



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 <u>not</u> 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? urit 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: 3 Q 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. US 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 Mu 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 ur illis a label that is used along with other factors to determine if you qualify for certain public benefits. Sources: ter 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. :atu

"Lawfully Present" Immigrants contd...

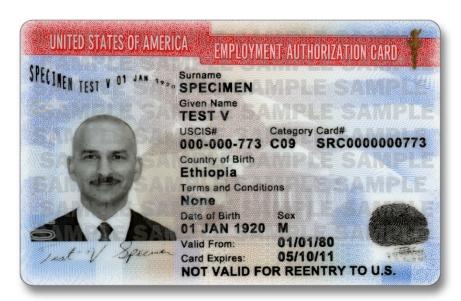
- Deferred Action for Childhood Arrivals (DACA) or "Dreamers"
 - Effective June 15, 2012 by U.S. Dep't of Homeland Security
 - DACAs are "lawfully present"
 - Valid employment authorization cards, SSNs, and drivers licenses
 - **BUT** they are considered undocumented under regulations issued by U.S.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



Deferred Action contd...

Deferred Action (<u>not</u> Childhood Arrivals)

- They are "lawfully present"
- Eligible for MA, MCRE, and APTC
- Employment Authorization Card
 - All categories <u>EXCEPT</u> 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 <u>subject</u> 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 <u>not</u> 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

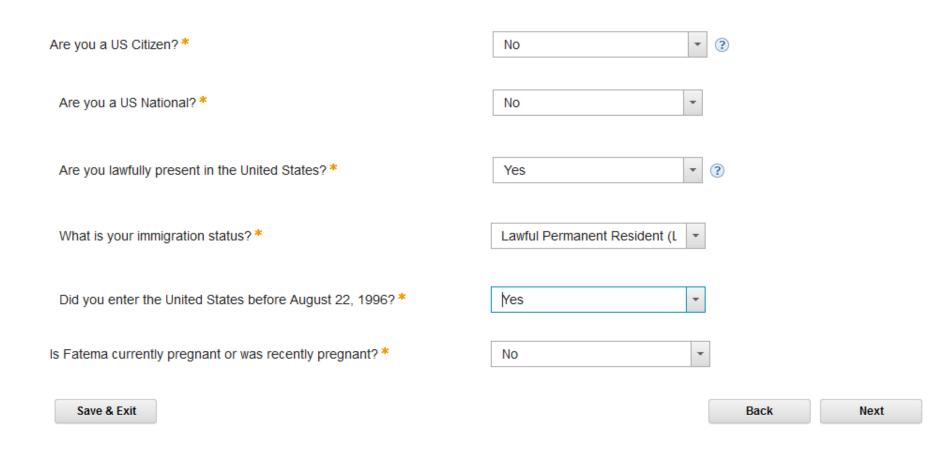
MNsure Application: Mixed Status Family Example

