

Navigating the Application Process for Families that Include Immigrants

Presented in Partnership with the National Immigration Law Center and the Georgetown University Center for Children and Families

Center on Budget and Policy Priorities February 5, 2014



ELIGIBILITY FACTORS FOR IMMIGRANTS





Immigrant Eligibility for Federal Non-Emergency Medicaid and CHIP

- In 1996, as part of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Congress created two categories of immigrants for federal benefits eligibility purposes:
 - "qualified"
 - "not qualified"
- Immigrants who are "not qualified" can qualify for Medicaid emergency services





"Qualified" Category for Federal Non-Emergency Medicaid and CHIP

ELIGIBLE = "Qualified"

Categories defined by statute:

- Lawful Permanent Residents (LPR)
- Certain domestic violence and trafficking survivors and their derivatives
- Refugees
- Asylees
- Persons granted withholding of deportation/removal
- Certain conditional entrants
- Cuban/Haitian entrants
- Parolees

Additionally, "qualified" immigrants who entered the U.S. on or after August 22, 1996 must wait at least five years in "qualified" status (with some exceptions) to become eligible for Medicaid or CHIP.

Source: PRWORA of 1996



"Not Qualified" Category for Federal Non-Emergency Medicaid and CHIP

NOT ELIGIBLE = "Not qualified"

Anyone who is not a citizen or "qualified" immigrant, including:

- Undocumented immigrants
- Other lawfully present individuals such as nonimmigrant visa holders (i.e., students, temporary workers, etc.)



Source: PRWORA of 1996



States Have Some Flexibility to Vary from the General Eligibility Rules

- Under the "unborn child" option in CHIP, states can opt to provide prenatal services to pregnant women, regardless of immigration status if they are not otherwise eligible for Medicaid
- States can waive the five year bar and provide Medicaid/CHIP to "lawfully residing" children and pregnant women
- Other state options allow states to be more or less inclusive of certain immigrants





Immigrant Statuses that Qualify for Marketplace Coverage – Part I

- Lawful Permanent Resident (LPR/Green Card holder)
- Asylee
- Refugee
- Cuban/Haitian Entrant
- Paroled into the U.S.
- Conditional Entrant Granted before 1980
- Battered Spouse, Child and Parent
- Victim of Trafficking and his/her Spouse, Child, Sibling or Parent
- Granted Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention Against Torture (CAT)
- Temporary Protected Status (TPS)
- Lawful Temporary Resident

- Individual with Nonimmigrant Status (includes worker visas, student visas, and citizens of Micronesia, the Marshall Islands, and Palau)
- Administrative order staying removal issued by the Department of Homeland Security
- Member of a federally-recognized
 Indian tribe or American Indian born in Canada
- Resident of American Samoa
- Deferred Enforced Departure (DED)
- Deferred Action Status*

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

Source: www.healthcare.gov



Immigrant Statuses that Qualify for Marketplace Coverage – Part II

Applicant for any of these statuses:

- Adjustment to LPR Status
- Temporary Protected Status with Employment Authorization
- 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:

- 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



Undocumented Individuals

- Defined as individuals who lost permission to remain in the U.S., or entered the U.S. without permission
- They are ineligible to purchase qualified health plans in the individual Marketplaces
- They are exempt from the individual mandate
- Resources for health care for undocumented individuals
 - Emergency Medicaid
 - Can receive health care from Federally Qualified Health Centers (FQHCs) and other programs available regardless of status



Immigrant Eligibility: General Rules

	Refugees, Asylees, & Other		Permanent Re een Card Hold	Other Lawfully Present	Undocumented Immigrants & DACAmented	
	Humanitarian Immigrants	Adults 19 & Over	Children under age 19	Pregnant women	Individuals (except DACA)	Immigrants
Medicaid	√	NO. Until after first 5 years	STATE OPTION During first 5 years	STATE OPTION During first 5 years	STATE OPTION: If under 21 or pregnant	NO. (Except emergency services)
CHIP	✓	N/A	STATE OPTION During first 5 years	STATE OPTION During first 5 years	STATE OPTION: If under 21 or pregnant	NO. (Except state option for prenatal care services only)
Full Price QHPs	\checkmark	\checkmark	\checkmark	\checkmark	\checkmark	NO.
Premium Tax Credits	✓	√	√	√	✓	NO.
Individual Mandate	√	\checkmark	✓	√	✓	NO.



