

U.S. Healthcare Reform and the Impact on Immigrants

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Immigrant Eligibility under the Affordable Care Act

Different rules for different groups

- “Lawfully Present” immigrants
 - On road to citizenship (e.g., Lawful Permanent Resident or (LPR)
 - Permission to stay indefinitely in the U.S. without pathway to citizenship (e.g., Temporary Protected Status including PRUCOL and DACA “Dreamers”)
 - Permission to stay temporarily (e.g., visa holders)
- Undocumented immigrants
 - Individuals who lost permission to remain in the U.S., or entered the U.S. without permission

Legal Immigrants Under the ACA

Immigrants who are “lawfully present” in the U.S. can:

- ✓ Buy health insurance in the state exchange with their own funds
- ✓ Apply for tax credits for premiums and co-payments through the state exchange: 400% FPL and below if here less than five years; 138-400% FPL if here more than five years
- ✓ Eligible for Medicaid coverage expansion (0-138% of FPL) if here five or more years
- ✓ Eligible for Pre Existing Condition Insurance Plan (PCIP)
- ✓ Are subject to the individual mandate
- ✓ Five-year bar on federal Medicaid (Medi-Cal)

NB: DACA are treated as undocumented

Children of Immigrants under the ACA

- U.S. citizen or legal immigrant children of U.S. citizen, legal immigrant or undocumented parents should have the **same** access to health insurance and health services as other children
 - Eligible for Medi-Cal
 - Eligible to buy health insurance and get tax credits in the exchange via “child only plans”
 - Can seek health care services anywhere, including community health centers or school based clinics
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Undocumented Immigrants - ACA

- **Cannot** buy health insurance in the individual market of the insurance exchange(s), even with their own money
 - **Cannot** apply for tax credits for premiums or co-payments
 - Exception: Eligible family members of mixed-status family should be eligible for tax credits
 - Remain **ineligible** for federal Medicaid, CHIP, or Medicare
 - Exception: Emergency Medicaid
 - Explicitly **excluded** from individual mandate to have insurance and related tax penalty
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Undocumented Immigrants

- ✓ Remain eligible for health programs that are available regardless of immigration status (e.g., public health)
- ✓ Some states have children's health initiatives for undocumented children
- ✓ Community health centers can continue to provide non-emergency health care regardless of immigration status
- ✓ Eligible to be covered in group health insurance as dependent
- ✓ Can purchase individual health insurance coverage outside the state exchange(s) on a guaranteed basis

ACA VERIFICATION REQUIREMENTS

- Only applicants required to provide a Social Security number (SSN) and their immigration status.
- Citizenship or lawful presence must be verified for everyone enrolling in:
 - Private individual health insurance in the state exchanges.
 - Health insurance premium tax credits.
 - Medicaid and CHIP.
- Status will be electronically verified through:
 - Social Security Administration (SSA) for citizens.
 - U.S. Citizenship and Immigration Services (USCIS) for non-U.S. citizens via the Systematic Alien Verification for Entitlements (SAVE) database.
 - If unable to verify status electronically, enrollees have an opportunity to provide other documents or to fix the records.
 - Social Security number of a nonapplicant may be requested to electronically verify household income. If unavailable, other proof of income can be provided.
- Information about immigration status may be used only to determine an individual's eligibility.
- No citizenship/immigration verification for employer or SHOP coverage.

Senate Immigration Reform S. 744

- “Registered Provisional Immigrant (RPI)
 - 10 years to “legal permanent resident” (LPR) status
 - no “means tested” eligibility during provisional period (full Medi-Cal, CalFresh, SSI, etc.)
 - Then, 5 year bar after LPR status or 3 years until citizenship
- DREAMer’s
 - 5 years as RPI until eligible for LPR status – then, immediate citizenship available
- RPIs and DREAMer’s ineligible for Exchange subsidies, but can pay full price
- Farmworker “Blue Card” status –
 - 5 years to LPR status, then 5 year bar on “means tested” programs.
 - No means tested programs during provisional period
 - No Exchange subsidies during provisional period