Overview of Immigrant Eligibility Policies and Application Processes for Health Insurance Affordability Programs

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

November 20, 2015

Part I:

Marketplace Eligibility for Immigrants

Immigration Categories Eligible for Marketplace Coverage

"Qualified" Immigrants:	Other "Lawfully Present" Immigrants:
• Lawful Permanent Resident (LPR/green card holder) • Refugee • Asylee • Cuban/Haitian Entrant • Paroled into the U.S. for at least one year • Conditional Entrant • Granted Withholding of Deportation or Withholding of Removal • Battered Spouse, Child and Parent • Trafficking Survivor and his/her Spouse, Child, Sibling or Parent **Others:** • Member of a federally-recognized Indian tribe or American Indian Born in Canada	• Granted relief under the Convention Against Torture (CAT) • Temporary Protected Status (TPS) • Deferred Enforced Departure (DED) • Deferred Action (except DACA)* • Paroled into the US for less than one year • Individual with Nonimmigrant Status (includes worker visas; student visas; U visas; citizens of Micronesia, the Marshall Islands, and Palau; and many others) • Administrative order staying removal issued by the Department of Homeland Security • Lawful Temporary Resident • Family Unity

EXCEPTION:** *Individuals granted deferred action under the* ***2012 Deferred Action for Childhood Arrivals (DACA) program are not eligible *to enroll in coverage in the Marketplace.*

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Source: www.healthcare.gov/immigrants/immigration-status

Immigration Categories Eligible for Marketplace Coverage

APPLICANT for Any of These Statuses:	Must Also Have Employment Authorization:
• Lawful Permanent Resident (with an approved visa petition) • Asylum* • Special Immigrant Juvenile Status • Victim of Trafficking Visa • Withholding of deportation or withholding of removal, under the immigration laws or under the Convention Against Torture (CAT)*	• Applicant for Temporary Protected Status • Registry Applicants • Order of Supervision • Applicant for Cancellation of Removal or Suspension of Deportation • Applicant for Legalization under IRCA • Applicant for LPR under the LIFE Act

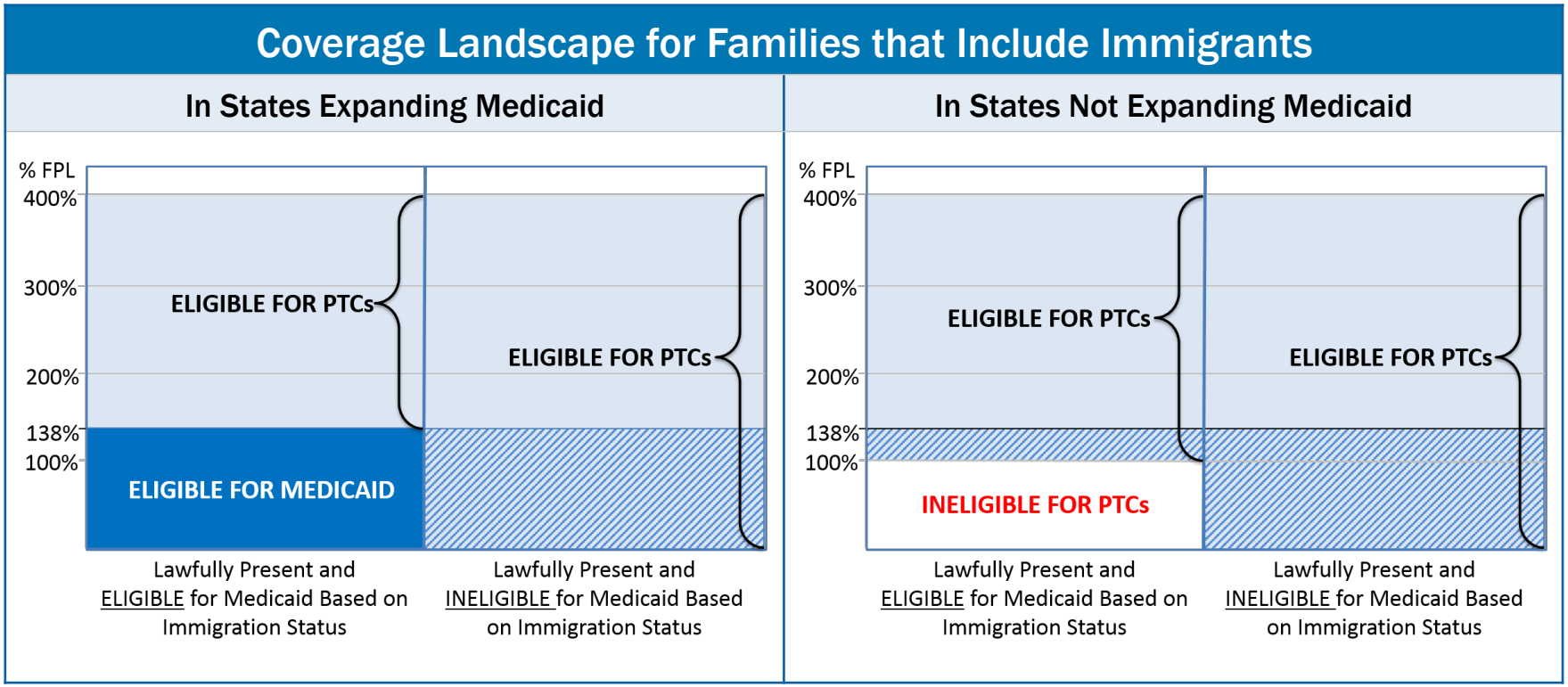
**Only those who have been granted employment authorization or are under the age of 14 and have had an application pending for at least 180 days are eligible*

Source: www.healthcare.gov/immigrants/immigration-status

Special Premium Tax Credit Rules for Seniors

- **Medicare** has different eligibility rules – qualifying work history and immigration status restrictions
- Some seniors, including LPRs, may not be eligible for Premium Free Medicare because they lack qualifying work history
  - may be eligible only for Premium "Buy-in" Medicare
- Seniors who are not eligible for Premium Free Medicare ~~are~~ may be eligible for premium tax credits to offset the cost of Marketplace plans

General PTC Eligibility for Lawfully Present Adults



Undocumented & DACAmented Individuals

- Ineligible to purchase qualified health plans in the individual Marketplaces, even at full price
  - Can purchase private coverage outside the Marketplace or through employer. May be asked repeatedly by insurance company for SSN – but do not have to provide one if do not have one.
- Exempt from the individual mandate as "exempt non-citizens," along with individuals who are "non-resident aliens" under tax law
- Can apply for health insurance for eligible family members, and be part of household of eligible family members
- If applying for premium tax credits on behalf of eligible family members, must file a tax return. If not eligible for a Social Security number (SSN), may file a tax return using an Individual Taxpayer Identification Number (ITIN)
- Can use health programs available to ALL, regardless of immigration status

Health Programs Available to All

Emergency-Only Medicaid

- **Medicaid payment for limited services related to an emergency medical condition** is available to people who meet all the state's Medicaid eligibility requirements except for immigration status, including:
  - ✓ Qualified immigrants who have not met the five-year waiting period
  - ✓ Lawfully present but not qualified immigrants, such as nonimmigrant visa holders (e.g. students, temporary workers, etc.), Temporary Protected Status (TPS) and many others
  - ✓ Undocumented immigrants
  - ✓ DACAmented immigrants

Other programs available to ALL:

- Programs using federal health care block grants: mental health, maternal and child health, family planning, communicable diseases, immunizations
- Programs providing health services necessary to protect life or safety: emergency medical, food or shelter, mental health crisis, domestic violence, crime victim assistance, disaster relief
- Hospital financial assistance programs or charity care
- Community Health Centers/FQHCs, Migrant Health Centers

State Residency

- In general, for QHP enrollment and Medicaid/CHIP, residency is the state in which an individual lives and:
  - Intends to reside, including without a fixed address; or
  - Has entered with a job commitment or is seeking employment (whether or not currently employed)
- To verify residency, Marketplaces:
  - Can accept self-attestation
  - Can use HHS approved electronic sources to the extent that they exist
  - Evidence of immigration status can't be used

Part II:

Immigrant Eligibility Scenarios

Scenario 1: Rashid, Miriam and Leila

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

Income and tax filing

- Family income: $17,811
- Rashid and Miriam file taxes jointly and claim Leila as a dependent

Who is applying for coverage?