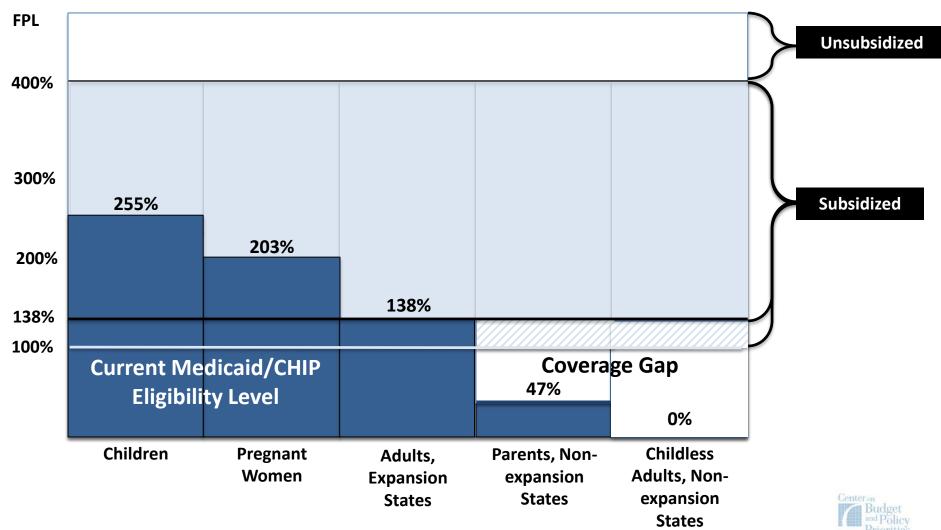
State Residency

- In general, for QHP enrollment, 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, marketplaces:
 - Can accept self-attestation
 - Can use HHS approved electronic sources
 - Can't use evidence of immigration status





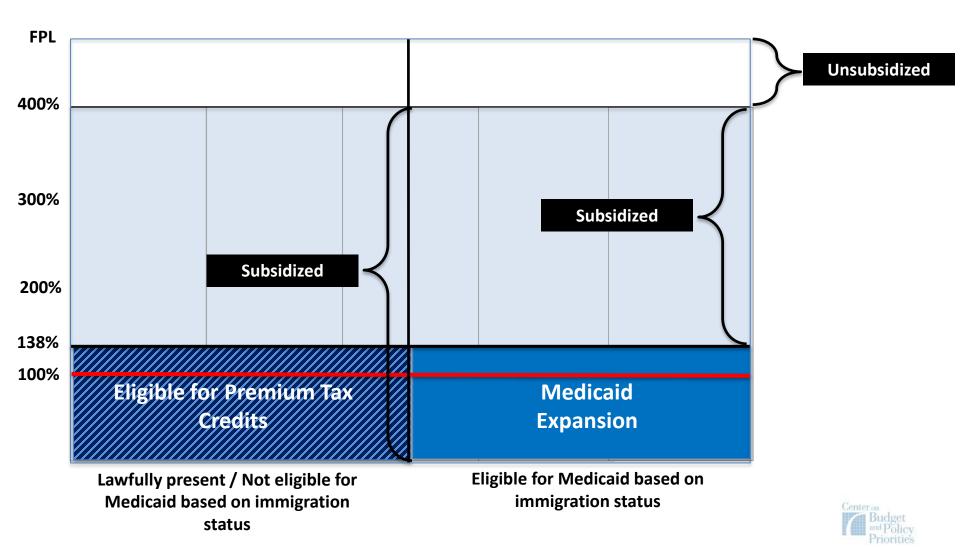
Coverage Landscape in 2014



Medicaid and CHIP coverage, based on 2013 eligibility levels in a typical state Source: Kaiser Commission on Medicaid and the Uninsured

