If visas have not become available at the time their initial parole authorization expires, HFRP Program beneficiaries will have to apply for re-parole if they are to remain lawfully present in the United States.



**U.S. Citizenship and
Immigration Services**

In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala (Central American Minors – CAM)

Español

Update: On July 26, 2016, Department of State (DOS) and DHS announced that the CAM program would expand to include additional eligible family members. Starting November 15, 2016, DOS will accept applications requesting access to the CAM program for these additional eligible family members. For more information, please see the Department of State's Central American Minors (CAM) program page.

Introduction

The Central American Minors (CAM) Refugee/Parole Program provides certain qualified children in El Salvador, Guatemala and Honduras a safe, legal, and orderly alternative to the dangerous journey that some children are currently undertaking to the United States.

The CAM program began accepting applications from qualifying parents in the U.S. for their children on December 1, 2014. Only certain parents who are legally present in the U.S. are eligible to be qualifying parents and file for their children. Each qualified child must be unmarried, under the age of 21, and residing in El Salvador, Guatemala or Honduras. In certain cases, the in-country parent of the qualifying child may also qualify for access if the in-country parent is the legal spouse of the qualifying parent in the U.S. See below for eligibility details.

Eligibility

Qualifying Child

The qualifying child in El Salvador, Guatemala or Honduras must be:

- The child (e.g. genetic, step or legally adopted) of the qualifying parent);
- Unmarried;
- Under the age of 21;
- A national of El Salvador, Guatemala, or Honduras; and
- Residing in his or her country of nationality.

Eligible Family Members

In some cases, other eligible family members may have access, including:

- Unmarried children of the qualifying child or in-country parent who are under the age of 21 can be included as derivatives.

Parent of Qualifying Child Who is not the Qualifying Parent

This program is primarily aimed at children under the age of 21, but a parent of the qualifying child may be included if:

- He/she is part of the same household and economic unit as the qualifying child,
- He/she is legally married to the qualifying parent at the time the qualifying parent files the CAM-Affidavit of Relationship (AOR), and
- He/she continues to be legally married to the qualifying parent at the time of admission or parole to the U.S.

Qualifying Parent

The qualifying parent may be any individual who is at least 18 years old and lawfully present in the United States in one of the following categories:

- Permanent Resident Status, or
- Temporary Protected Status, or
- Parolee, or
- Deferred Action
- Deferred Enforced Departure, or
- Withholding of Removal

Parole and Deferred Action

Parolees and persons granted deferred action must have been issued parole or deferred action for a minimum of one year. For all other categories listed above, individuals who are lawfully present and in a valid status at the time of application (this means the date of CAM-Affidavit of Relationship filing) are eligible.

Application Process

There is currently no filing deadline for this program, but the qualifying parent must be in one of the immigration categories listed above at the time of applying for this program, as well as at the time of admission or parole of the beneficiary of this program.

The qualifying parent in the U.S. files Form DS-7699 *Affidavit of Relationship (AOR) for Minors Who Are Nationals of El Salvador, Guatemala, and Honduras* (CAM-AOR). This form can only be accessed and completed with the assistance of a designated resettlement agency (RA). For additional information and a listing of resettlement agencies where the CAM-AOR may be filed please visit the Department of State, Refugee Processing Center's [website](#).

There is no fee to participate in this refugee/parole program and it is prohibited for anyone to charge a fee for completion of the form.

DNA Testing

DNA relationship testing must occur between the qualifying parent in the U.S. and his/her biological children for whom the parent files. The parent in the U.S. will pay the initial costs of DNA testing and will be reimbursed for testing costs ONLY if ALL claimed and tested biological relationships are confirmed by DNA test results.

Refugee Status

Refugee status is a form of protection available to those who meet the definition of refugee and who are of special humanitarian concern to the United States. For a legal definition of refugee, see section 101(a)(42) of the Immigration and Nationality Act (INA).

Both the qualifying child and any in-country parent of the qualifying child must each establish independent refugee claims to be granted refugee status.

Eligibility for refugee status is determined on a case-by-case basis through an interview with a specially-trained USCIS officer.

Applicants who gain access to the program, but are found ineligible for refugee status will then be considered on a case-by-case basis for parole into the United States.

For more information about refugees, see the "[Refugees](#)" section of our website.

Parole

Parole allows individuals who may be otherwise inadmissible to come to the U.S. for urgent humanitarian reasons or significant public benefit. Parole determinations are made on a case-by-case basis depending on each individual's unique circumstances. A separate application for this parole process is not required if the individual already has access to the CAM program. Parole is not in itself a lawful immigration status, but it does allow an individual to be lawfully present in the U.S. temporarily and to apply for an Employment Authorization Document (EAD).

For more information about parole as part of the CAM Program, see the [Central American Minors \(CAM\) Refugee/Parole Program: Information for Conditionally Approved Parole Applicants](#) page of our website.

Last Reviewed/Updated: 11/15/2016

Immigration and Naturalization Service, Justice

§ 103.20

confirm the requester's obligation to pay.

[40 FR 7237, Feb. 19, 1975, as amended at 41 FR 34938, Aug. 18, 1976; 42 FR 15408, March 22, 1977; 43 FR 22332, May 25, 1978; 44 FR 23514, Apr. 20, 1979; 48 FR 49652, Oct. 27, 1983; 48 FR 51430, Nov. 9, 1983; 52 FR 2942, Jan. 29, 1987; 58 FR 31148, 31149, June 1, 1993]

§ 103.11 Business information.

Business information provided to the Service by a business submitter shall not be disclosed pursuant to a Freedom of Information Act request except in accordance with 28 CFR 16.7.

[58 FR 31149, June 1, 1993]

§ 103.12 Definition of the term "lawfully present" aliens for purposes of applying for Title II Social Security benefits under Public Law 104-193.

(a) *Definition of the term an "alien who is lawfully present in the United States."* For the purposes of section 401(b)(2) of Pub. L. 104-193 only, an "alien who is lawfully present in the United States" means:

(1) A qualified alien as defined in section 431(b) of Pub. L. 104-193;

(2) An alien who has been inspected and admitted to the United States and who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission;

(3) An alien who has been paroled into the United States pursuant to section 212(d)(5) of the Act for less than 1 year, except:

(i) Aliens paroled for deferred inspection or pending exclusion proceedings under 236(a) of the Act; and

(ii) Aliens paroled into the United States for prosecution pursuant to 8 CFR 212.5(a)(3);

(4) An alien who belongs to one of the following classes of aliens permitted to remain in the United States because the Attorney General has decided for humanitarian or other public policy reasons not to initiate deportation or exclusion proceedings or enforce departure:

(i) Aliens currently in temporary resident status pursuant to section 210 or 245A of the Act;

(ii) Aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the Act;

(iii) Cuban-Haitian entrants, as defined in section 202(b) Pub. L. 99-603, as amended;

(iv) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649, as amended;

(v) Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;

(vi) Aliens currently in deferred action status pursuant to Service Operations Instructions at OI 242.1(a)(22);

(vii) Aliens who are the spouse or child of a United States citizen whose visa petition has been approved and who have a pending application for adjustment of status;

(5) Applicants for asylum under section 208(a) of the Act and applicants for withholding of removal under section 241(b)(3) of the Act or under the Convention Against Torture who have been granted employment authorization, and such applicants under the age of 14 who have had an application pending for at least 180 days.

