

## June 2016 Summary of Changes

Chapter	Passage	Summary
1430	1430.0106, 1430.0110, 1430.0113, 1430.0116, 1430.0117, 1430.0300, 1440.0106, 1440.0110, 1440.0113, 1440.0116, 1440.0117, 1440.0303.01, 1440.0303.02	Add new policy that lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements are met.
	1430.0116, 1430.0117, 1430.0118, 1440.0116, 1440.0117, 1440.0118	Changing the current .0116 in sections 1430 and 1440 and renumbering the current 1430.0116, 1440.0116, 1430.0117, 1440.0117, and <b>adding</b> 1430.118 and 1440.0118.
	1430.0113	Deleted extra space in second "Note:" between "to include" and "of the battered noncitizen".
1450	1450.0106, 1450.0110, 1450.0113, 1450.0116, 1450.0117, 1450.0303.01, 1450.0303.02	Add new policy that lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements are met.
	1450.0116, 1450.0117, 1450.0118	Changing the current .0116 in 1450 and renumbering the current 1450.0116 and 1450.0117 and <b>adding</b> 1450.0118.
2200	2210.0307	Deleted the policy exception allowing a foster child, living with their own child or spouse and preparing meals separately from the foster family, to apply as a separate AG for food assistance.

Technical changes and changes in non-substantive information may be excluded from this summary.

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**1430.0106 Lawful Permanent Resident (MFAM)**

A lawful permanent resident (LPR) is a noncitizen who lawfully immigrates to the U.S. and has permission to live and work in the U.S. LPRs may be eligible for Medicaid based on citizenship if they entered the U.S.:

1. prior to 8/22/96 and have remained continuously present,
2. on or after 8/22/96 under a prior asylee, refugee, Amerasian, deportation withheld, or Cuban/Haitian Entrant status, or
3. on or after 8/22/96 and have lived in the U.S. as a qualified noncitizen for at least five years.

Proof of this status includes:

1. resident alien card, (I-551) (commonly referred to as a "green card").
2. re-entry permit (I-327), or
3. foreign passport with a stamp stating "temporary evidence of lawful permanent resident status".

**Note:** LPRs who entered after 8/22/96 are subject to the five-year ban, ~~unless otherwise noted~~ [except lawfully residing children up to age 19](#).

LPRs who are in the five-year ban may be eligible for Emergency Medicaid for Aliens, (EMA).

**1430.0110 Parolees (MFAM)**

Parolees under Section 212(d)5 for at least one year; Noncitizens granted temporary parole status for a total period of at least one year by the Attorney General under Section 212(d)(5) of the Immigration and Nationality Act (INA) are eligible for on the factor of noncitizen status.

Verification for this status includes:

1. USCIS Form I-94 indicating that the individual has been paroled under this section of the INA, or
2. USCIS Form I-688 with codes 274a.12(a)(4), 274a.12 (c)(11), or
3. USCIS Form I-766 with codes A4 or C11, or
4. other conclusive documentation of this status.

**Note:** If the USCIS document does not reflect at least a one-year period, the eligibility specialist must institute secondary verification.

**Note:** These individuals are subject to the five-year ban if the entry date is after 8/22/96 [except lawfully residing children up to age 19](#).

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**1430.0113 Battered (MFAM)**

A battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3), as determined by USCIS are defined as noncitizens who are, or have been battered or subjected to extreme cruelty in the United States by a family member with whom they reside. This includes a noncitizen whose child or a noncitizen child whose parent has been abused. The phrase battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence.

Noncitizens who claim to be battered must satisfy all of the following requirements:

1. Show that noncitizen has an approved or pending petition which makes a prima facie case for immigrant status in one of the following categories:
  - a. a Form I-130 filed by their spouse or the child's parent;
  - b. a Form I-130 petition as a widow(er) of a U.S. citizen;
  - c. an approved self-petition under the Violence Against Women Act (including those filed by a parent; or
  - d. an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
2. The noncitizen, the noncitizen's child or the noncitizen child's parent has been abused in the U.S. under the following circumstances:
  - a. The noncitizen has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consent to the battery or cruelty.
  - b. The noncitizen's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's family residing in the same house if the spouse or parent consents to the battery or cruelty, and the noncitizen did not actively participate in the battery or cruelty.
  - c. The parent of a noncitizen child has been battered or subjected to extreme cruelty in the U.S. by the parent's spouse, or by a member of the spouse's family residing in the household as the parent, if the spouse consents to or allows such battery or cruelty.
1. The battered noncitizen, child, or parent no longer lives in the same household as the abuser(s).
2. There is a substantial connection between the battery or extreme cruelty and the need for public assistance.

