



**State of Florida
Department of Children and Families**

Rick Scott
Governor

Mike Carroll
Secretary

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TO: Economic Self-Sufficiency Operations Managers
Economic Self-Sufficiency Program Offices

FROM: Dianna Laffey, Chief, Program Policy
Suzanne Poirier, Chief, ESS Project Management
(Signatures on File)

SUBJECT: Medicaid Eligibility for Lawfully Residing Noncitizen Children up to age 19

EFFECTIVE: July 1, 2016

This memorandum provides new policy about Medicaid and Children's Health Insurance Program (CHIP) coverage for noncitizen children, up to age 19, who are lawfully residing in the United States and meet all other technical and financial eligibility criteria.

Background:

Effective July 1, 2016, House Bill 5101 permits the implementation of Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) eliminating the "five-year" ban for qualified noncitizen children, up to age 19, who are parolees, or lawful permanent residents (LPRs). The bill also provides eligibility for other lawfully residing noncitizen children who are residents of Florida, but were previously ineligible for Medicaid except for Emergency Medical Assistance for Noncitizens (EMA) based on their noncitizen status such as students, tourists, and Family Unity beneficiaries. To be considered lawfully residing the noncitizen child must have a valid Visa.

The law continues to prohibit Medicaid eligibility for children that have no legal status in the United States including those whose nonimmigrant Visa status has expired. EMA coverage continues to be available for individuals not meeting noncitizen requirements, but verify a medical emergency.

New Policy:

This policy change applies to all new or pending applications, renewals, additional benefit requests, and requests to add an individual to an existing benefit that include a Medicaid eligibility determination for a noncitizen child, completed on or after July 1, 2016.

Effective July 1, 2016, all lawfully residing noncitizen children, up to age 19, are:

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Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

- Potentially eligible for Medicaid (Family-Related, Child In Care and SSI-Related), including Medically Needy, regardless of their date of entry as long as they are in an immigration status considered “lawfully residing” as shown in Attachment 1
- All other technical and financial eligibility requirements such as residency, (application for) a social security number, Standard Filing Unit (SFU) rules, and household income rules must be met prior to providing Medicaid coverage and
- Exempt from deeming of income from sponsors

Apply the policy for Continuous Medicaid, Transitional Medical Assistance, a reasonable opportunity period (Provisional Coverage), etc., the same as applied for any other Medicaid eligible child. In addition, an ex-parte is required when a lawfully residing child turns age 19 to determine ongoing eligibility.

Applications, renewals, additional benefit requests, or retroactive Medicaid requests for months prior to July 2016, must be processed as EMA, if all other requirements are met. If all other requirements for EMA are not met, deny the coverage for the period prior to July 2016, but determine eligibility for coverage effective July 2016 forward, as appropriate.

Additional Information:

- Verification of Lawfully Residing Status:
 - Staff must verify a noncitizen child’s lawfully residing status at application and renewal via the Federal Data Services Hub (FDSH), the Systematic Alien Verification for Entitlements (SAVE) system or customer verification, as required. Staff must attempt to verify the status electronically with the information available (Attachment 2)
 - At renewal, staff must update the Alien/Refugee Information (AICZ) screen if a child’s noncitizen status has changed
- Residency:
 - Exists when the intent of the individual is to remain in the state
 - Is not dependent on the duration of the stay
 - Cannot be based on an individual’s immigration status, such as a temporary Visa which establishes lawful presence, not residency
 - Can be verified for a nonimmigrant Visa holder by employment or school records, lease agreements, Florida driver’s license or state ID card, etc. as outlined in policy passages 1430.0300, 1440.0303.01, and 1450.0303.01 and transmittal P-08-09-0010

There has been no change in eligibility for:

- Qualified noncitizens whose eligibility is not subject to the five-year ban such as Refugees, Asylees, or Cuban/Haitian Entrants
- Noncitizens age 19 and older
- Food Assistance (FA) or Temporary Cash Assistance (TCA) Program noncitizen policies

FLORIDA Instructions:

Medicaid eligibility for lawfully residing noncitizen children, up to age 19, will be established with the use of “alien status” codes 75 and 77 on the AICZ screen.