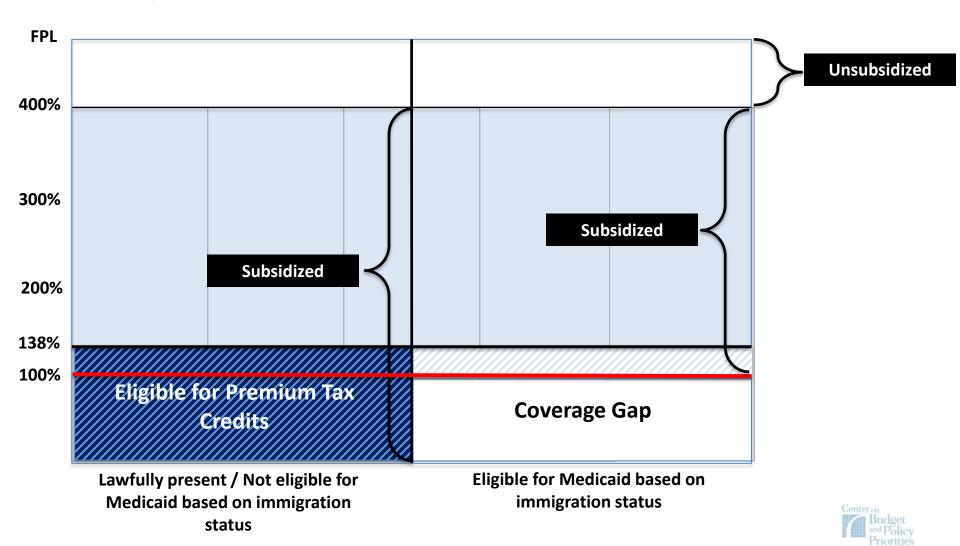


Immigrant Eligibility in Expansion States





Immigrant Eligibility in Non-Expansion States



Scenario 1: Rashid, Miriam and Leila



Rashid, 27 Miriam, 27 Leila, 1 month

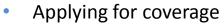
- Rashid and Miriam are married and live in Oregon
- Miriam became a lawful permanent resident 2 years ago
- Rashid became a citizen last year
- Leila was born in Oregon last month
 - No social security number yet, but applied for one
- Family income: \$17,577
- Everyone in the family is interested in getting health coverage





Eligibility Based only on Citizenship / Immigration Status

Rashid







> Yes



MAY BE ELIGIBLE FOR:

- Medicaid
- ✓ QHP Enrollment

Miriam



- Applying for coverage
 - > Yes
- Citizen
 - > No
- Immigration status
 - Lawful Permanent Resident

- Subject to the 5 year bar
 - Yes
- Satisfied the 5 year bar
 - > No

MAY BE ELIGIBLE FOR:

✓ QHP Enrollment

Leila



- Applying for coverage
 - > Yes
- Citizen
 - > Yes

MAY BF FLIGIBLE FOR:

- Medicaid
- ✓ CHIP
- ✓ QHP Enrollment

Eligibility for PTC and Medicaid

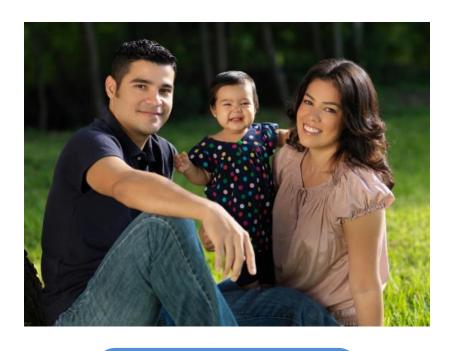
	Medicaid/CHIP				Premium Tax Credits			
	Eligible ?	НН	Income	FPL	Eligible ?	нн	Income	FPL
Rashid	Yes	3	\$17,577	90%	No	3	\$17,577	90%
Miriam	No	3	\$17,577	90%	Yes	3	\$17,577	90%
Leila	Yes	3	\$17,577	90%	No	3	\$17,577	90%



