

# HEALTH CARE ELIGIBILITY FOR NONCITIZENS



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# Health Care Eligibility for Noncitizens

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# 01

## Introduction

This Guide is designed to supplement the information in the Health Care Programs Manual to further help with the process of determining noncitizens' eligibility for Minnesota Health Care Programs (MHCP). An overview of each chapter is provided below:

### 02 **Immigration Overview**

This chapter provides general U.S. immigration information.

### 03 **Minnesota Health Care Programs Eligibility for Noncitizens**

This chapter provides noncitizen eligibility information for Minnesota Health Care Programs (MHCP) as well as tables and charts to help with navigating the eligibility determination process. Noncitizens may be eligible for various MHCP. Each MHCP has different eligibility and immigration status requirements.

### 04 **Immigration Classification**

This chapter provides a list and explanation of the various types of immigration statuses established by the U.S. Citizenship and Immigration Services (USCIS) and related terminology used throughout this guide. It also provides information on the steps people must follow to become a lawful permanent resident (LPR).

### 05 **Documentation of Immigration Status**

This chapter provides detailed information on MHCP immigration status verification policy, what types of documentation may be presented and how to read that documentation, a chart that lists the types of acceptable documentation for each immigration status, and a list of codes to look for when reading immigration status documentation.

### 06 **Sponsor Deeming**

This chapter provides information on noncitizens who have sponsors and how this affects their MHCP eligibility.

### 07 **Systematic Alien Verification for Entitlements (SAVE)**

This chapter provides an overview of the uses for the Systematic Alien Verification for Entitlements (SAVE) system, the appropriate times for when to use the system, how to access it, request and read the information it provides. The section also contains flow-charts to further explain the appropriate use of the system.

### 08 **System Coding**

This chapter provides MAXIS coding for the STAT/IMIG panel and includes examples of several immigration statuses documented on the panel.

### 09 **Glossary**

This chapter provides definitions of commonly used immigration terms.

# 02

## Immigration Overview

The Immigration and Nationality Act (INA) governs the admission of all immigrants to the United States.<sup>1</sup> The U.S. Citizenship and Immigration Services (USCIS) is responsible for administration of immigration and naturalization functions and for establishing immigration policies. The USCIS website is at [www.uscis.gov](http://www.uscis.gov). Noncitizens who want to immigrate to the United States, must first obtain an immigrant visa. The U.S. Department of State is chiefly responsible for determining and issuing visas for entry to the U.S. USCIS officials can authorize a traveler's admission by issuing documentation of immigration status at the port of entry (airport, seaport or border crossing). Certain groups of immigrants are subject to a cap or annual numerical limit on who may enter the United States while other groups are exempt from a limit. U.S. law gives preferential status to immigrants with a close family relationship to a U.S. citizen or lawful permanent resident (LPR), people with a job skill that is needed in the United States, and people who qualify as refugees.

In 1996, the federal government enacted landmark legislation that significantly restricted immigrants' eligibility for federal public benefits,<sup>2</sup> including Medicaid<sup>3</sup> (MA). PRWORA allows states the option to provide or deny MA eligibility to many immigrants. Most states chose to provide MA to immigrants wherever allowed by federal law. In addition, some states, including Minnesota, chose to provide health care to all "lawfully-present"<sup>4</sup> immigrants under a state-funded MA program.

In addition to restricting noncitizens' eligibility to federal public benefits, the 1996 laws made determining eligibility much more complicated. The laws created immigration categories for public benefit eligibility purposes that do not necessarily follow immigration law. For example, the 1996 laws consider certain immigrants "qualified", while others are considered "not qualified." However, the 1996 laws restricted access to public benefits even for "qualified" immigrants. This Guide provides details on which immigrants are eligible for Minnesota Health Care Programs

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<sup>1</sup> Although the technical immigration law term for a person who is not a U.S. citizen is "alien," this Guide uses the terms "immigrant" or noncitizen."

<sup>2</sup> The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Pub. L. No. 104-193, 110 Stat. 2105 (Aug. 22, 1996); and Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3008 (Sept. 30, 1996).

<sup>3</sup> Known as Medical Assistance (MA) in Minnesota.

<sup>4</sup> The federal regulation defining "lawfully present" is at 8 CFR § 103.12.

# 03

## Minnesota Health Care Programs Eligibility for Noncitizens

This chapter discusses potential eligibility for Minnesota Health Care Programs (MHCP) for people living in Minnesota who are not U.S. citizens. Noncitizens' eligibility for Minnesota Health Care Programs depends on immigration status and date of entry into the United States. Certain “qualified” noncitizens may be eligible for federally funded Medical Assistance (MA) or MinnesotaCare if they meet all other eligibility requirements.

Other noncitizens who are “lawfully present” in the United States may be eligible for state-funded MA (NMED), MinnesotaCare, or General Assistance Medical Care (GAMC). Noncitizens who are lawfully present in the United States but do not have a status that qualifies for federally funded health care must cooperate with the USCIS in efforts to adjust and obtain a status that will allow them to qualify for federally funded programs.

Most undocumented immigrants and nonimmigrants are not eligible for Minnesota Health Care Programs. However, there are exceptions for noncitizens with an emergency medical condition, pregnant women, and people receiving services for victims of torture.

Verification of immigration status is required for noncitizens applying for Medical Assistance, MinnesotaCare, Refugee Medical Assistance, and General Assistance Medical Care. Verification of immigration status is not required for undocumented and nonimmigrant pregnant women, Emergency Medical Assistance (EMA), or services for victim of torture.

Consult the Health Care Manual for further details on the immigration status and health care program qualifications.

This chapter provides information on the following topics:

- Medical Assistance (MA)
  - Medical Assistance with Federal Financial Participation ( MA with FFP)
  - State-Funded Medical Assistance or Noncitizen Medical Assistance (NMED)
  - State Children’s Health Insurance Program (S-CHIP)
- Refugee Medical Assistance (RMA)
- Minnesota Care
  - MinnesotaCare with Federal Financial Participation (MinnesotaCare with FFP)
  - State-Funded MinnesotaCare
- General Assistance Medical Care (GAMC) and General Assistance Medical Care Hospital Only (GHO)
- Emergency Medical Assistance (EMA)
- Minnesota Family Planning Program (MFPP)
- Noncitizen health care eligibility tables and a flowchart are available in section 03.01-.03 to help navigate the MHCP eligibility determination.



## Medical Assistance (MA)

### **Medical Assistance with Federal Financial Participation (MA with FFP)**

The following noncitizens may be eligible for MA with FFP if they meet all other MA eligibility requirements:

- Amerasian Immigrants
- American Indians born in Canada with 50% Indian blood and members of federally-recognized tribes.
- Asylees
- Conditional Entrants
- Cuban/Haitian Entrants
- Refugees
- Trafficking Victims
- Immigrants granted withholding of deportation or cancellation of removal.
- Iraqi and Afghan Special Immigrants, their spouses, and unmarried children under age 21 for up to 8 months after acquiring Special Immigrant Status for Iraqis and 6 months for Afghani Special Immigrants. Refer also to Chapter 04 of this guide (Immigration Classification) and appropriate section of Chapter 11 of the Health Care Eligibility Manual for further information about status and funding for this group.

The following noncitizens who entered the United States before August 22, 1996, or who have lived in the United States for five years may be eligible for MA with FFP if they meet all other MA eligibility requirements:

- Lawful permanent residents (LPRs)
  - LPRs who were originally admitted with a refugee, conditional entrant, asylee, or withholding of removal status and later adjust to LPR status may continue to be eligible for MA with FFP under their original status
- Parolees, if granted parole for a period of at least one year
- Battered noncitizens
  - Determine the five years of U.S. residency in a qualified status beginning with the date that USCIS sends a notice of approval of the self-petition or a notice of prima facie determination.

### **Exemption for military service in the U.S. armed forces**

The following noncitizens who are “lawfully present” in the United States may be eligible for MA with FFP if they meet all other MA eligibility requirements.

- Honorably discharged U.S. veterans
- On active duty in the U.S. military
- Spouse, unremarried widow and widower of a veteran or active duty service member
- Unmarried child under age 18 who is dependent on the veteran/active duty service member
  - The child may be under age 22 if a student regularly attending school
  - A disabled child over the age 18 if disabled before age 18 and dependent on the veteran/active duty service member

Require one of the following forms of verification:

- Original or notarized copy of discharge papers.
- Original or notarized copy of current orders showing full-time duty in the U.S. Army, Navy, Air Force, Marine Corps or Coast Guard.
- Military identification card.

Note: Self-declaration under penalty of perjury may be accepted pending receipt of acceptable documentation.

Lawfully present noncitizens who are not eligible for MA with FFP may be eligible for state-funded MA (NMED).

### **State-Funded Medical Assistance/ Noncitizens Medical Assistance (NMED)**

Some noncitizens with an MA basis of eligibility who are not eligible for MA with FFP may be eligible for State-Funded Medical Assistance (NMED) regardless of their date of entry or length of time in the United States. However, they must meet all other MA eligibility requirements.

Some noncitizens eligible for NMED have the same immigration status as those eligible for MA with FFP. These individuals entered the United States on or after August 22, 1996, and have not had their status for five years. Individuals in this category include:

- Lawful permanent residents (LPRs)
  - Iraqi and Afghani Special Immigrants, their spouses and unmarried children under the age of 21, after the initial 8 or 6 months of special immigration status have expired.
- Parolees, if granted parole for a period of at least one year
- Battered noncitizens

Other noncitizens are eligible for NMED based on their immigration status, without regard to their date of entry into the United States. This group of noncitizens is referred to as “other lawfully present noncitizens.” This group includes the following immigration categories:

- Applicant for Asylum
- Deferred Action
- Deferred Enforced Departure
- Family Unity Beneficiary
- Lawful Temporary Resident(LTR)
- Order of Supervision
- Paroled for less than one year
- Pending Immigration Status
- Temporary Protected Status (TPS)
- Withholding of Removal

## NMED for Victims of Torture

Clients who are otherwise ineligible for MA with FFP for any reason and have indicated they are receiving care and services from the Center for Victims of Torture (CVT) are eligible for State-Funded MA or NMED.

- Clients may not be eligible for MA with FFP for the following reasons:
  - Citizenship/immigration Status
  - Assets
  - Income in excess of the standard to qualify without a spenddown
  - Lack of an MA basis of eligibility.
- Approve NMED for the period of CVT services. This may include up to three months of retroactive eligibility. They are NMED eligible whether or not they meet other eligibility criteria.
- Request a copy of their current acceptance letter from the Center for Victims of Torture. Verify continued receipt of CVT services at each renewal.
  - Do not require verification of receipt of CVT services for people who are eligible for MA with FFP or NMED under another basis of eligibility. MA will pay for covered services through CVT.
  - Do not use the Systematic Alien Verification for Entitlements (SAVE) system for noncitizens whose eligibility is based solely on receipt of CVT services.
- If CVT services end and the person is not otherwise eligible for MA with FFP, terminate State-Funded MA or NMED. Consider eligibility for GAMC or Minnesota Care.

Note: Citizens of Micronesia or the Marshall Islands may also be eligible for NMED.

## State Children's Health Insurance Program (S-CHIP)

This program provides federal matching funds to help states expand health care coverage for uninsured children. (program NMED, eligibility type PC) or state-funded MA (program NMED, eligibility type PX).

Pregnant women who are not eligible for federally funded MA because of their immigration status may be eligible for SCHIP. This basis is potentially available from the first day of the month of conception through the end of the 60-day postpartum period.

To qualify, the noncitizen pregnant women must meet the following criteria:

- Do not have other health insurance. This includes an employer health plan, medical service policy, hospital policy, or HMO coverage.
- Are eligible without a spenddown.

Note: Access to or the availability of other health insurance, such as through an employer-plan, is not a barrier to SCHIP. An applicant or enrollee is not eligible for SCHIP if she is actually enrolled in other health coverage.

Pregnant noncitizens who have an **undocumented** or **nonimmigrant** status may be eligible for SCHIP-funded MA through the birth month and state-funded MA/NMED for the postpartum period, **or**, they may be eligible for Emergency Medical Assistance (EMA) for labor and delivery **only**.

SCHIP-funded MA is available through the birth month for pregnant noncitizens with an undocumented or nonimmigrant status if they meet all of the following criteria:

- Meet all MA eligibility criteria other than immigration status
- Do not have other health insurance. This includes an employer health plan, medical service policy, hospital policy, or HMO coverage.
- Are eligible without a spenddown.

Note: Consult section 03.25.05 (Medical Assistance (MA) for Pregnant Women) of the Health Care Manual for further detail on the matter.

## **Refugee Medical Assistance (RMA)**

Refugee Medical Assistance (RMA) is a 100% federally funded program that provides up to 8 months of health care coverage to certain noncitizens who are considered “refugees” under the Immigration and Naturalization Act. To be eligible for RMA, these “refugees” must meet **all** of the following conditions:

- Be ineligible for MA (consider MA eligibility under all other basis of eligibility first)
- Provide the name of their resettlement agency to the county human services agency
- Not be full time student in an institution of higher learning, unless their enrollment is part of a state-approved plan.
- Have one of the following immigration statuses:
  - Refugee
  - Asylee
  - Cuban/Haitian Entrant
  - Amerasian Immigrant
  - Dependent children of people with any of the above statuses who live in the same household if one parent or both parents in the household have refugee status. Children with a non-refugee parent in the household are not eligible for RMA. These children may also qualify for MA under another basis if they have a qualifying status.
  - Trafficking victim
  - Iraqi and Afghan Special Immigrants
    - Afghan Special Immigrants are eligible for up to 6 months of RMA.

The 6 or 8 month period of eligibility begins either on the date the “refugee” enters the U.S. with a qualifying immigration status or the date the “refugee” was granted a qualifying status by USCIS or the Office of Refugee Resettlement.

RMA enrollees are exempt from six months renewals, and the Sponsor Deeming rules do not apply to RMA enrollees.

## **MinnesotaCare**

### **MinnesotaCare with Federal Funding (MinnesotaCare with FFP)**

Immigration status is a key factor in determining the major program for which a MinnesotaCare applicant may be eligible. These major programs are used to help track which MinnesotaCare enrollees receive federal financial participation (FFP).

Undocumented people or nonimmigrants are not eligible for MinnesotaCare.

Exception: Citizens of Micronesia or the Marshall Islands may be eligible for state-funded MinnesotaCare.

A summary chart of the following information can be found in section 03.03.

### **Major Programs LL and FF**

Certain noncitizens may be eligible for MinnesotaCare with FFP major programs LL or FF if they meet all other program criteria. These are the same noncitizens who would qualify for MA with FFP (see above).

- Program LL if they are pregnant women or children under 21
- Program FF if they are parents or relative caretaker.

## State-Funded MinnesotaCare

For lawful noncitizens, who meet all other MinnesotaCare requirements, but do not have an immigration status that qualifies for MinnesotaCare with FFP, use the following state-funded major programs:

- Program KK if they are pregnant women or children under 21
- Program JJ if they are parents or relative caretakers

### Major Programs KK and JJ

To qualify the clients need to hold one of the following immigration statuses:

- Applicant for Asylum
- Deferred Action
- Deferred Enforced Departure
- Family Unity Beneficiary
- Lawful Temporary Resident
- Order of Supervision
- Paroled for Less Than One Year
- Pending Immigration Status
- Temporary Protected Status
- Citizens of Micronesia or the Marshall Islands
- Iraqi and Afghani Special Immigrants and their spouses and children under the age of 21 **after** the initial 8 and 6 months of special immigration status have expired.

People with the following statuses are also potentially eligible for MinnesotaCare major programs KK and JJ, if they entered the United States on or after August 22, 1996, and have not resided in the United States for five years:

- Lawful permanent residents (LPRs)
- Battered noncitizens
- Parolees, if granted parole for a period of at least one year

### Major Program BB and JJ

These state-funded major programs are used for certain MinnesotaCare clients regardless of their immigration status or date of entry.

- Program JJ for all legal guardians or foster parents
- Program BB for all adults without children (non-pregnant adults who are not parents, relative caretakers, legal guardians, or foster care parents.)

Note: Children under age 19, who are not eligible for federally funded MA due to their immigration status, and who are not eligible for state-funded MA due to parents' excess income, may be eligible for TEFRA. (See Chapter 03.30.25 (TEFRA Option) in the Health Care Manual for further details)

## GAMC and GHO for Noncitizens

Some noncitizens who do not have an MA basis of eligibility may be eligible for state-funded General Assistance Medical Care (GAMC) with full benefits or GAMC Hospital Only (GHO) if they meet residency and all other program requirements.

**Example:**

Camille is a 25-year old LPR who is not a parent or caretaker for a child under age 18, and is not disabled, blind, or pregnant. She entered the country last year.

**Action:**

If all other eligibility factors are met Camille would be eligible for GAMC.

Note: Undocumented immigrants or nonimmigrant are not eligible for GAMC or GHO.

## Emergency Medical Assistance (EMA)

Noncitizen applicants or enrollees who are not eligible for MA with FFP, or in some cases state-funded MA, may be eligible for Emergency Medical Assistance (EMA) (program EH) if they have a medical emergency. This includes people in any of the following groups:

- Have an immigration status or undocumented or non-immigrant
- Are already eligible for state-funded MA/NMED and then have a medical emergency.
- Are sponsored immigrants who have a medical emergency and are ineligible for MA or NMED because of their sponsor's income and/or assets.

To qualify, applicants must meet the following conditions:

- Have an MA basis of eligibility
- Have a medical emergency
- Be ineligible for MA solely due to their immigration status or deeming of sponsor income and assets. They must meet all other MA eligibility requirements, including state residence.

A medical emergency for EMA purposes occurs when a person:

- Has a sudden onset of a physical or mental condition which causes acute symptoms, including severe pain where the absence of immediate medical condition could reasonably be expected to do any of the following:
  - Place the person's health in serious jeopardy
  - Cause serious impairment to bodily functions
  - Cause serious dysfunction of any bodily organ or part, such as stroke, heart attack, abscessed teeth, broken bones, ear infections, kidney failure etc.
- Has a chronic medical condition which, if left untreated, could reasonably be expected to do any of the following:
  - Place the person's health in serious jeopardy
  - Cause serious impairment to bodily functions
  - Cause serious dysfunction of any bodily organ or parts. Conditions include but are not limited to: diabetes requiring treatment, HIV positives with complications, cancer, kidney disease, and tuberculosis.

- Gives birth
  - While giving birth qualifies as a medical emergency, EMA will not cover prenatal or postpartum care. Instead:
    - Pregnant women who are ineligible for MA solely due to their immigration status (for example undocumented or non-immigrant) are eligible for state-funded MA/NMED for the duration of the pregnancy and the 60-day postpartum period.
    - EMA will cover the labor and delivery costs. MMIS will identify these costs and automatically seek federal reimbursement through EMA.
    - It is not necessary to change pregnant women's eligibility from program NMED to EH for labor and delivery. For pregnant women who are requesting EMA for labor and delivery cost only, approve EMA for the period from the onset of labor through delivery.

Note: Undocumented or nonimmigrant children with a disability, who are not eligible for EMA due to their parents' excess income, may receive EMA under the TEFRA option if they have an emergency medical condition. These children are eligible only for EMA-covered services.

Clients who adjust their immigration status may qualify for additional health care coverage.

### **Minnesota Family Planning Program (MFPP)**

Certain noncitizens may be eligible for the Minnesota Family Planning Program (MFPP) if they meet all other program criteria. These are the same noncitizens who would qualify for MA with FFP (see above).



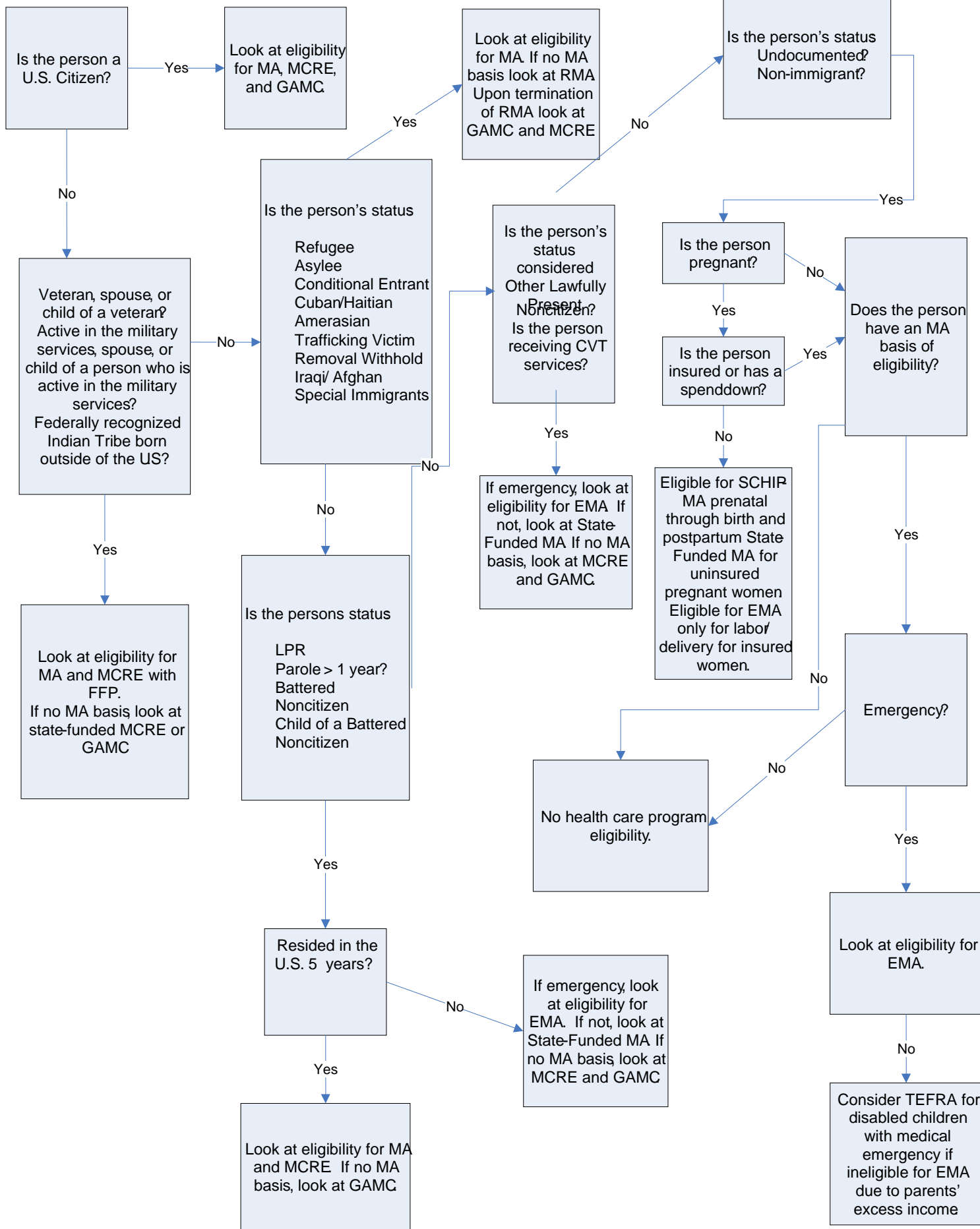


<u>Immigration Status</u>	<u>MA with FFP &amp; SCHIP</u>	<u>State Funded MA</u>	<u>MinnesotaCare with FFP</u>	<u>State Funded Minnesota Care</u>	<u>GAMC</u>	<u>EMA</u>
<u>Arrived in United States on/after 8/22/96:</u> -Certain Battered Persons -Lawful Permanent Resident <sup>12</sup> -Paroled >1 year	MA- No, until 5 years after entry <sup>13</sup>	-Yes, for 5 years (until eligible for federally-funded MA)	No, until 5 years after entry	-Yes, unless eligible for federally funded MinnesotaCare -Yes, adults without children	Yes, if no MA basis of eligibility	-Yes, if not eligible for regular-funded MA
	SCHIP MA-Yes for prenatal care and labor and delivery for uninsured pregnant women, through their birth month	-Prenatal & postpartum for insured pregnant women -Postpartum for uninsured pregnant women				-Coverage retro for labor/delivery, followed by State-Funded MA Postpartum, for both insured and uninsured women
<u>Lawfully Present in the U.S.</u> -Applicant for Asylum -Deferred Enforced Departure -Family Unity Beneficiaries - Order of Supervision - Paroled < 1 Year -Temporary Protected Status -Temporary Residents	MA- No	Yes	No	Yes	Yes, if no MA basis of eligibility	Yes
	SCHIP MA-Yes for prenatal care and labor and delivery for uninsured pregnant women, through their birth month	- Yes: Prenatal & postpartum for insured women -Yes: Postpartum for uninsured pregnant women				Coverage retro for labor/delivery, followed by State-Funded MA Postpartum, for both insured and uninsured women
<u>Non-immigrants and Undocumented Persons</u> -Foreign Students -Visitors -Tourists -A number of other temporary entry classifications which, with a few exceptions, cannot be converted to immigrant resident classifications	MA- No	-No	No	No	GAMC for blind, disabled, children under18; adults ≤ 65 ended 7/1/03; they would be eligible for EMA for emergency services	Yes -- Consider TEFRA for disabled children with medical emergency if ineligible due to parents' excess income.
	SCHIP MA-Yes for prenatal care and labor and delivery for uninsured pregnant women, through their birth month	- Yes: Postpartum for uninsured pregnant women				For insured pregnant women covers only labor/delivery.