(b) *Non-issuance of an Order to Show Cause and non-enforcement of deportation and exclusion orders.* An alien may not be deemed to be lawfully present solely on the basis of the Service's decision not to, or failure to, issue an Order to Show Cause or solely on the basis of the Service's decision not to, or failure to, enforce an outstanding order of deportation or exclusion.

[61 FR 47041, Sept. 6, 1996, as amended at 63 FR 63595, Nov. 16, 1998; 64 FR 8487, Feb. 19, 1999]

EFFECTIVE DATE NOTE: At 65 FR 82255, Dec. 28, 2000, § 103.12 was amended by revising the reference to "212.5(a)(3)" to read "212.5(b)(3)" in paragraph (a)(3)(ii), effective Jan. 29, 2001.

§ 103.20 Purpose and scope.

(a) Sections 103.20 through 103.36 comprise the regulations of the Service implementing the Privacy Act of 1974, Public Law 93-597. The regulations apply to all records contained in systems of records maintained by the Service which are identifiable by individual name or identifier and which are retrieved by individual name or identifier, except those personnel records governed by regulations of the Office of Personnel Management. The regulations set forth the procedures by which individuals may seek access to records

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-26-12
Baltimore, Maryland 21244-1850



Center for Medicaid and CHIP Services

SHO# 12-002

August 28, 2012

**Re: Individuals with Deferred Action
for Childhood Arrivals**

Dear State Health Official:
Dear Medicaid Director:

This guidance is intended to inform you about the implications for Medicaid and the Children's Health Insurance Program (CHIP) of the U.S. Department of Homeland Security's (DHS) announcement on June 15, 2012, that it will consider providing temporary relief from removal by exercising deferred action on a case-by-case basis with respect to certain individuals under age 31 as of June 15, 2012 who meet certain guidelines, including that they came to the United States as children and do not present a risk to national security or public safety.¹ This process is referred to by DHS as Deferred Action for Childhood Arrivals (DACA).² DHS has explained that the DACA process is designed to ensure that governmental resources for the removal of individuals are focused on high priority cases, including those involving a danger to national security or a risk to public safety, and not on low priority cases.³ DHS began accepting requests for consideration of deferred action on August 15, 2012.

Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) gave states the option to provide Medicaid and CHIP eligibility to children and/or pregnant women who are "lawfully residing" in the United States and otherwise eligible for Medicaid or CHIP. CMS provided guidance on the definition of "lawfully residing" in a July 1, 2010 State Health Official Letter (<http://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SHO10006.pdf>). Because the reasons that DHS offered for adopting the DACA process do not pertain to eligibility for Medicaid or CHIP, HHS has determined that these benefits should not be extended as a result of DHS deferring action under DACA. For this reason, individuals with deferred action under the DACA process shall not be eligible for Medicaid and CHIP under the CHIPRA state option with respect to any of the categories (1)-(9) set forth in the July 1, 2010 letter.

¹ June 15, 2012 Memorandum of Secretary of Homeland Security Janet Napolitano, available at <http://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>.

² Consideration of Deferred Action for Childhood Arrivals, available at <http://www.uscis.gov/childhoodarrivals>.

³ See *supra* nn. 1-2.

Page 2 – State Health Official
State Medicaid Director

We hope this information will be helpful. Thank you for your commitment to the Medicaid and CHIP programs.

Sincerely,

/s/

Cindy Mann
Director

cc:

CMS Regional Administrators

CMS Associate Regional Administrators
Division of Medicaid and Children's Health Operations

Matt Salo
Executive Director
National Association of Medicaid Directors

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DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-26-12
Baltimore, Maryland 21244-1850



Center for Medicaid, CHIP and Survey & Certification

SHO # 10-006
CHIPRA # 17

July 1, 2010

**Re: Medicaid and CHIP Coverage of "Lawfully
Residing" Children and Pregnant Women**

Dear State Health Official:

This letter is one of a series that provides guidance on implementation of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111-3. Section 214 of CHIPRA permits States to cover certain children and pregnant women in both Medicaid and the Children's Health Insurance Program (CHIP) who are "lawfully residing in the United States" as described in section 1903(v)(4) and 2107(e)(1)(J) of the Social Security Act (the Act). The section 214 option may be applied to pregnant women in Medicaid and CHIP and/or to children up to age 19 for CHIP or up to age 21 for Medicaid (including targeted low-income children described in section 1905(u)(2)(B) of the Act).

Background

The enactment of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Public Law 104-193), placed limitations on Federal funding for health coverage of immigrant families. Section 403 of PRWORA imposed a 5-year waiting period on certain groups of qualified aliens, including most children and pregnant women who were otherwise eligible for Medicaid. Medicaid coverage for individuals subject to the 5-year waiting period and for those who do not meet the definition of qualified alien was limited to treatment of an emergency medical condition as described in section 1903(v)(2)(A) of the Act. The 5-year waiting period also applied to children and pregnant women under CHIP. Note that PRWORA did not affect eligibility of undocumented aliens; people who are undocumented were not eligible for Medicaid (except for emergency services) before PRWORA, and remain ineligible under CHIPRA.

Coverage Option Under CHIPRA

Section 214 of CHIPRA amends section 2107 of the Act to grant States the option to provide Medicaid and CHIP coverage to all children and pregnant women (including women covered during the 60-day postpartum period) "who are lawfully residing in the United States... and who are otherwise eligible for such assistance," as described in section 1903 of the Act. States may

elect to cover these groups under Medicaid only or under both Medicaid and CHIP. The law does not permit States to cover these new groups only in CHIP, without also extending the option to Medicaid.

While the phrase “lawfully residing in the United States” has not previously been used when describing individuals who could be eligible for Medicaid and CHIP, it has been used in various other contexts, such as by the United States Department of Agriculture (USDA) and the Social Security Administration (SSA).

