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For Office

Use Only:

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Name of Agency Department of Human Services

Department Division of Medical Services

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Statutory Authority for Promulgating Rules Arkansas Code Annotated 20-76-201

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01/01/2018

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Brad Nye brad.nye@dhs.arkansas.gov

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

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11/15/17

Date

Medical Services – Appendix C, Verification of Citizenship, Alien Status and SSN Enumeration

I. Citizenship Verification - Acceptable Documents for Proof of Citizenship

When citizenship cannot be verified through the Federal Data Services Hub (FDSH) or the SSA match, the worker must access Vital Records through ARFinds for verification of birth. If citizenship documentation cannot be obtained through Vital Records, specific forms of documentation may be acceptable evidence of citizenship. If an individual presents evidence from the listing of Primary Documentation, no other information is required.

To establish U.S. citizenship, the document must show a U.S. place of birth and that the person is a U.S. citizen. The documents must be original or certified copies. Copies of documents already obtained will be accepted as assumed made from the original unless questionable (e.g. stamped “copy”, or unreadable).

In general, the caseworker should obtain primary evidence of citizenship before using the secondary documentation or tertiary list. The following forms of documentation may be accepted:

Primary documentation– The highest reliability that conclusively establishes identification and citizenship.

- A U.S. Passport.
- A Certificate of Naturalization (United States Department of Homeland Security (USDHS) Forms N-550 or N-570).
- A Certificate of U.S. Citizenship (USDHS Forms N-560 or N-561).

Secondary documentation– Secondary evidence of citizenship is documentary evidence of satisfactory reliability that is used when primary evidence of citizenship is not available.

- A U.S. birth certificate.
- A Certification of birth issued by the Department of State (Form DS-1350).
- A Report of Birth Abroad of a U.S. Citizen (Form FS-240).
- A Certification of Birth Abroad (FS-545).
- An American Indian Card issued by the Department of Homeland Security with the classification code “KIC”. (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).
- Final adoption decree.
- Evidence of civil service employment by the U.S. government before June 1976.

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- An official military record of service showing a U.S. place of birth.
- A Northern Mariana Identification Card (issued by the USDHS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986).

Third level documentation– Third level evidence of U.S. citizenship is documentary evidence of satisfactory reliability that is used when neither primary nor secondary evidence of citizenship is available. This documentation includes:

- Extract of U.S. hospital record of birth established at the time of the person's birth, created at least 5 years before the initial application date and indicating a U.S. place of birth.
- Life or health or other insurance record created at least 5 years before the initial application date showing a U.S. place of birth.
- Religious records recorded in the U.S. within 3 months after the birth which show that the birth occurred in the U.S. showing the date of the birth of the individual or the individual's age at the time the record was made. These must be official records recorded with the religious organization (e.g., baptismal certificates). Entries in a family bible are not considered recorded religious records.
- Early school records which show the name of the child, the date of admission to the school, the date of birth (or age at the time the record was made), a U. S. place of birth, and the name(s) and place(s) of birth of the applicant's parents.

Fourth level documentation – Fourth level evidence of U.S. citizenship is documentary evidence of the lowest reliability. This level should **only** be used in the rarest of circumstances. This level of evidence is used only when primary evidence is not available, both secondary and third level evidence do not exist or cannot be obtained within the reasonable opportunity period, and the applicant alleges a U.S. place of birth. This documentation includes:

- Federal or State census record showing U.S. citizenship or a U.S. place of birth, as well as the applicant's age.
- Birth records that were recorded with vital statistics 5 years after a birth (a delayed birth record).
- Institutional admission papers from a nursing home, skilled nursing care facility or other institution created at least 5 years before the initial application date and which indicate a U.S. place of birth.

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- Medical (clinic, doctor, or hospital) record which was created at least 5 years before the initial application date and indicates a U.S. place of birth unless the application is for a child under 5.
- Other document that was created at least five years before application for Medicaid. These documents are Seneca Indian tribal census record, Bureau of Indian Affairs tribal census records of the Navaho Indians, U.S. State Vital Statistics official notification of birth registration, an amended U.S. public birth record that is amended more than 5 years after the person's birth or a statement signed by the physician or midwife who was in attendance at the time of birth.
- The Roll of Alaska Natives maintained by the Bureau of Indian Affairs.
- Written affidavit. This should be in rare circumstances when the applicant or recipient cannot provide evidence from another listing.

Written affidavits may be used in circumstances when the state is unable to secure evidence of citizenship from another listing. The affidavits must be supplied by at least two individuals, one of whom is not related to the recipient. Each must attest to having a personal knowledge of the event(s) establishing the recipient's claim of citizenship. Those making affidavits will be subject to prosecution for perjury. If the persons claiming knowledge of another's citizenship has information, which explains why documentary evidence establishing the claim of citizenship does not exist or cannot be readily obtained, the affidavit should contain this information as well.

A second affidavit from the recipient or other knowledgeable individual explaining why documentary evidence does not exist or cannot be readily obtained must also be requested.

II. Identity

If citizenship is verified with a document on the secondary or lower level listed above, providing proof of identity will be required. Acceptable forms of identity are:

1. Driver's license issued by the State or Territory either with a photograph of the individual or other identifying information of the individual such as name, age, sex, race, height, weight or eye color.
2. Identification card issued by the Federal, State or local government with the same information included on driver's licenses (e.g., ID card issued by DF&A).
3. School identification card with a photograph of the individual.

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4. U.S. military card or draft card.
5. Military dependent's identification card.
6. Certificate of Degree of Indian Blood or other U.S. American Indian/Alaska Native tribal document. This document must carry a photograph of the applicant or recipient.
7. Native American Tribal document.
8. U.S. Coast Guard Merchant Mariner card.
9. Sentencing order from a correctional facility.

NOTE: If the expiration date has expired, the ID is still acceptable.

III. Alien Status Verification - Using SAVE (Systematic Alien Verification for Entitlement)

At application, individuals will be requested to provide information of alien status including document type, alien number, document ID, date of entry into the United States and expiration date of document. This information will be electronically verified using the Verified Lawful Presence (VLP) service through the Federal Data Services Hub (Hub) for the MAGI population or through the web-based connection to SAVE for the non-MAGI population. When prompted, the paper G-845 will be utilized.

