

## Citizenship and immigration status

### Lawfully present

Immigrants or non-citizens who have been inspected and admitted into the U.S. and not overstayed the period of time for which they were admitted, or have current permission from the U.S. Citizenship and Immigration Services (USCIS) to stay or live in the U.S.

### Citizenship/immigrant groups

All individuals fall into one of the four groups listed in the left column of the chart below. Each group is further described below the table.

Citizenship/immigration	Potentially eligible	Not eligible
<b>1. U.S. Citizens, U.S. Nationals, and Qualifying American Indians Born Abroad</b>	<ul style="list-style-type: none"> <li>Apple Health for Kids</li> <li>Apple Health for Pregnant Individuals</li> <li>Apple Health for Adults</li> <li>Apple Health for Families and Caretaker Relatives</li> <li>SSI-Related Medicaid</li> <li>Family Planning Only</li> <li>After-Pregnancy Coverage</li> </ul>	<ul style="list-style-type: none"> <li>Alien Medical Programs</li> <li>Medical Care Services*</li> <li>Apple Health Expansion</li> </ul>
<b>2. Lawfully Present Qualified Immigrants</b> <ul style="list-style-type: none"> <li><b>5-Year Bar Met or Exempt</b></li> </ul>	<ul style="list-style-type: none"> <li>Apple Health for Kids</li> <li>Apple Health for Pregnant Individuals</li> <li>Apple Health for Adults</li> <li>Apple Health for Families and Caretaker Relatives</li> <li>SSI-Related Medicaid</li> <li>Family Planning Only</li> <li>After-Pregnancy Coverage</li> </ul>	<ul style="list-style-type: none"> <li>Alien Medical Programs</li> <li>Medical Care Services*</li> <li>Apple Health Expansion</li> </ul>
<ul style="list-style-type: none"> <li><b>5-Year Bar Required and Not Met</b></li> </ul>	<ul style="list-style-type: none"> <li>Apple Health for Kids</li> <li>Apple Health for Pregnant Individuals</li> <li>Medical Care Services*</li> <li>Alien Medical Programs</li> <li>Family Planning Only</li> <li>After-Pregnancy Coverage</li> </ul>	<ul style="list-style-type: none"> <li>Apple Health for Adults</li> <li>Apple Health for Families and Caretaker Relatives</li> <li>SSI-Related Medicaid</li> <li>Apple Health Expansion</li> </ul>
<b>3. Lawfully Present Non-Qualified Immigrants/Nonimmigrants</b>	<ul style="list-style-type: none"> <li>Apple Health for Kids</li> <li>Apple Health for Pregnant Individuals</li> <li>Medical Care Services*</li> <li>Alien Medical Programs</li> <li>Family Planning Only</li> <li>After-Pregnancy Coverage</li> </ul>	<ul style="list-style-type: none"> <li>Apple Health for Adults</li> <li>Apple Health for Families and Caretaker Relatives</li> <li>SSI-Related Medicaid</li> </ul>
<b>4. Undocumented Immigrants</b>	<ul style="list-style-type: none"> <li>Apple Health for Kids</li> <li>Apple Health for Pregnant Individuals</li> <li>Alien Medical Programs</li> <li>Medical Care Services**</li> <li>Apple Health Expansion</li> <li>Family Planning Only</li> <li>After-Pregnancy Coverage</li> </ul>	<ul style="list-style-type: none"> <li>Apple Health for Adults</li> <li>Apple Health for Families and Caretaker Relatives</li> <li>SSI-Related Medicaid</li> <li>Medical Care Services*</li> </ul>

\*If eligible for a program associated with WAC 388-424-0001(4)

# U.S. Citizens, U.S. Nationals, and Qualifying American Indians born abroad

## U.S. Citizens

- Individuals born in the U.S. or its territories – Guam, Puerto Rico, the U.S. Virgin Islands, and residents of the Northern Mariana Islands who chose to become U.S. citizens.
- Individuals who have become naturalized U.S. citizens.
- Certain individuals born abroad to at least one U.S. citizen.

## U.S. Nationals

- Individuals born in America Samoa or Swain Island and residents of the Northern Mariana Islands who did not choose to become U.S. citizens.

## Qualifying American Indians born abroad

- Individuals born in Canada who have at least fifty percent American blood, regardless of tribal membership; or
- Individuals born outside of the United States who are:
  - Members of a federally recognized tribe; or
  - Alaska Natives enrolled by the Secretary of the Interior under the Alaska Native Claims Settlement Act.

**Note:** Qualifying American Indians born abroad have the same eligibility requirements as U.S. citizens; however, citizenship and identity requirements do not apply. They will need to provide the following verification as appropriate: Canadian birth certificate, tribal affiliation, and/or blood quantum.

## Lawfully Present “Qualified” Immigrants

**Note:** Federal law requires many qualified immigrants to wait five years before becoming eligible for Medicaid. This 5-year waiting period is commonly referred to as the 5-year bar. This 5-year waiting period usually begins when the person receives their qualifying immigration status, not when they entered the U.S.

## Must meet 5-year bar unless exempt

- Lawful Permanent Residents (LPR) - see Note 2 below.
- Parolees - if granted parole for at least one year under §212(d)(5) of the Immigration and Nationality Act (INA).
- Abused spouses and children with an I-130 notice of “prima facie” approval or a pending or approved self-petition under the Violence Against Women Act (VAWA).
- Admitted to the U.S. as conditional entrants prior to April 1, 1980, under 203(a)(7) of the INA.

