Application Process 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

January 30, 2015

Center on Budget and Policy Priorities

NILC National Immigration Law Center

Georgetown University Health Policy Institute Center for Children and Families

Part I:

Concerns for Families that Include Immigrants When Applying for Health Coverage

Georgetown University Health Policy Institute CENTER FOR CHILDREN AND FAMILIES
NILC NATIONAL IMMIGRATION LAW CENTER
Center on Budget and Policy Priorities

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:
  - Qualified health plans (QHP)
  - Navigators
  - Certified application counselors
  - Agents
  - Brokers
  - Call center representatives

Discrimination

- 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 in at least 150 languages.

Ex: 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?

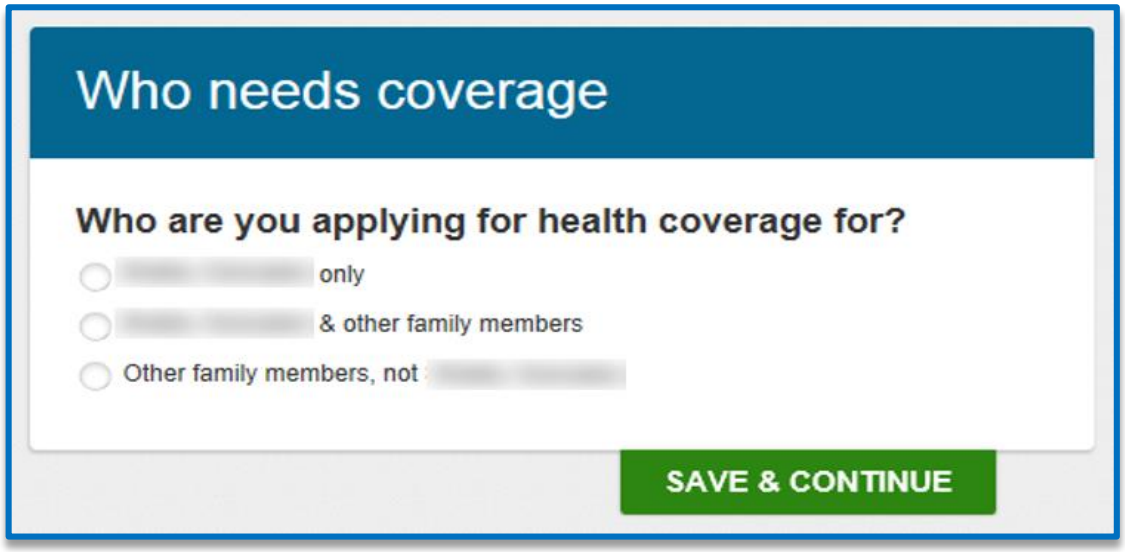
Ex: How You Can Help Mei

- 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, having contracts in place with reliable and credible language interpretation services, and translating important documents into most needed languages, etc.
  - Some Certified Application Counselors may not receive federal funding (many do) but should still strive to meet the language needs of the community they serve. They can also make referrals to trusted partners that can better meet language needs of consumers.

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



Ex: Nina and Tanya

Questions:

- Nina is undocumented. If she goes to the Marketplace to apply for coverage for her daughter, 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 non-applicants 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 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: Non-Applicants

Medicaid and CHIP

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

Marketplace

- Non-applicant household members should not be required to provide an SSN unless ALL of the following are true:
  - ✓ They have a spouse or tax dependent seeking premium tax credit eligibility
  - ✓ The non-applicant is a tax filer
  - ✓ The non-applicant has a 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.

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.

NOTE

General Rules About Requests for SSNs

- Applicants must be notified about:
  - Whether providing their SSN is required or optional
  - Why they are being asked for their SSN
  - How their SSN will be used

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 long-term 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.

Part 2:

Navigating Key Steps on Healthcare.gov for Families that Include Immigrants

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Center on Budget and Policy Priorities

Identity Proofing Required to Submit an Application Online

Online identity proofing/verification:

- The person completing the application (household contact) is asked to provide information
- Experian tries to provide customized credit-related questions for the household contact
- Household contact tries to answer questions if 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:

- 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:

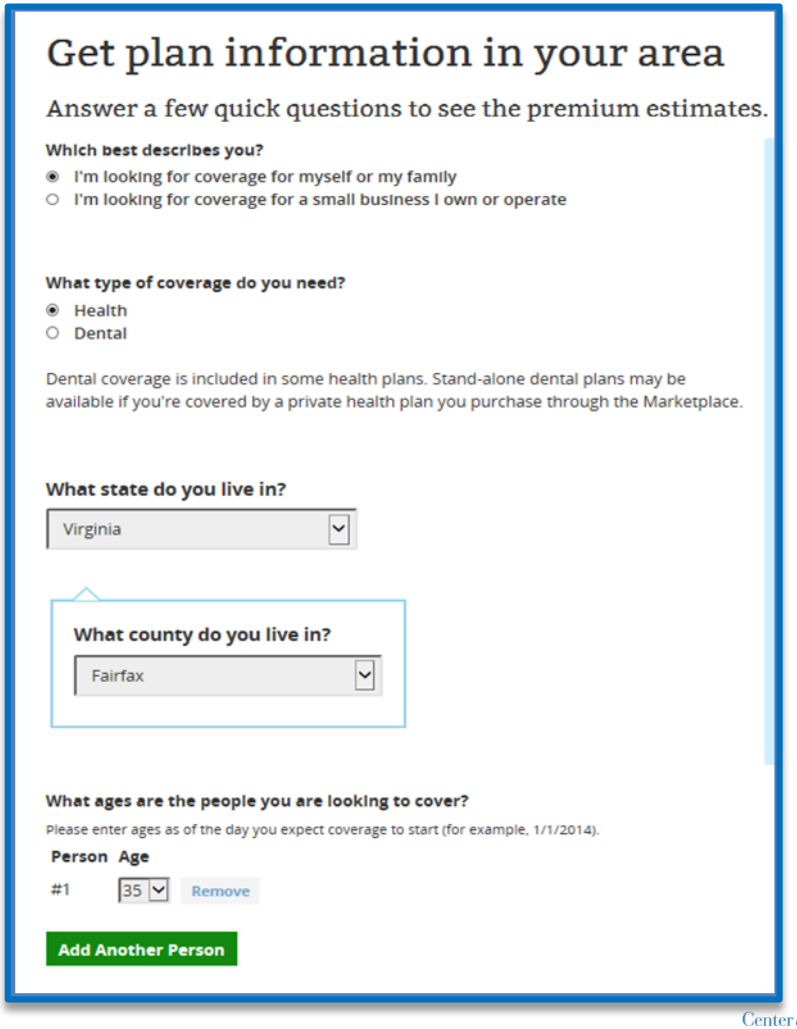
- Birth certificate
- Social Security card
- Marriage certificate
- Divorce decree
- Employer identification card
- High school or college diploma (including high school equivalency diplomas)
- Property deed or title

Who is Affected by Identity Proofing/Verification?

- People with limited or no credit history may have difficulty with the online identify proofing process, and have to provide documents to prove their identity. Such individuals may include young people, low-income people who don't have bank accounts, recently arrived immigrants, and undocumented non-applicants applying for other family members. Ex: Ricky and Eva, Nina and Tanya
- People in this situation may also have difficulty satisfying the manual documentation requirement.

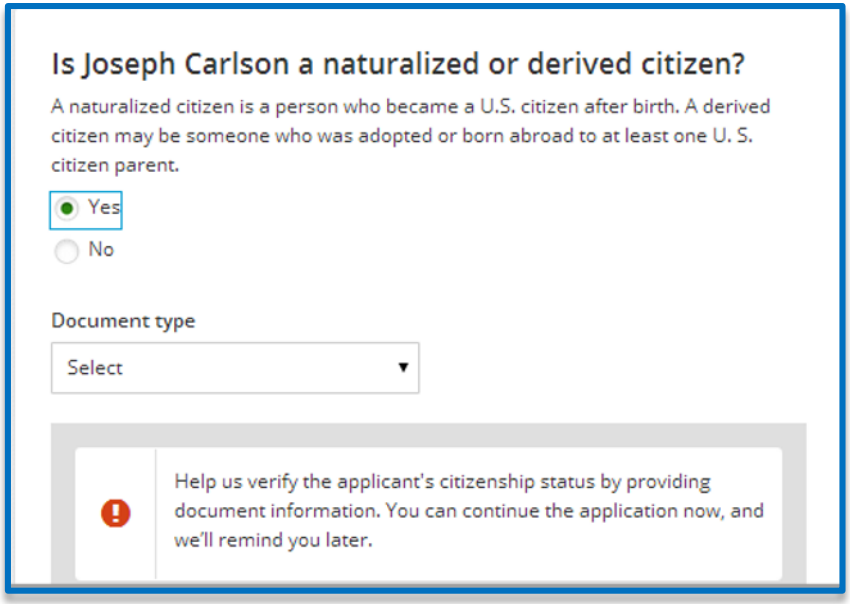
People Unable to Complete the Identity Proofing/Verification