For example, for purposes of determining whether certain individuals are eligible to receive food stamps (now called the Supplemental Nutrition Assistance Program (SNAP)), regulations at 7 CFR 273.4(a)(7) state that “lawfully residing in the U.S.” means that the individual is lawfully present as defined in regulations at 8 CFR 103.12(a). Likewise, for purposes of Title II benefits under SSA, “lawfully residing in the U.S.” means that an individual is “lawfully present” as defined by 8 CFR 103.12(a) and is a resident of the U.S. as defined in SSA regulations and program instructions. In both of these programs, the terms “lawfully residing” and “lawfully present” are broader than the term “qualified alien” in section 431 of PRWORA (8 U.S.C. § 1641) with respect to immigration status (the term “qualified alien” does not include residence-based criteria). We have looked to these programs to assist us in defining “lawfully residing” for purposes of implementing section 214 of CHIPRA.

In interpreting “lawfully residing,” we will rely on existing immigration regulations for the purpose of defining lawful presence and longstanding Medicaid rules to establish residency. In other words, the “residing” part of the “lawfully residing” requirement is construed as synonymous with the longstanding Medicaid residency requirement, rather than as requiring a separate and redundant residency determination for the sole purpose of determining “lawful residence.” For example, a nonimmigrant visitor for business or pleasure may be lawfully present under immigration regulations, but not meet Medicaid or CHIP residency requirements, and therefore will not be able to qualify for Medicaid or CHIP.

Lawfully Present

Children and pregnant women that fall into one of the categories below will be considered lawfully present. Therefore, these individuals are eligible for Medicaid and CHIP coverage if the State elects the new option under CHIPRA, and the child or pregnant woman meets the State residency requirements and other Medicaid or CHIP eligibility requirements.

The basis of our construction of lawful presence is the broad definition provided in DHS regulations at 8 CFR 103.12(a) for the specific purpose of Title II Social Security benefits, with some revisions necessary for updating or clarifying purposes, or as otherwise deemed appropriate for the Medicaid and CHIP programs consistent with the Act.

B-250

A child or pregnant woman shall be considered lawfully present if he or she is:

- (1) A qualified alien as defined in section 431 of PRWORA (8 U.S.C. §1641);
- (2) An alien in nonimmigrant status who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission;
- (3) An alien who has been paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. §1182(d)(5)) for less than 1 year, except for an alien paroled for prosecution, for deferred inspection or pending removal proceedings; *
- (4) An alien who belongs to one of the following classes:
 - (i) Aliens currently in temporary resident status pursuant to section 210 or 245A of the INA (8 U.S.C. §§1160 or 1255a, respectively);
 - (ii) Aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 U.S.C. §1254a), and pending applicants for TPS who have been granted employment authorization;
 - (iii) Aliens who have been granted employment authorization under 8 CFR 274a.12(c)(9), (10), (16), (18), (20), (22), or (24);
 - (iv) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649, as amended;
 - (v) Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;
 - (vi) Aliens currently in deferred action status; or
 - (vii) Aliens whose visa petition has been approved and who have a pending application for adjustment of status;
- (5) A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days;
- (6) An alien who has been granted withholding of removal under the Convention Against Torture;
- (7) A child who has a pending application for Special Immigrant Juvenile status as described in section 101(a)(27)(J) of the INA (8 U.S.C. § 1101(a)(27)(J));

- (8) An alien who is lawfully present in the Commonwealth of the Northern Mariana Islands under 48 U.S.C. § 1806(e); or ✓
- (9) An alien who is lawfully present in American Samoa under the immigration laws of American Samoa. ✓

Under CHIPRA, a State electing to cover children or pregnant women who are considered to be lawfully residing in the U.S. must offer coverage to all such individuals who meet this definition of lawfully residing, and may not cover a subgroup or only certain groups (e.g., only the PRWORA group of qualified aliens, or only citizens of Compact of Free Association nations, or only aliens residing for a specified period, such as 3 years).

Residency

Children and pregnant women who meet the definition set forth above of "lawfully present" also must be residents of the State in which they are applying in order to qualify for Medicaid or CHIP. An individual would not be eligible for Medicaid or CHIP, even if he or she is considered to be lawfully present in the U.S., if the individual is not a resident of the State, as the individual would not be considered as either "lawfully residing" in the U.S. or as a State resident. At the same time, an individual would be eligible for Medicaid and CHIP if he or she is considered to be lawfully present in the U.S. and is a State resident, even if the individual's current immigration status is of a temporary nature (such as TPS). Implementing regulations at 42 CFR 435.403 specify State residence in Medicaid to mean living in a State and having the intent to remain permanently for an indefinite period. Each individual should have an opportunity to establish that he or she lives in the State and intends to remain there.

Sponsor Deeming and "Public Charge"

The alien sponsor deeming requirements described in section 421 of PRWORA may not be applied to individuals covered under the new CHIPRA section 214 option. A sponsor's income and resources are not considered when determining eligibility. In addition, no debt will be created for the sponsor by any services provided to such individuals who have been found eligible for Medicaid or CHIP. The cost of Medicaid or CHIP assistance will not be considered as an unreimbursed cost associated with the "public charge" provisions.

Eligibility Determinations and Redeterminations

Under CHIPRA, a State electing to cover children or pregnant women who are considered to be lawfully residing in the U.S. must offer coverage to all such individuals who meet this definition of lawfully residing, and may not cover a subgroup or only certain groups (e.g., only the PRWORA group of qualified aliens, or only citizens of Compact of Free Association nations, or only aliens residing for a specified period, such as 3 years).

E-300
D-222

States that elect the new option under CHIPRA must verify that the individual meets the definition of lawfully residing in the U.S. at the time of application, according to the rules established under section 1137(d) of the Act. Eligibility also must be verified at renewal. Consistent with other Medicaid requirements, the State should first rely on information provided at the time of initial application under the rules established at section 1137(d) to determine ongoing eligibility. States should only require the individual to provide further documentation or to re-verify satisfactory status if the State cannot verify continued eligibility based on the information already available to the State.

State Plan Amendments

A State may elect the section 214 CHIPRA option by submitting a State plan amendment (SPA) under Medicaid only or amendments under both Medicaid and CHIP. Section 214 of CHIPRA does not permit the application of this option under CHIP only. Attached are two draft State plan templates that States can use to elect the section 214 option under Medicaid and CHIP. States electing to provide CHIP coverage of children and/or pregnant women must submit concurrent CHIP and Medicaid SPAs to CMS for consideration. Also, a State must choose whether to adopt this option for children (all children up to age 19 for CHIP or up to age 21 for Medicaid), pregnant women, or both.

Federal Financial Participation

Because this is a new eligibility group, children up to age 19 covered under the section 214 option (at any income level) are considered targeted low-income children under section 2110(b) of the Act. As such, claims paid on behalf of children eligible under the new option created by section 214 may be matched at the enhanced title XXI match rate, regardless of whether the child is covered through Medicaid or a separate CHIP program. States also have the option under Section 115 of CHIPRA to claim regular Medicaid Federal Financial Participation (FFP) for the children enrolled in Medicaid or a CHIP-funded Medicaid expansion.

