



Health Reform: **Beyond the Basics**

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# Immigrant Eligibility for Health Coverage Programs

*Coverage Year 2020*

*October 22, 2019*

*Presented by the Center on Budget and Policy Priorities  
Shelby Gonzales, Director of Immigration Policy*

*In partnership with the National Immigration Law Center  
Gabrielle Lessard, Senior Policy Attorney*



## **Working with Immigrants: What Consumer Enrollment Assistance Providers Need to Know Now**

- Tuesday, October 29 | 2 pm ET (11 am PT)

## **Best Practices When Assisting People with Disabilities Enroll in Health Coverage**

- Thursday, October 31 | 2 pm ET (11 am PT)

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Part I:

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# Eligibility for Medicaid and CHIP Based on Immigration Status

## “Qualified” immigrants include:

- Lawful Permanent Resident (LPR/green card holder)
- Refugee
- Asylee
- Cuban/Haitian Entrant
- Paroled into the U.S. for at least one year
- Amerasians
- Iraq/Afghan Special Immigrant Visas
- 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

- Many “qualified” immigrants are subject to a five-year waiting period (also known as the “5-year bar”)
  - The five years begin when an immigrant obtains a “qualified” immigration status

## **Some people with a “qualified” immigration status are not subject to the 5-year bar:**

- The five years begin when an immigrant obtains a “qualified” immigration status
- Immigrants who physically entered the U.S. before 8/22/96 and remained in the U.S. continuously until obtaining a qualified status
- Refugees, asylees, persons granted withholding of deportation/removal (even if they later become LPRs)
- Cuban/Haitian entrants, certain Amerasian immigrants, individuals granted Iraqi or Afghan special immigrant status, trafficking survivors (even if they later become LPRs)
- Qualified immigrants who are U.S. veterans or on active military duty and their spouses or children
- Children (at state option)
- Pregnant women (at state option)

## Federal Medicaid/CHIP Options

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- States have the option to cover lawfully residing children and/or pregnant women, this includes:
  - Qualified immigrants, without the 5-year bar restriction
  - **Lawfully residing** people, a broader group than “qualified” immigrants
  - *Two-thirds of states have taken up this option for children and nearly half for pregnant women*
- Through CHIP, states can provide pregnant women certain medical services (such as prenatal care) regardless of immigration status

## State-Funded Options

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- States can cover additional immigrants with state-only funds



- **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:
  - Lawfully present but not qualified immigrants, such as persons with Temporary Protected Status (TPS) and many others
  - Undocumented immigrants
  - DACAmented immigrants

Part II:

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# Eligibility for Marketplace Coverage Based on Immigration Status



Statuses Eligible for Medicaid:	Other “Lawfully Present” Immigrants:
<p><b>“Qualified” Immigrants:</b></p> <ul style="list-style-type: none"> <li>• Lawful Permanent Resident (LPR/green card holder)</li> <li>• Refugee</li> <li>• Asylee</li> <li>• Cuban/Haitian Entrant</li> <li>• Paroled into the U.S. for at least one year</li> <li>• Conditional Entrant</li> <li>• Granted Withholding of Deportation or Withholding of Removal</li> <li>• Battered Spouse, Child and Parent</li> <li>• Trafficking Survivor and his/her Spouse, Child, Sibling or Parent</li> </ul> <p><b>Others:</b></p> <ul style="list-style-type: none"> <li>• Member of a federally-recognized Indian tribe or American Indian born in Canada</li> </ul>	<ul style="list-style-type: none"> <li>• Granted relief under the Convention Against Torture (CAT)</li> <li>• Temporary Protected Status (TPS)</li> <li>• Deferred Enforced Departure (DED)</li> <li>• Deferred Action (except DACA)*</li> <li>• Paroled into the US for less than one year</li> <li>• Individual with Nonimmigrant Status (includes worker visas; student visas; U visas; citizens of Micronesia, the Marshall Islands, and Palau; and many others)</li> <li>• Compact of Free Association (COFA)</li> <li>• Administrative order staying removal issued by the Department of Homeland Security</li> <li>• Lawful Temporary Resident</li> <li>• Family Unity</li> </ul>
<p><b>*EXCEPTION:</b> Individuals granted deferred action under the <b>2012 Deferred Action for Childhood Arrivals (DACA) program</b> are <u>not eligible</u> to enroll in coverage in the Marketplace.</p>	



