

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

CHAPTER 102 – Non-Financial Requirements

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102.05.05 ALIEN CLASSIFICATIONS SUBJECT TO 5-YEAR BAN

Non-exempt aliens in the following classifications, admitted to the U. S. on or after 8/22/96, are subject to the 5-year disqualification.

- Lawful Permanent Resident Aliens;
- Aliens Granted Parole for at Least One Year;
- Battered Aliens

NOTE: Aliens granted conditional entry under Section 203(a)(7) in effect before April 1, 1980, are not exempt from the 5-year disqualification per se; however, as a practical matter the disqualification will never apply since by definition, they entered the United States and obtain qualified alien status prior to 8/22/96.

During the disqualification period they are potentially eligible only for Emergency Medicaid services.

102.05.06 ALIEN CLASSIFICATIONS EXEMPT FROM 5-YEAR BAN

Refugees, Asylees, Amerasian immigrants, Cuban/Haitian entrants, aliens who have been granted withholding of deportation, victims of trafficking and qualified aliens who are honorably discharged veterans or active duty military and certain of their family members are among the aliens exempt from the 5-year disqualification.

Seven-Year Eligibility Limit

However, aliens in some of the above classifications have a 7-year time limit imposed on eligibility. When the 7-year period ends, eligibility terminates the following month unless the alien's status has changed or he meets an exemption.

Status Adjustments to LPR

When the time-limited alien's status adjusts to LPR during the 7-year period, the alien can continue to be eligible for the remainder of his 7-year period.

However, to continue to be eligible beyond the 7-year period, the alien adjusted to LPR must be credited with 40 QQs or meet an exemption. If that is not the case, his eligibility ends the first month after the 7-year period ends.