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Proof of the battered status includes:

1. individual's statement for proof of no longer living with the abuser and direct connection between battery and need for public assistance,
2. approved petitions or orders granted by USCIS,
3. restraining order or criminal conviction against the abuser,
4. charges brought about that lead to the conviction of the abuser, or
5. credible evidence of the abuse which includes but is not limited to, reports or affidavits from law enforcement, judges or other court officials, medical personnel, school officials, social workers, mental health providers, other social service agency personnel, legal documents, residence in a battered spouse shelter or similar refuge, photographs of the injuries, or sworn affidavits from friends, family members, or other third parties with personal knowledge of the battery or cruelty.

There cannot be any delay in the authorization of an application or request for additional assistance while awaiting verification to establish battery or extreme cruelty. If it is later discovered that the noncitizen does not meet these criteria, a Benefit Recovery referral must be made.

**Note:** These individuals are subject to the five-year ban if entry is after 8/22/96 [except lawfully residing children up to age 19](#).

**Note:** The eligibility determination does not need to include -if the battered noncitizen meets the three criteria listed above for noncitizens who meet one of the other qualified noncitizen statuses unless it is to the noncitizen's advantage such as sponsored noncitizens.

**1430.0116 Lawfully Residing Noncitizen Children up to age 19 (MFAM)**

Lawfully residing children, up to age 19, are potentially Medicaid eligible, regardless of their date of entry as long as they are in an immigration status considered "lawfully residing". All technical and financial eligibility requirements must be met, including residency, prior to providing Medicaid (including Medically Needy) coverage.

A child, up to age 19, is considered lawfully residing if the verified immigration status is a:

1. Qualified Noncitizen
  - a. Lawful Permanent Resident (LPR)
  - b. Asylee
  - c. Refugee
  - d. Parolee (more than 1 year)
  - e. Deportation Withheld

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- [f. Cuban and Haitian Entrants](#)
- [g. Battered or Abused Child or Child of a Battered Person](#)
- [h. Victim of Human Trafficking](#)
- [2. Noncitizens with a valid Nonimmigrant Status \(visa holders\)](#)
- [3. Paroled for less than 1 year](#)
- [4. Other:](#)
  - [a. Temporary Resident](#)
  - [b. Temporary Protected Status \(TPS\)](#)
  - [c. Employment Authorization](#)
  - [d. Family Unity Beneficiaries](#)
  - [e. Deferred Enforced Departure \(DED\)](#)
  - [f. Deferred Action Status \(not including Deferred Action for Childhood Arrivals \(DACA\)\)](#)
  - [g. Administrative Stay of Removal](#)
  - [h. Approved Visa Petition with a Pending Application for Adjustment of Status](#)
- [5. Pending Application for Asylum, Withholding of Removal or Convention Against Torture who has also been Granted Employment Authorization or is under age 14 and their application has been pending for at least 180 days](#)
- [6. Withholding of Removal under the Convention Against Torture](#)
- [7. Pending Application for Special Immigrant Juvenile Status](#)

**1430.011<sup>67</sup> Assistance for Ineligible Noncitizens (MFAM)**

Any noncitizen who does not have an eligible qualified noncitizen status is not eligible for Medicaid on the factor of citizenship. These noncitizens may be eligible for Medicaid through Emergency Medical Assistance for Aliens (EMA), if they meet all other eligibility criteria.

[Note: Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements are met.](#)

**1430.011<sup>78</sup> Noncitizens not Eligible for Assistance (MFAM)**

The following individuals are not eligible for Medicaid on the factor of citizenship status:

1. foreign government representatives on official business and their families and servants,
2. visitors for business or pleasure, including exchange visitors,
3. crewmen on shore leave,
4. noncitizens in travel status while traveling directly through the U.S.,
5. treaty traders and investors and their families,

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6. foreign students,
7. international organization representatives and individuals and their families and servants,
8. temporary workers including agricultural contract workers, or
9. members of foreign press, radio, film, or other information media and their families.