APPLICANT for Any of These Statuses:	Must Also Have Employment Authorization:
<ul style="list-style-type: none"><li>• Lawful Permanent Resident (with an approved visa petition)</li><li>• Asylum*</li><li>• Special Immigrant Juvenile Status</li><li>• Victim of Trafficking Visa</li><li>• Withholding of deportation or withholding of removal, under the immigration laws or under the Convention Against Torture (CAT)*</li></ul>	<ul style="list-style-type: none"><li>• Applicant for Temporary Protected Status</li><li>• Registry Applicants</li><li>• Order of Supervision</li><li>• Applicant for Cancellation of Removal or Suspension of Deportation</li><li>• Applicant for Legalization under IRCA</li><li>• Applicant for LPR under the LIFE Act</li></ul>
<p><i>*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</i></p>	

## Example: Ricky, Eva and Karina

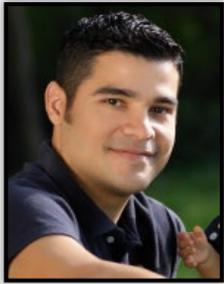
- Ricky and Eva are married and have a daughter, Karina
- Ricky became a lawful permanent resident (LPR) 2 years ago
- Eva is a naturalized U.S. citizen
- Karina is a U.S. citizen



### Who is applying for coverage?

- Ricky, Eva and Karina

# Eligibility Based on Citizenship/Immigration Status Rules



Applying for coverage:	<b>YES</b>	Subject to 5-year bar:	<b>YES</b>	<b>MAY BE ELIGIBLE FOR:</b> ✓ QHP Enrollment
Citizen:	<b>NO</b>	Satisfied 5-year bar:	<b>NO</b>	
Immigration status:	<b>LPR</b>	Lawfully present:	<b>YES</b>	
Qualified immigrant:	<b>YES</b>			



Applying for coverage:	<b>YES</b>	Subject to 5-year bar:	----	<b>MAY BE ELIGIBLE FOR:</b> ✓ Medicaid ✓ QHP Enrollment
Citizen:	<b>YES</b>	Satisfied 5-year bar:	----	
Immigration status:	----	Lawfully present:	----	
Qualified immigrant:	----			



Applying for coverage:	<b>YES</b>	Subject to 5-year bar:	----	<b>MAY BE ELIGIBLE FOR:</b> ✓ Medicaid/CHIP ✓ QHP Enrollment
Citizen:	<b>YES</b>	Satisfied 5-year bar:	----	
Immigration status:	----	Lawfully present:	----	
Qualified immigrant:	----			

Part III:

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# Other Important Eligibility Rules for Families that Include Immigrants

- Seniors who are not eligible for premium-free Medicare Part A may be eligible for enrollment in Marketplace plans and PTC/CSR
- To qualify for premium-free Medicare Part A, individuals must have met the applicable work history requirement or quarters of coverage (QC):
  - QC are earned by paying Social Security and Medicare payroll taxes; people working full-time generally earn four QC in a year
  - People can get quarters of coverage based on their own work history or in some cases the work history of their spouse



**Note:** People who plan on enrolling in Medicare should pay close attention to deadlines. Fees associated for not enrolling by certain deadlines are steep and permanent.



