



Changes in Non-Citizen Eligibility for NJ FamilyCare/Medicaid effective October 1, 2026

Legal Services of New Jersey, Oct 2026

Legal Services of New Jersey

Get Legal Help

Toll Free Hotline: 1-888-LSNJ-LAW (1-888-576-5529) or Apply Online: <https://lsnjlawhotline.org/>

Free legal advice and assistance for eligible low income people with civil legal matters, regardless of immigration status.

- Healthcare – NJ FamilyCare
- Housing/Eviction and Renter's Rights, Foreclosure Defense
- Workers Rights and Unemployment
- Family Matters – Domestic Violence, Child Support
- Immigration
- Other issues

LSNJ's NJ FamilyCare Helpline

Legal Services of New Jersey has established a Helpline on this issue and is working to assist individuals who are being affected by non-citizen eligibility changes.

LSNJ's NJFamilyCare Helpline: 1-833-576-5776

Respond to clients in need

- Screen for NJ FamilyCare eligibility
- Advise on submitting documents

Provide information and resources

- Children and pregnant people still eligible
- Emergency Medicaid still available
- Charity Care, FQHCs, and other resources

Assist if terminated

- Advice and potential representation

Upcoming Changes to NJ FamilyCare

■ Non-Citizen Eligibility Changes:	October 1, 2026	All Medicaid Adults
■ Mandatory Work Requirements:	January 1, 2027	Medicaid Expansion Adults
■ Six-Month Redeterminations:	January 1, 2027	Medicaid Expansion
■ Shorter Retroactive Eligibility:	January 1, 2027	ABD and Medicaid Expansion
■ Co-pays:	October 1, 2028	TBD

NJ FamilyCare/Medicaid Non-Citizen Changes

- New restrictions on immigrant eligibility for Medicaid go into effect on **October 1, 2026**
 - As of that date the only groups of adults eligible for full Medicaid coverage will be:
 - U.S. citizens and U.S. nationals
 - Lawful Permanent Residents (who meet certain conditions)
 - Cuban/Haitian Entrants
 - Citizens of certain small Pacific Island nations (“COFA migrants”)
 - These changes do not impact children and pregnant people.
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- DMAHS previously estimated that between 15,000 and 25,000 individuals may lose Medicaid coverage on September 30, 2026 because of this change

Federal Guidance Requires States to Act Now

- April 2026 CMS (Feds) directive – ALL ineligible immigrants must be removed from full Medicaid before October 1, 2026
- NO staggered implementation at recertification like SNAP
- Initial non-citizen eligibility notices went out to approximately 25,000 individuals in mid-July

RESPOND BY: September 1, 2026
REFERENCE NUMBER: XXXXXXXX
Member: XXXXXXXXXXXXXXXXXXXXXXXX
Medicaid ID: XXXXXXXXXXXXXXXXXXXXXXXX

IMPORTANT NOTICE: ACTION NEEDED

Dear NJ FamilyCare member,

The federal government has changed the rules on who is eligible for NJ FamilyCare/Medicaid. It's important to understand how these changes may affect your NJ FamilyCare coverage. Beginning October 1, 2026, some non-citizen immigrants will no longer qualify for NJ FamilyCare due to changes in federal law. The federal non-citizen eligibility rules can be found at 42 CFR 435.406 and Section 71109 of the One Big Beautiful Bill Act.

NJ FamilyCare has partnered with HMS, an independent contractor located in Texas, to collect information to verify immigration status for NJ FamilyCare members. Our records show that your immigration status may not qualify under the new rules. If it does not, **your NJ FamilyCare/Medicaid coverage will be terminated on September 30, 2026.**

An Immigration Status Reporting Form is included with this letter. On the back of that form, there is a list of immigration statuses that can qualify for NJ FamilyCare beginning October 1, 2026. Read the list carefully.