- Rashid and Miriam are applying for coverage

Eligibility for Health Coverage Programs

Eligibility Based on General Citizenship / Immigration Status Rules

Rashid	Applying for coverage:	Yes	Subject to 5-year bar:	----	**MAY BE ELIGIBLE FOR:** ✓ Medicaid ✓ QHP Enrollment
	Citizen:	Yes	Satisfied 5-year bar:	----	
	Immigration Status:	----	Lawfully Present:	----	
	Qualified Immigrant:	----			
Miriam	Applying for coverage:	Yes	Subject to 5-year bar:	----	**MAY BE ELIGIBLE FOR:** ✓ QHP Enrollment
	Citizen:	No	Satisfied 5-year bar:	----	
	Immigration Status:	Applying for LPR; Approved visa petition	Lawfully Present:	Yes	
	Qualified Immigrant:	No			
Leila	Applying for coverage:	No	Subject to 5-year bar:	----	
	Citizen:	----	Satisfied 5-year bar:	----	
	Immigration Status:	----	Lawfully Present:	----	
	Qualified Immigrant:	----			

Eligibility for PTC and Medicaid (Oregon)

- Rashid is eligible for Medicaid. He is a U.S. citizen and his income is below the 138% FPL income limit for Medicaid in Oregon
- Miriam is lawfully present but she is not eligible for Medicaid because she is not a "qualified" immigrant
- Miriam is eligible for PTC even though her income is below 100% FPL because she is not eligible for Medicaid based on her immigration status

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Rashid	Yes	3	$17,811	89%	No	3	$17,811	89%
Miriam	No	3	$17,811	89%	Yes	3	$17,811	89%
Leila	N/A	--	--	--	N/A	--	--	--

Scenario 2: Ricky, Eva and Karina

- Ricky and Eva are not married but live together with their daughter, Karina
- Karina was born in Texas and is a U.S. citizen
- Ricky is undocumented and not applying for coverage
- Eva received Deferred Action for Childhood Arrivals (DACA) in 2012

Income and tax filing

- Eva earns $37,601 a year
- Eva plans to file federal taxes and will claim Ricky and Karina as dependents

Who is applying for coverage?

- Ricky and Eva are applying for coverage for Karina

Eligibility for Health Coverage Programs

Eligibility Based on General Citizenship / Immigration Status Rules

Ricky		Applying for coverage:	No	Subject to 5-year bar:	----
		Citizen:	----	Satisfied 5-year bar:	----
		Immigration Status:	----	Lawfully Present:	----
		Qualified Immigrant:	----		
Eva		Applying for coverage:	No	Subject to 5-year bar:	----
		Citizen:	----	Satisfied 5-year bar:	----
		Immigration Status:	----	Lawfully Present:	----
		Qualified Immigrant:	----		
Karina		Applying for coverage:	Yes	Subject to 5-year bar:	----
		Citizen:	Yes	Satisfied 5-year bar:	----
		Immigration Status:	----	Lawfully Present:	----
		Qualified Immigrant:	----		

MAY BE ELIGIBLE FOR:

- ✓ Medicaid/CHIP
- ✓ QHP Enrollment

Eligibility for PTC and Medicaid (Texas)

- Ricky is not applying for coverage: he would not meet the immigration requirement for insurance affordability programs
- Eva is not applying for coverage: she would not meet the immigration requirement to enroll in insurance affordability programs because of the exclusion of DACAmented individuals, even though she is authorized to work in the U.S. and has an SSN
- Karina is eligible for CHIP

Note: Ricky and Eva are not subject to the penalty for going without coverage

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Ricky	N/A	--	--	--	N/A	--	--	--
Eva	N/A	--	--	--	N/A	--	--	--
Karina	Yes	3	$37,601	187%	No	3	$37,601	187%

Scenario 3: Mei, Michael and Lin

- Mei lives with her son, Michael, and father Lin in North Carolina
- She has been a lawful permanent resident (LPR) for 6 years
- Michael is a citizen and is enrolled in his father's employer sponsored health insurance (Michael does not live with his father)
- Lin has been a LPR for 2 years
  - He has not worked the 40 quarters and is not enrolled in Medicare

Income and tax filing

- Mei earns $19,000 a year
- Mei will claim Michael and Lin as tax dependents

Who is applying for coverage?

- Mei and Lin are applying for coverage

Eligibility for Health Coverage Programs

Eligibility Based on General Citizenship / Immigration Status Rules

Mei		Applying for coverage:	Yes	Subject to 5-year bar:	Yes
		Citizen:	No	Satisfied 5-year bar:	Yes
		Immigration Status:	LPR	Lawfully Present:	Yes
		Qualified Immigrant:	Yes		
Lin		Applying for coverage:	Yes	Subject to 5-year bar:	Yes
		Citizen:	No	Satisfied 5-year bar:	No
		Immigration Status:	LPR	Lawfully Present:	Yes
		Qualified Immigrant:	Yes		
Michael		Applying for coverage:	No	Subject to 5-year bar:	----
		Citizen:	----	Satisfied 5-year bar:	----
		Immigration Status:	----	Lawfully Present:	----
		Qualified Immigrant:	----		

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ QHP Enrollment

MAY BE ELIGIBLE FOR:

- ✓ QHP Enrollment

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Eligibility for PTC and Medicaid (North Carolina)

- Mei is a LPR who has met the 5 year waiting period for Medicaid, but is not eligible for Medicaid because her income is above the 47% FPL limit for parents in NC and the state has not expanded Medicaid
- Mei is not eligible for PTC because her income is below 100% FPL
- Lin is a LPR but has not met the 5- year waiting period for Medicaid eligibility
- Lin is eligible for PTC even though his income is below 100% FPL because he does not meet the Medicaid immigration requirement

Note: Lin has opted not to enroll in Medicare because he would have to pay the full premium

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Mei	No	3	$19,000	95%	No	3	$19,000	95%
Lin	No	1	$0	-	Yes	3	$19,00	95%
Michael	N/A	--	--	--	N/A	--	--	--

Scenario 4: Daniel, Marie and Amina

- Daniel and Marie are married and have a daughter, Amina
- They live in Florida
- Daniel and Marie:
  - Entered the U.S. as refugees 4 years ago
  - Became LPRs 1 year ago
- Amina is a citizen and enrolled in CHIP

Income and tax filing

- Marie earns $18,800 a year
- Daniel and Marie file taxes jointly and claim Amina as a dependent

Who is applying for coverage?