Code 75:

Code 75 provides technical eligibility on the factor of noncitizen status for food assistance and Medicaid for noncitizen children under the five-year ban. Assign code 75 on the AICZ screen in the “alien status” field to all qualified noncitizen children who are under the age of 18, and within the five-year ban, as applicable. Refer to Attachment 2, page 1 to find these statuses. **Do not use code 75 if the child is not eligible for food assistance benefits.**

Note: A five-year ban does not apply to all qualified noncitizen statuses.

Code 77:

Code 77 is a new code that provides technical eligibility on the factor of noncitizen status for Medicaid only. Assign code 77 on the AICZ screen in the “alien status” field to:

- All qualified noncitizen children who are age 18, up to age 19, still subject to the five-year ban, and
- All other lawfully residing noncitizen children, up to age 19, that are not in a qualified noncitizen status and are ineligible for food assistance benefits. Refer to Attachment 2, pages 2 and 3 to find these statuses.

Monthly reports will be run to identify all children receiving Medicaid:

- Under code 75 that are turning 18 years old and within the five-year ban. These children will need to be reassigned to code 77, to prevent eligibility for the Food Assistance Program. These children will no longer qualify for the Food Assistance Program, unless there has been a change in their noncitizen status or disability status.
- Under code 75 that reach their five-year ban end date. These children will need to be reassigned the appropriate noncitizen status code to ensure correct funding is used for payment by the Agency for Health Care Administration (AHCA).
- Turning 19 years old. This is an existing monthly report that identifies all children on Medicaid who are turning 19 years old. These children will need to be reassigned the appropriate noncitizen status code to reflect their noncitizen status. Unless there is a change in noncitizen status, these children will no longer be eligible for any Medicaid coverage other than EMA. The Medicaid coverage will fail due to technical ineligibility and will need to be closed.

There may be circumstances where an application is received for a child who is eligible for EMA prior to July 2016 and qualifies for Medicaid effective July 2016. Eligibility for the EMA and the Medicaid may be established using the following procedure:

1. Enter the appropriate alien status code on the AICZ screen, and the emergency date(s).
2. Run EDBC.
3. Open EMA coverage, as appropriate.
4. Change the "alien status" field to 75 or 77 on the AICZ screen, as appropriate.
5. Run EDBC and open Medicaid coverage effective July 2016.
6. Note all actions in CLRC.

Note: In order to ensure coverage is posted on FLMMIS, do not close EMA on the same day that the eligibility is approved.

If there are policy questions, region offices may contact Dorthene Baker at Dorthene.Baker@myflfamilies.com. If there are system questions, region offices may contact Ron Hardcastle at Ron.Hardcastle@myflfamilies.com.

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Lawfully Residing Status

1. Qualified Noncitizens including Victims of Severe Trafficking
2. Noncitizens with a valid Nonimmigrant Status (Visa holders)
3. Paroled for less than 1 year
4. Other:
 - a. Temporary Resident
 - b. Temporary Protected Status (TPS)
 - c. Employment Authorization
 - d. Family Unity Beneficiaries
 - e. Deferred Enforced Departure (DED)
 - f. Deferred Action Status (not including Deferred Action for Childhood Arrivals (DACA))
 - g. Administrative Stay of Removal
 - h. Approved Visa Petition with a Pending Application for Adjustment of Status
5. Pending Application for Asylum (other than Cuban/Haitian as they are Qualified Noncitizens), Withholding of Removal or Convention Against Torture who has also been Granted Employment Authorization or is under age 14 and their application has been pending for at least 180 days
6. Withholding of Removal under the Convention Against Torture
7. Pending Application for Special Immigrant Juvenile Status

Additional Information:

- A child may derive their lawfully residing status from their parent such as employment authorization, student, etc. These children are considered lawfully residing even though the status is “secondary” or derived from their parent’s status.
- A child is considered to be lawfully residing if lawfully present and otherwise meeting all other eligibility requirements.
- Do not request additional information regarding when a temporary immigration status will expire for a child considered lawfully residing. Lawful residing status should only be verified at application and renewal.