Verification of these statuses is usually the I-94, Arrival-Departure Record, annotated with the letters "A" through "V" except "T" (A-2, B-1, etc.).

[Note: Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements are met.](#)

**1430.0300 RESIDENCY (MFAM)**

In order to receive Medicaid, all individuals must be eligible on the factor of residency. Homeless individuals and residents of public or private nonprofit shelters for the homeless are considered residents. An otherwise eligible individual must not be required to reside in a permanent dwelling or have a fixed mailing address.

Residency exists when the intent of the individual is to remain in the state. Residency is not dependent upon the duration of the stay. Residency does not exist when the stay is for a temporary purpose such as a vacation and there is intent to return to a residence in another state.

When a child is in the child's usual family setting, the residency of the child is considered in the context of the family situation. If the child leaves the family setting to reside elsewhere, residence is determined based on the extent and nature of the child's own stay.

A child is considered a resident when the parent or caretaker relative is a migrant agricultural worker who maintains Florida as a home for the children and intends to return to Florida.

Children born in the U.S. of undocumented or ineligible noncitizen parents residing in the state may meet the residency requirement if they intend to remain even if parents may not legally remain due to USCIS status.

An individual must satisfy one of the following residence requirements:

1. must reside in the State of Florida with the intent to remain, (individuals statement as to their intent to remain is acceptable) or

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2. must be living in the State of Florida for employment purposes without intent to remain and meets the following conditions:
  - a. the individual or caretaker relative is not receiving assistance from another state, and
  - b. the individual or caretaker relative came to Florida with a job commitment or is actively seeking employment during the stay in the state.

Verification of residency for employment purposes must be verified and includes:

1. letter from employment agency,
2. letter of employment offer,
3. home visits,
4. collateral contacts,
5. rent/mortgage or utility receipts,
6. other forms of ID,
7. driver's license records, and
8. institutionalized in Title XIX facilities.

Some individuals in the U.S. with a valid temporary Visa and their U.S. born children may meet the Florida residency requirement if they verify their residency and state an intent to remain. [Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements, including residency, are met.](#)

Examples of verification of residency include:

1. employment or school records,
2. bank statements,
3. lease agreements,
4. utility bills,
5. Florida driver's license or state ID card, and other reliable information.

**1440.0106 Lawful Permanent Resident (MSSI, SFP)**

A lawful permanent resident (LPR) is a noncitizen who lawfully immigrates to the U.S. and has permission to live and work in the U.S. LPRs may be eligible for Medicaid based on citizenship if they entered the U.S.:

1. prior to 8/22/96 and have remained continuously present,
2. on or after 8/22/96 under a prior asylee, refugee, Amerasian, deportation withheld, or Cuban/Haitian Entrant status, or
3. on or after 8/22/96 and have lived in the U.S. as a qualified noncitizen for at least five years.

Proof of this status includes:

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1. resident alien card, (I-551)(commonly referred to as a "green card");
2. re-entry permit (I-327), or
3. foreign passport with a stamp stating "temporary evidence of lawful permanent resident status".

**Note:** LPRs who entered after 8/22/96 are subject to the five-year ban, ~~unless otherwise noted~~ [except lawfully residing children up to age 19](#).

LPRs who are in the five-year ban may be eligible for Emergency Medicaid for Aliens, (EMA).

**1440.0110 Parolees (MSSI, SFP)**

Parolees under Section 212(d)5 for at least one year; Noncitizens granted temporary parole status for a total period of at least one year by the Attorney General under Section 212(d)(5) of the Immigration and Nationality Act (INA) are eligible for on the factor of noncitizen status.

Verification for this status includes:

1. USCIS Form I-94 indicating that the individual has been paroled under this section of the INA, or
2. other conclusive documentation of this status.

**Note:** If the USCIS document does not reflect at least a one-year period, the eligibility specialist must institute secondary verification.

