

CHANGE NOTICE FOR MANUAL NO. 19-03, CITIZENSHIP/ALIEN REQUIREMENTS AND SPONSOR DEEMING

DATE: MAY 27, 2003

Manual: Family and Children's Medicaid
Change No: 19-03
To: County Directors of Social Services
Effective: June 1, 2003

I. BACKGROUND

Several changes have been made to the Family and Children's Medicaid Manual due to changes in law and for clarification. Background information for the manual changes is as follows:

- A.** On October 30, 2000, H.R. 2883, the Child Citizenship Act of 2000 was signed into law. The new law, Public Law 106-395, amends the Immigration and Nationality Act (INA) to permit foreign-born children, including adopted children, to acquire citizenship automatically if they meet certain requirements. It became effective February 27, 2001.
- B.** The Department of Justice has issued policy that forbids race-based or national origin based discrimination.
- C.** The Bureau of Citizenship and Immigration Services (BCIS), formerly known as INS, issued guidance that clarifies that the receipt of Medicaid or Children's Health Insurance Program benefits, except in the case of institutionalization for long term care, cannot be considered by BCIS and State Department officials when making public charge determinations.
- D.** The Centers for Medicare and Medicaid Services (CMS) has clarified that NC must continue to provide full coverage for persons admitted under special political designation after the 7 year period expires.

- E.** The Trafficking Victims Protection Act of 2000, Public Law 106-386, Division A, 114 Stat. 1464 (2000), makes adult victims of severe forms of trafficking who have been certified by the U.S. Department of Health and Human Services (DHHS) eligible for benefits and services to the same extent as refugees.
- F.** Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), as amended by section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (the "Immigration Act") and sections 5571-72 and 5581 of the Balanced Budget Act of 1997 (the "Budget Act"), provides that certain categories of aliens who have been subjected to battery and extreme cruelty in the U.S. by a family member with whom they resided are qualified aliens eligible for public benefits under the Act.
- G.** The Personal Responsibility Work Opportunity and Reconciliation Act of 1996 (PRWORA), as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, P.L. 104-208, and the Balanced Budget Act of 1997, P.L. 105-33, created new rules for deeming income and resources from an alien sponsor to certain sponsored aliens. Aliens who have accrued 40 qualifying quarters of work history are exempt from sponsor deeming.

II. CONTENT OF CHANGE

A. Major Changes in [MA-3330](#), Citizen/Alien Requirements

1. Requirements regarding citizenship verification are clarified to prevent discrimination based on race or national origin.
2. Information about public charge is added.
3. Details are included in this section as to who meets the criteria to be an American Indian born in Canada. These individuals are qualified aliens and the five year disqualification period does not apply.
4. Medicaid for individuals admitted under a specific political status no longer is limited to 7 years.
5. Trafficking victims are considered qualified aliens. The five year disqualification period does not apply. In this section, information is included to determine who qualifies as a trafficking victim.
6. Added to this section are details to define who is a battered alien. Battered aliens are considered qualified aliens. Previously, this group was included in the manual as qualified aliens, but specifics were not given for determining who is a battered alien.

7. Examples are added to this section of when alien status is subject to change.
8. Under "Coverage for Emergency Medical Services", there is a statement added to this section to explain when a woman has a miscarriage or other pregnancy termination the Division of Medical Assistance determines whether an emergency existed and the dates of coverage.
9. More details and figures are added for the process of determining emergency services for Medicaid eligibility. Procedures to establish emergency services authorization dates for ongoing hemodialysis are added.
10. Form G-845 is updated and the form title changed to G-845S.
11. Date formats for SAVE and G-845S is updated to match the format used by BCIS, which includes the century.
12. Information on 40 qualifying quarters and how to verify is added.

B. [MA-3313](#), Sponsor Deeming.

This section outlines the policy and procedures for sponsor deeming. This policy only applies to Legal Permanent Residents (LPRs) whose sponsor signed the I-864 Affidavit of Support. You must count the income and resources of the sponsor and his spouse when determining eligibility for the sponsored alien. The section provides policy and procedures for determining the amount of income and resources to count. In addition, there are some groups of aliens who are exempt from sponsor deeming which are addressed in the section.

III. IMPLEMENTATION

This policy is effective June 1, 2003. Apply this policy to applications taken on or after June 1 and to redeterminations scheduled on or after June 1.

IV. MAINTENANCE OF MANUAL

A. Remove: Table of Contents, pages 1-2.

Insert: [Table of Contents](#), pages 1-2, dated 6-1-03.

B. Remove: MA-3330, pages 1-23, and Figures 1-6.

Insert: [MA-3330](#), pages 1-34, and Figures [1](#), [2](#), [3](#), [4](#), [5](#), [6](#), [7](#), [8](#), [9](#), [10](#), dated 6-1-03.

C. Remove: Nothing

Insert: [MA-3313](#), pages 1-10 and [Figure 1](#), dated 6-1-03.

Family and Children's Medicaid Manual

Page 4

If you have any questions regarding this information, please contact your Medicaid Program Representative.

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Director

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