- Daniel and Marie are applying for coverage

Eligibility for Health Coverage Programs

Eligibility Based on General Citizenship / Immigration Status Rules

Marie

Applying for coverage:	Yes
Citizen:	No
Immigration Status:	Refugee; LPR
Qualified Immigrant:	Yes
Subject to 5-year bar:	No
Satisfied 5-year bar:	----
Lawfully Present:	Yes

Daniel

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ QHP Enrollment

Amina

Applying for coverage:	No	Subject to 5-year bar:	----
Citizen:	----	Satisfied 5-year bar:	----
Immigration Status:	----	Lawfully Present:	----
Qualified Immigrant:	----		

Eligibility for PTC and Medicaid (NON-EXPANSION STATE)

- Marie and Daniel are LPRs, and entered the U.S. as refugees. They are not subject to the five-year waiting period because they are refugees.
- They meet the Medicaid immigration status requirement but their income is above the 30% FPL limit for parents in Florida and their state has not expanded Medicaid, so they are ineligible.
- Marie and Daniel are not eligible for PTC because their income is below 100% of FPL and their immigration status meets the Medicaid requirements.

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Marie	No	3	$18,800	94%	No	3	$18,800	94%
Daniel	No	3	$18,800	94%	No	3	$18,800	94%
Amina	N/A	--	--	--	N/A	--	--	--

Eligibility for PTC and Medicaid (EXPANSION STATE)

Now, let's say Daniel, Marie and Amina live in a state that expanded Medicaid:

- Marie and Daniel are LPRs, and entered the U.S. as refugees. They are not subject to the five-year waiting period.
- Marie and Daniel's income is below the 138% of FPL threshold.
- They are eligible for Medicaid.

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Marie	Yes	3	$18,800	94%	No	3	$18,800	94%
Daniel	Yes	3	$18,800	94%	No	3	$18,800	94%
Amina	N/A	--	--	--	N/A	--	--	--

Part III:

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.
- The U.S. Department of Homeland Security or U.S. Immigration and Customs Enforcement (DHS/ICE) has issued guidance that information about applicants/household obtained for health insurance eligibility will not be used for civil immigration enforcement purposes.

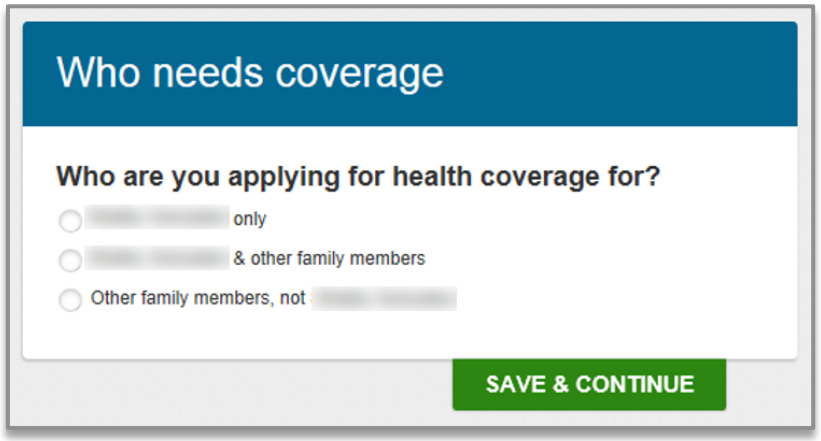
Clarification of Existing Practices Related to Certain Health Care Information
English: http://www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf
Spanish: http://www.ice.gov/espanol/factsheets/aca-memoSP.htm

Privacy and Confidentiality

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

Protections for Non-Applicants

- 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 information not relevant to the eligibility determination

Key Optional Questions

Some optional questions can play a role in achieving equal access to coverage by providing insight into who is and is not being reached and what services may be needed:

- ✓ Language preference
- ✓ Race and ethnicity

's race/ethnicity

This information will be used to help the U.S. Department of Health and Human Services (HHS) better understand and improve the health of and health care for all Americans. Providing this information won't impact your eligibility for health coverage, your health plan options, or your costs in any way.

Is of Hispanic, Latino, or Spanish origin? *optional*

- (●) Yes
- ( ) No

Ethnicity *(check all that apply)*

- [ ] Cuban
- [ ] Mexican, Mexican American, or Chicano/a
- [ ] Puerto Rican
- [ ] Other

What is 's race? *(check all that apply) optional*

- [ ] American Indian or Alaska Native
- [ ] Asian Indian
- [ ] Black or African American
- [ ] Chinese
- [ ] Filipino
- [ ] Guamanian or Chamorro
- [ ] Japanese
- [ ] Korean
- [ ] Native Hawaiian
- [ ] Other Asian
- [ ] Other Pacific Islander
- [ ] Samoan
- [ ] Vietnamese
- [ ] White
- [ ] Other

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 noncitizens who are lawfully present. Here's a list of immigration statuses considered lawfully present."

"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"

Requests for Social Security Numbers: Applicants

Medicaid and CHIP

SSNs are generally required of Medicaid applicants

- Coverage cannot be denied or delayed pending issuance or verification of SSN
- Medicaid agencies must help individuals apply for an SSN if they are eligible and don't have one, or if they don't know their SSN

Some applicants 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 applicants who have an SSN are required to provide one.

General Rules About Requests for SSNs:
Application filers must be told:

- Whether providing an SSN is required or optional
- Why they are being asked for the SSN (authority for requesting the SSN)
- How SSNs are used

Requests for Social Security Numbers: Non-Applicants

Medicaid and CHIP

Non-applicant household members do not have to provide an SSN for Medicaid and CHIP.

Marketplace

Non-applicant household members should not be required to provide an SSN unless **ALL** of the following are true. The non-applicant:

- ✓ Is a tax filer
- ✓ Has a spouse or tax dependent seeking premium tax credit eligibility
- ✓ Has an SSN
- ✓ Filed a federal tax return in 2013 or 2014 tax year

Providing an SSN when available, increases the likelihood that the Marketplace and Medicaid and CHIP agencies can verify consumers' information electronically. Electronic verification can reduce the amount of paper documentation consumers may have to turn in to prove their eligibility.

New pop ups will help encourage consumers to provide SSNs if they have them (screenshots are on the next slide).

NOTE: People who are not eligible for SSNs may use Individual Taxpayer Identification Numbers (ITINs) when filing taxes. However ITINs should not be provided in response to a request for an SSN on a federal marketplace application.

Popups if SSN or Immigration Information is left blank

Are you sure?

It's important to enter the Social Security Numbers (SSNs) for everyone on your application, if they have them. Entering SSNs makes the application process go smoother and faster by allowing the Marketplace to check your information automatically. If you don't enter SSNs for people who have them, you may need to provide more information later.

CONTINUE WITHOUT SSN | BACK

Are you sure?

It's important to enter as many fields from your immigration document as possible, even though some fields may be labeled "optional." Entering all of your document information makes the application process go smoother and faster, helps make sure your eligibility results are correct, and may prevent you from needing to come back later and provide more information.

CONTINUE WITHOUT ADDING MORE | BACK

Orange reminder to re-enter SSN if data matching issue is still present

SUSAN GRIFFITH's information

We need a Social Security number (SSN) if you want health coverage and have an SSN or can get one. We use SSNs to check income and other information to see who is eligible for help paying for health coverage. If SUSAN GRIFFITH needs help getting an SSN, visit socialsecurity.gov, or call Social Security at 1-800-772-1213. TTY users should call 1-800-325-0778.

We haven't verified this Social Security number yet. You can re-enter it now to make sure it's accurate. It must match the Social Security card information. Don't copy or paste it.

