

Service Chapter: Medicaid 510-03 & 510-05

Effective Date: May 05, 2025

Overview

Updating manual to remove obsolete forms and add current and accepted documents/forms from United States Citizenship and Immigration Services (USCIS). N.D.A.C. was reviewed and no changes needed.

Description of Changes

1. Qualified Non-Citizens 510-03-35-58 - Change

Removing obsolete form I-688B per United States Citizenship and Immigration Services (USCIS)

2. Ineligible Non-Citizens 510-03-35-55 - Change

Removing obsolete forms and adding accepted documents/forms from United States Citizenship and Immigration Services (USCIS)

3. Qualified Non-Citizens 510-05-35-58 - Change

Removing obsolete form I-688B per United States Citizenship and Immigration Services (USCIS)

4. Ineligible Non-Citizens 510-05-35-55 - Change

Removing obsolete forms and adding accepted documents/forms from United States Citizenship and Immigration Services (USCIS)

Policy Section Updates

1. Qualified Non-Citizens 510-03-35-58

Qualified non-citizens are individuals that have been legally admitted and may be eligible for Medicaid if they meet all other Medicaid eligibility criteria.

Some qualified non-citizens may be eligible under the Refugee Medical Assistance Program if they do not meet all other Medicaid eligibility criteria. The following categories of individuals are qualified non-citizens: (Forms indicated below are USCIS or Immigration and Naturalization Service (INS) forms and the sections refer to the Immigration and Nationality Act (INA).

Individuals with the documents described in subsections 2 through 14 below may be eligible for Medicaid from their date of arrival in North Dakota, without being subject to the five-year ban or required to meet the forty qualifying quarters of social security coverage, as long as they meet all other Medicaid criteria:

1. Non-citizens who are lawfully admitted for permanent residence (LPR) may be eligible as described in sections [510-03-35-60](#) and [510-03-35-65](#).
2. Honorably discharged veterans, non-citizens on active duty in the United States' armed forces, and the spouse or unmarried dependent child(ren) of such individuals with:
 - a. Verification of honorable US military discharge (such as a DD214);
 - b. Verification of relationship of family members.
3. Refugees who possess one of the following:
 - ~~a. Form I-94 (Arrival Departure Record) showing "207" or "REFUG" or codes RE1, RE2, RE3, RE4; or RE5;~~
 - ~~b. Form I-688B (Temporary Resident Card) annotated 274a.12(a)(3);~~
 - ~~c. Form I-766 (Employment Authorization Document) with code A3;~~
 - ~~d. Form I-571 (Refugee Travel Document);~~
 - ~~e. Form I-551 or I-151 (Permanent Resident Card) with codes R8-6; RE6, RE7, RE8, RE9.~~
4. Asylees who have been granted asylum (not applicants for asylum) and possess one of the following:
 - ~~a. Form I-94 showing "208" or "asylee" and/or codes of AS1, AS2, or AS3);~~

- ~~b. Form I-688B annotated 274.a12(a)(5);~~
 - ~~c. b. Form I-766 annotated A5;~~
 - ~~d. c. A Grant letter from Asylum office of USCIS;~~
 - ~~e. d. An Order from immigration judge granting asylum;~~
 - ~~f. e. Form I-571 or~~
 - ~~g. f. Form I-551 or I-151 with codes AS6, AS7, AS8, AS9, GA-6 to GA-8.~~
5. Cuban and Haitian Entrants who possess one of the following:
- a. Form I-94 showing “Cuban/Haitian Entrant” or “parole” under Section 212(d)(5) or codes CU6, or CU7 or “OOE” or “outstanding orders of exclusion”, Citation of INA 212(d)(5) or the word “Parole” Automated I-94 Codes CH, CP, HF, HR, HT, HQRAP, PARCIS; codes EQ1, AM2, AM3;
 - b. Form I-151 or I-551 with National of Cuba or Haiti and codes CH6,CH7,CNP, CU0, CU-6, CU-7, CU-8, CU-9, CUP, HA-6 to HA-9; HB-6 to HB-9; HD-6 to HD-9; HE-6 to HE-9, or NC-6 to NC-9_i;
 - c. Forms I-766 with code A04, A12, C08,C10,C11_i;
 - d. Form I-327- Re-entry Permit_i;
 - e. Form I-797 A and C- USCIS Notice of Action Receipt of Asylum Application_i;
 - f. Form I-862- Notice to Appear_i;
 - g. Form I-220A- Order of Release on Recognizance_i;
 - h. Form I-797A- USCIS Notice of Action_i;
 - i. Form I-589- Date stamped by the Executive Office for Immigration Review (EOIR)_i;
 - j. Form I-485- Date stamped by EOIR_i;
 - k. Form Executive Office for Immigration Review (EOIR)-26_i;
 - l. ~~One of the following~~ DHS forms: I-221, I-862, I-220A, I-122, I-221S_i;
 - m. Other applications for relief that have been date stamped by EOIR or

