



Health Reform: **Beyond the Basics**

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Immigrant Eligibility for Health Coverage Programs

Coverage Year 2021

September 24, 2020

Presented by the Center on Budget and Policy Priorities

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In partnership with the National Immigration Law Center

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Part IV: Preventing & Resolving Data-Matching Issues

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

Part V: Plan Design

- Thursday, October 1 | 2 pm ET (11 am PT)

Part VI: Plan Selection Strategies

- Tuesday, October 6 | 2 pm ET (11 am PT)

Part VII: Part VII: Auto-Renewal Process

- Thursday, October 8 | 2 pm ET (11 am PT)

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- All attendees are muted and in listen-only mode
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- We will monitor questions and pause to answer a few during the presentation
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- All webinars are recorded and will be available for viewing at www.healthreformbeyondthebasics.org

Part I:

Eligibility for Marketplace Coverage Based on Immigration Status

Marketplace Uses the “Lawfully Present” Standard for Eligibility

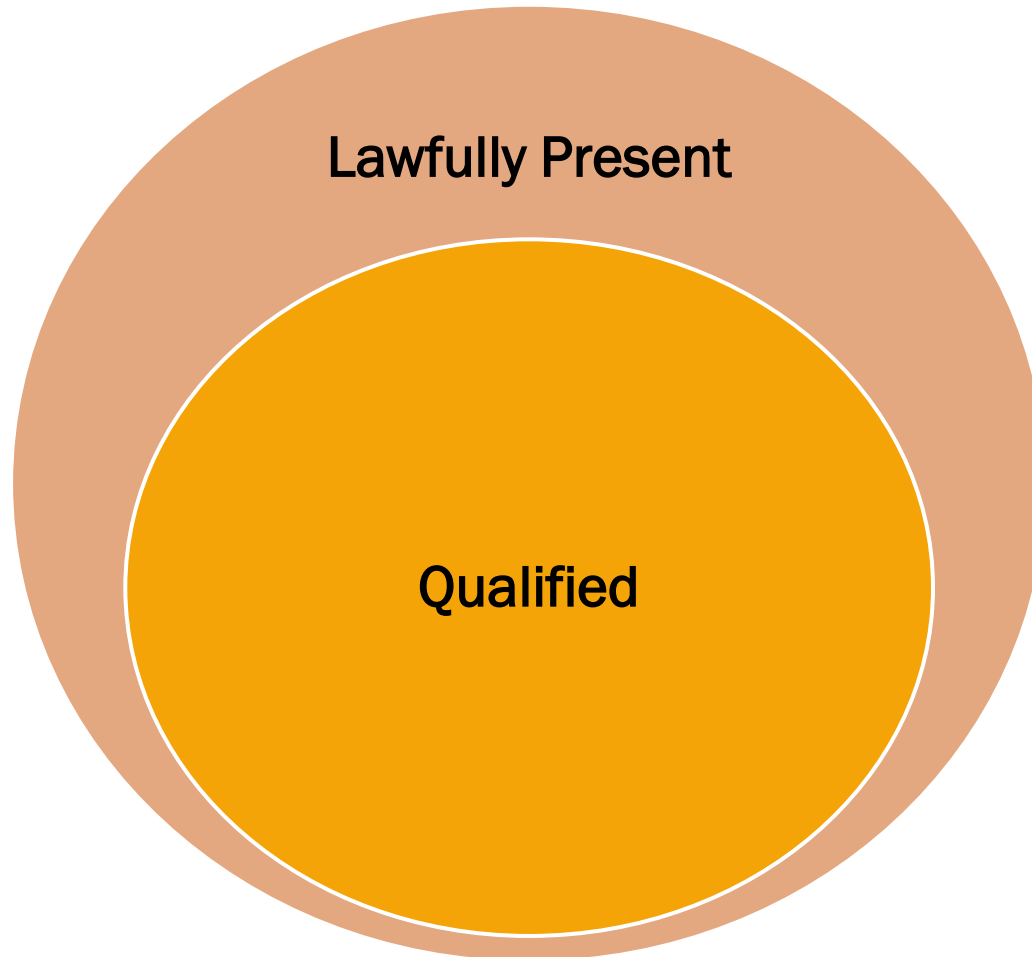
Lawfully Present Statuses that May Also Meet the More Restrictive Federal Medicaid and CHIP Standard	Other Lawfully Present Statuses
<p>“Qualified” Immigrants:</p> <ul style="list-style-type: none"> • Lawful Permanent Resident (LPR/green card holder) • Refugee • Asylee • Cuban/Haitian Entrant • Paroled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

Marketplace Uses the “Lawfully Present” Standard for Eligibility

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

Part II:

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 People Are Barred from Medicaid & CHIP for 5 Years

- Many qualified immigrants are subject to a five-year waiting period (also known as the “5-year bar”)
 - The five years begin at the intersection of a person obtaining a qualified immigration status and being physically in the U.S.

