Application Process for Health Insurance Affordability Programs for Families That Include Immigrants

Presented in Partnership by the National Immigration Law Center, Center on Budget and Policy Priorities and the Georgetown Center for Children and Families

September 26, 2014



Part I:

Concerns for Families that Include Immigrants When Applying for Health Coverage



Immigration Enforcement IT'S SAFE TO APPLY

- The Affordable Care Act (ACA) includes strong protections for personally identifiable information; privacy provisions were written to encourage participation of eligible individuals in mixed-status immigrant families.
- Agencies can only collect, use, and disclose information that is necessary for enrollment in health coverage.
- Information about applicants/household obtained for health insurance eligibility will not be used by U.S. Department of Homeland Security or U.S. Immigration and Customs Enforcement (DHS/ICE) for immigration enforcement.



Privacy and Confidentiality

- The Marketplaces, Medicaid and CHIP agencies must require their employees and contractors to follow strict rules protecting privacy, including:
 - Qualified health plans (QHP)
 - Navigators
 - Certified application counselors
 - Agents
 - Brokers
 - Call center representatives



Discrimination and Hostility

- 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.
- Prohibition applies to all entities receiving federal financial assistance: consumer assisters, clinics, hospitals, insurers, Marketplace agencies, Medicaid and CHIP agencies, contractors, health plans, others.
- Applications, processes and procedures that have a chilling effect of deterring eligible immigrants from applying may violate Title VI and Sec. 1557.



Access to Language Services

- Agencies receiving federal financial assistance must provide meaningful access to limited-English proficient (LEP) individuals for all programs:
 - Provide free oral interpreting services to meet all language needs
 - Translate key documents into the languages most needed by the community they serve
 - Learn which languages predominate and make staffing decisions accordingly
- Key resources for agencies:
 - Office for Civil Rights guidance of Limited English Proficiency
 http://www.lep.gov/guidance/guidance_Fed_Guidance.html#HHS
 - National Standards for Culturally and Linguistically Appropriate Services (CLAS):
 - http://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53
- The Marketplace call center (1-800-318-2596) can connect to a language line for immediate interpretation into at least 150 languages.

All Applications Should Allow Households to Designate Individuals as Non-Applicants

- Important protections for non-applicants:
 - Should not be asked to disclose citizenship/immigration status.
 - Must provide information that is relevant to the eligibility determination such as income and tax filing status, but generally cannot be required to provide any other information.

Who	needs coverage
Who are	e you applying for health coverage for?
	only
	& other family members
Other fa	mily members, not



Requests for Social Security Numbers: Non-Applicants

Medicaid and CHIP

- Non-applicant household members do not have to provide an SSN in Medicaid and CHIP.
- Marketplace <u>Non-applicant</u> household members should not be required to provide an SSN unless ALL of the following are true:
 - The non-applicant is a tax filer
 - They have an SSN
 - They filed a federal tax return in the 2013 tax year
- However, providing an SSN, when available, may increase the likelihood that application information can be verified electronically.
- People who are not eligible for SSNs may use Individual Taxpayer Identification Numbers (ITINs) to file taxes, but health insurance affordability program applications should not request ITINs.



Request for Social Security Numbers: <u>Applicants</u>

Medicaid and CHIP

- SSNs are generally required of Medicaid applicants
 - Applicants must be notified why they are asked for an SSN and what they will be used for
 - Medicaid agencies must help an individual apply for one if they are eligible for one and don't have it, or don't know their SSN
 - Coverage cannot be denied or delayed pending issuance or verification of SSN
- Some <u>applicants</u> do not have to provide Social Security numbers (SSN), including:
 - Newborns in process of obtaining an SSN
 - Persons who have a religious objection
 - Certain lawfully present immigrants who are not eligible for an SSN or can only get an SSN for a non-work purpose such as certain domestic violence survivors, trafficking survivors, asylum applicants, and others
- Marketplace Only <u>applicants</u> who have an SSN are required to provide one.



Public Charge

- "Public charge" is a term used by U.S. immigration officials to refer to a person who is considered primarily dependent on the government for subsistence (cash assistance or longterm care at government expense).
- Generally, Medicaid, CHIP, and Marketplace subsidies are not considered in screening green card applicants (applicants to adjust to lawful permanent resident status/ LPR) for public charge.
- Medicaid exception: long-term institutionalization
- Public charge is not applicable when applying for citizenship.



Scenario 1:

Nina and Tanya

- Nina lives with her daughter,
 Tanya, in Michigan
- Nina is undocumented
- Tanya is a US citizen
- Nina files taxes using an ITIN and claims Tanya as a dependent





Scenario 1:

Nina and Tanya

Questions:

- If Nina goes to the Marketplace to apply for coverage for Tanya, will the government find out that she is undocumented?
- Will the Marketplace report her to immigration authorities?

Answers:

- Nina is a non-applicant. The Marketplace and Medicaid/ CHIP agencies and their contractors may not ask nonapplicants for information about their immigration or citizenship status.
- Information provided on the applications will not be used by ICE/DHS for immigration enforcement.



Tips For Talking About Immigration Status

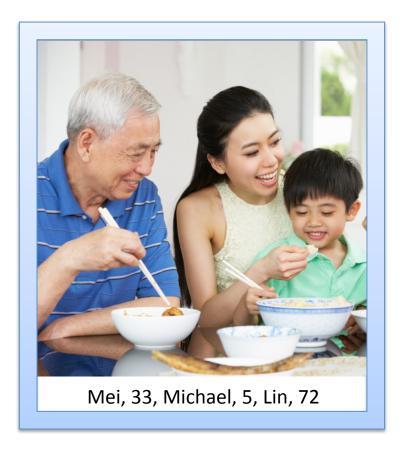
- Do not ask non-applicants to disclose their citizenship or immigration status
- Use broad questions and share general information about immigrant eligibility to help consumers identify who may want to apply for insurance while providing other welcoming messages early in your conversation. For example:
 - "The Marketplace provides coverage to citizens and lawfully present immigrants. Here's a list of lawfully present immigrants..."
 - "We keep your information private and safe. The application asks for some information about everyone in your family, but only a family member seeking coverage for him or herself has to answer questions about immigration or citizenship."
- When asking questions about immigration and citizenship status of applicants:
 - Avoid asking if individuals are "undocumented" or "not lawfully present"
 - Instead use words like "eligible immigrant," "eligible immigration status" or "ineligible"



Scenario 2:

Mei, Michael and Lin

- Mei lives with her son, Michael, and father Lin in Pennsylvania
- She has been a lawful permanent resident (LPR) for 6 years
- Michael is a citizen
- Lin has been a LPR for 2 years





Scenario 2:

Mei, Michael and Lin

Mei went to healthcare.gov to apply for coverage for her family, but the application is not available in her primary language, Chinese. She is worried the Marketplace call center will refuse to help her or treat her badly because she can't read or speak English proficiently.



