

IMMIGRATION STATUS AND THE MARKETPLACE



*Long Island Language Access Advocates Coalition
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WHAT DO IMMIGRANT FAMILIES NEED TO KNOW ABOUT THE MARKETPLACE?

Immigrant families have important Marketplace eligibility details to consider. This will help you understand your coverage options.

Lawfully present immigrants and private insurance

- In order to buy private health insurance through the Marketplace, you must be a U.S. citizen or be lawfully present in the United States. The term “lawfully present” includes immigrants who have:
 - “Qualified non-citizen” immigration status without a waiting period (see the definition below slide 4)
 - Humanitarian statuses or circumstances (including Temporary Protected Status, Special Juvenile Status, asylum applicants, Convention Against Torture, victims of trafficking)
 - Valid non-immigrant visas
 - Legal status conferred by other laws (temporary resident status, LIFE Act, Family Unity individuals)



WHAT DO IMMIGRANT FAMILIES NEED TO KNOW ABOUT THE MARKETPLACE?

- **Lawfully present immigrants and lower costs**
- If you're a lawfully present immigrant, you can buy private health insurance on the Marketplace. You may be eligible for lower costs on monthly premiums and lower out-of-pocket costs based on your income.
- **If your annual income is 400% of the federal poverty level or below:** Lawfully present immigrants with estimated 2014 household incomes up to 400% of the [federal poverty level](#) (about \$45,960 for an individual or \$94,200 for a family of 4) may be eligible for tax credits that can be used immediately to reduce monthly premiums for insurance bought in the Marketplace.
- **If your annual household income is below 100% federal poverty level:** Lawfully present immigrants with estimated 2014 household income under 100% of the federal poverty level (about \$11,490 for an individual or \$23,550 for a family of 4), who are not otherwise eligible for Medicaid, will be eligible for tax credits and lower out-of-pocket costs for private insurance through the Marketplace if they meet all other eligibility requirements.



IMMIGRANT ACCESS TO MEDICAID AND CHIP

- Immigrants who are “qualified non-citizens” are generally eligible for Medicaid and Children’s Health Insurance Program (CHIP) coverage, if they are otherwise eligible for Medicaid and CHIP in the state (in other words, if they meet their state’s income eligibility rules).

The term “qualified non-citizen” includes:

- Lawful Permanent Residents (LPR/Green Card Holder)
- Asylees
- Refugees
- Cuban/Haitian entrants
- Paroled into the U.S. for at least one year
- Conditional entrant granted before 1980
- Battered non-citizens, spouses, children, or parents
- Victims of trafficking and his or her spouse, child, sibling, or parent or individuals with a pending application for a victim of trafficking visa
- Granted withholding of deportation
- Member of a federally recognized Indian tribe or American Indian born in Canada



IMMIGRANT ACCESS TO MEDICAID AND CHIP

- In order to get Medicaid and CHIP coverage, under current law most LPRs or green card holders have a 5-year waiting period. This means they must wait 5 years after receiving “qualified” immigration status before being eligible for Medicaid and CHIP. There are also exceptions -- LPRs who don't have to wait 5 years -- such as people who used to be refugees or asylees.
- States may remove the 5-year waiting period and cover lawfully residing children and/or pregnant women who are otherwise eligible for Medicaid. A child or pregnant woman is “lawfully residing” if lawfully present and otherwise eligible for Medicaid or CHIP in the state (including being a state resident).
- This option to provide Medicaid coverage to lawfully residing children and/or pregnant women without a 5-year waiting period is already in effect in 25 states, plus the District of Columbia and the Commonwealth of the Northern Mariana Islands. Twenty of these states have chosen to cover lawfully residing children or pregnant women in CHIP. People who don't have eligible immigration status and therefore aren't eligible for Medicaid may get Medicaid coverage for limited emergency services, if they meet all other Medicaid eligibility criteria in the state.
- Applying for Medicaid or CHIP, or getting help with health insurance costs in the Marketplace, does not make someone a “public charge.” It will not affect someone's chances of becoming a Lawful Permanent Resident or U.S. citizen. The one exception is for people receiving long-term care in an institution at government expense. These people may face barriers getting a green card.



MIXED STATUS FAMILIES' OPTIONS FOR CARE AND COVERAGE

- Many immigrant families are of “mixed status,” with members having different immigration and citizenship statuses. Some families may have taxpaying members who can't buy health insurance through the Marketplace, alongside other family members who are eligible to use the Marketplace as citizens or lawfully present immigrants.
- The same situation could apply in a family that has some members who are not eligible for full Medicaid, and others who are eligible for Medicaid or CHIP.
- “Mixed status” families can apply for a tax credit or lower out-of-pocket costs for private insurance for their dependent family members who are eligible for coverage in the Marketplace or for Medicaid and CHIP coverage. Family members who aren't applying for health coverage for themselves won't be asked if they have eligible immigration status.



