



Part III: Health Coverage Eligibility Based on Immigration Status

September 20, 2022

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Eligibility for ACA Marketplace Coverage Based on Immigration Status



The ACA Marketplace Uses the "Lawfully Residing/Present" Standard for Eligibility

Lawfully Residing/Present Statuses that Also Meet the More Restrictive Federal Medicaid Standard	Other Lawfully Residing/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• Compact of Free Association (COFA) <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; and many others)• Administrative order staying removal issued by the Department of Homeland Security• Lawful Temporary Resident• Family Unity
<p><i>*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 ACA marketplace.</i></p>	

The ACA Marketplace Uses the "Lawfully Residing/Present" Standard for Eligibility

APPLICANT for Any of These Statuses:

- Lawful Permanent Resident (with an approved visa petition)
- 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)*

Must Also Have Employment Authorization:

- 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
- Applicants for asylum*

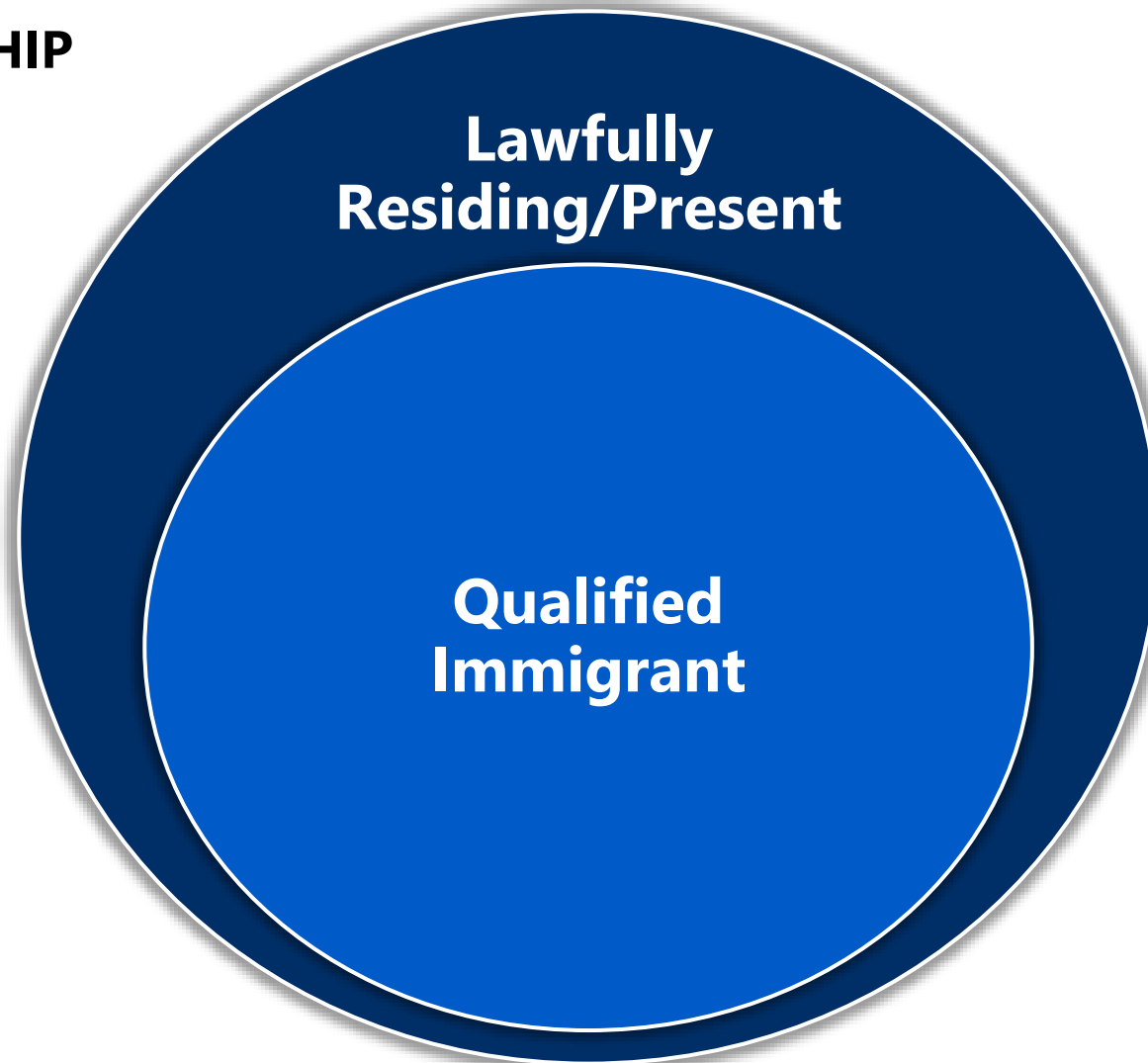
**Only those who have been granted employment authorization or are under the age of 14 and have had an application pending for at least 180 days are eligible*