## Example: Lin

- Lin, 74, lives with his daughter, Mei and grandson, Michael
- Lin:
  - has been a lawful permanent resident for 4 years
  - has never worked in the U.S.
  - receives \$2,500 a year from a pension for work completed abroad
  - is **not** enrolled in Medicare Part A
- Mei:
  - provides more than 50% of Lin's support
  - claims Lin and Michael as tax dependents
  - has a household income of \$42,660 a year (200% FPL)



- ✓ **Lin is eligible for QHP enrollment** → Lin is eligible to enroll in a Marketplace plan with subsidies even though he is over 65 because he is not eligible for Medicare Part A based on his work history

**!** *If a person can be claimed as a tax dependent, must indicate that when applying for PTC*

## Can Lin apply on his own for PTC?

- Lin qualifies as Mei's dependent:
  - Lin lives with Mei (and is also her relative)
  - Mei pays for more than half of his support
  - Lin's annual income is less than \$4,150

Lin is Mei's tax dependent, so he **cannot** apply for PTC on his own as a household of 1

- He may be eligible for PTC, but must include Mei (and her income) on his application for health coverage



**IMPORTANT:** If Lin receives PTC, **Mei** must file a tax return and reconcile his PTC on her tax return

- Lawfully present people are eligible for PTC if they are not eligible for Medicaid due to their immigration status
  - Even if their income is below 100% FPL
- This includes lawfully present people who are:
  - Not “qualified” immigrants
  - Qualified immigrants who are subject to and have not met the 5-year bar

**Bottom line: Many lawfully present people with incomes in the Medicaid range or below 100% FPL are eligible for PTC and CSR**

## Example: Gina, Adnan, and Sam

- Gina and Adnan are married and have a son named Sam
- Gina is from Republic of Marshall Islands, which is nation covered under the Compact of Free Association (COFA)
- Adnan entered the U.S. as a refugee 4 years ago
  - He gained LPR status last year
- Sam is a U.S. citizen and is enrolled in CHIP



### Income

- Both Gina and Adnan are full-time college students and both work part-time jobs
- They project their income will be \$19,197 for 2020 (90% FPL)



Applying for coverage:	<b>YES</b>	Subject to 5-year bar:	<b>NO</b>	<b>MAY BE ELIGIBLE FOR:</b> ✓ Medicaid ✓ QHP Enrollment
Citizen:	<b>NO</b>	Satisfied 5-year bar:	----	
Immigration status:	<b>REFUGEE LPR</b>	Lawfully present:	----	
Qualified immigrant:	<b>YES</b>			

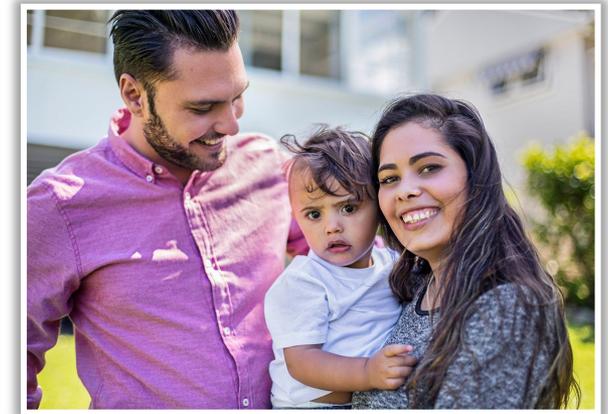


Applying for coverage:	<b>YES</b>	Subject to 5-year bar:	----	<b>MAY BE ELIGIBLE FOR:</b> ✓ QHP Enrollment
Citizen:	<b>NO</b>	Satisfied 5-year bar:	----	
Immigration status:	<b>COFA</b>	Lawfully present:	<b>YES</b>	
Qualified immigrant:	<b>NO</b>			

# Eligibility for PTC and Medicaid

## *In Medicaid Expansion State*

- Adnan is LPR and entered the U.S. as refugee → He is **not** subject to the 5-year bar
- His household income is below 138% FPL → He is eligible for Medicaid
- Gina has an eligible immigration status for marketplace coverage (i.e. she is lawfully present), but does not have a “qualified” status for Medicaid → She is eligible for PTC even though her income is below 100% FPL because she is ineligible for Medicaid based on immigration status



