



DEPARTMENT OF
CHILDREN AND FAMILIES
Secretary Reggie Bicha
201 East Washington Avenue, Room G200
P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-266-8684
Fax: 608-261-6972
www.dcf.wisconsin.gov

DEPARTMENT OF HEALTH SERVICES
Secretary Karen E. Timberlake
1 West Wilson Street
P.O. Box 7850
Madison, WI 53707-7850
Telephone: (608) 266-9622
FAX: (608) 266-7882
www.dhfs.wisconsin.gov

**State of Wisconsin
Governor Jim Doyle**

**TO: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers
Training Staff
Child Care Coordinators**

**FROM: Amy Mendel-Clemens, Chief
Technical Assistance and Training Section
Bureau of Enrollment Management
Division of Health Care Access and Accountability**

BEM/DFS OPERATIONS MEMO		
No: 09-57		
DATE: 10/05/2009		
FS <input type="checkbox"/>	MA <input checked="" type="checkbox"/>	BC+ <input checked="" type="checkbox"/>
SC <input type="checkbox"/>	CTS <input type="checkbox"/>	FSET <input type="checkbox"/>
CC <input type="checkbox"/>	W-2 <input type="checkbox"/>	EA <input type="checkbox"/>
CF <input type="checkbox"/>	JAL <input type="checkbox"/>	JC <input type="checkbox"/>
RAP <input type="checkbox"/>	WIA <input type="checkbox"/>	Other <input type="checkbox"/> *
EP		
PRIORITY: HIGH		

**SUBJECT: End of 5-Year Residency Requirement for Certain Qualified Immigrant
Children and Pregnant Women Applying for Medicaid or BadgerCare Plus**

CROSS REFERENCE: BadgerCare Plus Eligibility Handbook, Section 4.3
Medicaid Eligibility Handbook, Section 7.3.1

EFFECTIVE DATE: October 1, 2009

PURPOSE:

This memo announces a change in the requirement for certain immigrant children and pregnant women to reside in the US for at least 5 years to qualify for Medicaid or BadgerCare Plus.

BACKGROUND

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), restricted the eligibility of certain immigrants for the Medicaid program. Those immigrants who were considered a "Qualified Alien" and met certain other criteria could receive full benefit Medicaid. Those who did not, could only receive Emergency Services Medicaid. In January 2006, Wisconsin extended prenatal health care benefits to pregnant women who were not qualifying immigrants.

One of the provisions in that law required that certain immigrants could not qualify for full benefit Medicaid until they had lived in the U.S. for 5 years. The immigrants subject to this requirement were those:

- Lawfully Admitted for Permanent Residence,
- Lawfully present under Section 203(a)(7),
- Lawfully present under Section 212(d)(5), or
- Who suffered from domestic abuse and considered to be a battered immigrant,

Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3), known as CHIPRA, offers States the option to ignore the 5-year ban for children and pregnant women. As part of the ongoing efforts in health care outreach, the Department of Health Services has decided to implement this option effective October 1, 2009.

OLD POLICY

Certain immigrants who arrived in the US on or after August 22, 1996 are subject to a 5 year ban on receiving federal benefits, including Medicaid and BadgerCare Plus, other than emergency services. See the BCP Handbook 4.3 and the MEH 7.3.1 for details on this policy.

NEW POLICY CHANGE

Beginning, October 1, 2009, children under the age of 19, and pregnant women who are either:

- Lawfully Admitted for Permanent Residence,
- Lawfully present under Section 203(a)(7),
- Lawfully present under Section 212(d)(5), or
- Who suffer from domestic abuse and are considered to be a battered immigrant,

no longer have to wait 5 years to be eligible for full benefit Medicaid and BadgerCare Plus. This policy applies to both persons in existing open cases and new applicants. Women have the 5-year ban lifted when their pregnancy is verified and continues for an additional 60 days after the last day of pregnancy and through the end of the month in which the 60th day occurs.

The last column in the table below summarizes the change in policy for the affected immigration statuses.

CARES TCTZ Code	Immigration Status	Arrived Before 8/22/96	Veteran*/ Amerasian Arrived before 8-22-96	Arrived on or after 8-22-96	Veteran*/ Amerasian Arrived on or after 8-22-96	Children under age of 19 and pregnant women Arrived on or after 8-22-96
01	Lawfully admitted for permanent residence	Eligible	Eligible	Ineligible for 5 years	Eligible	Effective 10-1-09, Eligible
03	Lawfully present under Section 203(a)(7)	Eligible	Eligible	Ineligible for 5 years	Eligible	Effective 10-1-09, Eligible
06	Lawfully present under Section 212(d)(5)	Eligible	Eligible	Ineligible for 5 years	Eligible	Effective 10-1-09, Eligible
16	Battered Immigrant	Eligible	Eligible	Ineligible for 5 years	Eligible	Effective 10-1-09, Eligible

There is no change in MA or BC+ eligibility policy for persons in any other immigration status or for those who are undocumented.

CARES

Until changes can be made to CARES programming, workers must use the following work around in CARES Worker Web. Apply this work around for:

- All children under age 19 and women whose pregnancy is verified,
- Who are requesting Health Care coverage or the Family Planning Waiver,
- Have one of the four immigrant statuses shown above, and
- Are currently ineligible for full benefit Medicaid or BC+ due to not being in their current status for 5 years.