## Exempt from the 5-year bar

- Amerasians who were born to a U.S. citizen armed services member in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950, but before October 22, 1982, who were admitted to the U.S. as immigrants pursuant to §584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act.
- Individuals paroled as refugees or asylees under §212(d)(5) of the INA.
- Refugees admitted under §207 of the INA.
- Members of Hmong and Highland Laotian tribes that assisted the U.S. military during the Vietnam era from August 5, 1965, through May 7, 1975.
- Special immigrants from Iraq or Afghanistan admitted to the U.S. under one of the following:
  - Special immigrant status under section §101(a)(27) of the INA;
  - Special immigrant conditional permanent resident; or
  - Paroled under section 602(b)(1) of the Afghan Allies Protection Act or section 1059(a) of the National Defense Authorization Act of 2006.
- Under Section 2502 of the Afghanistan Supplemental Appropriations Act, 2022 and the Consolidated Appropriations Act of 2023, Afghans granted humanitarian parole between July 31, 2021, and September 30, 2023, and their spouses and children, and the parents and guardians of unaccompanied minors who are granted parole after September 30, 2022, are evaluated as qualified immigrants until March 31, 2023, or the end of their parole term, whichever is later.
- Ukrainians - and non-Ukrainians who last habitually resided in Ukraine - granted humanitarian parole between February 24, 2022, and September 30, 2023. Their spouses and children, and the parents and guardians of unaccompanied minors who are granted parole after September 30, 2023, under Section 401 of the Additional Ukrainian Supplemental Appropriations Act of 2022, are evaluated as qualified immigrants.
- Victims of trafficking per the Victims of Trafficking and Violence Protection Act of 2000.
- Asylees whose status was granted under §208 of the INA.
- Cuban/Haitian entrants, in accordance with the requirements in 45 CFR §401.2<sup>3</sup>, including individuals approved under the Haitian Family Reunification Parole (HFRP) program.
- Persons granted withholding of deportation or removal.
- Citizens of Federated States of Micronesia, the Republic of Palau, or the Republic of Marshall Islands living in the United States in accordance with the Compacts of Free Association.
- Qualifying American Indians born abroad as described above are typically coded as
- U.S. citizens, but if they provide verification of LPR status, they may be coded as Lawful Permanent Residents (LPR) under MAGI programs. They are not required to have or provide verification of LPR status.
- Lawful Permanent Residents, parolees, or battered immigrants who are also an armed services member or veteran, or a family member of a veteran as described below:
  - On active duty in the US military, other than active duty for training;
  - An honorably discharged US veteran;

- A Veteran of the military of the Philippines who served prior to July 1, 1946;
- The spouse, an un-remarried widow or widower; or Unmarried dependent child of a veteran or active-duty service member.

**Note:** The 5-year bar does not apply to individuals that have obtained a “qualified immigrant status within the last 5 years, if they entered the U.S. prior to August 8, 1996, and have continuously lived in the U.S. since August 22, 1996, See [WAC 182-503-0535](#).

**Note:** The category code on the I-551 Permanent Resident Card (green card) indicates how an LPR entered the U.S. If an individual entered the U.S. under a status that is exempt from the 5-year bar and has had LPR status for less than 5 years, they are still exempt from the 5-year bar.

## Lawfully Present “Non-Qualified” Immigrants/Nonimmigrants

These are non-citizens who are lawfully present in the U.S. and are not included in the definition of qualified immigrants listed above. Common non-qualified immigrants include:

- Immigrants paroled into the U.S. for less than one year.
- Immigrants granted temporary protected status (TPS).
- Nonimmigrants who are allowed entry into the U.S. for a specific purpose usually for a limited time, such as:
  - Business visitors;
  - Students; and
  - Tourists
- Abused immigrants who are a relative of a U.S. citizen with an approved I-130 petition but not meeting the other requirements of battered immigrants, as described in WAC [182-503-0535](#). Abused immigrants who have self-petitioned under VAWA but not yet received "Notice of "Prima Facie" eligibility, as described in WAC [182-503-0535](#).
- Applicants for adjustment of status, asylum, cancellation of removal, suspension of deportation, or withholding of deportation or removal.
- Cancellation of removal, deferred action {with the exception of Deferred Action for Childhood Arrivals (DACA)} (see **Note** below), or suspension of deportation granted. (If a person is granted cancellation of removal or suspension of deportation based on having been abused or granted deferred action based on an approved self-petition as an abused alien, they are a "qualified immigrant".)
- Deferred enforced departure granted.
- Family unity granted.
- "K", "S", "U" or "V" statuses, designated on a person's visa, allow holders to work and eventually to adjust to Lawful Permanent Resident (LPR) status.
- Lawful temporary residents under the amnesty program of the Immigration Reform and Control Act (IRCA), including those admitted under Sections 210 ("special agricultural workers") and 245A of the INA.
- Order of supervision granted.

- Eligible to petition as special immigrant juveniles. These are juveniles who have been declared a "dependent of the state" and eligible for long-term foster care due to abuse, neglect or abandonment.
- Stay of deportation or removal granted.
- Voluntary departure granted - definite or indefinite time.

**Note:** Individuals granted DACA status are not eligible for federally funded Apple Health programs or eligible to purchase health care coverage through a QHP/HIPTC. They are potentially eligible for the following programs: State-funded Apple Health for Kids and Pregnant Women, After-Pregnancy Coverage, Medical Care Services\*, Apple Health Expansion, and Alien Emergency Medical.

## Undocumented Immigrants

Non-citizens who entered the U.S. unauthorized or were lawfully admitted but whose status expired or was revoked by USCIS.

\*If eligible for a program associated with WAC 388-424-0001(4)