How can you help Mei?



Scenario 2:

Mei, Michael and Lin

How You Can Help Mei:

- Let Mei know that she can call the Marketplace call center or her Medicaid agency and ask for an interpreter to help her apply.
- Let Mei know that government agencies like Medicaid, CHIP or the Marketplace are not permitted to turn her away or treat her badly because she does not speak English and if they did she could file a complaint with the Office for Civil Rights.
- If Mei is requesting your help to apply for coverage, you should provide her help through the application process.
 - All federal funding recipients must be ready to meet the language needs of all consumers by taking steps like hiring bilingual staff that speak language most needed by the target population, have a contract in place with a reliable and credible language interpretation services, translate important documents into most needed languages, etc.
 - Some Certified Application Counselors may not receive federal funding (many do) but should still strive to meet language needs of the community they serve and can also make referrals to trusted partners that can better meet language needs of consumers.

Scenario 3:

Rashid, Miriam and Leila

- Rashid and Miriam are married and live in Oregon
- Rashid became a U.S. citizen last year
- Miriam is applying to become a lawful permanent resident, and Rashid submitted a visa petition for Miriam last year which was approved in February
- Leila was born in Oregon last month





Scenario 3:

Rashid, Miriam and Leila

Questions:

- If Miriam gets Marketplace subsidies (premium tax credits or cost sharing subsidies) to offset cost of Marketplace coverage, could immigration authorities deny her application for a green card, or her application for citizenship in the future, claiming "public charge"?
- If Miriam gets Marketplace subsidies, will Miriam's sponsor (Rashid) have to pay the government back for the cost of the subsidies?

Answers:

- Marketplace subsidies are not considered in screening green card applicants, like Miriam, for public charge.
- Public charge is not applicable when applying for citizenship.
- Rashid (Miriam's sponsor) will not be liable for the cost of Marketplace subsidies.

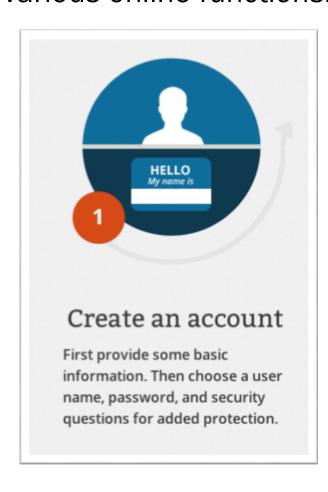
Part II:

Application Process for Families that Include immigrants



Setting Up an Online Account

 Consumers are required to set up an online account to use various online functions:



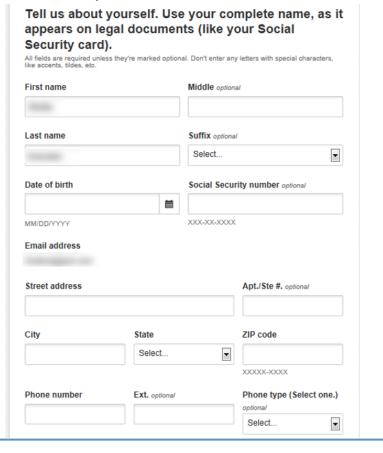
- Submit an application
- Select a plan online
- Read electronic notices
- Report life changes
- Complete renewals (once this function becomes available)



ID Verification is Required to Set Up an Account

Step 1

The person completing the application is asked to provide information



Step 2

Experian provides customized creditrelated questions

Identity questions

Answer these questions so we can verify your identity.

- 1. You may have opened a mortgage loan in or around February 2005. Please select the lender to whom you currently make your mortgage payments. If you do not have a mortgage, select 'NONE OF THE ABOVE/DOES NOT APPLY'.
- CHAMPION MORTGAGE
- INDEPENDENCE ONE
- LOAN AMERICA
- CITIMORTGAGE INC
- NONE OF THE ABOVE/DOES NOT APPLY
- You may have opened an auto loan in or around March 2012. Please select the lender for this account. If you do not have such an auto loan, select 'NONE OF THE ABOVE/DOES NOT APPLY'.
- TRANSAMERICA
- NISSAN MOTOR ACCEPTANC
- MITSUBISHI MOTORS CRED OF AMERICA
- GEC AUTO LEASE
- NONE OF THE ABOVE/DOES NOT APPLY

When ID Verification Cannot Be Completed Online

- A unique reference code is provided.
- Consumers may call the Experian Help Desk directly or with the Marketplace on a three-way call.
- If language assistance is needed, consumers can call the call center first, request language assistance to call the Experian Help Desk.





When ID Verification Cannot Be Completed Over the Phone

 Consumers are required to upload documents to their Healthcare.gov account or mail copies (manual process) to be verified by the Marketplace in order to have access to and use their online account.



- When mailing documents, be sure to include the reference code or a copy of the corresponding application.
- Mail To:

Health Insurance Marketplace 465 Industrial Blvd. London, KY 40750





Consumers Can Prove Identity By Mailing or Uploading

One of These:

- Driver's license issued by state or territory
- School identification card
- Voter identification card
- U.S. military draft card or draft record
- Identification card issued by the federal, state, or local government
- U.S. passport or U.S. passport card
- Certificate of Naturalization (Form N-550 or N-570) or Certificate of U.S. Citizenship (Form N-560 or N-561)
- Permanent Resident Card or Alien
 Registration Receipt Card (Form I-551)
- Employment Authorization Document that contains a photograph (Form I-766)
- Military dependent's identification card
- Native American tribal document

- U.S. Coast Guard Merchant Mariner card
- Foreign passport, or identification card issued by a foreign embassy or consulate that contains a photograph

Alternatively, Two of These:

- Birth certificate
- Social Security card
- Marriage certificate
- Divorce decree
- Employer identification card
- High school or college diploma (including high school equivalency diplomas)
- Property deed or title



Who is Affected by ID Verification?