Enter SUSAN GRIFFITH's Social Security number

Social Security number *optional*

XXX-XX-XXXX

Part IV:

Identity Proofing

Identity Proofing Required to Submit an Application Online

Online identity proofing/verification:

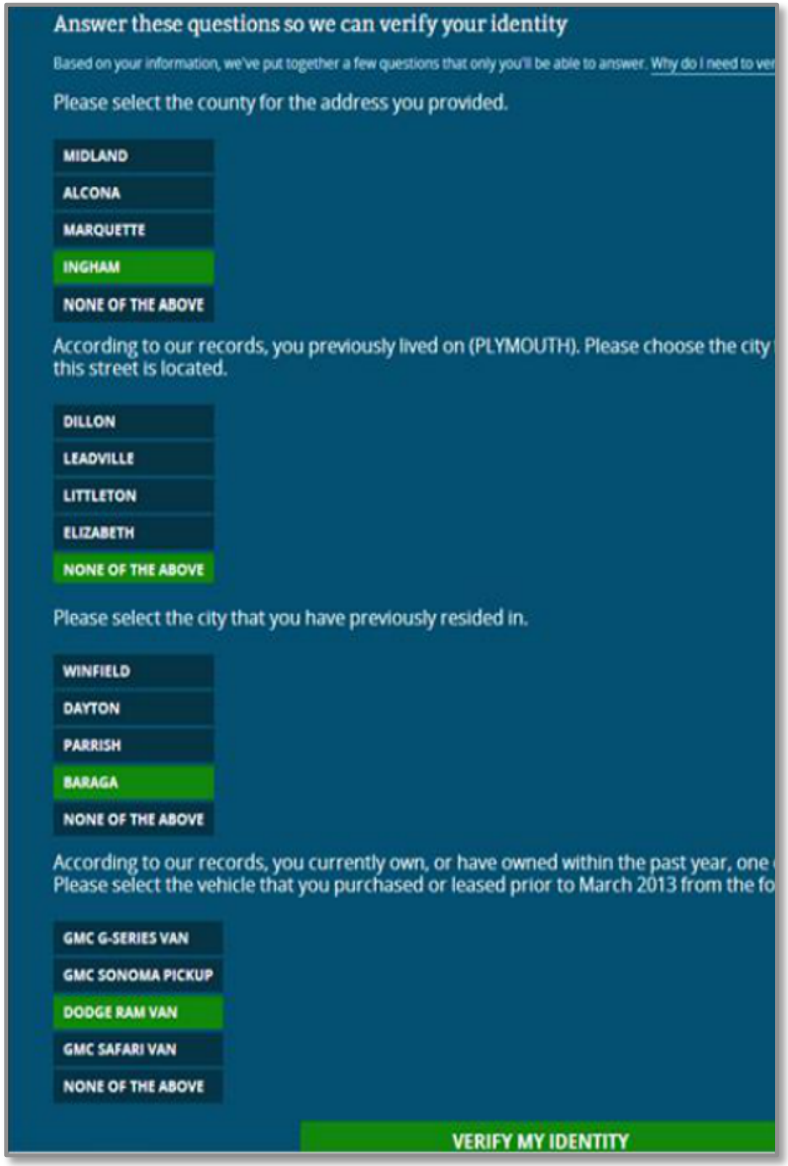
- The person completing the application (application filer) is asked to provide personal information
- To verify the application filer's identity, Experian provides customized credit-related questions that only the application filer would know the answer to.
- Application filer tries to answer questions provided

Telephonic identity proofing/verification:

- Household contacts who can't complete the online identity proofing process are provided a unique reference code
- Household contacts call the Experian Help Desk directly (language assistance is now available)

Manual identity proofing/verification:

- Household contacts who can't complete the identity proofing process online or over the phone, can submit copies of certain documents to prove their identity

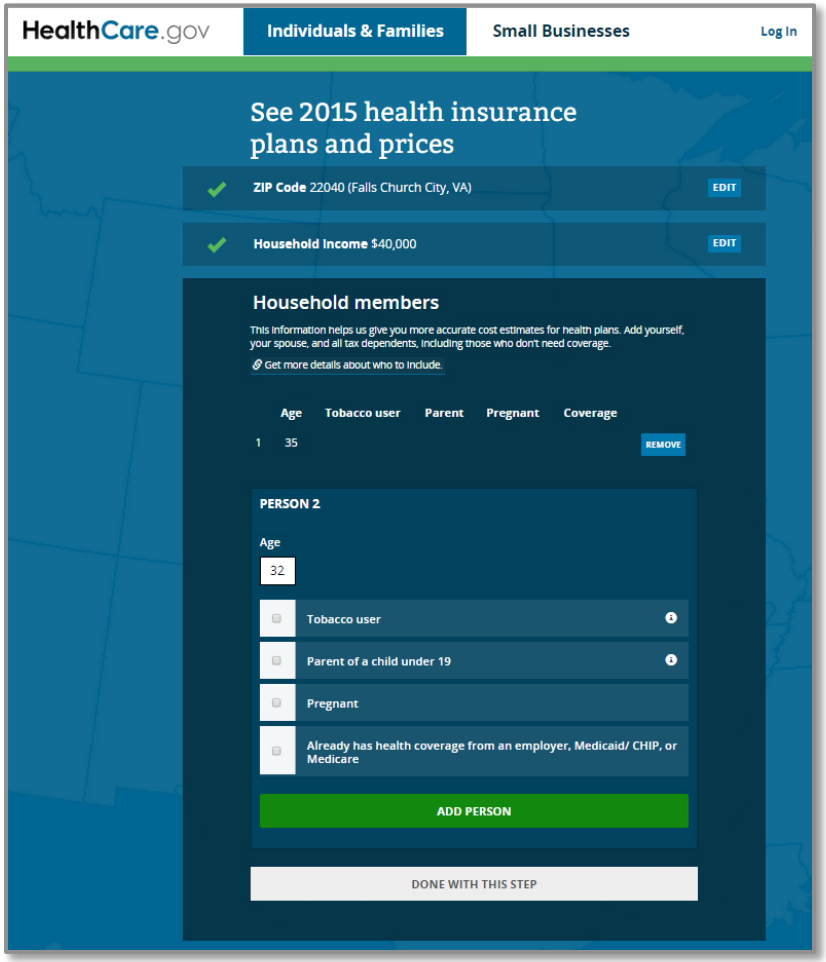


Consumers Can Prove Identity By Mailing or Uploading

One of these:	Alternatively, two 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	• 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

People Unable to Complete Identity Proofing

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



Part V:

Citizenship and Immigration Status Verification

How the Marketplace Verifies Citizenship

- Applicant provides Social Security number(s) (if applicable)
- Applicant attests to being a U.S. citizen
- Healthcare.gov attempts to verify citizenship through a data match with Social Security Administration (SSA) records
- If citizenship can't be verified, the applicant is asked if he is a naturalized or derived citizen* and if so, applicant is asked to provide:
  - An alien number (also called USCIS number), and either a Naturalization Certificate number or a Certificate of Citizenship number
  - Healthcare.gov tries to verify citizenship through data match with Systematic Alien Verification for Entitlements (SAVE) program

The term **"naturalized" citizen is used to describe individuals born outside of the U.S. who become U.S. citizens after completing certain requirements and the "naturalization" process. The term **"derived" citizen** refers to U.S. citizens who obtain citizenship through U.S. citizen parents.*