Eligibility for Medicaid & CHIP Based on Immigration Status



"Qualified" Immigrant Eligibility Standard

Used by Medicaid & CHIP



Medicaid & CHIP Use "Qualified" Immigrant Eligibility Standard

"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
- 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
- Compact of Free Association (COFA) (Medicaid Only)

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 people who have a “qualified” immigration status are subject to a five-year waiting period: (The five years begin when a person obtains a qualified immigration status and enters the U.S.)¹


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 refugee or asylee statuses and people granted withholding of deportation/removal (even if they later become LPRs)
- People who have Cuban/Haitian entrants statuses
- People with LPR status with credit for 40 Social Security quarters of earnings in the U.S.
- People arriving from Iraq or Afghanistan with special immigrant status
- Some people from Afghanistan or Ukraine who are granted parole into the U.S.²
- Survivors of trafficking
- Qualified immigrants who are U.S. veterans or on active military duty and their spouses or children
- Children and pregnant people (at state option)

Note: This slide was updated 4-11-23

1. People who adjust to LPR status after having a status not subject to the 5-year bar continue to be exempt from the bar.
2. People arriving from Afghanistan with a Special Immigrant Visa or through a grant of parole are not subject to the 5-year bar until March 21, 2023 or for the term of parole granted, whichever is later ([CMS Guidance](#)). People arriving from Ukraine are not subject to the 5-year bar for the term of parole granted ([Additional Ukraine Supplemental Appropriations Act, Sec. 401.](#))

States Have Flexibility to Vary from Federal Eligibility Rules



Federal Medicaid/CHIP Options

- States have the option to cover children and/or pregnant people with lawfully residing/present statuses. This includes:
 - People with qualified immigration statuses, without the 5-year bar restriction
 - People with an immigration status that is considered lawfully residing/present (A broader group than “qualified” immigration statuses; see Slides 4-5)
 - *Two-thirds of states have taken up this option for children and nearly half for pregnant people*
- Through CHIP, states can provide pregnant people 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

To find out more info on state options in your state, see NILC’s [Medical Assistance Programs for Immigrants in Various States](#)

Example: Eligibility Based on Citizenship & Immigration Status Rules



- Ricky and Eva are married and have a daughter, Karina
- Ricky obtained lawful permanent resident (LPR) status 2 years ago
- Eva has completed the naturalization process and has completed the naturalization process to gain U.S. citizenship
- Karina has U.S. citizenship

Who is applying for coverage?

- Ricky, Eva and Karina

Example: Eligibility Based on Citizenship & Immigration Status Rules



Applying for coverage:	YES	Subject to 5-year bar:	YES
U.S. Citizen:	NO	Satisfied 5-year bar:	NO
Immigration status:	LPR	Lawfully residing/present:	YES
Qualified immigrant:	YES		

MAY BE ELIGIBLE FOR:
✓ Marketplace coverage



Applying for coverage:	YES	Subject to 5-year bar:	----
U.S Citizen:	YES	Satisfied 5-year bar:	----
Immigration status:	----	Lawfully residing/present:	----
Qualified immigrant:	----		

MAY BE ELIGIBLE FOR:
✓ Medicaid
✓ Marketplace coverage



Applying for coverage:	YES	Subject to 5-year bar:	----
U.S Citizen:	YES	Satisfied 5-year bar:	----
Immigration status:	----	Lawfully residing/present:	----
Qualified immigrant:	----		