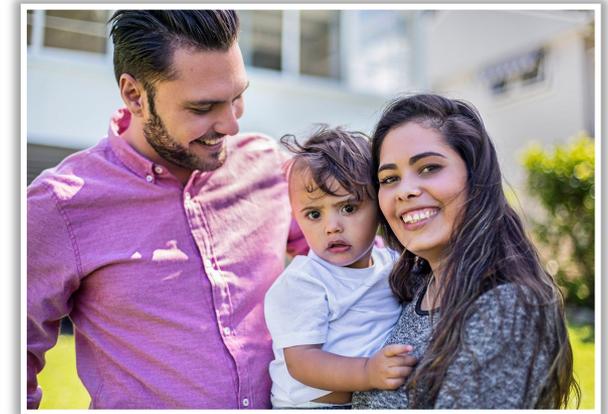
	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
<b>Adnan</b>	Yes	3	\$19,197	90%	No	--	--	--
<b>Gina</b>	No	--	--	--	Yes	3	\$19,197	90%
<b>Sam</b>	N/A	--	--	--	N/A	--	--	--

# Eligibility for PTC and Medicaid

## *In Medicaid Non-Expansion State*

**But what if they live in a state that DID NOT expand Medicaid?**

- Adnan is LPR and entered the U.S. as refugee → He is **not** subject to the 5-year bar
- He meets the Medicaid immigration status requirement but his state has not expanded Medicaid, so he is in the “coverage gap”
- He is also not eligible for PTC because his income is below 100% of FPL and he is eligible for Medicaid based on his immigration status



	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
<b>Adnan</b>	<b>No</b>	3	\$19,197	90%	No	--	--	--
<b>Gina</b>	No	--	--	--	Yes	3	\$19,197	90%
<b>Sam</b>	N/A	--	--	--	N/A	--	--	--

- To qualify for PTC, an applicant that is married must file jointly with their spouse
- Generally, you cannot file as married filing jointly if either spouse was a nonresident at any time during the tax year
- However, a nonresident married to U.S. citizen or resident can choose to be treated as a U.S. resident and file a joint return
  - A citizen or resident married to a nonresident (who does not choose to be treated as a resident) may also file as head of household if they support a child or another closely-related relative. See IRS [Publication 501](#).

- 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, states and marketplaces:
  - Can accept self-attestation
  - Can use HHS approved electronic sources to the extent that they exist
  - Can't use evidence of immigration status

Part IV:

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# Options for People Ineligible for Insurance Affordability Programs

- Ineligible to purchase qualified health plans in the individual Marketplaces, even at full price
  - Can purchase private coverage outside the Marketplace or can get coverage through their employer
- Can apply for health insurance for eligible family members, and be part of household of eligible family members
  - If a tax filer is applying for PTC 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)
  - May be eligible for health programs available to ALL, regardless of immigration status



- Medicaid payment of limited emergency services
- 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
- Additional programs in some states



Part V:

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# Navigating the Application Process

# Eligibility Verification

- Citizenship and immigration status must be verified
- Applicants provide SSNs and/or immigration document numbers
- Those numbers and key other factors are matched against information in government data files



# Why Data Matching May Be Unsuccessful

- Failure to provide SSN or other document numbers, or wrong number provided
- Name, date of birth and SSN provided on the application do not match what is in SSA or SAVE records:
  - Typos
  - Name changes
- Data matching limitations:
  - SSA can't verify citizenship for many citizens who were born outside of the U.S.
  - SAVE can't match certain immigrants in “real time”



**Note:** *Healthcare.gov began automating a second request for verification through SAVE*

# Notice of a Data-Matching Issue: Eligibility Results

- On-screen notice of DMI when application is submitted
- Eligibility notice will detail eligibility and next steps

**Your eligibility is temporary:** By January 11, you must submit documents to confirm some information. See your eligibility notice for details and deadlines.

