

FACT SHEET

Medicaid Requirements for Non-Citizens

Are non-citizens eligible for Medicaid?

Certain non-citizens may be eligible for Medicaid. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 established specific criteria under which immigrants can receive federal means-tested public benefits, including Medicaid. According to this law, only aliens who arrived in the U.S. before August 22, 1996 or are considered “qualified aliens” and meet all other Medicaid requirements can potentially qualify for Medicaid. Individuals should apply for Medicaid at their local county office.

Who is considered a “qualified alien”?

A person may be considered a qualified alien if he/she is:

- lawfully admitted for permanent residence by the Immigration and Nationality Act (INA) and has worked 40 quarters (or obtained quarters from the spouse or parent [if quarters were worked prior to becoming age 18]) under the Social Security Act*
- granted asylum
- admitted to the U.S. as a refugee
- granted parole in the U.S. for a period of at least one year
- an alien whose deportation is being withheld
- a conditional entrant
- a Cuban or Haitian immigrant
- an Amerasian immigrant
- an alien or the child of an alien who has been battered or subjected to cruelty and whose case has been evaluated by the County Department of Job and Family Services (CDJFS)

* Each quarter an individual works per year is counted as a Social Security “credit.” As a person works and pays taxes, he or she earns credits that count toward eligibility for future Social Security benefits. (Quarters during which someone receives public assistance are not counted.) An individual can earn a maximum of four credits each year. Most people need 40 credits to qualify for benefits.

Additional eligibility

A person may be eligible for Medicaid if he/she is a non-citizen and is:

- not a qualified alien, but a victim of a severe form of trafficking, or
- an American Indian born in Canada.

Verification documents

Aliens applying for Medicaid must provide proof of their immigration status. Each applicant must provide a written declaration of alien status as well as documentation of qualified alien status from U.S. Citizenship and Immigration Services (USCIS).

Timeframe for receiving Medicaid benefits

If a non-citizen entered the U.S. before August 22, 1996 and meets all the Medicaid eligibility requirements, he or she can receive Medicaid benefits as soon as he or she applies and is approved.

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A non-citizen, who is a qualified alien who entered the U.S. on or after Aug. 22, 1996, remains ineligible for Medicaid for a period of five years. After this period, the qualified alien may be eligible if he/she:

- become a citizen
- worked 40 quarters
- a veteran or on active duty in the U.S. armed forces
- an indefinite detainee or lifer
- the spouse or unmarried dependent child of a veteran or person on active duty

Some individuals have potential eligibility for seven years from their date of entry into the U.S. They include: refugees, asylees, aliens whose deportation or removal is being withheld, and entrants who are Cuban, Haitian or Amerasian immigrants. After this period, these individuals may be eligible for Medicaid if they:

- became a citizen,
- worked 40 quarters,
- are veterans or on active duty in the U.S. armed forces
- are an indefinite detainee or lifer
- are the spouse or unmarried dependent child of a veteran or person on active duty

Other options for non-citizens who do not qualify for Medicaid

Immigrants who are not eligible for Medicaid may be eligible for Refugee Medical Assistance (RMA) or Alien Emergency Medical Assistance (AEMA).

The **RMA program** is for those who are classified as refugees by the U.S.C.I.S. and are not eligible for any other type of Medicaid. RMA is only available for the first eight months after an individual arrives in the U.S.

AEMA will only pay for medical costs for an emergency medical condition (including cost of childbirth, labor and delivery and for treatment already received) of aliens who do not qualify for Medicaid or qualified aliens who are in the five-year period of ineligibility. (A new application is required for each emergency medical condition episode. Applicants are not required to provide a social security number or documentation of immigration status [Rule 5101:1-41-20], but they must meet other eligibility criteria.