



State of California—Health and Human Services Agency
Department of Health Care Services



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Director

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Governor

November 25, 2008

TO: ALL COUNTY WELFARE DIRECTORS Letter No.: 08-53
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS

SUBJECT: TIME LIMITED ELIGIBILITY OF REFUGEE MEDICAL ASSISTANCE
FOR IRAQI AND AFGHAN IMMIGRANTS GRANTED SPECIAL
IMMIGRANT STATUS UNDER SECTION 101 (a)(27) OF THE
IMMIGRATION AND NATIONALITY ACT (INA)

The purpose of this letter is to inform the county welfare departments about new federal rules on the eligibility of Iraqi and Afghan Special Immigrants (SIs) for Refugee Medical Assistance (RMA) benefits and the time limit of such eligibility. Effective December 26, 2007, eligible Iraqi and Afghan SIs are entitled to time limited RMA. Afghan SIs are eligible for up to six months of RMA and Iraqi SIs are eligible for up to eight months of RMA, at which time RMA eligibility ceases.

WHO IS COVERED?

According to Section 525 of Title V of Division G of Public Law 110-161 (The Consolidated Appropriations Act, 2008); "Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (INA) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act for a period not to exceed

six months.” This section was partially superseded by Section 1244 of Public Law 110-181 (National Defense Authorization Act, 2008) which states: “Resettlement Support - Iraqi aliens granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act...shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed *eight months*.” (Emphasis added). In no case can eligibility begin prior to December 26, 2007, because the Consolidated Appropriations Act was signed into law on that date.

PERIOD OF ELIGIBILITY

Afghan SIs: The six-month clock on RMA eligibility for Afghan SIs and their eligible family members that established their SI status prior to arriving in the U.S. (the consular process) begins on the date that they are admitted to the U.S. as an Afghan SI. For Afghans adjusting to SI status domestically (within the U.S.) from some other immigration status such as visitor or student, the six month RMA clock begins on the date of grant of Lawful Permanent Resident (LPR) status. The date LPR status is granted is typically based on the earlier grant of Afghan Special Immigrant status. No additional services will be provided for the months of eligibility that occurred prior to the effective date of the law, December 26, 2007, or prior to application for RMA benefits.

Example: An Afghan SI who arrives in the U.S. on March 1, 2008, and first applies for RMA on May 1, 2008, is eligible to receive benefits only from the date of application to August 31, 2008, six months after the date of entry to the U.S. as an Afghan SI.

Iraqi SIs: The eight-month clock on RMA eligibility for Iraqi SIs and their eligible family members that established their SI status previous to arriving in the U.S. (the consular process) begins on the date that they are admitted to the U.S. as an Iraqi SI. For Iraqis adjusting to SI status domestically (within the U.S.) from some other immigration status such as visitor or student, the eight-month RMA clock begins on the date of grant of LPR status. The date LPR status is granted is typically based on the earlier grant of Iraqi Special Immigrant status. No additional services will be provided for the months of eligibility that occurred prior to the effective date of the law, December 26, 2007, or prior to application for RMA benefits.

Example: An Iraqi SI who arrives in the U.S. on March 1, 2008, and first applies for RMA benefits on May 1, 2008, is eligible to receive benefits only from the date of application to October 31, 2008, eight months after the date of entry to the U.S. as an Iraqi SI.

The following chart illustrates the time limits of eligibility for Afghan and Iraqi SIs as outlined in the Office of Refugee Resettlement Letters # 08-04 and 08-06:

Months of Medi-Cal Eligibility for Afghan and Iraqi SIs					
	Months of Possible Eligibility	Date of Entry	Date of Application	Eligibility Ends	Number of Months with Benefits
Afghan SI	6 Months	March 1, 2009	March 1, 2009	August 31, 2009	6 Months
Iraqi SI	8 Months	March 1, 2009	March 1, 2009	October 31, 2009	8 Months
Afghan SI	6 Months	March 1, 2009	May 1, 2009	August 31, 2009	4 Months
Iraqi SI	8 Months	March 1, 2009	April 1, 2009	October 31, 2009	7 Months