- ➤ Miriam is lawfully present and a "qualified" immigrant, but she is not eligible for Medicaid because she has not met the 5-year bar requirement
- She <u>is</u> 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, 24 Eva, 24 Karina, 1

- Ricky and Eva are not married but live together with their daughter, Karina
- Ricky has a student visa and plans to complete his program of study at Florida State University in 2017
 - He has no income
- Karina is a citizen
- Eva has Deferred Action for Childhood Arrivals (DACA) and she:
 - earns \$37,107 a year
 - plans to file federal taxes and will claim Ricky and Karina as Center of Budget dependents



Eligibility Based only on Citizenship / Immigration Status

Ricky



- Applying for coverage
 - > Yes
- Citizen
 - No
- Immigration status
 - Visa holder (student)

- Residency for QHP enrollment
 - Yes

MAY BE ELIGIBLE FOR:

✓ QHP Enrollment

Eva



Applying for coverage

- Yes
- Citizen
 - > No
 - Immigration status
 - DACA

MAY BE ELIGIBLE FOR:

× Not eligible

Karina



Applying for coverage

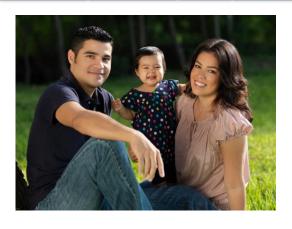
- > Yes
- Citizen
 - Yes

MAY BF FLIGIBLE FOR:

- Medicaid
- ✓ CHIP
- ✓ QHP enrollment

Eligibility for PTC and Medicaid

		Medicaid/CHIP					Premium Tax Credits			
	Eligible ?	НН	Income	FPL	Eligible ?	нн	Income	FPL		
Ricky	No	2	\$0	0%	Yes	3	\$37,107	190%		
Eva	No	3	\$37,107	190%	No	3	\$37,107	190%		
Karina	Yes	3	\$37,107	190%	No	3	\$37,107	190%		



- ➤ Ricky is eligible for enrollment in a QHP with a PTC, but its unclear if attesting to residency in FL will negatively impact his immigration status
- > Eva is not eligible for enrollment in a QHP
- She is not subject to the penalty for going without coverage
- Karina is eligible for CHIP



Scenario 3: Mei, Michael and Lin



Mei, 33 Michael, 5 Lin, 72

- Mei lives with her son, Michael, and father Lin in Virginia
- She has been a lawful permanent resident (LPR) for 6 years
- Michael is a citizen
- 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 \$17,577 a year





Eligibility Based only on Citizenship / Immigration Status

Mei



- Applying for coverage
 - > Yes
- Citizen
 - No
- Immigration status
 - > LPR

- 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

- Subject to the 5 year bar
 - > Yes
- Satisfied the 5 year bar
 - No

MAY BE ELIGIBLE FOR:

✓ QHP enrollment

Michael



- Applying for coverage
 - Yes
- Citizen
 - Yes

MAY BE FLIGIBLE FOR:

- Medicaid
- ✓ CHIP
- ✓ QHP enrollment

Eligibility for PTC and Medicaid

		dicaid/CHIP		Premium Tax Credits				
	Eligible ?	НН	Income	FPL	Eligible ?	нн	Income	FPL
Mei	No	3	\$17,577	90%	No	3	\$17,577	90%
Lin	No	1	\$ 0	90%	Yes	3	\$17,577	90%
Michael	Yes	3	\$17,577	90%	No	3	\$17,577	90%



