

Title 23: Division of Medicaid

Part 102: Non-Financial Requirements

Chapter 2: United States Citizens

Rule 2.4: Exemptions from Citizenship/Identity Requirements

Deemed eligible children are exempt from citizenship and identity verification requirements until the end of the deemed year. All eligibility factors, including documentation of citizenship and identity, must be met for eligibility to continue beyond the first year.

Source: 42 C.F.R. § 435.406.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 08/01/2020.

Chapter 3: Non-Citizens

Rule 3.1: General Information

In general, eligibility and level of coverage is based on the non-citizen's date of entry into the U.S., the date qualified non-citizen status was obtained and the non-citizen's immigration status.

Source: 42 C.F.R. § 435.406.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 08/01/2020.

Rule 3.4: [Reserved]

Rule 3.5: Classifications of Qualified Non-Citizens

A. There are three (3) classifications of qualified non-citizens.

B. The three (3) classifications of qualified non-citizens are:

1. A Non-Citizen Lawfully Admitted for Permanent Residence (LPR). Under the Immigration and Nationality Act (INA),
2. A Cuban and Haitian Entrant. As defined in Section 501(e) of the Refugee Education Assistance Act of 1980,
3. Citizens of the Freely Associated (COFA) States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Source: 8 U.S.C. §§ 1101 *et seq.* and § 1641; Pub. L. 96-422; Pub. L. 106-86; and Pub. L. 116-260.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 11/01/2025;
Revised eff. 08/01/2020.

Rule 3.7: Classifications Subject to Five-Year Ban

- A. Non-exempt non-citizens in the Lawful Permanent Resident (LPR) classification admitted to the U.S. on or after August 22, 1996, are subject to the five (5) year disqualification.
- B. During the disqualification period these non-citizens are potentially eligible only for Emergency Medicaid services.
- C. Lawful Permanent Residents (LPRs) that originally entered the country as one of the following classifications and later converted to LPR status are exempt from the five (5) year ban and forty (40) quarters requirement for seven (7) years either from their date of entry or the date they obtained their original alien status:
 - 1. Refugees, including Iraqi and Afghan Special Immigrants, may qualify until seven (7) years after date of entry into the U.S.,
 - 2. Asylees may qualify until seven (7) years after the grant of asylum,
 - 3. Amerasian immigrants may qualify for seven (7) years after date of entry in the U.S.,
 - 4. Cuban/Haitian entrants may qualify until seven (7) years after grant of that status,
 - 5. Non-Citizens who have been granted withholding of deportation may qualify the first seven (7) years after grant of deportation withholding, or
 - 6. Victims of trafficking and their derivative beneficiaries may qualify during the first seven (7) years after obtaining that status.

Source: 8 U.S.C. § 1613.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 08/01/2020.

Rule 3.8: Classifications Subject to a Seven-Year Limit on Eligibility

- A. Cuban and Haitian Entrants may qualify for coverage, if otherwise eligible and an application is timely filed, for a period to be capped at seven (7) years. The seven (7) year period begins with the date Cuban and Haitian Entrant status is granted.
- B. Eligibility must terminate the month following the end of the seven (7) year period unless the non-citizen's status changes to a status that is not subject to the seven (7) year limit.

- C. To continue eligibility as an LPR beyond the seven (7) year period, the non-citizen must be credited with forty (40) qualifying quarters of social security earnings or meet an exemption. Otherwise, the non-citizen's eligibility ends the first month after the seven (7) year period ends.

Source: 8 U.S.C. §§ 1612, 1613, 7105.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 08/01/2020.

