

Health Insurance for Immigrant Families

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ACA REVIEW & UPDATE 2013

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What we will cover

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Eligibility

- Medicaid and Children's Health Insurance Program (CHIP)
- Marketplaces (Individual and SHOP)
 - Federal rules
 - State variations

2. Barriers to enrollment and ways to address them

Available resource materials

ELIGIBILITY

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- Different rules for different programs
- Different rules for family members with different immigration statuses



Eligibility for *Citizens* in Immigrant Families

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- Who are the citizens in immigrant families?
 - Native-born: All family members born in the U.S.
89% of kids in immigrant families are citizens!
 - Naturalized: All family members who came to the U.S. as immigrants and became citizens after arriving.
- Eligibility for what? Everything a citizen in an all-citizen family is eligible for!

Immigrant Eligibility for Medicaid & CHIP

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“QUALIFIED” IMMIGRANTS

No change in the ACA

- Applicant’s immigration status must be a “qualified immigrant” status.

See resource materials for list of statuses.

- Entry on/after 8/22/96? 5-year wait for most

Immigrant Eligibility for Medicaid & CHIP

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EXCEPTIONS to general rule (must be in a “qualified” status and must wait at least five years):

- Refugees, trafficking survivors, and other humanitarian immigrants, veterans/military families – no 5-year wait
- ICHIA (CHIPRA) option – “lawfully residing” kids and pregnant women are eligible
- Emergency Medicaid – regardless of status
- CHIP option to cover prenatal care – regardless of the woman’s status
- State variation

Not-qualified Immigrants

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EVERYONE ELSE

- Any immigrant whose status is not on the “qualified” list is “not qualified,” even if work-authorized.
- NOT eligible for Medicaid (except emergency services), CHIP, or other public benefits
 - See exceptions in previous slide

Programs Available to ALL

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- Emergency Medicaid
- CHIP prenatal care (in some states)
- Immunizations
- FQHCs – Community Health Centers – Migrant Centers
- Uncompensated care, charity care, financial assistance
- Disaster relief -- if relief is short-term and non-cash
- School lunch and breakfast, food banks, WIC at state option
- Mental illness and substance abuse prevention (if program is available to all regardless of income)
- Violence and domestic abuse prevention
- Shelters
- Additional services available in some states & counties

Medicaid and/or CHIP Eligibility: Review

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- Qualified immigrants who are not subject to the 5-year bar
- Lawfully residing children and pregnant women in states choosing to provide coverage without a waiting period
- Pregnant women in states choosing to provide prenatal care regardless of status
- Any immigrant with a medical emergency
 - but ongoing treatment is generally NOT covered
- Some states cover more, a few states cover less

WHICH STATES? *See resource materials*

Immigrant financial eligibility for Medicaid & CHIP

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- Immigrant sponsor deeming may prevent an immigrant from qualifying based on income (even if the immigrant receives nothing from the sponsor)
- Some exceptions apply
- State practices vary, including choosing not to deem in certain programs

See resource materials

Immigrant Eligibility for the Marketplace & Help With Costs

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- “Lawfully present” immigrants are eligible:
 - Private health insurance in the Marketplaces
 - Premium tax credits and cost-sharing reductions (0-400% FPL, in all states)
 - Pre-existing Condition Insurance Plan (PCIP)
 - Basic Health Program (BHP) (0-200% FPL)
- Immigrants are “lawfully present” if their immigration status is listed by HHS

See resource materials and compare to “qualified” immigrant

Immigration status not “lawfully present”

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- Not eligible for Marketplace coverage, even at full price, or for subsidies
- Eligible (as are “not qualified” immigrants) for: emergency Medicaid, CHIP prenatal care in some states, public health programs, community health centers, financial assistance at hospitals, insurance at full cost offered outside the Marketplaces, and coverage offered by employer or family member’s employer.

Young DACA immigrants: ineligible

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- DACA = Deferred Action for Childhood Arrivals
- Program to grant Deferred Action (temporary relief from deportation) to undocumented youth/ young adults who entered U.S. before age 16 and meet other criteria (“DREAMers”).
- DACA grantees: lawfully present under immigration law and authorized to work; not eligible for CHIP, Medicaid, or Marketplace coverage or subsidies.