If you think you have a qualifying immigration status, complete the Immigration Status Reporting Form and return it with copies of your documents by September 1, 2026.

For questions or to check the status of your submission, please visit www.VerifyOS.com. You may also call 833-635-7060. Thank you for your cooperation in this matter.

Sincerely,
NJ FamilyCare



Immigration Status Reporting Form

I believe I will still qualify for NJ FamilyCare/Medicaid under the new federal rules starting October 1, 2026. My status as of October 1, 2026, will be (choose 1):

Status	What to submit (send copies, not originals)
☐ U.S. citizen or U.S. national	Proof of citizenship / U.S. Passport
☐ Pregnant and lawfully present	Immigration documents (see back of page) Number of babies expected ____ Due date (MM/DD/YYYY) ____ / ____ / ____
☐ Under age 21 and lawfully present	Immigration documents (see back of page)
☐ Lawful Permanent Resident or any other qualifying status of at least 5 years	Front and back of Lawful Permanent Resident card ("Green Card") Any other immigration documents
☐ Adjusted to Lawful Permanent Resident from: ☐ Refugee ☐ Asylee ☐ Trafficking victim/their relative ☐ Veteran/their relative ☐ Amerasian immigrant ☐ Iraqi/Afghani immigrant/parolee ☐ Ukrainian parolee ☐ Person whose deportation withheld	Front and back of Lawful Permanent Resident card ("Green Card") Any other immigration documents
☐ Cuban/Haitian Entrant	Immigration documents (see back of page)
☐ COFA migrant	Immigration documents (see back of page)

Signature: XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Print Name: XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Date (MM/DD/YYYY): XXXXXXXXXXXXXXXXXXXX

REFERENCE NUMBER: XXXXXXXXXX
Member: XXXXXXXXXXXXXXXXXXXXXXXX
Medicaid ID: XXXXXXXXXXXXXXXXXXXXXXXX

- Where to submit:**
- **Electronically:** Upload to the HMS secure site www.VerifyOS.com (recommended for quick receipt)
 - **Fax** to HMS: 1-877-223-8478
 - **Mail:** HMS, PO Box 165308, Irving, TX 75016-9923 (Please allow 3-5 business days for receipt)

What is the process?

- 1) Individuals should submit the Immigration Status Reporting Form and supporting documents.
- 2) State must use electronic systems to verify immigration status.
- 3) Based on responses, state will send an incomplete letter, eligible letter, ineligible letter or termination letter.
- 4) Members who did not respond received a final termination notice explaining that individuals still have 90 days to submit the Immigration Status Reporting Form and copies of their documents if they believe they have a qualifying status.
- 5) Members who responded but have not yet received an eligibility determination should be put into a reasonable opportunity period.

Right to Appeal

Individuals terminated may request Fair Hearings to contest the termination.

BUT:

- Generally not eligible if contesting a rule change (i.e., if in a newly ineligible category, can't challenge HR1.)
- CAN challenge if they made a mistake (i.e., pregnant, in an eligible category etc.)
- CAN receive continued benefits while waiting for a fair hearing

*20 Day time frame to request fair hearing

*Potential overpayment if a person received continued benefits and is determined ineligible

Requesting a Fair Hearing

Non-citizen Ineligible Letter



STATE OF NEW JERSEY
Department of Human Services
Division of Medical Assistance and Health Services

FINAL NOTICE
REFERENCE NUMBER: XXXXXXXX
Member: XXXXXXXXXXXXXXXXXXXXXXXX
Medicaid ID: XXXXXXXXXXXXXXXXXXXXXXXX

Dear NJ FamilyCare member,

We received the information you sent about your immigration status. Based on that information, your NJ FamilyCare/Medicaid benefits will be terminated effective September 30, 2026, due to changes in federal law. The reason for the termination is you no longer have a qualifying immigration status to receive NJ FamilyCare/Medicaid benefits beginning October 1, 2026. The federal non-citizen eligibility rules can be found at 42 CFR 435.406 and Section 71109 of the One Big Beautiful Bill Act.

