

Overview of Immigrant Eligibility Policies for Health Insurance Affordability Programs

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

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Part I:

Immigrant Eligibility for Marketplace Coverage

“Lawfully Present” Immigration Categories Eligible for Marketplace Coverage – Part I

ALL “Qualified” Immigrants

- Lawful Permanent Resident (LPR/green card holder)
- Refugee
- Asylee
- Cuban/Haitian Entrant
- Paroled into the U.S.
- Conditional Entrant
- Battered Spouse, Child and Parent
- Trafficking Survivor and his/her Spouse, Child, Sibling or Parent
- Granted Withholding of Deportation or Withholding of Removal

Others:

- Certain American Indians

PLUS Other Lawfully Present Immigrants:

- Granted relief under the Convention Against Torture (CAT)
- Temporary Protected Status (TPS)
- Deferred Enforced Departure (DED)
- Deferred Action*
- 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

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

“Lawfully Present” Immigration Categories Eligible for Marketplace Coverage – Part II

Applicant for any of these statuses:

- Lawful permanent resident (LPR/Green Card)
- Special Immigrant Juvenile Status
- Victim of Trafficking Visa
- Asylum*
- Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention Against Torture (CAT)*

With Employment Authorization:

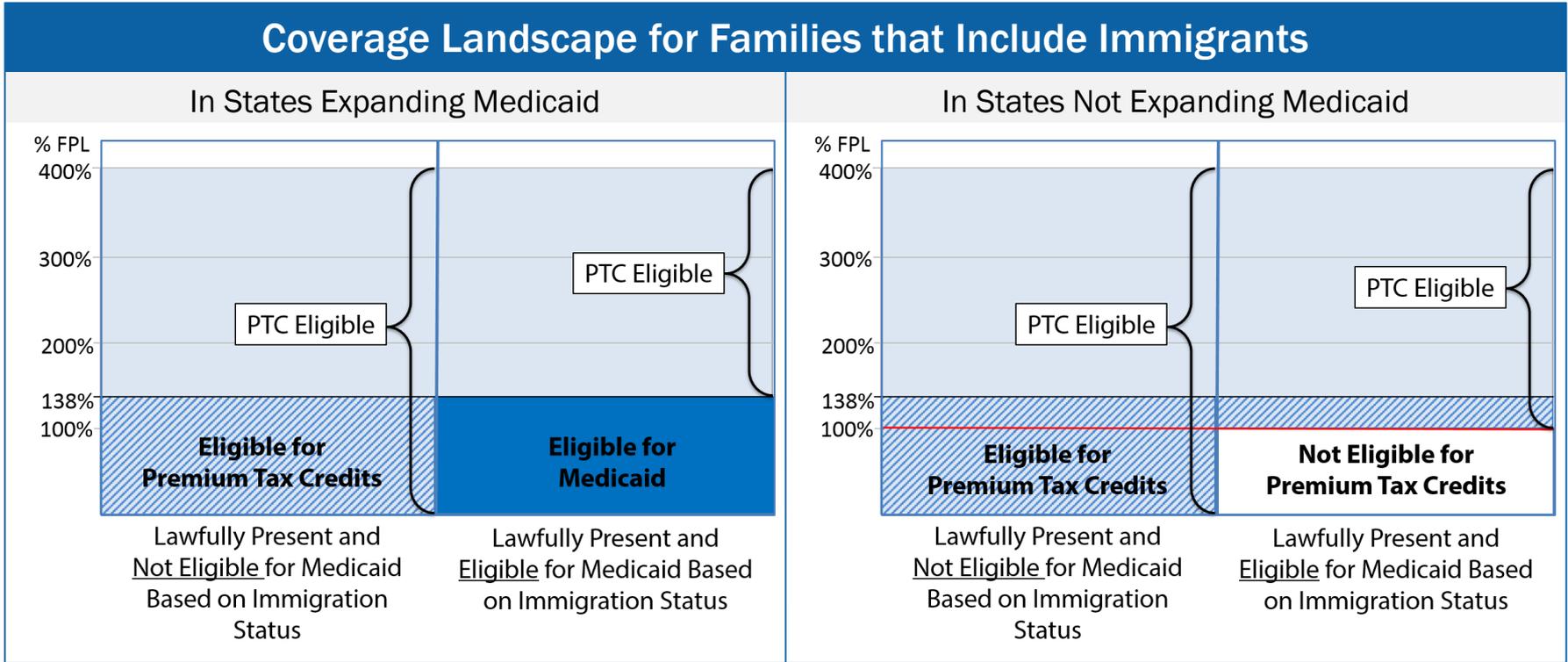
- Applicant for Temporary Protected Status
- Registry Applicants
- Order of Supervision
- Applicant for Cancellation of Removal or Suspension of Deportation
- Applicant for Legalization under IRCA
- Legalization under the LIFE Act