- ➤ Mei is not eligible for Medicaid because her state has not expanded and she is not eligible for PTC because her income is below 100% FPL
- Lin is eligible for PTC even though his income is below 100% FPL because he does not meet the Medicaid immigration requirement
- ➤ He has opted not to enroll in Medicare because he would have to pay the full premium
- Michael is eligible for Medicaid

Scenario 4: Nina, Tanya and Amelia





- Nina lives with her daughter, Tanya, in Michigan
- Nina is undocumented
- Tanya is a US 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 \$37,107 a year

Nina, 42 Tanya, 8 Amelia, 15 (lives in Canada)





Eligibility Based only on Citizenship / Immigration Status

Nina



Applying for coverage

> No

MAY BE ELIGIBLE FOR:

× Not eligible

Amelia



Applying for coverage

> No

MAY BE ELIGIBLE FOR:

× Not eligible

Tanya



Applying for coverage

- Yes
- Citizen
 - > Yes

MAY BE ELIGIBLE FOR:

- Medicaid
- ✓ CHIP
- ✓ QHP enrollment

Eligibility for PTC and Medicaid

		dicaid/CHIP		Premium Tax Credits				
	Eligible ?	нн	Income	FPL	Eligible ?	нн	Income	FPL
Nina	No	3	\$37,107	190%	No	3	\$37,107	190%
Amelia	No	3	\$37,107	190%	No	3	\$37,107	190%
Tanya	Yes	3	\$37,107	190%	No	3	\$37,107	190%



- ➤ Nina does not meet the immigration requirement to purchase a QHP
- ➤ She is not subject to the penalty for going without coverage
- Amelia is not applying for coverage
- > Tanya is eligible for CHIP



Scenario 5: Nadif, Fatima and Amina



Nadif, 27 Fatima, 27 Amina, 4

- Nadif and Fatima are married and have a daughter, Amina
- Nadif and Fatima:
 - Entered the US as refugees 4 years ago
 - Became LPRs 1 year ago
- Amina is a citizen
- Nadif earns \$18,553 a year





Eligibility Based only on Citizenship / Immigration Status

Fatima



- Applying for coverage
 - > Yes
- Citizen
 - No
- Immigration status
 - Refugee
 - > LPR

- Subject to 5 year bar
 - No

MAY BE ELIGIBLE FOR:

- Medicaid
- ✓ QHP Enrollment

Nadif



- Applying for coverage
 - > Yes
- Citizen
 - > No
- Immigration status
 - Refugee
 - > LPR

- Subject to the 5 year bar
 - No

MAY BE ELIGIBLE FOR:

- Medicaid
- ✓ QHP Enrollment

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 ?	НН	Income	FPL	Eligible ?	нн	Income	FPL		
Fatima	Yes	3	\$18,553	95%	No	3	\$18,553	95%		
Nadif	Yes	3	\$18,553	95%	No	3	\$18,553	95%		
Amina	Yes	3	\$18,553	95%	No	3	\$18,553	95%		



- > Fatima and Nadif are eligible for Medicaid
- They are not subject to the 5 year bar because they entered the US as refugees
- Amina is eligible for Medicaid





Eligibility for PTC and Medicaid in Non-Expansion State

		dicaid/CHIP		Premium Tax Credits				
	Eligible ?	НН	Income	FPL	Eligible ?	нн	Income	FPL
Fatima	No	3	\$18,553	95%	No	3	\$18,553	95%
Nadif	No	3	\$18,553	95%	No	3	\$18,553	95%
Amina	Yes	3	\$18,553	95%	No	3	\$18,553	95%



- ➤ Fatima and Nadif are not eligible for Medicaid because their state has not expanded
- Fatima and Nadif are not eligible for PTC because their income is below 100% FPL
- Amina is eligible for Medicaid