Medicaid eligible individuals for whom the State receives FFP at the CHIP enhanced rate and who would be subject to the 5-year waiting period under section 403 of PRWORA, must be claimed at the Medicaid FFP rate once these children have met the 5-year waiting period. For example, a child who entered the country on November 1, 2008 as a "qualified alien" (under section 431 of PRWORA) may be claimed at the enhanced rate until October 31, 2013, the end of the 5-year waiting period for that child. Subsequently, a State must cover this child using title XIX funds. Therefore, States that choose to claim the title XXI enhanced match must have a process for tracking these children in order to determine when the regular matching rate would come into effect. States may continue to claim enhanced title XXI enhanced matching for children under age 19 who are lawfully residing in the U.S. and who are not considered qualified aliens under PRWORA as described above.

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For all others who obtain Medicaid coverage due to this option, which includes children ages 19 to 21, and pregnant women enrolled in Medicaid, FFP is available at the Medicaid matching rate. The increased Federal medical assistance percentage, as described under the American Recovery and Reinvestment Act of 2009, will apply to medical assistance payments for this population. Pregnant women covered under the new CHIPRA pregnant women option (section 111) under a CHIP plan will qualify for the CHIP enhanced match rate.

CMS looks forward to its continued work with States on the implementation of the CHIPRA eligibility expansion to lawfully residing pregnant women and children. Thank you for your continued commitment to providing health coverage through these critical programs. If you have questions regarding this letter, please contact Victoria Wachino, Director, Family and Children's Health Programs Group, at 410-786-5647.

Sincerely,

Cindy Mann

Enclosures
State Plan Amendment templates

cc:
CMS Regional Administrators

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Proposed

Enclosure

**Section 4. Eligibility Standards and Methodology – Expanding Coverage to
Individuals Lawfully Residing in the US**

Section 4. Eligibility Standards and Methodology

- 4.1.10 _____ Check if the State is electing the option under section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) to provide coverage to the following otherwise eligible pregnant women and children as specified below who are lawfully residing in the United States including the following:**

A child or pregnant woman shall be considered lawfully present if he or she is:

- (1) A qualified alien as defined in section 431 of PRWORA (8 U.S.C. §1641);
- (2) An alien in nonimmigrant status who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission;
- (3) An alien who has been paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. §1182(d)(5)) for less than 1 year, except for an alien paroled for prosecution, for deferred inspection or pending removal proceedings;
- (4) An alien who belongs to one of the following classes:
 - (i) Aliens currently in temporary resident status pursuant to section 210 or 245A of the INA (8 U.S.C. §§1160 or 1255a, respectively);
 - (ii) Aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 U.S.C. §1254a), and pending applicants for TPS who have been granted employment authorization;
 - (iii) Aliens who have been granted employment authorization under 8 CFR 274a.12(c)(9), (10), (16), (18), (20), (22), or (24);
 - (iv) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649, as amended;
 - (v) Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;
 - (vi) Aliens currently in deferred action status; or
 - (vii) Aliens whose visa petition has been approved and who have a pending application for adjustment of status;

- (5) A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days;
- (6) An alien who has been granted withholding of removal under the Convention Against Torture;
- (7) A child who has a pending application for Special Immigrant Juvenile status as described in section 101(a)(27)(J) of the INA (8 U.S.C. § 1101(a)(27)(J));
- (8) An alien who is lawfully present in the Commonwealth of the Northern Mariana Islands under 48 U.S.C. § 1806(e); or
- (9) An alien who is lawfully present in American Samoa under the immigration laws of American Samoa.

_____ The State elects the CHIPRA section 214 option for children up to age 19
_____ The State elects the CHIPRA section 214 option for pregnant women
through the 60-day postpartum period

- 4.1.10.1 _____ The State provides assurance that for individuals whom it enrolls in CHIP under the CHIPRA section 214 option that it has verified, both at the time of the individual's initial eligibility determination and at the time of the eligibility redetermination, that the individual continues to be lawfully residing in the United States. The State must first attempt to verify this status using information provided at the time of initial application. If the State cannot do so from the information readily available, it must require the individual to provide documentation or further evidence to verify satisfactory immigration status in the same manner as it would for anyone else claiming satisfactory immigration status under section 1137(d) of the Act.

Revision: CMS-PM-

ATTACHMENT 2.6-A

Page 2

OMB No.:

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State

ELIGIBILITY CONDITIONS AND REQUIREMENTS

<u>Citation(s)</u>	<u>Condition or Requirement</u>
42 CFR 435.406 3.	Is residing in the United States (U.S.), and-- <ul style="list-style-type: none">a. Is a citizen or national of the United States;b. Is a qualified alien (QA) as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) as amended, and the QA's eligibility is required by section 402(b) of PRWORA as amended, and is not prohibited by section 403 of PRWORA as amended;c. Is a qualified alien subject to the 5-year bar as described in section 403 of PRWORA, so that eligibility is limited to treatment of an emergency medical condition as defined in section 401 of PRWORA;d. Is a non-qualified alien, so that eligibility is limited to treatment of an emergency medical condition as defined in section 401 of PRWORA;e. Is a QA whose eligibility is authorized under section 402(b) of PRWORA as amended, and is not prohibited by section 403 of PRWORA as amended.<ul style="list-style-type: none">___ State covers all authorized QAs.___ State does not cover authorized QAs.f. State elects CHIPRA option to provide full Medicaid coverage to otherwise eligible pregnant women or children as specified below who are aliens lawfully residing in the United States; including the following:

- (1) A qualified alien as defined in section 431 of PRWORA (8 U.S.C. §1641);
- (2) An alien in nonimmigrant status who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission;
- (3) An alien who has been paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. §1182(d)(5)) for less than 1 year, except for an alien paroled for prosecution, for deferred inspection or pending removal proceedings;
- (4) An alien who belongs to one of the following classes:
 - (i) Aliens currently in temporary resident status pursuant to section 210 or 245A of the INA (8 U.S.C. §§1160 or 1255a, respectively);
 - (ii) Aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 U.S.C. §1254a), and pending applicants for TPS who have been granted employment authorization;
 - (iii) Aliens who have been granted employment authorization under 8 CFR 274a.12(c)(9), (10), (16), (18), (20), (22), or (24);
 - (iv) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649, as amended;
 - (v) Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;
 - (vi) Aliens currently in deferred action status; or
 - (vii) Aliens whose visa petition has been approved and who have a pending application for adjustment of status;
- (5) A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days;
- (6) An alien who has been granted withholding of removal under the Convention Against Torture;
- (7) A child who has a pending application for Special Immigrant Juvenile status as described in section 101(a)(27)(J) of the INA (8 U.S.C. § 1101(a)(27)(J));
- (8) An alien who is lawfully present in the Commonwealth of the Northern Mariana Islands under 48 U.S.C. § 1806(e); or

- (9) An alien who is lawfully present in American Samoa under the immigration laws of American Samoa.