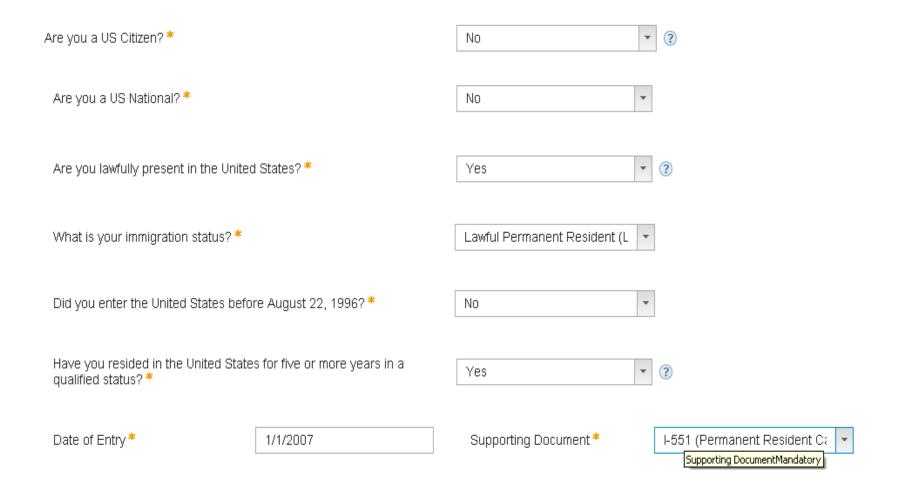
Example from enrollment

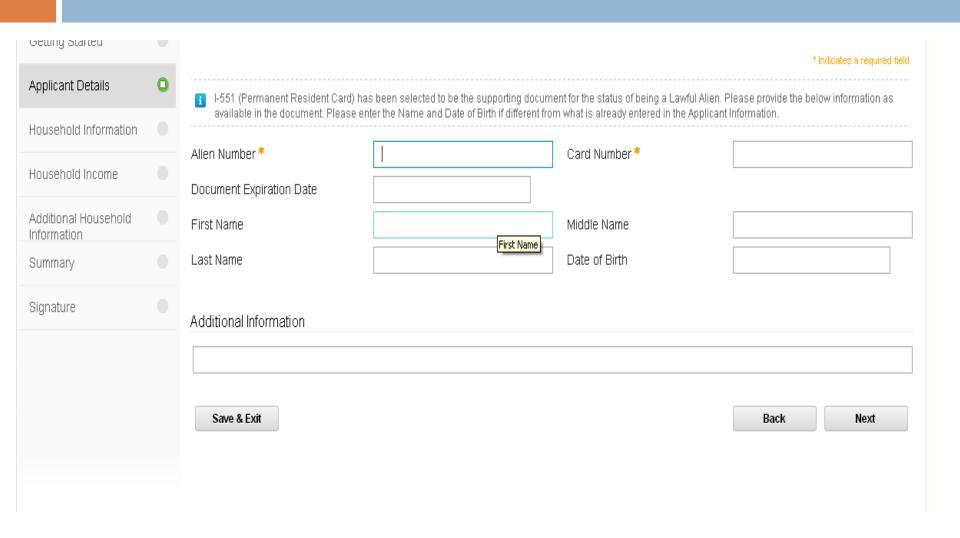
- Mother is a lawful permanent resident for more than 5 years
- Oldest son is undocumented
- Second son has a U-visa
- Third son is a U.S. citizen
- Daughter lives in Mexico

Need the following immigration information

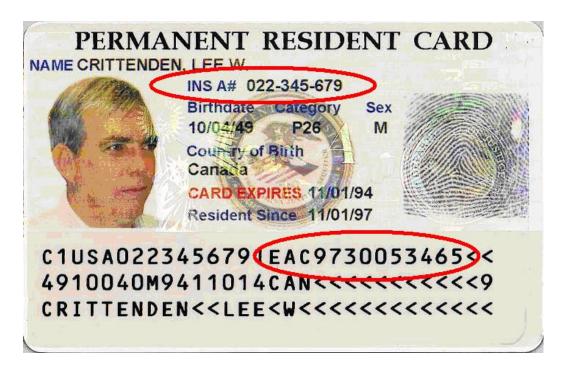
- Immigration status
- Alien number (A #)
- Card number for lawful permanent residents ("green card")
- Date of entry
 - Can be different for each enrollee
- Document used upon entry (e.g. I-94)
 - Choose "Other" if entered without inspection