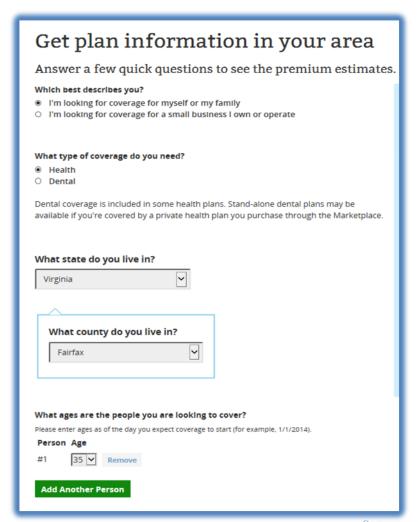
- People with limited or no credit history—such as low-income people who don't have bank accounts, recently arrived lawfully present immigrants and undocumented parents applying for citizen children—are more likely to have to produce documents to prove their identity.
- May also have difficulty satisfying the manual documentation requirement.





People Unable to Complete the ID Verification

- Complete the application using a paper form or over the telephone
- Request paper notices
- Use "see plans and prices" tool to browse plans
- Select a plan through the call center
- Report changes and complete renewals through the call center or on paper





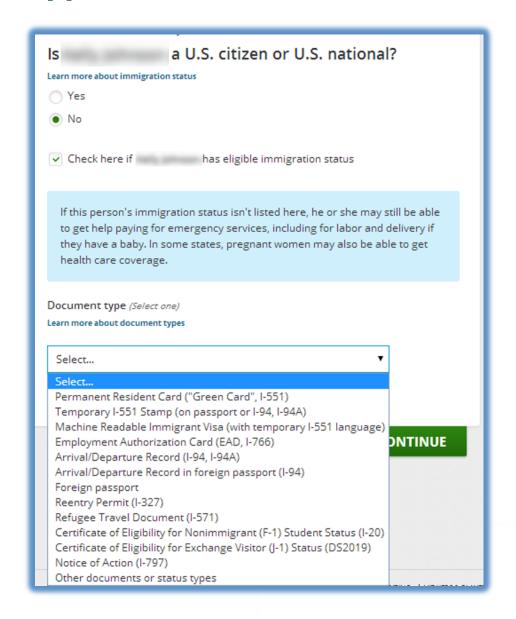
Attesting to and Verifying Citizenship Status

- Attestations of U.S. citizenship will be checked electronically against Social Security Administration (SSA) data, using SSNs.
- This electronic process may not be successful for some citizens.
- If citizenship information cannot be verified electronically through SSA, consumers will be asked if they are a naturalized citizen.
- If consumers indicate "yes" to naturalized citizen, citizenship will be verified with Department of Homeland Security's SAVE system.
- To verify with SAVE, consumers will be asked to provide to provide:
 - A# (Alien registration number, also called USCIS number), and
 - Either a Naturalization Certificate number or a Certificate of Citizenship number
- If the documents are unavailable, consumers can upload or mail in other proof of citizenship such as a copy of their U.S. passport.



Attesting to and Verifying Immigration Status of Lawfully Present Applicants

- People seeking health coverage for themselves must attest to being in an eligible immigration status
- They must select an immigration document type
- Immigration status is checked via the federal data services hub using the DHS SAVE system, if possible
- If <u>www.healthcare.gov</u> can't verify information electronically, consumers will be asked to provide additional documentation to verify their status



Tips to Improve Success with Electronic Verification of Immigration Status

- Enter both immigration document/card/receipt number and Alien registration number/USCIS number when possible
- Do not enter hyphens or apostrophes when entering names in the application
- If all document numbers are not available, It is possible to enter only an A number or I-94 number using the "Other" option under documents drop-down menu



Examples of Document Types

Lawful Permanent Resident/"Green Card"









Document Type: Permanent Resident Card, "Green Card," I-551

Alien Registration Number

Card Number (may be located on the back)









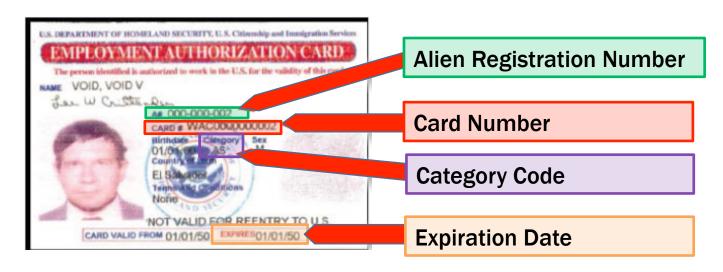
Card Number (when located on the back)



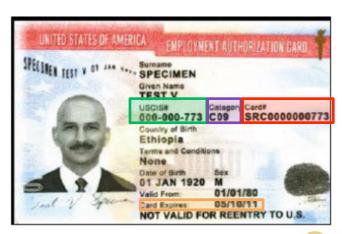


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Document Type: Employment Authorization Card (I-766)









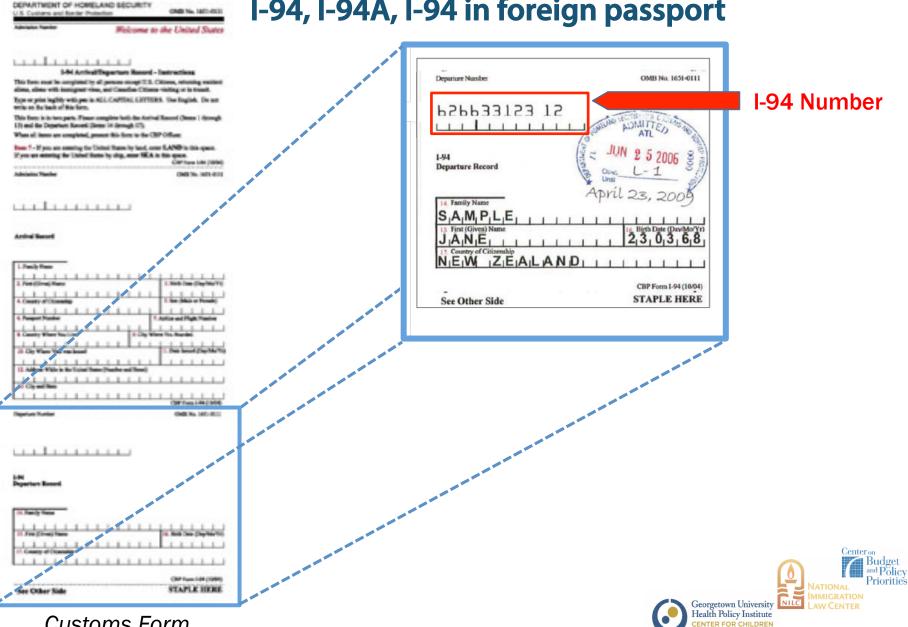
Document Type: Refugee Travel Document (I-571)