- n. Other documentation pertaining to an applicant's removal, exclusion, or deportation proceedings
6. Victims of a severe form of trafficking and their families (non-citizens granted non-immigrant status under [Section](#) 101(a)(15)(T) of the Immigration and Nationality Act ([INA](#)) who have a pending application that sets forth a prima facie case for eligibility for that non-immigrant status) who possess one of the following:
- a. [Form](#) I-94 showing codes T-1 or T-2;
 - b. [Form](#) I-94 or passport showing non-immigrant status under 101(a)(15)(T);
 - c. ~~I-688B~~ or [Form](#) I-766 showing 247a.12(a)(16), A16, 274a.12(c)(25) or C25;
 - d. Other INS document showing non-immigrant status under [Section](#) 101(a)(15)(T) of the INA or
 - e. Any verification from the INS or other authoritative documents showing non-immigrant status under [Section](#) 101(a)(15)(T) of the INA.
7. Non-citizens whose deportation was withheld under Section 243(h) of the Immigration and Naturalization Act (INA) who possess one of the following:
- a. [Form](#) I-94 or foreign passport showing “243(h)” or “241(b)(3)”;
 - b. ~~I-688B~~ or [Form](#) I-766 with code of “274a.12(a)(10) or A10; or
 - c. [Form](#) I-571.
8. Non-citizens admitted as an Amerasian immigrant who possess one of the following:
- a. [Form](#) I-94 showing National of Vietnam and AM1, AM2, or AM3; or
 - b. [Form](#) I-151 or I-551 showing National of Vietnam and AM-1, AM-2, AM-3, AM-6, AM-7; or AM-8.
9. American Indians born in Canada as described in [510-03-35-50](#).
10. Non-citizens paroled into the United States under Section 212(d)(5) of the ~~Immigration and Nationality Act~~ [INA](#) for a period of at least 1 year who possess one of the following:
- a. [Form](#) I-94 showing “212(d)(5)” or “parolee” or “PIP”;

- b. ~~Form I-688B or I-766 with code such as 274a.12(a)(4), or A4, or 274a.12(c)(11);~~ or
 - c. ~~Cuban-Haitian entrants with parole status are considered Cuban-Haitian entrants.~~
11. Certain battered non-citizens; battered non-citizen children; and the parents of such children with an Form I-551 card showing B2-1, B2-3, B2-6, or B2-8.
12. Iraqi and Afghan Special Immigrants and their families who possess:
- a. Form I-94 with a stamp of “IV” and category SQ1, SQ2, SQ3, SQ4, SQ5, SI1, SI2 or SI3 and date of entry; COA of OAR, PAR, or DT-~~i~~
 - b. An Afghan or Iraqi passport with a stamp of “IV” and category CQ1, CQ2, CQ3, SQ1, SQ2, SQ3, SQ6, SQ7, SQ8, SI1, SI2 or SI3 and DHS stamp or notation on passport showing date of entry; COA of OAR, PAR, or DT with CBP PAROLED stamp and/or parole COA notation-~~i~~
 - c. Form I-551 showing national of Afghanistan or Iraq with “IV” code of CQ1, CQ2, CQ3, SQ1, SQ2, SQ3, SQ6, SQ7, SQ8, SQ9, SI6, SI7, SI9 or
 - d. Form I-766 with a stamp of ‘IV’ code of SQ4 and SQ5 with C11 Parolee category. COA of OAR, PAR, or DT with C11 Parolee category.
13. Non-citizens granted conditional entry under section 203(a)(7) of the INA ~~Immigration and Nationality Act~~ in effect prior to April 1, 1980:
- ~~a.~~ a. Form I-94 or other document showing “conditional entrant”, “refugee conditional entry”, “seventh preference”; “section 203(a)(7)”; “P7” ;
 - ~~b.~~ ~~I-688B annotated “274a.12(a)(3);~~
 - ~~c.~~ b. Form I-766 annotated “A3”; or
 - ~~d.~~ c. Any verification from the INS or other authoritative document.
14. Individuals from the Federated States of Micronesia, the Marshall Islands or Palau, are permanent non-immigrants and must possess one of the following:
- a. Form I-94 Arrival/Departure Record created electronically upon arrival to an air or sea port of entry. Paper versions can be obtained by logging on to U.S. Customs and Border Protection (CBP) at CBP’s I-94 website. Form I-94 will contain an admission stamp, but not an “admit until” date. Form I-94 printed from the CBP website will show an “admitted until” date of D/S (duration of