Eligibility Results	
Review the table below for the results of your application.	
Family member(s)	Results
May Leon	<ul style="list-style-type: none"> <li>• Eligible to purchase health coverage through the Marketplace, but more information is needed</li> <li>• Eligible for a tax credit (\$355.00 each month, which is \$4,260.00 for the year, for your tax household), but we need more information from you. This calculation is based on the yearly household income of \$75,000.00. This is the amount that you provided on your Marketplace application or the amount that came from the most recent income data sources available.</li> </ul>

**Next steps**

Important: You must send documents. This notice includes deadlines and details.

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- Choose a plan and pay your first month's premium.
- By January 11, 2020, send documents to confirm:
  - your household income
- By January 11, 2020, send documents to confirm:
  - Keeley Forrester's TRICARE coverage status

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- You'll get information about when your coverage will begin and how to access services from the Alabama Department of Public Health.

**SAMPLE NOTICE**

# Tips to Prevent a DMI

- Make a correct attestation
- Enter all document numbers that are requested for applicants
- Name change: If name on the application is not the same as on the document, use option to provide name as it appears on the document

Does the name below match the name on the I-551?

Optional.

Jane Smith

Yes

No

[Clear your selection](#)

Update Jane's information so that it matches their card

First name

Middle name

Optional

Last name

Suffix

Optional



Document Type:	What to List for Document ID:
Permanent Resident Card (I-551)	<ul style="list-style-type: none"> <li>✓ “Alien” registration number</li> <li>✓ Card number</li> </ul>
Temporary I-551 stamp (on passport or I-94, I-94A)	<ul style="list-style-type: none"> <li>✓ “Alien” registration number</li> </ul>
Machine Readable Immigrant Visa (with temporary I-551 language)	<ul style="list-style-type: none"> <li>✓ Alien registration number</li> <li>✓ Passport number</li> <li>✓ Country of issuance</li> </ul>
Employment Authorization Card (I-766)	<ul style="list-style-type: none"> <li>✓ “Alien” registration number</li> <li>✓ Card number</li> <li>✓ Expiration date</li> <li>✓ Category code</li> </ul>
Arrival/Departure Record (I-94/I-94A)	<ul style="list-style-type: none"> <li>✓ I-94 number</li> </ul>
Arrival/Departure Record in foreign passport (I-94)	<ul style="list-style-type: none"> <li>✓ I-94 number</li> <li>✓ Passport number</li> <li>✓ Expiration date</li> <li>✓ Country of issuance</li> </ul>
Foreign passport	<ul style="list-style-type: none"> <li>✓ Passport number</li> <li>✓ Expiration date</li> <li>✓ Country of issuance</li> </ul>

Document Type:	What to List for Document ID:
Reentry Permit (I-327)	✓ “Alien” registration number
Refugee Travel Document (I-571)	✓ “Alien” registration number
Certificate of Eligibility for Nonimmigrant Student Status (I-20)	✓ Student and Exchange Visitor Information System (SEVIS) ID
Certificate of Eligibility for Exchange Visitor Status (DS2019)	✓ SEVIS ID
Notice of Action (I-797)	✓ “Alien” registration number or an I-94 number ✓ Description of the type or name of the document
Other documents	✓ “Alien” registration number or an I-94 number ✓ Description of the type or name of the document





## Tips to Resolve DMIs

- Check to make sure the attestation is correct on the application
- Uploading documents to the marketplace is faster than mail
  - It must be a .pdf, .jpeg, .jpg, .gif, .xml, .png, .tiff, or .bmp
  - It can't be bigger than 10 MB
  - The file name can't include a colon, semicolon, asterisk, or any other special character. Here are a few examples of special characters that can't be in the file name: / \ : \* ? " < > |
  - If the upload menu does not include the document type the consumer is trying to upload, the consumers can select "other"
- Citizens likely need two documents
  - One that proves citizenship and one that proves identity
  - Some documents prove citizenship and identity like a U.S. passport