Your coverage remains active through September 30, 2026. We encourage you to use your benefits before that date, including scheduling any needed doctor's appointments, filling or refilling prescriptions, and completing any ongoing care. If your immigration status changes, you may reapply.

You may be eligible for alternate insurance for the remainder of 2026. Starting October 1, 2026, you may qualify for health coverage through Get Covered New Jersey, the State's Official Health Insurance Marketplace. Complete your enrollment at Get Covered New Jersey as soon as possible to avoid a gap in coverage. Enroll by September 30, 2026, for coverage beginning October 1, 2026. You may be eligible for financial help to lower the cost of your monthly premium and out-of-pocket costs until the end of 2026. However, due to new federal rules, beginning January 1, 2027, you must have a qualifying immigration status to receive financial help. If you do not have a qualifying immigration status, you may pay full price for coverage in 2027. You can learn more about your coverage options and free local assistance at [GetCovered.NJ.gov](https://www.getcoverednj.gov).

In addition, the Medical Emergency Payment Program covers emergency services, including labor and delivery, for New Jersey residents age 19 and older who do not qualify for NJ FamilyCare because they do not meet the U.S. citizenship or immigration requirement.

If you would like to appeal this termination, please see the attached fair hearing notice.

Sincerely,
NJ FamilyCare

Non-citizen Final Termination Letter



STATE OF NEW JERSEY
Department of Human Services
Division of Medical Assistance and Health Services

FINAL NOTICE
REFERENCE NUMBER: XXXXXXXX
Member: XXXXXXXXXXXXXXXXXXXXXXXX
Medicaid ID: XXXXXXXXXXXXXXXXXXXXXXXX

IMPORTANT NOTICE: ACTION NEEDED

Dear NJ FamilyCare member,

This is the final notice that your NJ FamilyCare/Medicaid benefits will be terminated effective September 30, 2026, due to new federal requirements. The reason for the termination is you did not submit proof that you have a qualifying immigration status to receive NJ FamilyCare/Medicaid benefits beginning October 1, 2026. The federal non-citizen eligibility rules can be found at 42 CFR 435.406 and Section 71109 of the One Big Beautiful Bill Act.

You may still submit the needed proof.

An Immigration Status Reporting Form is included with this letter. On the back of that form, there is a list of immigration statuses that can qualify for NJ FamilyCare beginning October 1, 2026. Read the list carefully. If you think you have a qualifying immigration status, complete the Immigration Status Reporting Form and return it with copies of your documents as soon as possible.

If you do, we can see if you still qualify for NJ FamilyCare. If we do not receive the information within 90 days from the Termination Date above and you want health care coverage, you will have to re-apply. Please note that even if you qualify at that time, you could have a gap in your coverage.

For questions or to check the status of your submission, please visit [www.VerifyOS.com](https://www.verifyos.com) or call 833-635-7060. If you would like to appeal this termination, please see the attached fair hearing notice.

Sincerely,
NJ FamilyCare

Your Right to a Fair Hearing

If you do not agree with the decision listed on the included letter, you have the Right to Request a fair hearing before an Administrative Law Judge. You must request a fair hearing within 30 days of the date on the letter.

To request a fair hearing, fill out the information below and return this notice and a copy of all pages of the included letter within 30 days to:

Division of Medical Assistance and Health Services
Attn: Fair Hearing Unit
P.O. Box 712
Trenton, NJ 08625
Or fax to: 609-588-2435

I disagree with the decision and think it is incorrect because: _____

If your NJ FamilyCare/Medicaid coverage has been terminated, you may choose to keep your coverage until your fair hearing is decided. If you do not check a box, the second option will be applied.

☐ I want to continue receiving my same coverage until my appeal is decided. I understand that if I lose my appeal, I may have to pay back any costs related to keeping my coverage during my appeal, up to 90 days after my request is filed in most circumstances.