Electronic Verification

SAVE electronically verifies immigration status or naturalized or derived citizenship using a three-step process:

- **Initial Verification (first step)** - electronically compares information the agency enters against immigration databases and returns a response within seconds. The system will respond with the applicant's current immigration status or naturalized or derived citizenship information and other specific information (such as employment authorization, admit to/expiration date) or a message prompting the user to "Institute Additional Verification".
- **Additional Verification (second step)** - is initiated electronically by the agency. A Status Verifier with SAVE's Status Verification Operations (SVO) will conduct a manual search of immigration databases, including databases not automatically searched during the initial step. This step takes between 3–5 federal working days. The status verification system will return either the applicant's immigration status or U.S. citizenship

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information and other information such as employment authorization, admit to or expiration date or a request to “Resubmit with Doc”. The “Resubmit with Doc” response is the prompt for a third step verification. **Note:** The agency may use the Scan and Upload function at second step to electronically submit photocopies (front and back) of the applicant’s relevant immigration/citizenship documents when initiating second step verification and avoid the possibility of a “Resubmit with Doc” response. The benefit is that, except for very limited circumstances, the entire verification process will be completed at second step within 3-5 federal working days.

- **Third Step Verification** - is an electronic process for most agencies. The agency must submit photocopies (front and back) of the applicant’s relevant immigration documents to a designated SVO office. The photocopies can be submitted electronically with the Scan and Upload function or attached to a Form G-845, Verification Request, and sent by traditional mail. A Status Verifier conducts a manual search of immigration databases. Agencies should receive a response through the system within 3-5 days if using the Scan and Upload function or 10–20 federal working days if sent by traditional mail.

Paper Based G-845 Verification

The SAVE Program also provides a paper-based verification method as an alternative to the electronic system. It can be used to initiate a verification or to conduct third step verification. Agencies may verify an applicant’s immigration status or U.S. citizenship by mailing a USCIS Form G-845, Verification Request, with photocopies (front and back) of the applicant’s immigration document(s) to a designated SVO Office. The Status Verifier at the designated SVO office generally takes 10 to 20 federal working days from the date of receipt of the Form G-845 and document photocopies to conduct a manual search of immigration databases and mail the Form G-845 back to the agency with the applicant’s current immigration status or naturalized or derived citizenship information, or the action necessary to complete the verification process as indicated on the G-1120 or the G-845 Part 3.

IV. Alien Documentation Chart

The chart below shows the types of documentation that can be used to verify alien status, and additional verification that certain aliens must provide to verify that they are eligible for Medicaid (e.g., the date they were admitted to the U.S., or the date a particular alien status was granted or adjusted).

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NOTE: USDHS Form I-94 is processed electronically and can be retrieved online at www.cbp.gov/I94.

Alien Status	Acceptable Documentation of Alien Status	Medicaid Status
Amerasian Immigrant	<ul style="list-style-type: none"> • USDHS Form I-551, Permanent Resident Card, annotated AM6, AM7 or AM8. • Unexpired temporary I-551 stamp in a foreign passport annotated AM1, AM2 or AM3. • USDHS Form I-94, Arrival/Departure Record, annotated AM1, AM2 or AM3. 	Eligible Regardless of U.S. entry date
Asylee	<ul style="list-style-type: none"> • USDHS Form I-94, Arrival/Departure Record, noting admittance under section 208 of the INA. • USDHS Form I-94, Arrival/Departure Record, annotated AS-1, AS-2 or AS-3. • USDHS Form I-94, Arrival/Departure Record, with Visa 92 or V-92. • Order of an immigration judge granting asylum. • Written decision letter from the Board of Immigration Appeals. • USDHS Form I-730, Approval Letter. • USDHS Form I-766, Employment Authorization Document, annotated "AS." 	Eligible as of date asylum is granted
Battered Alien	<p>Proof of admission of entry date and one of the following documents:</p> <ul style="list-style-type: none"> • I-360 or I-130 petition with proof of filing (a file-stamped copy of the petition or another document demonstrating filing, such as a signed certified return receipt or cash register or computer-generated receipt). • Order or document from the Immigration Court or Board of Immigration Appeals granting suspension of deportation under INA section 244(a)(3), or cancellation or removal under INA section 204A(b)(2). • Application for cancellation of removal (Form EOIR 42B) or suspension of deportation (Form EOIR 40) with proof of filing (a file-stamped copy of the application or another document demonstrating filing, such as a signed certified return receipt or cash register or computer-generated receipt). • A document from the Immigration Court or Board of Immigration Appeals indicating that the applicant has established a prima facie case for suspension of deportation under INA section 244(a)(3), or cancellation of removal under INA section 204A(b)(2). 	<p>Barred for five (5) years if entered U.S. on or after 8/22/96</p> <p>Eligible if entered U.S. before 8/22/96</p>

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Alien Status	Acceptable Documentation of Alien Status	Medicaid Status
Canadian-born American Indian	<ul style="list-style-type: none"> • USDHS Form I-551, Alien Registration Receipt Card, coded S13. • I-551 stamp in a Canadian passport coded S13. • USDHS Form I-94, Arrival/Departure Record, coded S13. • Proof of tribal membership or a tribal document showing the individual has at least 50% American Indian blood. Proof of membership can be a tribal membership card, other tribal documents showing membership, or collateral contact with the tribe's government. 	Eligible Regardless of U.S. entry date
Conditional Entrant	<p>Proof of admission or entry date and one of the following documents:</p> <ul style="list-style-type: none"> • USDHS Form I-94, Arrival/Departure Record, with stamp showing admission under section 203(a)(7) of the INA. • USDHS Form I-766, Employment Authorization Document, annotated "A3." 	<p>Barred for five years if entered U.S. on or after 8/22/96.</p> <p>Eligible if entered U.S. before 8/22/96</p>
Cuban or Haitian Entrant	<ul style="list-style-type: none"> • USDHS Form I-551, Permanent Resident Card, annotated CU6, CU7 or CH6. • Unexpired temporary I-551 stamp in a foreign passport annotated AM1, AM2 or AM3. • USDHS Form I-94, Arrival/Departure Record, annotated CU6 or CU7, or with a stamp showing parole as "Cuban/Haitian Entrant" under section 212(d)(5) of the INA. 	Eligible regardless of U.S. entry date
Cuban or Haitian Entrants in the Haitian Family Reunification Program	<ul style="list-style-type: none"> • USDHS Form I-130, Petition for Alien Relative. • USDHS Form I-131, Application for Travel Document. • USDHS Form I-134, Affidavit of Support. • USDHS Form I-765, Application for Employment Authorization. <p>Once paroled into the United States, HFRP Program beneficiaries will meet the definition of Cuban/Haitian entrants under section 501(e)(1) of the Refugee Education and Assistance Act of 1980, as amended, and will be qualified aliens</p>	Eligible regardless of U.S. entry date.
Deportation or removal withheld	<ul style="list-style-type: none"> • USDHS Form I-766, Employment Authorization Document, annotated "A10." • Order of an immigration judge showing deportation withheld under section 243(h) or removal withheld under section 241(b)(3) of the INA and date of grant. 	Eligible Regardless of U.S. entry date
Lawfully admitted for permanent residence	<ul style="list-style-type: none"> • USDHS Form I-551, Permanent Resident Card. • Unexpired "Temporary I-551" stamp in a foreign passport. • USDHS Form I-94, Arrival/Departure Record, with a temporary I-551 stamp. 	<p>Barred for five years if entered U.S. on or after 8/22/96</p> <p>Eligible if entered U.S. before 8/22/96</p>