See resource materials

SHOP

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- Different rules apply to SHOP Marketplace vs. individual Marketplace.
- No verification of immigration status for SHOP; employer already screens for authorization to work at hire.
- Employer may offer a family policy to its employees.
- SHOP must comply with ACA privacy requirements.

QUESTIONS??



	Refugees, asylees, & other humanitarian immigrants	LPR (Green Card): Adults 18 & over	LPR: Children under age 18	LPR: Pregnant women	Other lawfully present individuals	Undocumented immigrants
Medicaid	✓	✗ Until after first 5 years	STATE OPTION During first 5 yrs	STATE OPTION During first 5 yrs	✗ STATE OPTION If under 21 or pregnant	✗ (Except emergency services)
CHIP	✓	✗ Until after first 5 years	STATE OPTION During first 5 years	STATE OPTION During first 5 yrs	✗ STATE OPTION If under 21 or pregnant	✗ STATE OPTION Prenatal care services only
ACA: subsidies	✓	✓	✓	✓	✓	✗

BARRIERS TO ENROLLMENT & Tips for Breaking them Down

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Concerns about applying / enrolling

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- Confusion about eligibility
- Privacy and confidentiality
- Verification and documentation
Immigration status, Social Security number (SSN), Income, Identity, State residency
- Public charge
- Effect on sponsor
- Linguistic competence
- Hostility and discrimination

Confusion about eligibility rules

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- Emphasize that a citizen or lawfully-present child or adult will still be eligible even when other family members are not. It's safe for an ineligible family member to apply for those who are eligible.
- Have immigrant-specific resource materials handy, in English and in multiple languages for consumers.
- Identify advocates in the community and Marketplace with knowledge of immigrant eligibility.
- Keep a record of immigration-related problems to share with state and federal officials.

Privacy and confidentiality (1 of 4)

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- Questions: If I go to the health care agency to apply, will the agency find out that my (spouse or parent or child) is undocumented? Will the agency report my undocumented family member to immigration authorities?
- Answer: ACA and its regulations include strong protections for personally identifiable information; some privacy provisions were written to encourage participation of mixed-status immigrant families
 - .

Privacy and confidentiality (2)

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- Agencies must not ask about citizenship or immigration status of anyone in the family except those applying for coverage.
 - Agencies must ask for SSN of non-applicant IF –
 - the non-applicant has an SSN, AND
 - the family is applying for help with costs, AND
 - the non-applicant is the taxfiler for the household.
- If no SSN, the agency must proceed with the application and a determination of eligibility.

Privacy and confidentiality (3)

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- Agencies must allow a person to decline to provide information about their own SSN (e.g. if s/he doesn't have one) or immigration status, and must assure application filers that eligibility of other family members will not be affected.
- Agencies can collect, use, or disclose personally-identifiable information **ONLY** for eligibility and enrollment purposes.

Privacy and confidentiality (4)

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- The Marketplaces, Medicaid and CHIP agencies must require their employees and contractors to follow rules protecting privacy.
- Contractors include
 - QHP issuers
 - Navigators
 - Certified application counselors
 - Agents
 - Brokers

Verification of immigration status

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- Agencies verify immigration status through the Systematic Alien Verification for Entitlements (SAVE) program of U.S. Department of Homeland Security (DHS)
 - used only to verify the status of applicant family members (not ineligible immigrants)
 - used only to verify status for benefits eligibility purposes (not to enforce immigration laws)
- At times, SAVE cannot verify status quickly. Agencies cannot delay health insurance once immigrant presents satisfactory documentation of status.