Reasons Data Matching May Be Unsuccessful

- Incorrect submission of Social Security number (or no number provided)
- Name provided on the application does not match what is in SSA or SAVE records
- Data matching limitations:
  - → SSA cannot verify citizenship for many citizens who were born outside of the U.S.
  - → SAVE may not be able to immediately verify citizenship for some naturalized or derived citizens
- Some consumers may not have certificate numbers readily available (especially derived citizens)

Documents That Can Be Used to Prove U.S. Citizenship

Submit any one of the following documents to verify citizenship

U.S. Passport

Certificate of Citizenship

Certificate of Naturalization

State-issued enhanced driver's license (EDL)

- Currently available in Michigan, New York, Vermont and Washington

Document from a federally recognized Indian tribe that includes the individual's name, the name of the tribe, and shows membership, enrollment, or affiliation with the tribe

- A tribal enrollment card
- A Certificate of Degree of Indian Blood
- A tribal census document
- Documents on tribal letterhead signed by a tribal leader

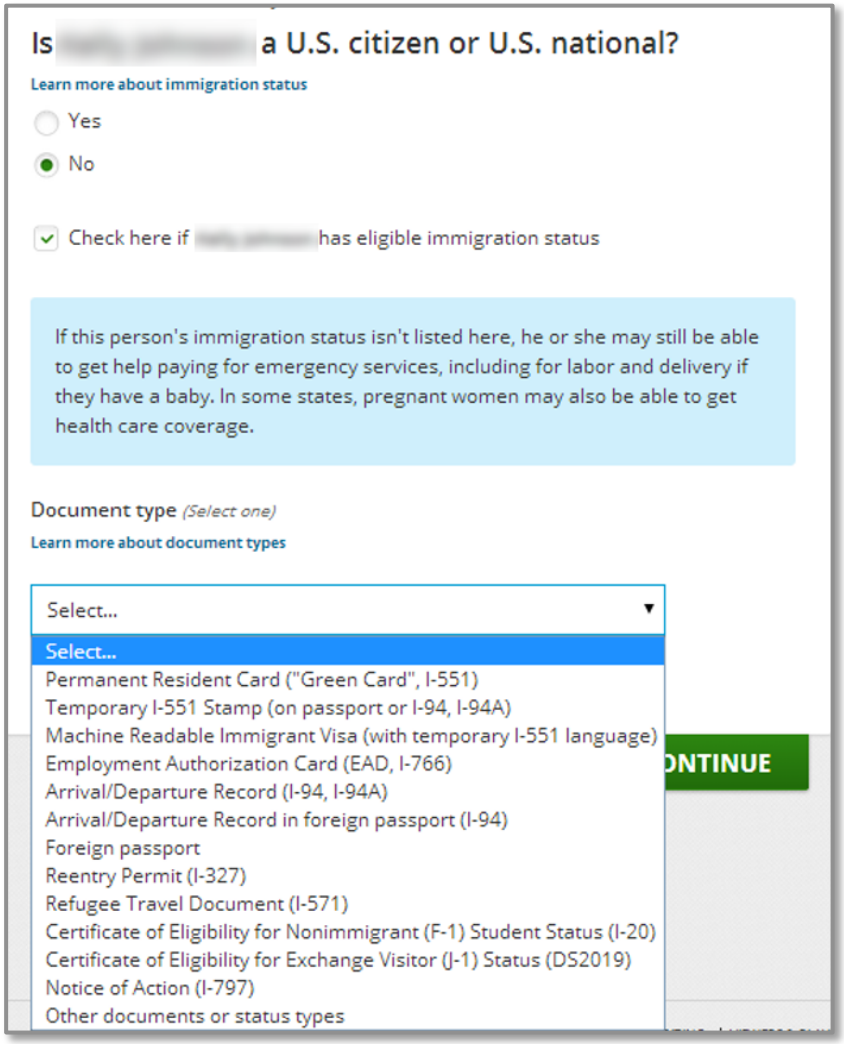
NOTE: *If a person does not have one of these documents, they will need two documents to prove citizenship.*

If None of the Previous Documents Are Available:

Submit ONE document from EACH column (total of TWO documents)	
One of the following documents:	**AND one of the following documents:**
U.S. public birth certificate Consular Report of Birth Abroad (FS-240, CRBA) Certification of Report of Birth (DS-1350) Certification of Birth Abroad (FS-545) U.S. Citizen Identification Card (I-197 or the prior version I-179) Northern Mariana Card (I-873) Final adoption decree showing the person's name and U.S. place of birth U.S. Civil Service Employment Record showing employment before June 1, 1976 Military record showing a U.S. place of birth U.S. medical record from a clinic, hospital, physician, midwife or institution showing a U.S. place of birth U.S. life, health or other insurance record showing U.S. place of birth Religious record showing U.S. place of birth recorded in the U.S. School record showing the child's name and U.S. place of birth Federal or State census record showing U.S. citizenship or U.S. place of birth Documentation of a foreign-born adopted child who received automatic U.S. citizenship (IR3 or IH3)	*Document must have a photograph or other information, like name, age, race, height, weight, eye color, or address* Driver's license issued by a State or Territory or ID card issued by the Federal, state, or local government School identification card U.S. military card or draft record or Military dependent's identification card U.S. Coast Guard Merchant Mariner card Voter Registration Card A clinic, doctor, hospital, or school record, including preschool or day care records (for children under 19 years old) 2 documents containing consistent information that proves your identity, like employer IDs, high school and college diplomas, marriage certificates, divorce decrees, property deeds, or titles

How the Marketplace Verifies Immigration Status

- Applicants attest to having an "eligible immigration status"
- Applicants submit applicable document numbers, typically this will be an Alien Registration Number ("A number" or "USCIS number") or an I-94 number
- Marketplace tries to verify status through SAVE



Reasons Data Matching May Be Unsuccessful

- Incorrect or no submission of document numbers
- Name does not match SAVE records
- SAVE may not be able to verify immigration status instantly for some applicants for other reasons

Examples of Document Types

Lawful Permanent Resident / "Green Card"

I-551 (1997 revision)

I-551 (1997 revision) reverse

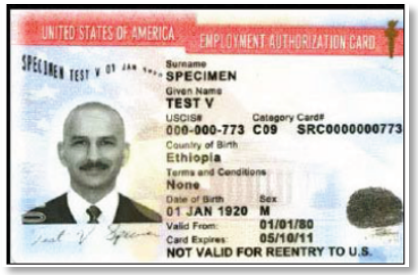
I-551 (2004 revision)

I-551 (2004 revision) reverse

I-551 (2010 revision)

I-551 (2010 revision) reverse

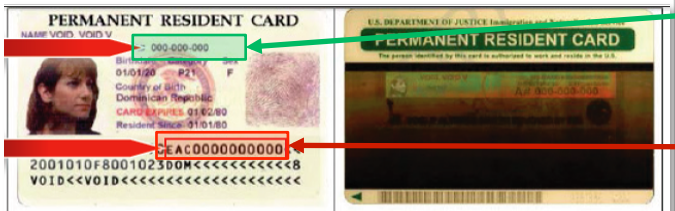
Employment Authorization Card



Refugee Travel Document

Permanent Resident Card, "Green Card," I-551

Lawful Permanent Resident / "Green Card"



I-551 (1997 revision)

I-551 (1997 revision) reverse

I-551 (2004 revision)

I-551 (2004 revision) reverse

I-551 (2010 revision)

