



# ACCESS TO HEALTH COVERAGE FOR IMMIGRANTS IN MINNESOTA

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# Immigrants & the Affordable Care Act

## □ Roadmap

- ACA expanded immigrants eligible for health care
- Naturalized Citizens
- “Lawfully Present” vs. Undocumented
- Federal vs. MN eligibility
- MNsure Application Guidance



# Key Assurances for Immigrants

- **ICE Memo from October 25, 2013**
  - Information collected in health insurance application process will **not** be used for immigration enforcement
  - Safe for undocumented parents to enroll lawfully present children
  
- **Public Charge concerns for Lawful Permanent Residents**
  - Medical Assistance (MA), MinnesotaCare (MCRE), and Advance Premium Tax Credits (APTC) will **not** be used by immigration authorities against lawful permanent resident applicants
  
- **Deeming Income of Sponsor**
  - May still be a barrier to MA
  - **NOT** a barrier for MCRE or APTC

# Naturalized Citizens

- **Eligible on the same basis as U.S. born citizens**
  - No change under employer based health insurance
  - Must buy health insurance under the individual mandate and subject to tax penalty
- **Verification of citizenship status**
  - Will first be verified via Social Security Administration (SSA)
  - If unable to verify with SSA, verification will go to Department of Homeland Security's records
  - Will have opportunity to provide other proof or correct records if unable to verify electronically

# “Lawfully Present” vs. Undocumented

- **“Lawfully Present” (broad umbrella)**
  - Lawful Permanent Residents
  - Permission to stay *indefinitely* in the U.S.
  - Permission to stay *temporarily* in the U.S.
- **Undocumented**
  - Individuals who entered the U.S. without permission
  - Individuals who no longer have permission to stay in the U.S. (e.g. expired visas)

# “Lawfully Present” Immigrants

- **Subject to individual mandate unless exempt**
  - ▣ No change under employer based health insurance
  
- **Eligible for MCRE & APTC**
  - ▣ Immigrants on student visas and H1Bs are eligible if they are required to file taxes
  
- **Eligibility for MA is complex**
  - ▣ Many lawfully present immigrants are subject to 5-year waiting bar for MA unless:
    - Certain immigrant categories (e.g.: refugees, asylees)
    - Children under 21
    - Pregnant women incl. undocumented immigrants (Children’s Health Insurance Program – CHIP)

# MNsure Application for Immigrants

Have you resided in the United States for five or more years in a qualified status?

Federal law designates two categories of immigrants for benefits eligibility purposes: "qualified" and "not qualified." A qualified immigration status means that you have one of the following immigration statuses:

- Lawful Permanent Resident (LPR)
- Persons granted asylum or withholding of deportation/removal
- Conditional entrants
- Persons granted parole for a period of at least one year.
- Cuban-Haitian Entrants
- Certain battered immigrants, their children, and/or their parents with a pending or approved spousal petition or petition for relief.
- Certain victims of trafficking

All other immigrants, including undocumented immigrants as well as many persons lawfully present in the U.S., are considered "not qualified." Having a "qualified" immigration status does not entitle you to benefits. It is a label that is used along with other factors to determine if you qualify for certain public benefits.

Sources:

8 USC §1641(b) Definition of Qualified Alien

National Immigrant Law Center, "Overview of Immigrant Eligibility for Federal Programs,"

<http://www.nilc.org/overview-immeligfedprograms.html>. Accessed 05/02/13.

# “Lawfully Present” Immigrants contd...

- **Deferred Action for Childhood Arrivals (DACA) or “Dreamers”**
  - Effective June 15, 2012 by U.S. Dep’t of Homeland Security
  - DACAs are “lawfully present”
    - Valid employment authorization cards, SSNs, and drivers licenses
  - **BUT** they are considered undocumented under regulations issued by U.S. Dep’t of Health and Human Services
  - Ineligible for MA, MCRE, APTC or private insurance on MNsure





# Deferred Action contd...

- **Deferred Action (not Childhood Arrivals)**
  - ▣ They are “lawfully present”
  - ▣ Eligible for MA, MCRE, and APTC
  - ▣ Employment Authorization Card
    - All categories **EXCEPT** C33



# Undocumented Immigrants

- Exempt from individual mandate
- Ineligible for tax credits
- Unable to purchase health insurance on MNsure **even without tax credits**
- Ineligible for MA, MCRE
- Eligible for Emergency Medical Assistance (EMA)
- Pregnant women are eligible for MA (CHIP)

# Mixed Status Families: Children of Undocumented Immigrants

- **Undocumented Immigrants with Lawfully Present Children**
  - ▣ Lawfully present children are eligible for MA, MCRE
  
- **Application of Tax Penalties & APTC**
  - ▣ If undocumented parents are below threshold for fling taxes:
    - Lawfully present children are exempt from individual mandate
    - Exemption will still apply even if the parents choose to file a tax return
  
  - ▣ If undocumented parents are required to file taxes:
    - Lawfully present children are subject to individual mandate
    - Parents eligible for APTC for their children if they qualify
    - Eligible to purchase private health insurance via “child only” plans

# MNsure Application: Verification of Identity

## □ **Verification of Identity**

- Individuals should only provide SSNs issued TO THEM by SSA
- Cannot use Individual Taxpayer Identification Number (ITIN)

## □ **Manual Identity Verification Requests**

- If unable to complete online identity verification process or submit identity verification documents for parent:
  - Submit Online Account Request Form with one of the documents considered listed to verify *the child's identity*
  - MNsure prefers mail but will also accept electronic submissions - contact Assister Resource Center for secure e-mail directions
  - MNsure cannot guarantee account will be created in time to allow for enrollment in coverage effective January 1, 2014, if form is received after December 16, 2013

# MNsure Application: Tips for Immigrant Enrollees

- **Adverse Immigration Consequences (False Claim to Citizenship)**
  - Voter Registration Card: Select “No” if enrollee is noncitizen
  - Immigrants are not U.S. Nationals
    - MNsure Glossary: A person born in American Samoa or Swains Island who does not derive U.S. citizenship from a parent or acquire it from a spouse. U.S. nationals are considered U.S. citizens for purposes of Social Security and for the citizenship documentation requirement under the federal Deficit Reduction Act (DRA) of 2005.
  