MAY BE ELIGIBLE FOR:
✓ Medicaid/CHIP
✓ Marketplace coverage

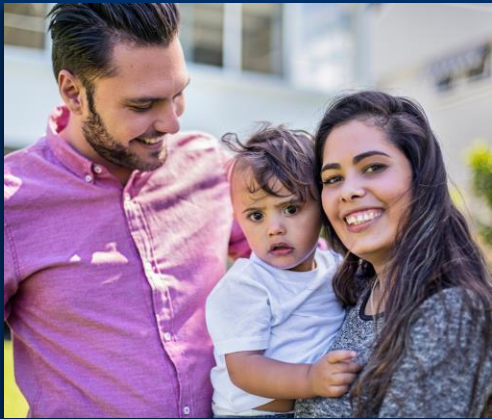
Other Important Eligibility Rules for Families that Include Immigrants



Special PTC Rule

- The PTC income floor of 100% FPL does **not** apply to people who have a lawfully residing/present status but are not eligible for Medicaid due to their immigration status
- This includes people who have a lawfully residing/present status who:
 - Do not have a “qualified” immigration status
 - Have a “qualified” immigration status who are subject to and have not met the 5-year bar
- Bottom line: **Many people who have a lawfully residing/present status and incomes in the Medicaid range or below 100% FPL are eligible for PTC and CSR**

Example: Eligibility Based on Citizenship & Immigration Status Rules

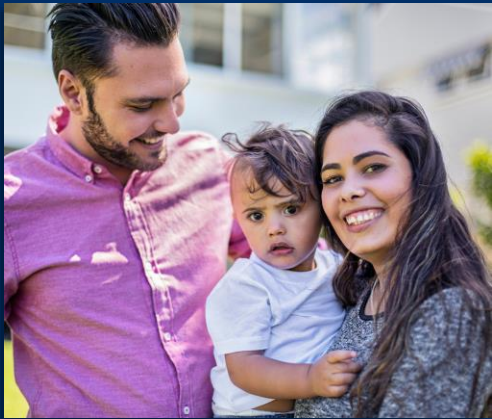


- Gina and Adnan are married and have a son named Sam
- Gina has Temporary Protected Status (TPS)
- Adnan entered the U.S. as a refugee 4 years ago
 - He gained LPR status last year
- Sam has U.S. citizenship status and is enrolled in CHIP

Income

- Both Gina and Adnan are full-time college students and both work part-time jobs
- They projected their income will be \$20,700 for 2023 (90% FPL)

Example: Eligibility Based on Citizenship & Immigration Status Rules



Applying for coverage:	YES	Subject to 5-year bar:	NO	MAY BE ELIGIBLE FOR: ✓ Medicaid ✓ Marketplace coverage
U.S. Citizen:	NO	Satisfied 5-year bar:	----	
Immigration status:	REFUGEE LPR	Lawfully residing/present:	----	
Qualified immigrant:	YES			



Applying for coverage:	YES	Subject to 5-year bar:	----	MAY BE ELIGIBLE FOR: ✓ Marketplace coverage
U.S. Citizen:	NO	Satisfied 5-year bar:	----	
Immigration status:	TPS	Lawfully residing/present:	YES	
Qualified immigrant:	NO			

Example: Eligibility for PTC & Medicaid

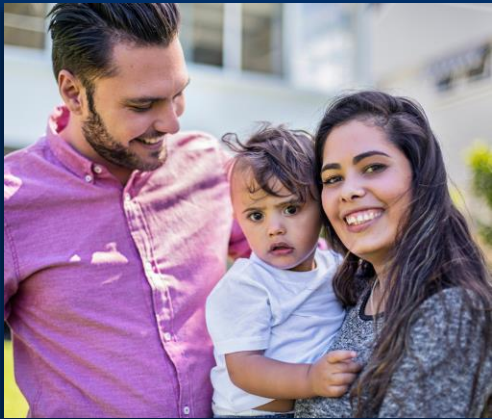


In a State that has expanded Medicaid

- Adnan has LPR status and entered the U.S. with refugee status
 - He is not subject to the 5-year bar
 - His household income is below 138% FPL
 - He is eligible for Medicaid
- Gina has a lawfully residing/present immigration status, 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	\$20,700	90%	No	--	--	--
Gina	No	--	--	--	Yes	3	\$20,700	90%
Sam	N/A	--	--	--	N/A	--	--	--