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Alien Status	Acceptable Documentation of Alien Status	Medicaid Status
Paroled into U.S. for at least one year	Proof of admission or entry date and USDHS Form I-94, Arrival/Departure Record, showing admission for at least one year under section 212(d)(5) of the INA. NOTE: The applicant cannot use admission periods for less than one year to meet the one-year requirement.	Barred for five years if entered U.S. on or after 8/22/96 Eligible if entered U.S. before 8/22/96
Refugee	<ul style="list-style-type: none"> • USDHS Form I-94, Arrival/Departure Record, showing entry under section 207 of the INA. • USDHS Form I-766, Employment Authorization Document, annotated "A3." • USDHS Form I-571, Refugee Travel Document. NOTE: Refugees who have adjusted to lawful permanent resident status are still considered refugees for Medicaid eligibility. If a refugee has a Form I-551, Permanent Resident Card*, it will be annotated RE-6, RE-7, RE-8, RE-9 or R8-6.	Eligible regardless of U.S. entry date
Veteran or active duty military personnel lawfully admitted for permanent residence (and families)	To verify alien status: <ul style="list-style-type: none"> • USDHS Form I-551, Permanent Resident Card. • Unexpired "Temporary I-551" stamp in a foreign passport. • USDHS Form I-94, Arrival/Departure Record, with a "Temporary I-551" stamp. To verify military status: <ul style="list-style-type: none"> • Honorably discharged veteran: Original or notarized copy of form DD214 (discharge papers). NOTE: This verification is sufficient when the veteran is a U.S. citizen, and the spouse or unmarried dependent children (or surviving spouse and unmarried dependent children of a deceased veteran) are aliens. <ul style="list-style-type: none"> • Active duty: Original or notarized copy of the current orders showing the person is on full-time duty in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard, or a DD form 2 military ID card (active duty papers). 	Eligible regardless of U.S. entry date
Other (legal or illegal)	Documents that indicate the person's alien status is one other than those specifically listed under Aliens Subject to Five-Year Bar (MS D-223) or under Aliens Exempt from Five-Year Bar (MS D-224) .	Ineligible regardless of U.S. entry date

The below chart lists the immigration status for lawfully present alien children under age 19 and pregnant women who are exempted from the five year bar waiting period:

Alien Status	Acceptable Documentation of Alien Status	Children under 19 and Pregnant Women
Qualified alien	<ul style="list-style-type: none"> • USDHS Form I-551, Permanent Resident Card. • Any verification from the immigration authorities or other authoritative documents indicating Qualified Alien. 	Eligible and exempted from the 5 year bar.

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Valid Non-Immigrant Status	<ul style="list-style-type: none"> • USDHS Form I-94, Arrival/Departure record. • Any verification from the immigration authorities or other authoritative documents indicating nonimmigrant Status. 	<p>Eligible and exempted from the 5 year bar.</p> <p>(This status includes non-immigrants from Micronesia, Marshall Islands, and Palau.)</p>
Paroled into United States for less than 1 year	<ul style="list-style-type: none"> • USDHS Form I-94, Arrival/Departure Card with a stamp displaying a grant of parole under Section 212 (d)(5) of the INA. The I-94 may be stamped "PIP" or "HP" • USDHS Form I-765, Application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766, Employment Authorization Document. • USDHS Form I-512 Parole Authorization annotated with the reason parole was granted under section 8 CFR. 	Eligible and exempted from the 5 year bar.
Temporary Resident Status	<ul style="list-style-type: none"> • USDHS Form I-687, Application for Status as a Temporary Resident. • Any verification from the immigration authorities or other authoritative documents indicating Temporary Status. 	Eligible and exempted from the 5 year bar.
Temporary Protected Status (TPS)	<ul style="list-style-type: none"> • USDHS Form I-765, Application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766, Employment Authorization Document. • Any verification from the immigration authorities or other authoritative documents indicating Temporary Protected Status. 	Eligible and exempted from the 5 year bar.
Employment Authorization	<ul style="list-style-type: none"> • USDHS Form I-765, Application for Employment Authorization. • Any verification from the immigration authorities or other authoritative documents indicating Employment Authorization. 	Eligible and exempted from the 5 year bar.
Family Unity Beneficiary	<ul style="list-style-type: none"> • USDHS Form I-797, Notice of Action showing approval of I-817, Application for Family Unity. • USDHS Form I-765, Application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-765, Employment Authorization Document. • Any verification from the immigration authorities or other authoritative documents indicating Family Unity status. 	Eligible and exempted from the 5 year bar.

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Deferred Enforced Departure (DED)	<ul style="list-style-type: none"> • USDHS Form I-765, Application for Employment Authorization, or receipt from USCIS indicating filing of application. • USDHS Form I-766, Employment Authorization Document. • Any verification from the immigration authorities or other authoritative documents indicating Deferred Enforced Departure status. 	Eligible and exempted from the 5 year bar.
Deferred Action Status	<ul style="list-style-type: none"> • USDHS Form I-797 indicating a notice of action for Deferred Action. • USDHS Form I-765, Application for Employment Authorization or receipt from USCIS indicating filing of application. • USDHS Form I-766, Employment Authorization Document. • Any verification from the immigration authorities or other authoritative documents indicating Deferred Action Status. 	Eligible and exempted from the 5 year bar except noncitizens granted deferred action under the Deferred Action for Childhood Arrivals (DACA) process are not considered lawfully present and is not eligible for Medicaid.
Administrative Stay of Removal	<ul style="list-style-type: none"> • USDHS Form I-246, Stay of Removal. • Any verification from the immigration authorities or other authoritative documents indicating Administrative Stay of Removal. 	Eligible and exempted from the 5 year bar.
VISA with Adjustment of Status	<ul style="list-style-type: none"> • USDHS Form I-94, Arrival/Departure Record. • USDHS Form I-485, Application to Register Permanent Residence or Adjust Status. • Any verification from the immigration authorities or other authoritative documents indicating VISA with Adjustment of Status. 	Eligible and exempted from the 5 year bar.
Asylum and for Withholding of Removal	<ul style="list-style-type: none"> • USDHS Form I-589, Application for Asylum and Withholding, filed. • USDHS Form I-765, Application for Employment Authorization, filed. • USDHS Form I-766, Employment Authorization Document 	Eligible and exempted from the 5 year bar.
Withholding of Removal under the Convention Against Torture	<ul style="list-style-type: none"> • USDHS Form I-589, Application for Asylum and for Withholding of Removal. • Any verification from the immigration authorities or other authoritative documents indicating Withholding of Removal under the Convention Against Torture. 	Eligible and exempted from the 5 year bar.
Special Immigrant Juvenile	<ul style="list-style-type: none"> • USDHS Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. • Any verification from the immigration authorities or other authoritative documents indicating Special Immigrant Juvenile. 	Eligible and exempted from the 5 year bar.