____ Elected for pregnant women.
____ Elected for children under age ____.

g. ____ The State provides assurance that for an individual whom it enrolls in Medicaid under the CHIPRA section 214 option, it has verified, at the time of the individual's initial eligibility determination and at the time of the eligibility redetermination, that the individual continues to be lawfully residing in the United States. The State must first attempt to verify this status using information provided at the time of initial application. If the State cannot do so from the information readily available, it must require the individual to provide documentation or further evidence to verify satisfactory immigration status in the same manner as it would for anyone else claiming satisfactory immigration status under section 1137(d) of the Act.

TN No: ____
Supersedes
TN No. ____

Approval Date ____ Effective Date ____



CHIP Eligibility

State Name:

OMB Control Number: 0938-1148

Transmittal Number: AR - 17 - 0006

Separate Child Health Insurance Program Non-Financial Eligibility - Citizenship

CS18

Sections 2105(c)(9) and 2107(c)(1)(J) of the SSA and 42 CFR 457.320(b)(6), (c) and (d)

Citizenship

☒ The CHIP Agency provides CHIP eligibility to otherwise eligible citizens and nationals of the United States and certain non-citizens, including the time period during which they are provided with reasonable opportunity to submit verification of their citizenship, national status or satisfactory immigration status.

☒ The CHIP Agency provides eligibility under the Plan to otherwise eligible individuals:

Who are citizens or nationals of the United States; or

Who are qualified non-citizens as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (8 U.S.C. §1641), or whose eligibility is required by section 402(b) of PRWORA (8 U.S.C. §1612(b)) and is not prohibited by section 403 of PRWORA (8 U.S.C. §1613); or

Who have declared themselves to be citizens or nationals of the United States, or an individual having satisfactory immigration status, during a reasonable opportunity period pending verification of their citizenship, nationality, or satisfactory immigration status consistent with requirements of 1903(x), 1137(d), and 1902(ee) of the Act, and 42 CFR 435.406, 407, 956 and 457.380.

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

The agency provides for an extension of the reasonable opportunity period if the individual is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process.

The agency begins to furnish benefits to otherwise eligible individuals during the reasonable opportunity period on a date earlier than the date the notice is received by the individual.

The date benefits are furnished is:

☐ The date of application containing the declaration of citizenship or immigration status.

☒ The date the reasonable opportunity notice is sent.

☐ Other date, as described:

The CHIP Agency elects the option to provide CHIP coverage to otherwise eligible children up to age 19, lawfully residing in the United States, as provided in Section 2107(c)(1)(J) of the SSA (Section 214 of CHIPRA 2009, P.L. 111-3).

Otherwise eligible children means children meeting the eligibility requirements of targeted low-income children with the exception of non-citizen status.



CHIP Eligibility

- ☒ The CHIP Agency provides assurance that lawfully residing children are also covered under the state's Medicaid program.

The CHIP Agency elects the option to provide CHIP coverage to otherwise eligible pregnant women, lawfully residing in the United States, as provided in Section 214 of CHIPRA 2009, P.L. 111-3. The state may not select this option unless the state also elects to cover lawfully residing children. A state may not select this option unless the state also covers Targeted Low-Income Pregnant Women.

Yes

Otherwise eligible pregnant women means pregnant women who meet the eligibility requirements of targeted low-income pregnant women with the exception of non-citizen status.

- ☒ The CHIP Agency provides assurance that lawfully residing pregnant women are also covered under the state's Medicaid program.

☐ An individual is considered to be lawfully residing in the United States if he or she is lawfully present and meets state residency requirements.

☐ An individual is considered to be lawfully present in the United States if he or she is:

1. A qualified non-citizen as defined in 8 U.S.C. 1641(b) and (c);
2. A non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. 1101(a)(17));
3. A non-citizen who has been paroled into the United States in accordance with 8 U.S.C. 1182(d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;
4. A non-citizen who belongs to one of the following classes:
 - (i) Granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, respectively;
 - (ii) Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. §1254a, and individuals with pending applications for TPS who have been granted employment authorization;
 - (iii) Granted employment authorization under 8 CFR 274a.12(c);
 - (iv) Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;
 - (v) Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;
 - (vi) Granted Deferred Action status;
 - (vii) Granted an administrative stay of removal under 8 CFR 241;
 - (viii) Beneficiary of approved visa petition who has a pending application for adjustment of status;
5. Is an individual with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture, who:
 - (i) Has been granted employment authorization; or
 - (ii) Is under the age of 14 and has had an application pending for at least 180 days;
6. Has been granted withholding of removal under the Convention Against Torture;
7. Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. 1101(a)(27)(J);



CHIP Eligibility

8. Is lawfully present in American Samoa under the immigration laws of American Samoa; or

9. Is a victim of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 U.S.C. 7105(b)).

10. Exception: An individual with deferred action under the Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (1) through (9) of this definition.

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 30 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

V 20160722



Medicaid Eligibility

State Name: Arkansas

OMB Control Number: 0938-1148

Transmittal Number: AR-17-0007

Non-Financial Eligibility

Citizenship and Non-Citizen Eligibility

S89

1902(a)(46)(B)

8 U.S.C. 1611, 1612, 1613, and 1641

1903(v)(2)(3) and (4)

42 CFR 435.4

42 CFR 435.406

42 CFR 435.956

Citizenship and Non-Citizen Eligibility

The state provides Medicaid to citizens and nationals of the United States and certain non-citizens consistent with requirements of 42

- ☒ 42 CFR 435.406, including during a reasonable opportunity period pending verification of their citizenship, national status or satisfactory immigration status.

- ☒ The state provides Medicaid eligibility to otherwise eligible individuals:

- ☒ Who are citizens or nationals of the United States; and

Who are qualified non-citizens as defined in section 431 of the Personal Responsibility and Work Opportunity

- ☒ Reconciliation Act (PRWORA) (8 U.S.C. §1641), or whose eligibility is required by section 402(b) of PRWORA (8 U.S.C. §1612(b)) and is not prohibited by section 403 of PRWORA (8 U.S.C. §1613); and

Who have declared themselves to be citizens or nationals of the United States, or an individual having satisfactory

- ☒ immigration status, during a reasonable opportunity period pending verification of their citizenship, nationality or satisfactory immigration status consistent with requirements of 1903(x), 1137(d), 1902(ee) of the SSA and 42 CFR 435.406, and 956.