**Note:** These individuals are subject to the five-year ban if the entry date is after 8/22/96 [except lawfully residing children up to age 19](#).

**1440.0113 Battered (MSSI, SFP)**

A battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3), as determined by USCIS are defined as noncitizens who are, or have been battered or subjected to extreme cruelty in the United States by a family member with whom they reside. This includes a noncitizen whose child or a noncitizen child whose parent has been abused. The phrase battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence

Noncitizens who claim to be battered must satisfy all of the following requirements:

1. Show that noncitizen has an approved or pending petition which makes a prima facie case for immigrant status in one of the following categories:

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- a. a Form I-130 filed by their spouse or the child's parent;
  - b. a Form I-130 petition as a widow(er) of a U.S. citizen;
  - c. an approved self-petition under the Violence Against Women Act (including those filed by a parent; or
  - d. an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
2. The noncitizen, the noncitizen's child or the noncitizen child's parent has been abused in the U.S. under the following circumstances:
- a. The noncitizen has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consent to the battery or cruelty.
  - b. The noncitizen's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's family residing in the same house if the spouse or parent consents to the battery or cruelty, and the noncitizen did not actively participate in the battery or cruelty.
  - c. The parent of a noncitizen child has been battered or subjected to extreme cruelty in the U.S. by the parent's spouse, or by a member of the spouse's family residing in the household as the parent, if the spouse consents to or allows such battery or cruelty.
3. The battered noncitizen, child, or parent no longer lives in the same household as the abuser(s).
4. There is a substantial connection between the battery or extreme cruelty and the need for public assistance.

Proof of the Battered status includes:

1. individual's statement for proof of no longer living with the abuser and direct connection between battery and need for public assistance.
2. approved petitions or orders granted by USCIS.
3. restraining order or criminal conviction against the abuser.
4. charges brought about that lead to the conviction of the abuser. or
5. credible evidence of the abuse which includes but is not limited to, reports or affidavits from law enforcement, judges or other court officials, medical personnel, school officials, social workers, mental health providers, other social service agency personnel, legal documents, residence in a battered spouse shelter or similar refuge, photographs of the injuries, or sworn affidavits from

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friends, family members, or other third parties with personal knowledge of the battery or cruelty.

The eligibility specialist cannot delay authorization of an application or request for additional assistance while awaiting verification to establish battery or extreme cruelty. If it is later discovered that the noncitizen does not meet these criteria, a Benefit Recovery referral must be made.

**Note:** These individuals are subject to the five-year ban if entry date is after 8/22/1996 [except lawfully residing children up to age 19](#).

**Note:** The eligibility specialist does not need to determine if the battered noncitizen meets the three criteria listed above for noncitizens who meet one of the other qualified noncitizen statuses unless it is to the noncitizen's advantage such as sponsored noncitizens.

**1440.0116 Lawfully Residing Noncitizen Children up to age 19 (MSSI)**

Lawfully residing children, up to age 19, are potentially Medicaid eligible, regardless of their date of entry as long as they are in an immigration status considered "lawfully residing". All technical and financial eligibility requirements must be met, including residency, prior to providing Medicaid (including Medically Needy) coverage.

A child, up to age 19, is considered lawfully residing if the verified immigration status is a:

1. Qualified Noncitizen
  - a. Lawful Permanent Resident (LPR)
  - b. Asylee
  - c. Refugee
  - d. Parolee (more than 1 year)
  - e. Deportation Withheld
  - f. Cuban and Haitian Entrants
  - g. Battered or Abused Child or Child of a Battered Person
  - h. Victim of Human Trafficking
2. Noncitizens with a valid Nonimmigrant Status (visa holders)
3. Paroled for less than 1 year
4. Other:
  - a. Temporary Resident
  - b. Temporary Protected Status (TPS)
  - c. Employment Authorization
  - d. Family Unity Beneficiaries
  - e. Deferred Enforced Departure (DED)
  - f. Deferred Action Status (not including Deferred Action for Childhood Arrivals (DACA))

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g. Administrative Stay of Removal

h. Approved Visa Petition with a Pending Application for Adjustment of Status

5. Pending Application for Asylum, Withholding of Removal or Convention Against Torture who has also been Granted Employment Authorization or is under age 14 and their application has been pending for at least 180 days

6. Withholding of Removal under the Convention Against Torture

7. Pending Application for Special Immigrant Juvenile Status

1440.01160117. Assistance for Ineligible Noncitizens (MSSI, SFP)

Any noncitizen who does not have an eligible qualified noncitizen status is not eligible for Medicaid on the factor of citizenship. These noncitizens may be eligible for Medicaid through Emergency Medical Assistance for Aliens (EMA), if they meet all other eligibility criteria.