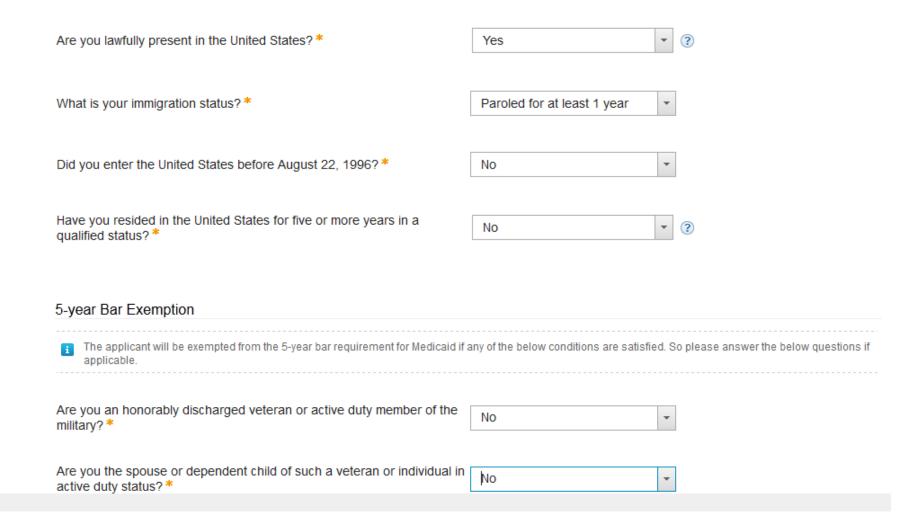


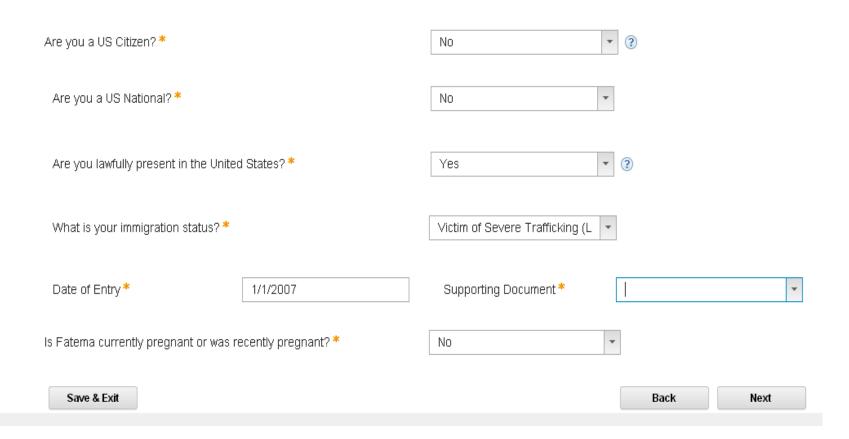


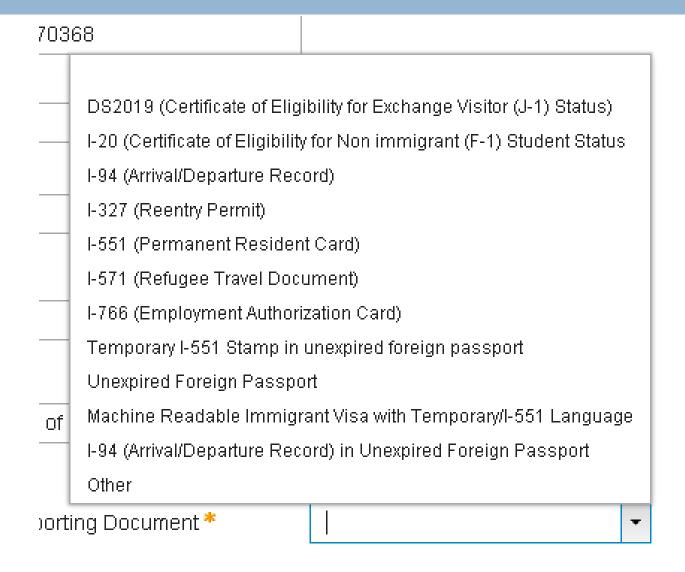


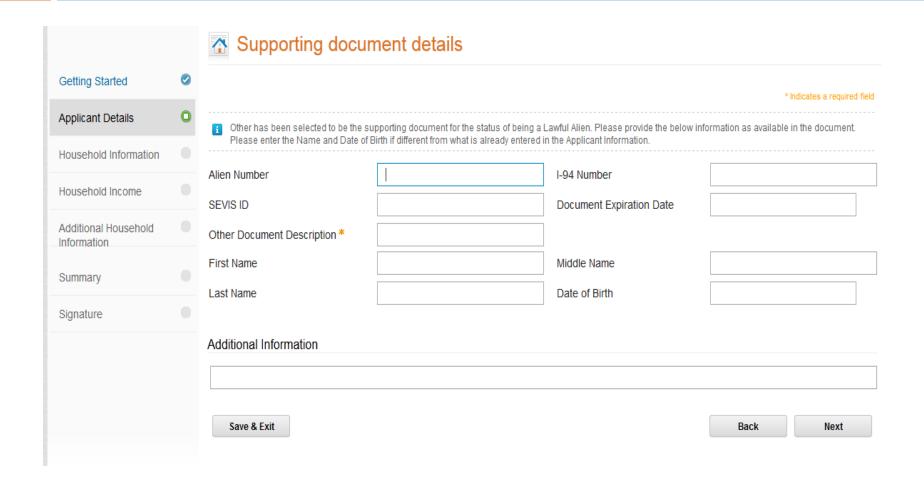










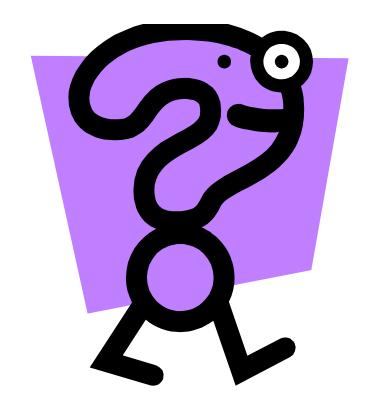


Takeaways

- 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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