

New York

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**NOTE: The deleted information on this page has been replaced by  
PDF Form S89 effective January 1, 2014.**

**[STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
State: New York**

**ELIGIBILITY CONDITIONS AND REQUIREMENTS]**

**[ \_\_\_\_\_ Citation(s) \_\_\_\_\_ Condition or Requirement]**

[42 CFR 435.406] [3. Is residing in the United States (U.S.), and --

- a. Is a citizen or national of the United States;
- b. Is a qualified alien (QA) as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) as amended, and the QA's eligibility is required by section 402(b) of PRWORA as amended, and is not prohibited by section 403 of PRWORA as amended;
- c. Is a qualified alien subject to the 5-year bar as described in section 403 of PRWORA, so that eligibility is limited to treatment of an emergency medical condition as defined in section 401 of PRWORA;
- d. Is a non-qualified alien, so that eligibility is limited to treatment of an emergency medical condition as defined in section 401 of PRWORA;
- e. Is a QA whose eligibility is authorized under section 402(b) of PRWORA as amended, and is not prohibited by section 403 of PRWORA as amended.

[X] State covers all authorized QAs.

[ ] State does not cover authorized QAs.

- f. State elects CHIPRA option to provide full Medicaid coverage to otherwise eligible pregnant women or children as specified below who are aliens lawfully residing in the United States; including the following:]

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|----------|--|---|
| [(1)     | A "Qualified alien" otherwise subject to the 5-year waiting period per section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;   |   |
| (2)      | A citizen of a Compact of Free Association State (i.e., Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau) who has been admitted to the U.S. as a non-immigrant and is permitted by the Department of Homeland Security to reside permanently or indefinitely in the U.S.; |   |
| (3)      | An individual described in 8 CFR section 103.12(a)(4) who does not have a permanent residence in the country of their nationality and is in a status that permits the individual to remain in the U.S. for an indefinite period of time, pending adjustment of status. These individuals include:                    |   |
|          | (a)  | An individual currently in temporary resident status as an Amnesty beneficiary pursuant to section 210 or 245A of the Immigration and Nationality Act (INA);  |
|          | (b)  | An individual currently under Temporary Protected Status pursuant to section 244 of the INA;  |
|          | (c)  | A family Unity beneficiary pursuant to section 301 of Public Law 101-649 as amended by, as well as pursuant to, section 1504 of Public Law 106-554;   |
|          | (d)  | An individual currently under Deferred Enforced Departure pursuant to a decision made by the President; and   |
|          | (e)  | An individual who is the spouse or child of a U.S. citizen whose visa petition has been approved and who has a pending application for adjustment of status; and  |
| (4)      | An individual in non-immigrant classifications under the INA who is permitted to remain in the U.S. for an indefinite period, including the following as specified in section 101(a)(15) of the INA:   |   |
|          |  | <ul style="list-style-type: none"> <li>• A parent or child of an individual with special immigrant status under section 101(a)(27) of the INA, as permitted under section 101(a)(15)(N) of the INA;</li> <li>• A Fiancé of a citizen, as permitted under section 101(a)(15)(K) of the INA;</li> <li>• A religious worker under section 101(a)(15)(R);</li> <li>• An individual assisting the Department of Justice in a criminal investigation, as permitted under section 101(a)(15)(S) of the INA;</li> </ul> |

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|----------|--------------------|--|
| [        |                    | <ul style="list-style-type: none"> <li>• A battered alien under section 101(a)(15)(U) (see also section 431 as amended by PRWORA); and</li> <li>• An individual with a petition pending for 3 years or more, as permitted under section 101(a)(15)(V) of the INA.</li> </ul>   |
|          | [X]                | Elected for pregnant women.  |
|          | [X]                | Elected for children under age 21  |
|          | g. [X]             | The State provides assurance that for an individual whom it enrolls in Medicaid under the CHIPRA section 214 option, it has verified, at the time of the individual's initial eligibility determination and at the time of the eligibility redetermination, that the individual continues to be lawfully residing in the United States. The State must first attempt to verify this status using information provided at the time of initial application. If the State cannot do so from the information readily available, it must require the individual to provide documentation or further evidence to verify satisfactory immigration status in the same manner as it would for anyone else claiming satisfactory immigration status under section 1137(d) of the Act.] |

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