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Arrival/Departure Record I-94, I-94A, I-94 in foreign passport



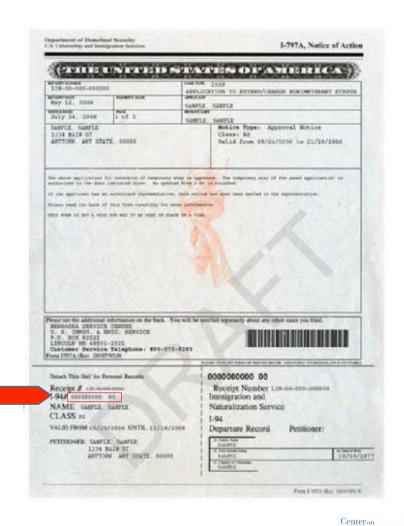
Customs Form

Notice of Action – I-797

 Notices of action are communications from the US Department of Homeland Security, US Citizenship and Immigration Services (USCIS) and can be issued for different purposes. For example, to show receipt of an application, approval of an application, a replacement for an I-94 (as in example here), and others.

I-94 Number

 Most I-797s will have either an I-94 number or an A#.





Income Verification

 When no SSN is provided, income cannot be verified through a match with SSA,IRS or Equifax

Consumers may have to mail or upload paper documentation showing income

- Flexibility may be needed to account for immigrants' circumstances (e.g. pay stubs may not be available so will need to provide other forms of income documentation)
- NOTE: Individual Taxpayer Identification Numbers (ITINs) should not be requested in the application process and will not be used to match with IRS data

Citizenship and Immigration Status Inconsistencies

- An inconsistency occurs when information provided by the consumer such as citizenship/immigration status does not match up with electronic data sources used by the Marketplace to verify eligibility, or when the information cannot be verified through DHS or SSA.
- An inconsistency does <u>not</u> mean that a consumer has provided incorrect information or that the individual is ineligible.
- Even if there is an inconsistency, an individual can complete the application, receive an eligibility determination and enroll in a Marketplace plan while further verification of information is completed.
- When there is an inconsistency related to Marketplace coverage, the Marketplace will let individuals know in their notice of eligibility and ask that they mail or upload additional documentation promptly to resolve the inconsistency.
- When there is an inconsistency related to Medicaid or CHIP coverage, the
 Marketplace will transfer the account to the state and the individual will be asked
 that they provide, either to the state or the Marketplace, additional documentation to
 resolve the inconsistency.
- An individual with an inconsistency related to Medicaid or CHIP is able to receive Medicaid or CHIP coverage while further verification of information is completed (if the individual is otherwise eligible for Medicaid or CHIP).

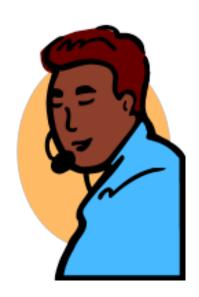
Tips on Sending Documentation to Resolve Inconsistencies or Complete ID proofing

- Upload rather than mail in documents to the Marketplace when possible.
- If mailing into the Marketplace, provide information needed to match to application (including the page in the notice that includes a bar code). If no bar code is available write the names, date of birth, and application identification number of relevant applicants on the copies of the documents that are being sent.
- Keep record of when and what you mailed, including a certified mail receipt if possible.
- For ID proofing: Write down or print out reference code before calling Experian to verify identity over the phone



Important Notes About Using The Marketplace Call Center

- Customer support representatives (CSRs) are trained to answer questions using scripts. They do not go through the same level of training required of assisters which means they may not be experts on eligibility rules.
- If they say something that does not seem accurate based on your training, it's okay to confidently (and politely) correct them. If the misunderstanding can't be resolved, ask to speak to a supervisor.



- CSRs do not process eligibility or make eligibility decisions and can't override eligibility errors or other system errors that may occur in www.healthcare.gov. If you feel an eligibility error has occurred, you need to appeal the decision.
- Keep a record of your calls to the call center including who you spoke with, the day and time.



Final Tips

- Safely keep good records of the consumers you assisted.
- Encourage consumers to keep their own records. Provide them with a folder and include print outs of key information like eligibility determination notices, plan details, phone numbers for their plan, screen pictures of:
 - Persistent error messages preventing consumers from successfully completing their application or enrollment;
 - Confirmation that documentation was successfully uploaded;
 - Email address, email login and password, account login and password, and application number.
- Whenever you or a consumer you are helping feels an eligibility decision was made in error, encourage the consumer to appeal the decision.



Part III:

Application Walk-through



Application ID: 100447993

- GET STARTED
- FAMILY & HOUSEHOLD
- 1
- 2 More about this household
- **3** Summary
- INCOME
- ADDITIONAL INFORMATION
- o REVIEW & SIGN

Family & household

We need to know about everyone included on your same federal income tax return and all family members who live with you, even if they're not applying for health coverage.

We'll match you with programs based on your income and family size, so we need this information to make sure you get the most help possible.



All fields are required unless they're marked optional.

You may need:

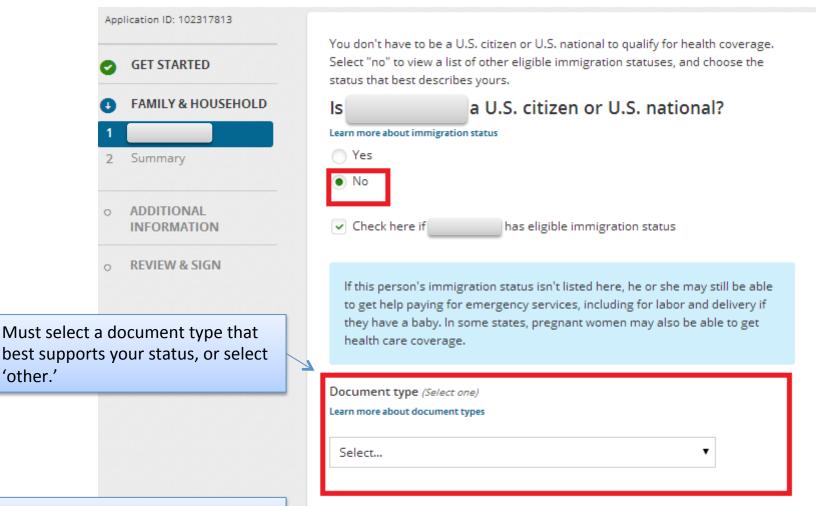
- Social Security numbers (or document numbers for any people with eligible immigration status who need coverage)
- > Birth dates