**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*

Lawfully Present Immigrant Seniors

- **Medicare** has different rules – qualifying work history and immigration status restrictions
- Some lawfully present seniors, including LPRs, may not be eligible for **Premium Free Medicare** because they lack qualifying work history
 - Some LPRs may be eligible only for **Premium “Buy-in” Medicare**
- Lawfully present seniors who are **not eligible for Premium Free Medicare** are **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
- 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, or 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 (more in next slide)

Emergency-Only Medicaid & Other Programs Available to All

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 citizenship or immigration status

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
- Other safety-net programs as available

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 November
- Leila was born in Oregon last month and is enrolled in Medicaid
- Family income: \$17,811
- Rashid and Miriam file taxes jointly and claim Leila as a dependent
- Rashid and Miriam are applying for health coverage



Eligibility Based only on General Citizenship / Immigration Status Rules

Rashid



- Applying for coverage
 - Yes
- Citizen
 - Yes

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ QHP Enrollment

Miriam



- Applying for coverage
 - Yes
- Citizen
 - No
- Immigration status
 - Applying for LPR; approved visa petition
- Qualified immigrant
 - No
- Lawfully present
 - Yes

MAY BE ELIGIBLE FOR:

- ✓ QHP Enrollment

Leila



- Applying for coverage
 - No

Eligibility for PTC and Medicaid in Oregon

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Rashid	Yes	3	\$17,811	90%	No	3	\$17,811	90%
Miriam	No	3	\$17,811	90%	Yes	3	\$17,811	90%
Leila	Yes	3	\$17,811	90%	No	3	\$17,811	90%

- 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



Scenario 2:

Ricky, Eva and Karina

- Ricky and Eva are not married but live together with their daughter, Karina
- Karina was born in Florida and is enrolled in CHIP
- Ricky has Temporary Protected Status (TPS) and is a full-time student
- Eva received Deferred Action for Childhood Arrivals (DACA) in 2012 and she:
 - Earns \$37,601 a year
 - Plans to file federal taxes and will claim Ricky and Karina as dependents
- Ricky is applying for coverage



Ricky, 24, Eva, 24, Karina, 1

Eligibility Based only on General Citizenship / Immigration Status Rules

Ricky



- Applying for coverage
 - Yes
- Citizen
 - No
- Immigration status
 - Temporary Protected Status (TPS)
- Qualified immigrant
 - No
- Lawfully Present
 - Yes

MAY BE ELIGIBLE FOR:
✓ QHP Enrollment

Eva



- Applying for coverage
 - No

Karina

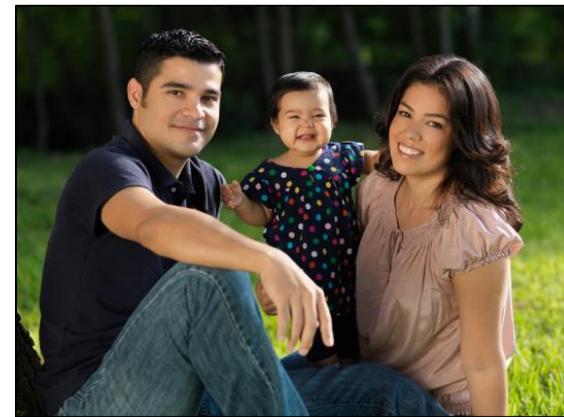


- Applying for coverage
 - No

Eligibility for PTC and Medicaid

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Ricky	No	2	\$0	0%	Yes	3	\$37,601	190%
Eva	N/A	--	--	--	N/A	--	--	--
Karina	Yes	3	\$37,601	190%	No	3	\$37,601	190%