DISCLOSURE OF IMMIGRATION STATUS

- Federal and state Marketplaces and state Medicaid and CHIP agencies can't require applicants to provide information about the citizenship or immigration status of any family or household members who are not applying for coverage. States also can't deny benefits to an applicant because a family or household member who isn't applying hasn't disclosed his or her citizenship or immigration status.
- Generally, Health Insurance Marketplaces and state Medicaid and CHIP agencies can require the disclosure of Social Security Numbers (SSNs) only for applicants, recipients of benefits, and certain people whose income is needed for computing tax credits.
- States can ask other non-applicants for an SSN but only if they clearly indicate that providing this information is voluntary, and if they explain how the information will be used. States can't deny benefits because the applicant doesn't provide the SSNs of people who aren't applicants for benefits or recipients of Medicaid or CHIP benefits, or those not required to provide SSNs.
- Federal and state Marketplaces and state Medicaid and CHIP agencies verify application information through a "data services hub." The hub allows the Marketplace and Medicaid and CHIP to securely submit application information. The federal government sends information back to verify the data.
- The Department of Health and Human Services and other federal agencies apply privacy and security standards to govern the use and transfer of this information. Applications for the Marketplace and Medicaid and CHIP ask only for the information needed to determine eligibility for health coverage. People who aren't seeking coverage for themselves won't be asked about their immigration status.
- Information provided by applicants or beneficiaries won't be used for immigration enforcement purposes.



ADDITIONAL INFORMATION FOR IMMIGRANT FAMILIES

- Federally-funded health centers, which are community-based organizations that serve populations with limited access to health care, are required to provide primary health care services to all residents, including immigrant families, in the health center's service area.
- States may choose to provide insurance coverage to additional immigrant populations. About one-third of states offer health coverage using state-only funds to other non-citizens who don't meet federal definitions.
- Undocumented immigrants aren't eligible for federal public benefits through the Affordable Care Act. For example, undocumented immigrants can't buy coverage through the Marketplace. Premium tax credits aren't available for undocumented immigrants.
- Undocumented immigrants may continue to buy coverage on their own outside the Marketplace and can get limited services for an emergency medical condition through Medicaid, if they are otherwise eligible for Medicaid in the state. Undocumented immigrants aren't subject to the individual shared responsibility requirement.



LIST OF IMMIGRATION STATUSES THAT QUALIFY FOR MARKETPLACE COVERAGE

- Lawful Permanent Resident (LPR/Green Card holder)
- Asylee (A person who cannot return to his home country because of a well-founded fear of persecution. An application for asylum is made in the United States to the DHS.)
- Refugee (Refugees are generally people outside of their country who are unable or unwilling to return home because they fear serious harm).
- Cuban/Haitian Entrant
- Paroled into the U.S.
- Conditional Entrant Granted before 1980 (This was the immigration status used for [refugees](#) prior to the Refugee Act of 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)
- Individual with Non-immigrant Status (includes worker visas, student visas, and citizens of Micronesia, the Marshall Islands, and Palau)
- Temporary Protected Status (TPS)
- Deferred Enforced Departure (DED)(Although DED is not a specific immigration status, individuals covered by DED are not subject to removal from the United States, usually for a designated period of time.)
- Deferred Action Status (Deferred Action for Childhood Arrivals (DACA) is not an eligible immigration status for applying for health insurance)
- Lawful Temporary Resident
- 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



APPLICANT FOR ANY OF THESE STATUSES:

- Temporary Protected Status with Employment Authorization
- Special Immigrant Juvenile Status (The purpose of the SIJ program is to help foreign children in the United States who have been abused, abandoned, or neglected.)
- Victim of Trafficking Visa
- Adjustment to LPR Status
- 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)
- 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 (Legal Immigration Family Equity (LIFE) Act Legalization Provisions)



DOCUMENTATION TO SUPPORT MARKETPLACE APPLICATIONS, THE FOLLOWING DOCUMENTS MAY BE REQUIRED OR USED, DEPENDING ON THE INDIVIDUAL SITUATION:

- Permanent Resident Card, “Green Card” (I-551)
- Reentry Permit (I-327)
- Refugee Travel Document (I-571)
- Employment Authorization Card (I-766)
- Machine Readable Immigrant Visa (with temporary I-551 language)
- Temporary I-551 Stamp (on passport or I-94/I-94A)
- Arrival/Departure Record (I-94/I-94A)
- Arrival/Departure Record in foreign passport (I-94)
- Foreign Passport
- Certificate of Eligibility for Nonimmigrant Student Status (I-20)
- Certificate of Eligibility for Exchange Visitor Status (DS2019)
- Notice of Action (I-797)
- Document indicating membership in a federally recognized Indian tribe or American Indian born in Canada
- Certification from U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR)
- Office of Refugee Resettlement (ORR) eligibility letter (if under 18)
- Document indicating withholding of removal
- Administrative order staying removal issued by the Department of Homeland Security
- Alien number or I-94 number

