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2/1/2024	Qualified Non-Citizen Status Eligibility Guide	Updated information on Victims of Human Trafficking.	3, 4

Qualified Non-Citizen Status Eligibility Guide

Individuals may be eligible if they were lawfully admitted to the United States and meet one of the following criteria:

An individual who is lawfully present in the U.S. meets immigration status requirements if he/she:

1. Is age 65 or older and was lawfully residing in the U.S. on 08-22-96;
2. Had citizenship verified through SSI, SSDI, or are/were entitled to Medicare benefits;
3. Is under age 19 or pregnant;
4. Has resided in the U.S. for at least five years with lawful permanent resident status;
5. Has lawful permanent resident status and has worked or can be credited with 40 qualifying quarters of work; or
6. If none of the criteria in 1-5 is met, the individual must meet one of the criteria listed below to be considered eligible.

A. **Refugee** entrants are considered qualified aliens indefinitely. Refugee status is determined by the following:

1. USCIS Form I-94 showing entry as refugee under Section 207;
2. USCIS Form I-688B annotated 274a.12(a)(3);
3. USCIS Form I-766 annotated A3;
4. USCIS Form I-571; or
5. USCIS Form I-551 or I-151 annotated RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE8b, RE9, IC6, or IC7
 - RE-6, RE-7, RE-8, or RE-9 codes show that the individual's status was updated from refugee to lawful permanent resident. Even if this occurs, the individual remains eligible.

Note: If ineligible for Medicaid, refugees admitted under Section 207 may be eligible for Refugee Medical Assistance through Economic Assistance if within the first 12 months of entry if entry date is 10/1/2021 or later.

B. **Asylee** entrants are considered qualified aliens indefinitely. Asylee status is determined by the following:

1. USCIS Form I-94 showing grant of asylum under Section 208;
2. Grant/approval letter from Asylum Office of the USCIS;
3. Order from immigration judge granting asylum;
4. USCIS Form I-688B annotated 274.a12(a)(5) annotated at AO3, AO4, or AO5;
5. USCIS Form I-766 annotated A5, AS-1, AS-2, or AS-3; or
6. USCIS Form I-551 or I-151 annotated with AS6, AS7, AS8, AS9, GA6, GA7, or GA8.
 - These codes show that the individual's status was updated from asylee to lawful permanent resident. Even if this occurs, the individual remains eligible.

Note: If ineligible for Medicaid, asylees admitted under Section 208 may be eligible for Refugee Medical Assistance through Economic Assistance if within the first 12 months of entry if entry date is 10/1/2021 or later.

C. **Parolee** entrants are considered eligible aliens if admitted under Section 212 (d)(5) of the Immigration and Nationality Act (INA), the parolee status is granted for at least one year, and the individual:

1. Has USCIS Form I-94 showing admission under section 212 (d)(5) of the INA, **and**
2. Meets military eligibility criteria identified under section K; or
3. Has resided in the U.S. for at least 5 years with parolee status; or
4. Is from Afghanistan with a status grant date of July 31, 2021 or later under Operation Allies Refuge, with code DT, PAR, or OAR. These individuals are exempt from the 5-year bar through March 31, 2023 or the term of the parole, whichever is later; or
 - If no Form I-94 available, may provide a foreign passport with Department of Homeland Security/Customs and Border Patrol admission stamp noting OAR or OAW.
5. Is an individual from Ukraine with a status grant date of February 24, 2022 or later with code DT, PAR, or UHP.
 - If no Form I-94 available, may provide a foreign passport with Department of Homeland Security/Customs and Border Patrol admission stamp noting DT, PAR, or UHP.

Note: If ineligible for Medicaid, parolees admitted as asylees or refugees under Section 212(d), Ukrainian humanitarian parolees, or Afghan parolees admitted under Operation Allies Refuge may be eligible for Refugee Medical Assistance through Economic Assistance if within the first 12 months of entry if entry date is 10/1/2021 or later.

D. Entrants whose **deportation is being withheld** are considered qualified aliens indefinitely. Withheld deportation status is determined by the following:

1. Order from Immigration Judge showing deportation withheld under Section 243(h) or 241(b)(3);
2. USCIS Form I-688B annotated 274a.12(a)(10); or
3. USCIS Form I-766 annotated A-10.
4. If the individual's status is updated to lawful permanent resident, the individual remains eligible.

E. **Cuban or Haitian** entrants are considered qualified aliens indefinitely. Cuban/Haitian status is determined by the following:

1. USCIS Form I-94 annotated with code CU6 or CU7, or stamped Cuban/Haitian Entrant under Section 212(d)(5) of the INA;
2. Unexpired temporary I-551 stamp in foreign passport, USCIS Form I-551, or I-151 annotated with code CU6, CU7, CH6, HA6 or HB6;
 - These codes show that the individual's status was updated from Cuban/Haitian Entrant to lawful permanent resident. Even if this occurs, the individual remains eligible.
3. I-688B with provision of law 274a.12(a)(4)/(10) or 274a.12(c)(8)/(10)/(11);
4. I-766 with code AO4, A10, CO10 or C11;
5. Is subject of removal proceedings (240 hearing); or
6. Has an application for asylum pending.