- Ricky is lawfully present but he is not eligible for Medicaid because he is not a “qualified” immigrant
- Ricky is eligible for PTCs
- 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 a SSN
 - Eva is not subject to the penalty for going without coverage



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
- Lin has been a LPR for 2 years
 - He has not worked the 40 quarters and is not enrolled in Medicare
 - He is Mei's tax dependent
- Mei earns \$17,811 a year
- Mei and Lin are applying for coverage



Eligibility Based only on General Citizenship / Immigration Status Rules 17

Mei



- Applying for coverage
 - Yes
- Citizen
 - No
- Immigration status
 - LPR
- Qualified immigrant
 - Yes
- Subject to the 5-year bar
 - Yes
- Satisfied the 5-year bar
 - Yes

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ QHP Enrollment

Lin



- Applying for coverage
 - Yes
- Citizen
 - No
- Immigration status
 - LPR
- Qualified immigrant
 - Yes
- Subject to the 5-year bar
 - Yes
- Satisfied the 5-year bar
 - No
- Lawfully present
 - Yes

MAY BE ELIGIBLE FOR:

- ✓ QHP Enrollment

Michael



- Applying for coverage
 - No

Eligibility for PTC and Medicaid

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Mei	No	3	\$17,811	90%	No	3	\$17,811	90%
Lin	No	1	\$0	-	Yes	3	\$17,811	90%
Michael	Yes	3	\$17,811	90%	No	3	\$17,811	90%

- Mei is not eligible for Medicaid because her state has not expanded and her income is above the 50% FPL income limit for parents
- Mei is not eligible for PTC because her income is below 100% FPL
- Lin is a qualified immigrant but has not met the five year bar 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



Scenario 4:

Nina, Tanya and Amelia

- Nina lives with her daughter, Tanya, in Michigan
- Nina is undocumented
- Tanya is a U.S. citizen
- Nina's older daughter, Amelia, lives with her grandparents in Canada
- Nina files taxes using an ITIN and claims both children as dependents
- Nina earns \$34,633 a year

Nina, 42, Tanya, 8



Amelia, 15



Eligibility Based only on General Citizenship / Immigration Status Rules

Nina



- Applying for coverage
 - No

Amelia



- Applying for coverage
 - No

Tanya



- Applying for coverage
 - Yes
- Citizen
 - Yes

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ CHIP
- ✓ QHP Enrollment

Eligibility for PTC and Medicaid

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Nina	N/A	--	--	---	N/A	---	---	---
Amelia	N/A	---	---	---	N/A	---	---	---
Tanya	Yes	3	\$34,633	175%	No	3	\$34,633	175%

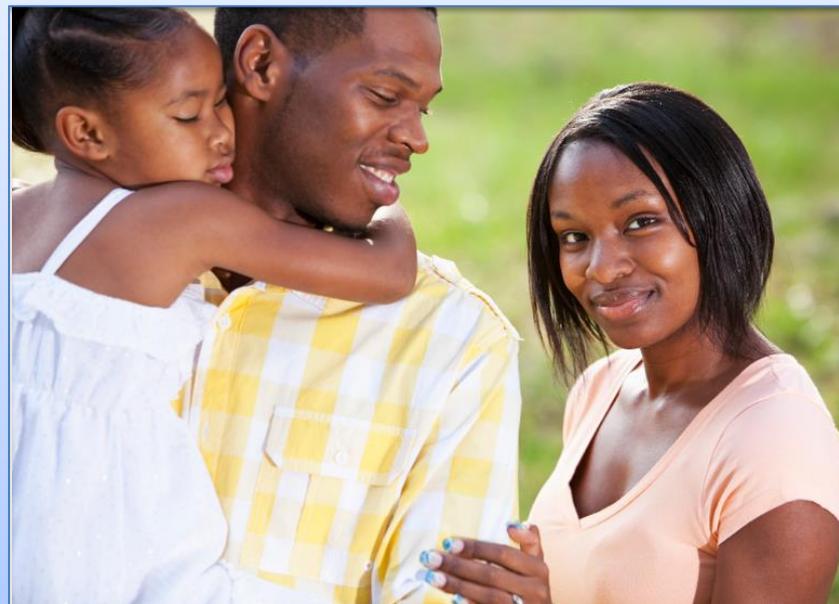
- Nina is not applying for coverage: she would not meet the immigration requirement for insurance affordability programs (*Note: she is not subject to the penalty for going without coverage*)
- Amelia is not applying for coverage: her immigration status is unclear, but she would not meet the state residency requirement for insurance affordability programs
- Tanya is eligible for CHIP