## 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.



## Submit ONE document from EACH column (total of TWO documents)

### 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)

### AND one of the following documents:

- 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

- For people with income that would potentially qualify them for Medicaid, the Marketplace must verify that applicants are ineligible for Medicaid based on their immigration status before determining their eligibility for subsidies
- If Healthcare.gov can't electronically verify an individual's immigration status through SAVE in real time, that person will get an immigration status DMI

## AS A RESULT:



**If otherwise eligible for Medicaid based on income and all other factors:**

→ sent to Medicaid

**If income is below 100% and not otherwise eligible for Medicaid (appears to be in the coverage gap):**

- given the opportunity to enroll in a Marketplace plan with no PTC or cost-sharing reductions (CSR)
- Asked to submit proof of immigration status

# Process A: Appears Eligible for Medicaid

## *Appears Eligible for Medicaid Based on Income & Other Factors*

Marketplace assesses or determines the applicant is eligible for Medicaid

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

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

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

*Case referred back to Marketplace*

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

Applicant returns to Marketplace, indicates that has been denied Medicaid and provides other needed information to establish eligibility

**Correct eligibility determination for PTC and CSR**

# Indicating Ineligibility for Medicaid Based on Status

- Question individuals will use to indicate they have been determined ineligible for Medicaid based on their immigration status
- Exercise caution when helping someone answer this question

## Medicaid or CHIP denial

Was Ruthie found not eligible for Medicaid or Alabama ALL Kids (CHIP) based on their immigration status since 2014?

You can usually find this information on the notice from the Medicaid or CHIP agency or the Marketplace saying they weren't eligible for coverage.

Yes

No

Has Ruthie had their current immigration status since 2014?

Yes

No

Has Ruthie had a change in their immigration status since they were found not eligible for Medicaid or Alabama ALL Kids (CHIP)?

Yes

No

[Save and continue](#)

Application ID: 108954793

## Process B: Treated As If in Medicaid Coverage Gap

*Income is Below 100% FPL and Not Otherwise Eligible for Medicaid*

Marketplace determines applicant can enroll in coverage without PTC and notifies applicant that he may qualify for help paying for coverage but that proof of status is needed to make that determination

If applicant sends in proof, case is sent to special unit to determine if eligible under Medicaid rules

If determined ineligible for Medicaid based on status, Marketplace notifies applicant about eligibility for subsidies and special enrollment period (as applicable)

**Applicant returns to Marketplace to select a plan with PTC and CSR (and will be granted a SEP, as applicable)**

## Center on Budget and Policy Priorities Resources:

- Reference Guide: [Immigration Documents Used in Healthcare.gov](#)
- Webinar: [Preventing and Resolving Data-Matching Issues](#)
- explainer: [Subsidy Eligibility for Immigrants Ineligible for Medicaid Due to Status](#)
- Key Facts:
  - [Immigrant Eligibility for Health Insurance Affordability Programs](#)
  - [Helping Families that Include Immigrants Apply for Health Coverage](#)

## National Immigration Law Center (NILC) Resources:

- [“Lawfully Present” Individuals under the Affordable Care Act](#)

## Protecting Immigrant Families Resources:

- [“Know Your Rights” Materials for Consumers](#)

## Healthcare.gov Marketplace Resources:

- Assister Guide to Immigration Section of Healthcare.gov: [marketplace.cms.gov/technical-assistance-resources/assister-guide-to-immigration-section.PDF](#)
- Eligible Immigration Statuses for Marketplace Coverage: [www.healthcare.gov/immigrants/immigration-status](#)
- Immigration Document Types: [www.healthcare.gov/help/immigration-document-types](#)

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- Gabrielle Lessard, [Lessard@nilc.org](mailto:Lessard@nilc.org)
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## A Very Special Thanks To:

The National Immigration Law Center (NILC) who partnered with us to develop this presentation



*For more information and resources, please visit:*  
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