

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-01-16  
Baltimore, Maryland 21244-1850



**Center for Medicaid and State Operations, Family & Children's Health Programs Group**

OCT 31 2008

Dear Associate Regional Administrators:

This letter updates the Medicaid and State Children's Health Insurance Program (SCHIP) eligibility policy for Iraqi and Afghan Special Immigrants by discussing the continuing coverage for Afghan Special Immigrants beyond the end of Federal fiscal year (FFY) 2008 on September 30, 2008. Please forward this letter to State Medicaid and SCHIP representatives in your region.

**Continuing Refugee-Like Coverage for Afghan Special Immigrants**

For Afghan Special Immigrants, Section 525 of Title V of Division G of Public Law 110-161, "The Consolidated Appropriations Act, 2008," which took effect on December 26, 2007, authorized at most 6 months of refugee-like coverage for the Special Immigrants and their families. The result of this legislation was to lift the requirements of the 5-year bar for Afghan Special Immigrants and their families, but only during their initial 6 months of special immigrant status, counted from their date of U.S. entry as special immigrants or the date of their conversion to special immigrant status. During this initial period, special immigrants are eligible for resettlement assistance, entitlement programs (e.g., Medicaid), and other public benefits (e.g., SCHIP) to the same extent and with the same requirements as refugees. After the 6-month period ends, they lose eligibility for these public benefits, until they meet the 5-year bar or otherwise meet the citizenship or alien eligibility criteria.

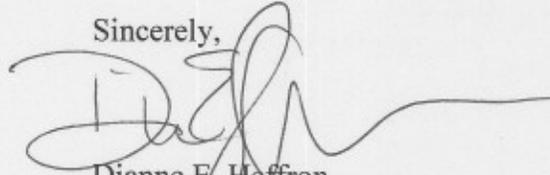
Because the 6 months of refugee-like coverage was contained in an appropriations act, we notified regional administrators that the authority would sunset at the end of FFY 2008 (September 30, 2008), unless extended by Congress. A new law, the "Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009," Public Law 110-329, at Section 101 of Division A provides legal authority for continuation beyond September 30, 2008 of eligibility by Afghan Special Immigrants and their eligible family members for refugee-like coverage under Medicaid, SCHIP, and other public programs. Therefore, State Medicaid and SCHIP Programs should continue to provide Medicaid and SCHIP benefits for this population's initial 6 months of special immigrant status, unless changes are made to the law. If the law changes, we will notify you as soon as possible.

For a full discussion of the laws governing Iraqi and Afghan Special Immigrants, we refer you to our April 25, 2008 letter to Associate Regional Administrators (attached). As noted in that correspondence, the laws providing refugee-like assistance to *Iraqi* Special Immigrants were contained in authorizing, rather than appropriations, legislation, and therefore continue and are *not* affected by appropriations legislation.

**Contacts for Additional Information**

If you have questions about Medicaid coverage of Iraqi and Afghan Special Immigrants, please contact Ms. Mary Corddry, who can be reached at (410) 786-6618 or [Mary.Corddry@cms.hhs.gov](mailto:Mary.Corddry@cms.hhs.gov). For questions about SCHIP coverage, please contact Ms. Nancy Dieter, who can be reached at (410) 786-7219 or [Nancy.Dieter@cms.hhs.gov](mailto:Nancy.Dieter@cms.hhs.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Heffron', with a long horizontal flourish extending to the right.

Dianne E. Heffron  
Acting Director

Attachments