

2402.20.30

DEPORTATION WITHHELD UNDER SECTION 243(H)

Effective October 1, 2026, Section 71109 of the 2025 Budget Reconciliation Act individuals with a deportation withheld order 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). Non-citizens who adjust to LPR status are exempt from the 5-year bar.

An immigrant who has had deportation withheld under this status will have an Order of an Immigration Judge showing deportation withheld under Section 243(h) of the INA and date of the grant. USCIS Forms I-688B annotated "274a.12(a)(10)" or I-766 annotated "A10" indicate deportation was withheld under Section 243(h) or removal withheld under Section 241(b)(3) but normally do not reflect the date of withholding. Request the person's copy of the court order. If not available, verification must be obtained from the USCIS.

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).