Note: Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements are met.

1440.01170118. Noncitizens not Eligible for Assistance (MSSI, SFP)

The following individuals are not eligible for public assistance on the factor of citizenship status:

1. foreign government representatives on official business and their families and servants;
2. visitors for business or pleasure, including exchange visitors;
3. crewmen on shore leave;
4. noncitizens in travel status while traveling directly through the U.S.;
5. treaty traders and investors and their families;
6. foreign students;
7. international organization representatives and individuals and their families and servants;
8. temporary workers including agricultural contract workers; and
9. members of foreign press, radio, film, or other information media and their families.

Verification is usually the I-94, Arrival-Departure Record, annotated with the letters "A" through "V" except "T" (A-2, B-1, etc.).

Note: Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements are met.

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**1440.0303.01 Residency Requirements (MSSI, SFP)**

An individual must satisfy one of the following residency requirements:

1. Reside in the State of Florida with the intent to remain.
2. Be living in the State of Florida for employment purposes. or
3. Some individuals in the U.S. with a valid temporary Visa and their U.S. born children may meet the Florida residency requirement if they verify their residency and state an intent to remain. [Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements, including residency, are met.](#) Examples of verification of residency include:
  - a. employment or school records,
  - b. bank statements,
  - c. lease agreements,
  - d. utility bills,
  - e. Florida driver's license or state ID card, and
  - f. other reliable information.

**1440.0303.02 Residents of Florida (MSSI, SFP)**

Residency exists when the intent of the individual is to remain in the state. Residency is not dependent upon the duration of the stay. Residency does not exist when the stay is for a temporary purpose such as a vacation and there is intent to return to a residence in another state.

When a child is in the child's usual family setting, the residency of the child is considered in the context of the family situation. If the child leaves the family setting to reside elsewhere, residence is determined based on the extent and nature of the child's own stay.

A child is considered a resident when the parent or caretaker relative is a migrant agricultural worker who maintains Florida as a home for the children and intends to return to Florida.

**Note:** Children born in the U.S. of undocumented or ineligible noncitizen parents residing in the state may meet the residency requirement if they intend to remain even if parents may not legally remain due to USCIS status. [Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements, including residency, are met.](#)

**1450.0106 Lawful Permanent Resident (CIC)**

A lawful permanent resident (LPR) is a noncitizen who lawfully immigrates to the U.S. and has permission to live and work in the U.S. LPRs may be eligible for Medicaid based on citizenship if they entered the U.S.:

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1. prior to 8/22/96 and have remained continuously present,
2. on or after 8/22/96 under a prior asylee, refugee, Amerasian, deportation withheld, or Cuban/Haitian Entrant status, or
3. on or after 8/22/96 and have lived in the U.S. as a qualified noncitizen for at least five years.

Proof of this status includes:

1. resident alien card, (I-551) (commonly referred to as a "green card").
2. re-entry permit (I-327), or
3. foreign passport with a stamp stating "temporary evidence of lawful permanent resident status".

**Note:** LPRs who entered after 8/22/96 are subject to the five-year ban, ~~unless otherwise noted~~ [except lawfully residing children up to age 19](#).

LPRs who are in the five-year ban may be eligible for Emergency Medicaid for Aliens, (EMA).

**1450.0110 Parolees (CIC)**

Parolees under Section 212(d)5 for at least one year; Noncitizens granted temporary parole status for a total period of at least one year by the Attorney General under Section 212(d)(5) of the Immigration and Nationality Act (INA) are eligible for on the factor of noncitizen status.