- **Filing Taxes**
  - Have to file in order to be eligible for MCRE & APTC
  
- **Cultural vs. Legal Marriage**
  - Clients may say “married” but they are not legally married

# MNsure Application: Mixed Status Family Example

- **Example from enrollment**
  - ▣ Mother is a lawful permanent resident for more than 5 years
  - ▣ Oldest son is undocumented
  - ▣ Second son has a U-visa
  - ▣ Third son is a U.S. citizen
  - ▣ Daughter lives in Mexico
  
- **Need the following immigration information**
  - ▣ Immigration status
  - ▣ Alien number (A #)
  - ▣ Card number for lawful permanent residents (“green card”)
  - ▣ Date of entry
    - Can be different for each enrollee
  - ▣ Document used upon entry (e.g. I-94)
    - Choose “Other” if entered without inspection

# MNsure Application for Immigrants contd...

Are you a US Citizen? \*

No

Are you a US National? \*

No

Are you lawfully present in the United States? \*

Yes

What is your immigration status? \*

Lawful Permanent Resident (L

Did you enter the United States before August 22, 1996? \*

Yes

Is Fatema currently pregnant or was recently pregnant? \*

No

Save & Exit

Back

Next

# MNsure Application for Immigrants contd...

Are you a US Citizen? \*

 ?

Are you a US National? \*

Are you lawfully present in the United States? \*

 ?

What is your immigration status? \*

Did you enter the United States before August 22, 1996? \*

Have you resided in the United States for five or more years in a qualified status? \*

 ?

Date of Entry \*

Supporting Document \*



# MNsure Application for Immigrants contd...

Getting Started

Applicant Details

Household Information

Household Income

Additional Household Information

Summary

Signature

\* Indicates a required field

**i** I-551 (Permanent Resident Card) has been selected to be the supporting document for the status of being a Lawful Alien. Please provide the below information as available in the document. Please enter the Name and Date of Birth if different from what is already entered in the Applicant Information.

Alien Number \*

Card Number \*

Document Expiration Date

First Name

Middle Name

Last Name

Date of Birth

First Name

Additional Information

Save & Exit


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# MNsure Application for Immigrants contd...

Are you lawfully present in the United States? \*

Yes 

What is your immigration status? \*

Paroled for at least 1 year


Did you enter the United States before August 22, 1996? \*

No

Have you resided in the United States for five or more years in a qualified status? \*

No 

## 5-year Bar Exemption

 The applicant will be exempted from the 5-year bar requirement for Medicaid if any of the below conditions are satisfied. So please answer the below questions if applicable.

Are you an honorably discharged veteran or active duty member of the military? \*

No

Are you the spouse or dependent child of such a veteran or individual in active duty status? \*

No

# MNsure Application for Immigrants contd...

Are you a US Citizen? \*

No  ?

Are you a US National? \*

No

Are you lawfully present in the United States? \*

Yes  ?

What is your immigration status? \*

Victim of Severe Trafficking (L

Date of Entry \*

1/1/2007

Supporting Document \*

Is Fatema currently pregnant or was recently pregnant? \*

No

**Save & Exit**

**Back**

**Next**

# MNsure Application for Immigrants contd...

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—	DS2019 (Certificate of Eligibility for Exchange Visitor (J-1) Status)
—	I-20 (Certificate of Eligibility for Non immigrant (F-1) Student Status)
—	I-94 (Arrival/Departure Record)
—	I-327 (Reentry Permit)
—	I-551 (Permanent Resident Card)
—	I-571 (Refugee Travel Document)
—	I-766 (Employment Authorization Card)
—	Temporary I-551 Stamp in unexpired foreign passport
—	Unexpired Foreign Passport
of	Machine Readable Immigrant Visa with Temporary/I-551 Language
—	I-94 (Arrival/Departure Record) in Unexpired Foreign Passport
—	Other
Sorting Document *	<input type="text"/>

# MNsure Application for Immigrants contd...

Getting Started

**Applicant Details**

Household Information

Household Income

Additional Household Information

Summary

Signature

## Supporting document details

\* Indicates a required field

**i** Other has been selected to be the supporting document for the status of being a Lawful Alien. Please provide the below information as available in the document. Please enter the Name and Date of Birth if different from what is already entered in the Applicant Information.

Alien Number	<input type="text"/>	I-94 Number	<input type="text"/>
SEVIS ID	<input type="text"/>	Document Expiration Date	<input type="text"/>
Other Document Description *	<input type="text"/>		
First Name	<input type="text"/>	Middle Name	<input type="text"/>
Last Name	<input type="text"/>	Date of Birth	<input type="text"/>

Additional Information

# Takeaways

- ACA expanded immigrants eligible for health coverage
- Eligibility for immigrants on different statuses is complex
- Lack of information about the ACA and fear of immigration authorities in immigrant communities is widespread
- Strong understanding of immigration issues within MNsure and Navigators is essential to effective outreach and enrollment



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