- 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



Attesting to and Verifying Citizenship Status

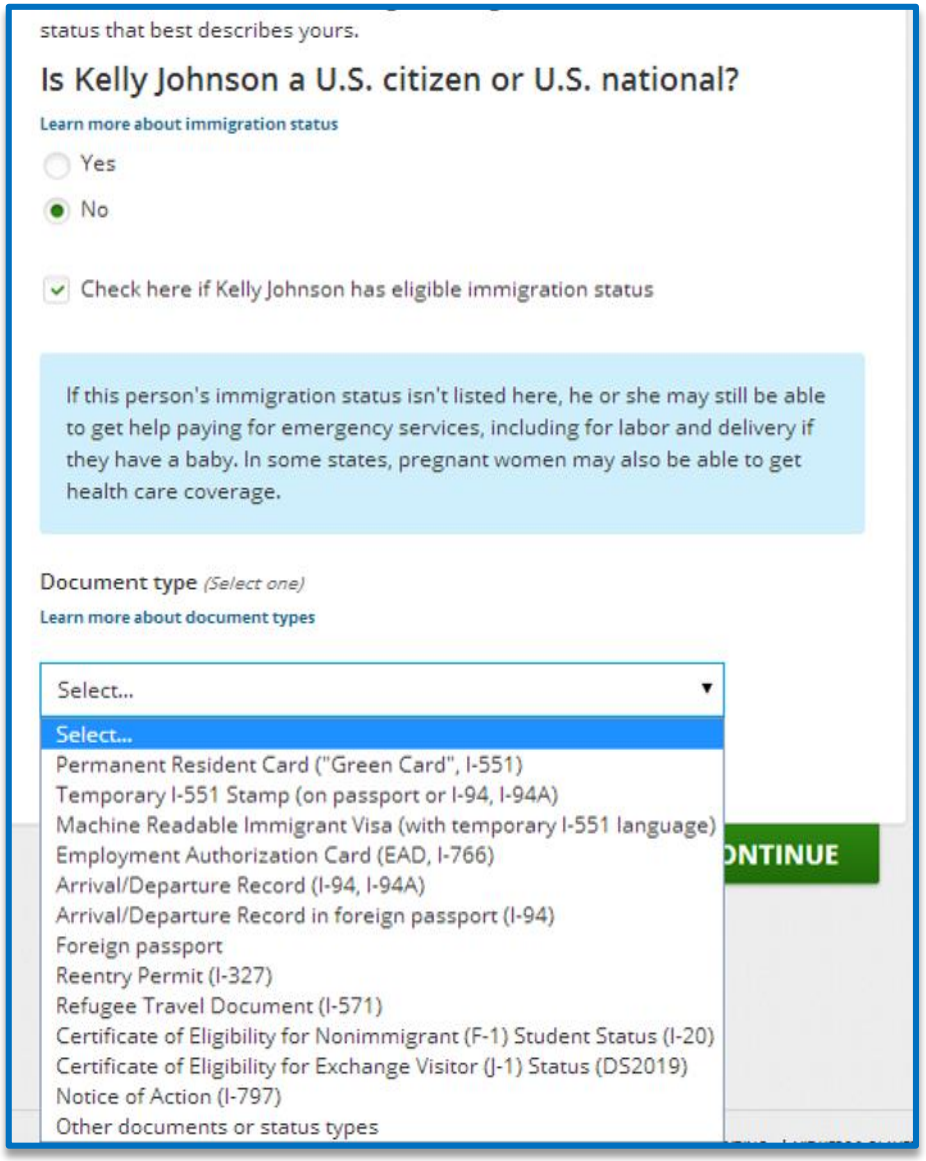
- Attestations of U.S. citizenship will be checked electronically against Social Security Administration (SSA) data, using SSNs.
- This electronic process may not be successful for some citizens.
- If citizenship information cannot be verified electronically through SSA, consumers will be asked if they 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, and others.

Attesting to and Verifying Eligible Immigration Status

- 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 www.healthcare.gov can't verify information electronically using SAVE, consumers will be asked to provide additional documentation to verify their status

