

SUMMARY

CHIP State Plan Amendment

Draft MN-26-0032

Minnesota is submitting changes to the requirements for noncitizen eligibility in the Medicaid program (MA). These changes were made by the Working Families Tax Credit Act, P.L. 119-21, and they apply in both Medicaid and CHIP. The statuses for eligible noncitizens are limited to these:

- 1) Lawful Permanent Residents (LPRs) - section 1903(v)(5)(B)(ii) of the Act; or
- 2) Cuban/Haitian entrants - section 1903(v)(5)(B)(iii) of the Act; or
- 3) Compact of Free Association (COFA) migrants - section 1903(v)(5)(B)(iv) of the Act.

The changes are effective October 1, 2026. The 2026 Minnesota Legislature made conforming changes.



CHIP Eligibility

State Name:

OMB Control Number: 0938-1148

Transmittal Number: MN - 26 - 0032 - _____

Separate Child Health Insurance Program Non-Financial Eligibility - Citizenship

CS18

Statute: Sections 1137(d), 1902(ee), 1903(v)(4) and (5), 1903(x), 2105(c)(9), and 2107(e)(1)(Q) and (R) of the Social Security Act (the Act); 8 U.S.C. sections 1611, 1613 and 1641

Regulations: 42 CFR 435.406, 407, 956, 457.320(b)(6), (c) and (d), and 457.380(b)

Citizenship

☒ The state provides CHIP to citizens and nationals of the United States and certain noncitizens who meet all other CHIP eligibility requirements under the state plan, including coverage for individuals for whom federal financial participation (FFP) is available consistent with sections 2107(e)(1)(R) and 1903(v)(5) of the Act ("FFP-eligible noncitizens"), and during a reasonable opportunity period pending verification of their U.S. citizenship, U.S. national or satisfactory immigration status.

☐ The CHIP Agency provides eligibility for child and/or pregnancy related health assistance under the Plan to individuals who meet all eligibility requirements, including who are residents of 1 of the 50 states, the District of Columbia, or a territory of the United States:

Who are citizens or nationals of the United States; or

Who are FFP-eligible noncitizens in an immigration status or category listed in section 1903(v)(5) of the Act and cross-referenced at section 2107(e)(1)(R) of the Act and are not prohibited by section 403 of PRWORA (8 U.S.C. §1613); or

1) Lawful Permanent Residents (LPRs) - section 1903(v)(5)(B)(ii) of the Act; or

2) Cuban/Haitian entrants - section 1903(v)(5)(B)(iii) of the Act; or

3) Compact of Free Association (COFA) migrants - section 1903(v)(5)(B)(iv) of the Act; and

Who have declared themselves to be citizens or nationals of the United States, or noncitizens having satisfactory immigration status, during a reasonable opportunity period, pending verification of their U.S. citizenship, U.S. national, or satisfactory immigration status consistent with requirements of sections 1903(x), 1137(d), 1902(ee), and 2105(c)(9) of the Act, and 42 CFR 435.406, 407, 911, 956, 457.320(d) and 457.380(b).

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

The agency provides for an extension of the reasonable opportunity period if the individual is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process.

The agency begins to furnish benefits to otherwise eligible individuals during the reasonable opportunity period on a date earlier than the date the notice is received by the individual.



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The date benefits are furnished is:

- ☐ The date of application containing the declaration of U.S. citizenship, U.S. national, or satisfactory immigration status.
- ☒ The first day of the month of application.
- ☐ Other date, as described:

The CHIP Agency elects the option to provide CHIP coverage to children up to age 19, lawfully residing in the United States, as provided in Section 2107(e)(1)(Q) of the Act (cross-reference to section 1903(v)(4) of the Act) who meet all other eligibility requirements in the state plan.

Yes

- ☒ The CHIP Agency provides assurance that lawfully residing children are also covered under the state's Medicaid program.

The CHIP Agency elects the option to provide CHIP coverage to pregnant women lawfully residing in the United States, as provided in section 2107(e)(1)(Q) of the Act (cross-reference to section 1903(v)(4) of the Act), who meet all other eligibility requirements in the state plan. The state may not select this option unless the state also elects to cover lawfully residing children. A state may not select this option unless the state also covers Targeted Low-Income Pregnant Women.

No

- ☒ An individual is considered to be lawfully residing in the United States if he or she is lawfully present and meets state residency requirements and all other eligibility requirements in the state plan.

- ☒ An individual is considered to be lawfully present in the United States if they are:

1. A qualified noncitizen as defined in 8 U.S.C. § 1641(b) and (c);
2. A noncitizen in a valid nonimmigrant status, as defined in 8 U.S.C. § 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. § 1101(a)(17));
3. A noncitizen who has been paroled into the United States in accordance with 8 U.S.C. § 1182(d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;
4. A noncitizen who belongs to one of the following classes:
 - (i) Granted temporary resident status in accordance with 8 U.S.C. §§ 1160 or 1255a, respectively;
 - (ii) Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. § 1254a, and individuals with pending applications for TPS who have been granted employment authorization;
 - (iii) Granted employment authorization under 8 CFR 274a.12(c);
 - (iv) Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;
 - (v) Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;
 - (vi) Granted Deferred Action status;
 - (vii) Granted an administrative stay of removal under 8 CFR 241;
 - (viii) Beneficiary of approved visa petition who has a pending application for adjustment of status;
5. Is an individual with a pending application for asylum under 8 U.S.C. § 1158, or for withholding of removal under 8 U.S.C. § 1231, or under the Convention Against Torture, who:



CHIP Eligibility

- (i) Has been granted employment authorization; or
 - (ii) Is under the age of 14 and has had an application pending for at least 180 days;
6. Has been granted withholding of removal under the Convention Against Torture;
 7. Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. § 1101(a)(27)(J);
 8. Is lawfully present in American Samoa under the immigration laws of American Samoa; or
 9. Is a victim of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 U.S.C. § 7105(b)).

Exception: An individual with deferred action under the Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (1) through (9) of this definition.

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 50 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

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