<sup>12</sup> Until 40 work quarters are credited, a lawful permanent resident's income and resources are considered to include a sponsor's income and resources. See Chapter 06 for further details.

<sup>13</sup> An exception is made for US military veterans, active duty military personnel, and their families. They are eligible for federal funding without a five-year wait.

### 03.02 Noncitizen Health Care Eligibility Immigration Status Flow-Chart



### 03.03 MinnesotaCare Immigration Status Chart

The following chart lists each of the MinnesotaCare major programs and what statuses are allowed for each. For more detailed information on how immigration status affects MinnesotaCare eligibility see Chapter 06 (MHCP Eligibility) in this guide.

MinnesotaCare Immigration Status Chart		
Major Program	Who is Eligible	Immigration Statuses
Major Program LL	Children (under age 21) and pregnant women whose income is at or below 275% of the Federal Poverty Guidelines (FPG).	<ul style="list-style-type: none"> <li>• Amerasian Immigrant</li> <li>• American Indian Noncitizens</li> <li>• Asylees</li> <li>• Cuban/Haitian Entrants</li> <li>• Refugees</li> <li>• Conditional Entrants</li> <li>• Trafficking Victims</li> <li>• Withholding of Removal</li> <li>• Iraqi/Afghan Special Immigrants and their spouses and children under the age of 21 during their initial 8 or 6 months of Special Immigrant Status.</li> </ul> <p>The following statuses if entered the United States prior to 8/22/96 or if entered on or after 8/22/96 and have five years of residence or meet the military exemption:</p> <ul style="list-style-type: none"> <li>• Lawful Permanent Resident</li> <li>• Battered Noncitizen</li> <li>• Parole Granted for At Least One Year</li> </ul>
Major Program KK	Children (under age 21) and pregnant women whose income is at or below 275% FPG.	<ul style="list-style-type: none"> <li>• Applicant for Asylum</li> <li>• Deferred Action</li> <li>• Deferred Enforced Departure</li> <li>• Family Unity Beneficiary</li> <li>• Lawful Temporary Resident</li> <li>• Order of Supervision</li> <li>• Paroled for Less Than One Year</li> <li>• Pending Immigration Status</li> <li>• Temporary Protected Status</li> <li>• Citizens of Micronesia or the Marshall Islands</li> </ul> <p>The following statuses if entered United States on or after 8/22/96 and have not resided for five years:</p> <ul style="list-style-type: none"> <li>• Iraqi/Afghan Special Immigrants and their spouses and children under the age of 21 <b>after</b> the initial 8 and 6 months of special immigration status have expired.</li> <li>• Lawful Permanent Resident</li> <li>• Battered Noncitizen</li> <li>• Parole Granted for At Least One Year</li> </ul>

Major Program	Who is Eligible	Immigration Statuses
Major Program FF	Parents or relative caretakers (age 21 or over) whose income is at or below \$50,000 annually.	<ul style="list-style-type: none"> <li>• Amerasian Immigrant</li> <li>• American Indian Noncitizens</li> <li>• Asylees</li> <li>• Cuban/Haitian Entrants</li> <li>• Refugees</li> <li>• Conditional Entrants</li> <li>• Trafficking Victims</li> <li>• Withholding of Removal</li> <li>• Iraqi/Afghan Special Immigrants and their spouses and children under the age of 21 during their initial 8 or 6 months of Special Immigrant Status.</li> </ul> <p>The following statuses if entered the U.S. prior to 8/22/96 or if entered on or after 8/22/96 and have 5 years of residence or meet the military exemption:</p> <ul style="list-style-type: none"> <li>• Lawful Permanent Resident</li> <li>• Battered Noncitizen</li> <li>• Parole Granted for At Least One Year</li> </ul>
Major Program JJ	Parents or relative caretakers (age 21 or over) and legal guardians and foster parents (age 21 or over), regardless of immigration status, whose income is at or below \$ 50,000 annually.	<ul style="list-style-type: none"> <li>• Applicant for Asylum</li> <li>• Deferred Action</li> <li>• Deferred Enforced Departure</li> <li>• Family Unity Beneficiary</li> <li>• Lawful Temporary Resident</li> <li>• Order of Supervision</li> <li>• Paroled for Less Than One Year</li> <li>• Pending Immigration Status</li> <li>• Temporary Protected Status</li> <li>• Citizens of Micronesia or the Marshall Islands</li> </ul> <p>The following statuses if entered U.S on or after 8/22/96 and have not resided for 5 years:</p> <ul style="list-style-type: none"> <li>• Iraqi/Afghan Special Immigrants and their spouses and children under the age of 21 <b>after</b> the initial 8 and 6 months of special immigration status have expired.</li> <li>• Lawful Permanent Resident</li> <li>• Battered Noncitizen</li> <li>• Parole Granted for At Least One Year</li> </ul> <p><i>Note:</i> Clients who are legal guardians or foster parents are only eligible for state funded MinnesotaCare, regardless of immigration status.</p>
Major Program BB	Non-pregnant adults (age 21 or over), regardless of immigration status, whose income is at or below 175% FPG.	<p>All statuses.</p> <p>Undocumented people and nonimmigrants are not eligible with the exception of Micronesia or the Marshall Islanders.</p>

# 04

## Immigration Classifications

This chapter provides information on various immigration classifications and related terminology. Immigration status is established by the U.S. Citizenship and Immigration Services (USCIS).

### Immigration Categories

U.S. immigration system contains the following major immigration categories:

- Citizens and nationals
- Lawful permanent residents
- Persons fleeing persecution
- Other lawfully present noncitizens
- Nonimmigrants
- Undocumented Immigrants

### U.S. Citizens and Nationals

#### Acquisition of citizenship at birth abroad

With the exception of the children of certain diplomats, the 14<sup>th</sup> amendment of the U.S. Constitution guarantees citizenship at birth to almost all individuals born in the United States or in the U.S. jurisdictions.

The Child Citizenship Act of 2000 amended the Immigration and Nationality Act (INA) to provide U.S. citizenship to certain foreign-born children including adopted children of U.S. citizens. Qualifying children who immigrate to the United States with a U.S. citizen parent automatically acquire U.S. citizenship upon entry; children who live abroad acquire citizenship on approval of an application and the taking of the oath of allegiance.

The child will automatically acquire U.S. citizenship on the date the following requirements are satisfied:

- At least one adoptive parent is a U.S. citizen
- The child is under 18 years of age
- The child is currently residing permanently in the United States in the legal and physical custody of the U.S. citizen parent.
- The child is a lawful permanent resident.
- If the child is adopted, there has been a full and final adoption of the child

Individuals who are 18 years of age or older do not qualify for automatic citizenship under the Child Citizenship Act. If they will to become U.S. citizens, they must apply for naturalization and meet eligibility requirements that currently exist for adult lawful permanent residents.

## **Naturalization**

Naturalization is the manner in which a person not born in the United States voluntarily becomes a U.S. citizen. Naturalized citizens have the same rights and privileges as U.S. citizens who acquired citizenship at birth. Immigrants who have been LPRs for five years, or three years if married to a U.S. citizen, or one year for certain persons in the military and veterans, can apply to naturalize if they meet certain requirements. Applicants must be at least 18 years of age, have good moral character, English literacy, and knowledge of civics, and take an oath of allegiance.

Under the Child Citizenship Act of 2000, foreign-born children of at least one U.S. citizen parent, who are residing outside the United States, must have their U.S. citizen parent apply for naturalization on their behalf to acquire U.S. citizenship. The naturalization process for such children cannot take place overseas. The children will need to be in the United States temporarily to complete the naturalization process and take the oath of allegiance.

To be eligible the children must meet the following requirements:

- The child has at least one U.S. citizen parent (by birth or naturalization)
- The U.S. citizen parent has been physically present in the United States for at least five years, at least two of which were after the age of 14.
- The child is under 18 years of age
- The child is residing outside the United States in the legal and physical custody of the U.S. citizen parent.

## **Noncitizen U.S. Nationals**

All U.S. citizens are also nationals of the United States, but some individuals who are U.S. nationals are not U.S. citizens. When the United States acquired certain island territories, Congress provided for the inhabitants of these territories to be citizens of their own islands, and nationals of the United States. Noncitizen nationals owe permanent allegiance to the United States and may enter and work in the United States without restrictions.

## **Lawful Permanent Residents (LPR)**

This status is granted to noncitizen immigrants who are admitted to reside permanently in the United States.

LPRs enjoy the following rights:

- To live and work permanently in the United States.
- To travel abroad and return if they do not abandon their U.S. residence.
- To apply for naturalization to U.S. citizenship after living in the United States for a certain amount of time – three years if married to a U.S. citizen, or five years if LPR status is obtained in other ways.

Certain LPRs may have a sponsor, and in those cases sponsor deeming rules may apply.

The procedure for becoming a lawful permanent resident (LPR) is a multi-step process and depends on how the noncitizen is admitted to the United States. Lawful permanent residency can be generally obtained through:

- A family-based visa petition filed by a U.S. citizen or an LPR who is a close family member
- An employment-based visa petition filed by an employer to immigrate a prospective employee whose jobs skills are needed in the United States.
- A winning of the diversity visa lottery, for persons from certain countries.
- An adjustment of status from refugee and asylum status or from a temporary class of admission.

- A “self-petitioning” for an immigrant visa, as a widow or widower of a U.S. citizen, or as an abused spouse or abused child of a U.S. citizen or LPR.
- An application for adjustment under special immigration laws.

Note: The spouse and children of the primary applicant may also be admitted at the same time.

## **Family-Based Visa Petition**

U.S. citizens or LPRs can file a petition with USCIS to adjust the status of their immediate or close family members to Lawful Permanent Resident (LPR) status.

The following individuals belong to immediate family category:

- Spouse
- Dependent child(ren) under age 21
- Parents

The following individuals belong to the close or the family preference category:

- Unmarried sons and daughters of U.S. citizens (over age 21)
- Spouse and dependent child(ren) of lawful permanent residents
- Unmarried sons and daughters of lawful permanent residents
- Married sons and daughters of U.S. citizens
- Brothers and sisters of U.S. citizens

The process to obtain LPR status for the immediate relative and close/family preference categories follows these steps:

1. The U.S. citizen or LPR in the United States submits a visa petition to USCIS for the noncitizen relative.
  - If an admission is obtained on the basis of a marriage that has existed for less than two years, a “Conditional Resident” status is assigned.
 

Note: After two years of residence both parties must apply to have the conditions removed in order to maintain LPR status.
  - The spouse or child of a citizen or LPR who has been battered or subjected to extreme cruelty may self-petition for admission or adjustment of status. They are not required to have a sponsor.
2. After the petition is approved, the Department of State must determine if a visa number is available.
 

Note: While an immediate relative of a U.S. citizen would not need to wait for a visa number, the family preference categories are subject to an annual numerical limit and a visa number may not be available for several years.
3. When the visa number becomes available the person may go to a United States consulate to complete the processing, or they may apply for an adjustment of status if they are already in the United States.
4. The person must provide an I-864 Affidavit of Support executed by the relative that petitioned for their admission, who then becomes their sponsor.

## **Employment-Based Visa Petition**

The steps for employment preference are similar to the Family-Based Visa Petition, except that the employer submits the visa petition after obtaining certification from the Department of Labor that the employment would not adversely affect American workers.

An I-864 does not need to be executed by the employer unless the employer was also a close relative of the worker.

## **Diversity Visa Lottery**

The diversity visa program is designed to provide up to 55,000 U.S. visas per year to people from countries that are underrepresented in the United States. Applicants obtain a U.S. Diversity Visa as follows:

- An applicant submits an application for a visa number to the Department of State.
- A random drawing of all applicants is held by the State Department's National Visa Center to select those that may apply for admission.
- Anyone who is selected under this lottery will be given the opportunity to apply for LPR status.
- They may be required to obtain a sponsor, but an I-864 Affidavit of Support is not needed.
- If permanent residence is granted, the individual is authorized to live and work permanently in the United States.

The individual is also allowed to bring his or her spouse and any unmarried children under the age of 21 to the United States.

## **Adjusted Status from a Refugee or Asylum status or Temporary Class of Admission**

Recent changes in immigration laws allow for some noncitizens to pursue adjustment of their temporary immigration status to a permanent one. Adjusting to LPR status is beneficial not only because it is a pathway to U.S. citizenship, but it may also lead to federally funded health care program eligibility. Under federal and state law, noncitizens who are eligible to adjust their status to LPR are required to do so to qualify for either state or federally funded health care programs. Noncitizens who are lawfully present in the United States with a status that only qualifies them for state-funded health care must cooperate with USCIS to qualify for federally funded health care.

The USCIS application process and type of documentation required will vary according to the person's status. Certain noncitizens will not be able to adjust their immigration status to a more permanent one because the terms of their status will not allow them to do so. Refer to Chapter 11 of the Health Care Programs Manual for details.

Refugees, asylees, and certain parolees (covered by legislation) are eligible to apply for adjustment of status after one year in the United States. They are not required to have a sponsor.

Note: Status adjustment for Micronesians and Marshall Islanders is not possible.

### Immigration Reform Control Act of 1986 (IRCA)

The IRCA allowed noncitizens who were residing in the United States to apply for legalization without the threat of deportation.

Noncitizens who had resided unlawfully in the United States since before January 1, 1982, were allowed to legalize their status through a three-stage process.

- The first stage was employment authorization.
- The second stage was to give these noncitizens Temporary Resident status.



- In the final step they were allowed to adjust to lawful permanent resident (LPR) status.

The majority of people who legalized under the IRCA are now LPRs. Certain people are also granted Lawful Permanent Resident status (LPR) under the Legal Immigration Family Equity Act (LIFE).

## **Afghan and Iraqi Special Immigrants**

Afghan and Iraqi translators employed by the U.S. military and their spouses and unmarried children under age 21 are eligible for “special immigrant” status. Afghans or Iraqis who were paroled into the United States or entered the United States in some other status may apply for and be granted special immigrant status. Some may be granted this status prior to entering the United States.

Their primary immigration status is LPR. However, due to their special immigrant status, they will be considered refugees for six months, if Afghan, or eight months, if Iraqi, following their date of entry into the United States. For Iraqi or Afghan special immigrants who acquire Special Immigrant Status while in the United States, the date of eligibility for federal benefits and services (their entry date) begins on the date of grant of Iraqi or Afghan Special Immigrant Status. Once the Special Immigrant status terminates, their status will revert back to LPR status, and the 5-year eligibility bar to federal programs will apply. However, check eligibility for state-funded health care programs. No adjustment is required for Afghan and Iraqi special immigrants because they already have LPR status

## **Amerasians**

Noncitizen children of Vietnamese mothers and U.S. citizen fathers who were born in Vietnam between Jan. 1, 1962, and Jan. 1, 1976, are classified as Amerasians.

- Amerasian status is also extended to accompanying immediate relatives such as spouses, children, parents or guardians.
- These people are admitted to the United States as lawful permanent residents (LPR).
- This group would not include Amerasians from Vietnam that are here as non-immigrants, or Amerasians from countries other than Vietnam.

## **American Indian Noncitizens**

An American Indian born outside of the United States may be eligible for health care programs under one of the following categories:

- Born in Canada, with at least 50% American Indian blood, and is covered by the provisions of §289 of the Immigration and Nationality Act (INA).
  - Provision of §289 of the Immigration and Nationality Act (INA) grants statutory rights to American Indians born in Canada who possess at least 50% of blood of the American Indian race to pass the borders of the United States without the immigration restrictions imposed on other noncitizens by the INA. People in this category are considered lawful permanent residents (LPRs) and may live and work in the United States without USCIS documentation. USCIS will provide documentation if the individual requests it. The 5-year bar to federally-funded health care programs will not apply to these noncitizens.
  - To qualify under this status each individual, including spouses and biological or adopted children, must have at least 50% American Indian blood.
  - A person who does not possess 50% American Indian blood, but who entered the United States prior to December 24, 1952, and has maintained his residence in the United States since such entry shall be regarded as having been lawfully admitted for permanent residence.

- Is a member of a federally recognized tribe as defined in §450b(e) of the Indian Self-Determination and Education Assistance Act.
  - Recognized tribes are eligible for special programs and services provided by the federal government.
  - Such tribes are authorized by the Bureau of Indian Affairs to define the requirements for tribal membership.
  - Some tribes afford membership to non-U.S. born individuals. However, such tribal members are not considered lawful permanent residents.
  - This includes tribal members who were born in Canada who are entitled to freely cross the U.S. borders from Canada.

### **Conditional Permanent Residents**

Noncitizens who receive lawful permanent resident (LPR) status through marriage to a U.S. citizen are granted conditional residence if they have been married for less than two years when the LPR status was granted.

- The status of conditional permanent resident is granted for the first two years of marriage to assure that the marriage is entered in good faith, and not to evade the immigration laws of the United States.
- To maintain the LPR status, either the couple or the individual is required to petition for the removal of the condition during the 90 days before the second anniversary of the date the conditional resident status was obtained.
- Conditional residents have the same rights and documents as other LPRs, except their I-551 card is valid for two years.

## **Persons Fleeing Persecution**

### **Asylees**

Asylees are noncitizens who are already present and have been granted permission to remain in the U.S. Asylum is granted because of a well-founded fear of persecution if they return to their home country.

- Asylees may apply for lawful permanent resident (LPR) status after one year.
- Asylees are eligible to apply for employment authorization.

### **Conditional Entrants**

Conditional entrants were granted conditional entry into the United States because of fear of persecution in the home country due to race, religion, political opinion or because of a natural catastrophe.

- This was the immigration status used for refugees prior to the Refugee Act of 1980. All conditional entrants entered the United States before 1981, when the federal government stopped using this status.
- While many conditional entrants have adjusted to lawful permanent resident (LPR) status, some retain their original status.

### **Refugees**

Noncitizens who have permission to enter and live in the United States because of a well-founded fear of persecution in their home country due to race, religion, membership in a particular social group or due to political opinion have this status.

- This status is set prior to entering the United States.
- Refugees can apply for lawful permanent resident (LPR) status after one year in this status.
- Refugees are granted employment authorization upon entry in the United States.

## **Withholding of Removal**

Some applicants who are not granted asylum may be given “withholding of removal” status instead. USCIS withholds removal because of a threat to life or freedom in the person’s home country due to race, religion, nationality, membership in a particular social group, or political opinion.

- This status was formerly called “withholding of deportation.”
- The status must state “withholding of removal or deportation” and may cite section 243(h) of the INA.
- Very few noncitizens are given this status.
- Noncitizens granted withholding of removal status do not have a direct path to becoming an LPR.
- The following categories are not the same as withholding of removal or deportation:
  - Suspension of Deportation (used prior to 4/1/97). Now called Cancellation of Removal
  - Deferred Enforcement of Departure (DED)
  - Extended Voluntary Stay of Departure
  - Granted Indefinite Stay of Deportation

## **Other Lawfully Present Noncitizens**

Under certain circumstances, people are permitted to enter and/or remain in the United States on a limited basis. Consider people with these immigration statuses to be lawfully present noncitizens. In most cases, people in these categories will depart the United States when their status expires, or file a petition to adjust their status to LPR.

### **Applicants for Asylum**

A noncitizen who is already present in the United States, is applying for asylum and who can demonstrate a well-founded fear of persecution if forced to return to their home country has this status.

- The process of establishing asylee status can take a year or longer. Applicants for asylum would be considered to be lawfully present in the United States while the application for asylum is pending.
- Applicants for asylum are eligible for employment authorization after their case has been pending for a sufficient time (up to 180 days) or when a preliminary approval of the application is granted prior to a background check. There is no mandatory timeframe for adjudication of a case.
- This status is part of the “other lawfully present noncitizens” group.

### **Battered Noncitizens**

Battered noncitizens are victims of domestic violence who are attempting to become lawful permanent residents (LPRs). USCIS determines the battery and/or cruelty and approves the petition for adjustment to LPR status.

