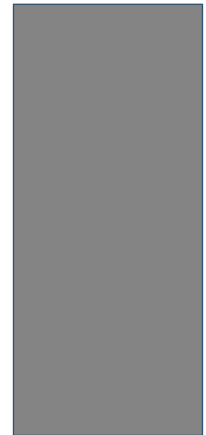




Ensuring a full measure of
justice for those in need.

IMMIGRANT ELIGIBILITY FOR HEALTH INSURANCE

PRESENTATION FOR NC GET COVERED
MADISON HARDEE & KATE WOOMER-DETERS

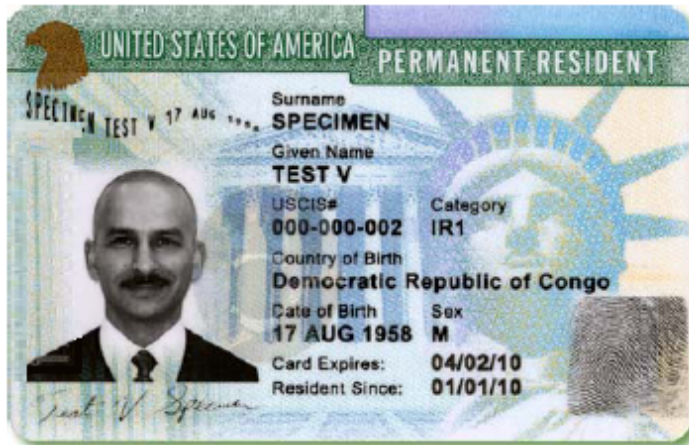


IMMIGRANT FAMILIES IN US TODAY

- Immigrant families: “mixed status”
 - **A majority of families** (54%) that include at least one unauthorized adult also include at least one citizen, usually a child.
- Non-citizen families with children had **the highest rate** of poverty of any group in NC (39.3% compared to 20.4% for native-born).
- Nationwide, 36% of all children who are **eligible for Medicaid but not enrolled** in the program live in immigrant families
- In NC, the likelihood of being uninsured is **four times higher for immigrants** (61%) as for native-born citizens (14%).



HOW DO I KNOW WHAT STATUS SOMEONE HAS?



- Green Card
- Category code: Look on [this website](#) to see which status each code indicates.
- “Resident since” date: relevant for 5 year bar
- Work permit
- Category Code: Look on [USCIS website](#) to see which status each code indicates.

- [GUIDE TO OTHER COMMON DOCUMENTATION](#)

BACKGROUND

- **Welfare Reform Act of 1996** limited eligibility for Medicaid (and other means-tested federal public benefits) to “qualified” immigrants, defined as:
 - Lawful Permanent Residents (LPR)
 - Refugees, Asylees, & Persons Granted Withholding of Deportation/Removal
 - Cuban and Haitian Entrants
 - Paroled into U.S. for at least 1 Year (very small category)
 - Battered spouses and children (“VAWA”)
 - Certain victims of trafficking
- Not Qualified: everyone else
 - Lawfully present ≠ qualified



THE 5 YEAR BAR

- Most “qualified” legal immigrants who arrived after August 1996 are barred for 5 years after receiving their legal status from receiving Medicaid
- Many qualified immigrants exempt from 5 year bar
 - Refugees, persons granted asylum or withholding of deportation, Amerasian immigrants, Cuban/Haitian entrants
 - Veterans, active duty military, spouse, unremarried surviving spouse, or child of veteran/active duty military
 - Victims of trafficking
- *Note: above categories still exempt if later get a green card*



RECENT CHANGES TO IMMIGRANT ELIGIBILITY RULES

- **CHIPRA Act of 2009** – expands Medicaid and NC Health Choice eligibility to all **lawfully residing** pregnant women (up to 60 days postpartum) and children under age 19 who are otherwise eligible.
- **ACA and implementing regulations** – updated residency and SSN requirements



LAWFULLY RESIDING

- Lawfully residing = Lawful presence + residency
- **Lawful presence** is VERY BROAD!
 - Categories include:
 - U visa
 - Temporary Protected Status (TPS)
 - Non-immigrant status (ex: student visa)
 - Deferred Action
 - Special Immigrant Juvenile Status (SIJS)
 - Applicants for withholding of removal/ deportation
 - DACA ≠ “lawfully present” for Medicaid, CHIP or ACA
 - And more...



RESIDENCY REQUIREMENTS

- Old Rule
 - Residency – must establish intent to remain indefinitely
- New Rule
 - To meet state residence, the individual only has to:
 - Live in NC or intend to reside in NC, or
 - Entered NC to seek employment or with a job commitment
- Takeaway: Alien status has no bearing on the state residence determination of the individual. These are two completely separate determinations.



ENUMERATION REQUIREMENTS

- Old rule
 - To qualify for Medicaid, recipients must either have a social security number or prove that they have applied for a social security number
- New rule
 - An immigrant who is not eligible to obtain a social security number or who is eligible only to be issued an SSN for a valid non-work reason may receive Medicaid or CHIP without providing or applying for an SSN provided that he or she is otherwise eligible.
 - No proof of an application for a SSN is required in these cases.
 - Examples: F-1, F-2, B-1, B-2, E-1, E-2. They may have valid status, but may not have an SSN.



