

FAMILY INVESTMENT ADMINISTRATION

Policy Number:	27-04
Policy Title:	H. R.1 2026 MA Modification To Qualified Immigrant Statuses
Release Date:	October 5, 2026
Effective Date:	October 1, 2026
Approved By:	Augustin Ntabaganyimana Executive Director Family Investment Administration
Revision Date(s):	Not applicable
Supersedes:	AT 25-09 Revised Ukrainian Humanitarian Parolee Eligibility , AT 24-11 Afghan Humanitarian Parolee Eligibility ,
Originating Office:	Office of Programs Office of Medical Eligibility Programs
Required Actions:	Verify immigrant status for all immigrants at application and redetermination, including giving a customer a reasonable period of time to provide information prior to DHS taking adverse action; run the Systematic Alien Verification for Entitlements (SAVE) for each immigrant.
Key Words:	Immigrant Status, Qualified Non-Citizen
Related Federal Law	Pub. L. No. 119-21, §71109, 42 U.S.C. § 1396b(v), 8 U.S.C. § 1641
Related State Laws	NA
COMAR	NA
State Plan Implications?	No

 Maryland Department of Human Services Department of Human Services 25 S Charles Street Baltimore MD 21201	FAMILY INVESTMENT ADMINISTRATION (FIA) ACTION TRANSMITTAL
Control Number: # 27-04	

**TO: LOCAL DEPARTMENTS OF SOCIAL SERVICES (LDSS)
DIRECTORS, LDSS DEPUTY/ASSISTANT DIRECTORS FOR
FAMILY INVESTMENT, FAMILY INVESTMENT SUPERVISORS AND
ELIGIBILITY STAFF**

**FROM: AUGUSTIN NTABAGANYIMANA, EXECUTIVE DIRECTOR, FIA
RAYVA VIRGINKAR, ACTING DIRECTOR, MDH/OES**



**RE: H. R. 1 (2026) MODIFICATIONS TO MEDICAL
ASSISTANCE (MA) QUALIFIED IMMIGRANT STATUSES**

**PROGRAM AFFECTED: MODIFIED ADJUSTED GROSS INCOME (MAGI),
NON-MODIFIED ADJUSTED GROSS INCOME
(NON-MAGI)**

ORIGINATING OFFICE: OFFICE OF PROGRAMS

Summary

On July 4, 2025, [H.R. 1 \(Pub. L. 119-21\)](#), a budget reconciliation bill became federal law. This law modifies the list of qualified non-citizens who will be eligible for Medicaid.

In accordance with Sec. 71109, federal changes to Medicaid eligibility will take effect on October 1, 2026. This action transmittal implements those federal changes to the list of qualified non-citizens who will be eligible for Medicaid, as specified in [Pub. L. 119-21](#) and [CMS SHO#26-001 \(April 8, 2026\)](#).

Starting October 1, 2026, the qualified non-citizens who are eligible for Medicaid under the Personal Responsibility and Work Opportunity

Reconciliation Act of 1996 (PRWORA) will be limited to only three specific groups:

- Lawful permanent residents
- Cuban or Haitian Entrants
- Migrants from the Compact of Free Association (COFA) States.

I. NON-CITIZEN AND NON-PREGNANT ADULTS AGED 21 OR OLDER WHO ARE MEDICAID ELIGIBLE

Effective October 1, 2026, non-citizens who enter the United States under one of the specified qualified non-citizen categories are eligible for Medicaid:

A. WITH A FIVE-YEAR WAITING PERIOD

Lawful Permanent Residents (LPR) (LPRs or green card holders), are eligible for Medicaid after a 5-year waiting period.

B. WITHOUT A FIVE-YEAR WAITING PERIOD

1. Lawful Permanent Residents (LPRs) are eligible for Medicaid without a 5-year waiting period if they adjusted to LPR from a status listed below:
 - a. Cuban or Haitian Entrants defined in § 501(e) of the Refugee Education Assistance Act of 1980;
 - b. Refugees admitted to the U.S. under § 207 of the Immigration and Nationality Act (INA);
 - c. Granted asylum under § 208 of the INA;
 - d. Deportation is being withheld under § 243(h) or 241(b)(3) of the INA; or
 - e. Amerasian immigrants admitted pursuant to § 584 of Public Law (Pub. L. No.) 100-202 (12/22/1987), as amended by Pub. L. No. 100-461 (10/1/1988).
2. The five-year waiting period does not apply to the following
 - a. Migrants from the COFA states
 - b. LPRs otherwise subject to the 5-year waiting period, are exempt from the 5 year waiting period if they are also at least one of the following:
 - i. A veteran with a discharge characterized as an honorable discharge and not on account of alienage and who fulfills the minimum active-duty service requirements of 38 U.S.C.A. §