DOCUMENTATION

Counties will be required to determine eligibility in accordance with current RMA eligibility requirements. This eligibility determination includes confirmation of the individual's immigration status and date of entry through verification of appropriate documentation. The following documents will confirm both immigration status and date of entry for Iraqi and Afghan SIs:

Documents Acceptable for Confirming Immigration Status and Date of Entry	
Applicant	Documentation
Principal Applicant Iraqi or Afghan SI	Iraqi or Afghan passport with an immigration visa stamp noting that the individual has been admitted under Immigrant Visa Category SI1 or SQ1 and Department of Homeland Security (DHS) stamp or notation on passport or I-94 showing date of entry

Documents Acceptable for Confirming Immigration Status and Date of Entry (Cont.)	
Spouse of Principal Applicant Iraqi or Afghan SI	Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under Immigrant Visa Category SI2 or SQ2 and DHS stamp or notation on passport or I-94 showing date of entry
Unmarried Child Under 21 Years of Age of Iraqi or Afghan SI	Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under Immigrant Visa Category SI3 or SQ3 and DHS stamp or notation on passport or I-94 showing date of entry
Principal Applicant Iraqi or Afghan SI Principal Adjusting Status in the U.S.	DHS Form I-551 ("green card") showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an immigrant visa code of SI6 or SQ6
Spouse of Principal Applicant Iraqi or Afghan SI in SI6 Category	DHS Form I-551 ("green card") showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an immigrant visa code of SI7 or SQ7
Unmarried Child Under 21 Years of Age of Iraqi or Afghan SI in SI6 Category	DHS Form I-551 ("green card") showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an immigrant visa code of SI9 or SQ9

ELIGIBILITY REQUIREMENTS

Iraqi and Afghan SIs must meet all RMA eligibility requirements. For example, current policy for RMA eligibility is that applicants must be determined ineligible for California Opportunity and Responsibility to Kids, Healthy Families, and Supplemental Security Income/State Supplementary Payment - based Medi-Cal or Medi-Cal Only before they can be placed in RMA (Medi-Cal Eligibility Procedures Manual Section 24B (2)). The same is true with Iraqi and Afghan SIs.

NOTICES OF ACTION (NOAs)

The Department of Health Care Services (DHCS) has created NOAs for Iraqi SIs, and for Afghan SIs. The notices address the differences in the length of eligibility for the two SI types, Afghan and Iraqi. These NOAs are attached to this All County Welfare Directors Letter (ACWDL). Numbers will be assigned to the NOAs in a future ACWDL. Please send these NOAs and a Medi-Cal application at least 60 days prior to the termination of RMA benefits for these SIs as detailed in ACWDL 08-43.

SYSTEM CHANGES

DHCS is in the process of developing the necessary Medi-Cal Eligibility Data System (MEDS) coding for these new RMA eligible immigrants. If any refugees are identified as eligible for this program please use the existing RMA aid code and track the cases for time limitations until further notice. Counties must track all Iraqi and Afghan SIs who are put into MEDS so that MEDS coding can be updated in the future and so that the six month time-limited eligibility for Afghan SIs can be tracked and their eligibility can be manually terminated at the end of their period of eligibility.

TERMINATION OF RMA BENEFITS

Iraqi SIs: DHCS will implement MEDS generated terminations for RMA benefits reaching the federal eight-month time limit. The automatic termination process is detailed in ACWDL 08-43.

Afghan SIs: Until further notice manual terminations with all NOA requirements will be necessary for Afghan SIs temporarily placed in the existing RMA aid code, since they have a six-month (rather than an eight-month) time limit on eligibility. DHCS will notify counties in a separate ACWDL when MEDS programming is updated to send alerts for Afghan SIs nearing the end of their six-month eligibility period and automatically terminate RMA eligibility after six months for Afghan SIs.

All County Welfare Directors Letter No.: 08-53
Page 6
November 25, 2008

If you have any questions about this ACWDL please contact Mr. Jeffery Baca at (916) 552-9513 or by email at jeff.baca@dhcs.ca.gov .