REASONABLE OPPORTUNITY PERIOD

- A 90-day Reasonable Opportunity Period must be provided to individuals who have declared themselves to be citizens or nationals of the United States, or an individual having satisfactory immigration status and for whom the county DSS is unable to promptly verify citizenship or satisfactory immigration status by electronic means or documentation.
- The applicant must be approved for Medicaid during this period if all other eligibility requirements are met.
- DMA Administrative Letter 16-13



PREMIUM TAX CREDITS/ COST SHARING REDUCTIONS

- Broad eligibility rules for immigrants !
- ALL **lawfully present** immigrants are eligible (not DACA)
- Certain non-citizens are eligible for marketplace tax credits even if income below the poverty line. Must be ineligible for Medicaid based on immigration status.
 - *Note: In practice, this may first require a Medicaid denial. Navigators can assist with this process.*
- Must file taxes in 2016 to be eligible for APTCs. This will require ITIN application for many immigrants.



ACCESS BARRIER: MIXED STATUS FAMILIES

- Parents who are ineligible for Medicaid or Marketplace coverage based on their immigration status can still apply for their eligible children
- Income of ineligible family members may still be counted
- Guidance from HHS and ICE exists to encourage mixed-status families to apply for health coverage
 - DSS should not make inquiries into citizenship, immigration status and social security numbers of *non-applicants*.
 - Marketplace information will NOT be used to pursue immigration enforcement



ACCESS BARRIER: “PUBLIC CHARGE”

- Public charge” refers to an individual who is likely to become “primarily dependent on the government for subsistence. If likely to become a public charge, will be ineligible to become a lawful permanent resident.
- The Public Charge Rule does NOT APPLY to any non citizen receiving:
 - Insurance in the Marketplace w/ subsidies
 - Medicaid/ SCHIP (*except LTC Medicaid*)
 - Food stamps/nutrition assistance



ACCESS BARRIER: SPONSOR-DEEMING

- Some categories of family immigrants are required to have U.S. citizen or resident “sponsor” them, and the sponsor’s income is “deemed” available to the immigrant
 - Look for signed I-864 (affidavit of support)
- Deeming applies to Medicaid and Health Choice until applicant obtains citizenship or immigrant has 40 quarters of earning.
 - Exception: if person would go hungry or homeless without the benefits or if a domestic violence victim.
- Deeming does not apply to Marketplace applications



EXAMPLE 1

- Rosa and her daughter Lupe have deferred action via VAWA for 2 years. Income = \$12k/ year.
 - Rosa
 - Eligible for APTCs in Marketplace
 - Special rule for immigrants below 100 FPL
 - Lupe
 - Medicaid eligible
 - No 5 year bar
 - *Note: Deferred Action is different than DACA*



EXAMPLE 2

- Sasha and Ali have F1 student visas and are enrolled in PhD programs. Their 5 year old son, Omar, has a derivative F2 student visa. Sasha has a work-study job where she makes \$5k/ year. Sasha just found out she is pregnant.
 - Sasha
 - Can apply for Medicaid during pregnancy
 - Will qualify for a SEP in the Marketplace once Medicaid ends (2 months post-partum)
 - Ali
 - Eligible for Marketplace coverage with APTCs
 - Omar
 - Eligible for Medicaid (No SSN required)
- Newborn baby
 - Will be U.S. citizen if born in the U.S.
 - Will automatically qualify for Medicaid



EXAMPLE 3

- Elizabeth has Special Immigrant Juvenile Status. She lives with her older brother, Raul, who has DACA status and earns \$20,000 per year. Raul claims Elizabeth on his taxes.
 - Elizabeth
 - Eligible for Medicaid
 - Raul
 - Ineligible for Medicaid and Marketplace Coverage
 - Applying for Medicaid for his sister will not hurt Raul's immigration status



EXAMPLE 4

- Mr. Homsy is a lawful permanent resident (LPR). He came to the United States 3 years ago and was granted asylum, which then allowed him to get LPR status. He is disabled and has no income.
 - Medicaid
 - Can apply for Medicaid for the disabled
 - Not subject to 5 year bar
 - Marketplace
 - Not eligible for APTCs
 - If ineligible for Medicaid, it is not due to his immigration status



RESOURCES



NORTH CAROLINA Health Insurance Eligibility FOR IMMIGRANTS

If you are an immigrant in the United States, it is important to know your rights to access health insurance.

The table provided in this brochure includes the most common immigration statuses, common documentation for those statuses, and corresponding health insurance eligibility for Medicaid, NC Health Choice (CHIP) and the Federal Health Insurance Marketplace.

More information available at
LSSP.org/immigrant-health

- Resource guide now available in English and Spanish!
- More detailed information and PDF quick guide available at lssp.org/immigrant-health
- Navigators available to assist year-round
 - 1-855-733-3711
 - English - Getcoveredamerica.org/connector
 - Spanish - Getcoveredamerica.org/es-connector/



IMPROPER DENIALS/ DISCOURAGEMENT?

- We want to know about these cases!
- For incorrect Marketplace determinations, consumers have 90 days to appeal
- For incorrect Medicaid determinations –
 - 60 days to appeal
 - DSS may reopen cases up to 12 months to correct error
- Discouragement – May occur without a signed application



CONNECT WITH US



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