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Victim of Severe Trafficking	<ul style="list-style-type: none">• USDHS Form I-914, Application for T-Nonimmigrant Status.• USDHS Form I-918, Petition for U-Nonimmigrant Status.• Any verification from the immigration authorities or other authoritative documents indicating Victim of Severe Trafficking.	Eligible and exempted from the 5 year bar.
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V. Social Security Number (SSN) Enumeration

SSNs that have mismatched through the electronic verification process will be submitted to the queue with a message that the SSN could not be verified.

To resolve the mismatch, first check for obvious mismatches, (e.g., errors in keying the SSN, sex, name or date of birth). Next check SOLQ to determine if a correction can be made in the system from the SSA data on SOLQ.

Other methods of resolving a mismatch include:

- Viewing the social security card. The name in the system must match the name on the social security card; and
- Viewing a copy of the birth certificate or other proof of age or date of birth mismatch.

Household Cooperation in Clearing the Mismatch

When declared SSNs are returned by SSA as unverified, it is often necessary for the household to furnish the information necessary to resolve the mismatch.

A request for contact must be issued by the caseworker to advise the recipient of the mismatch, what caused the problem (e.g., name is incorrect) and what information must be provided to resolve the problem. The recipient will be given 10 days to furnish the information. If the household does not furnish the needed information by the end of the designated 10-day period an advance notice of adverse action will be issued.

The notice will specify that:

1. the recipient has 10 days to furnish the information needed to clear the SSN mismatch;
2. failure to provide the information will result in terminating eligibility for the individual whose SSN has not been verified or closure of the case if applicable; and

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3. If there are problems in obtaining the needed material the recipient should contact the DCO county office at once.

If the recipient claims that the information needed to clear the mismatch report cannot be furnished, the caseworker must substantiate the inability to provide the needed information. For example, a household may claim it cannot verify a name change because official records were destroyed in a fire. The case worker would attempt to verify the occurrence of the fire because SSA records cannot be corrected without the missing documentation. If the caseworker verifies that the recipient cannot provide the information needed to verify the SSN, the individual may continue to participate if otherwise eligible.

All actions taken to clear SSN mismatches must be fully documented in the system.

Monitoring

The DCO Supervisor, or designee in the absence of the supervisor, will be responsible for monitoring the mismatch notifications.

MEDICAL SERVICES POLICY MANUAL, SECTION B

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B-250 Unborn Child (Pregnant Woman)

B-250 Unborn Child (Pregnant Woman)

MS Manual 07/??/17

This group consists of non-citizen pregnant women who do not meet the alienage requirements for Medicaid and whose household income is at or below 209% of the federal poverty level for the appropriate household size. This includes pregnant women who are either of the following:

- Lawfully admitted aliens who do not yet meet the 5 year residency requirements or one of the conditions listed in D-224;
- Undocumented aliens.

The purpose of this group is to provide pre-natal care to the unborn child who is expected to be born in the United States. As this coverage is intended to benefit unborn children who will be U.S. citizens at birth, the pregnant woman will not qualify for this coverage if she intends to leave the U.S. before the baby is born.

This group is also different from the other Pregnant Women groups in that it receives an enhanced federal match rate under the Children's Health Insurance Program (CHIP). The CHIP enhanced funding coverage is available only to pregnant women who have no other insurance that covers pregnancy related services.

The non-citizen pregnant woman will receive postpartum coverage. Postpartum coverage is through the end of the month in which the 60th day from the date of delivery falls.

MEDICAL SERVICES POLICY MANUAL, SECTION D

D-200 General Citizenship and Alien Status Requirements

D-201 Declaration of Citizenship or Satisfactory Alien Status

D-200 General Citizenship and Alien Status Requirements

MS Manual 01/01/14

Medicaid coverage will only be provided to those individuals verified to be citizens or nationals of the United States or an alien in satisfactory immigration status.

D-201 Declaration of Citizenship or Satisfactory Alien Status

MS Manual 01/30/15

The Immigration Reform and Control Act of 1986 (IRCA) requires that all Medicaid applicants and recipients must declare in writing under penalty of perjury that they are citizens or nationals of the United States, or that they are an alien in satisfactory immigration status.

For individuals declaring to be U.S. citizens or nationals, the declaration will be made at the time of application. If the application was made via an application form, then the application form itself will serve as the declaration of citizenship.

For applicants declaring to be aliens in satisfactory status, form DCO-9, Declaration of Citizenship or Satisfactory Immigration Status, must be completed regardless of the application form used. If the applicant is unable to sign, the authorized representative's declaration on the application form will be accepted as the declaration of citizenship.

In LTC cases where the recipient or legal guardian has completed an application form, no further action for this requirement is necessary. In instances where an authorized representative other than a legal guardian has signed the application, the applicant should sign the DCO-9, unless he or she is physically or mentally incompetent to do so. If the applicant is unable to sign, the authorized representative's declaration on the application form will be accepted as the declaration of citizenship.

Once an adult has provided the declaration of citizenship or satisfactory immigration status for himself, herself or others, a declaration will not be required again unless the individual loses eligibility. If the individual later applies, a new declaration of citizenship or satisfactory immigration status will be obtained.

D-210 Citizenship

MS Manual 10/01/17

48 U.S.C. 1806e

Consider any person born in the United States to be a citizen. People born abroad are considered U.S. citizens when at least one of the parents is a U.S. citizen. Also, consider a

MEDICAL SERVICES POLICY MANUAL, SECTION D

D-200 General Citizenship and Alien Status Requirements

D-211 Citizenship of Children Born Outside of the U.S.

person who is a U.S. national the same as a U.S. citizen. A U.S. national is a person who is born in one of the U.S. territories. The U.S. territories include:

- Puerto Rico
- Guam
- The Virgin Islands
- The Northern Mariana Islands
- American Samoa
- The Swain Islands

People who are not citizens or nationals can become citizens through the process of naturalization.



NOTE: Citizens of the Marshall Islands including Palau and Micronesia are under a Compact of Free Association with the United States. They are free to travel to and from the U.S. without a visa. They are not U.S. citizens, nor are they under an alien status. Marshall Island pregnant women and children who are lawfully residing in the United States may be approved for Medicaid if they meet all other eligibility criteria for the category being applied for ([MS D-224](#)). However, other Marshall Island individuals are not eligible for Medicaid except for Emergency Medicaid Services ([MS B-500](#)).

Citizenship must be verified for all Medicaid applicants declaring to be U.S. citizens or nationals. Refer to MS G-130 for verification requirement.

D-211 Citizenship of Children Born Outside of the U.S.

