

2402.20.50 OTHER IMMIGRANTS, VISITORS, AND NON-IMMIGRANTS

Any other immigrants, including those who lack immigration documentation or whose immigration status cannot be verified, who are not specified in the previous sections can be eligible for emergency Medicaid coverage only if they meet all other requirements of the category in which they qualify. However, eligibility for emergency services only may not be approved under the MA 10 category.

A child who is undocumented or a visitor or non-immigrant as described in paragraph four below, is not eligible for Hoosier Healthwise Benefit Package C, regardless of family income. It is important to remember that the eligibility restrictions and prohibitions apply only to the applicant's immigration status, not other family members. For example, a child who is a U.S. citizen may have parents who lack immigration documentation or whose immigration status cannot be verified. The child in this circumstance can be eligible for health coverage, if all other requirements are met, without regard to parents' status.

If an immigrant alleges to be in a qualified immigrant status as defined in the previous sections, but is unable to present documentation, the Local Office is to advise them in writing of their obligation to contact the USCIS to obtain the documentation if not obtainable through using SAVE. If the verification cannot be obtained through SAVE and the applicant does not provide documentation from the INS, they are eligible only for emergency Medicaid coverage only. If such an applicant has provided all required criteria to allow for an eligibility determination, except for fulfilling his immigration verification requirement, the applicant should be determined eligible without undue delay. If they do not verify immigration status within the 90-day timeframe from notice to provide immigration status was sent and the immigration status is not electronically verified within 95-days from when the form was sent, then the eligibility must be changed to emergency services only.

Certain visitors and non-immigrants, as described below, may be eligible for emergency Medicaid coverage.²³ They must meet all eligibility requirements except the factor of citizenship/immigration status and Social Security numbers. These non-citizens would have the following types of documentation:

- I-94, Arrival - Departure Record
- I-185, Canadian Border Crossing Card
- SW-434, Mexican Border Visitor's Permit
- I-186, Non-Resident Alien Mexican Border Crossing Card
- I-95A, Crewman's Landing Permit
- I-184, Crewman's Landing Permit and Identification Card.

Note that these individuals may not meet the State residency requirement and would not be eligible for health coverage:

Visitors, tourists, foreign students, temporary workers, crewmen on shore leave, diplomats, members of foreign information media, exchange visitors, and so forth, who are lawfully admitted for specific periods of time and with no intention of establishing a permanent residence in the U.S.

Under no circumstances are immigrants who lack immigration documentation or whose immigration status cannot be verified, who are applying for or receiving traditional Medicaid or Hoosier Healthwise, to be reported by the Division of Family and Children to the U.S. Citizenship and Immigration Service (USCIS). This also applies to family members of such applicants.

Note: Effective 6/1/24, per CMS guidance, the number of Reasonable Opportunity Period is unrestricted. Members who reapply for Medicaid at least 95 days from initial denial for not verifying satisfactory immigration status or citizenship during their Reasonable Opportunity Period, will acquire a new ROP and if all other requirements are met, Medicaid benefits must be authorized.²⁴

²³ 42 USC 1395dd(e)(1)

²⁴ 42 CFR 435.956(b)(4) and 42 CFR 457.380(b)(1)(ii)