Examples:

1. An application for Medicaid is received on 7/25/2016, for a child age 15, with a verified lawfully residing status of nonimmigrant (student). All other eligibility requirements are met including (application for) a social security number and residency as verified by the child’s parent’s Florida driver’s license. Staff must enter code “77” for the child on the AICZ screen to authorize Medicaid coverage.
2. An application for food assistance and Medicaid is received on 6/29/2016, for a child age 10, with a verified lawfully residing status of Lawful Permanent Resident (LPR) and a date of entry less than 5 years. The case is processed on 7/2/2016, after verification of income is provided, and all other eligibility requirements are met including (application for) a social security number and residency as verified by the child’s parent’s lease agreement. Staff must enter code “75” for the child on the AICZ screen to authorize food assistance benefits and Medicaid coverage.

Lawfully Residing Noncitizen Child Job Aid

Lawfully Residing Status	COMMON Class of Admission (COA) Code on SAVE or Immigration Document	NEWLY Medicaid Eligible Effective 7/1/2016 as a Lawfully Residing Child up to age 19 without 5-year Ban (AICZ Code)	CURRENTLY Medicaid Eligible without 5-year Ban Prior to 7/1/2016 (AICZ Code)	Food Assistance Eligible under Age 18
Qualified Noncitizen Statuses				
<ul style="list-style-type: none"> • Lawful Permanent Resident- a noncitizen who lawfully immigrates to the US and has permission to work and live in the US 	AR1, AR6, C20, C22, C23, C24, C25, C27, C28, C29, CF2, CR2, C7, CX2, CX3, CX7, CX8, DV1, DV3, DV6, DV8, F20, F22, F24, F25, F27, F28, F29, FX2, FX3, FX7, FX8, IF2, IR2, IR3, IR4, IR7, IR8, IR9, IW2, IW7, MR7, P22, P23, P27, P28, IB2, IB3, IB7, IB8, B11, B12, B16, B17, B20, B22, B23, B24, B25, B27, B28, B29, B31, B33, B36, B38, BX2, BX3, BX6, BX7, BX8	<p style="text-align: center;">Currently 41 – Effective 7/1/2016 Code 75 (18 up to 19 years old, code 77)**</p>	39, 60, 61, 62	Yes
<ul style="list-style-type: none"> • Asylee- a noncitizen permitted to remain in the US based on a well-founded fear of persecution if returned to their native land 	AS1, AS3	No Change. Currently Medicaid Eligible	53, 64	Yes
<ul style="list-style-type: none"> • Refugee- a noncitizen admitted to the US based on a well-founded fear of persecution in their homeland based on race, religion, nationality, or social or political ties 	RE1, RE3, RE4	No Change. Currently Medicaid Eligible	52, 73	Yes
<ul style="list-style-type: none"> • Parolee- a noncitizen granted parole status for at least one year 	*	<p style="text-align: center;">Currently 50 – Effective 7/1/2016 Code 75 (18 up to 19 years old, code 77)**</p>	63	Yes
<ul style="list-style-type: none"> • Deportation Withheld- a noncitizen whose deportation has been withheld 	*	No Change. Currently Medicaid Eligible	56, 65, 66	Yes
<ul style="list-style-type: none"> • Cuban and Haitian Entrants- a noncitizen from Cuba or Haiti granted parole or any other status 	CU6, EW1	No Change. Currently Medicaid Eligible	54	Yes
<ul style="list-style-type: none"> • Battered or Abused Child or Child of a Battered Person- a noncitizen who is, or has been battered or subjected to extreme cruelty in the US by a family member with home they reside 	*	<p style="text-align: center;">Currently 45 – Effective 7/1/2016 Code 75 (18 up to 19 years old, code 77)**</p>	N/A	Yes
<ul style="list-style-type: none"> • Victims of Human Trafficking- a noncitizen who is the victim of severe forms of human trafficking 	*	No Change. Currently Medicaid Eligible	73	Yes

