

## New Groups of Immigrant Children and Pregnant Women Become Eligible for BadgerCare Plus (Updated Feb. 12, 2010)

The Children's Health Insurance Program Reauthorization Act (CHIPRA) allows states to get federal matching funds for extending health insurance to certain immigrants who are not citizens. From August 1996 until April 1, 2009, federal law barred legal immigrants who entered the United States after August 22, 1996, from being eligible for Medicaid or CHIP coverage until they lawfully resided in the U.S. for five years. CHIPRA removed the 5-year bar for children and pregnant women, thereby allowing states to get the enhanced CHIP matching funds for coverage of those newly eligible immigrants.

An Operations Memo (# 09-57), which was issued by the Wisconsin Department of Health Services (DHS) in October 2009 and updated in January 2010, implements the change. Since the Governor first proposed BadgerCare Plus, he has made it very clear that the goal was to make quality, affordable health insurance available for all Wisconsin children, to the extent allowed by federal law. Removing the 5-year bar brings Wisconsin very close to that extremely important goal.

There has been a little bit of confusion about specifically which immigrants are affected by making lawfully residing children and pregnant women eligible for BadgerCare Plus (BC+) without the 5-year wait. The Centers for Medicare and Medicaid Services (CMS) has yet to issue any detailed guidance on that, although it has approved Medicaid and CHIP plan amendments for Wisconsin and other states that are taking advantage of the opportunity to get federal matching funds for the coverage of the newly eligible children. The matter of which immigrants are affected is complicated by the fact that dozens of federal and state laws divide immigrants into numerous groups for purposes of determining their eligibility for public benefits, such as BC+.

The recently updated DHS Operations Memo settles the question of which groups of immigrants in Wisconsin are affected – at least for now. It indicates that the f for children and pregnant women in the following categories:

- Immigrants lawfully admitted for permanent residence;
- Those who suffer from domestic abuse and are considered to be a battered immigrant;
- Refugees lawfully present under Section 203(a)(7) of the Immigration and Nationality Act;
- Immigrants who are parolees lawfully present under Section 212(d)(5); and
- Certain categories of non-citizens (described by DHS to be “non-immigrants”) who have legal but temporary status, such as the children or pregnant spouses of certain individuals granted temporary or permanent residence.

The following page shows a table from the BadgerCare Plus Handbook that lists many classifications of immigrants and their current eligibility status for BC+. As it illustrates, there are a number of classes of non-citizens, such as Cuban and Haitian entrants, who were already eligible for coverage without being required to lawfully reside in the U.S. for 5 years. It highlights in yellow the categories of lawfully residing immigrant children and pregnant women to whom eligibility was extended in October.

The revised table also shows that there are several categories of immigrants who are in the U.S. legally but will continue to be ineligible, regardless of when they arrived in the U.S. or how long they have lived in this country. Those groups include special agricultural workers and immigrants admitted on temporary visas.

## Immigration Status Chart from the BadgerCare Plus Handbook

(The newly eligible groups are highlighted in yellow.)

CARES Code	Immigration Status	Arrived Before 08/22/96	Veteran*/ Amerasian Arrived before 8-22-96	Arrived on or after 8-22-96 (parents or childless adults)	Veteran*/ Amerasian Arrived on or after 8-22-96	Children under 19 & pregnant women – arrived on or after 8-22-96
01	Lawfully admitted for permanent residence	Eligible	Eligible	Ineligible for 5 years	Eligible	Eligible (as of 10-1-09)
02	Permanent resident under color of law (PRUCOL)	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
03	Refugees lawfully present under Section 203(a)(7)	Eligible	Eligible	Ineligible for 5 years	Eligible	Eligible (as of 10-1-09)
04	Lawfully present under Section 207(c)	Eligible	Eligible	Eligible	Eligible	Eligible
05	Lawfully present under Section 208	Eligible	Eligible	Eligible	Eligible	Eligible
06	Parolees lawfully present under Section 212(d)(5)	Eligible	Eligible	Ineligible for 5 years	Eligible	Eligible (as of 10-1-09)
07	IRCA (No longer valid)	N/A	N/A	N/A	N/A	N/A
08	Lawfully admitted - temporary	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
09	Undocumented Alien	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
10	Illegal Immigrant	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
11	Cuban/Haitian Entrant	Eligible	Eligible	Eligible	Eligible	Eligible
12	Considered a Permanent Resident by USCIS	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
13	Special agricultural worker under Section 210(A)	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
14	Additional special agricultural worker under Section 210(A)	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
15	Withheld deportation - S. 243(h)	Eligible	Eligible	Eligible	Eligible	Eligible
16	Battered Immigrant	Eligible	Eligible	Ineligible for 5 years	Eligible	Eligible (as of 10-1-09)
17	Amerasian	Eligible	Eligible	Eligible	Eligible	Eligible
18	Foreign Born Native American	Eligible	Eligible	Eligible	Eligible	Eligible
19	Victims of Trafficking	Eligible	Eligible	Eligible	Eligible	Eligible

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