Scenario 5:

Nadif, Fatima and Amina

- Nadif and Fatima are married and have a daughter, Amina
- Nadif and Fatima:
 - Entered the U.S. as refugees 4 years ago
 - Became LPRs 1 year ago
- Amina is a citizen
- Nadif earns \$18,800 a year
- Nadif and Fatima file taxes jointly and claim Amina as a dependent



Nadif, 27, Fatima, 27, Amina, 4

Eligibility Based only on General Citizenship / Immigration Status Rules

Fatima



- Applying for coverage
 - Yes
- Citizen
 - No
- Immigration status
 - Refugee
 - LPR
- Qualified immigrant
 - Yes
- Subject to the 5-year bar
 - No

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ QHP Enrollment

Nadif



Amina



- Applying for coverage
 - Yes
- Citizen
 - Yes

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ QHP Enrollment

Eligibility for PTC and Medicaid in Expansion State

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Fatima	Yes	3	\$18,800	95%	No	3	\$18,800	95%
Nadif	Yes	3	\$18,800	95%	No	3	\$18,800	95%
Amina	Yes	3	\$18,800	95%	No	3	\$18,800	95%

- Fatima and Nadif are eligible for Medicaid
 - Their income is below the 138% of FPL threshold
 - They are qualified immigrants and because they entered the U.S. as refugees, they are not subject to the 5-year bar.
- Amina is eligible for Medicaid



Eligibility for PTC and Medicaid in Non-Expansion State

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Fatima	No	3	\$18,800	95%	No	3	\$18,800	95%
Nadif	No	3	\$18,800	95%	No	3	\$18,800	95%
Amina	Yes	3	\$18,800	95%	No	3	\$18,800	95%

- Fatima and Nadif are qualified immigrants, and because they entered the U.S. as refugees, are not subject the five year waiting period
- They meet the Medicaid immigration status requirement but their state has not expanded Medicaid to cover adults or parents with incomes at 95% of FPL, so they are not eligible for Medicaid
- Fatima and Nadif are not eligible for PTC because their income is below 100% of FPL
- Amina is eligible for Medicaid



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/immigration-status-and-the-marketplace/>
- **Immigration Document Types** - <https://www.healthcare.gov/help/immigration-document-types/>
- **Immigrant Families and the Marketplace** - <https://www.healthcare.gov/what-do-immigrant-families-need-to-know/>

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
- **Sponsored Immigrants & Benefits** - <http://www.nilc.org/document.html?id=166>
- **“Lawfully Present” Individuals Eligible under the Affordable Care Act** - <http://www.nilc.org/document.html?id=809>
- **Frequently Asked Questions – Exclusion of Youth Granted “Deferred Action for Childhood Arrivals” from Affordable Health Care** - <http://www.nilc.org/document.html?id=802>
- **A Quick Guide to Immigrant Eligibility for ACA and Key Federal Means-tested Programs** - <http://www.nilc.org/document.html?id=844>
- **Typical Documents Used by Lawfully Present Immigrants** - <http://www.nilc.org/document.html?id=35>
- **Federal Guidance on Public Charge – When Is it Safe to Use Public Benefits?** - <http://www.nilc.org/document.html?id=164>
- **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>



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For more information and resources, please visit:

www.nilc.org

ccf.georgetown.edu

www.healthreformbeyondthebasics.org

www.cbpp.org