ORIGINAL SIGNED BY:

Vivian Auble, Chief
Medi-Cal Eligibility Division

MEDI-CAL NOTICE OF ACTION

APPROVAL FOR REFUGEE MEDICAL ASSISTANCE (RMA) BENEFITS FOR IRAQI IMMIGRANTS GRANTED SPECIAL IMMIGRANT STATUS

(County Stamp)

Notice date: _____

Case number: _____

Worker name/number: _____

Worker telephone number: _____

This affects _____

We have reviewed all information available to us about your circumstances, and after evaluating you for all Medi-Cal programs we find that you are eligible for the RMA Program. You may receive RMA benefits for up to eight months beginning on the date that you were admitted into the United States as a Special Immigrant. You are entitled to receive medical services as follows:

You are eligible for the program at no cost beginning the first day of _____.

Your income exceeds the 200% Federal Poverty Level limit. Therefore, you are eligible for this program with a monthly share of cost of \$_____.

Income used to determine share of cost:

Net non-exempt income \$ _____

Less 200% Poverty Level \$ _____

Share of Cost \$ _____

IMPORTANT: If there are any changes that could affect your eligibility such as changes in your income, property, medical condition, disability status, or household situation, please report them to the County Eligibility Worker listed above.

You will get a plastic Benefits Identification Card (BIC) in the mail soon. Always present your BIC to your medical provider whenever you need care. This card is good as long as you are eligible for Medi-Cal or RMA benefits. **DO NOT THROW AWAY YOUR PLASTIC I. D. CARD (BIC).**

The regulation which requires this action is Title 22, California Code of Regulations, Section 50257.

MEDI-CAL NOTICE OF ACTION

DISCONTINUANCE FOR REFUGEE MEDICAL ASSISTANCE (RMA) FOR AFGHAN IMMIGRANTS GRANTED SPECIAL IMMIGRANT STATUS

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(County Stamp)

Notice date: _____

Case number: _____

Worker name/number: _____

Worker telephone number: _____

This affects _____

Your eligibility for RMA as an Afghan Special Immigrant is limited to six months.

As of _____ your eligibility for RMA will stop because:

You are at the end of your six-month eligibility period for RMA.

You have received more than the appropriate number of months of RMA.

Your six-month eligibility period for RMA began with the date you are admitted into the United States as a Special Immigrant.

We are sending you a Medi-Cal application. You must fill it out and return it to us if you want Medi-Cal. Please return the completed application to the address on this notice if you want us to see if you can receive Medi-Cal. When we receive your application, we will review it to see if you are eligible for Medi-Cal. If you return the enclosed application, you will receive another notice to tell you whether you are eligible for Medi-Cal.

IMPORTANT: If there are any changes that could affect your eligibility such as changes in your income, property, medical condition, disability status, or household situation, please report them to the County Eligibility Worker listed above.

Do not throw away your plastic Benefits Identification Card (BIC). You can use it again if you become eligible for Medi-Cal.

The regulation which requires this action is Title 22, California Code of Regulations, Section 50257.

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(County Stamp)

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Case number: _____

Worker name/number: _____

Worker telephone number: _____

This affects _____

We have reviewed all information available to us about your circumstances, and after evaluating you for all Medi-Cal programs and RMA and we find that you are eligible for the RMA Program. You may receive RMA benefits for up to six months beginning on the date that you were admitted into the United States as a Special Immigrant. You are entitled to receive medical services as follows:

You are eligible for the program at no cost beginning the first day of _____.

Your income exceeds the 200% Federal Poverty Level limit. Therefore, you are eligible for this program with a monthly share of cost of \$_____.

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(County Stamp)

Notice date: _____

Case number: _____

Worker name/number: _____

Worker telephone number: _____

This affects _____

Your eligibility for RMA as an Iraqi Special Immigrant is limited to eight months.

As of _____ your eligibility for RMA will stop because:

You are at the end of your eight-month eligibility period for RMA.

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Your eight-month eligibility period for RMA began with the date you are admitted into the United States as a Special Immigrant.

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