



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

ELIZABETH CONNOLLY
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Lt. Governor

VALERIE HARR
Director

MEDICAID COMMUNICATION NO. 15-07

DATE: April 9, 2015

TO: County Welfare Agency Directors
Statewide Eligibility Determination Agencies

SUBJECT: Medicaid and CHIP Coverage of "Lawfully Present" Children and Pregnant Women

Historically, medical assistance benefits have only been eligible to citizens and Legal Permanent Residents (LPRs) of the United States. The Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009, Public Law 111-3, Section 214, gave states the option to extend benefits to qualified alien children and pregnant women who are considered "lawfully present in the United States."

These populations do not have to meet the former LPR status in order to be eligible, but they must meet all other requirements for eligibility including, but is not limited to, state residency and income eligibility requirements.

Verifications of "lawfully present" immigration status may be obtained electronically through the Department of Homeland Security's SAVE system. If electronic verifications are not available through the SAVE system, paper verifications will be required. An applicant presenting themselves as meeting the "lawfully present" status would be eligible for a reasonable opportunity period while providing their documentation (see Medicaid Communications 09-16 and 14-12 for details).

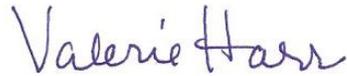
Specific types of visas may be presented to verify "lawfully present" status. These visas include those that are issued for obtaining employment, reuniting with families, and others that can result in permanent relocation to the United States. Some of the most common forms of documentation presented by these individuals include student visas, E visas, U visas, and V visas.

Visas that are issued for use for a temporary purpose including business interactions and tourism are not viewed as meeting the "lawfully present" status. These visa types include, but are not limited to, B-1 and B-2 visas.

If otherwise eligible, an applicant who meets “lawfully present” status would **only** be eligible for the NJ FamilyCare Children program or Pregnant Women program as a restricted alien.

If you have any questions regarding this Medicaid Communication, please refer them to the Division’s Office of County Operations field service staff for your agency at 609-588-2556.

Sincerely,

A handwritten signature in blue ink that reads "Valerie Harr".

Valerie Harr
Director

VH:s

c: Elizabeth Connolly, Acting Commissioner
Department of Human Services

Dawn Apgar, Deputy Commissioner
Division of Developmental Disabilities

Lowell Arye, Deputy Commissioner
Aging and Community Services

Lynn Kovich, Assistant Commissioner
Division of Mental Health and Addiction Services

Joseph Amoroso, Director
Division of Disability Services

Natasha Johnson, Acting Director
Division of Family Development

Allison Blake, Commissioner
Department of Children and Families

Mary E. O’Dowd, Commissioner
Department of Health