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

- People who physically entered the U.S. before 8/22/96 and remained in the U.S. continuously until obtaining a qualified status
- People who have refugees or asylees statuses and people granted withholding of deportation/removal (even if they later become LPRs)
- People who have Cuban/Haitian entrants statuses and certain Amerasian immigrants,
- People 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)

States Have Flexibility to Vary from Federal Eligibility Rules

Federal Medicaid/CHIP Options

- 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 their immigration status

State-Funded Options

- Using state-only funds, states can opt to cover individuals who do not meet the restrictive immigration-related federal eligibility standard



Medicaid Payment for Limited Emergency Services

- **Medicaid payment for limited services related to an emergency medical condition** is available to providers to cover the cost of medical services provided to people who meet all the state's Medicaid eligibility requirements except for immigration status.
- This category includes:
 - People who have a qualified immigration status but have not met the five-year wait requirement
 - People who have a lawfully present status but do not have a qualified immigration status, such as persons with Temporary Protected Status (TPS) and many others
 - People who do not have a documented immigration status
 - People with DACA

- 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

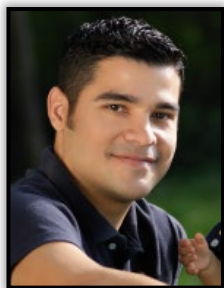


Who is applying for coverage?

- Ricky, Eva and Karina

Eligibility Based on Citizenship/Immigration Status Rules

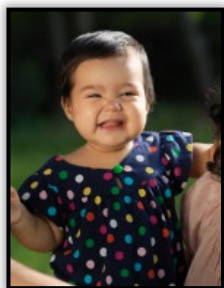
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Applying for coverage:	YES	Subject to 5-year bar:	YES	MAY BE ELIGIBLE FOR: ✓ QHP Enrollment
Citizen:	NO	Satisfied 5-year bar:	NO	
Immigration status:	LPR	Lawfully present:	YES	
Qualified immigrant:	YES			



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



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

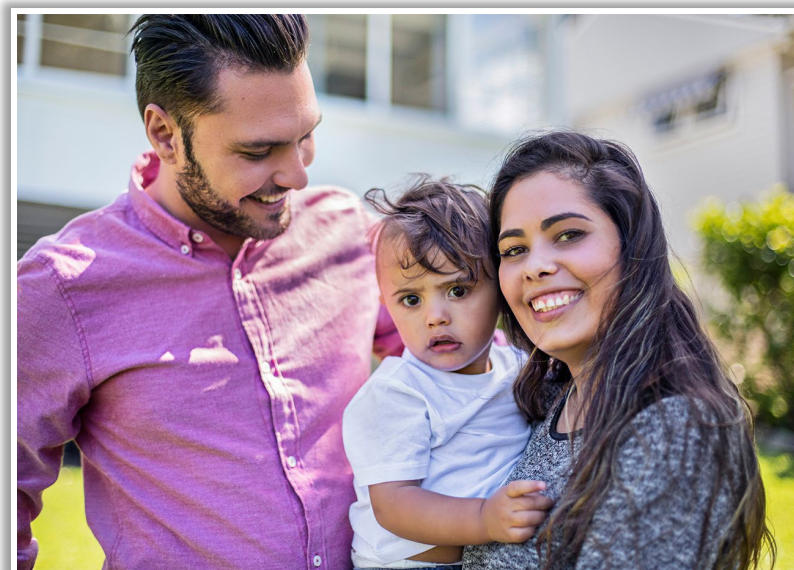
Part III:

Other Important Eligibility Rules for Families that Include Immigrants

- The PTC income floor of 100% FPL does not apply to people who have a lawfully present status but are not eligible for Medicaid due to their immigration status
- This includes people who have a lawfully present status who are:
 - Not “qualified” immigrants
 - Qualified immigrants who are subject to and have not met the 5-year bar

Bottom line: Many people who have a lawfully present status and incomes in the Medicaid range or below 100% FPL are eligible for PTC and CSR

- 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

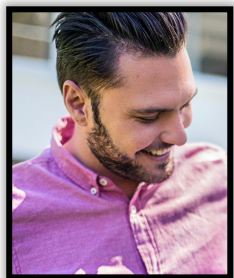


Income

- Both Gina and Adnan are full-time college students and both work part-time jobs
- They project their income will be \$19,548 for 2021 (90% FPL)

