

# Immigrant Healthcare and the Affordable Care Act

**Many immigrant families can get healthcare coverage for no cost or low cost!** On January 1, 2014, the public healthcare program called **Medicaid** became available to more families and low wage workers. The Health Insurance **Exchange** is a marketplace to buy discounted health insurance with financial help from the federal government.



**Find out which family members can get healthcare coverage.** Most immigrants who are lawfully in the country - including green card holders and people who have other types of visas - can sign up for either Medicaid or the Exchange. However, there are a few exceptions. Please refer to the chart on the next page to find out if you can enroll. Undocumented immigrants are not allowed to use Medicaid (except for emergencies) or the Exchange. Families may have some people who can enroll in coverage and other people who cannot. Questions about immigration status can only be asked to the family members who want coverage for themselves. You do not need to answer questions from healthcare guides, caseworkers, or Medicaid offices about your immigration status or whether you are “lawfully present” if you are only applying on behalf other family members (such as your children) and you do not want coverage yourself.

## **Know your rights with the application process:**

- You have a right to an interpreter for the language you prefer at no cost.
- You only need to fill out an application for family members who want coverage and who are qualifying immigrants or citizens. For example, you can apply for a child without applying for yourself. You may have to provide the names of other household members and information about their income. However, **you do not have to provide immigration information or social security numbers for anybody who is not getting coverage.**
- If you cannot prove income through paystubs or a letter from an employer, you can instead provide contact information for someone outside the household that knows about the income, or you can provide a written declaration about your earnings.

**There are no immigration consequences to getting coverage.** Some people incorrectly believe that applying for healthcare coverage can hurt their immigration status. There are no immigration consequences for using Medicaid or the Exchange. However, immigrants who require **long-term institutional care** (for example, in a mental health institution or nursing home) should consult with an attorney before enrolling.

**There may be other healthcare resources for family members that do not qualify for coverage.** Community clinics and many hospitals have charity care programs and payment plans that are provided to everyone regardless of immigration status.

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## Checklist: Immigrants Who Qualify for Medicaid and Exchange

Immigration Status	Medicaid	Exchange
Lawful Permanent Resident ("LPR" or "Green Card Holder")	✓	✓
Paroled into the U.S. for at least one year	May have 5 year waiting period*	✓
Conditional Entrant (granted before 1980)		✓
Refugee/Asylee	✓	✓
Battered spouse, child or parent	✓	✓
Victim of trafficking (or spouse, child, sibling, or parent)	✓	✓
Cuban/Haitian entrant	✓	✓
Iraqi and Afghan Immigrant granted Special Immigrant Visa	✓	✓
American Indian born in Canada	✓	✓
Lawful temporary residents and individuals with "non-immigrant status", including: U visas Worker visas Student visas Citizens of Micronesia, the Marshall Islands & Palau	Only if pregnant, younger than 21, receiving SSI, or member of a federally- recognized Indian tribe	✓ But excludes visitors
Temporary Protected Status (TPS)		✓
Granted administrative stay of removal by DHS		✓
Pending application for: (1) Special Immigrant Juvenile Status; (2) Adjustment to LPR status with an approved visa petition; (3) Victim of trafficking visa; or (4) Asylum or withholding of deportation or removal plus employment authorization (if older than 14) or application pending for 180 days (if younger than 14)		✓
Deferred Action Status (but note that Deferred Action for Childhood Arrivals is <u>not</u> an eligible status for applying for health coverage)		✓ But excludes childhood arrivals

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Immigration Status	Medicaid	Exchange
Granted withholding of deportation or withholding of removal under immigration laws or Convention Against Torture	✓	✓
Employment authorization document plus: (1) Registry applicant; (2) Order of supervision; (3) Application for cancellation of removal/suspension of deportation; (4) Application for legalization under ICRA; (5) Application for temporary protected status; or (6) Legalization under the LIFE Act	<i>Only if pregnant, younger than 21, receiving SSI, or member of a federally-recognized Indian tribe</i>	✓
Resident of American Samoa		✓
Family Unity Status		✓
Deferred Enforced Departure (DED)		✓

### \*What is the “5 Year Waiting Period”?

Lawful Permanent Residents (LPRs), parolees, and conditional entrants may have to wait 5 years before they can qualify for Medicaid. However, there is no waiting period for immigrants in these statuses who (1) are pregnant; (2) are children under 21 years old; (3) are receiving SSI; (4) are members of federally-recognized Indian tribes; (5) entered the U.S. before August 22, 1996 and resided continuously until receiving “qualified” immigration status; or (6) are qualifying Amerasian immigrants. In addition, LPRs who can be credited with 40 qualifying quarters of work are not subject to the 5 year waiting period. Immigrants who cannot get Medicaid because they are in the 5 year waiting period, can apply for coverage on the Exchange and receive tax credits to help pay for health insurance.

### What other healthcare options are available for immigrants who cannot get Medicaid or the Exchange?

Immigrants who cannot get Medicaid – for example, because they are deferred action youth, they are undocumented, or they are lawful permanent residents in the 5 year waiting period – **can** qualify for a Medicaid program called “**EMSA**” (Emergency Medical Services for Aliens). To get EMSA, you must still meet Medicaid income requirements. Immigrants can also qualify for financial help through most **county indigent programs**, **hospital charity care programs**, and **community clinics**. Check with the healthcare facility or the county to learn about financial assistance programs and payment plans.

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## What if my immigration status changes?

If your immigration status changes over the year and you are qualified for the Exchange, you can enroll into a new health plan on the Exchange. You do not have to wait for the Exchange's enrollment period (that usually occurs at the end of each year). However, you must enroll within 60 days after the time your immigration status changed. If your immigration status changes and you become qualified for Medicaid, you can enroll in Medicaid anytime of the year. You may cancel any other coverage you already have.

**Do immigrants have to get coverage under the law?** Most people living in the United States are required to get healthcare coverage or face tax penalties. Everyone with a green card and most other lawfully present immigrants must get health insurance. However, there are exceptions. Some lawfully present immigrants do not have to get coverage if they are considered "nonresident aliens" such as some temporary workers with visas and short-term visitors. In addition, youth with deferred action status and undocumented immigrants do not have to get health insurance. The Internal Revenue Service (IRS) grants these exceptions. There are also several other exceptions to the law – for example, if your income is under the tax filing threshold, you have faced certain hardships, you are uninsured for less than three months, or there are no affordable options for you, among other reasons.

## What if I can't afford the health insurance?

Medicaid is a mostly free public program. The Exchange provides tax credits to help pay for health insurance. These credits are calculated when you apply for the Exchange and they will be automatically applied to your insurance costs. If the health plan still appears too expensive, there may be an error. Many lawfully present immigrants have been shown an incorrect amount of tax credits due to an error in the application system. Immigrants who received incorrect information have been given extra time to enroll on the Exchange.

If the coverage is still unaffordable, you may not be required to get healthcare coverage under the law. For example, you can obtain a "hardship" exception through the Exchange if the cost of insurance would cause serious deprivation of food, shelter, clothing or other necessities. There are thirteen different categories of hardship. You are also not required to get insurance if it will cost more than 8% of your income, or your income is under the tax filing threshold. You must apply for these exceptions through the Exchange, and in some cases, through the IRS. Remember, there may be other healthcare options available from community clinics or hospitals for those who cannot get Medicaid or an Exchange plan.