CHIP and Health Coverage for Lawfully Residing Children

The 2009 Children’s Health Insurance Program Reauthorization Act (CHIPRA §214) gives states the option to provide coverage to lawfully residing immigrant children using federal Medicaid and CHIP funds. Before CHIPRA, children and pregnant women were subject to a five-year waiting period before federal Medicaid or CHIP funds could be used to provide health coverage to them.

Twenty-nine states, including the District of Columbia, have elected to provide coverage to lawfully residing immigrant children using federal funds.¹ Undocumented children and “Dreamers” or children granted Deferred Action for Childhood Arrivals, are not eligible for federal Medicaid or CHIP funds.² Key categories of immigrant children who are considered lawfully residing include lawful permanent residents (LPRs) or green card-holders; children fleeing persecution; other humanitarian immigrants; survivors of domestic violence, trafficking and other serious crimes.³

Children's access to coverage and health care services has improved in states that took this option. Research shows that access to coverage and health care services among immigrant children has improved substantially in states that have taken the CHIPRA §214 option, and it was not associated with reductions in private coverage.⁴ At the end of 2012, 62 percent of immigrant children had health coverage through Medicaid orCHIP in states that took this option, compared to 21 percent of immigrant children covered in states that did not take up the option.⁵

Under this option, states receive the enhanced federal CHIP matching rate. CHIPRA guidance clarifies that states will be reimbursed at the enhanced CHIP matching rate for lawfully residing children and pregnant women in Medicaid and CHIP.⁶ In the case of children in Medicaid, the enhanced CHIP match only applies during the first five years in the country. The CHIP funding extension in 2015 increased this federal match by 23 percentage points for each state through 2017, up to a maximum of 100 percent of the federal poverty line (FPL).⁷

States that Have Elected to Cover Lawfully Residing Children Without the Five Year Waiting Period


3 For more information about these immigration categories, see National Immigration Law Center, “Lawfully Residing Children and Pregnant Women Eligible for Medicaid and CHIP” (Updated September 2012).

4 B. Saloner et al, “Coverage For Low-Income Children Increased 24.5 Percent In States That Expanded CHIPRA Eligibility,” Health Affairs (May 2014).

5 Ibid.