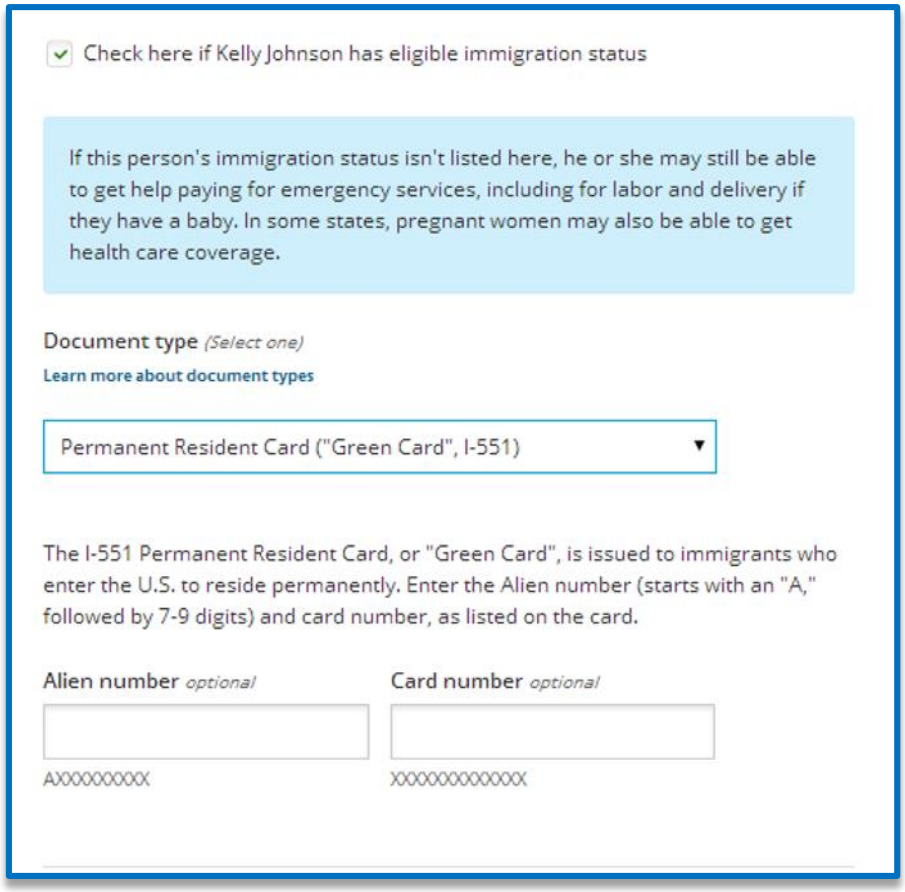


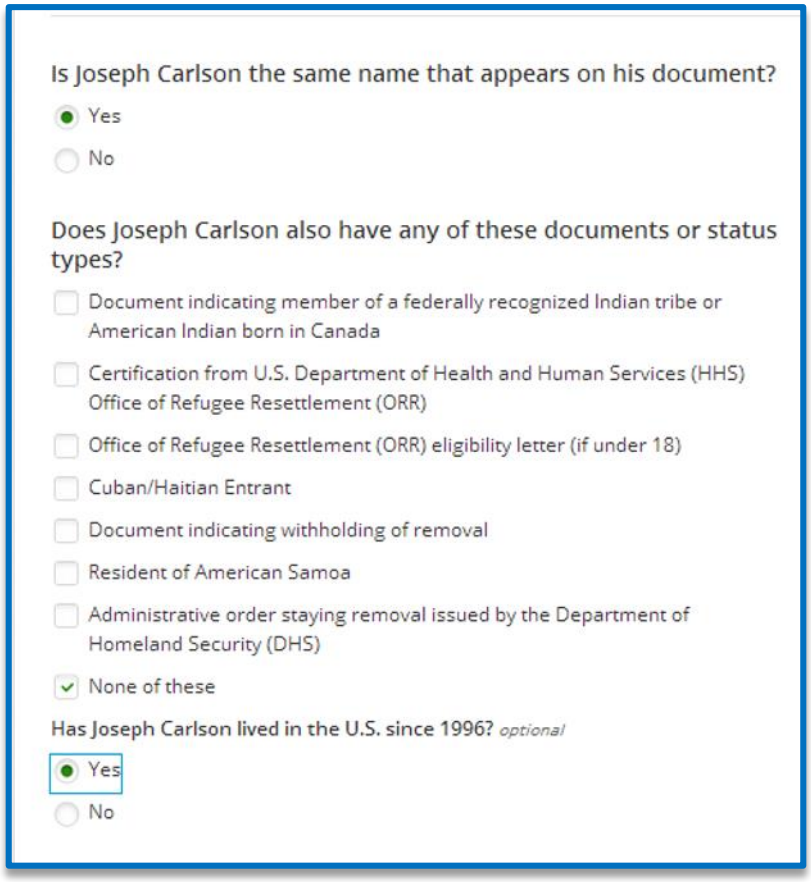
Attesting to and Verifying Immigration Status

Immigrants Will Be Asked to Provide Numbers From Their Documents and Additional Information

TIP

Enter both immigration document/card/receipt number and Alien registration number/USCIS number when possible



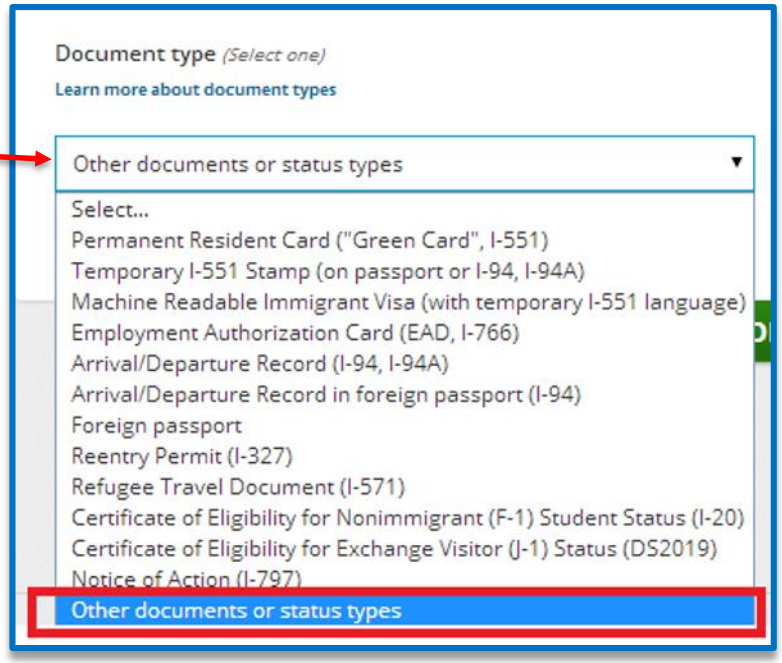


Alternative Path For Entering Document Number

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

Step 1:

Step 2:



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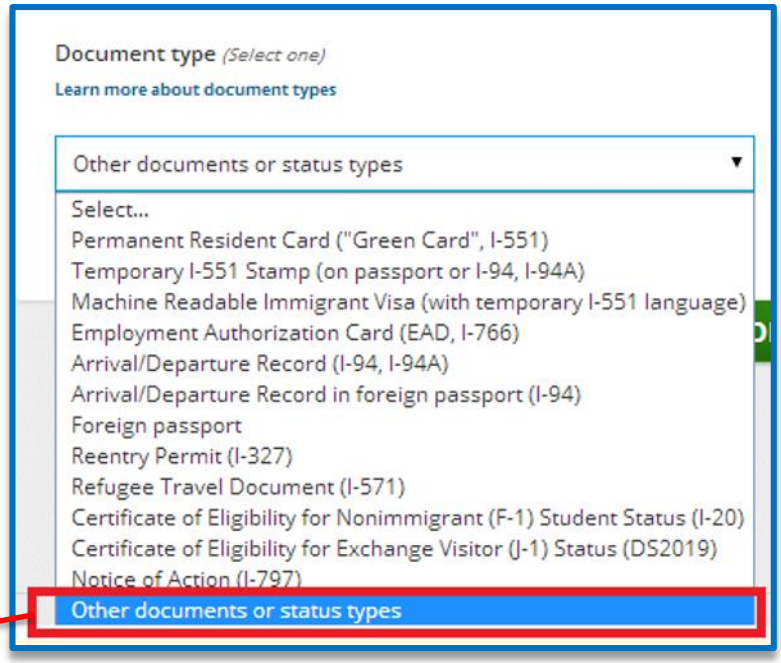
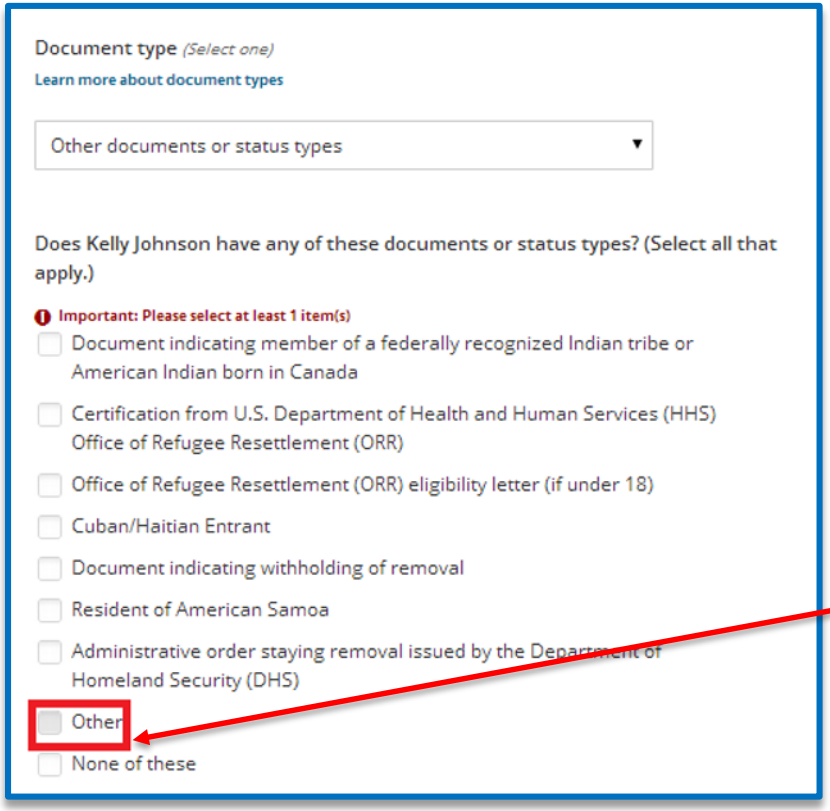


Step 3:



Examples of Document Types

Lawful Permanent Resident/"Green Card"

Employment Authorization Card

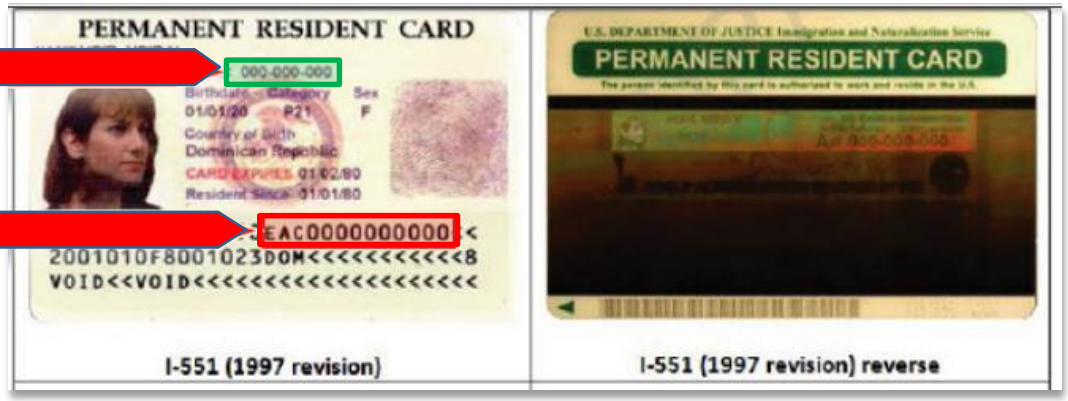
Refugee

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)