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

The agency provides for an extension of the reasonable opportunity period if the individual is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process

☒ Yes ☐ No

The agency begins to furnish benefits to otherwise eligible individuals during the reasonable opportunity period on a date earlier than the date the notice is received by the individual

☐ Yes ☒ No

The state provides Medicaid coverage to all Qualified Non-Citizens whose eligibility is not prohibited by section 403 of PRWORA (8 U.S.C. §1613)

☒ Yes ☐ No

The state effects the option to provide Medicaid coverage to otherwise eligible individuals under 21 and pregnant women lawfully residing in the United States, as provided in section 1903(v)(4) of the Act



Medicaid Eligibility

☒ Yes ☐ No

☒ Pregnant women

☒ Individuals under age 21

☒ Individuals under age 21

☐ Individuals under age 20

☐ Individuals under age 19

☒ An individual is considered to be lawfully residing in the United States if he or she is lawfully present and otherwise meets the eligibility requirements in the state plan.

☒ An individual is considered to be lawfully present in the United States if he or she:

1 Is a qualified non-citizen as defined in 8 U.S.C. 1641(b) and (c).

2 Is a non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. 1101(a)(17)).

3 Is a non-citizen who has been paroled into the United States in accordance with 8 U.S.C. 1182(d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings.

4 Is a non-citizen who belongs to one of the following classes:

☒ Granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, respectively.

☒ Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. §1254a, and individuals with pending applications for TPS who have been granted employment authorization.

☒ Granted employment authorization under 8 CFR 274a.12(c).

☒ Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended.

☒ Under Deferred Enforced Departure (DED) in accordance with a decision made by the President.

☒ Granted Deferred Action status;

☒ Granted an administrative stay of removal under 8 CFR 241.

☒ Beneficiary of approved visa petition who has a pending application for adjustment of status;

5 Is an individual with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture who:

☒ Has been granted employment authorization, or

☒ Is under the age of 14 and has had an application pending for at least 180 days.

6 Has been granted withholding of removal under the Convention Against Torture.

7 Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. 1101(a)(27)(J).

8 Is lawfully present in American Samoa under the immigration laws of American Samoa, or



Medicaid Eligibility

9. Is a victim of severe trafficking in persons in accordance with the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386 as amended (22 U.S.C. 7105(b)).
10. Exception: An individual with deferred action under the Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (1) through (9) of this definition.
- ☐ Other
- The state assures that it provides limited Medicaid services for treatment of an emergency medical condition, not related to an organ transplant procedure, as defined in 1903(v)(3) of the SSA and implemented at 42 CFR 440.235, to the following individuals who meet all Medicaid eligibility requirements, except documentation of citizenship or satisfactory immigration status and/or present an SSN:
- ☒ Qualified non-citizens, subject to the 5 year waiting period described in 8 U.S.C. 1613.
 - ☒ Non-qualified non-citizens, unless covered as a lawfully residing child or pregnant woman by the state under the option in accordance with 1903(v)(4) and implemented at 435.406(b).

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 40 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

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budget to reflect the additional costs for coverage of these children. If a State has been covering these children with State only funds, it is helpful to indicate that so CMS understands the basis for the enrollment estimates and the projected cost of providing coverage. Please remember to update section 9.10 when electing this option.

4.1- LR [X] Lawfully Residing Option (Sections 2107(e)(1)(J) and 1903(v)(4)(A); (CHIPRA # 17, SHO # 10-006 issued July 1, 2010) Check if the State is electing the option under section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) regarding lawfully residing to provide coverage to the following otherwise eligible pregnant women and children as specified below who are lawfully residing in the United States including the following:

A child or pregnant woman shall be considered lawfully present if he or she is:

- (1) A qualified alien as defined in section 431 of PRWORA (8 U.S.C. §1641);
- (2) An alien in nonimmigrant status who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission;
- (3) An alien who has been paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. §1182(d)(5)) for less than 1 year, except for an alien paroled for prosecution, for deferred inspection or pending removal proceedings;
- (4) An alien who belongs to one of the following classes:
 - (i) Aliens currently in temporary resident status pursuant to section 210 or 245A of the INA (8 U.S.C. §§1160 or 1255a, respectively);
 - (ii) Aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 U.S.C. §1254a), and pending applicants for TPS who have been granted employment authorization;
 - (iii) Aliens who have been granted employment authorization under 8 CFR 274a.12(c)(9), (10), (16), (18), (20), (22), or (24);
 - (iv) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649, as amended;
 - (v) Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;
 - (vi) Aliens currently in deferred action status; or
 - (vii) Aliens whose visa petition has been approved and who have a pending application for adjustment of status;
- (5) A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization,

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- and such an applicant under the age of 14 who has had an application pending for at least 180 days;
- (6) An alien who has been granted withholding of removal under the Convention Against Torture;
 - (7) A child who has a pending application for Special Immigrant Juvenile status as described in section 101(a)(27)(J) of the INA (8 U.S.C. § 1101(a)(27)(J));
 - (8) An alien who is lawfully present in the Commonwealth of the Northern Mariana Islands under 48 U.S.C. § 1806(e); or
 - (9) An alien who is lawfully present in American Samoa under the immigration laws of American Samoa.
 - (10) An alien who is lawfully present through the Compact of Free Association (COFA) (agreements between the U. S. Government and independent countries (Republic of Marshall Islands (RFI), the Federated States of Micronesia (FSM) and the Republic of Palau) migrants who are under age 21 or pregnant woman aliens living in a state that has elected the option through the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009 to cover "lawfully residing" aliens who are under age 21 or are pregnant women and who are otherwise eligible for Medicaid.

☒ Elected for pregnant women.

☒ Elected for children under age 19

4.1.1-LR ☒ The State provides assurance that for an individual whom it enrolls in Medicaid under the CHIPRA Lawfully Residing option, it has verified, at the time of the individual's initial eligibility determination and at the time of the eligibility redetermination, that the individual continues to be lawfully residing in the United States. The State must first attempt to verify this status using information provided at the time of initial application. If the State cannot do so from the information readily available, it must require the individual to provide documentation or further evidence to verify satisfactory immigration status in the same manner as it would for anyone else claiming satisfactory immigration status under section 1137(d) of the Act.

4.1-DS ☐ **Supplemental Dental** (Section 2103(c)(5) - A child who is eligible to enroll in dental-only supplemental coverage, effective January 1, 2009. Eligibility is limited to only targeted low-income children who are otherwise eligible for CHIP but for the fact that they are enrolled in a group health plan or health insurance offered through an employer. The State's CHIP plan income eligibility level is at least the highest income eligibility standard under its approved State child health plan (or under a waiver) as of January 1, 2009. All who meet the eligibility standards and apply for dental-only supplemental coverage shall be provided benefits. States choosing this option must report these children separately in SEDS. Please update sections 1.1-DS, 4.2-DS, and 9.10 when electing this option.

Mark-Up

9.10.