* SAVE information may include comments or a description regarding the lawfully residing status or a letter from the United States Citizenship and Immigration Services (USCIS) can be provided. ** Use code 75 up to age 18 for food assistance and Medicaid eligibility. Use code 77, age 18 up to age 19 for Medicaid eligibility.

July 1, 2016

Lawfully Residing Status	COMMON Class of Admission (COA) Code on SAVE or Immigration Document	NEWLY Medicaid Eligible Effective 7/1/2016 as a Lawfully Residing Child up to age 19 without 5-year Ban (AICZ Code)	CURRENTLY Medicaid Eligible without 5-year Ban Prior to 7/1/2016 (AICZ Code)	Food Assistance Eligible under Age 18
Other Lawfully Residing Statuses – Use code 77				
Nonimmigrant:				No
• Foreign Government Officials	A1, A2, Z83	Yes Code 77	No Potentially eligible for Emergency Medical Assistance for Noncitizens (EMA) coverage if all other requirements, including residency, are met. 58	No
• Visitors	B1, B2			No
• Transits	C1, C2, C3, C4			No
• Crewmen	D1, D2			No
• Traders and Investors	E1, E2			No
• Students (college, seminaries, language training programs, etc.)	F1, F2, M1, M2			No
• Representatives of International Organizations	G1, G2, G3			No
• Temporary Employees	H1, H2, H3, H4			No
• Foreign Media	I1			No
• Exchange Aliens	J1, J2			No
• Fiancées and Fiancés of US Citizens	K1, K2			No
• Intracompany Transferees	L1, L2			No
• Student (vocational or nonacademic)	M1, M2			No
• NATO Officials	N1, N2, N4			No
• Temporary Worker (science, arts, education, etc.)	O1, O2, O3			No
• Temporary Worker (artist, entertainer)	P1, P2, P3, P4			No
• Temporary Worker in International Cultural Exchange Program	Q1			No
• Religious Workers	R1, R2	No		
• Special Agricultural Worker	S1, S2	No		
Convention Against Torture-granted deferral of removal due to likelihood of torture if returned to a country	*	Yes Code 77	No	No
Special Immigrant Juvenile- a child declared dependent by a juvenile court that cannot be reunited with a parent	*	Yes Code 77	Yes, if an Unaccompanied Refugee Minor (URM) Program Participant	No
Paroled for less than one year- a parolee within the U.S. for less than one year	*	Yes Code 77	No	No

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Pending Application for Asylum, Withholding of Removal or Convention Against Torture- must be granted employment authorization or under age 14 and application pending for at least 180 days	*	Yes Code 77	No	No
Other Classes: • Temporary Resident- a nonimmigrant outlined above	GB, GT, H1, H2, H3, H4, P1, P2, P3, P4, Q1, R1, R2, WB, WT	Yes Code 77	No	No
• Temporary Protected Status (TPS)- temporarily prevented from returning to a country due to civil war, epidemic, etc.	TPS			No
• Granted Employment Authorization- authorized to work in the US	*			No
• Family Unity Beneficiaries- child of a legal alien	FUG			No
• Deferred Enforced Departure (DED)- in the US and not subject to removal as authorized by the President (Liberia)	*			No
• Deferred Action Status- Deferred Action	*			No
• Administrative Stay of Removal	*			No
• Visa Petition Approved or Pending Adjustment- approved for a Visa or pending adjusted of status to a nonimmigrant status outlined above	*			No

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