



## Health Coverage for Lawfully Residing Children

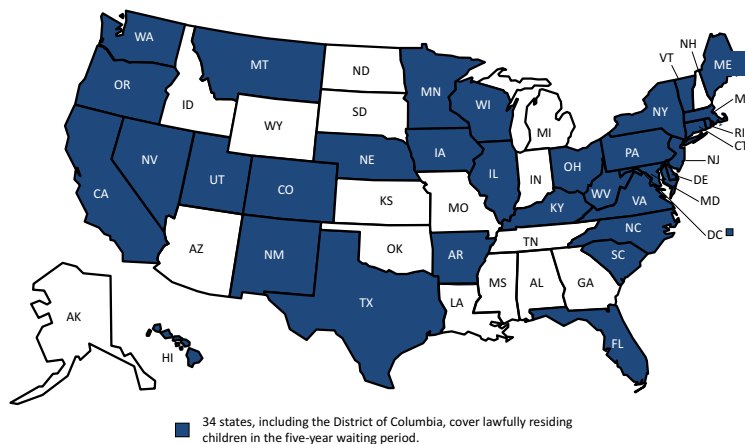
**The 2009 Children’s Health Insurance Program Reauthorization Act (CHIPRA §214) gives states the option to provide coverage to lawfully residing immigrant children using federal Medicaid and CHIP funds.** Before CHIPRA, many lawfully residing immigrant children and pregnant women were subject to a five-year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

**Thirty-four states, including the District of Columbia, have elected to provide coverage to lawfully residing immigrant children using federal funds.**<sup>1</sup> Undocumented children and “Dreamers” or children granted Deferred Action for Childhood Arrivals, are not eligible for federally funded Medicaid or CHIP coverage.<sup>2</sup> Key categories of immigrant children who are considered lawfully residing—but are subject to a five-year waiting period in states without the CHIPRA §214 option—include lawful permanent residents (LPRs) or green card-holders; children fleeing persecution with pending applications for asylum and special immigrant juvenile status; and children with certain temporary immigration statuses.<sup>3</sup>

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

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

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



<sup>1</sup> Georgetown Center for Children and Families and Kaiser Family Foundation’s Commission on Medicaid and the Uninsured, “Medicaid and CHIP Eligibility, Enrollment, Renewal and Cost-Sharing Policies as of January 2018: Findings from a 50-State Survey” (January 2018); S.B. 325, 79th Session (Nevada, 2017).

<sup>2</sup> D. Wiley, “For DACA Youth, Health Insurance is (Only) A Dream,” Say Ahhh! Blog, Georgetown University Center for Children and Families (April 2014), available at <http://ccf.georgetown.edu/all/for-daca-youth-health-insurance-is-only-a-dream/>; and S. Schwartz, “The President’s Immigration Announcement: What Do Health Policy Wonks Need to Know?” Say Ahhh! Blog, Georgetown University Center for Children and Families (November 2014) available at: <http://ccf.georgetown.edu/all/presidents-immigration-announcement-health-policy-wonks-need-know/>

<sup>3</sup> For more information about these immigration categories, see National Immigration Law Center, “Lawfully Residing Children and Pregnant Women Eligible for Medicaid and CHIP” (Updated July 2016), available at: [https://www.nilc.org/wp-content/uploads/2015/11/lawfully-present-imm-categories-CHIPRA-2012-09\\_revNov2013.pdf](https://www.nilc.org/wp-content/uploads/2015/11/lawfully-present-imm-categories-CHIPRA-2012-09_revNov2013.pdf)

<sup>4</sup> B. Saloner, N. Koyawala, and G. Kenney, “Coverage for Low-Income Immigrant Children Increased 24.5 Percent In States That Expanded CHIPRA Eligibility,” Health Affairs (May 2014).

<sup>5</sup> Ibid.

<sup>6</sup> Mann, Cindy to State Health Officials, “Re: Medicaid and CHIP Coverage of “Lawfully Residing” Children and Pregnant Women.” Centers for Medicare & Medicaid Services” (July 1, 2010).

<sup>7</sup> E. Burak, “Medicare Access and CHIP Reauthorization Act of 2015: Summary of Key Provisions Impacting Children,” Georgetown Center for Children and Families (2015), available at: <http://ccf.georgetown.edu/ccf-resources/medicare-access-chip-reauthorization-act-2015-summary-key-provisions-impacting-children/>