Rule 3.9: Qualified Non-Citizens Not Subject to Eligibility Restrictions

- A. Citizens of the Freely Associated (COFA) States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau are exempt from both the five (5) year disqualification and the seven (7) year eligibility time limit, and if otherwise eligible, qualify for full Medicaid.
- B. Cuban and Haitian Entrants and Lawful Permanent Residents (LPR) who meet any of the following criteria are exempt from both the five (5) year disqualification and the seven (7) year eligibility time limit, and if otherwise eligible, qualify for full Medicaid:
1. Any Cuban and Haitian Entrant or LPR who is also
 - a) An honorably discharged veteran, or
 - b) On active duty in the U.S. military, or
 - c) The spouse of an non-citizen honorably discharged veteran or non-citizen on active duty in the U.S. military (including a surviving spouse who has not remarried), or
 - d) An unmarried dependent child of an honorably discharged veteran or individual on active duty in the military;
 2. Grandfathered Cuban and Haitian Entrants or LPRs, i.e., those eligible for and receiving Medicaid on August 22, 1996,
 3. Cuban and Haitian Entrant or LPR who entered the U.S. and obtained qualified status prior to August 22, 1996, or
 4. Cuban and Haitian Entrant or LPR who entered the U.S. prior to August 22, 1996, but obtained qualified status on or after that date, and remained "continuously present" in the U.S. from their last entry date into the country prior to August 22, 1996, until becoming a qualified non-citizen.
 5. Ukrainian nationals paroled into the US on or between February 24, 2022, and September 30, 2024, and Ukrainian nationals paroled after September 30, 2023, who are the spouse or child of the parolee above or are the parent, legal guardian or primary caregiver for the parolee above who entered as an unaccompanied minor are exempt from the five (5) year

ban and not limited to seven (7) years of eligibility period if they convert to Lawful Permanent Resident (LPR) status.

6. Qualified American Indians born in Canada are regarded to have lawful permanent resident status, but are not in the lawfully admitted for permanent residence (LPR) classification.

C. Non-citizens filing an application for Emergency Medicaid services only are not subject to either the five (5) year disqualification or seven (7) year time limit.

Source: 8 U.S.C. § 1612; Pub. L. 82-414, Pub. L. 116-260; Pub. L. 117-128; and Pub. L. 118-50.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 11/01/2025; Revised eff. 08/01/2020.

Rule 3.14: [Reserved]

Rule 3.15: [Reserved]

Rule 3.16: Veterans, Active Duty Military and Family Member Requirements

A. To be eligible for the veteran exemption under Rule 3.9, the Cuban and Haitian Entrant or Lawful Permanent Resident (LPR) must have been honorably discharged, not based on non-citizen status, and must have fulfilled minimum active duty service requirements. A Cuban and Haitian Entrant or LPR who is an active duty member of the Armed Forces, but not on active duty for training purposes only, can also be eligible. A Cuban and Haitian Entrant or LPR who is the spouse of a veteran or active duty service member may be eligible. The veteran's exemption also includes the unmarried surviving spouse of a veteran or active duty military person.

B. To qualify for the surviving spouse exemption under Rule 3.9, at least one (1) of the following conditions must be met:

1. The spouse must have been married to the veteran for at least one (1) year,
2. The spouse must have had a child with the veteran, or
3. The veteran's death must have been due to an injury or illness incurred during military service, and the marriage must have been in existence sometime within fifteen (15) years after the period of service in which the injury or disease was incurred or aggravated.

C. Surviving spouses who remarry lose the benefit of this exemption the month after the month of the remarriage. Spouses whose marriage ended in divorce lose the benefit of this exemption the month after the month of divorce.

D. To qualify for the child of a veteran or active duty U.S. military person exemption under Rule 3.9, the biological, adopted or stepchild must be:

1. Unmarried and claimable as a dependent on the military person's tax return and under age eighteen (18) years of age or under age twenty-two (22) and a student regularly attending school,
2. A child with disabilities who is over age eighteen (18) if the child had a disability and was a dependent of the veteran or active duty military member before the child's eighteenth (18th) birthday, or
3. A surviving unmarried minor child of a veteran or person killed in active duty and dependent on the veteran at the time of the veteran's death.

Source: 8 U.S.C. § 1612.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 08/01/2020.

Rule 3.20: Other Non-Citizens

Non-citizens who are admitted legally to the U.S. but do not fall into one of the specific categories of qualified non-citizens are non-qualified non-citizens. These individuals may include Legal Temporary Residents (LTRs), asylees, and refugees, as well as individuals who are given temporary administrative statuses, i.e., a stay of deportation or voluntary departure until they can formalize permanent status, or individuals who are paroled or non-citizens under deportation procedures.

Source: 42 C.F.R. § 440.255.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 08/01/2020.