Under the Violence Against Women Act (VAWA) passed by Congress in 1994, the spouses and children of U.S. citizens or lawful permanent residents (LPR) may self-petition to obtain lawful permanent residency.

Note: The immigration provisions of VAWA allow certain battered immigrants to file for immigration relief without the abuser’s assistance or knowledge, in order to seek safety and independence from the abuser.

To qualify as a battered noncitizen all of the following conditions must be met:

- The individual must be one of the following:
  - A victim of battering or cruelty by a spouse or a parent, or by a member of the spouse or parent’s family residing in the same household.
  - The parent of a child, who has been such a victim, provided that the individual did not actively participate in the battery or cruelty.
  - The child of an abused parent residing in the same household of such a victim. The child need not have been abused.
- The individual must no longer be residing in the same household as the perpetrator of the abuse or cruelty.
- There must be a “substantial connection” between the battery or cruelty and the need for health care coverage. USCIS **only** determines that battery or cruelty has occurred.
- The individual must show one of the following:
  - An approved self-petition filed with USCIS under the Violence Against Women Act (VAWA) on Form I-360.
  - A pending I-360 petition with USCIS and USCIS Form I-797 Notice of Action stating a finding of prime facie eligibility and pending final approval of petition.
  - An approved or pending application for suspension of deportation or cancellation of removal under VAWA, and the immigration court has found that the applicant has made a prima facie case. Application for this status is requested by submitting to the Executive Office for Immigration Review (EOIR) the forms EOIR-42B to the EOIR.

Note 1: Children of the self-petitioner may also derive immigration status from the self-petition. The names of the qualifying children may be listed on the Notice of Action or the Notice of Prima Facie Determination.

Note 2: If the person does not have a legal immigration status, USCIS may place them in “deferred action” status at the time of the approval of the self-petition.

## **Cuban/Haitian Entrants**

This is a special status for nationals of Cuba or Haiti who meet one of the following:

- Were paroled into the United States.
- Are subject to exclusion or removal proceedings.
- Have an application for asylum pending.

The immigration status documentation may or may not say “Cuban/Haitian Entrant.”

Not all people from Cuba or Haiti have this status. Some are admitted under other statuses, such as refugee or LPR.

## **Deferred Action**

Deferred action status means the USCIS will not initiate removal proceedings against the person.

- This status may be temporarily granted to a self-petitioning battered spouse or child authorizing them to work in the United States.
- This status is granted under the discretion of the USCIS or an immigration judge.

## Deferred Enforced Departure (DED)

This status is granted to certain noncitizens by executive authorization of the President.

- DED status offers protection from deportation for a period of 12 or 18 months because of political instability in the country of origin or other reasons.
- DED noncitizens are also eligible to receive employment authorization while in the United States.
- First used in 1990, DED status has been granted to nationals of certain countries such as People's Republic of China, El Salvador, Haiti, and Liberia.

## Family Unity Beneficiary

This status provides protection from deportation and eligibility for employment authorization to the spouses and children of noncitizens who obtained legal status under the Immigration Reform and Control Act of 1986 (IRCA).

Enacted in December 2000, the Legal Immigration and Family Equity Act (LIFE) extends Family Unity status to the spouses and unmarried minor children of individuals eligible to become LPR's through the later amnesty laws.

## Lawful Temporary Resident (LTR)

This status is for noncitizens who had resided in the United States unlawfully since before January 1, 1982, and were allowed to legalize their status under the Immigration Reform and Control Act (IRCA) of 1986.

- There are very few people with this classification.
- The majority of people who legalized under IRCA are now LPRs.

## Order of Supervision

Persons with an Order of Supervision are noncitizens who are permanently residing in the United States Under Color of Law (PRUCOL), with the knowledge and permission of the USCIS. These individuals have been found deportable; however, certain factors exist which make it unlikely that USCIS would be able to remove the alien. Such factors include age, physical condition, humanitarian concerns, and the availability of a country to accept the deportee. Noncitizens in this category are required to report to USCIS periodically. If the factors preventing deportation are eliminated, USCIS will initiate action to remove alien.

The Order of Supervision (Form I-220B) should include the individual's alien registration number and a notation concerning exclusion, deportation or removal. They may also have an employment authorization such as USCIS Form I-688B, and Form I-94. These noncitizens may be eligible for state-funded MA, state-funded MinnesotaCare, GAMC, and EMA if other eligibility requirements are satisfied.

## Parolees

Noncitizens parolees are admitted to enter the United States for humanitarian, medical, or legal reasons.

- Parole status is usually granted for a specific time period, but in some instances it may be indefinite.
- Immigration documents will indicate if the person is a parolee.

Parolees fall into one of two categories, depending on how long they are authorized to remain in the United States. The authorization may be for:

- An indefinite or temporary period of **at least one year**.
  - Parolees from Cuba, the former Soviet Union, and Southeast Asia often arrive under a special parole program, which allows them to apply for adjustment of status to LPR after being in the United States for one year. Though their parole status is temporary, this category of parole is expected to result in permanent admission.
- A period of **less than one year**.

## **Pending Immigration Status**

Certain noncitizens with pending immigration status are considered to be lawfully present in the United States while their applications for adjustment of status are still being processed by the Immigration Services. This includes:

- The spouse or child of a U.S. citizen or a LPR whose petition to adjust status for Alien Relative (USCIS Form I-130) has been approved by the USCIS via a notice of Action, but whose application for a visa number (A#) is still pending with the Visa Center. The names of the spouse or child petition beneficiaries will appear on the Notice of Action with a description of the further immigrant visa processing steps.
- An applicant for adjustment of status to LPR under the “registry” provisions of immigration laws (Section 249 of the INA). The “registry” provision of the INA allows certain noncitizens, who have been present in the United States since January 1, 1972, to obtain lawful permanent residence even if they entered or resided illegally in the United States. Applicants who are inside the United States and have filed Application to Register Permanent Residence or Adjust Status (USCIS Form I-485) are eligible to apply for a work permit while their case is pending to be assigned a visa number (A#).

## **Persons Permanently Residing Under Color of Law (PRUCOL)**

Other immigration categories of noncitizens lawfully present in the United States under the color of law, whose departure USCIS does not contemplate enforcing include but are not limited to the following:

- Indefinite stay of deportation
- Indefinite voluntary departure
- Stays of deportation
- Filed application for adjustment of status under Section 245 of the INA and USCIS has accepted as “properly filed.”

Contact HealthQuest for further details on these categories.

## **Temporary Protected Status (TPS)**

TPS is a temporary immigration status granted to eligible people from designated countries.

- The Secretary of Homeland Security designates a country for TPS when he or she determines that there is an ongoing armed conflict, an environmental disaster or other extraordinary circumstances that pose a serious threat to the person’s safety if they return to their home country. The Secretary of Homeland Security also has the authority to extend or terminate the TPS designation of a country.
- During the period for which a country has been designated for TPS, TPS beneficiaries may remain in the United States and may obtain work authorization. However, TPS does not lead to permanent resident status. When the Secretary terminates a TPS designation, beneficiaries revert to the same immigration status they maintained before TPS (unless that status had since expired or been terminated) or to any other status they may have acquired while registered for TPS. Accordingly, if an alien had unlawful status prior to receiving TPS and did not obtain any status during the TPS designation, the alien reverts to unlawful status upon the termination of that TPS designation.

## **Trafficking Victims**

These are individuals who are forced into the international sex trade, prostitution, slavery, and forced labor through coercion, threats of physical violence, psychological abuse, torture, and imprisonment. They are certified as trafficking victims by the Office of Refugee Resettlement (ORR) of the U.S. Department of Health and Human Services (HHS).

- The ORR issues certification letters for adults who meet the requirements for certification as trafficking victims.



- Trafficking victims under age 18 are not required to be certified, but are issued letters of confirmation by ORR.
- The letters include an initial eligibility date and an expiration date eight months later.
- ORR will issue follow-up certification letters for people who continue to meet the requirements for certification as victims of trafficking after the initial eight-month period.

## **U.S. Armed Forces**

A noncitizen's military service in the U.S. Armed Forces may be an eligibility factor for some immigration statuses. Active duty in the U.S. Armed Forces includes Army, Navy, Air Force, Marine Corps, or Coast Guard service. It does not include National Guard service. The following people on active duty or veterans may be eligible with certain exceptions:

- Noncitizens on active duty in the U.S. Armed Forces, other than for training, along with their spouse and unmarried minor dependent children.
- Noncitizen veterans who were on active duty and fulfilled the minimum two years active duty service requirement, and were released with a discharge characterized as honorable and not on account of alienage (the status of being an alien).
- Noncitizen veterans are also those who served in certain military service before July 1, 1946. This includes some organized guerilla forces of the Philippine government, including service in the Philippine Scouts.

## **Nonimmigrants**

Noncitizens who are allowed to enter the United States for a limited period of time and for a specified purpose, such as tourists, students, and visitors on business, have a nonimmigrant status. Some non-immigrants, such as temporary workers and students, are permitted to work in the United States under certain restrictions.

### **Micronesians and Marshall Islanders**

The U.S. Government has agreements with the former trust territories of Micronesia and the Marshall Islands to grant special status to citizens of those territories.

- Citizens of Micronesia and the Marshall Islands may live and work permanently in the United States.
- They are considered permanent nonimmigrants (their status does not expire), and are not eligible for federally funded health care coverage.
- Status adjustment is not possible for these people.

## **Undocumented Immigrants**

Undocumented people are noncitizens who:

- Avoid Bureau of Customs and Border Protection (BCBP) inspection at the border.
- Enter the United States without the necessary documents.
- Violate the terms of a nonimmigrant visa (after entering the United States legally) by not leaving the country when the visa expires.

# 05

## Documentation of Immigration Status

- U.S. Citizenship and Immigration Services (USCIS) issues noncitizens documentation to prove their immigration status.
- USCIS assigns an alien “A” number to the noncitizens to keep track of the immigration file.
- USCIS varies the timeframe during which it issues documentation verification to noncitizens.
- Do not deny or close a case if the applicant or enrollee has a pending application with USCIS to request verification of documentation.

Note: Contact HealthQuest in case further assistance is needed with documentation verification.

This chapter provides information on Minnesota Health Care Program (MHCP) immigration status verification requirements and the types of documentation that may be presented. The subsections are:

- Verification Requirements for MHCP
- Types of Immigration Status Documentation
- USCIS Form I-94 Arrival/Departure Record
- USCIS Form I-94 Examples
- USCIS Form I-551 Lawful Permanent Resident Card (LPR) (Green Card)
- Certificate of Naturalization
- Employment Authorization Documentation
- USCIS Form I-688B Employment Authorization Document (EAD)
- USCIS Form I-766 Employment Authorization Document (EAD)
- Immigration Status Documentation Verification Chart
- Immigration Status Classifications and Codes Table



Noncitizens applying for MHCP coverage must provide verification of their immigration status.

- Do not request verification for undocumented immigrants or for household members who are not requesting health care coverage for themselves.
- Do not request additional verification, once verification has been provided, unless the immigrant reports a change in status.
- Do not accept verification obtained by another program if a change in status is reported.

Note: Verification of date of entry or status date may also be required for certain statuses if there is a need to establish eligibility for a federally funded program. See section 05.03 (Immigration Documentation Verification Chart) for specifics on the type of documentation needed for each immigration status.

### Current Verification Not Provided

If noncitizen applicants or enrollees qualify for health care program eligibility but present expired USCIS immigration status documentation or are unable to present immigration status documentation, follow these steps:

- Request further verification and refer the applicants or enrollees to the USCIS district office to secure proper documentation. For MinnesotaCare clients, the Request for Proof of Immigration Status (DHS-3411) may be requested.
- Approve coverage for the appropriate health care program provisionally while documentation verification is pending if all other program requirements are met. Eligibility is based on whatever program is appropriate for the status that the applicant claims.
  - Exception: If verification was previously requested and the applicant failed to provide it, do not approve health care coverage until the verification is received.
- If information is not received within two months of the request of the verification, send a letter reminding the applicant to provide verification of the immigration status.
  - For MinnesotaCare clients, the Second Request for Proof of Immigration Status (DHS-3406) may be used.
- Close health care coverage for the next available month if verification of immigration status is not received within 30 days of the date of the reminder letter. Re-determine eligibility when the proof is returned.
  - Exception: Do not close coverage for applicants or enrollees who have requested immigration verification from USCIS, but have not received it.

Note: A refugee or asylee with an expired employment authorization document (EAD) does not lose their refugee or asylee status.

Assist people in obtaining documentation if they request help.

- Do **not** contact USCIS without the person's written consent.
- Do not contact USCIS for undocumented people unless the person specifically requests the contact and gives signed permission.

See Chapter 07 (Systematic Alien Verification for Entitlements (SAVE)) for information on when to use the automated SAVE system to validate immigration status.

See Chapter 06 (Sponsor Deeming) on how to obtain sponsor deeming verification information.

**Example:**

Mila applies for health care coverage and states that she is a refugee. She cannot find her immigration status documentation.

**Action:**

Refer Mila to the USCIS to obtain documentation. Determine eligibility based on her refugee status. Request the documentation be returned within two months.

Undocumented and Nonimmigrant People

Do not require verification of immigration status for undocumented applicants who may be eligible for certain health care coverage including:

- Emergency Medical Assistance (EMA) (program EH)
- State-funded Medical Assistance or Noncitizen Medical Assistance (program NMED) for pregnant women
- State-funded Medical Assistance or Noncitizen Medical Assistance (program NMED) for people who are eligible solely because they are receiving services from the Center for Victims of Torture (CVT).

For people with a nonimmigrant status, request a copy of their USCIS Form I-94, or a copy of a passport showing the admission stamp.

How clients can obtain verification from USCIS

Applicants or enrollees must be referred to the local USCIS district office to obtain proper documentation (current unexpired documentation).

Noncitizens who have expired documentation must submit a form and pay a fee to get their documentation renewed. They can renew their documentation up to six months before the expiration date.

- Once the renewal application is filed, Lawful Permanent Residents (LPRs) are provided with temporary evidence of their LPR status.
- It may take up to 90 days or longer to renew an LPR card or (green card).
- The new LPR card is sent in the mail and is valid for 10 years.

USCIS has a fee waiver program for people who cannot pay for the renewal of their documentation. Clients must:

- Submit an affidavit (or an un-sworn declaration that is signed and dated and includes the statement: “I declare under penalty of perjury that the foregoing is true and correct”) requesting a fee waiver and stating the reasons for their inability to pay the filing fee.
- Demonstrate an inability to pay the fee. Reasons may include but are not limited to the following factors:
  - Receipt of Medical Assistance, Food Support, SSI or MFIP.
  - Age 65 or older.
  - Disability.
  - Income is at or below the poverty level.
  - Humanitarian or compassionate reasons.
  - Number and age of dependents requesting documentation.
- Provide supporting documentation of an inability to pay for the renewal of the documentation and the necessary application or petition forms for the immigration documentation request.

Note: If the fee waiver is denied, the entire application or petition package will be returned to the client, who must then re-file with the appropriate fee paid.

## 05.02

### Types of Immigration Status Documentation

There are many immigration documents and cards. People with similar documents might have different immigration statuses and may have different eligibility funding depending on the date of entry or admission, or other factors.

The following sections provide information on how to read some of the more common USCIS documentation, including how to determine the immigration status, the date of entry into the United States or the date the noncitizen was granted a particular status.

#### **USCIS Form I-94 Arrival/Departure Record**

The USCIS Form I-94 Arrival/Departure Record is a USCIS documentation issued to non-immigrants and certain immigrants upon entry to the United States.

- This is a 3X5 card.
- It is issued by a USCIS inspector.
- It may be stamped or handwritten.

Exception: Form CBP (Customs and Border Patrol) I-94A.

- Many ports of entry along the land borders with Canada and Mexico began using this form in late 2004.
- It is computer generated, with both the bearer's personal information and the terms of admission printed onto the form instead of written by hand.

It contains the following information:

- Date of entry.
- Name
- Date of Birth
- Country of Citizenship
- Place of arrival (port of entry).
- The class of admission.
- The length of time the individual is allowed to stay in the United States.
- Any special conditions which may apply.

USCIS Form I-94 provides the immigration status as follows for each status:

- **Asylees**  
"Asylum status granted indefinitely pursuant to section 208 of the INA" is noted on the I-94.
  - The card will not be stamped with employment authorization.
  - Asylees are given the I-94 once the status has been granted.
- **Parolees**  
"Admitted as a parolee (or Parolee status granted) pursuant to section 212(d)(5) of the INA until (date)" is noted on the I-94.

- This status is time-limited. The “until” date signifies when the status expires.
- Make sure the “until” date is one year or more from the date of entry or written on the I-94 card.
  
- **Conditional Entrants prior to April 1, 1980**  
“Conditional Entrant” and/or “refers to section 203(a)(7) of the INA” is noted on the I-94.
  
- **Amerasian Immigrants**  
A picture I-94 or foreign passport is stamped “Processed as temporary evidence for I-551 Lawful Permanent Resident.”
  - The codes for Amerasian status are AM1, AM2, AM3, AM6, AM7, or AM8.
  - These codes are found on the I-94, foreign passport or the I-551 LPR card.
  
- **Cuban/Haitian Entrants**  
“Cuban/Haitian Entrant (Status Pending)” or “Paroled as a Cuban-Haitian Entrant (Status Pending)” is noted on the I-94.
  - I-94s for Cuban/Haitian Entrants may not be consistent.
  - The document may not say Cuban/Haitian entrant.

## USCIS Form I-94 Examples

The following are examples of USCIS Form I-94 documents.

- **Example 1**

This I-94 is handwritten and shows an immigration status of B-2 with an “until” date listed.

- B-2 is the code for a visitor for pleasure or tourist.
- The “until” date is filled in because tourists are allowed to stay in the United States for a limited time period.

<p>Departure Number <b>742831632 01</b></p> <p>U.S. IMMIGRATION 250 WAS 177</p> <p>Immigration and Naturalization Service</p> <p>I-94 Departure Record</p> <p><b>SEP 13 1991</b></p> <p>ADMITTED <u>B-2</u> UNTIL <u>MARCH 12, 1992</u> (CLASS)</p> <p>14. Family Name <u>DOE</u></p> <p>15. First (Given) Name <u>JOHN</u></p> <p>16. Birth Date (Day/Mo/Yr) <u>01/01/91</u></p> <p>17. Country of Citizenship <u>ENGLAND</u></p> <p>See Other Side                      STAPLE HERE</p>	<p>→ Date of entry</p> <p>Entered as tourist (B-2 visitor for pleasure)</p> <p>→ Status is time-limited Tourists are allowed to stay in the U.S. for 6 months</p>
---	---

- **Example 2**

This USCIS Form I-94 example is stamped and shows an immigration status of Refugee pursuant to section 207 of the INA.

- Section 207 refers to the section of law the immigrant was admitted under.
- This card does not have an “until” date as part of the stamp. Refugee status does not have a time limit (does not expire).

<p>Departure Number <b>365837982 03</b></p> <p>Immigration and Naturalization Service <b>I-94 Departure Record</b></p> <p>ADMITTED AS A REFUGEE PURSUANT TO SECTION 207 OF THE I &amp; N ACT IF YOU DEPART FROM THE U.S. YOU WILL NEED PRIOR PERMISSION FROM INS TO RETURN EMPLOYMENT AUTHORIZED (Port) (Date) (Imm. Off.)</p> <p>14. Family Name 15. First (Given) Name 16. Birth Date (Day/Mo/Yr) 17. Country of Citizenship</p> <p>See Other Side                      STAPLE HERE</p>	<p>Refugee Section 207 Employment Authorization Given</p> <p>Date of entry for refugee</p>
---	--

- **Example 3**

This USCIS Form I-94 is an example of a Form CBP I-94A.

<p>Departure Number <b>813106636 11</b></p> <p>Department of Homeland Security <b>CBP I-94A (11/04) Departure Record</b></p> <p>ADMITTED USA <b>FEB 05 2005</b> L1 Class: CA606 Ungr: 0000</p> <p><b>09/17/2007</b></p> <p>Family Name <b>SAMPLE</b> First (Given) Name <b>AHMET</b> Country of Citizenship <b>PAKISTAN</b></p> <p>20041122 US-VISIT 20041122 MULTIPLE</p> <p>See Other Side                      STAPLE HERE</p>	<p>Date of entry</p> <p>Entered for business purposes</p> <p>Status is time-limited Nonimmigrants are granted temporary admission.</p>
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## USCIS Form I-551 Lawful Permanent Resident Card (LPR) - (Green Card)

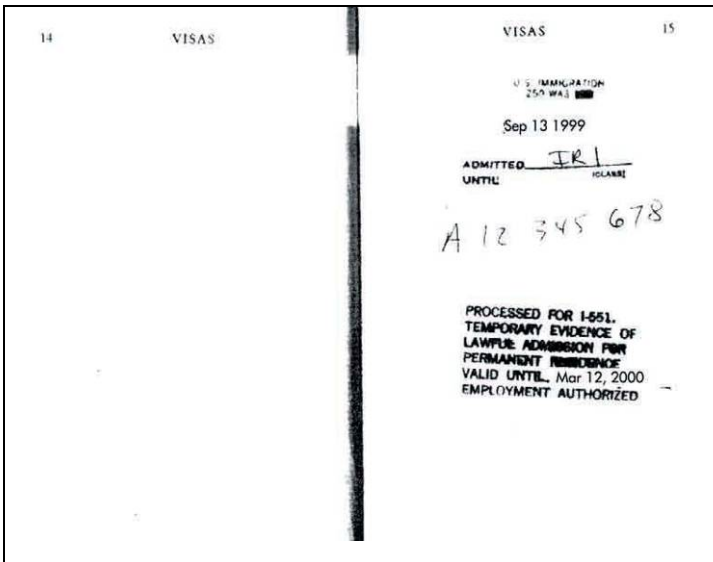
The USCIS Form I-551 is documentation of lawful permanent resident (LPR) status.

The latest version of the Permanent Resident Card, USCIS Form I-551, began being issued in November 2004. This card is commonly referred to as a “green card” and is a replacement for the USCIS Form I-151 (Resident Alien Card). Form I-151 is no longer issued, but it is valid indefinitely, or until the expiration date.

All I-551s provide the alien identification number, also referred to as the “A number.” This number always begins with an “A” followed by 9 numbers.

- Stamp in a Foreign Passport
  - Noncitizens admitted to the United States as an LPR have their passport stamped with temporary proof of LPR status.
    - The stamp has an expiration date.
    - This is verification of admission as an LPR.
    - This stamp might also be seen on the noncitizen’s USCIS Form I-94.