NEXT



People seeking health coverage for themselves must attest to being either a US citizen or having eligible immigration status. a U.S. citizen or U.S. national? ls **GET STARTED** Learn more about immigration status) Yes **FAMILY & HOUSEHOLD** No Summary Check here if h has eligible immigration status ADDITIONAL If this person's immigration status isn't listed here, he or she may still be able INFORMATION to get help paying for emergency services, including for labor and delivery if they have a baby. In some states, pregnant women may also be able to get **REVIEW & SIGN** health care coverage. Click here for a list of eligible Document type (Select one) immigration statuses. Learn more about document types Select... **SAVE & CONTINUE**



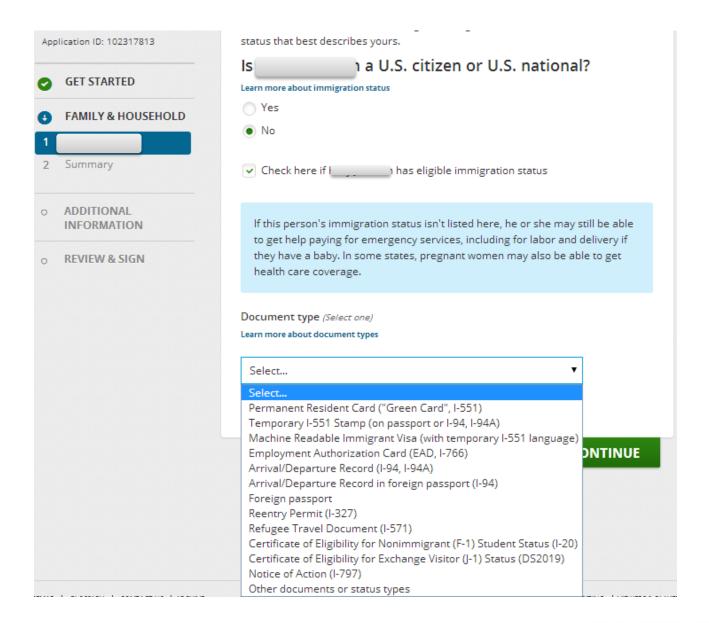


Immigration status is checked using the DHS SAVE system.

'other.'