APPLICATION PROCESS





Important Protections: Selecting Who is Applying for Coverage

- Households can identify individual members as nonapplicants and they:
 - Should not be required to disclose their citizenship/immigration status
 - Must provide information that is relevant to the eligibility determination such as income and tax filing

Nho ar	e you applying for health coverage for?
	only
	& other family members
Other fa	mily members, not





Important Protections: Requests for Social Security Numbers

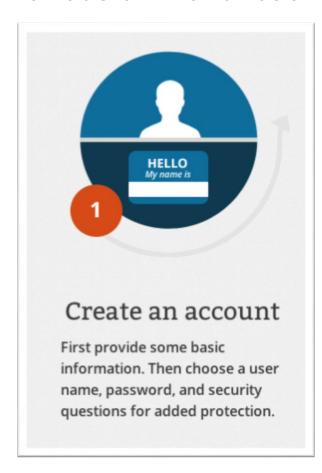
- Some applicants do not have to provide an SSN
- Non-applicants should not be required to provide an SSN unless <u>all</u> of the following true:
 - They or their tax dependents are applying for premium tax credits
 - They have an SSN
 - They are a taxpayer

an SSN see who	d a Social Security number (SSN) if you want health coverage and have or can get one. We use SSNs to check income and other information to is eligible for help paying for health coverage. If Ricky Rodas needs help an SSN, visit socialsecurity.gov, or call Social Security at 1-800-772-1213 ers should call 1-800-325-0778.
nter Ri	cky Rodas's Social Security number
	cky Rodas's Social Security number
ocial Se	curity number optional
Social Se	curity number optional
Social Se	curity number optional



Set Up an Online Account

 Consumers are required to set up an online account to use various online functions:



- Submit an application
- Select a plan online
- Read electronic notices
- Report changes and complete renewals (once these functions becomes available)

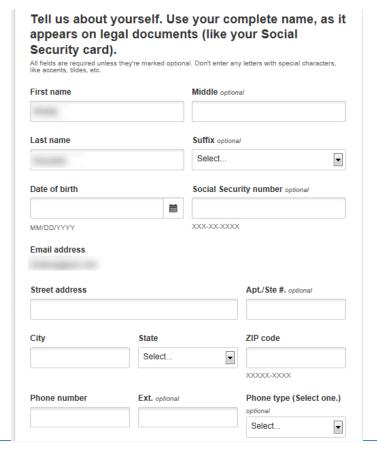




ID Verification is Required to Set Up an Account

Step 1

The person completing the application is asked to provide information



Step 2

Experian provides customized creditrelated questions

Identity questions	
Answer these questions so we can verify your identity.	
1. You may have opened a mortgage loan in or around February 2005. Please select the lender to whom you currently make your mortgage payments. If you do not have a mortgage, select 'NONE OF THE ABOVE/DOES NOT APPLY'.	
○ CHAMPION MORTGAGE	
○ INDEPENDENCE ONE	
O LOAN AMERICA	
○ CITIMORTGAGE INC	
O NONE OF THE ABOVE/DOES NOT APPLY	
2. You may have opened an auto loan in or around March 2012. Please select the lender for this account. If you do not have such an auto loan, select 'NONE OF THE ABOVE/DOES NOT APPLY'.	
TRANSAMERICA	
NISSAN MOTOR ACCEPTANC	
MITSUBISHI MOTORS CRED OF AMERICA	
GEC AUTO LEASE	
NONE OF THE ABOVE/DOES NOT APPLY	



When ID Verification Cannot Be Completed Online

- A unique reference ID is provided
- Consumers may call Experian Help Desk directly or with the Marketplace on a three way call
- If language assistance is needed, consumers can call the call center first, request language assistance to call the Experian Help Desk

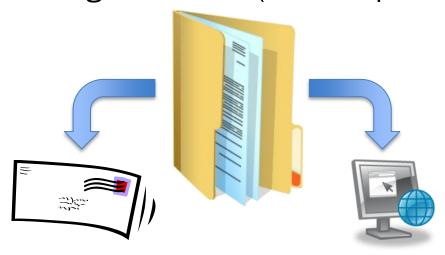
You won't be able to submit your application for health coverage until your identity is verified. Call the Experian help desk. Call (866) 578-5409 and use the code below to verify your identity over the phone. You'll speak to someone who'll ask you more questions. You may have to make changes on the next page based on your call. You won't see the code again after you leave this page, so please write it down now. Your code is: 1967646-JF6A1D0244 I HAVE VERIFIED MY IDENTITY OVER THE PHONE If you aren't able to call now, click here to continue to my application.