Verification for this status includes:

1. USCIS Form I-94 indicating that the individual has been paroled under this section of the INA, or
2. USCIS Form I-688 with codes 274a.12(a)(4), 274a.12 (c)(11), or
3. USCIS Form I-766 with codes A4 or C11, or
4. other conclusive documentation of this status.

**Note:** If the USCIS document does not reflect at least a one-year period, the eligibility specialist must institute secondary verification.

**Note:** These individuals are subject to the five-year ban if the entry date is after 8/22/96 [except lawfully residing children up to age 19](#).

**1450.0113 Battered (CIC)**

A battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3), as determined by USCIS are defined as noncitizens who are, or have been battered or subjected to extreme cruelty

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in the United States by a family member with whom they reside. This includes a noncitizen whose child or a noncitizen child whose parent has been abused. The phrase battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence.

Noncitizens who claim to be battered must satisfy all of the following requirements:

1. Show that noncitizen has an approved or pending petition which makes a prima facie case for immigrant status in one of the following categories:
  - a. a Form I-130 filed by their spouse or the child's parent;
  - b. a Form I-130 petition as a widow(er) of a U.S. citizen;
  - c. an approved self-petition under the Violence Against Women Act (including those filed by a parent; or
  - d. an application for cancellation of removal or suspension of deportation filed as a victim of domestic violence.
2. The noncitizen, the noncitizen's child or the noncitizen child's parent has been abused in the U.S. under the following circumstances:
  - a. The noncitizen has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's or parent's family residing in the same household if the spouse or parent consent to the battery or cruelty.
  - b. The noncitizen's child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen, or by a member of the spouse's family residing in the same house if the spouse or parent consents to the battery or cruelty, and the noncitizen did not actively participate in the battery or cruelty.
  - c. The parent of a noncitizen child has been battered or subjected to extreme cruelty in the U.S. by the parent's spouse, or by a member of the spouse's family residing in the household as the parent, if the spouse consents to or allows such battery or cruelty.
3. The battered noncitizen, child, or parent no longer lives in the same household as the abuser(s).
4. There is a substantial connection between the battery or extreme cruelty and the need for public assistance.

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Proof of the battered status includes:

1. individual's statement for proof of no longer living with the abuser and direct connection between battery and need for public assistance.
2. approved petitions or orders granted by USCIS.
3. restraining order or criminal conviction against the abuser.
4. charges brought about that lead to the conviction of the abuser, or
5. credible evidence of the abuse which includes but is not limited to, reports or affidavits from law enforcement, judges or other court officials, medical personnel, school officials, social workers, mental health providers, other social service agency personnel, legal documents, residence in a battered spouse shelter or similar refuge, photographs of the injuries, or sworn affidavits from friends, family members, or other third parties with personal knowledge of the battery or cruelty.

The eligibility specialist cannot delay authorization of an application or request for additional assistance while awaiting verification to establish battery or extreme cruelty. If it is later discovered that the noncitizen does not meet these criteria, a Benefit Recovery referral must be made.

**Note:** These individuals are subject to the five-year ban if entry is after 8/22/96 [except lawfully residing children up to age 19](#).

**Note:** The eligibility specialist does not need to determine if the battered noncitizen meets the three criteria listed above for noncitizens who meet one of the other qualified noncitizen statuses unless it is to the noncitizen's advantage such as sponsored noncitizens.

**1450.0116 Lawfully Residing Noncitizen Children up to age 19 (CIC)**

Lawfully residing children, up to age 19, are potentially Medicaid eligible, regardless of their date of entry as long as they are in an immigration status considered "lawfully residing". All technical and financial eligibility requirements must be met, including residency, prior to providing Medicaid (including Medically Needy) coverage.

