



Date: July 19, 2021

DMS Operations Memo 21-17

To: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff

Affected Programs:

- | | |
|---|--|
| <input checked="" type="checkbox"/> BadgerCare Plus | <input type="checkbox"/> Caretaker Supplement |
| <input type="checkbox"/> FoodShare | <input type="checkbox"/> FoodShare Employment and Training |
| <input checked="" type="checkbox"/> Medicaid | |
| <input checked="" type="checkbox"/> SeniorCare | |

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Health Care Eligibility Change for Citizens of the Compacts of Free Association (COFA) Countries

CROSS REFERENCE

- BadgerCare Plus Eligibility Handbook, [Section 4.1.2 Compact of Free Association States](#)
- Medicaid Eligibility Handbook, [Section 7.1.3 Compact of Free Association States](#)
- FoodShare Wisconsin Handbook, [Section 3.12.1.1 Qualified Immigrant or Immigration Status](#)

EFFECTIVE DATE

December 27, 2020

PURPOSE

This operations memo provides income maintenance (IM) agencies with information about a change in federal law that affects how citizens of the Compacts of Free Association (COFA) countries can become eligible for the BadgerCare Plus and Medicaid programs. It also includes a reminder that COFA citizens are not to be considered Lawful Permanent Residents unless the United States Citizenship and Immigration Services verifies that status through the federal data services hub or the Systematic Alien Verification for Entitlements (SAVE) system.

BACKGROUND

The Compacts of Free Association are agreements that establish a free association between the United States and the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. These countries are collectively referred to as the Freely Associated States (FAS). FAS citizens are not citizens or nationals of the United States. However, FAS citizens admitted to the United States under the Compacts get an employment authorization card and may reside, work, and study in the United States for an unlimited length of time without applying for a visa or to become a lawful permanent resident. These persons are referred to in this memo as citizens of the Compacts of Free Association or COFA citizens.

Previously, COFA citizens had a status that made them ineligible for regular Medicaid or BadgerCare Plus unless they were pregnant, a child under age 19, or a youth under age 21 in an IMD. Unless an individual met one of these exceptions, they could only have been eligible for Emergency Services Medicaid or BadgerCare Care Plus. However, Section 208 of the Consolidated Appropriations Act, 2021, makes Medicaid coverage available to COFA citizens who are lawfully residing in the United States and who are otherwise eligible for Medicaid without being subject to the 5-year bar. This change took effect on December 27, 2020. This change applies only to health care programs, and does not apply to FoodShare benefits.

POLICY

Effective December 27, 2020, COFA citizens who apply for and are otherwise eligible, may receive benefits under any category of BadgerCare Plus and Medicaid (including SeniorCare, Well Woman, Family Planning Only Services and Childless Adults). Agencies must apply the new eligibility rule to COFA citizens as of August 1, 2021. COFA citizens who applied for health care benefits anytime in or after December 2020 and were denied solely because of their immigration status, may have their health care eligibility redetermined and be certified for retroactive benefits if they request them.

Reminder: COFA citizens, due to their countries' free association with the United States, are non-immigrants who are lawfully present and allowed to stay in the country indefinitely. This status does not make them Lawful Permanent Residents who may otherwise be eligible for FoodShare benefits after being in the country for 5 years. Unless the federal data services hub or SAVE verifies that a citizen of the FAS has a Lawful Permanent Resident status, they may only be considered to be lawfully present.

CONTACTS

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DHS/DMS/BEOT

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