Provide a 1-year projected budget. A suggested financial form for the budget is below. The budget must describe: (Section 2107(d)) (42CFR 457.140)

Poison Control & Drug Information Center Health Services Initiative

Please See ATTACHMENT B for State's projected one-year CHIP budget for poison control and drug information center health services initiative.

- Planned use of funds, including:
 - Projected amount to be spent on health services;
 - Projected amount to be spent on administrative costs, such as outreach, child health initiatives, and evaluation; and
 - Assumptions on which the budget is based, including cost per child and expected enrollment.
 - Projected expenditures for the separate child health plan, including but not limited to expenditures for targeted low income children, the optional coverage of the unborn, lawfully residing eligibles, dental services, etc.
 - All cost sharing, benefit, payment, eligibility need to be reflected in the budget.
- Projected sources of non-Federal plan expenditures, including any requirements for cost-sharing by enrollees.
- Include a separate budget line to indicate the cost of providing coverage to pregnant women.
- States must include a separate budget line item to indicate the cost of providing coverage to premium assistance children.
- Include a separate budget line to indicate the cost of providing dental-only supplemental coverage.
- Include a separate budget line to indicate the cost of implementing Express Lane Eligibility.
- Provide a 1-year projected budget for all targeted low-income children covered under the state plan using the attached form. Additionally, provide the following:
 - Total 1-year cost of adding prenatal coverage
 - Estimate of unborn children covered in year 1

Please See ATTACHMENT B for State's projected one-year CHIP budget for poison control and drug information center health services initiative.

CHIP Budget

STATE:	FFY Budget
Federal Fiscal Year	
State's enhanced FMAP rate	

Mark-Up

Benefit Costs	
Insurance payments	
Managed care	
per member/per month rate	
Fee for Service	
Total Benefit Costs	
(Offsetting beneficiary cost sharing payments)	
Net Benefit Costs	
Cost of Proposed SPA Changes – Benefit	
Administration Costs	
Personnel	
General administration	
Contractors/Brokers	
Claims Processing	
Outreach/marketing costs	
Health Services Initiatives	
Other	
Total Administration Costs	
10% Administrative Cap	
Cost of Proposed SPA Changes	
Federal Share	
State Share	
Total Costs of Approved CHIP Plan	

NOTE: Include the costs associated with the current SPA.

The Source of State Share Funds:

Provide a 1-year projected budget. A suggested financial form for the budget is below.
The budget must describe: (Section 2107(d)) (42CFR 457.140)

Intensive Home & Community-Based Family & Child/Youth Support Health Services Initiative

Please See ATTACHMENT C for State's projected one-year CHIP budget for intensive home and community-based family and child/youth support health services initiative.

- Planned use of funds, including:
 - Projected amount to be spent on health services;
 - Projected amount to be spent on administrative costs, such as outreach, child health initiatives, and evaluation; and

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- Assumptions on which the budget is based, including cost per child and expected enrollment.
- Projected expenditures for the separate child health plan, including but not limited to expenditures for targeted low income children, the optional coverage of the unborn, lawfully residing eligibles, dental services, etc.
- All cost sharing, benefit, payment, eligibility need to be reflected in the budget.
- Projected sources of non-Federal plan expenditures, including any requirements for cost-sharing by enrollees.
- Include a separate budget line to indicate the cost of providing coverage to pregnant women.
- States must include a separate budget line item to indicate the cost of providing coverage to premium assistance children.
- Include a separate budget line to indicate the cost of providing dental-only supplemental coverage.
- Include a separate budget line to indicate the cost of implementing Express Lane Eligibility.
- Provide a 1-year projected budget for all targeted low-income children covered under the state plan using the attached form. Additionally, provide the following:
 - Total 1-year cost of adding prenatal coverage
 - Estimate of unborn children covered in year 1

Please See ATTACHMENT C for State's projected one-year CHIP budget for intensive home and community-based family and child/youth support health services initiative.

CHIP Budget

STATE:	FFY Budget
Federal Fiscal Year	
State's enhanced FMAP rate	
Benefit Costs	
Insurance payments	
Managed care	
<u>per member/per month rate</u>	
Fee for Service	
Total Benefit Costs	
(Offsetting beneficiary cost sharing payments)	
Net Benefit Costs	
Cost of Proposed SPA Changes – Benefit	
Administration Costs	
Personnel	
General administration	

Mark-Up

Contractors/Brokers	
Claims Processing	
Outreach/marketing costs	
Health Services Initiatives	
Other	
Total Administration Costs	
10% Administrative Cap	
Cost of Proposed SPA Changes	
Federal Share	
State Share	
Total Costs of Approved CHIP Plan	

NOTE: Include the costs associated with the current SPA.

The Source of State Share Funds:

Provide a 1-year projected budget. A suggested financial form for the budget is below.
The budget must describe: (Section 2107(d)) (42CFR 457.140)

Health & Well-Being Program for Maltreated Children Health Services Initiative

Please See ATTACHMENT D for State's projected one-year budget for health & well-being program for maltreated children health services initiative.

- Planned use of funds, including:
 - Projected amount to be spent on health services;
 - Projected amount to be spent on administrative costs, such as outreach, child health initiatives, and evaluation; and
 - Assumptions on which the budget is based, including cost per child and expected enrollment.
 - Projected expenditures for the separate child health plan, including but not limited to expenditures for targeted low income children, the optional coverage of the unborn, lawfully residing eligibles, dental services, etc.
 - All cost sharing, benefit, payment, eligibility need to be reflected in the budget.
- Projected sources of non-Federal plan expenditures, including any requirements for cost-sharing by enrollees.
- Include a separate budget line to indicate the cost of providing coverage to pregnant women.
- States must include a separate budget line item to indicate the cost of providing coverage to premium assistance children.
- Include a separate budget line to indicate the cost of providing dental-only

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supplemental coverage.

- Include a separate budget line to indicate the cost of implementing Express Lane Eligibility.
- Provide a 1-year projected budget for all targeted low-income children covered under the state plan using the attached form. Additionally, provide the following:
 - Total 1-year cost of adding prenatal coverage
 - Estimate of unborn children covered in year 1

Please See ATTACHMENT D for State's projected one-year budget for health & well-being program for maltreated children health services initiative.

CHIP Budget

STATE:	FFY Budget
Federal Fiscal Year	
State's enhanced FMAP rate	
Benefit Costs	
Insurance payments	
Managed care	
per member/per month rate	
Fee for Service	
Total Benefit Costs	
(Offsetting beneficiary cost sharing payments)	
Net Benefit Costs	
Cost of Proposed SPA Changes – Benefit	
Administration Costs	
Personnel	
General administration	
Contractors/Brokers	
Claims Processing	
Outreach/marketing costs	
Health Services Initiatives	
Other	
Total Administration Costs	
10% Administrative Cap	
Cost of Proposed SPA Changes	
Federal Share	
State Share	
Total Costs of Approved CHIP Plan	

NOTE: Include the costs associated with the current SPA.

