This bulletin is being sent to the Office of Eligibility Services’ (OES) Regional Director for Medicaid for the Elderly and People with Disabilities (MEPD) and other regional staff. This information is to be shared with all those who determine eligibility for MEPD. Please ensure copies are provided to staff that do not have access to e-mail. If you have any questions regarding the policy information in this bulletin, follow regional procedures. This bulletin will be available on the Family Services website at http://ofs.hhsc.state.tx.us/mepd/mepd-bulletins.aspx and as a part of the online Health and Human Services Commission (HHSC) Medicaid Eligibility Handbook (MEH) at http://www.dads.state.tx.us/handbooks/meh/res/policy/index.htm.

Background

Under the Consolidated Appropriations Act of 2008 and the National Defense Authorization Act for Fiscal Year 2008, Afghanistan and Iraq alien translators and interpreters working for the United States (U.S.) military were granted special immigrant status. Aliens who are granted this special immigrant status are potentially eligible for Food Stamps, TANF, Medicaid, and Refugee Medical Assistance for certain periods of duration. These aliens must meet all other eligibility criteria. Spouses and unmarried children under the age of 21 who accompany an alien with special immigrant status may also be eligible for the same benefits.

- For Afghan aliens, eligibility cannot exceed 6 months from the date they are granted special immigrant status. Benefits from this provision cannot be provided prior to December 26, 2007. After December 26, 2007, benefits from this provision cannot be provided prior to the date of entry.

- For Iraqi aliens, eligibility cannot exceed 8 months from the date they are granted special immigrant status. Benefits from this provision cannot be provided prior to January 28, 2008. After January 28, 2008, benefits from this provision cannot be provided prior to the date of entry.
Current Policy

Currently there is no special immigrant status for aliens from Afghanistan or Iraq.

New Policy

Aliens and family members, granted special immigrant status, are potentially eligible for Medicaid programs. Aliens in this special immigrant status would need to meet all other Medicaid eligibility criteria.

Aliens who are granted this special immigrant status are potentially eligible for Medicaid for certain periods of duration of this special immigrant status. The duration timeframe begins with the month in which the special immigrant status was granted.

- For Afghan aliens, the duration timeframe cannot exceed 6 months and cannot be prior to December 26, 2007.
- For Iraqi aliens, the duration timeframe cannot exceed 8 months and cannot be prior to January 28, 2008.

The Medicaid eligibility certification period can be less than the duration timeframe, based on the special immigrant status. The Medicaid eligibility certification period is dependent on the individual meeting all eligibility criteria and the:

- Start date of this provision
- Start date of the special immigrant status
- Allowable duration timeframe
- Medicaid application file date

Under Public Law 110-161, the effective date of potential Medicaid eligibility for an Afghan alien with special immigrant status can be no earlier than December 26, 2007 if eligibility is based on the special immigrant alien status. Since the duration timeframe begins with the month in which the special immigrant status was granted, Afghans who entered the U.S. with special immigrant status or who adjusted to that status before December 26, 2007, may not be potentially eligible for the full 6 months of benefits.

Under Public Law 110-161, the effective date of potential Medicaid eligibility for an Iraqi alien with special immigrant status can be no earlier than January 28, 2008 if eligibility is based on the special immigrant alien status. Since the duration timeframe begins with the month in which the special immigrant status was granted, Iraqi aliens who entered the U.S. with special immigrant status or who adjusted to that status before January 28, 2008, may not be potentially eligible for the full 8 months of benefits.

An Iraqi and Afghan alien will either enter the U.S.
1. As a Lawful Permanent Resident (LPR) with the special immigrant visa, or
2. Under another immigrant status (such as an asylee or parolee) and will adjust to special immigrant status after entry

As a result of the potential adjustment date to special immigrant status, the duration timeframe may or may not coincide with the alien’s U.S. date of entry. Once the certification period ends, the alien must reapply for continued Medicaid benefits using current policies including
meeting citizenship and alien status requirements. If the individual cannot meet citizenship or other alien status requirements, the individual may be potentially Medicaid eligible for emergency medical benefits only (TP30).