When ID Verification Cannot Be Completed Over the Phone

 Consumers are required to mail or upload documents to their Healthcare.gov account (manual process)



Note: The Experian Help Desk cannot help with the manual process





Consumers Can Prove Identity By Mailing or Uploading

- Driver's License
- School ID card
- Voter Registration Card
- U.S. Military Card
- U.S. Military Draft Record
- ID card issued by the federal, state, or local government*

- Military Dependent ID Card
- Tribal Card
- Authentic Document from a Tribe
- U.S. Coast Guard Merchant Mariner Card





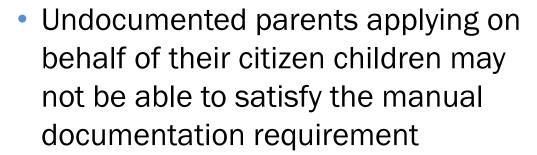
Alternatively, Consumers Can Mail or Upload Two of These Documents

- U.S. Public Birth Record
- Social Security Card
- Marriage Certificate
- Divorce Decree
- Employer Identification Card
- High School or College Diploma
- Property Deed or Title



Who is Affected by ID Verification

- People with limited or no credit history are more likely to have to produce documents to prove their ID
 - Ex. Ricky and Eva



Ex. Nina and Tanya



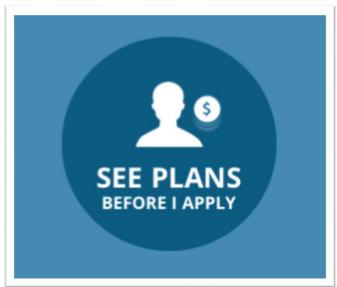






People Unable to Complete the ID Verification

- Complete the application using a paper form or over the telephone
- Request paper notices
- Use "see plans before I apply" tool to browse plans
- Select a plan through the call center
- Report changes and complete renewals through the call center or on paper

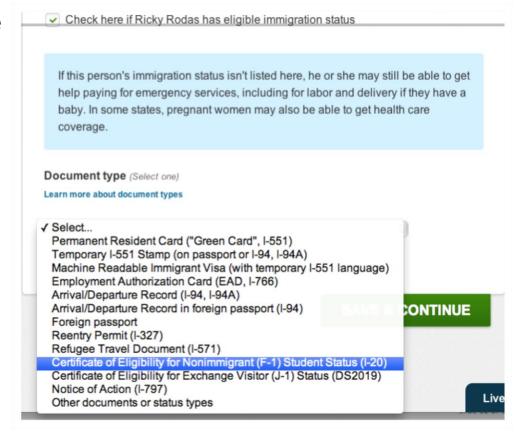






Attesting to and Verifying Immigration Status of Lawfully Present Applicants

- People seeking health coverage for themselves must attest to being in an eligible immigration status
- Must select a document type
- Immigration status is checked using the DHS SAVE system
- People with LPR status who select Permanent Resident Card have to enter A# or USCIS# and I-551 card number





Attesting to and Verifying Immigration Status of Lawfully Present Applicants

- Tips to avoid error:
 - Use all capital letters for first and last name of applicants
 - Omit special characters or extra spaces
- If verification does not work, then consumers can attest to eligible immigration status and proceed with the rest of the application without providing document type and numbers:
 - Applicants will have to upload or mail proof of status during a reasonable opportunity period
 - They can proceed with enrollment during the 90 day reasonable opportunity period if found to be otherwise eligible
 - Caution: Lawfully present individuals will be treated as if they are "qualified" immigrants who have met the 5 year bar