Verification of SSN

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- Applicants must provide SSN ... *if* they have one
- Non-applicants must provide SSN ... *if* s/he has one, is the taxfiler, AND is applying for help with costs
- Agencies must provide assistance in obtaining SSN if needed/requested
 - “Non-work SSN” may be issued if needed solely for health care/other benefits
- Agencies verify SSNs through SSA
 - Naturalized citizens statistically encounter more delays than native-born citizens.
 - Individuals should provide only SSNs issued to them by SSA

Verification of identity, income, residency

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When not verified by federal hub:

FLEXIBILITY is key

Allow for circumstances often faced by immigrant families:

- Work in the informal economy
- File income taxes with ITIN, not SSN
- Mismatch between income doc and tax doc or application
- Identification document that is foreign or lacks photo

Regulations prohibit agencies from using immigration document alone to verify state residency

Public charge

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- Question: if I or my family member applies for Medicaid or for help with costs of coverage, will immigration authorities deny our application for a green card or citizenship?
- Answer: Medicaid, CHIP, and Marketplace subsidies are not considered in screening green card applicants for public charge.
 - Medicaid exception: long-term institutionalization.
 - Public charge is not applicable when applying for citizenship.

See resource materials

Effect on immigrant sponsor

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- Concern of sponsored immigrants: enrolling in Medicaid/CHIP may make my sponsor liable for the cost of my coverage
- The law allows states, but does not require them, to seek some reimbursement from sponsors, but state studies show the process is not cost-effective.

Discrimination

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- Discrimination based on race, ethnicity, and national origin, including language spoken, is prohibited by Title VI of the Civil Rights Act and ACA Section 1557
- Applies to all entities receiving federal financial assistance: consumer assisters, clinics, hospitals, insurers, Marketplace agencies, Medicaid and CHIP agencies, contractors, HMOs, others
- Applications, processes and procedures that have a chilling effect -- deterring eligible immigrants from applying -- may violate Title VI and Sec. 1557

Language services

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- Agencies must provide meaningful access of limited-English proficient individuals to all programs receiving federal assistance
- Agencies must provide free oral interpretation services and translate key documents into top languages.
- Assisters should learn which languages predominate
- Call center (1-800-318-2596) can connect to language lines for immediate interpretation into 150 languages.

Hospitality, not hostility

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- Immigration enforcement authorities cannot enter into private areas of public facilities such as medical clinics without consent or a warrant.
- Administrators are responsible for ensuring that immigrant families are welcome to apply and comfortable at their agency, through staff training in cultural competency and effective communications with immigrant communities

TIPS AND STRATEGIES

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Immigration status questions: sensitive

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- Some may not know status or eligibility/ be mistaken
- Avoid question that could result in an admission; avoid words like “undocumented”
- Use words like “eligible” and “ineligible”
- Screen first for income, before asking about status
- Have credible fact sheets available about eligibility and public charge
- Provide multiple reassurances about privacy and confidentiality

Removing Barriers

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- Provide a welcoming and trusted environment for seeking services
- Provide free, competent interpretation services
- Provide translated docs and tag lines in all settings
- Train all employees, contractors and volunteers who provide consumer assistance to immigrant families
- Include organizations trusted by immigrant communities
- Identify appropriate referrals in the community, if needed, or other experts

??? QUESTIONS ???

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FOR MORE INFORMATION

- **Overview of Immigrant Eligibility for Federal Programs** – see page 4 for a list of “qualified” immigrants. <http://www.nilc.org/document.html?id=108>
- Maps of **Health Coverage for Immigrant Children** and **Health Coverage for Pregnant Women** - <http://www.nilc.org/healthcoveragemaps.html>
- **Medical Assistance Programs for Immigrants in Various States** - <http://nilc.org/document.html?id=159>
- **Sponsored Immigrants & Benefits** - <http://www.nilc.org/document.html?id=166>
- **“Lawfully Present” Individuals Eligible under the Affordable Care Act** - <http://www.nilc.org/document.html?id=809>
- **Frequently Asked Questions – Exclusion of Youth Granted “Deferred Action for Childhood Arrivals” from Affordable Health Care** - <http://www.nilc.org/document.html?id=802>
- **A Quick Guide to Immigrant Eligibility for ACA and Key Federal Means-tested Programs** - <http://www.nilc.org/document.html?id=844>
- **Typical Documents Used by Lawfully Present Immigrants** - <http://www.nilc.org/document.html?id=35>
- **Federal Guidance on Public Charge – When Is it Safe to Use Public Benefits?** - <http://www.nilc.org/document.html?id=164>