Title 23: Division of Medicaid

Part 102: Non-Financial Requirements

Chapter 2: United States Citizens

Rule 2.4: Exemptions from Citizenship/Identity Requirements

~~Individuals declaring U.S. citizenship are exempt from citizenship and identity documentation requirements if they are in one of the following categories:~~

- ~~A. Medicare recipients entitled to, or enrolled in, Medicare under any claim number are exempt from the verification requirements.~~
- ~~B. Individuals receiving Social Security disability benefits based on their own disability are exempt from the verification requirements. The individual must be a current recipient of Social Security Disability. Prior receipt of disability does not qualify an individual for this exemption. In addition, this exemption does not apply to individuals receiving early retirement or to dependents drawing off the disabled individual's record.~~
- ~~C. Individuals receiving Supplemental Security Income (SSI) benefits are exempt. The individual must be a current SSI recipient. Prior receipt of SSI does not qualify a person for this exemption. Former SSI recipients applying for Medicaid must provide evidence of citizenship and identity. Current SSI recipients applying only for retroactive coverage are exempt.~~
- ~~D. Children in receipt of Title IV-B services or Title IV-E Adoption Assistance or foster care payments are exempt.~~
- ~~E. Deemed eligible children are exempt from citizenship and identity verification requirements until the end of the deemed year. All eligibility factors, including documentation of citizenship and identity, must be met for eligibility to continue beyond the first year.~~

Source: 42 C.F.R. § 435.406.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026 . Revised eff. 08/01/2020.

Chapter 3: Non-Citizens

Rule 3.1: General Information

In general, eligibility and level of coverage is based on the non-citizen's date of entry into the U.S., the date qualified non-citizen status was obtained ~~and/or~~ and the non-citizen's immigration status.

Source: 42 C.F.R. § 435.406.

History: Revised to correspond with MS SPA 26-0015 (10/01/2026) eff. 12/01/2026. Revised eff. 08/01/2020.

Rule 3.4: Grandfathered Non-Citizens [Reserved]

- ~~A. Effective August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) limited non-citizen eligibility for Medicaid and other federal programs. Mississippi elected to “grandfather in” non-citizens who were receiving and eligible for Medicaid on that date. This means a grandfathered non-citizen who is lawfully residing in the U.S. has the right to have eligibility continue under the non-citizen rule in effect prior to August 22, 1996. The non-citizen also retains grandfathered rights if benefits are terminated and eligibility is later reestablished. If the non-citizen was receiving Medicaid on August 22, 1996, but was subsequently determined to be ineligible, the non-citizen’s status as a qualified non-citizen must be determined for full Medicaid coverage. If the non-citizen is not a qualified non-citizen, the non-citizen may be eligible for Emergency Medicaid services.~~
- ~~B. Non-citizens who entered the U.S. prior to August 22, 1996 and obtained qualified status prior to that date are considered to be qualified non-citizens if otherwise eligible.~~
- ~~C. Non-citizens who entered the U.S. prior to August 22, 1996 and obtained qualified status on or after that date and have remained continuously present in the U.S. since their last date of entry into the U.S. prior to August 22, 1996 until becoming a qualified non-citizen are considered to be qualified non-citizens. There must have been no single absence from the U.S. of more than thirty (30) days and no total of aggregate absences of more than ninety (90) days. If not continuously present, these non-citizens are considered to have entered the U. S. on or after August 22, 1996 and are evaluated according to their non-citizen status.”~~

~~Source: 8 U.S.C. § 1612.~~

~~History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.~~

Rule 3.5: Classifications of Qualified Non-Citizens

- ~~A. There are eleven (11) three (3) classifications of qualified non-citizens. Nine (9) are based on Immigration and Naturalization Service (INS) non-citizen status, one (1) is based on battery or extreme cruelty and INS non-citizen status, and one (1) is based on severe forms of trafficking and certification by U.S. Health and Human Services.~~
- ~~B. The eleven (11) three (3) classifications of qualified non-citizens are:~~
- ~~1. A Non-Citizen Lawfully Admitted for Permanent Residence (LPR). Under the Immigration and Nationality Act (INA),~~
 - ~~2. A refugee. Admitted under Section 207 of the INA,~~
 - ~~3. A Non-Citizen granted Asylum. Under Section 208 of the INA,~~

42. A Cuban and Haitian Entrant. As defined in Section 501(e) of the Refugee Education Assistance Act of 1980,

~~5. A Non-Citizen Granted Parole For At Least One (1) Year. Under Section 212(d)(5) of the INA,~~

