

2402.20.25 ASYLEES UNDER SECTION 208 AND VICTIMS OF TRAFFICKING

Effective October 1, 2026, per Section 71109 of the 2025 Budget Reconciliation Act asylees are eligible for full-coverage Medicaid only after they adjust to a qualified non-citizen status or meet a federal exemption (Refer to 2402.20.00). Asylees who adjust to LPR status are exempt from the 5-year wait period.

Verification of the asylee status includes USCIS Form I-94 annotated with a stamp showing granting of asylum under Section 208 of the INA or a grant letter from the Asylum Office of the USCIS. Forms I-688B annotated "274 a.12 (a)(5)" or I-766 annotated "A5" indicate status as an asylee. The date of the form does not reflect when the status was granted. Request Form I-94, the grant letter, or the person's copy of a court order. Verify with USCIS if none of these are available.

Victims of trafficking are eligible for full-coverage Medicaid only after they adjust to a qualified non-citizen status (Refer to 2402.20.00). Victims of trafficking who adjust to LPR status are exempt from the 5-year bar. Severe forms of trafficking in persons is defined as Sex Trafficking which is the recruitment, harboring, transportation provision or obtaining of a person for the purpose of a commercial sex act induced by force, fraud or coercion, or in which the person is forced to perform such act is under the age of 18 years; or Labor Trafficking which is the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. In addition, H.R. 1 (2025) restricts full coverage Medicaid eligibility for minor children, spouses and in some cases the parents and siblings of victims of severe trafficking unless they adjust to a qualified non-citizenship status.

Victims of trafficking are issued T Visas by U.S. Citizenship and Immigration Service (USCIS). Eligible relatives of trafficking are entitled to visas designated as T-2, T-3, T-4, or T-5 (Derivative T Visas). In the case of an immigrant who is awarded a T Visa, and who is under 21 years of age on the date the T Visa was filed, Derivative T Visas are available to the immigrant's spouse, children, unmarried siblings under 18 years of age on the date on which the immigrant's Visa application was filed as well as the parents of the immigrant victim. In the case of an immigrant who is awarded a T Visa and was 21 years of age or older; on the date the T Visa application was filed, the Derivative T Visas are available to the immigrant's spouse and children.

Note: Individuals who fail to attain or adjust to a federally qualified status should be transitioned to Emergency Services Only Medicaid coverage (ESO) (Refer to 2402.20.50).