status). D/S indicates that the individual is authorized to remain in the United States as long as they maintain a valid status.

- b. Possess a **A** valid, unexpired passport from Federated States of Micronesia (FSM), Republic of Marshall Islands (RMI), or Republic of Palau (PAL).
 - 1. **-** Notations on passports will be CFA/PAL (Compact of Free Association/Palau); `CFA/FSM (Compact of Free Association/Micronesia) or CFA/MIS (older version would be RMI) (Compact of Free Association/Marshall Islands).
 - 2. **-** Form I-94 will have either an U.S. Citizenship and Immigration Services (USCIS) registration number (A-number) or an 11 alphanumeric-character admission/departure number.

2. Ineligible Non-Citizens 510-03-35-55

(N.D.A.C. Section 75-02-02.1-18)

- 1. Some non-citizens may be lawfully admitted for a temporary or specified period of time and are not eligible for Medicaid. They have the following types of documentation: Form I-94, Arrival-Departure Record; ~~Form I-185, Canadian Border Crossing Card; Form I-186~~ DSP-150 Border Crossing Card and B-1/B-2 visitor visa ~~Mexican Border Crossing Card; I-586 Mexican Border Crossing Card; Form SW-434, Mexican Border Visitor's Permit~~ Form I-95A, Crewman's Landing Permit. These non-citizens are not eligible for Medicaid because of the temporary nature of their admission status. Ineligible non-citizens are eligible for coverage of emergency services. The following categories of individuals are ineligible non-citizens:
 - a. Foreign government representatives on official business and their families and servants;
 - b. Visitors for business or pleasure, including exchange visitors;
 - c. Non-citizens in travel status while traveling directly through the U.S.;
 - d. Crewman on shore leave;
 - e. Treaty traders and investors and their families;
 - f. Foreign students;

- g. International organization representation and personnel and their families and servants;
 - h. Temporary workers including agricultural contract workers; and
 - i. Members of foreign press, radio, film, or other information media and their families.
2. Illegal non-citizens who are not lawfully admitted for permanent residence in the United States are not eligible for Medicaid, except for emergency services. Ongoing eligibility does not exist.

3. Qualified Non-citizens 510-05-35-58

Qualified non-citizens are non-citizens that have been legally admitted and may be eligible for Medicaid if they meet all other Medicaid eligibility criteria. Some qualified non-citizens may be eligible under the Refugee Medical Assistance Program, [510-05-95-20](#), if they do not meet all other Medicaid eligibility criteria. The following categories of individuals are qualified non-citizens: (Forms indicated below are USCIS or [Immigration and Naturalization Service \(INS\)](#) forms and the sections refer to the Immigration and Nationality Act (INA):

Individuals with the documents described in subsections 2 through 14 below may be eligible for Medicaid from their date of arrival in North Dakota, without being subject to the five-year ban or required to meet the forty qualifying quarters of social security coverage, as long as they meet all other Medicaid criteria:

- 1. Non-citizens who are lawfully admitted for permanent residence (LPR) may be eligible as described in sections 510-05-35-60 and [510-05-35-65](#)
- 2. Honorably discharged veterans, non-citizens on active duty in the United States' armed forces, and the spouse or unmarried dependent child(ren) of such individuals with:
 - a. Verification of honorable US military discharge (such as a DD214);
 - b. Verification of relationship of family members.
- 3. Refugees who possess one of the following:
 - a. Form I-94 (Arrival Departure Record) showing "207" or "REFUG" or codes RE1, RE2, RE3, RE4; or RE5;
 - b. ~~Form I-688B (Temporary Resident Card) annotated 274a.12(a)(3);~~