### Example



- **USCIS Form I-551 Lawful Permanent Resident Card 1977 Version**

The USCIS Form I-551 was introduced in January 1977. Look for the following information on this card:

  - The card has the bearer’s photo with the right ear visible, signature and fingerprint.
  - The card does not have an expiration date.
  - The front of the card provides:
    - Alien identification number.
      - The immigration code or status above “CLASS.”
      - The point of entry (POE) to the United States.
  - The back of the card provides:
    - Alien identification number without the A prefix.
    - The date of entry.

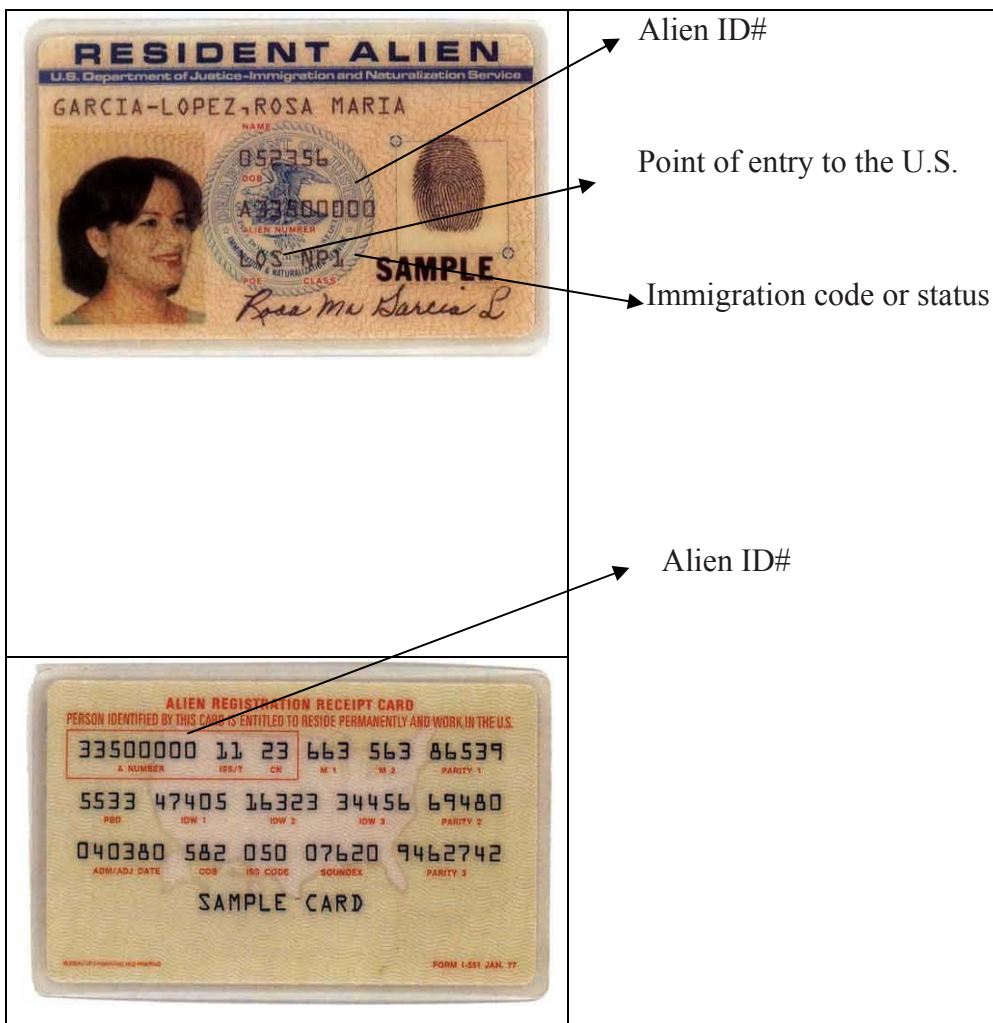


- The date of admission/adjustment (ADM/ADJ) is listed as month/day/year. This date's meaning varies by status.
  - Refugees – The date of entry into the United States. Enter this date on the STAT/IMIG panel.
  - Asylees – The date asylum was granted was one year prior to the date listed. For example, a card dated 040380 for an asylee means asylum was granted April 30, 1979. Enter the date asylum was granted on the STAT/IMIG panel.
  - Amerasians – The date of entry into the United States. Enter this date on the STAT/IMIG panel.

**Example**

This is an example of the 1977 version of the USCIS Form I-551.

- It lists an immigration code of NP1, a non-preference immigrant.
- The date of entry is April 30, 1980.





- **USCIS Form I-551 Lawful Permanent Resident Card 1989 and 1992 Versions**

The 1989 and 1993 versions of the I-551 are very similar. The difference is found on the January 1992 version. A white box behind the fingerprint has been added. The following can be found on each of the cards:

- The following is found on the front of the card:
  - The date of birth.
  - The alien identification number, with an A prefix.
  - A card expiration date. This expiration date does not indicate that the alien’s status has expired but that the card must be renewed.
- The following is found on the back of the card:
  - The immigration code or status.
  - The port of entry.
  - The date of entry or adjustment is listed as month/day/year. This date’s meaning varies by status.
    - Refugees – The date of entry into the United States. Enter this date on the STAT/IMIG panel.
    - Asylees – The date asylum was granted was one year prior to the date listed. For example, a card dated 040380 for an asylee means asylum was granted April 30, 1979. Enter the date asylum was granted on the STAT/IMIG panel.
    - Amerasian immigrants – The date of entry into the United States. Enter this date on the STAT/IMIG panel.

**1989 Example**





- **USCIS Form I-551 Permanent Resident Card 1997 Version**

The 1997 version of the I-551, previously named the Resident Alien card, is officially called the Permanent Resident Card. The 1997 version of the I-551:

- The following is found on the front side of the card:
  - Picture.
  - Date of birth.
  - Alien identification number with an A prefix.
  - Immigration Code, listed under “Category.”
  - Card expiration date. The card expires 10 years from issuance.
  - The date of entry or adjustment is listed as “resident since” by month/day/year. This date’s meaning varies by status.
    - Refugees – The date of entry into the United States. Enter this date on the STAT/IMIG panel.
    - Asylees – The date asylum was granted was one year prior to the date listed. For example, a card dated 040380 for an asylee means asylum was granted April 30, 1979. Enter the date asylum was granted on the STAT/IMIG panel.
  - Amerasian immigrants – The date of entry into the United States. Enter this date on the STAT/IMIG panel.
  - Does not have a status expiration date. This version remains valid until the USCIS implements an official replacement program in the future.
  - Is more fraud-resistant. It includes numerous security features including a digitized color photograph, an imbedded Statue of Liberty hologram, and an optical memory stripe.
  - The back side of the card has an optical memory stripe with an engraved version of the information contained on the front of the card. This laser-etched information cannot be erased or altered and can only be read by USCIS personnel using a specially designed scanner.

This information includes the cardholder’s:

- Photograph.
- Name.
- Signature.
- Date of birth.
- Alien registration number.

Holders of previous versions of the USCIS Form I-551 do not need to immediately replace their cards. They remain valid until the expiration date. This allows for the gradual replacement of previous versions.





## **Certificate of Naturalization**

People become U.S. citizens when they:

- Are born to a U.S. citizen.
- Are born in the United States.

Note: Persons from Guam, Puerto Rico, the U.S. Virgin Islands and the Northern Mariana Islands are also U.S. citizens.

- Complete the naturalization process.

A person wishing to become a citizen through the naturalization process must meet all of the following requirements:

- Be an LPR.
- Be at least 18 years old
- Reside continuously in the United States for 5 years, or 3 years if married to a U.S. citizen.
- Be of good moral character which includes a review of any criminal history.
- Attached to the principles of the Constitution of the United States.
- Able to read, write, speak and understand the English language
- Demonstrate a knowledge and understanding of the history of the government of the United States.
- Take an oath of allegiance promising to support the Constitution and obey the laws of the United States.
- Bear arms for the Armed Forces of the United States or perform services for the government of the United States when required.



## Certificate of Naturalization Examples

Two common versions of the Certificate of Naturalization are provided. All certificates of naturalization are printed on watermarked paper.

You can make a copy of the Certificate of Naturalization as long as the copy is not the same size as the original or is in black and white.

- **Present Version**

The present version has a green color background with a gold embossed Great Seal of the United States. All certificates are printed on watermarked paper.

This is a sample of the present version of the Certificate of Naturalization. It features a green background with a gold embossed Great Seal of the United States. The form includes fields for personal description, marital status, and country of former nationality. The text is printed in a serif font, and the overall design is formal and official.

**THE UNITED STATES OF AMERICA**  
**DEPARTMENT OF JUSTICE**  
**CERTIFICATE OF NATURALIZATION**

No. \_\_\_\_\_

**ORIGINAL**

*Personal description of holder as of date of naturalization: Date of birth \_\_\_\_\_, color of hair \_\_\_\_\_, height \_\_\_\_\_ feet \_\_\_\_\_ inches, weight \_\_\_\_\_ pounds, and distinguishing marks \_\_\_\_\_*

*Marital status: \_\_\_\_\_ Country of former nationality: \_\_\_\_\_*

*I certify that the description above given is true, and that the photograph affixed hereto is a likeness of me.*

*(Complete and true signature of holder)*

*Be it known that, pursuant to an application filed with the Attorney General at \_\_\_\_\_, Nebraska, on \_\_\_\_\_, 19\_\_\_\_, the Attorney General having found that \_\_\_\_\_, who residing in the United States, intends to reside in the United States when so required by the Naturalization Laws of the United States, and has in all other respects complied with the applicable provisions of such naturalization laws and was admitted to citizenship, such person having taken the oath of allegiance in a ceremony conducted by the U. S. IMMIGRATION & NATURALIZATION SERVICE, NORTHERN SERVICE CENTER LINCOLN NE, that such person is admitted as a citizen of the United States of America.*

*at: \_\_\_\_\_, Nebraska*

*at: \_\_\_\_\_, Nebraska*

*Commissioner of Immigration and Naturalization*

IT IS PUNISHABLE BY U. S. LAW TO COPY, PRINT OR PHOTOGRAPH THIS CERTIFICATE, WITHOUT LAWFUL AUTHORITY.

- **Earlier Version**

Earlier versions were gray or beige and do not contain the embossed seal.

This is a sample of an earlier version of the Certificate of Naturalization. It features a gray/beige background and does not contain the embossed seal. The form includes fields for personal description, marital status, and country of former nationality. The text is printed in a serif font, and the overall design is formal and official.

**THE UNITED STATES OF AMERICA**  
**DEPARTMENT OF JUSTICE**  
**CERTIFICATE OF NATURALIZATION**

No. 20373068

**ORIGINAL**

*Personal description of holder as of date of naturalization: Date of birth MAY 22, 1912*

*Sex: MALE*

*Height: 5 feet 02 inches*

*Marital status: MARRIED*

*Country of former nationality: PHILIPPINES*

*I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.*

*(Complete and true signature of holder)*

*Be it known that, pursuant to an application filed with the Attorney General at LINCOLN, NE, the Attorney General having found that MARIANO ALBURO MERCADO, who residing in the United States, intends to reside in the United States when so required by the Naturalization Laws of the United States, and has in all other respects complied with the applicable provisions of such naturalization laws and was admitted to citizenship, such person having taken the oath of allegiance in a ceremony conducted by the U. S. IMMIGRATION & NATURALIZATION SERVICE, NORTHERN SERVICE CENTER LINCOLN NE, that such person is admitted as a citizen of the United States of America.*

*at: LINCOLN, NE*

*at: LINCOLN, NE*

*Commissioner of Immigration and Naturalization*

IT IS PUNISHABLE BY U. S. LAW TO COPY, PRINT OR PHOTOGRAPH THIS CERTIFICATE, WITHOUT LAWFUL AUTHORITY.

## **Employment Authorization Documentation (EAD)**

There are two types of employment authorization documentation:

- USCIS Form I-688B.
- USCIS Form I-766.

The EAD lists the person's immigration status. It does not list the date of entry or date they were granted a particular status. Other documentation is needed, such as the USCIS Form I-94, for actual verification of the date of entry or date status was granted.

Unless otherwise noted, noncitizens must apply for this authorization.

- Refugees are authorized to work because of their status but they must apply for an EAD.
  - While waiting for their EAD, a refugee can present their I-94, which is stamped as employment authorized, and their social security number to the employer.
- An applicant for asylum must wait 180 days from the date the USCIS receives a complete application to apply for employment authorization.

The following noncitizens do not need an EAD because their USCIS Form I-551 (LPR) card is their authorization:

- Lawful Permanent Residents (LPR).
- Conditional Entrants.

The EAD has an expiration date.

- Most EADs are valid for one year. However, some may have two-year issuance periods.
- A person should apply for renewal of their EAD six months before expiration. USCIS can waive the fee if the person cannot pay the renewal fee. It may take up to 90 days to renew the EAD.
- A person with an expired EAD can provide USCIS Form I-94 as proof of their status.
  - A refugee or asylee with an expired EAD can provide USCIS Form I-94 as proof of their current status. These are not time-limited statuses.
  - A person with a temporary status, such as paroled for a period of one year or more, must provide verification that their status has been extended or adjusted.

## **USCIS Form I-688B Employment Authorization Document (EAD)**

The USCIS Form I-688B provides authorization for noncitizens to work in the United States. The following information is found on the I-688B (EAD) card:

- Name
- Expiration date of the card.
- Date of birth.
- The person's immigration status found under "Provision of Law." The code always starts with 274a.12 followed by a letter and number in parenthesis. You are looking for the letter and number in parenthesis.

The following documents are copies of several I-688B EADs that indicate the person has been granted permission to work in the United States.

### **Example 1**

The first USCIS Form I-688B is from 1989.

- It has interlocking gold lines across the front. The card for May and August 1995 of is a synthetic material.

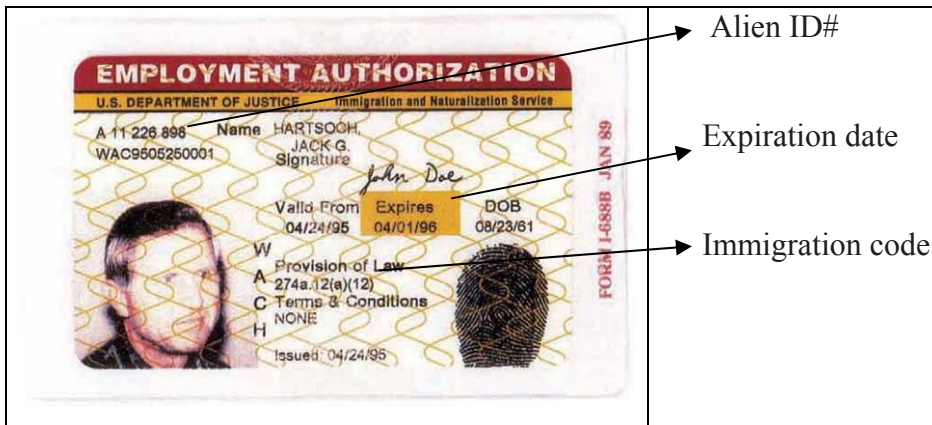


- The name on the May 1995 version is printed on two lines rather than one line as seen on the 1989 and August 1995 versions.
- The top card shows the person has an immigration status of (c)(9), an applicant for adjustment to lawful permanent resident status. This code only applies to the noncitizen spouse or child of a U.S. citizen who is approved for adjustment to LPR status.



### Example 2

The next card, from May 1995, shows the person has an immigration status of (a)(12), an immigrant granted temporary protected status.



### Example 3

The last card, from August 1995, shows the person has an immigration status of (c)(8), an applicant for asylum.



## USCIS Form I-766 Employment Authorization Document (EAD)

The USCIS Form I-766 began replacing the I-688B in January 1997.

Some noncitizens will continue to receive their work authorization on the existing I-688B EADs, while the I-766 document is being phased in.

Note: The I-688B will continue to be issued and remain valid until the expiration date on the individual card.

The following information is found on the I-766 (EAD) card:

- Name.
- Alien identification number.
- Date of birth.
- The immigration code, which is located under “Category” as a capital letter followed by a number (such as “A3” for refugee).
- An expiration date.

It also contains the following identifiers:

- A hologram of the Statue of Liberty.
- A map of the United States on the front.
- Extremely small printing in the colors of light and dark blue around the USCIS seal. This small print appears as solid lines.
- The back of the card has a number and bar code, and magnetic strip, which contains unique card data.

The following documents are copies of several USCIS Form I-766 EADs that indicate the person has been granted permission to work in the United States.


### January 1997 Version

This card shows that the noncitizen has a status of A12, granted Temporary Protected (TPS) status. The employment authorization is valid for 3 months.

Alien ID#	Immigration code	Expiration date

## May 2004 Version

The new May 2004 version now displays the Department of Homeland Security Seal. You read this card the same way as the 1977 version. This card shows that the noncitizen has a status of C19, applicant for Temporary Protected Status (TPS applicant).

<p>U.S. DEPARTMENT OF HOMELAND SECURITY, U. S. Citizenship and Immigration Services</p> <p><b>EMPLOYMENT AUTHORIZATION CARD</b></p> <p>The person identified is authorized to work in the U.S. for the validity of this card.</p> <p>NAME VOID, VOID V <i>Joe W Crittendon</i></p> <p>A# 000-000-376 CARD # <b>WVAC0000000376</b></p> <p>Birthdate <b>01/01/50</b> Category <b>C19</b> Sex <b>M</b></p> <p>Country of Birth <b>El Salvador</b></p> <p>Temporary Conditions <b>None</b></p> <p><b>NOT VALID FOR REENTRY TO U.S.</b></p> <p>CARD VALID FROM <b>01/01/50</b> EXPIRES <b>01/01/50</b></p>	<p>6765698</p>    <p><b>This card is not evidence of U.S. citizenship or permanent residence. This document is void if altered, and may be revoked by the U. S. Government</b></p> <p>FORM I-786 Rev. (05-2004)</p>
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## 05.03 Immigration Status Documentation Verification Chart

This chart provides a list of the different types of acceptable verification for each immigration status.

Immigration Status Documentation Verification Chart	
Status	Type of Verification
Amerasian Immigrant	<ul style="list-style-type: none"> <li>• A picture USCIS Form I-94 stamped “processed for I-551” with codes AM1, AM2, AM3, AM6, AM7, or AM8</li> <li>• A foreign passport stamped “processed for I-551” with codes AM1, AM2, AM3, AM6, AM7, or AM8</li> </ul>
American Indian Noncitizens	<p>Born in Canada</p> <ul style="list-style-type: none"> <li>• USCIS Form I-551 (Permanent Resident Card) or (Green Card) with a code of S13. (USCIS has already established the existence of at least 50% American Indian blood prior to issuing Form I-551)</li> </ul> <p>Or if USCIS Form I-551 not available, ask for the following documents to establish at least 50% of American Indian blood</p> <ul style="list-style-type: none"> <li>• Identification card from the Ministry of Indian and Northern Affairs</li> <li>• Written Tribal Certification based on reliable tribal records</li> <li>• Written statement from an official of the tribe on tribe’s official letterhead explicitly stating percentage of American Indian blood</li> <li>• Birth or baptismal certificate issued on a reservation</li> <li>• Tribal records</li> <li>• Letter from the Canadian Department of Indian Affairs (Form IA-1395) (specifies tribal affiliation, but does not indicate percentage of American Indian blood).</li> <li>• School records</li> </ul>
	Member of a Federally Recognized Tribe
Applicant for Asylum	<ul style="list-style-type: none"> <li>• Receipt or Notice showing filing USCIS Form I-589 (Application for Asylum or Withholding)</li> <li>• USCIS Form I-766 coded 274(a)12(c)(8) or C8, (Application for Employment Authorization (EAD)), or I-688B</li> <li>• USCIS Form I-94 indicating the person is an applicant for asylum</li> <li>• Any other USCIS verification showing Applicant for Asylum status</li> </ul>
Asylee	<ul style="list-style-type: none"> <li>• USCIS Form I-94 annotated with a stamp showing a grant of asylum</li> <li>• Order granting asylum issued by an immigration judge, the Board of Immigration Appeals, or a federal court</li> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)) annotated 274a.12 (a) (5) or A5, or I-688B</li> <li>• USCIA Form I-571 (Refugee Travel Document)</li> </ul>
Battered Noncitizen	<ul style="list-style-type: none"> <li>• An approved self-petition filed with USCIS under the Violence Against Women Act (VAWA) on USCIS Form I-360</li> <li>• USCIS Form I-797 (Notice of Action) referencing to pending I-360 or finding establishment of a prima facie case</li> <li>• USCIS documents indicating a pending suspension of deportation or cancellation of removal case</li> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)) annotated 274a.12(a)(10) or A10, or I-688B</li> </ul>



Status	Type of Verification
Conditional Entrant	<ul style="list-style-type: none"> <li>• Not used since 1980</li> <li>• USCIS Form I-94 with stamp showing admission under section 203(a)(7) of the INA or refugee-conditional entry</li> <li>• USCIS Form I-766 (Employment Authorization (EAD)) annotated A3</li> <li>• USCIS Form I-688B annotated 274a.12(a)(3)</li> </ul>
Cuban/Haitian Entrant	<ul style="list-style-type: none"> <li>• USCIS Form I-94 with a stamp indicating Cuban/Haitian entrant, or other notation indicating “parole”</li> <li>• USCIS Form I-551 (Permanent resident card) coded CU6, CU7, or CH6 for individuals who have adjusted to LPR status</li> <li>• USCIS Form I-589 (Application for Asylum) or any document indicating pending asylum application</li> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)) coded 274a.12(c)(8) or C8 or I-688B</li> <li>• Any other USCIS verification showing Cuban/Haitian Entrant status</li> </ul>
Deferred Action	<ul style="list-style-type: none"> <li>• USCIS Form I-797 (Notice of Action) indicating Deferred Action or other forms showing approval of status</li> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)) coded 275a.12(c)(14) or C14, or I-688B</li> <li>• Any other USCIS verification showing Deferred Action status</li> </ul>
Deferred Enforced Departure(DED)	<ul style="list-style-type: none"> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)) coded 274a.12(a)(11) or A11, or I-688B</li> <li>• Any other USCIS verification showing DED status</li> <li>• USCIS Form I-94 indicating Deferred Enforced Departure status</li> </ul>
Family Unity Beneficiary	<ul style="list-style-type: none"> <li>• USCIS Form I-797 (Notice of Action) indicating approval of I-817 Application for Family Unity</li> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)) coded 274a.12(a)(13) or A13, or I-688B</li> <li>• USCIS Form I-94 indicating Family Unity status</li> <li>• Any other verification from immigration authorities showing Family Unity Beneficiary status</li> </ul>
Iraqi and Afghani Special Immigrants	<p><u>Principal Applicant Iraqi or Afghan Special Immigrant</u></p> <ul style="list-style-type: none"> <li>• Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI1 or SQ1.</li> <li>• USCIS stamp or notation on passport or I-94 showing date of entry</li> </ul> <p><u>Spouse of Principal Applicant Iraqi or Afghan Special Immigrant</u></p> <ul style="list-style-type: none"> <li>• Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI2 or SQ2.</li> <li>• USCIS stamp or notation on passport or I-94 showing a date of entry.</li> </ul> <p><u>Unmarried Child under 21 of Iraqi or Afghan Special Immigrant</u></p> <ul style="list-style-type: none"> <li>• Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI3 or SQ3.</li> <li>• USCIS stamp or notation on passport or I-94.</li> </ul> <p><u>Principal Applicant Iraqi or Afghan Special Immigrant/Principal Adjusting Status in the U.S.</u></p> <ul style="list-style-type: none"> <li>• USCIS Form I-551 (Permanent Resident Card) or (green card) showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV (immigrant visa) code of SI6 or SQ 6.</li> </ul> <p><u>Spouse of Principal Applicant Iraqi or Afghan Special Immigrant in P6 Category</u></p> <ul style="list-style-type: none"> <li>• USCIS Form I-551 showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV (immigrant visa) code of SI7 or SQ 7.</li> </ul> <p><u>Unmarried Child under 21 of Iraqi or Afghan Special Immigrant in P6 Category</u></p> <ul style="list-style-type: none"> <li>• USCIS Form I-551 showing Iraqi or Afghan Nationality (or Iraqi or Afghani passport), with an IV (immigrant visa) code of SI9 or SQ9.</li> </ul>