Note: If ineligible for Medicaid, Cuban and Haitian entrants may be eligible for Refugee Medical Assistance through Economic Assistance if within the first 12 months of entry if entry date is 10/1/2021 or later.

F. **Amerasian** entrants are considered eligible aliens indefinitely. Amerasian status is determined by the following:

1. USCIS Form I-94 annotated with code AM1, AM2, or AM3;
2. Unexpired temporary I-551 stamp in foreign passport or USCIS Form I-551 annotated with code AM6, AM7, or AM8.
 - These codes show that the individual's status was updated from Amerasian entrant to lawful permanent resident. Even if this occurs, the individual remains eligible.

Note: If ineligible for Medicaid, Amerasians may be eligible for Refugee Medical Assistance through Economic Assistance if within the first 12 months of entry if entry date is 10/1/2021 or later.

G. **Victims of human trafficking** are considered qualified aliens as long as their certification or eligibility letter is valid. Trafficking status is determined by the following:

1. Individuals age 18 or older must have an original certification letter issued from the Office of Refugee Resettlement (ORR); or
 - The date of entry is the date listed in the body of the letter.
2. Individuals younger than 18 must have an original eligibility letter issued from ORR; or
 - The date of entry is the the date listed in the body of the letter.
3. USCIS Form I-94 showing entry under section 212 (d)(5) of the INA.
 - Eligible if status granted for at least one year.
 - Visa annotated T-1, T-2, T-3, T-4, T-5 or T-6.

Note: If ineligible for Medicaid, victims of a severe form of trafficking may be eligible for Refugee Medical Assistance through Economic Assistance if within the first 12 months of entry if entry date is 10/1/2021 or later.

H. Individuals granted **conditional entry** pursuant to USCIS Section 203 (a)(7) are considered qualified aliens if the individual:

1. Meets military eligibility criteria identified under Section L below;
2. Has resided in the U.S. for at least 5 years with conditional entrant status;
3. Has USCIS Form I-668B annotated 274a.12(a)(3);
4. Has USCIS Form I-766 annotated A3; or
5. Has USCIS Form I-551 or I-151 with code R86.
 - This code shows that the individual's status was updated from conditional entrant to lawful permanent resident. Eligibility may also be granted with this code if the individual meets qualifying earned income credit criteria.

Note: If ineligible for Medicaid, individuals granted conditional entry under USCIS section 203 (a)(7) may be eligible for Refugee Medical Assistance through Economic Assistance if within the first 12 months of entry if entry date is 10/1/2021 or later.

I. **Battered spouses and/or children** are considered qualified aliens if the individual has petitioned USCIS for permanent resident status if the individual:

1. Has resided in the U.S. 5 years with USCIS status;
2. Meets the military criteria identified in Section L below; or
3. Has worked or can be credited with 40 qualifying quarters of work.
4. The individual must not be residing with the family member who battered them.

5. Verification of battered status is:

- I-551 annotated with IB6, IB7, or IB8;
- USCIS form I-797 when this form is a Notice of Approval or Notice of Prima Facie Determination; or
- Other USCIS documentation of battered status (such as an approved self-petition, cancellation of removal, or suspension of deportation filed as a victim of domestic violence).

J. Aliens who have **past or current U.S. military involvement** are considered eligible aliens. Past or current military involvement is defined as:

1. An individual who is on active duty with any of the U.S. Armed Forces branches.
 - Active duty is defined as minimum active duty (24 months), or the period for which the individual was called to active duty.
 - If the active duty is for training such as National Guard or Army Reserve, the individual is not eligible.
2. An individual was honorably discharged from the U.S. Armed Forces for reasons other than his/her alien status (as long he/she fulfills the minimum active duty service), or has died in active military, naval, or air service. This includes an individual who served before July 1, 1946 in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the U.S. or in the Philippine Scouts.
 - If the individual was dishonorably discharged, he/she is not eligible under this status.

K. **Spouses or unmarried dependent children** of individuals with **U.S. military involvement** are considered eligible aliens. The following criteria must be met:

1. The spouse must currently be married to the veteran/service (wo)man. If the veteran/service (wo)man is deceased, the spouse must have been married to the him/her at the time of his/her death for a least one year, or for any period of time if a child was born during the marriage, and the spouse has not remarried.
 - The spouse would not be eligible if he/she is divorced from the veteran/service (wo)man or has remarried since the veteran/service (wo)man's death.
 - The spouse may be eligible regardless of whether or not the veteran/service (wo)man is a U.S. citizen.
 - Eligibility ends if the service (wo)man is discharged from active duty for alien status or dishonorable service.
2. Unmarried dependent children of the veteran/service (wo)man are eligible if they are:
 - A legally adopted or biological dependent child of an honorably discharged veteran, active duty member of the Armed Forces, or deceased veteran. The child must be under the age of 18 or a full-time student under the age of 22; or
 - A disabled child age 18 or older (if the child was disabled and dependent on the active duty member or veteran prior to the child's 18th birthday).
 - The child does not have to be residing with veteran/service (wo)man.
 - Eligibility ends if the child marries, is no longer considered a dependent, or the service (wo)man is discharged from active duty for alien status or dishonorable service.