MS Manual 10/01/17

A child born abroad to at least one parent who is a U.S. citizen automatically becomes a U.S. citizen at birth if the parent(s) reports the birth to an American Consular Office and registers for a Consular Report of Birth (FS-240). An original FS-240 is furnished to the parent(s) at the time the registration is approved.

The Child Citizenship Act of 2000 allows the automatic acquisition of U.S. citizenship for both biological and adopted children of U.S. citizens who are born abroad and who do not acquire U.S. citizenship at birth. Under this act, a child born outside of the United States automatically becomes a citizen when the following conditions are met:

- At least one parent is a U.S. citizen whether by birth or naturalization.

MEDICAL SERVICES POLICY MANUAL, SECTION D

D-200 General Citizenship and Alien Status Requirements

D-220 Alien Status

- The child is under the age of 18.
- The child is residing in the U.S. in the legal and physical custody of the U.S. citizen parent after having been lawfully admitted into this country as an immigrant for lawful permanent residence.
- If the child has been adopted, the adoption must be final.

If a child's citizenship is questionable, the following documents can be used if needed to verify that the child has acquired U.S. citizenship:

- Certificate of Citizenship (N-560 or N-561).
- Certificate of Naturalization (N-550 or N-570).

If proof of citizenship is needed but documentation is not available, refer the person to the United States Department of Homeland Security (USDHS) for a determination of U.S. citizenship.

D-220 Alien Status

MS Manual 10/01/17

431 of PRWORA

This section contains policy relating to eligibility requirements for individuals who are aliens or immigrants. The immigration status of aliens who appear to be eligible for Medicaid must be verified. If the applicant claims alien status, he or she must provide documentation from the USDHS verifying their status. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P. L. 104-193, enacted August 22, 1996, changed Medicaid eligibility for individuals who are not citizens of the United States. This act divides immigrants into two basic categories:

- "Qualified Aliens" - those legally living in the United States and meeting one of the conditions at [MS D-223](#) or [MS D-224](#).
- "Nonqualified Aliens" - those living in the United States without meeting legal conditions or those admitted legally but not meeting one of the conditions at [MS D-223](#) or [MS D-224](#).

Medicaid eligibility for aliens is determined by whether the alien is qualified or nonqualified and whether the individual meets the other eligibility requirements for Medicaid. In addition to alien status, the individual must meet all eligibility factors for the category for which he/she is applying. Applicants must provide documentation of qualified alien status for each person for

MEDICAL SERVICES POLICY MANUAL, SECTION D

D-200 General Citizenship and Alien Status Requirements

D-221 Alien Categories

whom Medicaid is being requested. Refer to [MS G-140](#) for alien verification requirements. If an alien has a sponsor, the sponsor's income and resources may be deemed available to the alien when determining eligibility ([MS E-300](#)).

Qualified aliens who entered the United States before August 22, 1996 are generally eligible for Medicaid, provided they meet other eligibility criteria.

Qualified aliens who entered the United States on or after August 22, 1996, are barred from participation in Medicaid (with the exception of emergency services) for five years from the date of entry. After these individuals have been in the U.S. for five years, their sponsors' income may then be deemed available to them for determining income eligibility for Medicaid with some exceptions. Refer to [MS E-300](#) and [MS E-445](#). Certain groups of qualified aliens are exempt from this five-year bar. Refer to [MS D-223](#) – [MS D-224](#) for conditions of exemption.

Nonqualified aliens who meet the other Medicaid eligibility requirements are eligible for emergency Medicaid services only. Refer to [MS B-500](#). A nonqualified (undocumented) alien woman who is pregnant may be eligible for Pregnant Woman Unborn Child ([MS B-250](#)).

D-221 Alien Categories

MS Manual 10/01/17

Any person who is not a citizen or national of the United States is termed an alien. Definitions for some of the different types of aliens are found below:

- **Non-immigrant** - an alien who seeks temporary entry to the U.S. for a specific purpose.
- **Asylee** - an alien living in the U.S. who is unable or unwilling to return to his/her country of origin, or the last place they lived, or unwilling or unable to seek protection of that country because of persecution or a well-founded fear of persecution. Persecution or the fear of persecution may be based on the alien's race, religion, nationality, social status, or political opinion.
- **Refugee** - an alien living outside his/her country of nationality who is admitted into the U.S. because the individual is unable or unwilling to return to that country (or to the place they last lived) because of fear of persecution. Fear of persecution may be based on the individual's race, religion, nationality, social status or political opinion.
- **Qualified Alien** - an alien lawfully admitted and lawfully accorded the privilege of residing permanently in the United States. Qualified aliens are ineligible for medical benefits, except emergency medical assistance, for five years from the date of entry to

MEDICAL SERVICES POLICY MANUAL, SECTION D

D-200 General Citizenship and Alien Status Requirements

D-222 Public Charge

the U.S., unless they are exempt from the five-year bar. Alien groups exempt from the five-year bar are discussed at [MS D-224](#).

- **Non-qualified Alien** - an alien who is living in the U.S. as an illegal alien or a legal alien who does not meet one of the conditions at [MS D-223](#) or [MS D-224](#). Conditions of eligibility for emergency medical services for non-qualified aliens are discussed at [MS B-500](#). For additional information regarding Non-Qualified Aliens see ([MS D-230](#)).

D-222 Public Charge

MS Manual 10/01/17

“Public Charge” has been a part of U.S. immigration law for more than 100 years as grounds for inadmissibility and deportation. Identification by the United States Department of Homeland Security (USDHS) as a public charge can be grounds for denying admission into the United States, for denying an application for permanent resident status, and in rare cases for deportation.

In 1999, the Justice Department issued regulations to clarify that receipt of most forms of Medicaid would not result in a public charge finding. To be considered a public charge by the USDHS, an alien must:

- Have become or be likely to become primarily dependent on the government for survival through receipt of public cash assistance, or
- Be institutionalized at government expense in a long-term care facility.

Institutionalization in a long-term care facility includes residing in a nursing home or mental health institution. Short-term institutionalization for rehabilitation is not considered as public charge.

The receipt of cash assistance or being institutionalized for long-term care does not automatically cause the individual to be considered a public charge. The USDHS also considers a number of other factors, such as the individual’s age, health, financial status, education, and skills. Each determination is made on a case by case basis.