- Ⓔ. b. Form I-766 (Employment Authorization Document) with code A3;
 - Ⓕ. c. Form I-571 (Refugee Travel Document); or
 - Ⓖ. d. Form I-551 or I-151 (Permanent Resident Card) with codes R8-6; RE6, RE7, RE8, RE9.
4. Asylees who have been granted asylum (not applicants for asylum) who possess one of the following:
- Ⓐ. a. Form I-94 showing “208” or “asylee” and/or codes of AS1, AS2, or AS3);
 - Ⓑ. ~~Form I-688B annotated 274.a12(a)(5);~~
 - Ⓒ. b. Form I-766 annotated A5;
 - Ⓓ. c. A Grant letter from Asylum office of USCIS;
 - Ⓔ. d. An Order from immigration judge granting asylum;
 - Ⓕ. e. Form I-571; or
 - Ⓖ. f. Form I-551 or I-151 with codes AS6, AS7, AS8, AS9, GA-6 to GA-8.
5. Cuban and Haitian Entrants who possess one of the following:
- a. Form I-94 showing “Cuban/Haitian Entrant” or “parole” under Section 212(d)(5) or codes CU6, or CU7 or “OOE” or “outstanding orders of exclusion”;
 - b. Form I-151 or I-551 with National of Cuba or Haiti and codes CH6, CNP, CU0, CU-6, CU-7, CU-8, CU-9, CUP, HA-6 to HA-9; HB-6 to HB-9; HD-6 to HD-9; HE-6 to HE-9, or NC-6 to NC-9;
 - c. Forms I-766 with code A04, A12, C08, C10,C11;
 - d. Form I-327- Re-entry Permit;
 - e. Form I-797 A and C- USCIS Notice of Action Receipt of Asylum Application;
 - f. Form I-862- Notice to Appear;
 - g. Form I-220A- Order of Release on Recognizance;
 - h. Form I-797A- USCIS Notice of Action;
 - i. Form I-589- Date stamped by the Executive Office for Immigration Review (EOIR);
 - j. Form I-485- Date stamped by EOIR;

- k. Form Executive Office for Immigration Review (EOIR)-26;
 - l. DHS forms: I-221, I-862, I-220A, I-122, I-221S;
 - m. Other applications for relief that have been date stamped by EOIR; or
 - n. Other documentation pertaining to an applicant's removal, exclusion, or deportation proceedings
6. Victims of a severe form of trafficking and their families (aliens granted nonimmigrant status under Section 101(a)(15)(T) of the INA ~~Immigration and Nationality Act~~ who have a pending application that sets forth a prima facie case for eligibility for that nonimmigrant status): who possess one of the following:
- a. Form I-94 showing codes T-1 or T-2;
 - b. Form I-94 or passport showing non-immigrant status under Section 101(a)(15)(T) of the INA;
 - c. ~~I-688B~~ or Form I-766 showing 247a.12(a)(16), A16, 274a.12(c)(25) or C25;
 - d. Other INS document showing nonimmigrant status under 101(a)(15)(T);
 - e. Any verification from the INS or other authoritative documents . showing non-immigrant status under Section 101(a)(15)(T) of the INA
7. Non-citizens whose deportation was withheld under Section 243(h) of the Immigration and Naturalization Act (INA):
- a. Form I-94 or foreign passport showing “243(h)” or “241(b)(3)”;
 - b. ~~I-688B~~ or Form I-766 with code of “274a.12(a)(10) or A10; or
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8. Non-citizens admitted as an Amerasian immigrant who possess one of the following:
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 - b. Form I-151 or I-551 showing National of Vietnam and AM-1, AM-2, AM-3, AM-6, AM-7; or AM-8.
9. American Indians born in Canada as described in 510-05-35-50.