☐ I accept the change in coverage. If I win my appeal, NJ FamilyCare will restore my benefits on a fee-for-service basis, which may not be accepted by all providers, back to the date of termination.

If you are appealing a denial or termination, you may reapply while your fair hearing request is in progress. Your application will be processed separately from the fair hearing request.

Applicant Name: _____

*Representative Name (if applicable): _____

Address: _____
(If different from first page)

E-mail Address: _____ Phone Number: _____

Applicant or Representative Signature: _____

*If a representative is signing this form, send a completed Designation of Authorized Representative (DAR) form with this fair hearing request. A copy of the DAR form can be found online here:
https://nj.gov/humanservices/dmahs/documents/individuals-families/medicaid/ABD_Auth_Rep_Form.pdf

You have the right to:

- Present your own case or authorize a relative, friend or attorney to do it.
- Examine your own case file or records, including your application, in advance of your Fair Hearing, or at the time of your Fair Hearing.
- Submit any evidence about your case or bring any witnesses you choose to the Fair Hearing.

For Legal Help:

You may hire an attorney to appear at your Fair Hearing. If you cannot afford to pay for the services of an attorney, there are private, non-profit legal services organizations that provide free legal counsel in every county. In addition, you may call 1-888-576-5529 (toll free) to consult with Legal Services of New Jersey's Health Care Access Project.

Case # _____

Rev. 7/2026



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☐ I accept the change in coverage. If I win my appeal, NJ FamilyCare will restore my benefits on a fee-for-service basis, which may not be accepted by all providers, back to the date of termination.

What if you're no longer eligible?

- You may be eligible for GetCoveredNJ, New Jersey's Health Insurance Marketplace where individuals and families can buy coverage. To apply, visit nj.gov/getcoverednj.
- Adults (19 and older) who are ineligible for NJFamilyCare/Medicaid due to immigration status may qualify for prenatal care and family planning services under the New Jersey Supplemental Prenatal and Contraceptive Program (NJSPCP). You can apply through a participating provider.
- Immigrant adults may qualify for the Medical Emergency Payment Program (MEPP), which covers emergency services, including labor and delivery. Apply through the hospital or at your local County Social Services Agency within 3 months of the emergency.
- Federally Qualified Health Centers (FQHCs) may still be able to provide medical care on a low-cost basis, depending on income.

Examples of Qualifying Statuses

Non-citizens who may continue to qualify

- Lawful Permanent Resident (green card holder) of at least 5 years calculated from date of grant of qualifying immigration status
- Non-citizens that are in one of the following groups and who have adjusted to Lawful Permanent Resident, regardless of date of adjustment
 - Refugees
 - Asylees
 - Victims of trafficking and their spouse, child, sibling, or parents
 - Lawfully residing veterans/active-duty service members and certain family members
 - Amerasian immigrants
 - Iraqi and Afghani grantees of Special Immigrant Visas (SIV) or SI/SQ Parolees
 - Afghan Nationals granted parole between July 31, 2021 and September 30, 2023
 - Individuals who were paroled into the U.S. between February 24, 2022 and September 30, 2024 under the Ukrainian Humanitarian Parole (UHP) program
 - People whose deportation is being withheld
- Cuban/Haitian Entrants
- Compacts of Free Association (COFA) migrants, which includes Micronesia, Marshall Islands, and Palau
- Lawfully present pregnant people
- Lawfully present non-citizens who are under the age of 21
- Children under 19, regardless of their immigration status