MEDICAL SERVICES POLICY MANUAL, SECTION D

D-200 General Citizenship and Alien Status Requirements

D-223 Aliens Subject to Five-Year Bar

D-223 Aliens Subject to Five-Year Bar

MS Manual 10/01/17

431 of PRWORA

Individuals shown below, who entered the U.S. on or after August 22, 1996, are barred from receiving Medicaid except emergency services for five years. The five-year period begins on the date the individual entered the U.S. with one of the following statuses:

- Aliens **lawfully admitted for permanent residency**.
- Aliens **paroled** into the U.S as Central American Minors for a period of at least two years.
- Aliens **paroled** into the U.S. under section 212(d)(5) of the Immigration and Nationality Act (INA) for a period of at least one year.
- Aliens granted **conditional entry** under section 230(a)(7) of the INA as in effect before April 1, 1980.
- **Battered** aliens under 8 USC 1641(c). For the alien and children to emigrate or remain in the United States, the alien's spouse must file a petition for lawful permanent residence status via USDHS Form I-130, Petition for Alien Relative. Unless the spouse files this petition, the alien and children have no lawful immigrant status and face being deported. Since the 1994 enactment of the Violence Against Women Act, a battered alien may self-petition for lawful permanent residency via USDHS Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, without the cooperation or knowledge of the abuser.

The battered alien may be eligible for Medicaid if he/she entered the U.S. before August 22, 1996. If the date of entry is on or after August 22, 1996, the battered alien, spouse or child is subject to the five-year bar, except for emergency medical treatment .



NOTE: Pregnant Women and children who are legally residing in the United States, may be eligible without meeting the five year bar if they meet one of the conditions listed at [MS D-224](#).

Due to the abusive relationship, battered aliens may not have access to the needed USDHS documents. Applicants without documentation should be referred to the USDHS Forms Request Line, 1-800-870-3676.

MEDICAL SERVICES POLICY MANUAL, SECTION D

D-200 General Citizenship and Alien Status Requirements

D-224 Aliens Exempt from Five-Year Bar

D-224 Aliens Exempt from Five-Year Bar

MS Manual 10/01/17

431 of PRWORA

Aliens with the following statuses are potentially eligible for Medicaid from the date the status is obtained:

- **Refugees** admitted under section 207 of the Immigration and Nationality Act (INA).
- **Iraqi and Afghan Special Immigrants** admitted as lawfully permanent residents but treated as refugees.
- Aliens granted asylum under section 208 of the INA.
- Aliens whose deportation or removal is withheld under section 243(h) or section 241(b) (3) of the INA.
- **Cuban or Haitian entrants** under section 501(e) of the Refugee Education Assistance Act of 1980.
- **Cuban or Haitian entrants** in the Haitian Family Reunification Program.
- **Amerasian immigrants.**
- **Canadian born American Indians** who have treaty rights to cross the U.S. borders with Canada and Mexico.
- Aliens lawfully living in the United States on 8/22/96 who were receiving AABD Medicaid at that time may continue to receive Medicaid benefits. This applies only to AABD categories.
- Aliens lawfully living in the United States on 8/22/96 who subsequently become blind or disabled may receive Medicaid benefits in the future.
- Aliens lawfully admitted for permanent residence who are **veterans** honorably discharged for reasons other than alienage, and their spouses, surviving un-remarried spouses, and unmarried dependent children. This includes alien spouses, surviving un-remarried spouses, and unmarried dependent children of veterans who are U.S. citizens or deceased veterans.
- Aliens lawfully admitted for permanent residence who are **active-duty personnel of the United States Armed Forces** and their spouses, surviving un-remarried spouses, and

MEDICAL SERVICES POLICY MANUAL, SECTION D

D-200 General Citizenship and Alien Status Requirements

D-224 Aliens Exempt from Five-Year Bar

unmarried dependent children. This includes alien spouses, surviving un-remarried spouses, and unmarried dependent children of active duty personnel who are U.S. citizens or deceased active duty personnel. Active duty excludes temporary full-time duty for training purposes performed by members of the National Guard or Reserves.

- Pregnant Women and Children who are lawfully present. This includes but is not limited to pregnant women and children in the following statuses:
 - 1) A qualified alien as defined in 8 U.S.C. 1641 (b) and (c)
 - 2) An alien in a valid non-immigration status, as defined in 8 U.S.C. 1101 (a)(15) or otherwise under the immigration laws as defined in 8 U.S.C. 1101 (a) (17);
 - 3) An alien who has been paroled into the United States in accordance with 8 U.S.C. 1182 (d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;
 - 4) An alien who belongs to one of the following classes:
 - Granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, respectively;
 - Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. 1254a, and individuals with pending application for TPS who have been granted employment authorization;
 - Granted employment authorization under 8 CFR 274a. 12c;
 - Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;
 - Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;
 - Granted Deferred Action status;
 - Granted an administrative stay of removal under 8 C.F.R.241;
 - Beneficiary of approved visa petition who has a pending application for adjustment of status;

MEDICAL SERVICES POLICY MANUAL, SECTION D

D-200 General Citizenship and Alien Status Requirements

D-226 Victims of Trafficking

- 5) An alien with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture who:
 - Has been granted employment authorization; or
 - Is under the age of 14 and has had an application pending for at least 180 days;
- 6) An alien who has been granted withholding of removal under the Convention Against Torture;
- 7) A child who has a pending application for Special Immigration Juvenile status as described in 8 U.S.C. 1101(a)(27)(J);
- 8) Is lawfully present in the Commonwealth of the Northern Mariana Islands under 48 U.S.C. 1806(e); or
- 9) Is lawfully present in American Samoa under the immigration laws of American Samoa.

EXCEPTION: An alien with deferred action under the USDHS's deferred action for childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered lawfully present with respect to any of the above categories.



NOTE: Documentation that is required to verify lawfully residing status is found at [Appendix C](#).

D-226 Victims of Trafficking

MS Manual 01/01/14

Public Law 104-193 states that aliens who are certified as victims of trafficking by the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) are eligible aliens for Medicaid purposes. Eligibility for victims of trafficking is determined in the same manner as Medicaid for refugees.

Trafficking is defined as all acts involved in the movement of human beings, usually women and children, from one country to another or within national borders for sexual exploitation or forced labor.

MEDICAL SERVICES POLICY MANUAL, SECTION D

D-200 General Citizenship and Alien Status Requirements

D-230 Non-Citizens Eligible for Emergency Services

Adults who are certified as victims of trafficking receive an ORR certification letter. Children who are victims of trafficking receive an eligibility letter or an interim assistance letter. An interim assistance letter is given to a child who may have been subjected to trafficking to allow the child to be eligible to receive benefits and services for a 90-day period. Certification letters no longer contain an expiration date. A victim of trafficking is eligible to apply for Medicaid starting with the date of certification by ORR. If eligible, Medicaid coverage will be valid for one eight month period. If Medicaid coverage is needed beyond the initial eight months, the initial certification letter will be used to establish continued eligibility.

Follow the usual procedures for determining eligibility for refugees except:

- Accept the original ORR certification letter for adults or the eligibility or interim assistance letter for children under 18 in place of INS documentation.
- Contact the trafficking verification line at 202-401-5510 to confirm the validity of certification letters for adults and 202-205-4582 to confirm the validity of eligibility or interim assistance letters for children and to notify ORR of the assistance for which the individual has applied.



NOTE: Do not contact SAVE concerning victims of trafficking.

