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**Medicaid Eligibility Procedure Letter (MEPL) No. 160**

**Effective Date:** July 14, 2021

**Issue Date:** October 13, 2021

**OAC Rule:** Rule 5160:1-2-12

**To:** All Medicaid Eligibility Manual Holders

**From:** Maureen M. Corcoran, Director

**Subject:** Afghan Nationals Granted Special Immigrant Visa (SIV), Special Immigrant (SQ/SI) Parole, and Humanitarian Parole entering the United States; New Acceptable Document Type for Afghan Special Immigrants

**Reason for Change:** The gradual withdrawal of the United States (U.S.) Armed Forces from Afghanistan starting in July of 2021 prompted the emergency evacuation and resettlement of a substantial number of Afghan allies to the United States. On July 14, 2021, the White House announced “Operation Allies Refuge” to support the admission and resettlement of individuals from, and in, Afghanistan who have worked for, or on behalf of, the U.S. government. Due to increased urgency for Afghan allies to flee Afghanistan, on August 23, 2021, the Biden administration announced it would start using “humanitarian parole” to expedite the processing of relocated Afghan individuals who worked for, or on behalf of, the U.S. government, U.S.-funded projects, NATO-led military missions, and U.S.-based media or nongovernmental organizations under a coordinated effort known as “Operation Allies Welcome.” Afghan nationals resettling in the U.S. under these combined efforts have a variety of immigration statuses upon entry. The specific type of immigration status determines what benefits and services are available to the individual.

Most resettled Afghan individuals will fall into one of the following categories:

- Special Immigrant Visa (SIV) Holders
- Special Immigrant (SI/SQ) Parolees
- Humanitarian Parolees entering the U.S. without SQ/SI parole

At the time Operation Allies Welcome commenced, entitlement programs and other benefits for resettled Afghans, including access to Office of Refugee Resettlement (ORR) and Refugee Resettlement Program (RRP) benefits, were limited to individuals with a qualified refugee status under section 207 of the Immigration and Nationality Act (INA). An Individual granted a Special Immigrant Visa (SIV) or Special Immigrant (SQ/SI) Parole by the U.S. Department of Homeland Security (including his/her spouse and children) receives qualified refugee status and therefore qualifies for ORR and RRP benefits. ORR and RRP benefits include Refugee Cash Assistance (RCA), employment preparation and job placement

services, English language training, and eight months of Refugee Medical Assistance (RMA) for resettled individuals who are not eligible for Medicaid. Humanitarian Parolees entering the U.S. without SQ/SI parole were not eligible for ORR and RRP benefits at the beginning of Operation Allies Refuge or Operation Allies Welcome, as they were not previously considered qualified refugees under section 207 of the INA.

Additionally, in response to the surge of Afghan Special Immigrants entering the U.S. as part of Operation Allies Refuge, the ORR has designated an additional form of documentation to verify eligibility for Refugee Resettlement Program (RRP) benefits for certain Afghan parolees. The additional documentation type also applies to the spouses and children of Afghan Special Immigrants with a Special Immigrant Visa (SIV) or Special Immigrant (SQ/SI) Parole.

**Policy:** Section 8120 of the Department of Defense Appropriations Act, 2010 (Pub. L. No. 111-118), which amended the Afghan Allies Protection Act of 2009 (Pub. L. No. 111-8) and the Refugee Crisis in Iraq Act of 2007 (Pub. L. No. 110-181), stipulates that Afghan and Iraqi Immigrants who are granted special immigrant status, including those who are granted Special Immigrant Visas and Special Immigrant (SQ/SI) Parole, are eligible for the same resettlement assistance, entitlement programs, and other federal public benefits as refugees admitted under Section 207 of the Immigration and Naturalization Act. Provided all eligibility requirements are met, these individuals are eligible for Medicaid without a five-year bar waiting period. These individuals are also eligible for up to eight months of RMA per OAC rule 5160:1-5-05 in circumstances where they are ineligible for Medicaid or Medicaid eligibility cannot be established. Pregnant individuals and children who have been granted Humanitarian Parole without SQ/SI parole are considered lawfully residing per OAC 5160:1-2-12(C)(3)(b) and 5160:1-2-12(C)(3)(c) and are thus eligible for Medicaid without a five-year bar waiting period.