- 5303A(d);
- ii. On active duty in the Armed Forces of the United States (other than active duty for training-i.e., Reserves), or;
- iii. The spouse or unmarried dependent child of an individual described in subparagraph (i) or (ii) or the unremarried surviving spouse of an individual described in subparagraph (i) or (ii) who is deceased if the marriage fulfills the requirements of 38 U.S.C.A. § 1304.

II. ELIGIBILITY FOR LAWFULLY PRESENT PREGNANT WOMEN AND CHILDREN (UNDER 21 YEARS OF AGE)

Effective October 1, 2026, eligibility for lawfully present pregnant women and children (under 21 years of age) remains unchanged. These individuals are eligible for Medicaid, and the 5-year waiting period does not apply.

III. SYSTEM UPDATES FOR ELIGIBILITY AND ENROLLMENT (E&E) AND MARYLAND HEALTH CONNECTION (MHC), EFFECTIVE OCTOBER 1, 2026

Effective October 1, 2026, E&E and MHC systems will automatically process active cases and new applications with the following statuses:

1. A citizen or national of the United States;
2. Lawful permanent resident;
3. Cuban and Haitian Entrant;
4. Individual lawfully residing in the U.S. under a Compact of Free Association (COFA) (per section 402(b)(2)(G) of PRWORA);
5. Individual receiving certain mandatory emergency services (not lawfully residing);
6. Lawfully residing children
7. Lawfully residing pregnant women

The E & E system is used to process Aged, Blind, and Disabled (ABD) individuals and the MHC system is used to process Single Adults, Families, and Children.

MA Processing in the E&E system:

Medicaid coverage will end on September 30, 2026 for previously qualified non-citizens who do not meet criteria in sections I or II. Customers will be provided notice of their appeal rights in their customer denial letter. Please

follow Action Transmittal: 24-23 OAH In-Person and Remote Fair Hearing for further guidance.

Non-citizens who submit an application or a tardy redetermination form before October 01, 2026 will lose Medicaid coverage on September 30, 2026 if they do not meet the criteria in sections I or II.

The E&E system will automatically close active non-MAGI MA cases for customers who are non-citizens and no longer eligible for Medicaid after October 1, 2026. Termination notices will be issued to notify them that their MA benefits will end on 09/30/2026 due to “Medical Assistance denied because the individual does not meet the definition of Medicaid Eligible Non-Citizen under § 71109 Pub. L. 119-21 (H.R.1); 42 U.S.C. § 1396b(v)(5)”.

New MA applications and tardy redeterminations submitted on or after October 1, 2026 will be denied if the customer does not meet the new qualified non-citizen eligibility criteria.

Immigration Status Guide for Individuals Aged 21 and Older and Non-Pregnant

Immigration Status Effective October 01, 2026	MA Eligible Qualified Non-Citizen	Subjected to 5-Year Waiting Period for MA
Lawful Permanent Resident or Green card holder	Yes	Yes (unless exempt)
Cuban/Haitian Entrant	Yes	No
Citizens of Marshall Islands, Micronesia and Palaum (COFA); Guam and the Northern Mariana Islands	Yes	No
Asylee	No	Not Applicable
Alien Granted Conditional Entry/Temporary Resident	No	Not Applicable
Citizens Paroled into U.S. for at least one year	No	Not Applicable
Refugee	No	Not Applicable
VAWA Battered Immigrant	No	Not Applicable

Victims of Trafficking	No	Not Applicable
Special Immigrant Visa (SIV) holder	Yes	Exempt
Ukrainian Humanitarian (UHPs)	No	Not Applicable
Afghan Humanitarian Parolees (AHPs)	No	Not Applicable
Undocumented	No	Not Applicable
Amerasian admitted under Sec 584 of Pub.L. 100-202	No	Not Applicable

Required Action

The case manager must:

1. Check E&E case documents for verification of immigrant status and request documentation if not previously provided.
2. Run SAVE verification at application, interim change, and redetermination for all non-citizens.
3. If the state is unable to verify a beneficiary's satisfactory immigration status electronically, the state must request information from the beneficiary in accordance with 42 C.F.R. §§ 435.952(c)-(d) and 457.380(f) and give the beneficiary a reasonable period of time to provide information prior to the state taking adverse action. The state must consider all information and documentation submitted by the beneficiary as the state redetermines eligibility. If the beneficiary responds with additional information about their current immigration status, including a new declaration of satisfactory immigration status, and the state is unable to verify such status, the state must provide the beneficiary with a 90-day reasonable opportunity period (ROP), as required by sections 1137(d), 1902(a)(46), 1902(ee), and 1903(x) of the Social Security Act (42 U.S.C. §§ 1396a(a)(46), 1396a(ee), and 1396b(x)).
4. Update the Citizenship Details screen in E&E to reflect verified status.
5. Verify the Program Request screen to confirm appropriate denial reason codes.
6. Upload and document all actions in E&E case narrative notes before benefit confirmation.
7. Document in the case narrative whether household members qualify for coverage based on the H.R. 1 policy updates.

- 8. Upon verifying that an applicant is ineligible for Medicaid (MA), individuals within the Refugee Medical Assistance (RMA) eligibility period who fulfill all income and immigration status requirements may be enrolled in the RMA program. Case managers are required to complete the Refugee Questions on the E&E Additional Info/Individual Programs page, confirming that RMA applicants are not MAGI recipients and have been formally assessed and deemed ineligible for MA.**

Definitions

Amerasian: Congress enacted the [Amerasian Act](#) on October 22, 1982, to allow a person born in Korea, Vietnam, Laos, Kampuchea (Cambodia), or Thailand after December 31, 1950, and before October 22, 1982, and fathered by a U.S. citizen, to seek admission to the United States and adjustment of status to lawful permanent resident (LPR).

Asylees: Individuals granted asylum under § 208(b) of the Immigration and Nationality Act (INA) after coming to the U.S. seeking protection because they have suffered or fear that they will suffer persecution due to race, religion, nationality, membership in a particular social group, or political opinion.

Cuban or Haitian Entrants: Cuban or Haitian Entrants are defined under §501(e) of the Refugee Education Assistance Act of 1980 as nationals of Cuba or Haiti who have been granted humanitarian or pending legal immigration status in the U.S., such as being paroled, facing removal proceedings, or having a pending asylum application without a final deportation order.

Lawful Permanent Resident (LPR): LPRs, also known as “Green Card holders”, are Non-citizens who are lawfully authorized to live permanently in the United States.

Parolees: Paroled into the U.S. under § 212(d)(5) of the INA for a period of at least 1 year. Parole allows temporary entry to the U.S. for an individual who is otherwise not eligible for admission. The Secretary of Homeland Security may use their discretion to grant parole for urgent humanitarian reasons or significant public benefit.

Refugees: Individuals admitted under § 207 or § 212(d)(5) of the INA who are determined to be of special humanitarian concern to the U.S., are not firmly resettled in another country, are admissible to the U.S., and demonstrated that they were persecuted or fear persecution due to race, religion, nationality, political opinion, or membership in a particular social group.

Iraqi and Afghan special immigrants (SIV): Special immigrant status under §101(a)(27) of the INA may be granted to Iraqi and Afghan nationals who have worked on behalf of the U.S. government in Iraq or Afghanistan. The Department of Defense Appropriations Act of 2010, PL 111-118, § 8120, enacted on Dec. 19, 2009, provides that SIVs are eligible for all benefits to the same extent and for the same time period as refugees.

References

[Pub. L. No. 119-21 §71109](#): "One Big Beautiful Bill" or the FY2025 Reconciliation Act.

[24-23 IM](#) - OAH IN-PERSON AND REMOTE FAIR HEARING

[8 U.S.C. § 1641](#): PRWORA: Qualified Non-citizens

Inquiries

Please direct policy questions to FIA Policy by completing the [FIA Policy Information Request Form](#). Montgomery County staff may submit their policy questions via email at fia.policy@maryland.gov.

Note: This action transmittal has been reviewed and approved by the Office of the Attorney General for legal sufficiency; the memo is on file.

cc: DHS Executive Staff
Constituent Experience
DHS Help Desk
FIA Management Staff
Office of Administrative
Hearings