

Health Care Eligibility for Iraqi & Afghani Special Immigrants

Recently passed federal legislation temporarily lifts the five-year bar for the first eight months Iraqi special immigrants are in the U.S. or are adjusted to this status and for the first six months Afghani special immigrants are in the U.S. or are adjusted to this status. During this temporary period, Iraqi and Afghan special immigrants may be eligible for federally-funded MA, federally-funded MinnesotaCare, or Refugee Medical Assistance (RMA). After the temporary period has expired, Iraqi or Afghan special immigrants revert to regular Lawful Permanent Resident (LPR) status and may be eligible for state-funded health care programs.

Health Care Programs

Iraqi and Afghan Special Immigrants and Family Members

The primary immigration status for Iraqi and Afghan special immigrants and their spouses and unmarried children under age 21 is lawful permanent resident (LPR). However, if they have special immigrant status, they may be eligible for federally-funded Medical Assistance (MA), or MinnesotaCare with federal financial participation for up to eight months for Iraqis or up to six months for Afghans if they apply and are determined otherwise eligible during the initial eight months as with Iraqi special immigrant status or the initial six months with Afghan special immigrant status.

Date of Eligibility for Temporary Federally-Funded Benefits

The date of eligibility for federally-funded benefits for an otherwise eligible Iraqi or Afghani special immigrant or family member is the date the immigrant was admitted to the U.S. as a special immigrant or the date he or she was granted special immigrant status.

Special immigrants who apply for health care after the date of entry or adjustment are only eligible for the remainder of the six or eight months. Eligibility may begin mid-month.

Those who apply for health care coverage after the expiration of the temporary period for federal benefits are not eligible for federal benefits until the end of the five-year bar or until they acquire another status that qualifies them for federally-funded health care.

EXAMPLE

Sasha applies for Minnesota Health Care Programs for herself and her three year old daughter in April. She entered the U.S. as an Iraqi special immigrant in March.

Action: Sasha and her daughter may be eligible for federally-funded health care programs for the temporary period of March through October (the initial eight months of their special immigrant status). Determine eligibility for MA. If otherwise eligible, Sasha and her daughter may be enrolled in federally-funded MA through the month of October. Beginning November 1, they may continue coverage under state-funded MA.

Retroactive MA Eligibility

Special immigrants may be eligible for retroactive MA coverage.

EXAMPLE

Ari, his wife Mari and three year old daughter Elena enter the U.S. as Iraqi special immigrants on May 1st. They apply for MA in July. They are eligible for federally-funded MA through December 31st. They may also be eligible for retroactive MA for medical bills incurred in May and June.

Sponsor Deeming

There is no deeming of sponsor income for health care program eligibility, since the sponsor requirement does not apply to Iraqi and Afghan special immigrants.

End of Temporary Period of Federally-funded Benefits

After the temporary period for Iraqi or Afghan special immigrants has expired, eligibility must be determined for state-funded benefits as with all other LPRs under the five-year bar.

Pregnant Women

Special consideration and system coding may be needed for Iraqi or Afghan special immigrants who are pregnant women. Send a HealthQuest if an applicant or enrollee who is an Iraqi or Afghan special immigrant or family member reports pregnancy.

Eligibility for RMA

If an Iraqi or Afghan special immigrant is not eligible for MA, consider RMA for the balance of the temporary period of eligibility for federally-funded programs.

Systems Instructions

See Attachment A

LEGAL AUTHORITIES

National Defense Authorization Act for Fiscal Year 2006, Public Law 109-163, § 1059

National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181, § 1244(g)

Immigration and Nationality Act, § 101(a)(27)

The Consolidated Appropriations Act of 2008, Title V of Division G, Public Law 110-161

Personal Responsibility and Work Opportunity Act of 1996 (PRWORA)

Questions

Questions about this policy for Health Care Programs should be directed to HealthQuest.