Alien Registration Number

Card Number

Category Code

Expiration Date

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Document Type:

Refugee Travel Document (I-571)

Alien Registration Number

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Document Type

Naturalization Certificate

THE UNITED STATES OF AMERICA

No. S0000000

CERTIFICATE OF NATURALIZATION

Personal description of holder as of date of naturalization:

Date of birth: JANUARY 99, 0000

Sex: MALE

Height: 5 *feet* 9 *inches*

Marital status: MARRIED

Country of former nationality:

FORMER NATIONALITY COUNTRY

USCIS Registration No. A999999999999999

I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

New Citizen Signature Here

(Complete and true signature of holder)

Be it known that, pursuant to an application filed with the Secretary of Homeland Security

at: USCIS FIELD OFFICE CITY NAME, STATE NAME

The Secretary having found that:

NEW CITIZEN NAME – EPSON B-510DN – NEW ASC PHOTO

residing at:

Mytown, State

having complied in all respects with all of the applicable provisions of the naturalization laws of the United States, being entitled to be admitted as a citizen of the United States, and having taken the oath of allegiance at a ceremony conducted by

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

at: CEREMONY CITY, STATE *on:* JULY 99, 0000

such person is admitted as a citizen of the United States of America.

** TEST CERTIFICATE **

U. S. Citizenship and Immigration Services

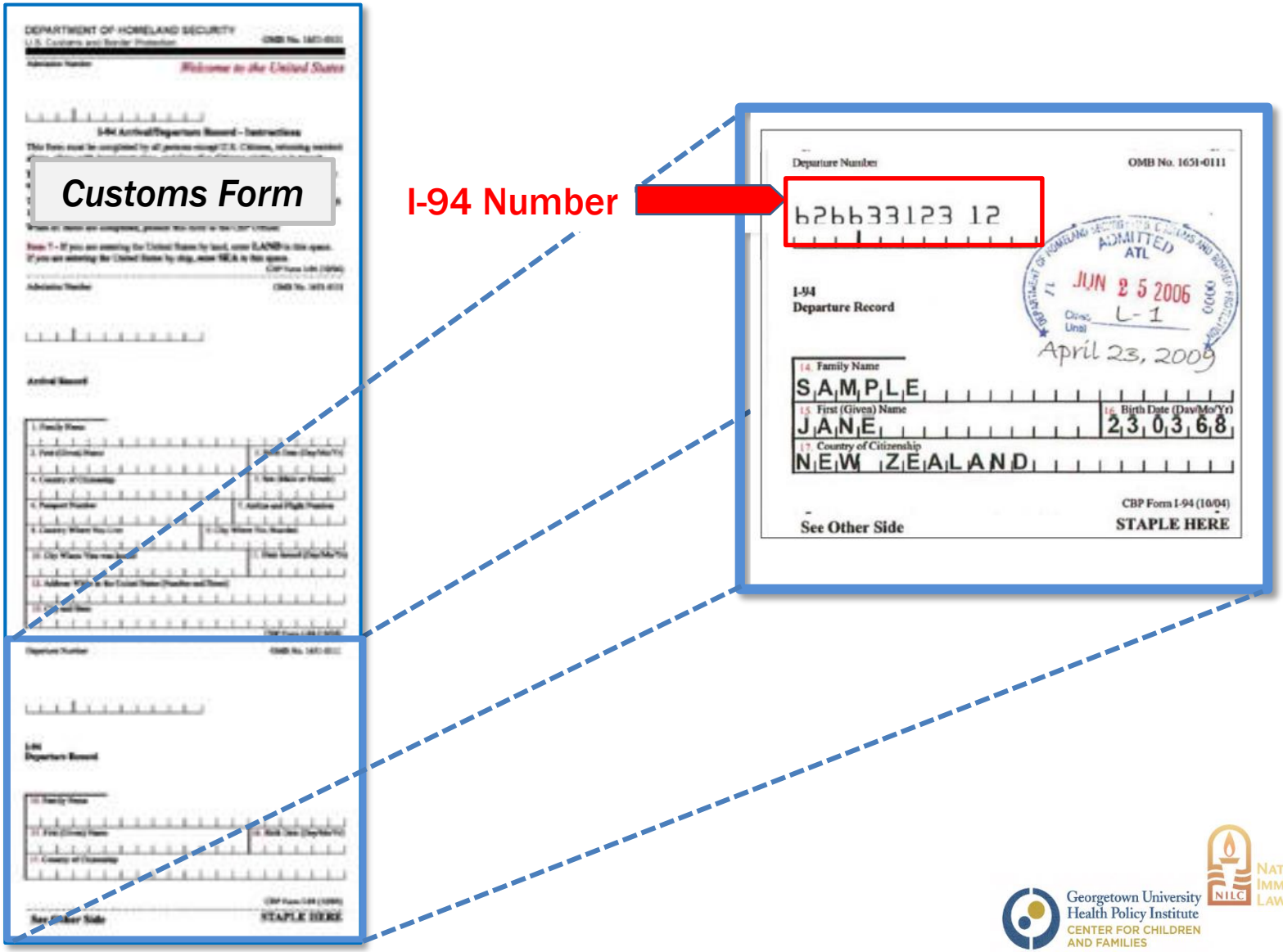
DEPARTMENT OF HOMELAND SECURITY

FORM N-550 (REV. 08 / 10)