Status	Type of Verification
Lawful Permanent Resident (LPR)	<ul style="list-style-type: none"> <li>• USCIS Form I-551 (Permanent Resident Card) or (green card). (Earlier versions of the card are also accepted)</li> <li>• USCIS Form I-327 (Reentry Permit)</li> <li>• Foreign passport showing temporary evidence of LPR or “I-551” status.</li> <li>• Order issued by an immigration judge, the Board of Immigration Appeals (BIA), or a federal court granting registry, suspension of deportation, cancellation of removal, or adjustment of status.</li> <li>• USCIS Form I-94</li> <li>• Any other USCIS verification showing LPR status</li> </ul>
Lawful Temporary Resident (LTR)	<ul style="list-style-type: none"> <li>• USCIS Form I-688 (Temporary Resident Card)</li> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)) coded 274a.12(a)(2) or A2, or I-688B</li> <li>• Any other USCIS verification showing LTR status</li> </ul>
Micronesian or Marshall Islander	<ul style="list-style-type: none"> <li>• Micronesian or Marshall Islands passport</li> <li>• USCIS Form I-94 or other USCIS documents indicating the person was admitted as a citizen of Micronesia (CFA/FSM) or the Marshall Islands (CFA/MIS)</li> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)) annotated A8</li> <li>• USCIS Form I-688B annotated 274a.12(a)(8)</li> </ul>
Nonimmigrant	<ul style="list-style-type: none"> <li>• Form I-94 Arrival/Departure Record, or passport indicating nonimmigrant visa</li> <li>• Any other USCIS verification indicating nonimmigrant status</li> </ul>
Order of Supervision	<ul style="list-style-type: none"> <li>• USCIS Form I-220B (Order of Supervision)</li> <li>• USCIS Form I-94 annotated “Order of Supervision”</li> <li>• USCIS Form I-688B or I-766 (Employment Authorization Document) coded 274a.12</li> </ul>
Parolee At Least One Year	<ul style="list-style-type: none"> <li>• USCIS Form I-94 with a stamp showing parole granted for at least one year under Section 212(d)(5) of the Immigration and Nationality Act (INA). I-94 may be stamped “PIP” or “HP”</li> </ul>
Parolee Less Than One Year	<ul style="list-style-type: none"> <li>• USCIS Form I-94 with a stamp displaying a grant of parole under Section 212(d)(5) of the INA. I-94 may be stamped “PIP” or “HP.”</li> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)), or I-688B coded 274a.12 (a)(4), 274a.12(c)(11), A4, or C11</li> <li>• USCIS Form I-512 (Advance Parole Authorization) annotated with the reason parole was granted under section 8 CFR</li> <li>• Any other USCIS verification showing paroled status</li> </ul>
Pending Immigration Status	<ul style="list-style-type: none"> <li>• USCIS Notice of Action Form approving petition to Adjust Status for Alien Relative (USCIS Form I-130), and stating pending status of application for a visa number (A#) by the Visa Center</li> <li>• Filed USCIS Form I-485(Copy of Application to Register Permanent Residence or Adjust Status)</li> <li>• Work permit while their case is pending to be assigned a visa number (A#)</li> </ul>
Refugee	<ul style="list-style-type: none"> <li>• USCIS Form I-94 (Arrival/Departure Record) or passport stamped “refugee” or § 207</li> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)) or I-688B coded 274a.12(a)(3) or A3</li> <li>• USCIS Form I-571 (Refuge travel document)</li> <li>• Any other USCIS verification showing refugee status</li> </ul>

Status	Type of Verification
Temporary Protected Status	<ul style="list-style-type: none"> <li>• Receipt or Notice showing filing of USCIS Form I-821 (Application for Temporary Protected Status)</li> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)), or I-688B coded 274a.12(c)(19) or C19</li> <li>• Any other USCIS verification showing TPS status</li> </ul>
Trafficking Victim	<ul style="list-style-type: none"> <li>• ORR letter</li> <li>• Or, if letter not available, call: <ul style="list-style-type: none"> <li>○ Adults: 202-401-4561 or 202-401-5702</li> <li>○ Children under age 18: 202-420-4732</li> </ul> </li> <li>• Or, contact the DHS Resettlement Program Office at 651-431-3809</li> </ul>
Undocumented Person	Do not require verification
Persons Granted Withholding of Deportation or Removal	<ul style="list-style-type: none"> <li>• USCIS Form I-94 or passport stamped Withholding of Removal</li> <li>• Order granting withholding of deportation or removal issued by USCIS, an immigration judge, the BIA, or a federal court</li> <li>• USCIS Form I-766 (Application for Employment Authorization (EAD)), or I-688B coded 274a.12(a)(10) or A10</li> <li>• USCIS Form I-571 (Refugee travel document)</li> </ul>

## 05.04 Immigration Status Classifications and Codes

This section provides reference charts for deciphering immigration documentation.

Note: If you find a document or code that is not listed, do not assume the document is invalid. Please send a HealthQuest to the Department of Human Services (DHS) following standard procedure.

### USCIS Form I-94 Arrival/Departure Record Coding

Noncitizens with USCIS Form I-94 include LPRs, persons fleeing persecution, persons with permission to remain in the United States based on a pending application, person in deportation or removal proceedings, nonimmigrants, and undocumented persons whose period of admission or parole has expired.

Codes on the USCIS Form I-94 indicate the provision of law related to the individual's status. The following chart is a list of codes most commonly found on the I-94.

<b>Persons Fleeing Persecution</b>	
203(a)(7)	Conditional Entrant
207 or REFUG	Refugee
208	Asylum
AM-1,-2,-3,	Amerasian
243(h) or 241(b)(3)	Withholding of Deportation/Removal

<b>Persons Granted Permission to Remain in the United States</b>	
106	Granted indefinite stay of deportation
242(b)	Granted voluntary departure
212(d)(5)	Parolee

<b>Nonimmigrants</b>	
A-1,-2,-3	Foreign government official, dependents and employees
B-1	Temporary visitor for business
B-2	Temporary visitor for pleasure (tourist)
C-1,-2,-3	Aliens in transit
D	Crewmember of ship or aircraft
E-1,-2	Treaty trader and investor and dependents
F-1,-2	Foreign student and dependents
G-1,-2,-3,-4,-5	Representative of international organization, dependents and employees
H-1A	Registered nurse
H-1B	Alien in specialty occupation
H-2A	Temporary agricultural worker
H-2B	Temporary worker
H-3	Trainee
H-4	Spouse or child of "H" worker (see categories above) or trainee
I	Foreign information media representative and dependents
J-1,-2	Exchange visitor and dependents



Nonimmigrants	
K-1,-2	Fiancé(e) of U.S. citizen and children
K-3,-4	Spouse of U.S. citizen and children
L-1,-2	Intracompany transferee and dependents
M-1,-2	Vocational/nonacademic student and dependents
N-8,-9	Parent of special immigrant and children
NATO-1 through-7	Representative of NATO, dependents and employees
O-1,-2,-3,-4	Persons with extraordinary abilities in the sciences, arts, education, business, and athletics, and dependents
P-1,-2,-3	Artists, entertainers and athletes who are performing, teaching, or on an exchange program
Q	Cultural exchange
R-1,-2	Religious workers and dependents
S-5,-6,-7	Alien supplying information relating to crime or terrorism, and qualified family members
TWOV	Transit without a visa
TC	Canadian citizen seeking temporary entry pursuant to Free Trade Agreement
TN, -D	NAFTA professional and dependents
WB	Visitor for business admitted under visa waiver pilot program
WT	Visitor admitted under visa waiver pilot program

### USCIS I-551 Permanent Resident Card Coding (“Green Card”)

The codes on the green card indicate how an LPR immigrated to the United States. This information can be useful, for example, in determining whether an individual immigrated through a family member, as a refugee, or through some other means. As noted below, the code also often indicates whether the immigrant became an LPR through processing at a consulate abroad or through adjustment of status in the United States. The following chart is a list of codes most commonly found on the I-551 card.

Note: **This list is not comprehensive.** Anyone with a green card is an LPR, and a “qualified” immigrant, regardless of the particular code on the card.

IMMEDIATE RELATIVE CODES		
Processing Abroad	Adjustment in U.S.	Meaning
	CF-1, CF-2	Spouse and minor step-child of U.S. citizen who was admitted as a fiancé(e), and is subject to 2-year conditional residency
CR1, CR-2	CR6, CR-7	Spouse and step-child of a U.S. citizen, subject to 2-year conditional residency
	IF-1, IF-2	Spouse and minor step-child of a U.S. citizen who was admitted as a fiancé(e)
IR-1	IR-6	Spouse of a U.S. citizen
IR-2	IR-7	Child of a U.S. citizen
IR-3, IR-4	IR-8, IR-9	Orphan adopted or to be adopted by a U.S. citizen
IR-5	IR-0	Parent of a U.S. citizen
IW-1	IW-6, IW-7	Widow or widower and child of a U.S. citizen
	MR-0, MR-6, MR-7	Parent, spouse, or child of a U.S. citizen, presumed to be LPR, from the Northern Marianas
	Z4-3	Immediate relative of a U.S. citizen or special immigrant granted LPR status through private bill

\* If the client’s I-551 “Green Card” lists an immediate relative code from the chart above, you may need to deem a sponsor’s income or assets. Refer to Chapter 6 – Sponsor Deeming for additional information.

<b>FAMILY-BASED IMMIGRANTS</b>		
<b>Processing Abroad</b>	<b>Adjustment in U.S.</b>	<b>Meaning</b>
<b>1<sup>st</sup> Family Preference</b>		
F1-1	F1-6	Unmarried son or daughter of a U.S. citizen
F1-2	F1-7	Child of F1-1 or F1-6
P1-1	P1-6	Unmarried son or daughter of a U.S. citizen (pre-1991)
P1-2	P1-7	Child of P1-1 or P1-7
<b>2<sup>nd</sup> Family Preference</b>		
C2-1, C2-2	C2-6, C2-7	Spouse and step-child of an LPR subject to 2-year conditional residency
C2-3	C2-8	Child of C2-1,-2, -6, or -7
C2-4	C2-9	Unmarried son or daughter who is step-child of an LPR, subject to 2-year conditional residency
C2-5	C2-0	Child of C2-4 or C2-9
CX-1, CX-2	CX-6, CX-7	Spouse and step-child of an LPR, subject to 2-year conditional residency
CX-3	CX-8	Child of CX-1-2, -6, or -7
F2-1	F2-6	Spouse of LPR
F2-2	F2-7	Child of LPR
F2-3	F2-8	Child of F2-1 or F2-6
F2-4	F2-9	Unmarried son or daughter of LPR
F2-5	F2-0	Child of F2-4 or F2-9
FX-1	FX-6	Spouse of LPR
FX-2	FX-7	Child of LPR
FX-3	FX-8	Child of FX-1, 2, 6, or 7
P2-1	P2-6	Spouse of LPR (pre-1991)
P2-2	P2-7	Child of LPR
P2-3	P2-8	Child of P2-1, 2, 6, or 7
<b>3<sup>rd</sup> Family Preference</b>		
C3-1	C3-6	Married son or daughter of a U.S. citizen subject to 2-year conditional residency
C3-2, C3-3	C3-7, C3-8	Spouse or child of C3-1 or C3-6 subject to 2-year conditional residency
F3-1	F3-6	Married son or daughter of U.S. citizen
F3-2, F3-3	F3-7, F3-8	Spouse or child of F3-1 or F3-6
P4-1	P4-6	Married son or daughter of U.S. citizen
P4-2, P4-3	P4-7, P4-8	Spouse or child of P4-1 or P4-6
<b>4<sup>th</sup> Family Preference</b>		
F4-1	F4-6	Brother or sister of a U.S. citizen
F4-2, F4-3	F4-7, F4-8	Spouse or child of F4-1 or F4-2
P5-1	P5-6	Brother or sister of U.S. citizen (pre-1991)
P5-2, P5-3	P5-7, P5-8	Spouse or child of P5-1 or P5-2

\* If the client's I-551 "Green Card" lists a family-based immigrant code from the chart above, you may need to deem a sponsor's income or assets. Refer to Chapter 6 – Sponsor Deeming for additional information.

<b>VAWA SELF-PETITIONERS</b>		
<b>Processing Abroad</b>	<b>Adjustment in U.S.</b>	<b>Meaning</b>
B1-1	B1-6	Self-petition unmarried son or daughter of U.S. citizen
B1-2	B1-7	Child of B1-1 or B1-6
B2-1	B2-6	Self-petition spouse of an LPR
B2-3	B2-8	Child of B2-1 or B2-6
B2-4	B2-9	Self-petition unmarried son or daughter of LPR
B2-5	B2-0	Child of B2-4 or B2-9
B3-1	B3-6	Self-petition married son or daughter of a U.S. citizen
B3-2, B3-3	B3-3, B3-8	Son or child of B3-1 or B3-6
BX-1	Bx-6	Self-petition spouse of an LPR
BX-2	BX-7	Self-petition child of an LPR
BX-3	B2-8	Child of BX-1, 2, 7, or 7
IB-1	IB-6	Self-petition spouse of a U.S. citizen
IB-2	IB-7	Self-petition child of a U.S. citizen
IB-3	IB-8	Child of IB-1 or IB-6

<b>LEGALIZATION IMMIGRANTS</b>		
<b>Processing Abroad</b>	<b>Adjustment in U.S.</b>	<b>Meaning</b>
CB-1, BC-2	CB-6, BC-7	Spouse or child of LPR legalized under INS §§ 210, 245A, or the Cuban/Haitian Adj. Act
LB-1, LB-2	LB-6, LB-7	Spouse or child of LPR legalized under INS §§ 210, 245A, or the Cuban/Haitian Adj. Act
	S1-6, S2-6	Special agricultural workers (SAWs)
	W1-6, W2-6, W3-6	Legalized under INA §§ 245A

<b>EMPLOYMENT-BASED IMMIGRANTS</b>		
<b>Processing Abroad</b>	<b>Adjustment in U.S.</b>	<b>Meaning</b>
C5-1, C5-2, C5-2	C5-2, C5-7, C5-8	Investors in U.S. business and dependents
E1-1, E1-2, E1-3, E1-4, E1-5	E1-6, E1-7, E1-8, E1-9, E1-0	Priority workers with outstanding or extraordinary abilities, and dependents
E2-1, E2-2, E2-3	E2-6, E2-7, E2-8	Professionals with advanced degrees or exceptional abilities, and dependents
E3-1, E3-2, E3-3, E3-5	E3-6, E3-7, E3-8, E3-9, E3-0	Professionals/skilled workers and dependents
E5-1, E5-2, E5-3	E5-6, E5-7, E5-8	Employment creation immigrants and dependents
EW-3, EW-4, EW- 5	EW-8, EW-9, EW-0	Other (nonskilled workers and dependents)
P3-1, P3-2, P3-3	P3-6, P3-7, P3-8	Professional/skilled worker and dependents, pre-1991
P6-1, P6-2, P6-3	P6-6, P6-7, P6-8	Unskilled workers and dependents, pre-1991

<b>SPECIAL IMMIGRANTS</b>		
<b>Processing Abroad</b>	<b>Adjustment in U.S.</b>	<b>Meaning</b>
SC-1, SC-2	SC-6, SC-7	Former U.S. citizens
SD-1, SD-2, SD-3	SD-6, SD-7, SD-8	Minister and dependents
SE-1, SE-2, SE-3	SE-6, SE-7, SE-8	Employees or former employees and dependents of U.S. government abroad
SK-1, SK-2, SK-3, SK-4	SK-6, SK-7, SK-8, SK-9	Employees or former employees and dependents or surviving spouses who worked for international organizations
SL-1	SL-6	Juvenile court dependent
SM-1, SM-2, SM-3, SM-4, SM-5	SM-6, SM-7, SM-8, SM-9, SM-0	Immigrants and their dependents recruited or enlisted to serve in U.S. armed forces
SR-1, SR-2, SR-3	SR-6, SR-7, SR-8	Religious workers and dependents

<b>REFUGEE, ASYLEE, AND OTHER IMMIGRANTS</b>		
<b>Processing Abroad</b>	<b>Adjustment in U.S.</b>	<b>Meaning</b>
AA-1, AA-2, AA-3	AA-6, AA-7, AA-8	Diversity visa lottery winners and dependents, 1991-1994
A1-1, A1-2, A3-1, A3-2, A3-3	A1-6, A1-7, A3-6, A3-7, A3-8	Amerasians and family members from Cambodia, Korea, Laos, Thailand, or Vietnam
AM-1, AM-2, AM-3	AM-6, AM-7, AM-8	Vietnamese Amerasians and family members
AR-1	AR-6	Amerasian child of U.S. citizen born in Cambodia, Korea, Laos, Thailand, or Vietnam
	AS-6, AS-7, AS-8	Asylee principal, spouse, and child
	CH-6, CN-P, CU-6, CU-7	Cuban/Haitian entrant; Cuban Adjustment Act
	DS-1	Individual born under diplomatic status in United States
DV-1, DV-2, DV-3	DV-6, DV-7, DV-8	Diversity visa lottery winners and dependents
	EC-6, EC-7, EC-8	Adjustment under Chinese Student Protection Act
	GA-6, GA-7, GA8	Iraqi asylee, spouse, and children processed in Guam in 1996 or 1997
	HA-6, HA-7, HA-8, HA-9	Haitian asylee, spouse, children, and unmarried sons/daughters under the Haitian Immigration Fairness Act (HRIFA)
	HB-6, HB-7, HB-8, HB-9,	Haitian parolee, spouse, children, and unmarried sons/daughters under the Haitian Immigration Fairness Act (HRIFA)
	IC-6, IC-7	Indochinese refugee, spouse, and child
	LA-6	Certain parolees from the Soviet Union, Cambodia, Laos, or Vietnam who were denied refugee status and paroled – Lautenberg adjustment
NA-3		Child born during temporary visit abroad of a mother who is a LPR or national of the United States
	NC-6, NC-7, NC-8, NC-9	Persons granted adjustment under Nicaraguan Adjustment and Central American Relief Act, spouses, children under 21, and unmarried sons and daughters 21 and over
	R8-6	Refugee paroled into United States prior to April 1, 1980
	RE-6, RE-7, RE-8, RE-9	Refugees and their dependents

<b>REFUGEE, ASYLEE, AND OTHER IMMIGRANTS</b>		
<b>Processing Abroad</b>	<b>Adjustment in U.S.</b>	<b>Meaning</b>
	RN-6, RN-7	Former H-1 nurses and dependents
SI-3		American Indian born in Canada
SI-1, SI-2, SI-3, SQ-1, SQ-2, SQ-3	SI-6, SI-7, SI-9, SQ-6, SQ-7, SQ-9	Iraqi or Afghani Special Immigrant principal, spouse, and unmarried child under 21 years of age
SJ-2	SJ-6, SJ-7	Foreign medical school graduate and dependents
	SY-6, SY-7, SY-8	Syrian national who was granted asylum and adjusts to permanent resident status under Public Law 106-378, spouse, and children
	XB-3	Presumed to have been admitted as LPR under 8 C.F.R. § 101.1
XE-3, XF-3, XN-3, XR-3		Child born subsequent to issuance of visa to LPR parent
	Y6-4	Refugee (prior to July 1, 1953)
	Z0-3, Z3-3, Z6-6	Adjusted to LPR status through registry
	Z1-3, Z5-6	Granted suspension of deportation
	Z-2	Generic code for adjustment
	Z4-3	Beneficiary of a private bill

### **Key to Employment Authorization Documents (EADs): USCIS Forms I-688B and I-766**

The following chart is a key to codes used on the USCIS Forms I-688B and I-766. On the card itself the:

- USCIS Form I-766: Codes on the front of the card indicate the person’s immigration status by referencing the subsection of the regulation authorizing employment. For example, refugee code is A-3.
- USCIS Form I-688B: As with the I-766, there are codes on the front of the card that indicate the person’s immigration status and refer to the section of the regulation authorizing employment. For example, an asylum applicant would be issued a card containing the code “274a.12(c) (8)”.

<b>EMPLOYMENT AUTHORIZATION DOCUMENTATION CODING</b>	
<b>Code</b>	<b>Status</b>
(a)(3)	Refugee
(a)(4)	Paroled as refugee
(a)(5)	Granted Asylum
(a)(6)	Fiancé(e) of U.S. citizen or dependent of fiancé(e)
(a)(7)	Parent or child of an individual granted LPR status as a special immigrant due to employment by an international organization
(a)(8)	Citizen of the Federated States of Micronesia or the Marshall Islands
(a)(10)	Granted withholding of deportation/removal
(a)(11)	Granted extended voluntary departure
(a)(12)	Granted temporary protected status (TPS)
(a)(13)	Granted voluntary departure under Family Unity
(a)(14)	Granted Family Unity under the LIFE Act
(a)(15)	Granted V nonimmigrant status
(a)(16)	Granted T nonimmigrant status
(c)(1)	Dependent of foreign government official
(c)(2)	E-1 nonimmigrant
(c)(3)(I)-(iii)	Foreign students
(c)(4)	Dependent of employee of international organization
(c)(5)	Dependent of exchange visitor

<b>EMPLOYMENT AUTHORIZATION DOCUMENTATION CODING</b>	
<b>Code</b>	<b>Status</b>
(c)(6)	Foreign student seeking employment for practical training
(c)(7)	Dependent of NATO employee
(c)(8)	Asylum applicant
(c)(9)	Applicant for adjustment to lawful permanent resident status
(c)(10)	Applicant for suspension of deportation or cancellation of removal
(c)(11)	Paroled for emergent or public interest reasons
(c)(12)	Granted Family Unity benefits
(c)(13)	Deportation or exclusion proceedings pending
(c)(14)	Granted deferred action
(c)(16)	Applicant for registry (resided in United States since before January 1, 1972)
(c)(17)(i)	Nonimmigrant personal or domestic servant of a nonimmigrant employer
(c)(17)(ii)	Nonimmigrant employed by a foreign airline
(c)(18)	Deportable alien under order of supervision
(c)(19)	Temporary Protected Status (TPS) applicant
(c)(20)	Applicant for Special Agricultural Worker legalization
(c)(21)	Granted S (witness or informant) status
(c)(24)	LIFE legalization applicant
(c)(25)	T dependents

# 06

## Sponsor Deeming

Certain noncitizens applying for health care may have a sponsor whose income and assets must be deemed to them in determining eligibility for health care coverage.