If the worker suspects that an applicant may be a victim of trafficking but does not have the required certification or eligibility letter, the worker will contact ORR at the above telephone numbers for verification of a certified letter.

D-230 Non-Citizens Eligible for Emergency Services

MS Manual ??/??/17

435.956(c)(2)

The USDHS issues non-immigrant visas to people who indicate that they are seeking entry for a temporary purpose. These non-immigrants are eligible for emergency services if they meet all other requirements including State residency. The following groups of people may be eligible in this category:

- Foreign government representatives on official business and their families and servants.
- Visitors for business or pleasure, including exchange visitors.
- Aliens traveling through the U.S.
- Crew members on shore leave.
- Treaty traders and investors and their families.

MEDICAL SERVICES POLICY MANUAL, SECTION D

D-200 General Citizenship and Alien Status Requirements

D-230 Non-Citizens Eligible for Emergency Services

- Foreign students and their families who are here as dependents and are not otherwise eligible.
- International organization representatives and personnel and their families and servants.
- Temporary workers including agricultural contract workers.
- Members of foreign press, radio, film or other information media and their families.



NOTE: This is not an all-inclusive list.

MEDICAL SERVICES POLICY MANUAL, SECTION E

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E-300 Sponsor Affidavits of Support and Deeming

E-300 Sponsor Affidavits of Support and Deeming

MS Manual ??/17

PRWORA of 1996

Alien sponsor deeming established by the PRWORA, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), P. L. 104-208, and the Balanced Budget Act of 1997 (BBA), P. L. 105-33 will apply to all Medicaid categories.

Alien sponsor deeming will be applied to those aliens who are Lawfully Admitted Permanent Residents (LAPRs) that have been in the United States for five years. Refer to [MS E-445](#) for exceptions to deeming for an alien's sponsor.

Aliens who seek admission to the U.S. as LAPRs must establish that they will not become a public charge (Re. [MS D-222](#)). Many aliens enter the country by having a sponsor who pledges to support them to establish that they will not become a public charge.

A sponsor is a person who signs an Affidavit of Support agreeing to support an alien as a condition of the alien's admission for permanent residence in the U.S. An alien may have more than one sponsor. There are two versions of the Affidavit of Support:

- *Affidavit of Support, form I-134 (Now unenforceable.)*
- *Affidavit of Support, form I-864 (Effective December 19, 1997.)*

The process of counting the sponsor's income and resources for the sponsored alien is called deeming. Deeming will not apply when the sponsor is:

- An organization such as a church or service club,
- An employer who does not sign an Affidavit of Support, or
- The alien's eligible or ineligible spouse or parent whose income is otherwise considered in determining the alien's Medicaid eligibility.

A sponsored alien and the alien's spouse, if there is one, are responsible for providing information and documentation about the alien's sponsor and the sponsor's spouse. If the alien appears to be eligible for benefits but does not have the Affidavit of Support or does not know if there is a sponsor, instruct the alien to contact the United States Department of Homeland Security (USDHS) to obtain a copy of the Affidavit of Support. If the applicant requires

MEDICAL SERVICES POLICY MANUAL, SECTION E

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E-300 Sponsor Affidavits of Support and Deeming

assistance, the caseworker may request information from the USDHS by submitting Forms G-845 and G-845 Supplement.

The USDHS will certify whether an alien has a sponsor and if so, what kind of affidavit the sponsor signed. Do not deem income or resources from a sponsor that has signed the old version, I-134, Affidavit of Support, or I-361, Affidavit of Financial Support and Intent to Petition for Legal Custody, as these affidavits are not considered enforceable.

Deeming instructions are shown below for individuals applying for Medicaid having an I-864, Affidavit of Support:

- Count all income of the sponsor and sponsor's spouse living in the same household as if they were income and resources of the alien.
- Do not allow deductions from the sponsor's income or resources.
- Count the sponsor's income as the alien's unearned income and use it to determine the alien's eligibility.
- Do not count the sponsor's income when determining eligibility for the alien's eligible children.
- Do not include the sponsor in the alien's household size.

Deeming continues until one of the following conditions is met:

- The sponsored immigrant becomes a U.S. citizen.
- The sponsored immigrant leaves the U.S. permanently.
- The sponsored immigrant or the sponsor dies.

MEDICAL SERVICES POLICY MANUAL, SECTION E

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E-445 Exceptions to Deeming for Alien's Sponsor

E-445 Exceptions to Deeming for Alien's Sponsor

MS Manual ??/??/17

Deeming from the alien's sponsor can be suspended for some aliens. The following aliens are not subject to deeming:

- Aliens who do not have sponsors.
- Aliens who have been battered or subject to extreme cruelty in the United States, and their children or parents who have been battered or subject to extreme cruelty. The abuse may be perpetrated by a U.S. citizen or lawful permanent residence spouse, parent, or their family members living in the same household in the U.S. This exception applies for 12 months from the date of determination that the alien has been battered. (Re. [MS D-223](#))
- Aliens who are indigent. An alien with a sponsor who signed form I-864, Affidavit of Support and the alien is unable to obtain food and shelter. If the alien lives with the sponsor, it will be assumed that the sponsor is providing food and shelter and the indigence exception will not be granted, and deeming will apply. If the alien is living apart from the sponsor, consider the alien unable to obtain food and shelter if:
 - ✓ The income the alien receives is less than the income limit for the category of Medicaid for which the individual would be eligible.
 - ✓ The resources available to the alien are under the resource limit for the Medicaid category for which the alien would be eligible.
- Aliens who can attain citizenship.
- Aliens qualifying for Emergency Medicaid services only. (Re. [MS B-500](#))
- Pregnant women and children who meet one of the conditions in D-224.



Medicaid Eligibility

State Name: Arkansas

OMB Control Number: 0938-1148

Transmittal Number: AR - 17 - 0007

Non-Financial Eligibility

Citizenship and Non-Citizen Eligibility

S89

1902(a)(46)(B)
8 U.S.C. 1611, 1612, 1613, and 1641
1903(v)(2),(3) and (4)
42 CFR 435.4
42 CFR 435.406
42 CFR 435.956

State: Arkansas
Date Received: 1 August, 2017
Date Approved: 26 October, 2017
Effective Date: 1 January, 2018
Transmittal Number: 17-007

Citizenship and Non-Citizen Eligibility

The state provides Medicaid to citizens and nationals of the United States and certain non-citizens consistent with requirements of 42

- ☒ CFR 435.406, including during a reasonable opportunity period pending verification of their citizenship, national status or satisfactory immigration status.

