

RITE CARE ELIGIBILITY FOR NON-CITIZENS
November 2009

	Children*	Parents**	Pregnant Women
Lawful Permanent Resident	Not eligible until in status 5 years unless entered US before 8/22/96*** Spring 2010: Eligible without 5 year bar	Not eligible until in status 5 years unless entered US before 8/22/96***	Eligible
Lawfully Residing: temporary protected status, deferred enforced departure, spouse or child of US citizen whose visa petition has been approved and has a pending application for adjustment of status, and certain other lawfully residing immigrants ¹	Not eligible Spring 2010: Eligible	Not eligible	Eligible
Refugee/granted asylum and certain other humanitarian immigrants ²	Eligible	Eligible	Eligible
Conditional entrant, paroled for at least 1 year	Not eligible until in status 5 years unless entered US before 8/22/96 Spring 2010: Eligible without 5 year bar	Not eligible until in status 5 years unless entered US before 8/22/96	Eligible
Domestic Violence Survivor	Eligible	Eligible	Eligible
Victims of Trafficking	Eligible	Eligible	Eligible
Undocumented	Not eligible	Not eligible	Eligible

**These rules also apply to children eligible for Medicaid through Katie Beckett, receipt of SSI and adoption subsidy.*

***These rules also apply to other adults who could qualify for Medical Assistance as elderly, disabled or based on a diagnosis of breast/cervical cancer.*

**** To determine whether an LPR has been in status for 5 years, look on the front of the “green card” for “Resident Since” For information about LPRs who entered the US before 8/22/96 see information below.*

Spring 2010: This is the date that new rules providing coverage for lawfully present non-citizen children will go into effect. Applications should not be submitted until the new rules are effective, but children who may be eligible should be identified for outreach once the rules are final.

¹ Other categories include: family unity beneficiary, temporary resident status as amnesty beneficiary

² Other immigrants include: Deportation withheld, Amerasian entrants, Cuban or Haitian entrants, certain American Indians born outside the

1. Lawful Permanent Residents

Exceptions to 5 year bar for lawful permanent resident adults: There are several important exceptions to the 5-year bar for lawful permanent resident adults:

- Entered as refugee/asylee and adjusted to LPR status: Refugees and persons granted asylum can adjust to LPR status after one year. A person who entered the US as a refugee or was granted asylum and adjusted to LPR status is not affected by the 5 year bar and is eligible for RIte Care. Look under the word “category” on the front of the “green card” (Permanent Resident Card). If the category is AS# or RE#, then the person entered as an asylee (A#) or refugee (R#) and the 5 year bar does not apply.
- In US before 8/22/96: A person who was in the US before 8/22/96, has continuously lived in the country and adjusts to LPR status is also not affected by the 5 year bar and is eligible for RIte Care. It doesn't matter what the person's status was before obtaining LPR status (including undocumented). Continuously living in the country means that from the date of entry to the US until the green card was issued, the person never left the country for a single absence of 30 days or a total of 90 days. To establish eligibility under this category, the person needs to provide documents showing when they entered the US (e.g. a visa) and continuous residence (e.g., social security printouts, school records, medical records, rent receipts).
- Veteran and active duty military: An immigrant who has served in the US military and his/her spouse (including unremarried surviving spouse) and children are not affected by the 5 year bar. The spouse and children of an LPR who is currently serving in the military may also be eligible.

2. Domestic Violence Survivors

Under the Violence Against Women Act (VAWA), an abused spouse or child of a U.S. citizen or LPR can file a self-petition for LPR status if they can show that they meet certain requirements and are victims of extreme psychological or physical abuse. If the petition is approved, the person will receive a form I-797 from CIS (Citizenship and Immigration Services). This form can be used to apply for RIte Care and other public benefits. A victim of domestic violence may also apply for suspension or cancellation of removal based on domestic violence circumstances. A person in this status may also be eligible for RIte Care. Domestic Violence victims should be referred to the International Institute (461-5940) for help filing the necessary CIS documents.

3. Victims of Trafficking

To be eligible under this category, the person must be either under age 18 or certified by the US Department of Health and Human Services as willing to assist in the investigation and prosecution of severe forms of trafficking in persons.

4. Emergency Medical Assistance

Children and parents who would be eligible for RIte Care, but for their failure to meet the immigrant eligibility requirements, are eligible for Emergency Medical Assistance. This includes LPR parents in status less than 5 years and undocumented individuals. Emergency Medical Assistance only covers emergency in-patient hospital services and hospital emergency room services. The hospital's charity care program may cover other hospital-related health care costs.