This section will be divided into the following sections:

- Definitions
- Steps to Determine Sponsor Deeming
- Sponsored Noncitizens
- Sponsor Documentation Coding
- Sponsor Requirements
- Joint Sponsors
- SAVE and Sponsor Information
- When Not to Deem Sponsor's Income and Assets
- Ineligibility Due to Deeming
- Sponsor Verification
- Sponsor Deeming Changes

### Definitions

The following terms are used throughout this chapter:

#### **Sponsor:**

For purposes of Minnesota health care program eligibility, a sponsor is a U.S. citizen or Lawful Permanent Resident (LPR) who signs a USCIS form I-864, Affidavit of Support, on behalf of a noncitizen as a condition of the noncitizen's entry into the United States.

#### **Affidavit of Support:**

The "affidavit of support" is a required form for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and that they are unlikely to become a public charge after entering the United States. The U.S. citizen or the Lawful Permanent Resident (LPR), who completes and signs the affidavit petitioning on behalf of his or her relative or employee, becomes the sponsor of the noncitizen. The sponsor contracts with the U.S. Government that he or she has resources to support financially the noncitizen if it becomes necessary. The sponsor must show on the form that he or she has enough income and/or assets to maintain the noncitizen and the rest of the household at or above a certain level of the Federal Poverty Guidelines (FPG).

#### **Public Charge:**

A person who relies on welfare cash assistance for their income or who are in long-term care (nursing homes).

## **Qualifying Work Quarter:**

Work quarters, which are also referred to as “work credit” by the Social Security Administration, are a measure of wage or self-employment earnings used to determine Social Security benefits. People can earn up to four work credits each year, which is equivalent to four work quarters. The amount of earnings required to earn a work credit changes annually on January 1. See the SSA website (<http://www.ssa.gov/>) for further information about how credits are earned and the required amount of earnings for the current year.

## **Steps to Determine Sponsor Deeming**

Follow these steps to determine sponsor deeming:

1. Determine if the noncitizen has a sponsor.
2. Request verification of sponsorship, and obtain a release of information to contact the sponsor.
3. Determine if the noncitizen meets an exception from sponsor deeming.
  - a. If an exception is met, continue to the next step only for income the sponsor is actually contributing to the noncitizen.
  - b. If there is no exception, continue to the next step.
4. Determine and verify the sponsor’s countable income and assets that will be deemed to the noncitizen following sponsor deeming program provisions.

## **Sponsored Noncitizens**

The U.S. Citizenship and Immigration Services (USCIS) has the authority to determine whether a noncitizen needs a sponsor to enter the U.S and if a person meets the criteria to become a sponsor for the noncitizen.

There are many different ways a noncitizen can be sponsored, but for health care purposes follow sponsor deeming rules for clients who have been sponsored using the USCIS Affidavit of Support (USCIS I-864). If another form has been used, do not deem sponsor income and assets.

## **How to determine if a client has a sponsor:**

- Check for the USCIS form I-864, Affidavit of Support, for clients with Lawful Permanent Resident (LPR) status who entered the United States or adjusted their status on or after December 19, 1997. Clients may also submit form I-864EZ, a shortened version of form I-864, which should be considered to establish the same requirements as I-864.
- Check for family-based codes on the I-551 immigration green card of the LPRs. The presence of a family-based code is an indicator that the noncitizen applicant has a sponsor.
- Submit a SAVE request for specific sponsorship data for clients who are not able to provide sponsorship information.

Note: The I-864 has only been in use since December 19, 1997. People who applied for admission prior to that date were not required to use the I-864. For health care purposes, do not apply sponsorship deeming rules if the applicants entered the United States or adjusted their status before December 19, 1997, or the previous affidavit form used was the I-134.



## How deeming works:

- 100% of income and assets of sponsors AND sponsor's spouse are considered fully available to noncitizen, regardless of actual availability.
- Sponsor's family size and fixed debts are irrelevant.
- Burden of proving sponsor has little income is on the noncitizen applying for public assistance.
- Divorce has no effect on deeming.

Sponsor deeming of income and assets generally continues until the sponsored noncitizen does one of the following

- Leaves the United States permanently.
- Dies. (The sponsor or the sponsored noncitizen dies.)
- Becomes a naturalized U.S. citizen.
- Earns 40 qualifying work quarters or work credits.

Note: A noncitizen who has been in the United States for 10 years or more may have 40 qualifying work quarters. Quarters worked by a noncitizen's spouse during their marriage or by a noncitizen's parent while the noncitizen was under age 18, count toward the 40 qualifying quarters. In this case verify qualifying work quarters.

### Example 1:

Shawn, age 29, entered the United States twelve years ago. He was sponsored by his grandfather. Shawn is applying for health care because he lost his job. Shawn tells his worker that he does not want to bother his grandfather in regard to sponsor deeming.

#### Action:

Because Shawn has been in the United States for over 10 years, he may have 40 qualifying work quarters or credits. If he has 40 or more qualifying quarters, his grandfather's income and assets will no longer be deemed. Information about work quarters is available on the SDX. Social Security also sends an annual statement to people who state the number of work quarters or credits they have accumulated.

### Example 2:

Shawn's worker determines that he has only 30 work quarters or credits. However, Shawn's grandfather earned enough work credits before Shawn turned 18 to make up the difference.

#### Action

Shawn has enough qualifying work quarters or credits to be exempt from sponsor deeming.

## Sponsor Documentation Coding

See Chapter 05.04 (Immigration Status Classifications and Codes) for information on sponsor coding.

## Sponsor Requirements

Petitioning relatives must be U.S. citizens or Lawful Permanent Residents (LPRs), and must demonstrate that they have sufficient income and/or assets to support financially their household and the intending immigrants based on the FPG.

## Joint Sponsors

If the sponsor does not have sufficient income, a joint sponsor may be used. It is possible that family members could have different joint sponsors.

- The joint sponsor also executes a separate I-864 Affidavit of Support.
- The income and assets of both the petitioning relative and the joint sponsor, and their respective spouses, would be deemed in determining eligibility.

## SAVE and Sponsor Information

Information on how to receive sponsor information through the SAVE system can be found in Chapter 07.

## When Not to Deem Sponsor's Income and Assets

### **Sponsor Deeming Exclusions**

Noncitizens who meet an exclusion from sponsor deeming, do not need to provide information about or verification of the sponsor. The following noncitizens are excluded from sponsor deeming requirements:

- Amerasian Immigrants
- Asylees
- Cuban/Haitian Entrants
- Center for Victims of Torture (CVT)
- Emergency Medical Assistance (EMA)
  - Pregnant women otherwise subject to deeming can qualify for EMA for labor and delivery, but cannot receive prenatal or post-partum care.
- Immigrants with Temporary Protected Status
- Iraqi/Afghani Special Immigrants.
  - This is true even after Iraqi and Afghan Special Immigrants are converted to LPR status.
- Medical Assistance for Breast/Cervical Cancer (MA-BC)
- Noncitizens sponsored by a business or organization which has no relation to the immigrant
- Parolees
- Refugees
- Victims of Trafficking

Note: Not all LPRs have a sponsor. Request sponsorship data through SAVE to determine if there is Form I-864 Affidavit of Support issued by a sponsor for the immigrant.

### **Example of EMA clients:**

Maria is a 49-year-old noncitizen subject to sponsor deeming provisions. She is hospitalized and applies for health care. She is certified as disabled by the State Medicaid Review Team (SMRT). Her medical condition qualifies as an emergency medical condition. Maria has current health insurance that is a barrier to MinnesotaCare eligibility.

### **Action**

First, determine if Maria is eligible for MA with FFP or NMED. If Maria is not eligible for either program due to sponsor deeming, or if the sponsor does not respond to the sponsor letter, determine whether Maria is eligible for Emergency Medical Assistance (EMA) since the sponsor's income or assets are not considered for EMA.

Note: If Maria is eligible for NMED, EMA should still be used for services that qualify for EMA coverage.

**Example of noncitizens sponsored by a business or organization which has no relation to the immigrant:**

The local Russian church sponsors twelve individuals from Russia.

**Action:**

Do not deem income and assets of the church to the immigrant.

Note: For MA, sponsor deeming only applies when sponsors sign an I-864 Affidavit of Support.

**Sponsor Deeming Exceptions**

There are exceptions to deeming income and assets from a sponsor to a noncitizen client. The exceptions include: Facility Placement, Battered or Extreme Cruelty, and Indigence.

- Facility Placement.  
Do not deem sponsor's income or assets if the noncitizen needs placement in a facility and placement is jeopardized by the sponsor's failure or inability to provide support, or inability of the client to locate the sponsor.
  - Deem only the income the sponsor and/or sponsor's spouse actually contribute to the noncitizen.
  - Require the client to explain why the sponsor is not providing support.
- Battered or Extreme Cruelty.  
If the noncitizen or his/her children have been battered or subjected to extreme cruelty a deferment of sponsor deeming can be approved for 12 months.
  - Deem only income the sponsor or sponsor's spouse actually contributes to the noncitizen and his/her children.
  - The deferment can be extended an additional 12 months if all of these conditions are met:
    - The noncitizen or children continue to have a need related to the battery.
    - They have either an order for protection or a USCIS determination.
    - The sponsor is the batterer.

To meet the battered or extreme cruelty exception the noncitizen or his/her children must have either:

- A Battered Status granted by the USCIS.
- A determination by the county or MinnesotaCare Operations that the noncitizen or his/her children have been battered or subjected to extreme cruelty. This requires a statement of abuse from the client or other documentation such as:
  - Police, government or court records.
  - Statement from a battered women's shelter staff member or sexual assault or domestic violence advocate with knowledge of circumstances or credible evidence that supports a sworn statement.
  - Statement from a professional from whom the client has sought assistance about the abuse.
  - A sworn (notarized) statement from any other person with knowledge of the circumstances or credible evidence that supports the sworn statement.

The battered noncitizen or his/her children must also meet both of the following conditions:

- They are not living with the batterer.
- There is substantial connection between the need resulting from the battery and the need for coverage through the health care programs.

- Indigence.  
When a cash or food support program has determined that the noncitizen meets an exception to sponsor deeming due to indigence the exception would apply to determining eligibility for health care programs.

## **Ineligibility Due to Deeming**

If a sponsored immigrant is ineligible for health care due to sponsor deeming, determine if eligibility for EMA exists. Sponsor deeming does not apply to EMA.

## **Sponsor Verification**

A noncitizen client must cooperate with supplying or obtaining sponsor information if deeming is required. Sponsors also are also required to collaborate. If the client or the sponsor do not supply sponsor information, or cooperate with obtaining the information, deny or close coverage.

For noncitizens subject to sponsor deeming, do both of the following:

- Verify the sponsor's identity by requesting a copy of the USCIS form I-864, Affidavit of Support.

If the client or sponsor is unable to supply a copy of the affidavit, or the client appears to be subject to sponsor deeming but claims not to have a sponsor follow these steps to find out if there is a sponsor and/or the sponsor's identity:

1. Obtain a release of information from the client to contact the USCIS.
2. Complete a Document Verification Request ([USCIS G-845](#)). This form is available online at the USCIS website ([www.uscis.gov](http://www.uscis.gov)) and must be reproduced as a two-sided document.
3. Complete a Document Verification Request Supplement (*USCIS G-845 Supplement*). This form is not available online but may be reproduced or requested from the USCIS Forms Request Line at 1-800-870-3676. This form must be reproduced as a two-sided document.
4. Send the readable, completed forms to:

U.S. Citizenship and Immigration Services  
4<sup>th</sup> Floor, Crystal Plaza VI  
2221 South Clark Street  
Arlington, VA 22202  
Attn: Immigration Status Verification Unit

- Obtain a release of information from the client to contact the sponsor.

Upon receipt of the release of information, send the sponsor the Sponsor Letter (DHS-3453). This form reminds the sponsor of the legal obligation to provide support and requests verification of the sponsor's and the sponsor's spouse's income and assets.

- Do not send the DHS-3453 if the immigrant is exempt from the deeming requirement under a battered status and the sponsor is responsible for the battery.
- Do not request verification of assets if the client is exempt from the asset limit.
- Deny or close health care program coverage if the sponsor and the sponsor's spouse fail to respond to the Sponsor Letter or fail to provide verification. Consider whether the client is eligible for EMA.

## **Sponsor Deeming Changes**

Reported changes should be acted upon for the next available month allowing for timely notice. Changes that may impact eligibility for the sponsored client include, but are not limited to:

- Immigration status.
- Living arrangement with sponsor changes.
- Sponsor income or asset changes.

Note: Some income changes will not affect MCRE eligibility for the next available month.

- 40 qualifying work quarters are attained.
- Client qualifies as a battered noncitizen.
- The sponsor or the sponsored noncitizen dies.

# 07

## Systematic Alien Verification for Entitlements (SAVE)

The U.S. Citizenship and Immigration Services (USCIS) Systematic Alien Verification for Entitlements (SAVE) is an information-sharing initiative, which uses the Verification Information System (VIS) that contains information on more than 60 million noncitizens, to *validate* immigration status of eligible noncitizen applicants for certain programs, and for enrollees who report a change in immigration status. SAVE can also be used to access sponsorship information.

### Use SAVE for the following purposes:

- To validate the immigration status of applicants once they have provided verification of their immigration status
- To validate the immigration status of enrollees when once they report a change in immigration status

Note: Only authorized staff is allowed to access SAVE in validating a noncitizen's immigration status.

### Do not use SAVE for the following purposes:

- To determine immigration status for persons who are applying for coverage for others, or are otherwise ineligible for coverage based on the information provided.
- To determine a person's eligibility for public assistance programs.
- To provide information on other factors that may impact a noncitizen's eligibility such as qualifying quarters of coverage, military, or veteran status.
- To be a reporting mechanism.
- To use information on noncitizens, reported through SAVE, for the administrative enforcement of immigration laws.

Note: Information obtained through SAVE may not always be up to date. If there are discrepancies between the documentation provided by the client and SAVE, discuss the discrepancy with the client. Approve benefits based on the immigration documentation provided by the client when the documentation is up to date or the client can show she is collaborating with the USCIS to obtain up to date immigration documentation. Send a HealthQuest query in case of further discrepancies between the documentation provided by the clients and information provided by SAVE.

This chapter provides information on the following:

- Accessing USCIS Data via SAVE
- When to Use SAVE
- When Not to Use SAVE
- Accessing the SAVE System

- Submitting an Initial/Primary Request
- Reading Initial/Primary Request Results
- Submitting an Additional/Secondary Request
- Reading Additional/Secondary Request Results
- Additional/Secondary Verification – No Alien ID Number
- Viewing a Case or Checking Case Status
- Further Follow-Up
- Requesting Sponsorship Data through SAVE
- Resources
- SAVE Use Flow-Charts

### **Accessing USCIS Data via SAVE**

Because of safeguarding issues, only people who have been trained should use SAVE.

- Each user has a unique user ID and password, which should not be shared.
- As with MAXIS or any other system workers access, SAVE should only be used in the context of determining client program eligibility.
- DHS can monitor SAVE usage based on logon IDs.

The SAVE Program provides two methods for accessing USCIS data.

- Initial/Primary Requests
  - An additional release of information is not needed to initiate a request to SAVE.
  - Submitting a query to this database is the primary step in validating the status of a noncitizen.
  - When accessed by the user, VIS responds within three to five seconds of the query.
  - In most cases no further action on SAVE is necessary.
- Additional/Secondary Requests

Additional requests involve transmitting a query to a USCIS facility where verifiers search other USCIS systems to determine the immigration status.

- Additional requests are not submitted on all cases. They are initiated by a user in these four circumstances:
  - When the SAVE initial request indicates that an additional request is needed.
  - There are discrepancies between the information displayed on SAVE and the information provided by the applicant.
  - The applicant does not have an A-number.
  - When the noncitizen applicant does not have an alien identification number or the I-94 has an admission number rather than an alien identification number.
- **If an additional request is initiated, approve benefits based on the documentation provided by the client pending the outcome of the additional request.**

- An additional release of information is not needed to submit an additional request using form G-845S **only** when instructed to do so by SAVE.

Note: For any other contact with USCIS, you **must** obtain a release from the client.

**Example:**

Juan Carols is unable to provide his USCIS immigration status documentation. He is requesting assistance in obtaining the documents.

**Action:**

A release of information signed by Juan Carols is required to contact the USCIS.

Responses from USCIS on Additional Verifications may take 3-5 federal business days or longer.

States are charged for each request submitted. The cost for use of the SAVE Program is \$0.50 per initial verification and \$.50 for each additional requests.

## When to Use SAVE

SAVE is the final step in the process of validating the immigration status of noncitizens who are:

- Applying for certain health care programs.
- Reporting a change in immigration status.

It does not eliminate the requirement of noncitizens to provide verification of their immigration status when applying for most programs.

The use of SAVE is appropriate if **all** of the following criteria are met:

- The applicant, or an enrollee who has changed immigration status, has provided all verifications needed to determine eligibility, including immigration status.
- The applicant or enrollee has met all of the eligibility factors and is eligible for one of the following programs:
  - Medical Assistance (MA). This includes state-funded MA or Noncitizen Medical Assistance (program NMED), **except for** undocumented and nonimmigrant people receiving services from the Center for Victims of Torture (CVT) or undocumented or nonimmigrant pregnant women.
  - Refugee Medical Assistance (RMA).
  - General Assistance Medical Care (GAMC), including GAMC Hospital Only (GHO).
  - MinnesotaCare for families with children.
- The applicant or enrollee is a noncitizen.

Verifications validated through SAVE are coded specifically in MAXIS (STAT/IMIG) or MMIS (RIMG) depending on the program. Use the following codes:

- “S1” if an initial request was made.
- “S2” if an additional request was also done.



## When Not to Use SAVE

Do **not** use SAVE in the following situations:

- A person is receiving services from a Center for Victims of Torture (CVT).
- The person is an undocumented or nonimmigrant pregnant women.
- A person is applying for:
  - Emergency Medical Assistance (EMA).
  - MinnesotaCare for adults without children and GAMC.
- When a client is ineligible based on:
  - Verifications provided by the client that clearly indicate program ineligibility will result.
  - Failure of the client to provide verifications.

Note: This includes situations when the USCIS documentation provided causes ineligibility for the program and the client does not claim a different status.
- A person is not applying for benefits for themselves, regardless of whether they are applying on behalf of others.

Note: If a person is not applying, do not ask for information on his/her immigration status. Do not complete a MAXIS/IMIG panel for non-applicants.
- A person is applying for programs for which verification of immigration status is not an eligibility factor.
- A person withdraws a request for assistance. Clients always have the right to withdraw their applications for assistance.
- When expired immigration documents are provided.

Refer the client to USCIS to get current documents and/or offer assistance to clients who may need help. Determine if there is continued program eligibility.

Note: Prior to the agency contacting USCIS for the client, the agency must have a signed release from the client on file.
- When USCIS documentation is provided stating a pending status.
  - Determine program eligibility based on the individual's current immigration status.
  - If the individual is determined eligible based on the current immigration status, the worker will want to monitor the case to re-determine program eligibility should the pending status be approved.
  - Once verification of the new immigration status is received by the county agency, it would be appropriate to use SAVE again.
- When documentation of immigration status is not provided.
  - Deny or close eligibility, as appropriate, for failure to provide verifications.
  - SAVE is used to validate the documents provided by the person; it is not used in place of the immigration documents.

## Accessing the SAVE System

The SAVE system is available Monday through Friday from 7:00 a.m. to 7:00 p.m. Follow these steps to access SAVE:

1. Access the following Web site: <https://www.vis-dhs.com/WebOne>

This can be done by either:

- clicking on the link provided.
- typing in the web address in your browser window.

2. Type in your user ID.

Note: All IDs begin with MX or MPW.

3. Type in your password.

- The first time you log on, you will be asked to change your password.
- Passwords must be 8-14 characters in length and must contain three of the four following items:
  - A capital letter.
  - A lower case letter.
  - A number.
  - A symbol i.e. @#\$%.

Example of an allowed password: S@ntPaul

4. Click on the login button.

For SAVE system problems and password suspensions, the agency security liaison should contact:

CSC at (800)741-5023

Monday through Friday, 7:00 a.m. to 7:00 p.m.

## Submitting an Initial/Primary Request

Follow these steps when a SAVE initial or *primary* request must be completed:

1. Select the **Initial Verification** function in the **Case Administration** section along the left side of your window.

Note: All fields marked with an asterisk are mandatory and must be completed.

2. Enter the Alien ID number to be queried in the “**Alien Number**” field.

- Do not include the A when entering the ID.
- All identification numbers must include 9 digits.
- If the alien identification number (A #) does not have 9 digits, use leading zeroes.

3. Select one or more benefits from the **Benefits** list by clicking on the benefit name (for example, Medical Assistance).
  - A verification query can be performed for one or all benefits in the available list.
  - To select more than one benefit, after selecting the first benefit, hold down the Ctrl or Shift key while clicking on the additional benefits.
4. Click the “**Submit Initial Verification**” button to submit your query.

For questions on when to submit a SAVE request, responses received from SAVE, or reporting requirements, please send MAXIS e-mail to “SAVE”.

## **Reading Initial/Primary Request Results**

Once the request has been submitted, the system brings up the “**Case Details**” page. The initial verification parameters are found at the top of the page, followed by a section with the results of your initial verification query.