This work around process is necessary to allow these persons to receive BadgerCare Plus or Medicaid benefits without interfering with the State's determination of their State-only Food Share and W2 benefits.

WORK AROUND PROCESS

On the Alien/Refugee Information screen, make the following changes:

- Enter the appropriate month as the Effective Period **Begin Month**. This date may not be any earlier than 10/2009.

- Enter "02/29/1996" as the "Arrival Date"
- Enter "Yes" for "Alien continuously present in US" if it is currently "No". The verification entered must be based on the type of INS documentation they provided.
- Complete all other fields as you normally would per the type of immigration status provided and according to the actual date of entry information.
- Document in case comments this workaround is being used until the child turns age 19 or CARES is programmed to handle this policy.

Alien / Refugee Information

Effective Period
 * Begin Month: 10 / 2009 End Month: MM / YYYY Last Updated: 09/11/2009
 Delete Reason:

Additional Information

* Individual: ALIEN TESTCASE 34F PP

* Country of Origin: 54 - LAOS

* Alien Registration Status: 01 - LAWFULLY ADMITTED FOR PERM RESIDENC

* Alien Registration Status Verification: SV - SAVE DATABASE

* Date of Entry: 01 / 01 / 2006

Alien Registration Number: A00000000 Verification Number from SAVE: 20000000000000XH

Does alien have an Employment Authorization Document:

* Does alien have a sponsor? N - No

* Arrival Date: 02 / 29 / 1996

Alien continuously present in US? Yes

Did alien meet the work quarters?

* Did alien meet the military requirements? No

Is the Alien an adult member (born prior to 05/08/1975) of Hmong or highland Laotian tribe, or spouse or unremarried surviving spouse of the member?

Is the Alien unmarried dependent child of Hmong / highland Laotian tribe or dependent is under 18 years or full time student and under age 22?

Enter New Begin Month MM / YYYY Go

The workaround must be removed effective the month after the month in which the 60-day pregnancy extension ends, or in which a child turns 19. To reverse the work around:

- Change the effective "Begin Month" to the month where the individual is again subject to the 5-year ban.
- Change the workaround "Arrival Date" from February 29, 1996, back to the original date entered or to the entry date according to the INS documentation provided.

Alien / Refugee Information

Cancel Reset
 Total: 2

Alien / Refugee Information

Effective Period
 * Begin Month: 07 / 2010 End Month: MM / YYYY Last Updated: 09/11/2009
 Delete Reason:

Additional Information

* Individual: ALIEN TESTCASE 34F PP

* Country of Origin: 54 - LAOS

* Alien Registration Status: 01 - LAWFULLY ADMITTED FOR PERM RESIDENC

* Alien Registration Status Verification: SV - SAVE DATABASE

* Date of Entry: 01 / 01 / 2006

Alien Registration Number: A000000000 Verification from SAVE: 20000000000000XH

Does alien have an Employment Authorization Document:

* Does alien have a sponsor? N - No

* Arrival Date: 01 / 01 / 2006

Alien continuously present in US?

Did alien meet the work quarters?

* Did alien meet the military requirements? No

Is the Alien an adult member (born prior to 05/08/1975) of Hmong or highland Laotian tribe, or spouse or unremarried surviving spouse of the member?

Is the Alien unmarried dependent child of Hmong / highland Laotian tribe or dependent is under 18 years or full time student and under age 22?

* Verification: SV - SAVE DATABASE

Verification:

Verification:

Verification:

Enter New Begin Month MM / YYYY Go

The child is no longer under 19 or the woman is no longer pregnant, change this date back to original date of entry.

This will put the five year ban back in place for immigrants who no longer meet the criteria to be exempt from the 5 year residency requirement. (The child is no longer under 19 or the woman is no longer pregnant.)

NOTE: Caretaker Supplement (CTS) is the one program that has the same 5 year ban policy and tests eligibility using the "Arrival Date" and "Alien Continuously present in US" fields. The new policy to exempt children under 19 and pregnant women does not apply to applicants/members requesting CTS. If the workaround described above is used for a child also requesting CTS, CARES will ignore the 5 year residency requirement for CTS and could incorrectly determine the child eligible. Workers will have to use the AIOE/AGOE override to fail CTS for any child who does not meet the 5 year residency requirements. Once the appropriate notices are sent, the request for CTS should be changed to a NO for the non-qualifying child.

REPORT

A list of cases that are open or closed less than one calendar month containing immigrant children and pregnant women with the above immigrant status will be sent to the local agencies.

Individuals included in this list are children with a birth date after October 1, 1990, and women with a verified pregnancy who were determined ineligible for MA or BC+ due to not meeting the 5 year residency requirement.

Workers must update the Alien/Refugee screen by entering an effective date of 10/2009 and an Arrival Date of February 29, 1996. Initiate Eligibility to re-determine eligibility for these individuals for October and November.

CONTACTS

BEM CARES Information & Problem Resolution Center

*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DHS/DHCAA/BEM/JL/VJ