SAVE & CONTINUE

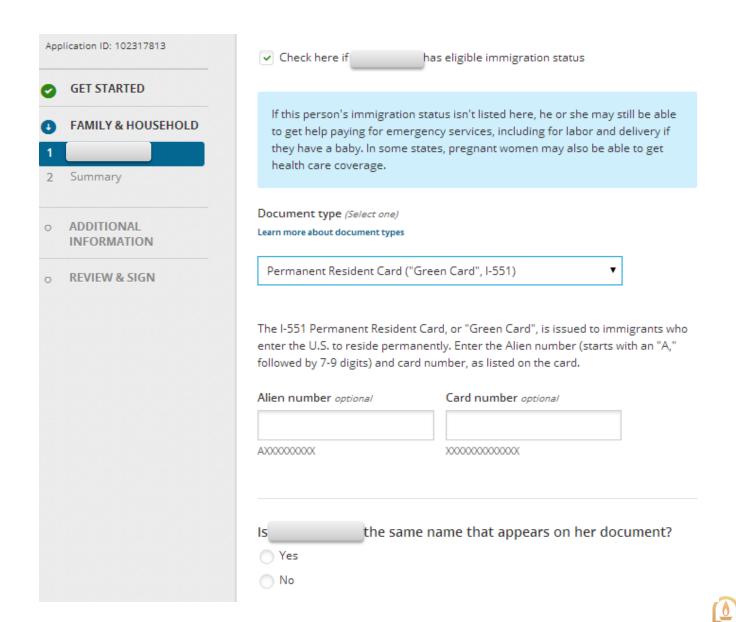




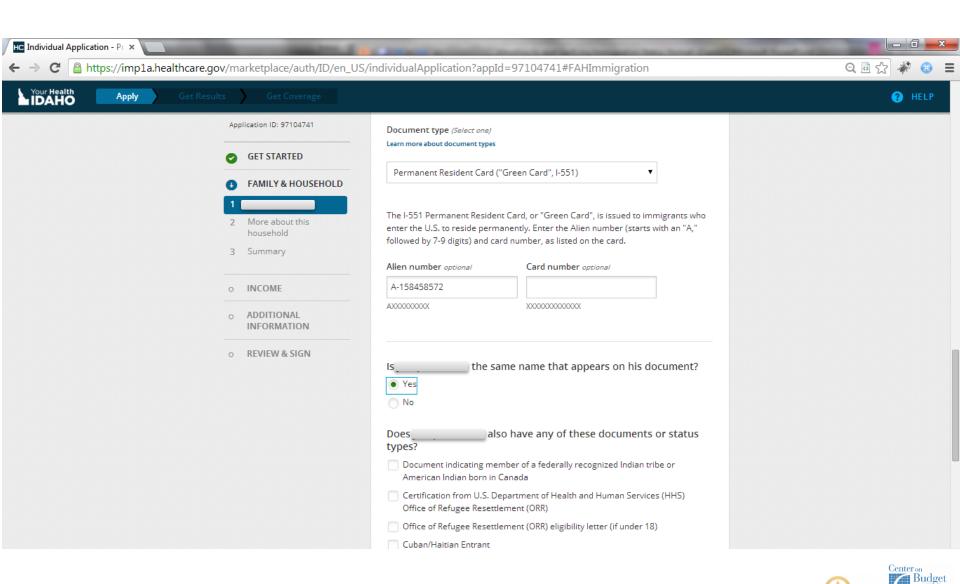


Center on

Priorities







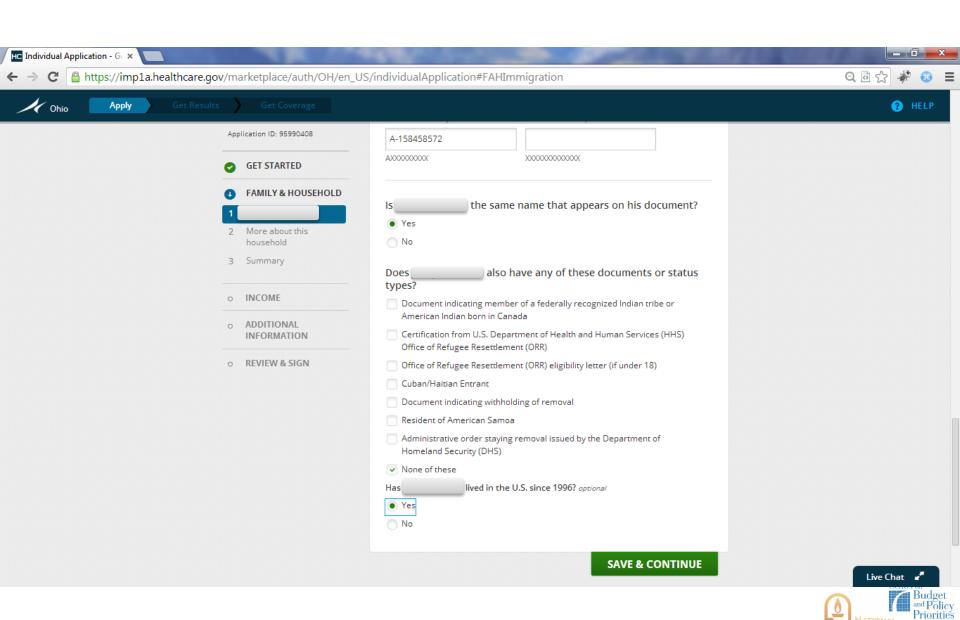


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Is Kelly Johnson Yes No	the same name t	hat appears on h	er document?
Enter the same name as shown Kelly Johnson's document.			
First name	Middle optional	Last name	Suffix optional
Kellyann		Johnson	Select ▼

