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ELDER LAW MINUTE

In order to qualify for most types of Medicaid in Georgia one must either be a U.S. citizen or a lawfully admitted qualified alien. While this rule seems fairly simple, the details take up 17 pages of the Medicaid Manual! This article will touch on some of the basic requirements for eligibility. If you are an alien seeking Medicaid, I urge you to consult with an elder law attorney.

A U.S. citizen is: an individual born in the U.S., Puerto Rico, Guam, U.S. Virgin Islands, American Samoa or Swains Island; a child adopted by a U.S. citizen; a minor child born in another country to a non citizen who becomes a naturalized U.S. citizen; or a child born in another country to a U.S. citizen.

An alien is an individual who is not a U.S. citizen but who resides in the U.S. Visitors, tourists, foreign students and diplomats are not considered aliens.

The general rule for aliens is that those who entered the U.S. on or after August 22, 1996, are not eligible for most types of Medicaid for a period of five years from their date of entry. Those who entered the U.S. for permanent lawful residence prior to that date, qualify for Medicaid as soon as they meet all other eligibility criteria.

Certain *qualified aliens* are able to obtain Medicaid benefits without having to wait five years from the date of entry into the U.S. Those with 40 quarters of qualifying employment generally are eligible without waiting the five year period. *Qualified Aliens* include those lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), Refugees admitted under Section 207 of the INA, aliens granted asylum under Section 208 of INA, and Cuban and Haitian entrants, among others. Quarters of coverage may have been earned by the alien, a current or deceased spouse or a parent.

Thank you to David Soloway, of the immigration law firm of Frazier, Soloway and Poorak for recommending this topic.

Information contained in this newsletter is general in nature and not intended as legal advice. Legal advice should be obtained before action is taken based upon this information. Receiving this Elder Law Minute newsletter does not create an attorney-client relationship.