Some things to note on the Case Details page:

- **The Case Verification Number**  
This is a unique number assigned to the query. This number will always remain associated with the query. This number is also used to retrieve the query or the case in the future.  
Make a screen print or record this number in case notes so that you can refer to this query in the future.
- **The Initial Verification block**  
This displays the information that was entered in the Initial Verification Information form. This is the start of the Case Details page.
- **The Initial Verification Results block**  
This contains the information returned by the system based on the information entered on the Initial Verification Information form.
- **System Response**  
This is the result returned by the system
- **Print Case Details button**  
This displays a printer-friendly version of the Case Details page. Use the browser’s print function.
- **Request Additional Verification button**  
This button allows the user to start an additional verification query (secondary query).
- **Complete and Close Case button**  
This button allows the user to remove the query from the list.
  - You must click this button when you are done reviewing the verification.
  - If you do not click this button, every query submitted in the county agency will remain on the active case list, and it makes it difficult for workers to sort through all of the “open” queries to find his/her specific query.
- **Close button**  
The close button returns the user to the home page without closing the case.

## Submitting an Additional/Secondary Request

Additional or secondary verifications are not necessary on all cases. There are four situations when an additional verification should be initiated:

1. The SAVE Initial Request indicates that an Additional Request is needed.
2. The Alien number (A-number) has been entered correctly for the initial request, but there are discrepancies between the information displayed on SAVE and the information from the applicant/participant.
3. The applicant does not have an A-number.
4. The applicant has an I-94 card with an Admission Number rather than an A-number.

**Note:** Responses from USCIS on Additional Verification may take 3-5 federal business days or longer. Do not delay eligibility determination pending receipt of an Additional Verification response if the verification provided by the noncitizen makes him or her eligible.

Follow these steps to submit an additional verification request:

1. On the Case Details page click the Request Additional Verification button.

The Case Details page will be displayed again with the Additional Verification Data Request form at the bottom of the page. The entry fields will be populated by the known data from the initial verification.

2. Complete the form using information from the noncitizen's immigration document, including optional fields like A.K.A. or any Special Comments for the Status Verifier (USCIS).

*Note:* Fields marked with an asterisk are mandatory fields and must be completed.

3. Click the Submit Additional Verification button at the bottom of the page.

The system will bring up the Case Details page with:

- The initial verification parameters.
- The initial results.
- The additional verification parameters.
- The status of the Additional Verification as "DHS (Department of Homeland Security) Verification in Process".

The Additional Verification request is then sent to an Immigration Status Verifier to be processed. The response time for an Additional Verification is 3 to 5 days. Return to the system to check the status verifier's response.

## **Reading Additional/Secondary Request Results**

When the Status Verifier returns a response the “Additional Verification Results” section displays the result returned by the system:

- **DHS Response**  
This is the result entered by the Status Verifier and returned by the system.
- **Response Date**  
This field will be populated with the date the Status Verifier resolved the case.
- **Expires On**  
This field will be populated with an expiration date if the noncitizen’s immigration status expires.
- **DHS Comments**  
This field displays any comments from the Status Verifier.
- **Print Case Details**  
This displays a printer-friendly version of the Case Details page. Use the browser’s print function.
- **Close**  
The close button returns the user to the home page without closing the case.
- **Complete and Close Case**  
This button allows the user to remove the query from the list.
  - You must click this button when you are done reviewing the verification.
  - If you do not click this button, every query submitted in the county agency will remain on the active case list, and it makes it difficult for workers to sort through all of the “open” queries to find his/her specific query.

### **Additional Verification – No Alien ID Number**

The Additional Verification function link (left side of window) allows users to perform Additional Verification requests for clients without an alien identification number. Follow these steps:

1. Select the Additional Verification function in the Case Administration section (left side of window).
2. Enter the required fields for the Additional Verification:
  - I-94 Number. If you do not have the I-94 number, enter nine 9s in this field.
  - Last Name
  - First Name
  - Birth Date
  - Document Expiration Date
  - Enter any optional fields including A.K.A. or Special Comments.
3. Select a benefit or benefits from the Benefits list.
  - A verification query can be performed for one or more benefits in the available list.
  - To select more than one benefit, after selecting the first benefit, hold down the Ctrl or Shift key while clicking on the additional benefits.
4. Click the Submit Additional Verification button to submit your query.

## **Viewing a Case or Checking Case Status**

Follow these steps to view a case or to check a case status:

1. Click the View Cases link in the Case Administration section (left side of your window).
2. Enter the verification number in the Verification Number field on the Search Criteria page to produce the results you want to be returned.

Note: If the verification number is not available, enter the client's first and last name as well as any other information you have on the Search Criteria page.

Locate the desired case in the Case Summary List using the Next and Previous buttons to page through the cases, if necessary.

3. Click the Display Case Summary List button to display the requested case.
4. Once your case has been located, click the specific verification number to display the Case Detail page.

### **Further Follow-Up**

There may be instances in the secondary verification process when further follow-up with USCIS is necessary.

Example:

The VIS secondary verification response may say, "Copies of documentation needed".

If follow-up is needed, complete a USCIS form G-845S and submit with the requested documentation. The form is available through their Web site ([www.uscis.gov](http://www.uscis.gov)) by clicking on "forms" which is located along the right side of the window.

The completed form and photocopies of the immigration documentation are mailed to:

U.S. Citizenship and Immigration Services  
4<sup>th</sup> Floor, Crystal Plaza VI  
2221 South Clark Street  
Arlington, VA 22202  
Attn: Immigration Status Verification Unit

### **Requesting Sponsorship Data through SAVE**

If a client has a sponsor, but the client is unable to provide the necessary sponsor verification, electronically request Affidavit of Support data from SAVE prior to determining program eligibility.

To request sponsorship information using SAVE check the "Request Affidavit of Support Data" box prior to submitting an automated additional request.

- The Immigration Status Verifier (ISV) will provide this information when responding to the additional request if the noncitizen was sponsored on Form I-864, Affidavit of Support.
- If the individual was not sponsored using Form I-864, the ISV response will state "This alien was not sponsored on Form I-864", and workers will need to pursue other means of securing the sponsorship information.

When specific sponsorship data is requested through the automated additional verification request process, SAVE provides the following information about the sponsors:

- First, middle, and last name(s)
- Social security number(s)
- Last known address including street, city, state, and ZIP code.

**Once SAVE responds with the name, SSN, and last known address for the individual’s sponsor, the agency must secure a release of information from the client prior to contacting the sponsor to request income and asset verifications.**

For more detailed information regarding sponsor deeming rules, please refer to Chapter 06 of this guide (Sponsor Deeming).

## Resources

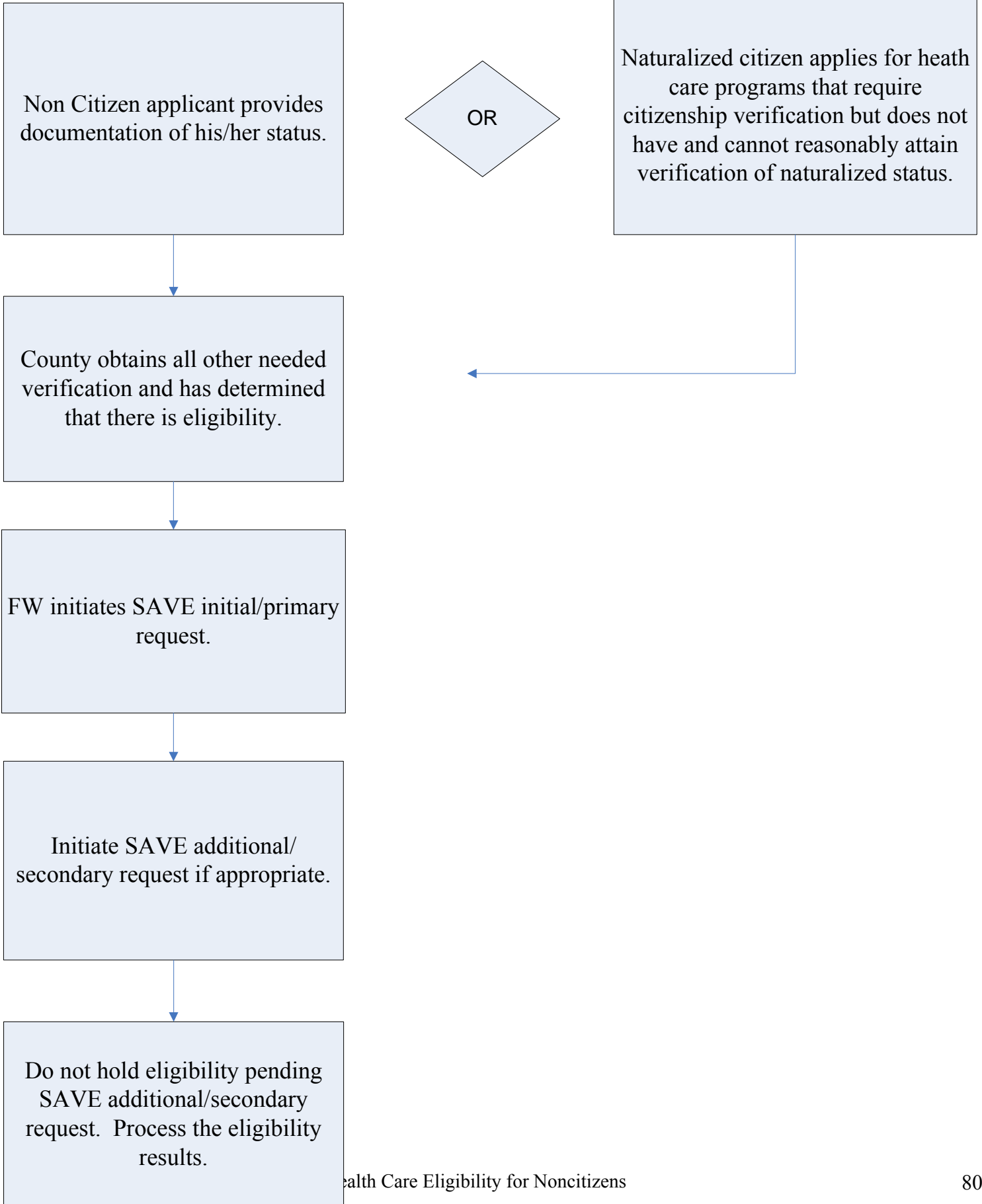
Remember, this document does not contain everything you need to know about the web-based version of the SAVE system. You have other resources available to you.

- WEB – 1 Access Method Reference Guide
- MAXIS-created WBT Reference Guide
- Online tutorials – available to users after logging into the web based system
- Online resources – again, available to users after logging into the web-based system
- Your county SAVE Security Liaison
- MAXIS e-mail code SAVE
- MAXIS POLI/TEMP:
  - TE02.12.19
  - TE02.12.20
  - TE02.12.21
  - TE02.12.22

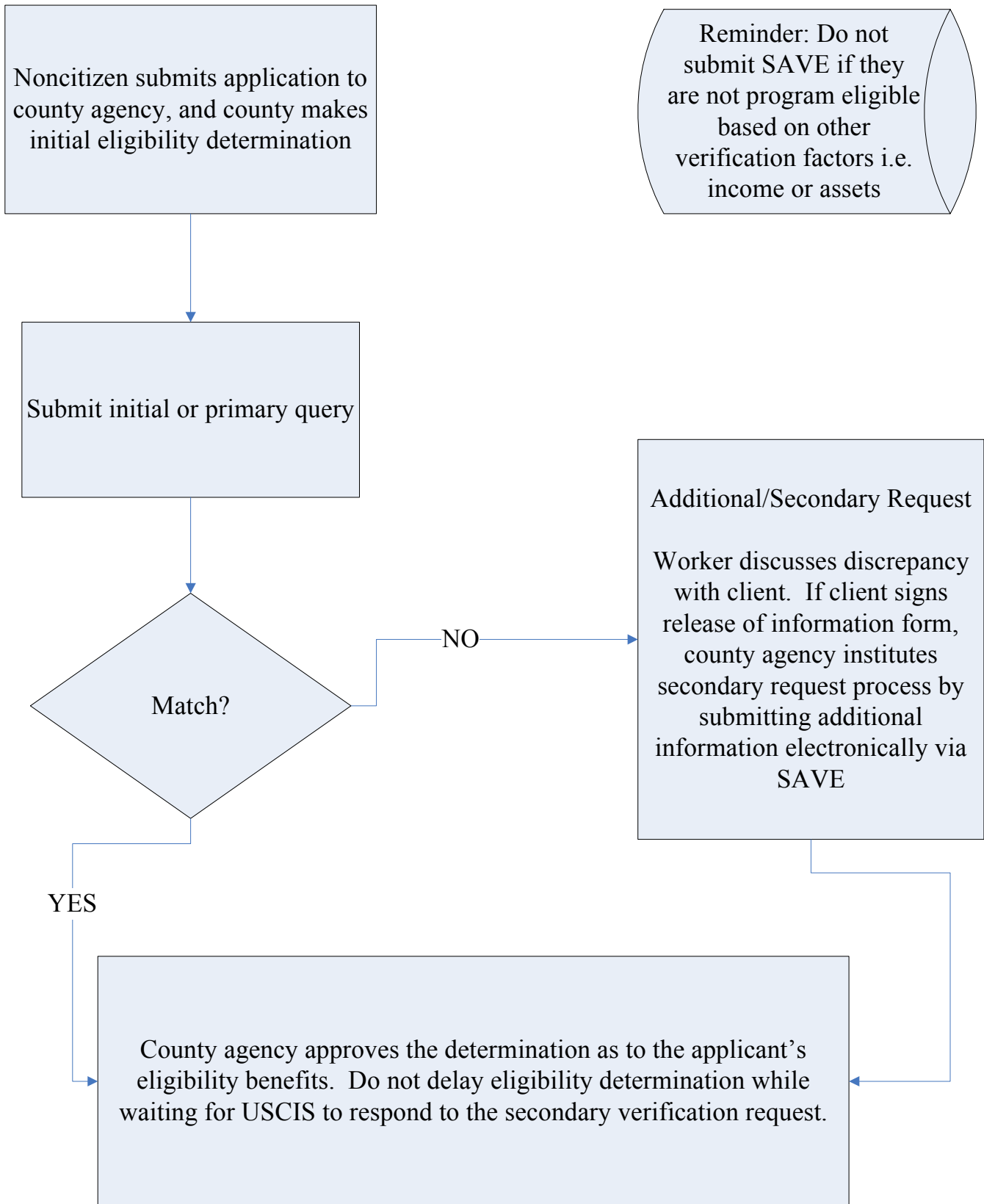


When to Initiate SAVE

07.01  
SAVE Accessibility  
and Use Flow-Chart



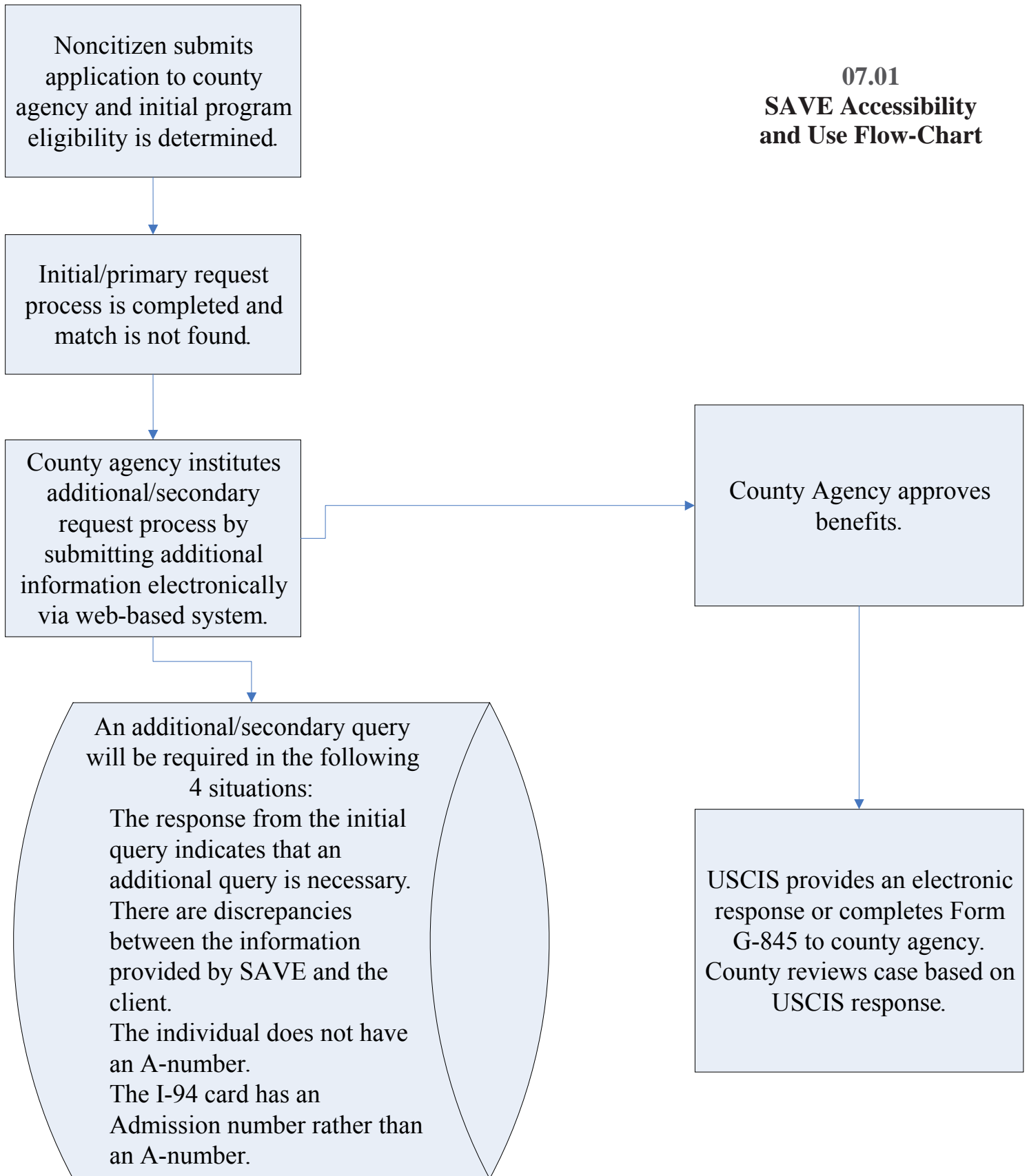
Initial or Primary Request Process



Reminder: Do not submit SAVE if they are not program eligible based on other verification factors i.e. income or assets

## Additional/Secondary Request Process

### 07.01 SAVE Accessibility and Use Flow-Chart



# 08

## System Coding

This chapter provides instruction on how to code the MAXIS and MMIS systems for noncitizens.

This chapter provides information on the following topics:

- MAXIS System Coding
  - Coding for Household Member (MEMB)
  - Coding for Additional Member Info (MEMI)
  - Coding for Immigration Status (IMIG)
  - Coding for Sponsor Income and Assets (SPON)
  - Coding Information for Some Immigration Statuses
- MMIS System Coding
  - Coding for MMIS Immigration DTA-RIMG
  - Coding Iraqi/Afghan Special Immigrants for MinnesotaCare
- Useful Resources

### **MAXIS**

Use the following STAT panels to complete and locate data on the immigration statuses of noncitizen applicants and enrollees.

- Household Member (MEMB)
- Additional Member Info (MEMI)
- Immigration Status (IMIG)
- Sponsor Income and Assets (SPON)

Note: The STAT/IMIG panel contains the majority of the data on the immigration statuses of the applicants and enrollees.

## Coding for Household Member (MEMB)

To enter immigration status information in MAXIS STAT/MEMB, complete the following steps:

<b>04/24/08 10:18:06</b>	<b>MAXIS</b>	<b>FMBDAAM2</b>
<b>CAF Questions 1, 3a, 3b</b>	<b>Household Member (MEMB)</b>	<b>1 Of 1</b>
<b>Ref Last First M * Ref Nbr: 01</b>	<b>PMI Nbr: 18840</b>	<b>_ Arrival Date:</b>
<b>* SMI NBR:</b>	<b>Actual Date: ___ ___ ___</b>	
<b>* Last: _____</b>	<b>First: _____</b>	<b>M: _</b>
<b>* SSN: _____</b>	<b>Ver: _____</b>	
<b>* Birthdate: _____</b>	<b>Ver: Age: _____</b>	
<b>* Gender: _____</b>	<b>ID Ver: _____</b>	
<b>* Rel To Applicant:</b>		
<b>* Shared HH Excpt: ___</b>		
<b>* Spoken Language: ___</b>		
<b>* Written Language: _____</b>	<b>(HRF) _____</b>	
<b>* Needs Interpreter (Y/N):</b>		
<b>* Alias (Y/N): N</b>	<b>Alien ID Nbr:</b>	
<b>* Ethnicity Hisp/Lat (Y/N):</b>		
<b>* _ Race:</b>		
<b>* Tribal Indc: ___</b>	<b>ADA Notice Type: ___</b>	
<b>* Date Of Death: ___ ___ ___</b>		
<b>Mode: D</b>	<b>Function: STAT</b>	<b>Case Nbr: ___</b>
<b>Sv: 98</b>	<b>PW:</b>	<b>Month: 04 08</b>
<b>SW:</b>	<b>Command: _____</b>	
<b>Updated: 04 24 08</b>	<b>User:</b>	
<b>Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12---</b>		
<b>HELP PMI EXIT CNOTE PNOTE PREV NEXT EDIT OOPS TRBL INFO</b>		

- **Arrival Date:** Enter the arrival date recognized by USCIS.
- **Alien ID Nbr:** Enter an alien identification number. A valid alien number starts with an “A” followed by a 9-digit number. If there are only 8 digits, a zero needs to be entered in front of the number (for example, A012345678).

## Coding for Additional Member Info (MEMI)

To enter immigration status information in MAXIS STAT/MEMI, complete the following steps:

04/24/08 10:21:47	MAXIS	FMCDAAAM4
CAF 4,5,6a, 6b	Additional Member Info (MEMI)	1 Of 1
<b>Ref Last First M * Ref Nbr:</b>		
* <b>SSN:</b> _____ <b>PMI:</b> _____ <b>PMI Type:</b> M		
* <b>Actual Dt:</b> ____-____-____ <b>SMI:</b> _____ <b>Alien ID:</b> _____		
* <b>Marital Status:</b> _____		
* <b>Spouse Ref Nbr:</b> ____		
* <b>Last Grade Completed:</b> ____		
* <b>Citizen (Y/N):</b> _____ <b>Citizenship Ver:</b> _____		
* <b>Cmdty/Othr St FS End Dt:</b> ____-____-____		
* <b>In MN &gt; 12 Months (Y/N):</b> _____ <b>Residence Ver:</b> _____		
* <b>MN Entry Date:</b> _____ <b>Former State:</b> _____		
* <b>GRH St Residence (Y/N):</b> ____ <b>Dom Vio Broch (Y/N):</b> ____		
* <b>Time Limit:</b> _____ <b>Temporary Residence:</b> ____		
* <b>Placement Type:</b> ____ <b>Adoption Assistance:</b> ____		
* <b>Minor Crgvr Lvg Arrang:</b> ____ <b>TANF Exemption:</b> ____		
* <b>Fam Vio Waiver Beg Dt:</b> ____-____-____ <b>ISP (Y/N):</b> _____		
<b>Mode: D Function: STAT Case Nbr: _Month: 04 08 Command: _____</b>		
<b>Sv: 98 PW: PWHCT59 SW: Updated: 04 23 08 User: PWHCT59</b>		
<b>Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12---</b>		
<b>HELP PMI EXIT CNOTE PNOTE PREV NEXT EDIT OOPS TRBL INFO</b>		

**Alien ID:** Do not enter alien identification number. It is pulled by the system from MEMB. If no documentation is provided, enter a No in the Citizenship Ver field.