Eligibility Based on Citizenship/Immigration Status Rules

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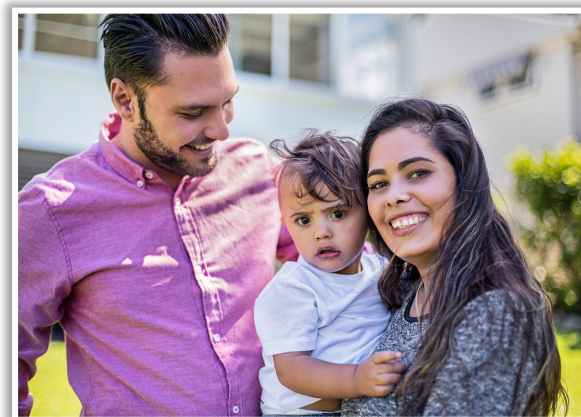
Applying for coverage:	YES	Subject to 5-year bar:	NO	MAY BE ELIGIBLE FOR: ✓ Medicaid ✓ QHP Enrollment
Citizen:	NO	Satisfied 5-year bar:	----	
Immigration status:	REFUGEE LPR	Lawfully present:	----	
Qualified immigrant:	YES			



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

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



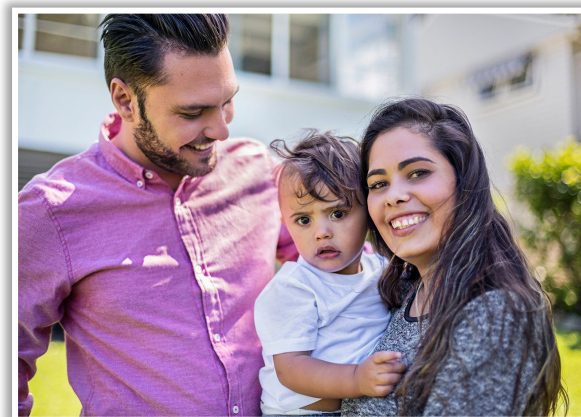
	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Adnan	Yes	3	\$19,548	90%	No	--	--	--
Gina	No	--	--	--	Yes	3	\$19,548	90%
Sam	N/A	--	--	--	N/A	--	--	--

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
Adnan	No	3	\$19,548	90%	No	--	--	--
Gina	No	--	--	--	Yes	3	\$19,548	90%
Sam	N/A	--	--	--	N/A	--	--	--

- 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.

- 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 \$43,440 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 gross income is less than \$4,300

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

- To qualify for PTC, an applicant that is married must file jointly with their spouse
- Certain immigrants file taxes on Form 1040-NR
 - Some immigrants (often foreign students on an F, J, M, or Q visa) must file taxes on Form 1040-NR because they can't meet the "substantial presence test" in their first five years in the US
 - Form 1040-NR doesn't allow most married nonresident immigrants to file jointly with a spouse so they can't meet the joint filing requirement to claim a PTC

- 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:

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



- Some states have defined COVID testing and treatment as emergency services under their emergency Medicaid programs
- Federal laws created a provider relief fund to reimburse certain medical providers for expenses and lost revenue due to the pandemic.
- HHS has made some of these funds available to pay for testing and treatment provided to people who are uninsured regardless of their immigration status or income
 - Providers can't condition eligibility for these services based on immigration status or a person's ability to provide a SSN, but provider will ask for an SSN and/or other documentation



Part V:

Navigating the Application Process

- 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

- 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">• Eligible to purchase health coverage through the Marketplace, but more information is needed• 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.

SAMPLE NOTICE

Next steps

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

- Choose a plan and pay your first month's premium.
- By January 11, 2021, send documents to confirm:
 - your household income
- By January 11, 2021, send documents to confirm:
 - Keeley Forrester's TRICARE coverage status
- You'll get information about when your coverage will begin and how to access services from the Alabama Department of Public Health.

- 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

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

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



Permanent Resident Card ("Green card", I-551)



Alien Registration #
(may be referred to as USCIS #)

Card Number

- If the A# does not have 9 digits, add one or two zeros before the A# so that you can input nine digits
- Document/card number may be on the front or the back of the card and contains 13 characters:
 - Begins with three letters, followed by ten numbers
- Some older cards do NOT have card numbers
 - Enter “AAA00000000000” as the card number

- If the A# does not have 9 digits, add one or two zeros before the A# so that you can input nine digits
- Document/card number may be on the front or the back of the card and contains 13 characters:
 - Begins with three letters, followed by ten numbers
- Some older cards do NOT have card numbers
 - Enter “AAA00000000000” as the card number



For more info, see our [Reference Guide: Documents Used to Verify Immigration Status](#)

- 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

- 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 Child found not eligible for Illinois Medicaid or Illinois All Kids (CHIP) based on their immigration status since 2015?

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 Child had their current immigration status since 2015?

- ☐ Yes
☒ No

Has Child had a change in their immigration status since they were found not eligible for Illinois Medicaid or Illinois All Kids (CHIP)?

- ☐ Yes
☐ No

Save & continue

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](#)
- 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](#)
- [Update on Access to Healthcare for Immigrants and Their Families](#)

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
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For more information and resources, please visit:
www.healthreformbeyondthebasics.org | www.nilc.org

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