~~6. A Non-Citizen Whose Deportation Is Being Withheld. Under (1) Section 243(h) of the INA as in effect prior to April 1, 1997; or (2) Section 241(b)(3) of the INA, as amended,~~

~~7. A Non-Citizen Granted Conditional Entry. Under Section 203(a)(7) of the INA in effect before April 1, 1980,~~

~~8. A Battered Non-Citizen. A qualified non-citizen includes an individual who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the non-citizen. The non-citizen must be either the person battered, the parent of a child who is battered or a child whose parent has been battered. The battered non-citizen must not be residing in the same household with the person responsible for the battery or extreme cruelty at the time of application for coverage. A battered non-citizen must meet the condition set forth in Section 431(c) of PRWORA, as added by Section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 Pub. L. 104-208(IIRIRA), and amended Section 5571 Balanced Budget Act of 1997, Pub. L. 105-33(BBA) and Section 1508 of the Violence Against Women Act of 2000, PRWORA as amended, is codified at 8 U.S.C. § 1641(e), or~~

~~9. A Victim of a Severe Form of Trafficking. In accordance with Section 107(b)(1) of the trafficking Victims Protection Act of 2000, Pub. L. 106-86. A non-citizen who is a victim of trafficking is eligible to the same extent as a non-citizen admitted to the U.S. as a refugee under section 207 of the INA.~~

~~10. American Indians born in Canada are considered qualified non-citizens if:~~

~~a) They are at least one-half American Indian blood, and~~

~~b) Have established and maintained residence in the US since entry.~~

43. Citizens of the Freely Associated (COFA) States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Source: 8 U.S.C. §§ 1101 *et seq.* and § 1641; Pub. L. 96-422; Pub. L. 106-86; and Pub. L. 116-260.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 11/01/2025; Revised eff. 08/01/2020.

Rule 3.7: Classifications Subject to Five-Year Ban

~~EA.~~ Non-exempt non-citizens in the following Lawful Permanent Resident (LPR) classifications, admitted to the U.S. on or after August 22, 1996, are subject to the five (5) year disqualification.

- ~~1. Lawful Permanent Resident (LPR) Non-Citizens,~~
- ~~2. Non-Citizens Granted Parole for at Least One Year, and~~
- ~~3. Battered Non-Citizens.~~
- ~~4. Non-Citizens granted conditional entry under Section 203(a)(7) of the INA in effect before April 1, 1980, are not exempt from the five (5) year disqualification per se; however, as a practical matter the disqualification will never apply since by definition, they entered the United States and obtain qualified non-citizen status prior to August 22, 1996.~~

~~DB.~~ During the disqualification period these non-citizens are potentially eligible only for Emergency Medicaid services.

C. Lawful Permanent Residents (LPRs) that originally entered the country as one of the following classifications and later converted to LPR status are exempt from the five (5) year ban and forty (40) quarters requirement for seven (7) years either from their date of entry or the date they obtained their original alien status:

1. Refugees, including Iraqi and Afghan Special Immigrants, may qualify until seven (7) years after date of entry into the U.S.,
2. Asylees may qualify until seven (7) years after the grant of asylum,
3. Amerasian immigrants may qualify for seven (7) years after date of entry in the U.S.,
4. Cuban/Haitian entrants may qualify until seven (7) years after grant of that status,
5. Non-Citizens who have been granted withholding of deportation may qualify the first seven (7) years after grant of deportation withholding, or
6. Victims of trafficking and their derivative beneficiaries may qualify during the first seven (7) years after obtaining that status.

Source: 8 U.S.C. § 1613.

History: Revised to correspond with MS SPA 26-0015 (eff. 10/01/2026) eff. 12/01/2026. Revised eff. 08/01/2020.

Rule 3.8: Classifications Subject to a Seven-Year Limit on Eligibility

A. Cuban and Haitian Entrants may qualify for coverage, if otherwise eligible and an application is timely filed, for a period to be capped at seven (7) years. The seven (7) year period begins with the date Cuban and Haitian Entrant status is granted.

