

Citizenship and Alien Status Guide

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.

All individuals fall into one of the four groups listed in the left column in the chart below:

Citizenship/Alien Status	Potentially Eligible:	Not Eligible:
1. U.S. Citizens; U.S. Nationals; and Qualifying American Indians Born Abroad	<ul style="list-style-type: none"> • Apple Health for Kids • Apple Health for Pregnant Women • Apple Health for Adults • Apple Health for Families & Caretaker Relatives • SSI-Related Medicaid 	<ul style="list-style-type: none"> • Alien Medical Programs (AMP) • Medical Care Services (MCS)
2. Lawfully Present Qualified Immigrants <ul style="list-style-type: none"> ➤ 5-Year Bar Met or Exempt 	<ul style="list-style-type: none"> • Apple Health for Kids • Apple Health for Pregnant Women • Apple Health for Adults • Apple Health for Families & Caretaker Relatives • SSI-Related Medicaid 	<ul style="list-style-type: none"> • AMP • MCS
<ul style="list-style-type: none"> ➤ 5-Year Bar Required and Not Met 	<ul style="list-style-type: none"> • Apple Health for Kids • Apple Health for Pregnant Women • MCS • AMP 	<ul style="list-style-type: none"> • Apple Health for Adults • Apple Health for Families & Caretaker Relatives • SSI-Related Medicaid
3. Lawfully Present Non-Qualified Immigrants	<ul style="list-style-type: none"> • Apple Health for Kids • Apple Health for Pregnant Women • MCS • AMP 	<ul style="list-style-type: none"> • Apple Health for Adults • Apple Health for Families & Caretaker Relatives • SSI-Related Medicaid
4. Undocumented Immigrants	<ul style="list-style-type: none"> • Apple Health for Kids • Apple Health for Pregnant Women • AMP 	<ul style="list-style-type: none"> • Apple Health for Adults • Apple Health for Families & Caretaker Relatives • SSI-Related Medicaid • MCS

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Each of the groups is further described below:

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

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 members 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 §101(a)(27) of the INA.
- 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 §401.2³, including;
 - Individuals approved under the Haitian Family Reunification Parole (HFRP) program.
 - Persons granted withholding of deportation or removal.
 - 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 aliens 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

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:

- Citizens of Marshall Islands, Micronesia or Palau.
- 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 aliens 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 aliens 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. (**Note:** 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 suspension 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, AEM, and MCS.