



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
P.O. Box 712
Trenton, NJ 08625-0712
Telephone 1-800-356-1561

CHRIS CHRISTIE
Governor

JENNIFER VELEZ
Commissioner

KIM GUADAGNO
Lt. Governor

JOHN R. GUHL
Director

MEDICAID COMMUNICATION NO. 10-03 DATE: May 26, 2010

TO: County Welfare Agency (CWA) Directors
Institutional Services Section (ISS) Offices
Statewide Eligibility Determination Agencies

SUBJECT: Eligibility for Afghan and Iraqi Special Immigrants

Pursuant to Department of Health and Human Services Office of Refugee Resettlement State Letter # 10-02, all Afghan and Iraqi Special Immigrants' eligibility will be evaluated as refugees. Effective immediately for Medicaid and NJ FamilyCare program applications, their citizenship status would be treated as "qualified aliens" which are not subject to the "five year bar" before becoming eligible.

BACKGROUND: Section 8120 of Pub. L. No. 111-118 became law effective December 19, 2009. This law amended the Afghan Allies Protection Act of 2009 and the Refugee Crisis in Iraq Act of 2007. Prior to this amending law the Afghan and Iraqi Special Immigrants admitted to the U.S. were limited to an eligibility period not to exceed 8 months for refugee resettlement support and other public benefit programs. This law now permits them to be evaluated as refugees, therefore as qualified aliens, not subject to refugee resettlement limitation or the "five year bar" for public benefit program applications.

In order to receive benefits, Afghan and Iraqi Special Immigrants must present documentation of their "Special Immigrant" status which would be indicated on their legal permanent resident card (LPR or "green" card). Applicants providing such documentation as Afghan and Iraqi Special Immigrants would be required to meet the income, resource, category (pregnant, disabled, age etc.) and other eligibility requirements of the Medicaid/NJ FamilyCare program(s) for which they are applying. When all program eligibility requirements are met, then they are eligible as "qualified aliens". These applicants are not subject to the "five year bar" which would cause ineligibility prior to having that immigration status for five years. Eligibility is

evaluated similar to that of refugees and eligibility would be effective when they otherwise meet program eligibility criteria.

If you have any questions regarding this Medicaid Communication, please refer them to the Division's Office of Eligibility Policy field service staff for your agency at 609-588-2556.

Sincerely,



John R. Guhl
Director

JRG:M

c: Jennifer Velez, Commissioner
Department of Human Services

William Ditto, Executive Director
Division of Disability Services

Kevin Martone, Deputy Commissioner
Department of Human Services

Jeanette Page-Hawkins, Director
Division of Family Development

Kenneth W. Ritchey, Assistant Commissioner
Division of Developmental Disabilities

Janet F. Rosenzweig, Acting Commissioner
Department of Children and Families

Matthew D'Oria, Acting Commissioner
Kathleen M. Mason, Assistant Commissioner
Patricia Polansky, Assistant Commissioner
Department of Health and Senior Services