B. The following non-citizen classifications are exempt from the five (5) year ban but are subject to a seven (7) year eligibility limit, if otherwise eligible:

1. Refugees, including Iraqi and Afghan Special Immigrants, may qualify until seven (7) years after date of entry into the U.S.,

2. Asylees may qualify until seven (7) years after the grant of asylum,

3. Amerasian immigrants may qualify for seven (7) years after date of entry in the U.S.,

4. Cuban/Haitian entrants may qualify until seven (7) years after grant of that status,

5. Non-Citizens who have been granted withholding of deportation may qualify the first seven (7) years after grant of deportation withholding, and

6. Victims of trafficking and their derivative beneficiaries may qualify during the first seven (7) years after obtaining that status.[Moved to Rule 3.7]

C. The seven (7) year period is a point in time in which the non-citizen may qualify for benefits if otherwise eligible and an application is timely filed. The seven (7) year period begins with either the date of entry into the U.S. or the date status is granted.

~~E~~B. Eligibility must terminate the month following the end of the seven (7) year period unless the non-citizen's status changes to a status that is not subject to the seven (7) year limit.

D. When the non-citizen's status adjusts to LPR during the seven (7) year period, the non-citizen can continue to be eligible for the remainder of the seven (7) year period, provided the non-citizen is otherwise eligible.

~~E~~C. To continue eligibility as an LPR beyond the seven (7) year period, the non-citizen must be credited with forty (40) qualifying quarters of coveragesocial security earnings or meet an exemption. Otherwise, the non-citizen's eligibility ends the first month after the seven (7) year period ends.

Source: 8 U.S.C. §§ 1612, 1613, 7105.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 08/01/2020.

Rule 3.9: Qualified Non-Citizens Not Subject to Eligibility Restrictions

- A. Citizens of the Freely Associated (COFA) States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau are exempt from both the five (5) year disqualification and the seven (7) year eligibility time limit, and if otherwise eligible, qualify for full Medicaid.
- B. The following groups of qualified non-citizensCuban and Haitian Entrants and Lawful Permanent Residents (LPR) who meet any of the following criteria are exempt from both the five (5) year disqualification and the seven (7) year eligibility time limit, and if otherwise eligible, qualify for full Medicaid:
1. ~~Any qualified non-citizen~~Any Cuban and Haitian Entrant or LPR who is also
 - a) An honorably discharged veteran, or
 - b) On active duty in the U.S. military, or
 - c) The spouse of an non-citizen honorably discharged veteran or non-citizen on active duty in the U.S. military (including a surviving spouse who has not remarried), or
 - d) An unmarried dependent child of an honorably discharged veteran or individual on active duty in the military;
 2. Grandfathered Cuban and Haitian Entrants or LPRs~~non-citizens~~, i.e., those eligible for and receiving Medicaid on August 22, 1996,
 3. Cuban and Haitian Entrant or LPR~~Non-citizens~~ who entered the U.S. and obtained qualified status prior to August 22, 1996, or
 4. ~~Non-citizens~~Cuban and Haitian Entrant or LPR who entered the U.S. prior to August 22, 1996, but obtained qualified status on or after that date, and remained “continuously present” in the U.S. from their last entry date into the country prior to August 22, 1996, until becoming a qualified non-citizen. ~~Refer to Rule 3.4, infra, for the definition of “continuously present.”~~
 5. Ukrainian nationals paroled into the US on or between February 24, 2022, and September 30, 2024, ~~are qualified non-citizens eligible to the same extent as refugees and~~ Ukrainian nationals paroled after September 30, 2023, who are the spouse or child of the parolee above or are the parent, legal guardian or primary caregiver for the parolee above who entered as an unaccompanied minor ~~are also eligible to the same extent as refugees. exempt from the five (5) year ban and~~ However, this special group is not subject to the five (5) year bar and not limited to seven (7) years of eligibility period if they convert to Lawful Permanent Resident (LPR) status.
 6. Qualified American Indians born in Canada are regarded to have lawful permanent resident status, but are not in the lawfully admitted for permanent residence (LPR) classification.