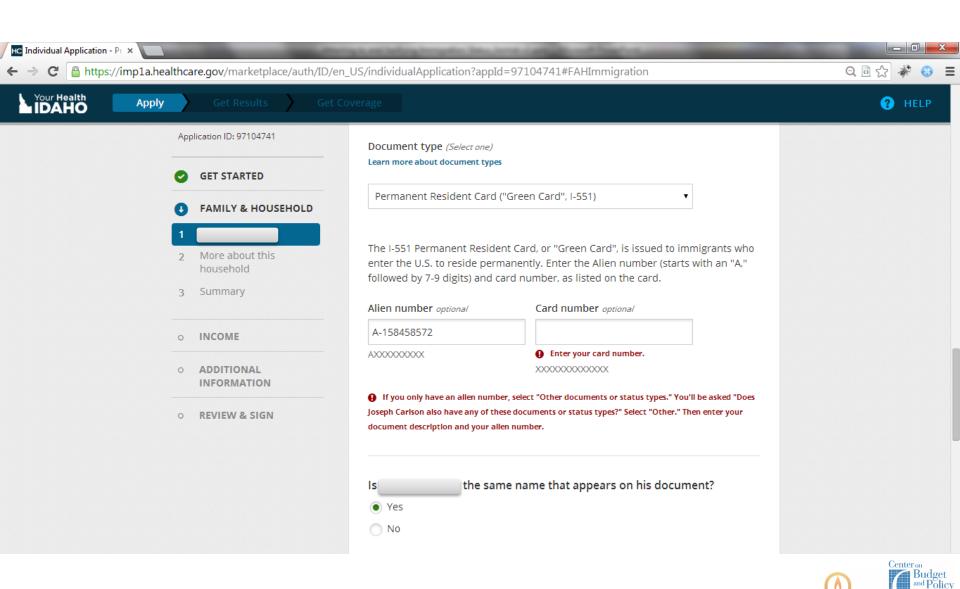
NOTE: Name and identity is fictional





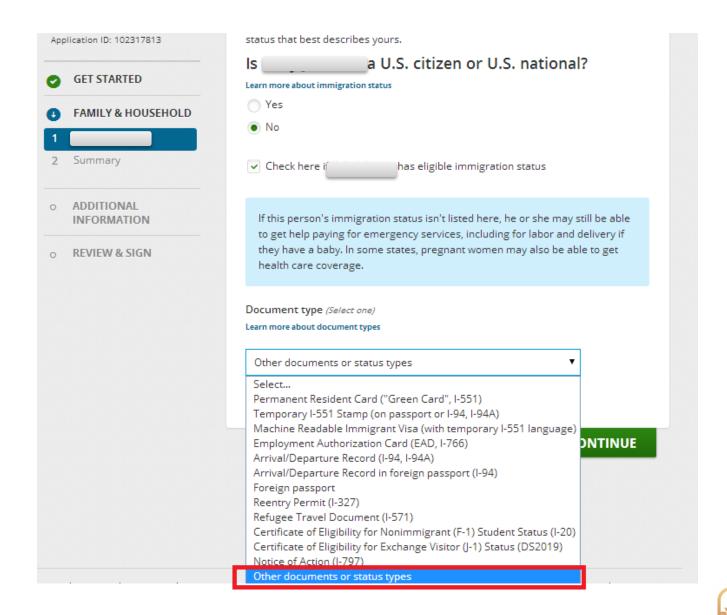


LAW CENTER



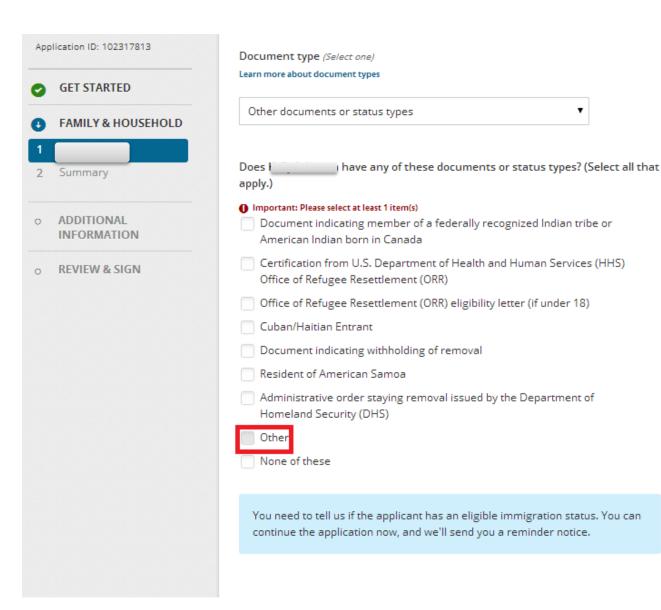


Priorities

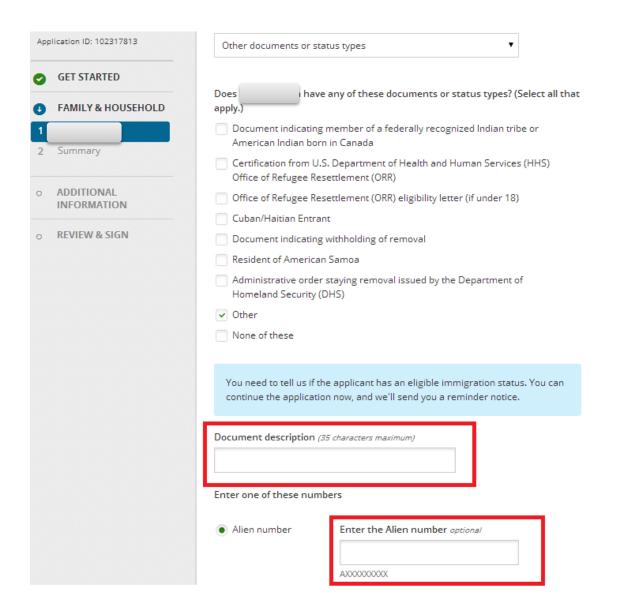




Priorities



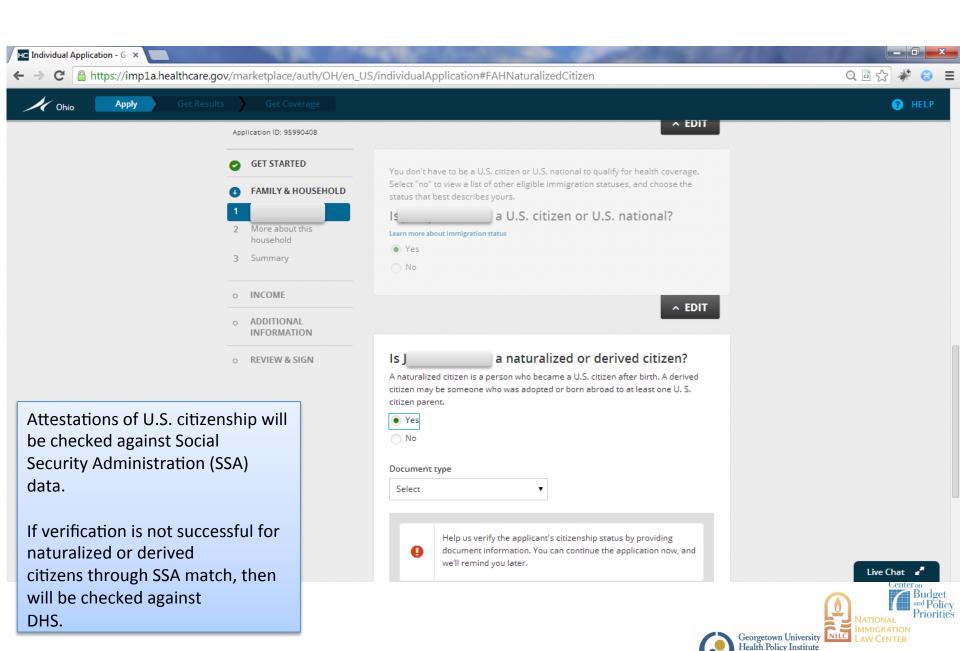




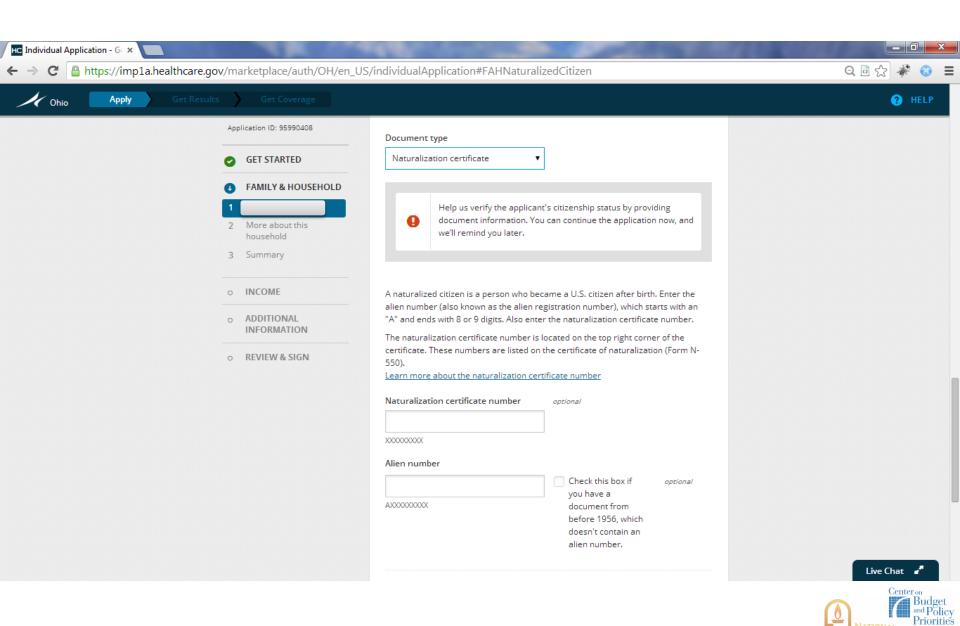


Center on Budget and Policy Priorities

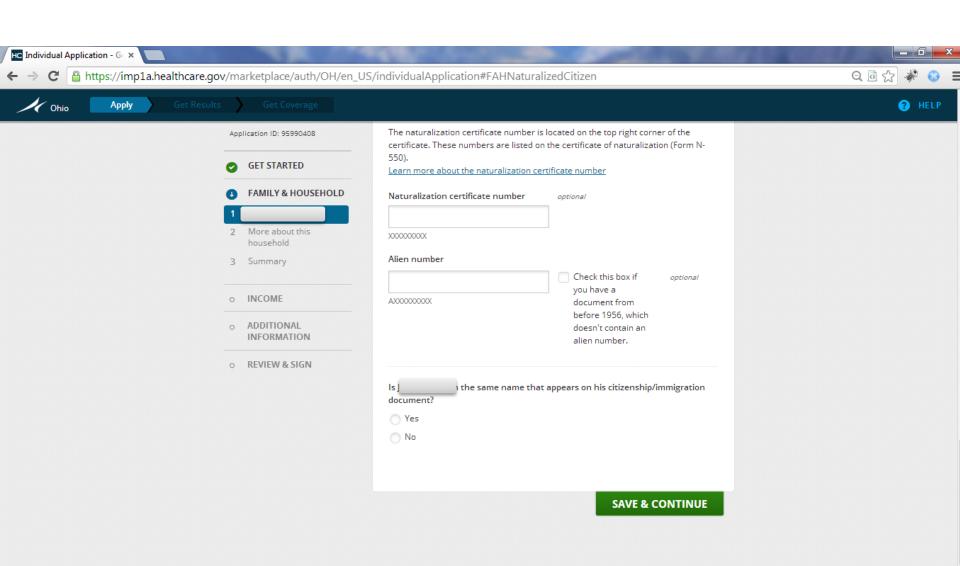
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CENTER FOR CHILDREN