Example: Eligibility for PTC & Medicaid



In a state that has not expanded Medicaid

- Adnan has LPR status and entered the U.S. with refugee status
 - 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, so the special PTC rule does not apply

	Medicaid/CHIP				Premium Tax Credits			
	Eligible?	HH	Income	FPL	Eligible?	HH	Income	FPL
Adnan	No (COVERAGE GAP)	3	\$20,700	90%	No	--	--	--
Gina	No	--	--	--	Yes	3	\$20,700	90%
Sam	N/A	--	--	--	N/A	--	--	--

Special Marketplace Rules for Older Adults

- Older adults 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 as measured by Social Security quarters of earnings (QE):
 - QE are earned by paying Social Security and Medicare payroll taxes; people working full-time generally earn four QE in a year
 - People can get quarters of earnings 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: Tax Dependents & Applying for PTC



- Lin, 74, lives with his daughter, Mei, and grandson, Michael
 - Lin:
 - has had a lawful permanent resident status 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 \$46,000 a year (200% FPL)
-
- ✓ Lin is eligible for marketplace coverage → Lin is eligible to enroll in a marketplace plan with subsidies even though he is over 65. He is not eligible for Medicare Part A based on his work history

Example: Tax Dependents & Applying for PTC



- ! *If a person can be claimed as a tax dependent, they 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 \$4,400

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

State Residency for Marketplace, Medicaid, & CHIP

- In general, for ACA marketplaces 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

PTC-Related Rules for Married People Who Have Nonresident Status

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

Options for People Ineligible for Insurance Affordability Programs Due to Immigration Status



People Who Are Undocumented or Have DACA

- They are 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
 - People who are undocumented may not have a Social Security Number (SSN) but may be asked to provide an SSN or other tax identification numbers. They don't have to provide these and not providing them should not prevent them from enrolling or staying enrolled.

For more information on Deferred Action for Childhood Arrivals (DACA), see NILC's [FAQs about DACA](#)

People Who Are Undocumented or Have DACA

- Although they are ineligible to purchase marketplace coverage, they can apply for ACA 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, they must file a tax return
 - If they are not eligible for a Social Security number (SSN), they may file a tax return using an Individual Taxpayer Identification Number (ITIN)

For more information on Deferred Action for Childhood Arrivals (DACA), see NILC's [FAQs about DACA](#)

Medicaid Payment for Emergency Services

- **Medicaid payment for 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 may include:
 - People who have a qualified immigration status but have not met the five-year wait requirement
 - People who have a lawfully residing/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

Programs That Don't Restrict Eligibility Based on Status

- 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

For more information on where to find FQHCs, see findahealthcenter.hrsa.gov

Public Charge Update



Public Charge Update



- A new public charge rule will be in effect on December 23, 2022.
- The new rule largely codifies the longstanding policy known as the "1999 Field Guidance" that is in place now.
- **Under both policies:**
 - Accessing health insurance affordability programs is **not** negatively factored into public charge. This includes:
 - Premium Tax Credits and Cost Sharing Reductions to offset ACA marketplace coverage
 - Children's Health Insurance Program (CHIP)
 - Medicaid (Medicaid is only a negative factor in public charge if it's used to pay for long-term care in a facility such as a nursing home)

Public Charge Update

- Under both policies:
 - Officials try to determine if an individual is “likely to become primarily dependent on the government for subsistence” as demonstrated by use of these benefits:
 - Public cash assistance for income maintenance
 - Long-term institutional care paid for by the government (i.e. Medicaid)
 - Accessing any benefits except for these two types of benefits is not negatively factored into public charge.