~~75. Citizens of the Freely Associated (COFA) States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.~~

~~B.C. Non-citizens filing an application for Emergency Medicaid services only are not subject to either the five (5) year disqualification or seven (7) year time limit.~~

~~Source: 8 U.S.C. § 1612; Pub. L. 82-414, Pub. L. 116-260; Pub. L. 117-128; and Pub. L. 118-50.~~

~~History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 11/01/2025; Revised eff. 08/01/2020.~~

Rule 3.14: Verification for Victims of Trafficking~~[Reserved]~~

~~The Federal Data Services Hub (FDSH) may verify the lawful presence of a trafficking victim, in which case no further verification is needed. It is not possible to verify victims of trafficking using the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database. If electronic verification is not possible, the Office of Refugee Resettlement (ORR) issues a certification letter for an adult who has been subjected to a severe form of trafficking and meets statutory certification requirements. The ORR also issues a similar eligibility letter for children. Other agencies may issue letters or documents to victims of severe forms of trafficking; however, the ORR letter is the acceptable verification. Victims of trafficking are not required to provide immigration documents.~~

~~Source: 22 U.S.C. § 7105.~~

~~History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.~~

Rule 3.15: Verification for Battered Non-Citizens~~[Reserved]~~

~~Electronic verification of lawful presence through the Federal Data Services Hub or the Systematic Alien Verification for Entitlement (SAVE) is used to verify status if possible. If not, available immigration documents will be used to submit to SAVE for verification purposes. The non-citizen must also be able to show a substantial connection between the battery or extreme cruelty and the need for Medicaid, such as to obtain medical attention or mental health counseling caused by abuse or to replace medical coverage lost when the individual separated from the abuser. If the battered non-citizen resumes living with the one who is responsible for the battery or extreme cruelty, the battered non-citizen's eligibility ends the month after the month of reconciliation.~~

~~Source: 8 U.S.C. § 1641.~~

~~History: Revised eff. 08/01/2020.~~

Rule 3.16: Veterans, Active Duty Military and Family Member Requirements

- A. To be eligible ~~as a~~ for the veteran exemption under Rule 3.9, the ~~qualified non-citizen~~ Cuban and Haitian Entrant or Lawful Permanent Resident (LPR) must have been honorably discharged, not based on non-citizen status, and must have fulfilled minimum active duty service requirements. A ~~qualified non-citizen~~ Cuban and Haitian Entrant or LPR who is an active duty member of the Armed Forces, but not on active duty for training purposes only, can also be eligible. A ~~qualified non-citizen~~ Cuban and Haitian Entrant or LPR who is the spouse of a veteran or active duty service member may be eligible. The veteran's exemption also includes the unmarried surviving spouse of a veteran or active duty military person.
- B. To qualify ~~as a~~ for the surviving spouse exemption under Rule 3.9, at least one (1) of the following conditions must be met:
1. The spouse must have been married to the veteran for at least one (1) year,
 2. The spouse must have had a child with the veteran, or
 4. The veteran's death must have been due to an injury or illness incurred during military service, and the marriage must have been in existence sometime within fifteen (15) years after the period of service in which the injury or disease was incurred or aggravated.
- C. Surviving spouses who remarry lose the benefit of this exemption the month after the month of the remarriage. Spouses whose marriage ended in divorce lose the benefit of this exemption the month after the month of divorce.
- D. To qualify ~~as a~~ for the child of a veteran or active duty U.S. military person exemption under Rule 3.9, the biological, adopted or stepchild must be:
1. Unmarried and claimable as a dependent on the military person's tax return and under age eighteen (18) years of age or under age twenty-two (22) and a student regularly attending school,
 2. A child with disabilities who is over age eighteen (18) if the child had a disability and was a dependent of the veteran or active duty military member before the child's eighteenth (18th) birthday, or
 3. A surviving unmarried minor child of a veteran or person killed in active duty and dependent on the veteran at the time of the veteran's death.

Source: 8 U.S.C. § 1612.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 08/01/2020.

Rule 3.20: Other Non-Citizens

Non-citizens who are admitted legally to the U.S. but do not fall into one of the specific categories of qualified non-citizens are non-qualified non-citizens. These individuals may include Legal

Temporary Residents (LTRs), asylees, and refugees, as well as individuals who are given temporary administrative statuses, i.e., a stay of deportation or voluntary departure until they can formalize permanent status, or individuals who are paroled ~~for less than one year~~ or non-citizens under deportation procedures.

Source: 42 C.F.R. § 440.255.

History: Revised to correspond with MS SPA 26-0015 eff. 10/01/2026. Revised eff. 08/01/2020.