A child, up to age 19, is considered lawfully residing if the verified immigration status is a:

1. Qualified Noncitizen
  - a. Lawful Permanent Resident (LPR)
  - b. Asylee
  - c. Refugee
  - d. Parolee (more than 1 year)
  - e. Deportation Withheld

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- [f. Cuban and Haitian Entrants](#)
- [g. Battered or Abused Child or Child of a Battered Person](#)
- [h. Victim of Human Trafficking](#)
- [2. Noncitizens with a valid Nonimmigrant Status \(visa holders\)](#)
- [3. Paroled for less than 1 year](#)
- [4. Other:](#)
  - [a. Temporary Resident](#)
  - [b. Temporary Protected Status \(TPS\)](#)
  - [c. Employment Authorization](#)
  - [d. Family Unity Beneficiaries](#)
  - [e. Deferred Enforced Departure \(DED\)](#)
  - [f. Deferred Action Status \(not including Deferred Action for Childhood Arrivals \(DACA\)\)](#)
  - [g. Administrative Stay of Removal](#)
  - [h. Approved Visa Petition with a Pending Application for Adjustment of Status](#)
- [5. Pending Application for Asylum, Withholding of Removal or Convention Against Torture who has also been Granted Employment Authorization or is under age 14 and their application has been pending for at least 180 days](#)
- [6. Withholding of Removal under the Convention Against Torture](#)
- [7. Pending Application for Special Immigrant Juvenile Status](#)

**1450.04160117** **Assistance for Ineligible Noncitizens (CIC)**

Any noncitizen who does not have an eligible qualified noncitizen status is not eligible for Medicaid on the factor of citizenship. These noncitizens may be eligible for Medicaid through Emergency Medical Assistance for Aliens (EMA), if they meet all other eligibility criteria.

[Note: Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements are met.](#)

**1450.04170118** **Noncitizens not Eligible for Assistance (CIC)**

The following individuals are not eligible for Medicaid on the factor of citizenship status:

1. foreign government representatives on official business and their families and servants;
2. visitors for business or pleasure, including exchange visitors;
3. crewmen on shore leave;
4. noncitizens in travel status while traveling directly through the U.S.;

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5. treaty traders and investors and their families;
6. foreign students;
7. international organization representatives and individuals and their families and servants;
8. temporary workers including agricultural contract workers; and
9. members of foreign press, radio, film, or other information media and their families.

Verification of these statuses is usually the I-94, Arrival-Departure Record, Annotated with the letters "A" through "L" (A-2, B-1, etc.).

[Note: Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements are met.](#)

**1450.0303.01      Residency Requirements (CIC)**

An individual must satisfy one of the following residency requirements:

1. Reside in the State of Florida with the intent to remain.
2. Be living in the State of Florida for employment purposes. or
3. Some individuals in the U.S. with a valid temporary Visa and their U.S. born children may meet the Florida residency requirement if they verify their residency and state an intent to remain. [Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements, including residency, are met.](#) Examples of verification of residency include:
  - a. employment or school records,
  - b. bank statements,
  - c. lease agreements,
  - d. utility bills,
  - e. Florida driver's license or state ID card, and
  - f. other reliable information.

**1450.0303.02      Residents of Florida (CIC)**

Residency exists when the intent of the individual is to remain in the state. Residency is not dependent upon the duration of the stay. Residency does not exist when the stay is for a temporary purpose such as a vacation and there is intent to return to a residence in another state.

When a child is in the child's usual family setting, the residency of the child is considered in the context of the family situation. If the child leaves the family setting to reside elsewhere, residence is determined based on the extent and nature of the child's own stay.

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A child is considered a resident when the parent or caretaker relative is a migrant agricultural worker who maintains Florida as a home for the children and intends to return to Florida.

**Note:** Children born in the U.S. of undocumented or ineligible noncitizen parents residing in the state may meet the residency requirement if they intend to remain even if parents may not legally remain due to USCIS status. [Lawfully residing children, up to age 19, are potentially eligible for Medicaid provided all other eligibility requirements, including residency, are met.](#)

**2210.0307 Foster Children (FS)**

The needs, income and assets of a foster child may be excluded from the food stamp AG of the foster family if the foster family chooses to exclude the child. When the foster family excludes the needs of the child, the child is not included when determining the size of the food stamp AG, nor are the foster child's income and assets considered. The child's income is excluded even if it is paid to a member of the foster family. If the foster parent chooses to include the foster child in their food stamp AG, the child's income and assets, as well as his needs, are considered in the eligibility determination. The foster child, [including a child or spouse of the foster child](#), may not apply for benefits separately from the foster family.

**Exception:** ~~If the foster child is living with their own child or spouse and meals are purchased and prepared separately from the foster parent, they may be a separate FS AG.~~

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