**Verification of Special Immigration Status**

Request verification of the immigrant status of the applicant, spouse, and unmarried children under 21 years of age who accompany the alien applicant. For Afghan and Iraqi aliens, verification and documentation of special immigrant status requires both:

1. An Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under a special immigrant visa category, and
2. A Department of Homeland Security (DHS) stamp or notation on the passport or I-94 showing the date of entry

**Verification Document Sources for Special Immigrant Status**

Use the various sources of verification documents in the following table to verify the special immigrant status for the alien applicant, spouse, and unmarried children under the age of 21.

<table>
<thead>
<tr>
<th>Alien</th>
<th>Verification Document Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Applicant Iraqi or Afghan Special Immigrant</td>
<td>Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) category SI1 and DHS stamp or notation on passport or I-94 showing date of entry</td>
</tr>
<tr>
<td>Spouse of Principal Applicant Iraqi or Afghan Special Immigrant</td>
<td>Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI2 and DHS stamp or notation on passport or I-94 showing date of entry</td>
</tr>
<tr>
<td>Unmarried Child under 21 Years of Age of Iraqi or Afghan Special Immigrant</td>
<td>Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI3 and DHS stamp notation on passport or I-94 showing date of entry</td>
</tr>
<tr>
<td>Principal Applicant Iraqi or Afghan Special Immigrant Principal Adjusting Status in the U.S.</td>
<td>DHS Form I-551 (“green card”) showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV (immigrant visa) code of SI6</td>
</tr>
<tr>
<td>Spouse of Principal Applicant Iraqi or Afghan Special Immigrant in P6 Category</td>
<td>DHS Form I-551 (“green card”) showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV (immigrant visa) code of SI7</td>
</tr>
<tr>
<td>Unmarried Child Under 21 Years of Age of Iraqi or Afghan Special Immigrant in P6 Category</td>
<td>DHS Form I-551 (“green card”) showing Iraqi or Afghan Nationality (or Iraqi or Afghan passport), with an IV (“immigrant visa”) code of SI9</td>
</tr>
</tbody>
</table>
**Afghan Aliens with Special Immigrant Status**

Afghan aliens and their family members who entered the U.S. with special immigrant status are not potentially Medicaid eligible prior to December 26, 2007.

When eligibility will be based on alien status of “special immigrant status”, an Afghan alien who is granted special immigrant status is *potentially* Medicaid eligible for a *duration timeframe* not to exceed **6 months** from the date the individual was granted the special immigrant status.

The special immigrant status will be either the date of the:
- Entry into the U.S. with a special immigrant status, or
- Adjustment to special immigrant status after entry

The Medicaid eligibility *certification period* is dependent on the individual meeting all eligibility criteria and the:
- Start date of this provision
- Start date of the special immigrant status
- 6 month duration timeframe
- Medicaid application file date

Once the *certification period ends*, the individual must reapply for continued Medicaid benefits using current policies including meeting citizenship and alien status requirements. If the individual cannot meet citizenship or other alien status requirements including the “5 year bar”, the individual may be *potentially Medicaid eligible for emergency medical benefits only* (TP30).

<table>
<thead>
<tr>
<th>Steps</th>
<th>Afghan Alien with Special Immigrant Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Determine the Month of Medicaid Application and the 3 months prior to the application.</td>
</tr>
<tr>
<td>2.</td>
<td>Determine the 6 Months Duration Timeframe based on Date of Entry with special immigrant status or conversion to special immigrant status.</td>
</tr>
<tr>
<td></td>
<td>• Count the month of entry as a special immigrant or the month of conversion to special immigrant status as Month 1.</td>
</tr>
<tr>
<td></td>
<td>• Do not allow benefits prior to December 26, 2007.</td>
</tr>
<tr>
<td></td>
<td>• Do not allow 3 months prior to the special immigrant status.</td>
</tr>
<tr>
<td>3.</td>
<td>Determine if any of the months of the 6 Months Duration Timeframe fall on or after the Month of Medicaid Applications or during the 3 months prior to the application.</td>
</tr>
<tr>
<td>4.</td>
<td>If so, determine if the individual meets all other Medicaid eligibility criteria.</td>
</tr>
<tr>
<td></td>
<td>• If eligible, end Medicaid eligibility on the last day of the 6 Months Duration Timeframe based on Date of Entry with special immigrant status or conversion to special immigrant status</td>
</tr>
<tr>
<td></td>
<td>• A special review may be required to allow adverse action notice and to end the benefits by the end of the 6th month.</td>
</tr>
<tr>
<td>5.</td>
<td>If not Medicaid eligible, refer to the Refugee Medical Assistance (RMA) or Refugee Cash Assistance (RCA) programs.</td>
</tr>
</tbody>
</table>
Examples:

Afghan alien with special immigrant status arrives in the U.S. on March 1, 2008 [the 6 Months Duration Timeframe is March – August]. This individual applies for benefits on May 1, 2008 [May is the month of application with February, March and April as the 3 months prior]. The individual meets all eligibility criteria and is Medicaid eligible effective March 1, 2008 through August 31, 2008.

Afghan alien enters the U.S. on March 1, 2008, converts to special immigrant status on April 1, 2008 [the 6 Months Duration Timeframe is April – September]. This individual applies for benefits on May 1, 2008 [May is the month of application with February, March and April as the 3 months prior]. The individual meets all eligibility criteria and is Medicaid eligible effective April 1, 2008 through September 30, 2008.

**Iraqi Aliens with Special Immigrant Status**

Iraqi aliens and their family members who entered the U.S. with special immigrant status are not potentially Medicaid eligible prior to January 28, 2008.

When eligibility will be based on alien status of “special immigrant status”, an Iraqi alien who is granted special immigrant status is potentially Medicaid eligible for a duration timeframe not to exceed 8 months from the date the individual was granted the special immigrant status.

The special immigrant status will be either the date of the:
- Entry into the U.S. with a special immigrant status, or
- Adjustment to special immigrant status after entry

The Medicaid eligibility certification period is dependent on the individual meeting all eligibility criteria and the:
- Start date of this provision
- Start date of the special immigration status
- 8 month duration timeframe
- Medicaid application file date

Once the certification period ends, the individual must reapply for continued benefits using current policies including meeting citizenship and alien status requirements. If the individual cannot meet citizenship or other alien status requirements including the “5 year bar”, the individual may be potentially Medicaid eligible for emergency medical benefits only (TP30).
<table>
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<tr>
<th>Steps</th>
<th>Iraqi Alien with Special Immigrant Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Determine the Month of Medicaid Application and the 3 months prior to the application.</td>
</tr>
</tbody>
</table>
| 2.    | Determine the 8 Months Duration Timeframe based on Date of Entry with special immigrant status or conversion to special immigrant status.  
  • Count the month of entry as a special immigrant or the month of conversion to special Immigrant status as Month 1.  
  • Do not allow benefits prior to January 28, 2008.  
  • Do not allow 3 months prior to the special immigrant status. |
| 3.    | Determine if any of the months of the 8 Months Duration Timeframe fall on or after the Month of Medicaid Applications or the prior 3 months to the application. |
| 4.    | If so, determine if the individual meets all other Medicaid eligibility criteria.  
  • If eligible, end Medicaid eligibility on the last day of the 8 Months Duration Timeframe based on Date of Entry with special immigrant status or conversion to special immigrant status.  
  • Special review may be required to allow adverse action notice and to end the benefits by the end of the 8th month. |
| 5.    | If not Medicaid eligible, refer to the Refugee Medical Assistance (RMA) or Refugee Cash Assistance (RCA) programs. |

Examples:

Iraqi alien with special immigrant status arrives in the U.S. on March 1, 2008 [the 8 Months Duration Timeframe is March – October]. This individual applies for benefits on May 1, 2008 [May is the month of application with February, March and April as the 3 months prior]. The individual meets all eligibility criteria and is Medicaid eligible effective March 1, 2008 through October 31, 2008.

Iraqi alien enters the U.S on March 1, 2008, converts to special immigrant status on April 1, 2008 [the 8 Months Duration Timeframe is April – November]. This individual applies for benefits on May 1, 2008 [May is the month of application with February, March and April as the 3 months prior]. The individual meets all eligibility criteria and is Medicaid eligible effective April 1, 2008 through November 30, 2008.

**Automation, Handbook, and Effective Date**

No automation changes in SAVERR or TIERS will be available. Authorization of this policy is temporary. This information will be located in the Policy Clarification Section of the handbook. The effective date is for an application received on or after May 1, 2008.