Center on Budget and Policy Priorities

Document Type:

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



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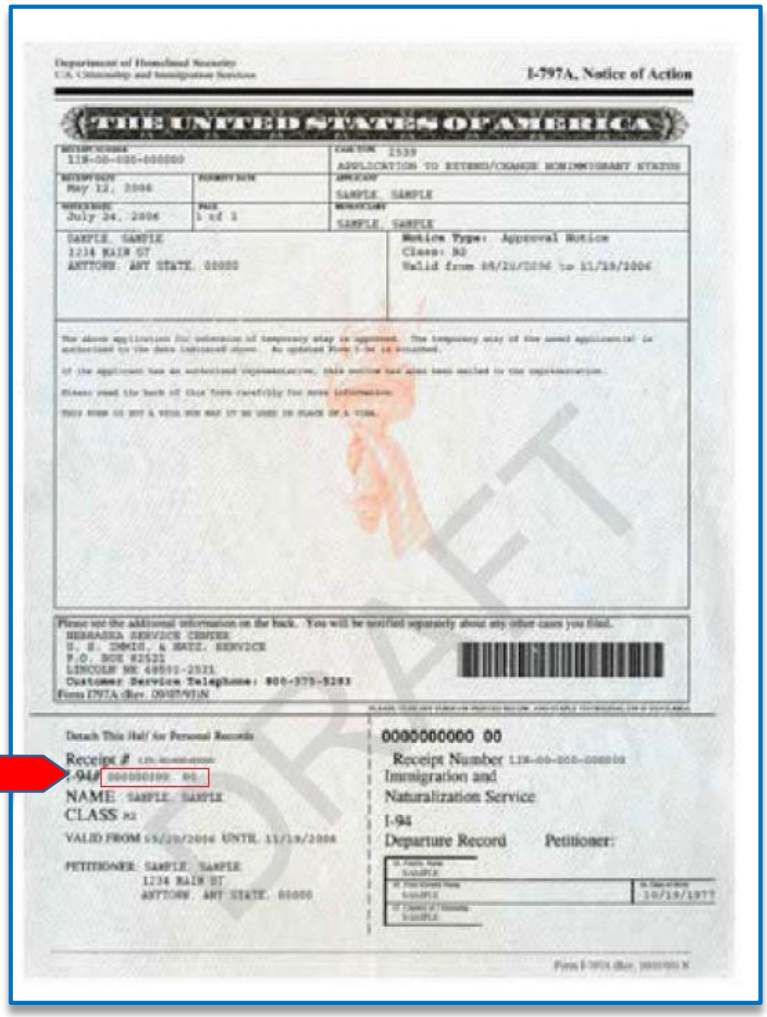
Document Types:

Notice of Action – I-797

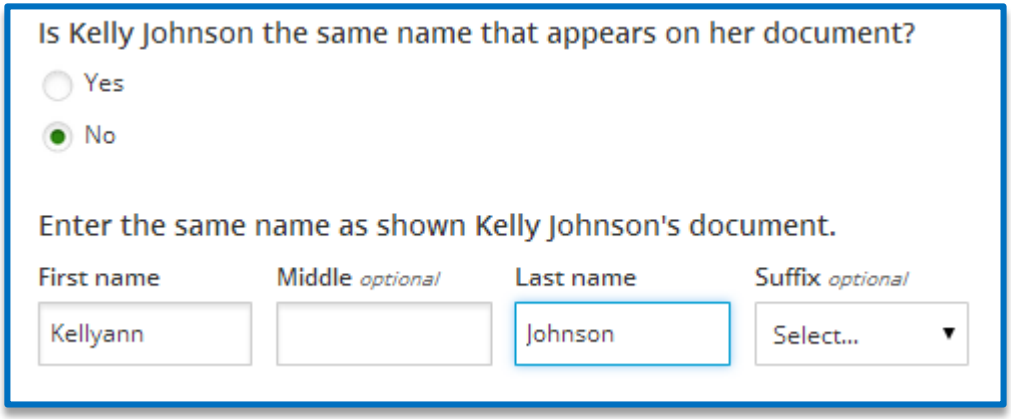
- Notices of action are communications from the US Department of Homeland Security, US Citizenship and Immigration Services (USCIS) and can be issued for different purposes. For example, to show receipt of an application, approval of an application, a replacement for an I-94 (as in example here), and others.
- Most I-797s will have either an I-94 number or an A#.

I-94 Number



Improve Electronic Match Rate

- Do not enter hyphens or apostrophes when entering names in the application
- If there is a difference in how a consumer entered their name on the application and how it appears on their documents, use the option provided to input how the name appears on the document:



Citizenship and Immigration Status Inconsistencies

- An inconsistency based on citizenship or immigration status may occur when:
  - Information provided by a consumer does not match up with electronic data sources used by the Marketplace to verify eligibility,
  - When DHS or SSA are not able to verify status, or
  - When the Marketplace's electronic verification system is not working properly.
- An inconsistency does not mean that a consumer has provided incorrect information or that the individual is ineligible.
- In general, a consumer who experiences an inconsistency will be able to enroll in coverage, including with help paying for coverage, if otherwise eligible, while their inconsistency is being resolved.
- Consumers will be asked to mail or upload additional documentation promptly to resolve the inconsistency.

