

Department of Public Health  
and Human Services

Section:  
Non-financial Requirements

HEALTHY MONTANA KIDS

Subject:  
Alien Status

**Supersedes: New to HMK Manual**

**General Rule** – A child of foreign birth may be insured under the Healthy Montana Kids (HMK) Plan, if the child:

1. entered the United States (U.S.) with a qualified alien status; and
2. has resided in the U.S. for five years or longer.

**NOTE:** If an individual is not a U.S. citizen or U.S. National, his/her alien status must be evaluated by the CHIP Enrollment Manager. Families must be given a reasonable opportunity to provide documentation concerning alien status.

**FIVE YEAR BAN  
EXCEPTIONS**

The following qualified aliens are not subject to the five year ban:

1. Refugees;
2. Asylees;
3. Aliens whose deportation has been withheld;
4. Cuban/Haitian Entrants;
5. Spouses or unmarried dependent children of honorably discharged veterans or aliens on active duty in the U.S. armed forces;
6. American Indians born in Canada;
7. Enrolled members of a federally recognized Indian Tribe; or
8. Victims of a severe form of trafficking as defined by USCIS guidelines (e.g., forced prostitution, etc).

**NOTE:** Aliens who were previously exempt from the five year ban, (e.g., refugees or asylees) continue to be exempt from the five year ban if their alien status changes (e.g., from refugee to lawfully admitted for permanent residence (LAPR)).

**QUALIFIED  
ALIENS**

Foreign born individuals admitted to the U.S. by the United States Citizenship and Immigration Service (USCIS) under the following categories are considered qualified aliens if he or she:

1. Is lawfully admitted for permanent residence (LAPR);
2. Entered the U.S. before 8/22/96; or
3. Entered the U.S. on or after 8/22/96 and
  - a. have met the 40 qualifying work quarters requirement, and
  - b. are subject to the Five-year ban exceptions.

4. Refugee;
5. Asylee;
6. Deportation Withheld;
7. Parolee;
8. Cuban/Haitian entrants;
9. American Indian – An American Indian who was born in Canada and is at least 50% American Indian blood is considered to be lawfully admitted for permanent residence (LAPR).

NOTE: An adopted child of an American Indian or a non-citizen tribal member must also be at least 50% American Indian blood to be considered a LAPR.

10. Enrolled member of a federally recognized Indian Tribe;
11. Foreign born battered spouse or child;
12. Veteran or active duty military personnel; or
13. Foreign born victim of a severe form of trafficking as defined by USCIS guidelines (e.g., forced prostitution, etc).

**HMK  
PROCESSING**

HMK applications for children of foreign birth must be referred to the Enrollment Manager or a designee with access to SAVE for alien status verification.

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