## Coding for Immigration Status (IMIG)

To enter immigration status information in MAXIS STAT/IMIG, complete the following steps:

05/13/08 15:34:27	MAXIS	FMCD SAM4
CAF Question 8	Immigration Status (IMIG)	0 Of 0

Ref Last First M \* Ref Nbr:

- \* Actual Date: \_\_ \_\_ \_\_\_\_
- \* Immigration Status: \_\_
- \* Entry Date: \_\_ \_\_ \_\_\_\_ Status Date: \_\_ \_\_ \_\_\_\_
- \* Status Ver: \_\_
- \* Status LPR Adj From: \_\_
- \* Nationality: \_\_ Alien ID Nbr: \_\_\_\_\_
- \*  
\* **Reminder, Complete SPON If Client Has A Sponsor**
- \*  
\* **40 Social Security Cr (Y/N): \_ Ver (Y/N): \_**
- \* **Battered Spouse/Child (Y/N): \_ Ver (Y/N): \_**
- \* **Military Status: \_ Ver (Y/N): \_**
- \* **Hmong, Lao, Native American: \_\_**
- \* **St Prog ESL/Ctzn Coop (Y/N): \_ Ver (Y/N): \_**

Mode: D Function: STAT Case Nbr: \_\_123456 Month: 11 06 Command: \_\_\_\_\_  
\_\_ Sv: 66 PW: X166509 SW: Updated: User: PWSXB70

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12---  
HELP PMI EXIT CNOTE PNOTE PREV NEXT EDIT OOPS TRBL INFO

- **Immigration Status:** Enter immigration status code according to the provided documentation. Use PF1 key for the list of available codes.
- **Entry Date:** Enter the arrival date recognized by the USCIS. For refugees, this date can be found on their I-94. This field is not required for persons with Asylee or Deportation/Removal Withheld statuses.
- **Status Date:** Enter the date when the most current immigration status was granted. This field is required for persons with Asylee or Deportation/Removal Withheld statuses.
  - For asylees, the status date is the date on the I-551 LPR card minus 1 year (not the date they received their LPR status). The date they received their LPR status is not required.
  - For LPRs who entered with an LPR status this date can be found on their I-94.
  - For LPRs whose prior status was Asylee or Deportation/Removal Withheld, enter the date the Asylee or Deportation/Removal Withheld status was granted (MAXIS uses this date to determine the time period of potential eligibility).



- **Status Ver:** Enter the type of verification provided to document the immigration status. Use PF1 key for the list of available codes. If no documentation is provided, enter an “N.”
- **Status LPR Adj From:** Enter the immigration status held by the person before it was adjusted to LPR.
  - Use PF1 key for the list of available codes. Use code 24 (None) if the person was granted LPR status immediately upon entry into the country and there is no prior status.
- **Nationality:** Enter the nationality/ethnicity of the noncitizen.
- **Alien Id Nbr:** Do not enter alien identification number. It is pulled by system from MEMB.
- **40 Social Security Cr:** Not required for health care programs.
- **Battered Spouse/Child:** Enter “Y” or “N.” This field is mandatory for undocumented persons, nonimmigrants and other lawfully residing persons.
  - A noncitizen who is a victim of battery and/or cruelty and who is either married to or is the child of a U.S. citizen or lawful permanent resident may be able to “self-petition” for permanent residency if he or she does not already have this immigration status.
  - The USCIS determines the battery and/or cruelty. Once the USCIS approves the petition, the noncitizen is eligible for MA.
- **Military Status:** Enter the military status of the person. Use PF1 key for the list of available codes.
  - Noncitizens meet the immigration status requirements for all federally-funded programs if they are lawfully residing in any state and are on active duty or are veterans. If LPRs state on the application that they are not on active duty or are veterans, code the Military Status field with an “N” and the “Ver (Y/N)” field with a ‘Y.’
- **Hmong, Lao, Native American:** Enter the code depicting the person’s situation. Use PF1 key for the list of available codes.

Note: Do not code a noncitizen with expired documentation as undocumented. Follow the procedures outlined in “Documentation of Immigration Status, Verification Requirements for MHCP” (See chapter 04 of this guide. Also, see TE02.05.98 “IMIG STATUS AND CARDS WITH EXPIRATION DATES” for more information.)

## Coding for Sponsor Income and Assets (SPON)

To enter immigration status information in MAXIS STAT/SPON if the noncitizen has a sponsor, complete the following steps:

```
05/13/08 15:17:53          MAXIS          FMCSIAM1
CAF Question 7b,21  Sponsor Income And Assets (SPON)          0 Of 0

Ref Last First M * Ref Nbr:
01      *
      *   Type: __   Ver (Y/N): _
      *
      * Sponsor Name: _____
      * Street: _____
      * City: _____ St: __ Zip: _____
      * Phone: ( __ ) __ __
      *
      *           Counted Income   Counted
      *           Retro   Prosp   Assets
      * IV-E/DWP/MFIP/GA/HC: $ _____ $ _____ $ _____
      * MSA/GRH/FS: _____
      *
      *

Mode: D Function: STAT Case Nbr: __123456 Month: 11 06 Command: ____ _
__Sv: 66 PW: X166509 SW: Updated: User: PWSXB70

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12---
HELP PMI EXIT CNOTE PNOTE PREV NEXT EDIT OOPS TRBL INFO
```

- **Type:** Enter a sponsor type. Use PF1 key for the list of available codes.
- **Ver:** Enter Y or N for mandatory sponsor verification of sponsor's income and assets. If sponsor's income is not verified, FIAT to fail the verification test. Use FIAT code 05.
  - Complete sponsor's names, addresses, and telephone numbers; record retrospective net income and asset amounts in the appropriate fields.
  - MAXIS does not automatically update the sponsor's assets and income in the budget. FIAT to deem the sponsor's income and assets into the Health Care budget. Use FIAT Reason Code 05.

## Coding Information for Some Immigration Statuses

### Other Lawfully Present Noncitizens

Code the following immigration categories as “Other Lawfully Present” noncitizens. Use code 50 to specify this category.

“Other Lawfully Present” immigration category includes but it is not limited to:

- Applicant for asylum granted employment authorization
- Applicant for adjustment to LPR status
- Deferred Enforced Departure
- Family Unity Beneficiary
- Lawful Temporary Resident
- Order of Supervision
- Paroled less than 1 year
- Pending Immigration Status
- Temporary Protected Status

Do not code the following immigration categories as Other Lawfully Present noncitizens.

Use the information below to complete STAT/IMMIG for the following immigration categories:

#### Amerasians

- Immigration Status: Enter code 21 (Refugee). Amerasians enter the United States as LPRs. However, their eligibility is based on the status of refugee.
- Entry Date: Enter date of entry found on the I-94, passport or LPR card.
- Nationality: Enter AA.

#### American Indians Born in Canada

- Immigration Status: Enter code 24 (LPR) for American Indians who were born in Canada, have at least 50% of Indian blood, and/or are members of a federally recognized tribes.
  - American Indians in this category may or may not be issued an I-551 LPR card. Regardless of whether they have an I-551 card, they must be treated and coded as LPRs. (See HCPM, 11.20.10, American Indian Noncitizens).
  - 5-year bar to eligibility for federally-funded health care programs does not apply in this case.
  - MAXIS may incorrectly generate Major Program “NM” results based on coding on STAT/IMIG. Use FIAT Reason Code 05.

## Cuban/Haitian Entrants

- Immigration Status: Enter code 21 (Refugee).
- Entry Date: Enter the date of entry from the immigration document.
- Nationality: Enter either CU (Cuban) or HA (Haitian).

## Hmong or Highland Laotians

Nationality: Check to see if a noncitizen was a member of a Hmong or Highland Lao tribe at the time that the tribe assisted U.S. personnel during the Vietnam era if the noncitizen is coded as Hmong (HG) or Laotian (Ethnic Lao, code EL).

## Iraqi and Afghan Special Immigrants

- Immigration Status: Enter the status with which they entered the United States.
- The immigrant may meet a qualified alien status and be eligible for federally-funded MA or RM under current program rules. If not, and the immigrant is determined INELIGIBLE on MAXIS, use FIAT to create ELIGIBLE results for MA or RMA by passing the CITIZENSHIP test.
- If the immigrant is determined ELIGIBLE under the state-funded Major Program ‘NM’, use FIAT to update the Major Program type to MA. The Major Program type field is listed on the Basic HC Summary and Approval (BHSM) panel. To update the Major Program type from ‘NM’ to Major Program type ‘MA,’ first put the case in FIAT mode from the Basic HC Budget Summary (BSUM) panel and then navigate to the BHSM panel. Generate a TIKL based on the timeline of 6 months for AFGHANI Special Immigrant OR 8 months for IRAQI Special Immigrants as a reminder to re-determine their status and eligibility.
- Create detailed CASE/NOTES.

## Nonimmigrants

- Immigration Status: Enter code 28 (Undocumented). To determine if a person is a nonimmigrant, check available immigration status documentation. For further examples on I-94, passport, visa, or other USCIS documentation, see Chapter 05 of this Guide.
- FIAT the OTHER HEALTH INSURANCE test FAILED for nonimmigrant pregnant women who have other health coverage (OHI) and are not eligible for NMED.
- Close coverage by failing the OHI test of pregnant nonimmigrant women who are already on NMED and gain OHI.
- Code the EMMA panel and process EMA if undocumented pregnant women apply for EMA for labor and delivery. (See TE13.010)

## Undocumented Pregnant Women

- FIAT to fail the “Citizenship” person test for undocumented non-citizens who have not verified pregnancy within the required timeframe and do not have an emergency medical need.
- If an undocumented non-citizen does not provide verification of pregnancy and does not have an emergency medical need (coded on STAT/EMMA), MAXIS will select a non-pregnancy “Elig Type” if one exists (For example, “AA”) but will incorrectly pass the “Citizenship” person test. Use FIAT Reason Code 05.

- FIAT the OTHER HEALTH INSURANCE test FAILED for undocumented pregnant women who have other health coverage (OHI) and are not eligible for NMED.
- Close coverage by failing the OHI test of pregnant undocumented women who are already on NMED and gain OHI.
- Code the EMMA panel and process EMA if undocumented pregnant women apply for EMA for labor and delivery.

### **Victims of Torture**

- FIAT “Elig Type” and budget method.
- MAXIS does not carry data for applicants or enrollees receiving services from the Center for Victims of Torture. (See “Victims of Torture - Eligibility” – TE02.07.061).
- Use FIAT Reason Code 05.

### **Withholding of Removal**

- Immigration Status: Enter code 23 (Deport/Remove Withheld).
- Status Date: Enter the date withholding of removal status was granted.

## MMIS

Noncitizen immigration data in MMIS is located on IMMIGRATION DTA panel (**RIMG**).

- The **Immigration Status** part of the panel needs to be entered only for MinnesotaCare clients who are noncitizens. For MA/GAMC clients, the Immigration Status is an integrated field. The information comes from the IMIG panel in MAXIS and is updated automatically. None of other information on the panel needs to be completed for MA/GAMC clients.
- The **FFP Eligibility Factors** portion of the panel is entered for all MinnesotaCare enrollees over age 20.

### Coding for MMIS Immigration DTA-RIMG

```
NEXT: RELG 05/15/08 12:13:10 MMIS IMMIGRATION DTA-RIMG PWXXXXX
05/13/08 PWXXXXX
      06/03/1965 *
                        *
*****
-----IMMIGRATION STATUS-----

  IMIG STATUS:  STATUS VERIF: *          SPONSOR(Y/N): * SOURCE:
DATE OF ENTRY:                               IMIG ID NUMBER:
MILITARY STATUS: *          BATTERED SPOUSE/CHILD(Y/N): *

-----FFP ELIGIBILITY FACTORS-----
  PARENT CITIZENSHIP INCOME INCAR FROM DATE TO DATE
-----
ENTER--PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12
PAGE      S/EXT      N/EXT      RETN OOPS      HELP
```

- **IMIG STATUS:** Enter an immigration status code, if it has not already interfaced from MAXIS. Use PF12 key for the list of the available codes. Note: Do not use codes 01-14. (they are old codes from RIMG conversion).
- **STATUS VERIF:** Enter the immigration status verification type. Use PF12 key for the list of the available codes.
- **SPONSOR:** Enter Y or N to indicate whether the noncitizens have sponsors.
- **SOURCE:** Do not enter the source of the immigration status. It is system entered.

- **DATE OF ENTRY:**
- **IMIG ID NUMBER:**
- **MILITARY STATUS:** Use PF12 key for the list of the available codes.
- **BATTERED SPOUSE/CHILD(Y/N):** Use PF12 key for the list of the available codes.

## **Coding Iraqi and Afghan Special Immigrants**

### MinnesotaCare

- Follow current case entry procedures to establish a MinnesotaCare case for applicants who have an Iraqi or Afghan Special Immigrant status and their families:
  - Enter specific information on the following screens as usual; RIND, REMP, RIMG, RELG.
  - Complete RINC and enter case notes. If the Special Immigrant or any family member will be enrolled in a federally-funded MinnesotaCare program (as a parent, pregnant woman or child) code the case as a Refugee for the duration of the temporary period (6 or 8 months), with a reminder set for the beginning of the final month of the temporary period. At that time, convert the enrollee to the appropriate state-funded MinnesotaCare program, as an LPR within the five-year bar.
- Special coding is not needed for Iraqi or Afghan Special Immigrants who apply for or are enrolled in MinnesotaCare for adults without children, since this is a state-funded MinnesotaCare program.

## **USEFUL RESOURCES**

- HCPM, Chapter 11 – Citizenship and Immigration Status.
- MMIS User Manual, MMIS SCREENS, RIMG
- POLI/TEMP Manual:
  - IMIG STATUS AND CARDS WITH EXPIRATION DATES, TE02.05.98
  - MINNESOTACARE SCREENS - PART 3, TE11.026
  - MAJOR PROGRAM 'N', TE13.010
  - ELIGIBILITY - INCLUDING 10-1-03 CHANGES, TE02.07.061

Note: POLI/TEMP is being revised to include coding for SCHIP funding for pregnant women and to Correct and add information regarding some immigration status codes (such as 22-Asylees, 23-Deportation Withheld, 25-Paroleed One Year or More, S1-SAVE Primary, S2-SAVE Secondary). Use PF1 key function in MAXIS and PF12 key function in MMIS for correct codes.

- SIR, MAXIS, Health Care, Health Care FIAT List.
- <http://www.loc.gov/catdir/cpsso/biaind.pdf>, Federal Register, Vol. 72, No. 55, Department of the Interior, Bureau of Indian Affairs, Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs (list of federally-recognized tribes).



# 09

## Glossary of Common Immigration Terms

### A

Alien. A person who is not a U.S. citizen or a U.S. national.

Amnesty. The common term for programs created by the Immigration Reform and Control Act of 1986 (IRCA) that granted lawful immigration status to certain undocumented immigrants.

“A” Number. The unique file number assigned by the USCIS to every noncitizen who is admitted to the United States or who otherwise comes into contact with the agency. This number begins with letter “A,” followed by eight digits.

Attorney General. The head of the U.S. Department of Justice (DOJ) and member of the President’s cabinet. A number of agencies within the DOJ deal with immigration matters including USCIS.

### B

Beneficiary. A term commonly used in immigration law to refer to a person whose behalf a relative or employer has filed a petition for the individual to be granted Lawful Permanent Resident status.

Board of Immigration Appeals (BIA). The appellate body within the Executive Office for Immigration Review that reviews appeals of decisions made by Immigration judges and of certain decisions made by officials of the USCIS.

### C

Code of Federal Regulations (CFR). Contains the regulations written by federal departments and agencies that are charged with interpreting and implementing statutes passed by Congress and signed by the President. A new edition of the Code of Federal Regulations is issued yearly.

Consul. An official within the U.S. State Department who is stationed at a consulate in a foreign country and whose responsibility it is among other things, to process applications for visas.

### D

Deem. To count the income or assets of one person when determining the eligibility of another

Derivative Naturalization. The process by which a child under 18 years of age may automatically become a U.S. citizen as a result of the Naturalization of one or both parents. Among other requirements, for this process to happen, one or both parents have to become naturalized, and the child has to attain the lawful permanent status.

### E

English as a Second Language. English courses provided to individuals whose primary language is not English.

### F

Federal Financial Participation. Federal reimbursement to DHS for some of the cost of a client's health care services. People must meet certain criteria to be eligible for health care programs with FFP.

Federal Poverty Guidelines. The amount of income below which a household of a given size is considered impoverished. The federal government updates the FPG annually. All Minnesota Health Care Programs income standards are based on the FPG.

Federal Register. A publication of the U.S. government containing, among other things, all proposed, interim, and final rules and regulations written by federal departments and agencies to interpret and implement federal statutes. Interim and final regulations that have been published in the Federal Register are codified in the Code of Federal Regulations.

Fiancé(e). A person engaged to get married. A noncitizen who seeks to enter the United States solely in order to conclude a valid marriage with a U.S. citizen within 90 days of his or her admission to the United States may be admitted to the United States with a “K” visa, and minor children of the fiancé(e) can be admitted with the fiancé(e).

## **G**

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## **H**

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## **I**

Immigrant. A person who leaves another country to settle permanently in the United States.

Immigration and Nationality Act (INA). The Act (INA) which, along with other immigration laws, treaties, and conventions of the United States, relates to the immigration, temporary admission, naturalization, and removal of aliens.

Immigration and Naturalization Services. The former name of U.S. Citizenship and Immigration Services (USCIS). The federal agency responsible for immigration and citizenship.

Immigration Court. An administrative tribunal presided over by an immigration judge, who is charged with hearing cases involving questions of immigration law.

Immigration Judge. An administrative agency official who hears and decides cases brought before an Immigration Court.

## **J**

Joint Sponsor. An individual who completes an Affidavit of Support (Form I-864) when a Sponsor lacks sufficient income and assets to support a sponsored immigrant at 125% of the Federal Poverty Level. The legal obligations imposed on joint sponsors and legal requirements that they must meet are the same as those that pertain to sponsors.

## **K**

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## **L**

Limited English Proficiency (LEP). People with limited English proficiency, or “LEP,” are not able to speak, read, write, or understand the English language well enough to allow them to interact effectively with health and social services agencies and other providers.

## **M**

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## **N**

Noncitizen. A person present in the United States who has not attained U.S. citizenship by birth or naturalization.

Non-immigrant. A noncitizen who seeks temporary entry to the United States for a specific purpose. The person must have a permanent residence abroad (for most classes of admission) and qualify for the non-immigrant classification sought. The non-immigrant classifications include foreign government officials, visitors for business and for pleasure, noncitizens in transit through the United States, treaty traders and investors, students,

international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiancé(e)s of U.S. citizens, intracompany transferees, NATO officials, religious workers, and some others. Non-immigrants do not have permission from USCIS to settle in United States permanently, but some non-immigrants may adjust to a permanent status after they enter the United States.

Nonqualified immigrant. It refers to a person who is a noncitizen and is not a qualified immigrant. The term refers to certain noncitizens such as undocumented immigrants or other lawfully present immigrants to explain their lack of eligibility from certain federally funded public benefits.

## O

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## P

Prima Facie. An application for an immigration benefit that, on its face, appears to establish eligibility for the relief sought.

Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Federal law signed on August 22, 1996 which eliminated the federal entitlement program AFDC and created a new program called Temporary Assistance for Needy Families (TANF). PRWORA provides block grants to states to offer time-limited cash assistance. It also made major changes in the Food Support Program and delinked eligibility for Medicaid from receipt of cash assistance.

Public Charge. A term used by USCIS to describe a noncitizen who has become, or is likely to become, primarily dependent on the government for subsistence. For health care programs, this may pertain to some noncitizens who are in long-term care (nursing homes).

## Q

Qualified noncitizen. A person who meets certain USCIS criteria has this legal status designation. Qualified noncitizens must meet all eligibility requirements. The qualified status does not give a noncitizen automatic MHCP eligibility or ensure federal funding. The person must meet one of the following: was lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), or, was admitted to the United States as a refugee under section 207 of the INA, or, was granted asylum under section 208 of the INA, or, removal is being withheld under section 241(b)(3) of the INA (or deportation was withheld under section 243(h) as in effect prior to April 1, 1997), or, was paroled under section 212(d)(5) of the INA for a period of at least one year, or, was granted conditional entry pursuant to section 203(A)(7) of the INA as in effect prior to April 1, 1980, or, is a Cuban or Haitian entrant, or, is a battered noncitizen with an approved or pending petition for immigration status.

## R

Refugee Unaccompanied Minor. A person who: is under 18 years of age (or 21, under state law on benefits to children who were in foster care at age 18), AND entered the United States unaccompanied by and not destined to (a) a parent, (b) a close non-parental adult relative who is willing and able to care for the child, or an adult with a clear and court verifiable claim to custody of the minor, AND has no parents in the United States. The U.S. Citizenship and Immigration Services (USCIS) determines Refugee Unaccompanied Minor status when a person enters the United States.)

Removal. The expulsion of a noncitizen from the United States by legal process.

## S

Self-Petition. A petition for an Immigrant Visa filed by an individual who is also the beneficiary of the petition. Individuals who are permitted to self-petition include certain Abused Immigrants filing under the Violence Against Women Act, and widows or widowers of U.S. citizens who qualify as immediate relatives.

## T

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**U**

USCIS. US Citizenship and Immigration Services. The federal agency responsible for immigration and citizenship, formerly known as the Bureau of Citizenship and Immigration Services (BCIS). This agency was formerly known as Immigration and Naturalization Service (INS).

**V**

Visa. An official authorization appended to a passport that permits the person to whom it is issued to enter and travel or settle within a particular country. Nonimmigrant visas allow only temporary stays in the United States. Immigrant visas provide for permanent resident.

**W**

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