- ☐ The state provides Medicaid eligibility to otherwise eligible individuals:

- ☐ Who are citizens or nationals of the United States; and

Who are qualified non-citizens as defined in section 431 of the Personal Responsibility and Work Opportunity

- ☐ Reconciliation Act (PRWORA) (8 U.S.C. §1641), or whose eligibility is required by section 402(b) of PRWORA (8 U.S.C. §1612(b)) and is not prohibited by section 403 of PRWORA (8 U.S.C. §1613); and

- ☐ Who have declared themselves to be citizens or nationals of the United States, or an individual having satisfactory immigration status, during a reasonable opportunity period pending verification of their citizenship, nationality or satisfactory immigration status consistent with requirements of 1903(x), 1137(d), 1902(ee) of the SSA and 42 CFR 435.406, and 956.

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

The agency provides for an extension of the reasonable opportunity period if the individual is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process.

☒ Yes ☐ No

The agency begins to furnish benefits to otherwise eligible individuals during the reasonable opportunity period on a date earlier than the date the notice is received by the individual.

☐ Yes ☒ No

The state provides Medicaid coverage to all Qualified Non-Citizens whose eligibility is not prohibited by section 403 of PRWORA (8 U.S.C. §1613).

☒ Yes ☐ No

The state elects the option to provide Medicaid coverage to otherwise eligible individuals under 21 and pregnant women, lawfully residing in the United States, as provided in section 1903(v)(4) of the Act.

TN NO: 17-007
Supersedes: 13-018

Approved: 10/26/17

Effective: 1/1/2018



Medicaid Eligibility

☒ Yes ☐ No

☒ Pregnant women

☒ Individuals under age 21:

☐ Individuals under age 21

☐ Individuals under age 20

☒ Individuals under age 19

State: Arkansas

Date Received: 1 August, 2017

Date Approved: 26 October, 2017

Effective Date: 1 January, 2018

Transmittal Number: 17-007

☒ An individual is considered to be lawfully residing in the United States if he or she is lawfully present and otherwise meets the eligibility requirements in the state plan.

☒ An individual is considered to be lawfully present in the United States if he or she:

1. Is a qualified non-citizen as defined in 8 U.S.C. 1641(b) and (c);
2. Is a non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. 1101(a)(17));
3. Is a non-citizen who has been paroled into the United States in accordance with 8 U.S.C. 1182(d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;
4. Is a non-citizen who belongs to one of the following classes:
 - ☒ Granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, respectively;
 - ☒ Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. §1254a, and individuals with pending applications for TPS who have been granted employment authorization;
 - ☒ Granted employment authorization under 8 CFR 274a.12(c);
 - ☒ Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;
 - ☒ Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;
 - ☒ Granted Deferred Action status;
 - ☒ Granted an administrative stay of removal under 8 CFR 241;
 - ☒ Beneficiary of approved visa petition who has a pending application for adjustment of status;
5. Is an individual with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture who -
 - ☒ Has been granted employment authorization; or
 - ☒ Is under the age of 14 and has had an application pending for at least 180 days;
6. Has been granted withholding of removal under the Convention Against Torture;
7. Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. 1101(a)(27)(J);
8. Is lawfully present in American Samoa under the immigration laws of American Samoa; or



Medicaid Eligibility

9. Is a victim of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 U.S.C. 7105(b));

10. **Exception:** An individual with deferred action under the Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (1) through (9) of this definition.

☐ Other

☒ The state assures that it provides limited Medicaid services for treatment of an emergency medical condition, not related to an organ transplant procedure, as defined in 1903(v)(3) of the SSA and implemented at 42 CFR 440.255, to the following individuals who meet all Medicaid eligibility requirements, except documentation of citizenship or satisfactory immigration status and/or present an SSN:

☒ Qualified non-citizens subject to the 5 year waiting period described in 8 U.S.C. 1613;

☒ Non-qualified non-citizens, unless covered as a lawfully residing child or pregnant woman by the state under the option in accordance with 1903(v)(4) and implemented at 435.406(b).

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 40 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

V.20160722

State: Arkansas
Date Received: 1 August, 2017
Date Approved: 26 October, 2017
Effective Date: 1 January, 2018
Transmittal Number: 17-007

Non-Financial Eligibility: Citizenship and Non-citizen Eligibility

TRANSMITTAL NUMBER:

17-0007

STATE:

Arkansas

Notwithstanding the checked assurance on page 1 that the state provides for an extension of the reasonable opportunity period beyond 90 days for individuals declaring to be citizens and nationals of the United States and certain non-citizens, the state extends the reasonable opportunity period beyond 90 days for otherwise eligible individuals declaring to be in a satisfactory immigration status if the agency determines that the individual is making a good faith effort to obtain any necessary documentation or the agency needs more time to verify the individual's status through other available electronic data sources or to assist the individual in obtaining documents needed to verify his or her status in accordance with 42 CFR §435.956(b)(2)(ii)(B).

State: Arkansas

Date Received: 1 August, 2017

Date Approved: 26 October, 2017

Effective Date: 1 January, 2018

Transmittal Number: 17-007



CHIP Eligibility

State Name: Arkansas

OMB Control Number: 0938-1148

Transmittal Number: AR - 17 - 0006

Separate Child Health Insurance Program Non-Financial Eligibility - Citizenship

CS18

Sections 2105(c)(9) and 2107(e)(1)(J) of the SSA and 42 CFR 457.320(b)(6), (c) and (d)

Citizenship

The CHIP Agency provides CHIP eligibility to otherwise eligible citizens and nationals of the United States and certain non-citizens, ☒ including the time period during which they are provided with reasonable opportunity to submit verification of their citizenship, national status or satisfactory immigration status.

☒ The CHIP Agency provides eligibility under the Plan to otherwise eligible individuals:

Who are citizens or nationals of the United States; or

Who are qualified non-citizens as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (8 U.S.C. §1641), or whose eligibility is required by section 402(b) of PRWORA (8 U.S.C. §1612(b)) and is not prohibited by section 403 of PRWORA (8 U.S.C. §1613); or

Who have declared themselves to be citizens or nationals of the United States, or an individual having satisfactory immigration status, during a reasonable opportunity period pending verification of their citizenship, nationality, or satisfactory immigration status consistent with requirements of 1903(x), 1137(d), and 1902(ee) of the Act, and 42 CFR 435.406, 407, 956 and 457.380.

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

The agency provides for an extension of the reasonable opportunity period if the individual is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process.

Yes

The agency begins to furnish benefits to otherwise eligible individuals during the reasonable opportunity period on a date earlier than the date the notice is received by the individual.

Yes

The date benefits are furnished is:

☐ The date of application containing the declaration of citizenship or immigration status.

☒ The date the reasonable opportunity notice is sent.

☐ Other date, as described:

The CHIP Agency elects the option to provide CHIP coverage to otherwise eligible children up to age 19, lawfully residing in the United States, as provided in Section 2107(e)(1)(J) of the SSA (Section 214 of CHIPRA 2009, P.L. 111-3).

Yes

Otherwise eligible children means children meeting the eligibility requirements of targeted low-income children with the exception of non-citizen status.