I-551 (2010 revision) reverse

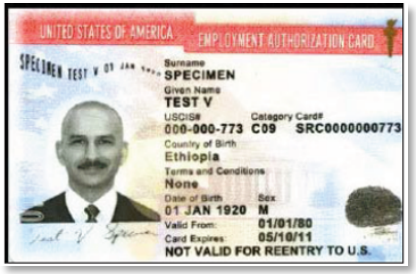
Alien Registration Number

Card Number
(may be located on the back)

Employment Authorization Card (I-766)

Lawful Permanent Resident / "Green Card"

Employment Authorization Card



Alien Registration Number

Card Number

Category Code

Expiration Date

Refugee

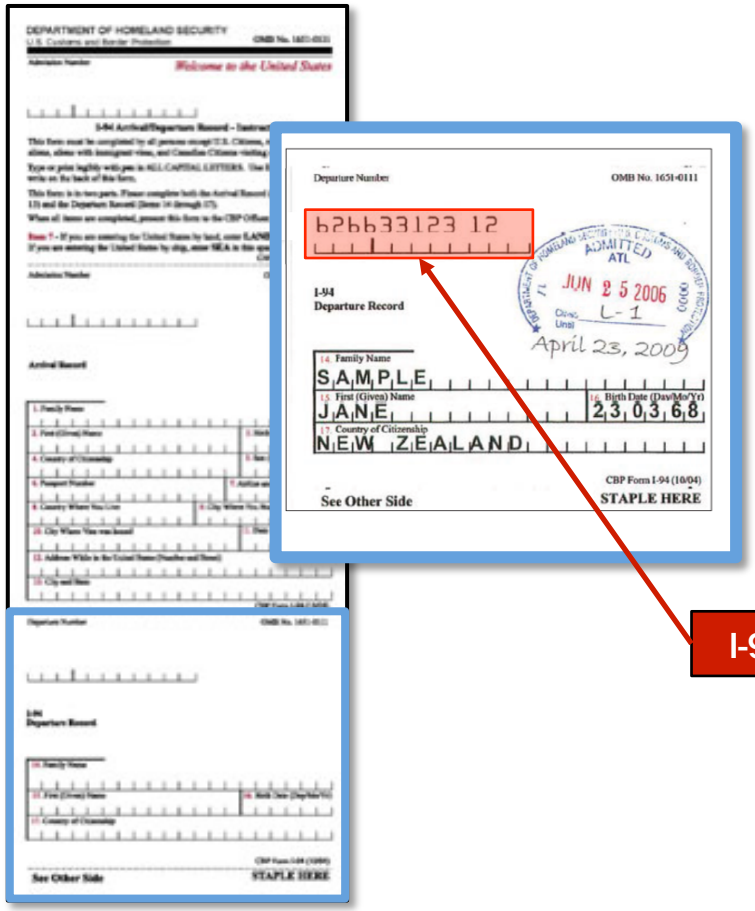
Refugee Travel Document (I-571)

Lawful Permanent Resident / "Green Card"	Employment Authorization Card	Refugee Travel Document

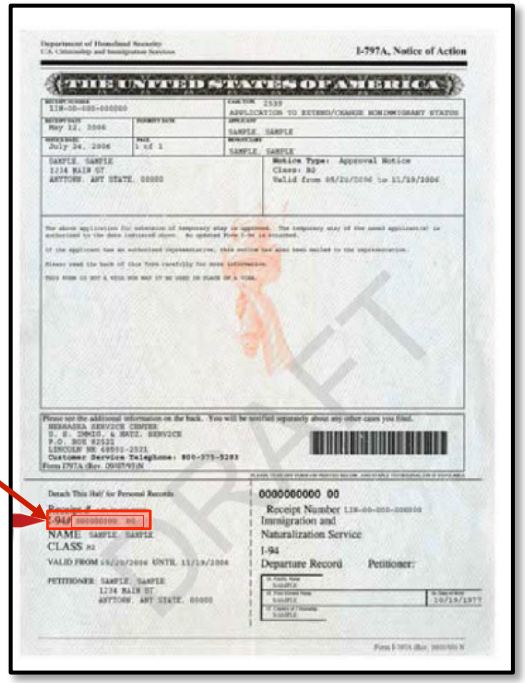
Alien Registration Number

Arrival/Departure Record and Notice of Action

Arrival/Departure Record: I-94, I-94A, I-94 in foreign passport	Notice of Action: I-797
• I-94 number found on a customs form	• Notices of action are issued by the US Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) for different purposes. • Most I-797s will have either an I-94 number or an A#.



I-94 Number



Scenario: Immigration and Citizenship Verification Steps

- Roberto and Monica are married and have two children, Miguel and Elena
- Monica was born in Germany and is a derived U.S. citizen
- Roberto has been a lawful permanent resident (LPR) for seven years
- Miguel and Elena were born in the U.S.

Immigration and Citizenship Verification Steps in the Application:

- All family members provide SSNs in the application
- Monica, Miguel and Elena attest to being U.S. citizens
  - → Monica is asked if she is a naturalized or derived citizen and she answers "yes"
  - → Monica does not have a Certificate of Citizenship, so she skips the questions asking for document numbers
- Roberto attests to having an eligible immigration status
  - → He provides his "alien registration number" but not his card number

Data Matching Results

Applicant:	Data Match: SSA	Data Match: SAVE
Monica	No match	No match
Roberto	N/A	No match
Miguel & Elena	Match	N/A

Eligibility Results for the Ruiz Family

- Eligibility determination notice (EDN) explains:
  - All Ruiz family members are approved to buy a Marketplace plan and are awarded APTC and CSR
  - Monica and Roberto are instructed to provide documents to prove their status within 95 days

What are the results of my application?

Review the table below for your eligibility results.

Family Member(s)	Results	Next Steps
Monica Ruiz Roberto Ruiz	• Eligible to purchase health coverage through the Marketplace • Eligible for a tax credit ($512 each month, which is $6,143 for the year), but more information is needed • Can choose a health plan with lower copays, coinsurance, and deductibles, but more information is needed	• Send the Marketplace more information • Choose a health plan and make first month's payment For instructions, continue to "What should I do next?"
Elena Ruiz Miguel Ruiz	• Eligible to purchase health coverage through the Marketplace • Eligible for a tax credit ($512 each month, which is $6,143 for the year) • Can choose a health plan with lower copays, coinsurance, and deductibles	• Choose a health plan and make first month's payment

New "My Account Page" When a Consumers has a Data Matching Issue

- My Account page now lets consumers know when they have a Data Matching Issue (DMI)
- DMI language appears in red and says "temporary eligibility."

We've successfully processed your application.

Step 1: View Your "Coverage Options at a Glance"

This section gives a quick snapshot of your eligibility. It's important to view your full "Eligibility Results" for more detailed information. Continue to Step 2.

Elena Ruiz Miguel Ruiz	Eligible	For Marketplace health plans For up to $534 in premium tax credits for your household For lower copayments, coinsurance, and deductibles (cost-sharing reductions) on Silver plans
Monica Ruiz Roberto Ruiz	Eligible	For Marketplace health plans For up to $534 in premium tax credits for your household For lower copayments, coinsurance, and deductibles (cost-sharing reductions) on Silver plans **Temporary eligibility:** You need to provide more information within the next 3 months to keep your coverage. View your "Eligibility Results" to learn how to submit this information.

Step 2 : View Your "Eligibility Results"

Your "Eligibility Results" contain important information about your Marketplace coverage, including your eligibility for coverage, costs, deadlines, and next steps. If you're eligible for coverage through a Marketplace plan, you'll continue to Step 3 to enroll in coverage after you review your results.

