

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

### CHAPTER 102 – Non-Financial Requirements

Page |1109

#### **102.05.07 CONTINUOUSLY PRESENT IN THE U. S**

As previously indicated, a qualified alien who entered the U. S. prior to 8/22/96 and obtained qualified status on or after that date, must have remained “continuously present” in the U. S. from their last entry date into the country prior to 8/22/96 until becoming a qualified alien. “Continuously present” in the U. S. is defined as

- The alien had no single absence from the U.S. of more than 30 days and
- The alien had no total of aggregate absences of more than 90 days.

The qualified alien who meets the above definition is deemed to have entered the U. S. prior to 8/22/96 and if otherwise eligible, qualifies for full Medicaid.

#### **Not Continuously Present**

Aliens who were not “continuously present” are considered to have entered the U. S. on or after 8/22/96 and unless an exemption is met, are subject to the 5-year disqualification period from the date qualified status was obtained and the 40 QQ requirement.

#### **102.05.08 VICTIMS OF SEVERE FORMS OF TRAFFICKING**

Trafficking victims are not included in the statutory definition of qualified alien. Under Section 107(b) (1) (A) of the Trafficking Victims Protection Act, however, they are eligible for means-tested benefits to the same extent as refugees, i.e., victims of trafficking and their derivative beneficiaries qualify for Medicaid during the first 7 years after obtaining this qualified status.

#### **Certification by Office of Refugee Resettlement**

The qualified status of a trafficking victim is not based on immigration status. The Office of Refugee Resettlement (ORR) issues a certification letter for an adult who has been subjected to a severe form of trafficking and meets statutory certification requirements. The ORR also issues a similar eligibility letter for children.

Other agencies may issue letters or documents to victims of severe forms of trafficking; however, the ORR letter is the acceptable verification. Victims of trafficking are not required to provide immigration documents. SAVE verification is not required.