Health Care Reform: Immigrant Eligibility

What is the Affordable Care Act?

The Affordable Care Act (ACA) is a federal law that changes how health insurance companies operate and how people can get medical coverage. You may hear it called “Obamacare” after President Obama. Our publication called Health Care Reform: General Information has more information about the Affordable Care Act, including how to apply.

What types of new programs or benefits will be available under Affordable Care Act?

The Affordable Care Act includes many different provisions that help low-income people get coverage for their medical bills. The Medicaid program, which provides medical coverage for low-income people, will expand to cover more people, including non-disabled adults under 65 who do not have children. New rules will also allow persons with somewhat higher income to get Medicaid. Our publication called Health Care Reform – Medicaid Expansion has more information about the expansion of Medicaid eligibility.

If you do not have affordable health insurance through your job, you may be eligible for a Qualified Health Plan (insurance) through a state-run health insurance exchange called the Healthplanfinder. People with low income will be eligible for tax credits and for subsidies to help with the costs of their insurance. Our publication called Health Care Reform – Qualified Health Plans has more information on Qualified Health Plans.

I am not a U.S. citizen. Can I buy insurance through the state health insurance exchange?

If you are “lawfully present” in the U.S. and you meet other program requirements, you are eligible to buy insurance through the health insurance exchange and for tax credits and subsidies.

The Affordable Care Act considers the following immigration statuses “lawfully present:”

- Lawful Permanent Residents (LPRs/“greencard” holders)
- Asylees
- Refugees
- Granted Withholding of Deportation/Removal, under the immigration laws or under the Convention Against Torture (CAT)
- Cuban/Haitian Entrants
- Paroled into the U.S.
- Conditional Entrants
- Certain battered immigrant spouses and children (and their children/parents)
- Certain victims of Trafficking (and certain family members)
• Granted Temporary Protected Status
• Granted Deferred Action (with the exception of persons granted Deferred Action under DACA for childhood arrivals)
• Granted Deferred Enforced Departure
• Granted Family Unity
• Citizens of the Marshall Islands, Micronesia, and Palau
• Individuals in current non-immigrant status who have not violated the terms of their status, including persons with student visas, U visas and V visas
• Applicants for Adjustment with approved visa petitions
• Applicants for Adjustment who have been granted employment authorization
• Applicants for Asylum and/or Withholding of Deportation/Removal who have been granted employment authorization (or applicants under the age of 14 who have had an application pending for at least 180 days)
• Applicants for TPS who have been granted employment authorization
• Applicants for Suspension of Deportation or Cancellation of Removal who have been granted employment authorization
• Lawful Temporary Residents under IRCA
• Applicants for Legalization under IRCA or the LIFE Act who have been granted employment authorization
• Applicants for Registry who have been granted employment authorization
• Individuals on an Order of Supervision who have been granted employment authorization
• Children with a pending application for Special Immigrant Juvenile status

I am not a U.S. citizen. Am I eligible for Medicaid?

The Affordable Care Act does not change the immigrant eligibility restrictions in existing law for the Medicaid program. To be eligible for non-emergency Medicaid, you must be in a “qualified” lawfully present status and meet other requirements.

The law considers the following lawfully present immigrants “qualified:”

• Lawful Permanent Residents (LPRs/“Greencard” holders)
• Asylees
• Refugees
• Persons granted withholding of deportation/removal
• Cuban/Haitian Entrants
• Persons who have been paroled into the U.S. for at least one year
• