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

Source: www.healthcare.gov
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

<table>
<thead>
<tr>
<th>Immigrant Type</th>
<th>Refugees, Asylees, &amp; Other Humanitarian Immigrants</th>
<th>Lawful Permanent Residents (Green Card Holders)</th>
<th>Other Lawfully Present Individuals (except DACA)</th>
<th>Undocumented Immigrants &amp; DACAmented Immigrants</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Adults 19 &amp; Over</td>
<td>Children under age 19</td>
<td>Pregnant women</td>
<td></td>
</tr>
<tr>
<td>Medicaid</td>
<td>☑</td>
<td>NO.</td>
<td>STATE OPTION</td>
<td>STATE OPTION: If under 21 or pregnant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Until after first 5 years</td>
<td>During first 5 years</td>
<td>(Except state option for prenatal care services only)</td>
</tr>
<tr>
<td>CHIP</td>
<td>☑</td>
<td>N/A</td>
<td>STATE OPTION</td>
<td>STATE OPTION: If under 21 or pregnant</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>During first 5 years</td>
<td>(Except emergency services)</td>
</tr>
<tr>
<td>Full Price QHPs</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Premium Tax Credits</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Individual Mandate</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
</tbody>
</table>
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
Children
Childless
Adults, Non-expansion States
Adults, Expansion States
Parents, Non-expansion States
Pregnant Women

255%
203%
138%

2013 eligibility levels in a typical state

Unsubsidized
Subsidized

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

- Lawfully present / Not eligible for Medicaid based on immigration status
- Eligible for Medicaid based on immigration status
- Eligible for Premium Tax Credits
- Medicaid Expansion

FPL:
- 100%
- 200%
- 300%
- 400%

Subsidized
- 100%
- 138%
- 200%
- 300%

Unsubsidized
Lawfully present / Not eligible for Medicaid based on immigration status

Eligible for Medicaid based on immigration status

Eligible for Premium Tax Credits

Coverage Gap

Subsidized

Unsubsidized
Scenario 1: Rashid, Miriam and Leila

- 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**
- Applying for coverage  ➤ Yes
- Citizen  ➤ Yes

**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

**Leila**
- Applying for coverage  ➤ Yes
- Citizen  ➤ Yes

MAY BE ELIGIBLE FOR:
- Medicaid
- QHP Enrollment

MAY BE ELIGIBLE FOR:
- QHP Enrollment

MAY BE ELIGIBLE FOR:
- Medicaid
- CHIP
- QHP Enrollment
Eligibility for PTC and Medicaid

<table>
<thead>
<tr>
<th></th>
<th>Medicaid/CHIP</th>
<th>Premium Tax Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Eligible ?</strong></td>
<td>Eligible ?</td>
<td>HH</td>
</tr>
<tr>
<td><strong>Income</strong></td>
<td>Income</td>
<td>FPL</td>
</tr>
<tr>
<td><strong>FPL</strong></td>
<td>FPL</td>
<td></td>
</tr>
<tr>
<td>Rashid</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>$17,577</td>
<td>$17,577</td>
<td>90%</td>
</tr>
<tr>
<td>Miriam</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>$17,577</td>
<td>$17,577</td>
<td>90%</td>
</tr>
<tr>
<td>Leila</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>$17,577</td>
<td>$17,577</td>
<td>90%</td>
</tr>
</tbody>
</table>

- 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 is 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 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 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 BE ELIGIBLE FOR:**
- ✓ Medicaid
- ✓ CHIP
- ✓ QHP enrollment
Eligibility for PTC and Medicaid

<table>
<thead>
<tr>
<th></th>
<th>Medicaid/CHIP</th>
<th>Premium Tax Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eligible ?</td>
<td>HH</td>
</tr>
<tr>
<td>Ricky</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>Eva</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Karina</td>
<td>Yes</td>
<td>3</td>
</tr>
</tbody>
</table>

- Ricky is eligible for enrollment in a QHP with a PTC, but it's 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 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

Mei, 33
Michael, 5
Lin, 72
Eligibility Based only on Citizenship / Immigration Status

**Mei**
- Applying for coverage: Yes
- Citizen: No
- Immigration status: LPR

**Lin**
- Applying for coverage: Yes
- Citizen: Yes
- Immigration status: LPR

**Michael**
- Applying for coverage: Yes
- Citizen: Yes

---

MAY BE ELIGIBLE FOR:
- Medicaid
- QHP enrollment

MAY BE ELIGIBLE FOR:
- QHP enrollment

MAY BE ELIGIBLE FOR:
- Medicaid
- CHIP
- QHP enrollment
Eligibility for PTC and Medicaid

<table>
<thead>
<tr>
<th></th>
<th>Medicaid/CHIP</th>
<th>Premium Tax Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eligible ?</td>
<td>HH</td>
</tr>
<tr>
<td>Mei</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Lin</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Michael</td>
<td>Yes</td>
<td>3</td>
</tr>
</tbody>
</table>

- 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

<table>
<thead>
<tr>
<th></th>
<th>Medicaid/CHIP</th>
<th>Premium Tax Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eligible ?</td>
<td>HH</td>
</tr>
<tr>
<td>Nina</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Amelia</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Tanya</td>
<td>Yes</td>
<td>3</td>
</tr>
</tbody>
</table>

- 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 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

### Nadif
- Applying for coverage: Yes
- Citizen: No
- Immigration status: Refugee

### Amina
- Applying for coverage: Yes
- Citizen: Yes

### Subject to the 5-year bar
- No

### MAY BE ELIGIBLE FOR:
- Medicaid
- QHP Enrollment
Eligibility for PTC and Medicaid in Expansion State

<table>
<thead>
<tr>
<th>Medicaid/CHIP</th>
<th>Premium Tax Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible ?</td>
<td>HH</td>
</tr>
<tr>
<td>Fatima</td>
<td>Yes</td>
</tr>
<tr>
<td>Nadif</td>
<td>Yes</td>
</tr>
<tr>
<td>Amina</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Medicaid/CHIP</th>
<th>Premium Tax Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eligible?</td>
<td>HH</td>
</tr>
<tr>
<td>Fatima</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Nadif</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Amina</td>
<td>Yes</td>
<td>3</td>
</tr>
</tbody>
</table>

- 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 non-applicants 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
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 all of the following true:
  ➢ They or their tax dependents are applying for premium tax credits
  ➢ They have an SSN
  ➢ They are a taxpayer
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 credit-related 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
   - LOAN AMERICA
   - CITIMORTGAGE INC
   - 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

Your identity wasn't verified.

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-JF8A1D0244

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

*Immigration documentation issued by DHS may be accepted
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

• Undocumented parents applying on behalf of their citizen children may not be able to satisfy the manual documentation requirement
  ➢ 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
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

Consumers may have to mail or upload paper documentation showing income

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


• Verification and Documentation: [https://www.healthcare.gov/help/citizenship-and-immigration-status-questions/](https://www.healthcare.gov/help/citizenship-and-immigration-status-questions/)

• Eligibility Details for Immigrant Families: [https://www.healthcare.gov/what-do-immigrant-families-need-to-know/](https://www.healthcare.gov/what-do-immigrant-families-need-to-know/)


• Georgetown University’s Center for Children and Families (blog): [The Administration’s New Welcome Mat for Immigrants: “It’s Safe to Apply”](http://nilc.org/immigrantshcr.html)

• Immigrants and The Affordable Care Act (in English and Spanish): [http://nilc.org/immigrantshcr.html](http://nilc.org/immigrantshcr.html)


Downloadable Resources

- Overview of Immigrant Eligibility for Federal Programs:
- Quick Guide to Immigrant Eligibility for ACA and Key Federal Means-Tested Programs:
- “Lawfully Present” Individuals Eligible Under the ACA:
- Typical Documents Used by Lawfully Present Immigrants:
- Federal Guidance on Public Charge – When Is It Safe to Use Public Benefits?:
- FAQ – Exclusion of Youth Granted “DACA” from Health Coverage:
- Medical Assistance Programs for Immigrants in Various States:
- Sponsored Immigrants and Benefits:
- FAQ – The Affordable Care Act & Mixed-Status Families:
  [http://nilc.org/aca_mixedstatusfams.html](http://nilc.org/aca_mixedstatusfams.html)
Contact Information

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

For more information and resources, please visit:

www.healthreformbeyondthebasics.org
www.nilc.org
ccf.georgetown.edu

This is a project of the Center on Budget and Policy Priorities, www.cbpp.org