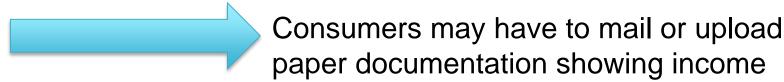
Attesting to and Verifying Citizenship Status

- Attestations of U.S. citizenship will be checked against Social Security Administration (SSA) data, using SSNs
- Verification may not be successful for naturalized or derived citizens through SSA match
- If so, they will be asked to provide:
 - > A#, and
 - Either a naturalization certificate number or a certificate of citizenship number
 - If the documents are unavailable, they can upload or mail in other proof of citizenship such as a U.S. passport



Income Verification

 When no SSN is provided, income cannot be verified through a match with SSA or IRS



 Note: ITINs should not be requested in the application process and will not be used to match with IRS data



Resources

- List of Immigration Statuses that Qualify for Marketplace Coverage:
 https://www.healthcare.gov/immigration-status-and-the-marketplace/
- Verification and Documentation: <u>https://www.healthcare.gov/help/citizenship-and-immigration-status-questions/</u>
- Eligibility Details for Immigrant Families: https://www.healthcare.gov/what-do-immigrant-families-need-to-know/
- Memo from U.S. Immigration & Customs Enforcement (ICE): "Clarification of Existing Practices Related to Certain Health Care Information":

http://www.ice.gov/doclib/erooutreach/pdf/ice-aca-memo.pdf

- Georgetown University's Center for Children and Families (blog): <u>The Administration's</u> <u>New Welcome Mat for Immigrants: "It's Safe</u> <u>to Apply"</u>
- Immigrants and The Affordable Care Act (in English and Spanish):
 http://nilc.org/immigrantshcr.html
- Maps of Health Coverage for Immigrant Children and for Pregnant Women: http://nilc.org/healthcoveragemaps.html
- Materials in Other Languages:
 <u>http://marketplace.cms.gov/getofficialresources/other-languages/other-languages-materials.html</u>



Downloadable Resources

- Overview of Immigrant Eligibility for Federal
 Programs:
 http://www.nilc.org/document.html?id=108
 (PDF)
- Quick Guide to Immigrant Eligiblity for ACA
 and Key Federal Means-Tested Programs:
 http://www.nilc.org/document.html?id=844
 (PDF)
- "Lawfully Present" Individuals Eligible Under the ACA:
 http://www.nilc.org/document.html?id=809
 (PDF)
- Typical Documents Used by Lawfully Present Immigrants: http://www.nilc.org/document.html?id=35
 (PDF)
- Federal Guidance on Public Charge When Is It Safe to Use Public Benefits?: http://www.nilc.org/document.html?id=164 (PDF)

- FAQ Exclusion of Youth Granted "DACA" from Health Coverage:

 http://www.nilc.org/document.html?id=802
 (PDF)
- Medical Assistance Programs for Immigrants in Various States: http://nilc.org/document.html?id=159
 (PDF)
 - Sponsored Immigrants and Benefits: http://www.nilc.org/document.html?id=166 (PDF)
 - FAQ The Affordable Care Act & Mixed-Status Families: http://nilc.org/aca_mixedstatusfams.html

Center on Budget and Policy Priorities

Contact Information

- Jenny Rejeske, National Immigration Law Center rejeske@nilc.org
- Dinah Wiley, Center for Children and Families <u>dw688@georgetown.edu</u>
- Shelby Gonzales, Center on Budget and Policy Priorities gonzales@cbpp.org
- Halley Cloud, <u>cloud@cbpp.org</u>

For more information and resources, please visit:

www.healthreformbeyondthebasics.org

www.nilc.org

ccf.georgetown.edu