10. Non-citizens paroled into the United States under Section 212(d)(5) of the ~~Immigration and Nationality Act~~ INA for a period of at least 1 year who possess one of the following:
- a. Form I-94 showing “212(d)(5)” or “parolee” or “PIP”;
 - b. ~~Form I-688B or~~ I-766 with code such as 274a.12(a)(4), or A4, or 274a.12(c)(11); or
 - c. Cuban-Haitian entrants with parole status ~~are considered Cuban-Haitian entrants.~~
11. Certain battered non-citizens, battered non-citizen children; and the parents of such children with an Form I-551 card showing B2-1, B2-3, B2-6, or B2-8.
12. Iraqi and Afghan Special Immigrants and their families who possess:
- a. Form I-94 with a stamp of “IV” and category SQ1, SQ2, SQ3, SQ4, SQ5, SI1, SI2 or SI3 and date of entry. COA of OAR, PAR, or DT;
 - b. An Afghan or Iraqi passport with a stamp of “IV” and category SQ1, SQ2, SQ3, SQ6, SQ7, SQ8, SI1, SI2 or SI3 and DHS stamp or notation on passport showing date of entry. COA of OAR, PAR, or DT with CBP PAROLED stamp and/or parole COA notation;
 - c. Form I-551 showing national of Afghanistan or Iraq with “IV” code of CQ1, CQ2, CQ3, SQ1, SQ2, SQ3, SQ6, SQ7, SQ8, SQ9, SI6, SI7, SI9; or
 - d. Form I-766 with a stamp of ‘IV’ code of SQ4 and SQ5 with C11 Parolee category. COA of OAR, PAR, or DT with C11 Parolee category.
13. Non-citizens granted conditional entry under section 203(a)(7) of the ~~Immigration and Nationality Act~~ INA in effect prior to April 1, 1980:
- a. a. Form I-94 or other document showing “conditional entrant”, “refugee conditional entry”, “seventh preference”; “section 203(a)(7)”; “P7” ;
 - b. ~~I-688B annotated “274a.12(a)(3);~~
 - c. b. Form I-766 annotated “A3”; or
 - d. c. Any verification from the INS or other authoritative document.
14. Individuals from the Federated States of Micronesia, the Marshall Islands and Palau are permanent non-immigrants and must possess one of the following:

- a. Form I-94 Arrival/Departure Record created electronically upon arrival to an air or seaport of entry. Paper versions can be obtained by logging on to U.S. Customs and Border Protection (CBP) at CBP's I-94 website. [Form I-94](#) will contain an admission stamp, but not an "admit until" date. Form I-94 printed from the CBP website will show an "admitted until" date of D/S (duration of status). D/S indicates that the individual is authorized to remain in the United States as long as they maintain a valid status.
- b. Possess a [A](#) valid, unexpired passport from Federated States of Micronesia (FSM), Republic of Marshall Islands (RMI), or Republic of Palau (PAL).
 - 1- [-](#) Notations on passports will be CFA/PAL (Compact of Free Association/Palau); `CFA/FSM (Compact of Free Association/Micronesia) or CFA/MIS (older version would be RMI) (Compact of Free Association/Marshall Islands).
 - 2- [-](#) Form I-94 will have either an alien registration number (A-number) or an 11 alphanumeric-character admission/departure number.

4. Ineligible Non-Citizens 510-05-35-55

(Revised 06/1/22 ML #3675)

(N.D.A.C. Section 75-02-02.1-18)

1. Some non-citizens may be lawfully admitted for a temporary or specified period of time and are not eligible for Medicaid. They have the following types of documentation: Form I-94, Arrival-Departure Record; ~~Form I-185, Canadian Border Crossing Card; Form I-186~~ [DSP-150 Border Crossing Card and B-1/B-2 visitor visa](#) ~~Mexican Border Crossing Card; I-586 Mexican Border Crossing Card; Form SW-434, Mexican Border Visitor's Permit~~ Form I-95A, Crewman's Landing Permit. These non-citizens are not eligible for Medicaid because of the temporary nature of their admission status. Ineligible non-citizens are eligible for coverage of emergency services. The following categories of individuals are ineligible non-citizens:
 - a. Foreign government representatives on official business and their families and servants;
 - b. Visitors for business or pleasure, including exchange visitors;
 - c. Aliens in travel status while traveling directly through the U.S.;
 - d. Crewman on shore leave;

- e. Treaty traders and investors and their families;
 - f. Foreign students;
 - g. International organization representation and personnel and their families and servants;
 - h. Temporary workers including agricultural contract workers; and
 - i. Members of foreign press, radio, film, or other information media and their families.
2. **Illegal Non-Citizens.** Non-citizens who are not lawfully admitted for permanent residence in the United States are not eligible for Medicaid, except for emergency services. Ongoing eligibility does not exist.