For more information on the 1999 Field Guidance, see this webpage from U.S. Citizenship and Immigration Services (USCIS): <https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge/public-charge-resources>

Public Charge Update



- The new policy provides some helpful clarifications and protections including:
 - Long-term care at government's expense does **not** include: short-term rehabilitation, imprisonment for conviction of a crime, or home and community-based services
 - Receipt of benefits only counts when the individual seeking an immigration status, was the beneficiary of the benefits

Role for Consumer Assisters



- People who are immigrants and their families have faced tremendous fear on confusion related to public charge, and this has resulted in many people forgoing health coverage and other supports.
- Enrollment assisters can play an important role in raising awareness that participation in health insurance affordability programs is not negatively factored into public charge.
- Enrollment assisters can:
 - Share resources that detail current policies to help them make informed decisions
 - Provide information about the value of comprehensive health insurance
 - Provide information about privacy protections related to information shared for enrollment purposes
- For more information on implementation of the current public charge policy, see the Protecting Immigrant Families Campaign:
 - [The ABCs of Public Charge](#)
 - [Immigrant Eligibility for Public Programs During COVID-19](#)

Addressing Concerns Related to Privacy



- Some people fear that completing an application for health coverage — even for a U.S. citizen child — could expose that there are non-citizens in the household.
- Privacy rules protect families applying for health insurance, including families whose members have different immigration statuses.
- Laws governing the ACA marketplaces, Medicaid, and CHIP limit the use of information collected during the application processes. It can only be used to make eligibility determinations and must be protected from unauthorized disclosure for other purposes.
 - Citations: 42 U.S.C. § 18081(g)(1); 42 U.S.C. § 1320b-7(a)(5); 42 U.S.C. § 1396a(a)(7)
- State workers, marketplace employees and assister groups are required to keep information private and secure
 - Citations: 42 U.S.C. § 18081(g)(2); 42 C.F.R. § 457.1110; 45 C.F.R. § 155.260(a)
- For more information regarding privacy concerns, see this resource from the National Immigration Law Center:
 - [Tips for Addressing Immigrant Families' Concerns When Applying for Health Coverage Programs](#)

Navigating the Application Process





Eligibility Verification

- Citizenship and immigration status must be verified
- Applicants provide Social Security number (SSN) and/or immigration document numbers
- Those numbers and key other factors are matched against information in government data files



How the Marketplace Verifies Citizenship

- Applicant provides SSN
 - Applicant attests to being a U.S. citizen
- 
- 
- HealthCare.gov checks citizenship through a data match with SSA
 - If SSA can't substantiate citizenship, the applicant is asked if they are a naturalized or derived citizen* and if so, is asked to provide:
 - Information on their Naturalization Certificate or Certificate of Citizenship
 - HealthCare.gov then tries to verify citizenship through data match with Systematic Alien Verification for Entitlements (SAVE) program

***Naturalized citizen** is used to describe individuals born outside of the U.S. who become U.S. citizens after completing certain requirements and the "naturalization" process.
Derived citizen refers to U.S. citizens who obtain citizenship through U.S. citizen parents.

Is Jane a U.S. citizen or U.S. national?

[Learn more about being a U.S. citizen or U.S. national.](#)

☒ Yes

☐ No

Is Jane a naturalized or derived citizen?

[Learn more about naturalized or derived citizenship.](#)

☒ Yes

☐ No

Does Jane have one of these documents?

Optional.

[Learn more about these documents.](#)

☐ Naturalization Certificate

☐ Certificate of Citizenship

Documents That Can Be Used to Prove Citizenship

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, Minnesota, 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.

If None of the Previous Documents Are Available

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

How the Marketplace Verifies Immigration Status

Does Jane have eligible immigration status?

[Not sure? See a list of eligible statuses.](#)

- ☒ Yes, Jane has eligible immigration status.
- ☐ I would like to continue the application without answering this question. I understand that if I don't answer it, **Jane won't be eligible for full Medicaid or Marketplace coverage** and will be considered only for coverage of emergency services, including labor and delivery services.

Select the document type that corresponds with Jane's most current documentation and status.

