



Citizenship and Eligible Non-Citizens

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 non-citizen status (Note: Individuals admitted under the Deferred Action for Childhood Arrivals program are not eligible for Medicaid and cannot be approved for presumptive eligibility).

Eligible non-citizens include the following:

1. Qualified non-citizens as defined in Section 431 of the Immigration and Nationality Act (INA):
 - a. A non-citizen 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. A non-citizen whose deportation is withheld under Section 243(h) of INA;
 - f. A non-citizen 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. A non-citizen 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 non-citizen; 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 of a battered non-citizen meeting these requirements is 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. A non-citizen with past or current military involvement defined as a non-citizen 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 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 a non-citizen 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. A non-citizen 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.
 - a. An Afghan humanitarian parolee paroled into the United States under the Afghanistan Supplemental Appropriations Act, 2022 with a status grant date of July 31, 2021, or later through March 31, 2023, or the term of the parole, whichever is later.
 - b. A Ukrainian humanitarian parolee paroled into the United States under the Additional Ukraine Supplemental Appropriations Act, 2022 with a status grant date of February 24, 2022, or later through September 30, 2023, or the term of the parole, whichever is later.
7. Citizens of Palau, the Marshall Islands, and the Federated States of Micronesia living in the United States through treaties known as the Compacts of Free Association (COFA).