You're eligible for a Special Enrollment Period. Select "View Eligibility Results" to find out when you can select a plan or change plans. If you miss the deadline, you may not be able to enroll in a Marketplace plan until the next Open Enrollment, unless you qualify for another Special Enrollment Period.

VIEW ELIGIBILITY RESULTS (PDF)

Ruiz Family Gets a Warning Notice

- Monica and Roberto submitted documents that were not sufficient:
  - Monica sent in her Consular Report of Birth Abroad, but she also needs to send in a document that includes a photo or other identifying information (from slide 41).
  - Roberto sent in his foreign passport, which in some cases may be used to prove lawful permanent residence, but in his case the passport did not contain the necessary information.

- Monica and Roberto get **warning notices** explaining their coverage will end if sufficient documents are not submitted.

Monica Gets an Inconsistency Expiration Notice

- Monica does not have a document from the list of options provided on her notice so she does not send in additional documents.

- Roberto sends in a copy of his lawful permanent resident document ("Green Card").

However, to verify your citizenship status, we also need you to **submit one** of the following additional documents, as explained in your eligibility notice:

- Driver's license issued by a State or Territory or Identification card issued by the Federal, State, or local government
- School identification card with a photograph
- U.S. military card or draft record or Military dependent's identification card
- U.S. Coast Guard Merchant Mariner card
- Voter Registration Card
- A clinic, doctor, hospital, or school record, including preschool or day care records (for children under 18 years old)
- U.S. passport
- Certificate of Naturalization (N-550/N-570)
- Certificate of Citizenship (N-560/N-561)
- Document from a Federally recognized Indian Tribe that includes the person's name, the name of the Federally recognized Indian Tribe that issued the document, and shows the person's membership, enrollment or affiliation with the Tribe. Documents you can provide include:
  - A Tribal enrollment card
  - A Certificate of Degree of Indian Blood
  - A Tribal census document
  - Documents on Tribal letterhead signed by a Tribal official

If you can't provide any of the documents listed above, you may submit **two** of the following documents containing the name and other information about the individual listed above that matches the information on your application:

- Employer ID
- High school or college diploma
- Marriage certificate
- Divorce decree
- Property deed or title

- Monica gets an "**inconsistency expiration notice**" that explains that her Marketplace coverage will end because she did not provide documentation to prove her citizenship. This notice will not be sent till after 95-day inconsistency period has ended.

How Monica Can Regain Coverage

- Monica can regain coverage if she resolves the inconsistency by sending in necessary documents
- After resolving the inconsistency, she can re-enroll in a Marketplace plan prospectively or retroactively with a special enrollment period.

April 1 | April 3 | April 14 | May 1

April 1st:
Monica loses coverage

April 3rd:
She obtains a state ID with her picture.

She uploads a copy to her Marketplace account

April 14th:
Monica's inconsistency is resolved with the combination of the State ID and the previously submitted Consular Report of Birth Abroad

She has the option to:
- Have coverage, APTC, and CSR going forward (the next available effective date
- OR, have coverage, APTC, and CSR retroactive to April 1

Tips for Preventing Immigration/Citizenship Data Matching Issues

- **Complete the whole application:** While some fields of the application are labeled optional, we highly recommend that consumers **fill out as many of the fields as possible.**
- **Non-applicants are strongly encouraged to provide a Social Security Number (SSN) if they have one**, but it is not required (see slide 31 for more information).
- **Encourage applicants to provide immigration document types, documents numbers, and ID numbers**, if applicable (e.g., Alien Registration number, USCIS number, or I-94 number).
  - **Assister Tip:** Reassure consumers that immigration information will ONLY be used for the Marketplace and insurance affordability programs and will not be used for immigration enforcement purposes.
  - **Assister Tip:** Remind consumers that if they are not applying for health coverage for themselves, they do not need to provide their citizenship or immigration status.
- **Double check that the information on the application is complete and that there are no errors or typos.**
  - Consumers should confirm that name, birth date, and SSN, are correct and complete for all applicants.
- **Advise applicants to provide their name as written on their immigration or other documents, if different from the name provided on their Marketplace application.**

If Income is in the Medicaid Range or Below the Poverty Line

- If Healthcare.gov can't electronically verify an individual's immigration status through DHS (i.e. individual has an immigration status data matching issue), immigration status must be verified by the Marketplace through a manual documents review or by the Medicaid or CHIP agency.

As a result:	
If otherwise eligible for Medicaid based on income and all other factors:	**If income is below 100% FPL and not otherwise eligible for Medicaid (appears to be in the coverage gap):**
→ sent to Medicaid	→ given the opportunity to enroll in a Marketplace plan with no advance payments of the premium tax credits or cost-sharing reductions

Process When a Consumer Has an Immigration Data Matching Issue and Appears Eligible for Medicaid

(Based on Income and Other Factors)

Marketplace determines or assesses consumer eligible for Medicaid and notifies consumer of temporary eligibility

Case sent to state Medicaid agency for further eligibility review including verification of immigration status

↓

Medicaid agency notifies consumer that proof is needed including but not limited to immigration status

↓

If consumer sends in proof, determined ineligible for Medicaid based on status and Medicaid agency sends consumer denial notice

Case referred back to Marketplace

↓

Marketplace notifies consumer to come back to the Marketplace with instructions on how to get correct eligibility determination

↓

Consumer returns to Marketplace to update application: Indicates has been denied Medicaid and provides other needed information such as offer of MEC

↓

Correct eligibility determination for PTCs

Process When a Consumer Has an Immigration Data Matching Issue and Not Otherwise Eligible for Medicaid

(Treated As If in Medicaid Coverage Gap—Income is Below 100%FPL)

Marketplace determines consumer can enroll in coverage without APTC and notifies consumer of eligibility determination and that proof of status is needed

↓

Marketplace periodically sends targeted outreach to consumers that notifies of possible eligibility for APTC, but must turn in proof of status

↓

If consumer sends in proof, documents sent to special unit for verification of immigration status (including Medicaid rules)

↓

Determined ineligible for Medicaid based on verification of status

↓

Marketplace notifies consumer to come back to the Marketplace with instructions on how to get correct eligibility determination (and information about SEP eligibility as needed)