On September 30, 2021, as part of the continuing resolution to provide assistance to Afghan allies, Congress passed the Afghanistan Supplemental Appropriations Act under H.R. 5305, the “Extending Government Funding and Delivering Emergency Assistance Act.” This legislation includes a provision that exempts most resettled Afghan individuals from the five-year bar waiting period. The legislation also allows Afghan Humanitarian Parolees without SQ/SI Parole to receive the same benefits as Afghan individuals granted qualified refugee status under section 207 of the INA (the same benefits available to resettled Afghans granted SIV or SQ/SI Parole).

According to the U.S. Citizenship and Immigration Services (USCIS), individuals who are part of Operation Allies Refuge will have the same immigration documents as other SIV holders from Afghanistan; however, the documents presented may have a new Class of Admission (COA) code of SQ4 or SQ5 listed and may have a new law citation of “Special Immigrant Status (SQ/SI) Parolee Sec 602(b)(1) AAPA/Sec 1059(a) NDAA 2006.”

**Action Required:** An Afghan national who is granted an SIV or Special Immigrant (SQ/SI) Parole, including his/her spouse and children, is eligible for Medicaid when he/she provides acceptable proof of immigration status and lawful residence, along with meeting all other conditions of eligibility. An Afghan Humanitarian Parolee without SQ/SI parole, who arrives in the U.S. between July 31, 2021 and September 30, 2022 (including his/her qualifying spouse and children), is eligible for Medicaid when he/she provides acceptable proof of immigration status and lawful residence, along with meeting all other conditions of eligibility. If an Afghan national granted an SIV, Special Immigrant (SQ/SI) Parole, or

Humanitarian Parole without SQ/SI parole (including his/her spouse and children), is found ineligible for Medicaid, eligibility should be explored for RMA. If denied for both Medicaid and RMA, an Afghan national granted an SIV, Special Immigrant (SQ/SI) Parole, or Humanitarian Parole without SQ/SI parole, including his/her spouse and children, is eligible for treatment of an emergency medical condition through AEMA as defined in OAC 5160:1-5-06.

A resettled Afghan Humanitarian Parolee who entered the U.S. without SQ/SI Parole before July 31, 2021 is subject to a five-year bar waiting period with one exception. A resettled Afghan child or pregnant individual who arrived in the U.S. before July 31, 2021, and who meets all other conditions of eligibility, is considered lawfully residing and is not subject to the five-year bar waiting period.

An Afghan national who is granted an SIV, Special Immigrant (SQ/SI) Parole, or Humanitarian Parole without SQ/SI parole, including his/her spouse and children, is eligible for Medicaid coverage through a ninety-day reasonable opportunity period (ROP) while the county JFS office verifies his/her status. Additionally, the county JFS office may extend the reasonable opportunity period for good cause, including circumstances connected to the COVID-19 public health emergency per Ohio Administrative Code (OAC) 5160:1-2-12(H)(2).

The county Job and Family Services (JFS) office should use the following chart to properly identify which benefits may be available to resettled Afghan individuals:

Category of Admission	Eligible for Medicaid?	Eligible for RMA?	Eligible for AEMA?	Eligible for Reasonable Opportunity Period (ROP)?	Subject to Five-Year Bar Waiting Period
Special Immigrant Visa (SIV)	Yes	Yes	Yes	Yes	No
Special Immigrant (SQ/SI) Parole	Yes	Yes	Yes	Yes	No
Humanitarian Parole <u>without</u> SQ/SI Parole <b>(entered U.S. between July 31, 2021 and September 30, 2022)</b>	Yes	Yes	Yes	Yes	No
Non-Pregnant Adult - Humanitarian Parole entering the U.S. <u>without</u> SQ/SI Parole <b>(entered U.S. before July 31, 2021)</b>	No	No	Yes	No	Yes
Pregnant Individual or Child - Humanitarian Parole entering the U.S. <u>without</u> SQ/SI Parole <b>(entered U.S. before July 31, 2021)</b>	Yes	Yes	Yes	Yes	No

This information is also available on the Ohio Department of Medicaid website and may be accessed at: **Resources for Providers > Policies & Guidelines > Medicaid Eligibility Procedure Letters (MEPLs)**  
<https://medicaid.ohio.gov/wps/portal/gov/medicaid/resources-for-providers/policies-guidelines/medicaid-eligibility-procedure-letters/medicaid-eligibility-procedure-letters>