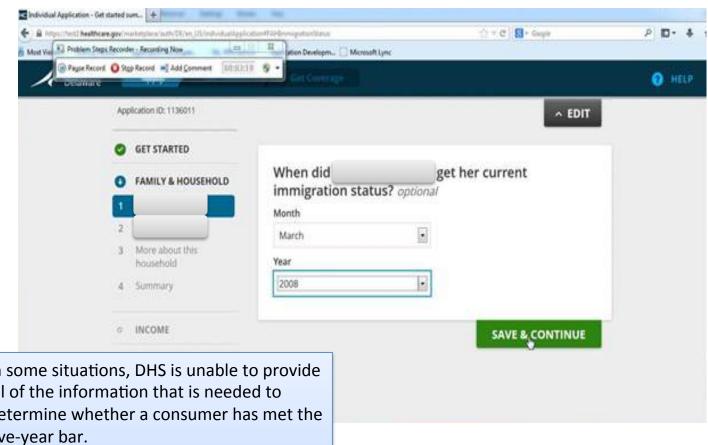




Live Chat

LAW CENTER

Priorities

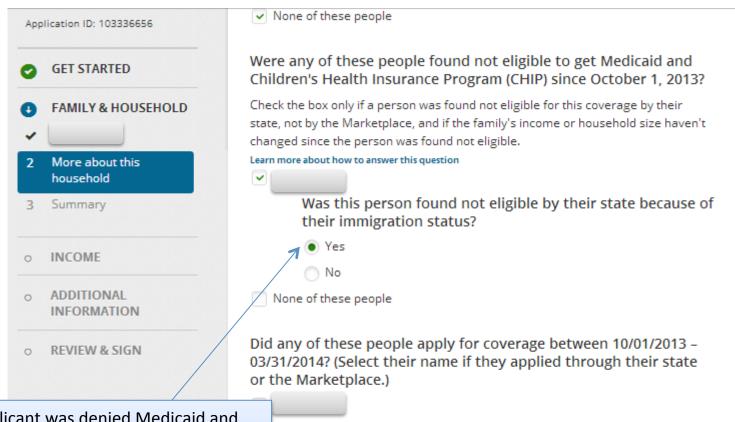


In some situations, DHS is unable to provide all of the information that is needed to determine whether a consumer has met the five-year bar.

This application question MAY appear when we can determine that the five year bar may apply to the consumer, but we need more information on when they were granted their status.







If the applicant was denied Medicaid and CHIP by the state because they do not have an immigration status that makes them eligible for Medicaid or CHIP, he or she can select "yes" for this question.

None of these people

SAVE & CONTINUE





INFORMATION on ACA & Immigrants HHS & U.S. Immigration and Customs Enforcement Resources

- U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement Clarification of Existing Practices Related to Certain Health Care Information -http://www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf and in Spanish -http://www.ice.gov/espanol/factsheets/aca-memoSP.htm
- What Do Immigrant Families Need to Know About the Marketplace? https://www.healthcare.gov/what-do-immigrant-families-need-to-know/
- Citizenship and Immigration Status Questions https://www.healthcare.gov/help/citizenship-and-immigration-status-questions/
- Immigration Status and the Marketplace https://www.healthcare.gov/immigration-status-and-the-marketplace/
- Immigration Document Types -https://www.healthcare.gov/help/immigration-document-types/
- How Do I Resolve an Inconsistency? https://www.healthcare.gov/help/how-do-i-resolve-an-inconsistency/
- Privacy Act Statement https://www.healthcare.gov/individual-privacy-act-statement/
- How We Use Your Data https://www.healthcare.gov/how-we-use-your-data/
- Special Enrollment Periods for complex cases in the Marketplace https://www.healthcare.gov/sep-list/
- Materials in Other Languages –
 http://marketplace.cms.gov/outreach-and-education/other-languages.html





INFORMATION on ACA & Immigrants NILC Resources

- Immigrants and the Affordable Care Act http://nilc.org/immigrantshcr.html and in Spanish http://nilc.org/immigrantshcrsp.html
- Frequently Asked Questions The Affordable Care Act & Mixed Status Families http://nilc.org/aca_mixedstatusfams.html
- "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
- 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
- Sponsored Immigrants & Benefits http://www.nilc.org/document.html?id=166
- 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



INFORMATION on ACA & Immigrants

CCF Resources

- The Administration's New Welcome Mat for Immigrants: "It's Safe to Apply" http://ccf.georgetown.edu/all/the-administrations-new-welcome-mat-for-immigrants-its-safe-to-apply/
- We Can Fix This, People! More than Half of Uninsured Parents are Hispanic: http://ccf.georgetown.edu/all/we-can-fix-this-people-more-than-half-of-uninsured-parents-are-hispanic/
- Improving Enrollment for Immigrant Families Could Cut the Number of Uninsured Kids in Half:
 - http://ccf.georgetown.edu/all/lets-improve-enrollment-for-immigrant-families-and-cut-the-number-of-uninsured-kids-in-half/

CBPP Resources

- Beyond the Basics, Frequently Asked Questions: Immigrant Eligibility for Premium Tax
 Credits:
 - http://www.healthreformbeyondthebasics.org/question-of-the-day/#Immigrant_Eligibility_for_Premium_Tax_Credits_and_Medicaid
- Beyond the Basics Webinar, "Navigating the Application Process for Families that Include Immigrants":
 - http://www.healthreformbeyondthebasics.org/cbpp-webinar-navigating-the-liapolication-process-for-families-that-include-immigrants/

Contact Information

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For more information and resources, please visit:

www.nilc.org

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