↓

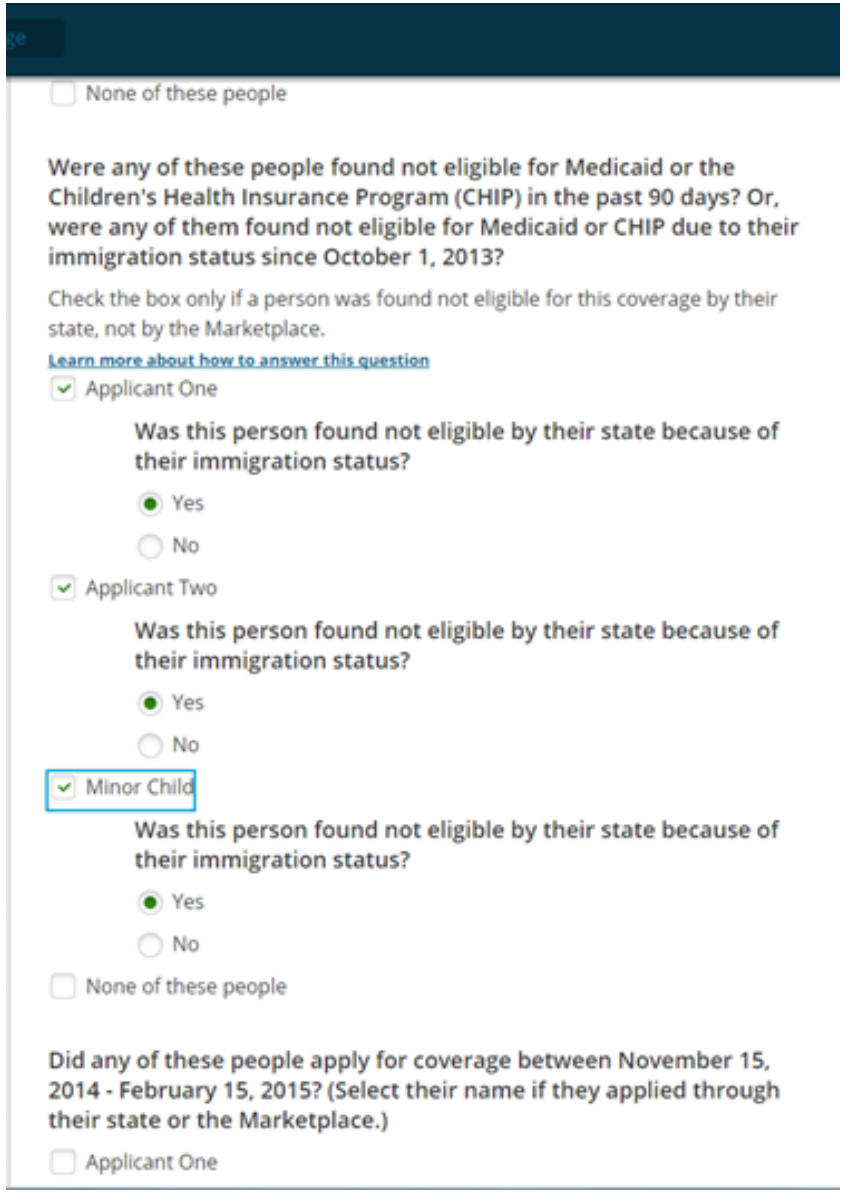
Consumer returns to Marketplace to update application: Indicates has been denied Medicaid and provides other needed information such as offer of MEC

↓

Correct eligibility determination for PTCs

Steps Assisters Can Take to Help Lawfully Present People with Income below 100% FPL or in Medicaid Range

- Encourage consumers to send in proof of their status—help them upload documents as needed.
- Encourage them to enter all immigration document numbers requested by the application.
- If applying through the Marketplace call center, ask the operator to read back numbers provided, to ensure accuracy.
- Help them understand the notices and the process steps, including when to use the Medicaid "blocker" question.



Information on ACA & Immigrants: *HHS Resources*

- **Serving Special Populations: Immigrants Fast Facts for Assisters:** https://marketplace.cms.gov/technical-assistance-resources/immigration-fast-facts.pdf
- **Health Coverage for Immigrants:** www.healthcare.gov/immigrants/coverage
- **Citizenship and Immigration Status Questions:** www.healthcare.gov/help/citizenship-and-immigration-status-questions
- **Immigration Status and the Marketplace:** www.healthcare.gov/immigration-status-and-the-marketplace
- **Coverage for Lawfully Present Immigrants** (also includes Medicaid/CHIP & addressing public charge concerns): www.healthcare.gov/immigrants/lawfully-present-immigrants
- **Immigration Document Types:** www.healthcare.gov/help/immigration-document-types
- **For Information for Immigrant Families** (includes mixed-status family concerns & use and disclosure of immigration status information)**:** www.healthcare.gov/immigrants/immigrant-families
- **Serving Special Populations: Immigrants:** marketplace.cms.gov/technical-assistance-resources/immigration-fast-facts.pdf
- **Medicaid Resources:** http://www.medicaid.gov/medicaid-chip-program-information/by-topics/outreach-and-enrollment/lawfully-residing.html

Information on ACA & Immigrants: *NILC Resources*

- **Immigrants and the Affordable Care Act:** nilc.org/immigrantshcr.html and in Spanish nilc.org/immigrantshcrsp.html
- **FAQs: The Affordable Care Act & Mixed Status Families:** nilc.org/aca_mixedstatusfams.html
- **"Lawfully Present" Individuals Eligible under the Affordable Care Act:** www.nilc.org/document.html?id=809
- **Typical Documents Used by Lawfully Present Immigrants:** www.nilc.org/document.html?id=35
- **FAQs: Exclusion of Youth Granted "Deferred Action for Childhood Arrivals" from Affordable Health Care:** www.nilc.org/document.html?id=802
- **Immigrants, Taxes, and the ACA:** nilc.org/document.html?id=1157
- **Immigrants and Exemptions from the ACA Individual Mandate:** nilc.org/ACApenalty.html
- **DACAmented and Undocumented Immigrants and the Obamacare Tax Penalty:** nilc.org/obamacaretaxpenalty.html and in Spanish nilc.org/obamacaremulta.html
- **A Quick Guide to Immigrant Eligibility for ACA and Key Federal Means-tested Programs:** www.nilc.org/document.html?id=844
- **Sponsored Immigrants & Benefits:** www.nilc.org/document.html?id=166
- **Federal Guidance on Public Charge: When Is it Safe to Use Public Benefits?** www.nilc.org/document.html?id=164
- **Maps of Health Coverage for Immigrant Children and Health Coverage for Pregnant Women:** www.nilc.org/healthcoveragemaps.html
- **Medical Assistance Programs for Immigrants in Various States:** nilc.org/document.html?id=159

Information on ACA & Immigrants

CBPP Resources

- **Key Facts: Immigrant Eligibility for Health Insurance Programs:** www.healthreformbeyondthebasics.org/key-facts-immigrant-eligibility-for-coverage-programs
- **Key Facts: Helping Families that Include Immigrants Apply for Health Coverage:** www.healthreformbeyondthebasics.org/key-facts-application-process-families-that-include-immigrants

CCF Resources

- **Modern Era Medicaid: Findings from a 50-State Survey of Eligibility, Enrollment, Renewal and Cost-Sharing Policies in Medicaid and CHIP as of January 2015:** ccf.georgetown.edu/ccf-resources/modern-era-medicaid-findings-50-state-survey-eligibility-enrollment-renewal-cost-sharing-policies-medicaid-chip-january-2015
- **Immigration Relief for Parents and Youth = Whole Family Coverage in California:** ccf.georgetown.edu/ccf-resources/immigration-relief-parents-youth-whole-family-health-coverage-california
- **Time to Celebrate! California will Provide Health Coverage for All Kids, Regardless of Immigration Status:** ccf.georgetown.edu/all/time-celebrate-california-will-provide-health-coverage-kids-regardless-immigration-status
- **Confused About What Happens at Tax Time? People in Immigrant Families:** ccf.georgetown.edu/all/confused-happens-tax-time-part-two-people-immigrant-families
- **Which States Cover Legal Immigrant Children in Medicaid/CHIP?** ccf.georgetown.edu/ccf-resources/states-cover-legal-immigrant-children-medicaidchip/

Contact Information

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- **Angel Padilla**, Health Policy Analyst, National Immigration Law Center: padilla@nilc.org
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- **Sonya Schwartz**, Research Fellow, Georgetown University Center for Children and Families: ss3361@georgetown.edu

For more information and resources, please visit:
www.nilc.org
www.healthreformbeyondthebasics.org
www.cbpp.org