Special Concern for Immigrants with Incomes Below 100% of Poverty Line who Have Immigration Inconsistencies

- Lawfully present individuals who are ineligible for Medicaid because of their immigration status can be eligible for advance payments of the premium tax credit and cost sharing reductions even if their income is below 100% of the poverty line (regardless of their state's decision to expand Medicaid).
- However, if the consumer attests to having an eligible immigration status and healthcare.gov can't electronically verify that the consumer is ineligible for Medicaid due to immigration status, then the consumer will be assumed to be eligible for Medicaid based on immigration status. The result is:
  - If income eligible and otherwise eligible for Medicaid, consumer sent to Medicaid
  - If not income or otherwise eligible for Medicaid, consumer is given the opportunity to enroll in a Marketplace plan with no advance payments of the premium tax credits and cost sharing reductions

Process If Healthcare.gov Determines/Assesses a Consumer Eligible for Medicaid or CHIP

- Consumer is notified of eligibility for Medicaid but may need to provide the state Medicaid agency more information
- Healthcare.gov sends the consumer's account to Medicaid
- Medicaid asks consumer to provide additional documents to prove their immigration status
- If consumer has no other inconsistencies, Medicaid coverage should be provided during a reasonable opportunity period to prove immigration status
- If Medicaid finds the consumer ineligible based on immigration status but lawfully present, the agency notifies the consumer he is ineligible for Medicaid and sends consumer's account back to healthcare.gov
- Healthcare.gov notifies consumer he should come back to the application to complete any missing information (for example, offer of MEC questions)

! Important

When the consumer returns to the application, he should indicate that he has been found not eligible for Medicaid:

- In the last 90 days
- Since 10/1/13 and due to immigration status

Important: Questions about Medicaid Denial

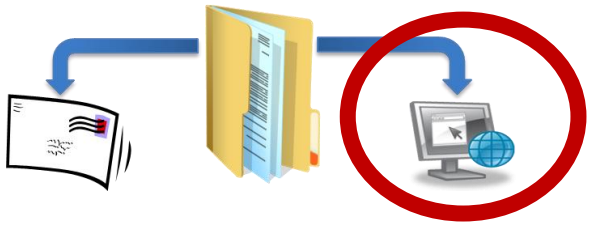
Process If Healthcare.gov Determines a Consumer is not Eligible for Medicaid or APTC and CSRs

- Healthcare.gov notifies the consumer he is eligible to enroll in a Marketplace plan at full cost and is asked to provide proof of immigration status (many won't enroll or provide documents because cost of coverage is unaffordable)
- For certain immigrant consumers with immigration inconsistency issues with annual income below the poverty line, Healthcare.gov may send a special notice. The special notice will:
  - will ask the consumer to send in proof of immigration status, and
  - explain he may be eligible for help paying for coverage
- If the immigration inconsistency is resolved and it looks like they are eligible for a APTC and CSRs, instructions are sent to the consumer on how to come back into the application and get a new eligibility determination.

Resolving Inconsistencies

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.

Income Verification

- If 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

Information on ACA & Immigrants

HHS & U.S. Immigration and Customs Enforcement Resources

- Citizenship and Immigration Status Questions: https://www.healthcare.gov/help/citizenship-and-immigration-status-questions/
- Immigration Status and the Marketplace: https://www.healthcare.gov/immigrants/immigration-status/
- Immigration Document Types: https://www.healthcare.gov/help/immigration-document-types/
- Immigrant Families and the Marketplace: https://www.healthcare.gov/immigrants/
- Clarification of Existing Practices Related to Certain Health Care Information (U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement): http://www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf
  Spanish: http://www.ice.gov/espanol/factsheets/aca-memoSP.htm
- 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 (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 President's Immigration Announcement: What Do Health Policy Wonks Need to Know? http://ccf.georgetown.edu/all/presidents-immigration-announcement-health-policy-wonks-need-know/
- A Step Forward for Lawfully Present Immigrants Living in Povertyhttp://ccf.georgetown.edu/all/step-forward-covering-lawfully-present-immigrant-families-living-poverty/
- 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/

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, Key Facts About Immigrant Eligibility for Health Insurance Affordability Programs: http://www.healthreformbeyondthebasics.org/key-facts-immigrant-eligibility-for-coverage-programs/

Contact Information

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- Shelby Gonzales, Sr. Policy Analyst, Center on Budget and Policy Priorities – Gonzales@cbpp.org
- Sonya Schwartz, Research Fellow, Georgetown University Center for Children and Families -- ss3361@georgetown.edu and on Twitter @SonyaSchwartz

For more information and resources, please visit:

www.nilc.org

ccf.georgetown.edu

www.healthreformbeyondthebasics.org

www.cbpp.org

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