Non-citizens who may NOT continue to qualify

- Non-citizens in the following groups who have **not adjusted** to Lawful Permanent Resident status
 - Victims of domestic violence, applying under the U.S. under the Violence Against Women Act (VAWA)
 - Temporary humanitarian parolees (those paroled into the U.S. for at least one year)
 - Refugees
 - Asylees
 - Victims of trafficking and their spouse, child, sibling, or parents
 - Lawfully residing veterans/active-duty service members and certain family members
 - Afghan Nationals granted parole between July 31, 2021, and September 30, 2023
 - Individuals who were paroled into the U.S. between February 24, 2022 and September 30, 2024 under the Ukrainian Humanitarian Parole (UHP) program
 - People whose deportation is being withheld

LPR Eligibility and the 5-year waiting period

Immigrants with Lawful Permanent Residency must:

1) **Meet** a 5-year waiting period

OR

2) **Be exempt** from the 5 year waiting period.

*This could be tricky, so please have individuals call us for clarification.

5-Year Waiting Period

- Must have green card for five years OR must have adjusted **and** have five years in another qualifying status.
- LPR plus five years in qualifying status:
 - Conditional Entrants
 - Battered Immigrants (VAWA)
 - Individuals Granted Parole for a Period of at Least One Year

Example: An individual who adjusted to LPR in 2025 but received VAWA prima facie determination in 2020 meets five-year bar. (Do not need to have green card for five years.)

LPRs Exempt from the 5-year Waiting Period

- Are under 18 years old
- Have a U.S. military connection
- Adjusted from a status that is exempt under PRWORA:
 - Asylee
 - Refugee
 - Certified Trafficking Victims
 - Iraqi and Afghani special immigrants and parolees
 - Individuals who were paroled into the U.S. between February 24, 2022 and September 30, 2024 under the Ukrainian Humanitarian Parole (UHP) program)

What we're seeing

- Many people who we speak with are still eligible
- Some people have been incorrectly determined ineligible
- Individuals who have been LPRs over 5 years receiving ineligible notices
- Individuals who have adjusted status to LPR and should be eligible receiving ineligible notices
- SSI recipients who are no longer eligible
- Individuals without documentation who cannot prove status

Recommendations

- If people do not have qualifying documentation, complete Reporting Form attesting to status and submit it!
- Make sure you are sending in copies of documents, not originals.
- Keep a record of what you submitted and when.
- Make sure documents submitted are CLEAR and easy to read.
- Do not submit all household documents together, separate out by individual.

If anyone has any questions at all regarding non-citizen eligibility for NJ FamilyCare, please call us!

Public Charge

What is Public Charge?

- Public charge is a part of federal immigration law under which someone can be denied a visa or a green card if officials determine that an individual is likely to rely on government support.
- On July 16, 2026 DHS issued a new final rule and on August 18, 2026, USCIS issued new guidance.
- The new rule has significant changes but a lack of clarity.
- It went into effect on **September 18, 2026**.

Who is Subject to Public Charge?

- Public charge does **not** apply to everyone.
- Public charge **may** apply if you plan to apply for a family-based green card, or
- If you have a green card but leave the country for more than 6 months, or
- If you plan to apply for a visa or admission to the U.S. from abroad, or to change or extend certain nonimmigrant visas inside the U.S.

Who is NOT subject to Public Charge?

Many categories are **not** subject to public charge (this is not the entire list):

- Asylees
- Refugees
- Cuban and Haitian Entrants
- Special immigrant juveniles
- Victims of human trafficking
- Self- petitioners under the Violence Against Women Act (VAWA)

What benefits are considered in the public charge test?

- Under previous rule, only cash assistance, SSI, and government-funded long term institutionalization could be considered.
- Beginning September 18, 2026, any means-tested public benefits can be considered. (cash assistance, food stamps, housing assistance, financial aid, etc.)
- The new policy allows officials to consider past use of cash assistance, SSI, or long term institutionalization **but not other benefits used before September 18, 2026.**
- The new policy also allows officials to consider a dependent's use of benefits in a public charge determination.
- Ultimately, the new rule and subsequent guidance lack clarity and give USCIS officers a lot of discretion in making a public charge inadmissibility determination.