Optional

- ☐ Permanent Resident Card (Green Card) or Reentry Permit
I-551, Temporary I-551 stamp, I-327
- ☐ Machine Readable Immigrant Visa
with temporary I-551 language
- ☐ Employment Authorization Card
I-766
- ☐ Arrival/Departure Record
I-94, I-94A
- ☐ Refugee Travel Document
I-571
- ☐ Nonimmigrant Student or Exchange Visitor Status
I-20, DS2019
- ☐ Notice of Action
I-797
- ☐ Other document or status
- ☐ Unexpired foreign passport

- Applicants attest to having an “eligible immigration status”
- Applicants select a document type and submits applicable document numbers
- Marketplace tries to verify status through SAVE

Documents That Can Be Used to Prove Immigration Status

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

Documents That Can Be Used to Prove Immigration Status

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

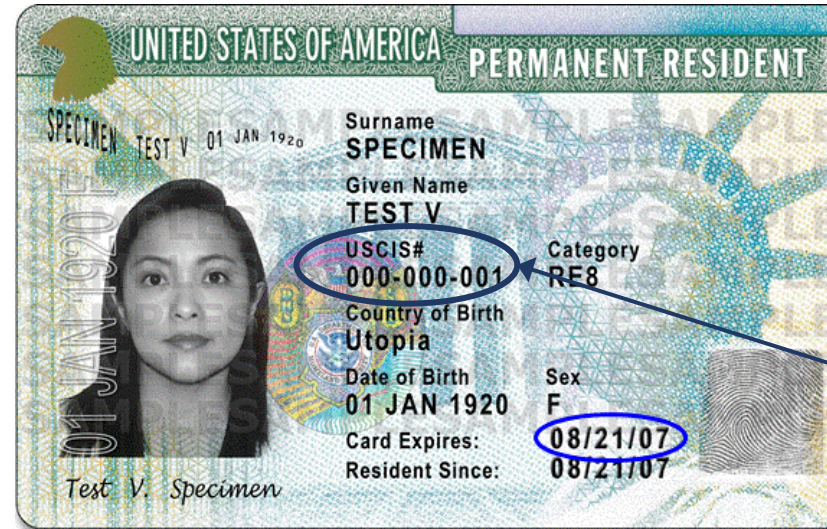
For more info, see our [Reference Guide: Documents Used to Verify Immigration Status](#)

Examples of Document to Prove Status

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

Tips:

- 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 "AAA0000000000" as the card number



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

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



Card Number

PTC for Certain People Who Have a Lawfully Residing/Present Status but Are Ineligible for Medicaid Due to Their Status

- For people with income that would 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: Person Appears Eligible for Medicaid

Person 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

Medicaid or CHIP denial

Was Jane found not eligible for Michigan Department of Health and Human Services (Medicaid) or Michigan MICHild (CHIP) based on their immigration status since 2016?

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 Jane had their current immigration status since 2016?

☐ Yes

☒ No

Has Jane had a change in their immigration status since they were found not eligible for Michigan Department of Health and Human Services (Medicaid) or Michigan MICHild (CHIP)?

☐ Yes

☒ No

- 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

Process B: Person 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)**

Resources

Beyond the Basics:

- Reference Guide: [Immigration Documents Used in Healthcare.gov](#)
- 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](#)

Upcoming Webinars

Part IV: Plan Design

- Thursday, September 22 | 2 pm ET (11 am PT)

Part V: Plan Selection Strategies

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

Part VI: Preventing and Resolving Data Matching Inconsistencies

- Tuesday, October 4 | 2 pm ET (11 am PT)

Part VII: The Autorenewal Process

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

Part VIII: Tying It All Together

- Thursday, October 13 | 2 pm ET (11 am PT)

Part IX: Asistiendo a consumidores hispanos a obtener cobertura médica: consejos y mejores prácticas (en Español)

- Thursday, October 20 | 2 pm ET (11 am PT)

Register for upcoming webinars at
www.healthreformbeyondthebasics.org/events

View OE10 recordings and resources:
<https://www.healthreformbeyondthebasics.org/category/oe10-webinar-series/>

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