Mark-Up

The Source of State Share Funds:

Provide a 1-year projected budget. A suggested financial form for the budget is below.
The budget must describe: (Section 2107(d)) (42CFR 457.140)

Option to Provide Medicaid and CHIP coverage to All Qualified Children and Pregnant Women Non-Citizens Who Are Otherwise Eligible Individuals Who Are Lawfully Residing in the United States as Provided in Section 1903 (v) (4) and 2107 (e) (1) (J) of the Social Security Act and Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111-3.

- Planned use of funds, including:
 - Projected amount to be spent on health services;
 - Projected amount to be spent on administrative costs, such as outreach, child health initiatives, and evaluation; and
 - Assumptions on which the budget is based, including cost per child and expected enrollment.
 - Projected expenditures for the separate child health plan, including but not limited to expenditures for targeted low income children, the optional coverage of the unborn, lawfully residing eligibles, dental services, etc.
 - All cost sharing, benefit, payment, eligibility need to be reflected in the budget.
- Projected sources of non-Federal plan expenditures, including any requirements for cost-sharing by enrollees.
- Include a separate budget line to indicate the cost of providing coverage to pregnant women.
- States must include a separate budget line item to indicate the cost of providing coverage to premium assistance children.
- Include a separate budget line to indicate the cost of providing dental-only supplemental coverage.
- Include a separate budget line to indicate the cost of implementing Express Lane Eligibility.
- Provide a 1-year projected budget for all targeted low-income children covered under the state plan using the attached form. Additionally, provide the following:
 - Total 1-year cost of adding prenatal coverage
 - Estimate of unborn children covered in year 1

CHIP Budget

STATE:	FFY Budget: 2018
Federal Fiscal Year	
State's enhanced FMAP rate	100%

Mark-Up

Benefit Costs	
Insurance payments	
Managed care	
per member/per month rate	
Fee for Service	
Total Benefit Costs	\$2,675,148
(Offsetting beneficiary cost sharing payments)	
Net Benefit Costs	\$2,675,148
Cost of Proposed SPA Changes – Benefit	
Administration Costs	
Personnel	
General administration	\$130,280
Contractors/Brokers	
Claims Processing	
Outreach/marketing costs	
Health Services Initiatives	
Other	
Total Administration Costs	\$130,280
10% Administrative Cap	\$297,239
Cost of Proposed SPA Changes	\$2,805,428
Federal Share	\$2,805,428
State Share	\$0
Total Costs of Approved CHIP Plan	\$2,805,428

NOTE: Include the costs associated with the current SPA.

Administration: 4.87%

The Source of State Share Funds:

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: ARKANSAS

ELIGIBILITY CONDITIONS AND REQUIREMENTS

<u>Citation(s)</u>	<u>Condition or Requirement</u>
<u>1903(v)(4)</u> <u>CFR §435.406</u>	<p>The state elects the option to provide Medicaid coverage to otherwise eligible 42 CFR individuals under age 21 and pregnant women, lawfully residing in the United States and otherwise meets the eligibility requirements. An individual is considered to be lawfully present in the United States if he or she:</p> <ol style="list-style-type: none">1. <u>Is a qualified non-citizen as defined in 8 U. S. C 164(b) and (c);</u>2. <u>Is a non-citizen in a valid nonimmigrant status, as defined in 8 U. S. C. 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U. S. C. 1101(a)(17));</u>3. <u>Is a non-citizen who has been paroled into the United States in accordance with U. S. C. 1182(d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;</u>4. <u>Is a non-citizen who belongs to one of the following classes:</u><ol style="list-style-type: none">a. <u>Granted temporary resident status in accordance with 8 U. S. C. 1160 or 1255a, respectively;</u>b. <u>Granted Temporary Protected Status (TPS) in accordance with 8 U. S. C. §1254a, and individuals with pending applications for TPS who have been granted employment authorization;</u>c. <u>Granted employment authorization under 8 CFR 274a.12(c);</u>d. <u>Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;</u>

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: ARKANSAS

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
	<ul style="list-style-type: none">e. <u>Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;</u>f. <u>Granted Deferred Action status;</u>g. <u>Granted an administrative stay of removal under 8 CFR 241;</u>h. <u>Beneficiary of approved visa petition who has a pending application for adjustment of status;</u>
5.	<u>Is an individual with a pending application for asylum under 8 U. S. C. 1158, or for withholding of removal under 8 u. S. C. 1231, or under the Convention against Torture who --</u> <ul style="list-style-type: none">a. <u>Has been granted employment authorization; or</u>b. <u>Is under the age of 14 and has had an application pending for at least 180 days;</u>
6.	<u>Has been granted withholding of removal under the Convention Against Torture;</u>
7.	<u>Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U. S. C. 1101(a)(27)(J);</u>
8.	<u>Is lawfully present in American Samoa under the immigration laws of American Samoa; or</u>
9.	<u>Is a victim of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 U. S. C. 7105(b));</u>

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: ARKANSAS

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)

Condition or Requirement

10. Is an alien who is lawfully present through the Compact of Free Association (COFA) (agreements between the U. S. Government and independent counties (Republic of Marshall Islands (RFI), the Federated States of Micronesia (FSM) and the Republic of Palau) migrants who are under age 21 or pregnant woman aliens living in a state that has elected the option through the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009 to cover "lawfully residing" aliens who are under age 21 or are pregnant women and who are otherwise eligible for Medicaid.

11. Exception: An individual with deferred action under the Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (1) through (9) of this definition.

The State assures that for an individual whom it enrolls in Medicaid under the CHIPRA Lawfully Residing Option, it has verified, at the time of the individual's initial eligibility determination and at the time of the eligibility redetermination, the individual continues to be lawfully residing in the United States. The State must first attempt to verify this status using information provided at the time of initial application. If the State cannot do so from the information readily available, it must require the individual to provide documentation or further evidence to verify satisfactory immigration status in the same manner as it would for anyone else claiming satisfactory immigration status under section 1137(d) of the Act

The state assures that it provides limited Medicaid services for treatment of an emergency medical condition, not related to an

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: ARKANSAS .

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)

Condition or Requirement .

organ transplant procedure, as defined in 1903(v)(3) of the SSA and implemented at 42 CFR 440.255, to the following individuals who meet all Medicaid eligibility requirements, except documentation of citizenship or satisfactory immigration status and/or present an SSN:

- a. Qualified non-citizens subject to the 5 year waiting period described in 8 U. S. C. 1613;
- b. Non-qualified non-citizens, unless covered as a lawfully residing child or pregnant woman by the state under the option in accordance with 1903(v)(4) and implemented as 435.406(b).