

Citizenship and Eligible Aliens

In order to be determined presumptively eligible for Medicaid, an individual must attest to being a United States citizen or national, or be in satisfactory immigration status. Individuals admitted under the Deferred Action for Childhood Arrivals (DACA) program are **not** eligible for Medicaid and **cannot** be approved for presumptive eligibility.

For Nebraska regulations see [Title 477 NAC 5-000 Citizenship/Alien Status and Identity](#).

Eligible Aliens include the following:

1. 1. Qualified Aliens as defined in Section 431 of the Immigration and Nationality Act (INA):
 - a. An alien who was admitted as a lawful permanent resident (LPR) and has resided in the United States for at least five calendar years from the date of entry or who has worked or can be credited with 40 qualifying quarters of work. **Medicaid eligible pregnant women and children are exempt from the five year bar.**
 - b. A refugee admitted to the U.S. under Section 207 of the INA;
 - c. An asylee under Section 208 of INA;
 - d. Victims of a severe form of trafficking (Victims of Trafficking and Violence Protection Act of 2000);
 - e. An alien whose deportation is withheld under Section 243(h) of INA;
 - f. An alien from Cuba or Haiti who was admitted under Section 501(e) of the Refugee Education Assistance Act of 1980;
 - g. A refugee who entered the U.S. before April 1, 1980, and was granted conditional entry;
 - h. An alien who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse's or parent's family who is residing in the same household as the alien; but only after having resided in the United States for at least five calendar years from the date of entry or who has worked or can be credited with 40 qualifying quarters of work. The child or children of a battered alien meeting these requirements is/are also eligible. **Medicaid eligible pregnant women and children are exempt from the five year bar;**
2. Iraqi and Afghan aliens granted special immigrant status;
3. An Amerasian immigrant under Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as amended;
4. An alien with past or current military involvement defined as an alien veteran who is on active duty (other than active duty for training) with any of the U.S. Armed Forces units or who has been honorable discharge (not on account of alienage) and who has fulfilled minimum active-duty service requirements. Minimum active duty is defined as 24 months or the period for which the person was called to active duty. The spouse or unmarried dependent child of an alien veteran as described in this paragraph is also eligible;
5. Certain American Indian tribe members born in Canada or outside the United States or who are a member of an Indian tribe; or
6. An alien who is paroled into the U.S. under Section 212(d)(5) of INA, but only after having resided in the United States for at least five calendar years from the date of entry or who has worked or can be credited with 40 qualifying quarters of work.