- L. **Iraqi Special Immigrants** are considered eligible aliens from their date of entry or from the date their status was updated to a special immigrant status. **Spouses and unmarried children (under the age of 21) of Iraqi special immigrants** are eligible from their date of entry or from the date their status was updated to a special immigrant status. If the individual entered the U.S. under a different immigration status and is eligible under program rules with that status, then that status will continue regardless of whether or not the individual changes his/her status to an Iraqi special immigrant status.

Example: Asylees are eligible without time restrictions, so an individual with asylee status remains eligible under this status even if the individual updates his/her status to Iraqi special immigrant at a later date.

This special immigrant status is determined by the following.

1. An Iraqi passport noting admittance under IV (immigrant visa) category SI1, SQ1, SI2, SQ2, SI3, or SQ3 and DHS stamp, notation, or I-94 showing a date of entry or a date of status granted; or
2. DHS Form 551 (green card) noting Iraqi nationality (or Iraqi passport) with an IV (immigrant visa) code of SI6, SQ6, SI7, SQ7, SI9, SQ9, or SIV.

Note: If ineligible for Medicaid, Iraqi Special Immigrants may be eligible for Refugee Medical Assistance through Economic Assistance if within the first 12 months of entry if entry date is 10/1/2021 or later.

- M. **Afghan Special Immigrants** are considered eligible aliens from their date of entry or from the date their status was updated to a special immigrant status. **Spouses and unmarried children (under the age of 21) of Afghan special immigrants** are eligible from their date of entry or from the date their status was updated to a special immigrant status. If the individual entered the U.S. under a different immigration status and is eligible under program rules with that status, then that status will continue regardless of whether or not the individual changes his/her status to an Afghan special immigrant status. Special immigrant statuses may include: Special Immigrant LPR, Special Immigrant Parolee, and Special Immigrant Conditional Permanent Resident (CPR). This special immigrant status is determined by the following.

1. An Afghan passport noting admittance under IV (immigrant visa) category SI1, SQ1, SI2, SQ2, SI3, or SQ3, SQ4, SQ5, CQ1, CQ2 or CQ3, and DHS stamp, or notation or I-94 a showing date of entry or a date of status granted; or
2. DHS Form 551 (green card) noting Afghan nationality (or Afghan passport) with an IV (immigrant visa) code of SI6, SQ6, SI7, SQ7, SI8, SQ8, SI9, SQ9, or SIV.

Note: If ineligible for Medicaid, Afghan Special Immigrants may be eligible for Refugee Medical Assistance through Economic Assistance if within the first 12 months of entry if entry date is 10/1/2021 or later.

- N. **Native Americans** meet eligible alien status indefinitely if they meet the following criteria:

1. He/She was born in Canada. The individual must possess at least 50% blood of the American Indian Race.
 - Verification may be obtained from birth records, affidavits from tribal officials, USCIS Form I-181 or I-551, or other acceptable documentation.
 - I-551 may be annotated with KIC, KIP, or S13.
2. He/She was born outside the United States, however they are a member of an American Indian Tribe.

- A state Office may be contacted to make a determination on the American Indian determination.
- Verification may be obtained from birth records, affidavits from tribal officials, USCIS Form I-181 or I-551, or other acceptable documentation.
 - I-551 may be annotated with KIC, KIP, or S13.

O. **Compacts of Free Association (COFA)** are qualified non-citizens as defined in section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and are exempt from the 5-year bar.

1. Eligible COFA migrants are citizens of Palau, the Marshall Islands, and the Federated States of Micronesia living in United States through treaties and will have one of the following COAs:
 - CFA - Compact of Free Association - Palau, Micronesia, Marshall Islands
 - FAS - Citizen of the Freely Associated States
 - RMI - Citizen of the Republic of the Marshall Island
 - MIS - Citizen of the Republic of Marshall Islands
 - PAL - Citizen of the Republic of Palau
 - FSM - Citizen of the Federated States of Micronesia

If the individual's status is updated to lawful permanent resident, the individual no longer remains eligible as a qualified non-citizen.

See the [Compacts of Free Association \(COFA\) Policy Memo 21-04](#) for additional information. **Note:** Verify Lawful Presence (VLP) has since been updated in NFOCUS to verify these individuals as qualified non-citizens. For more information about COFA migrants who update their status to lawful permanent resident, see [5-Year Bar QA](#).

This document was created to assist workers in determining whether a qualified alien is eligible for benefits. These codes are not all inclusive as codes are added and changed on a regular basis. If you have questions regarding an applicant or client's immigration status, please send a question to DHHS.MedicaidPolicyQuestions@nebraska.gov.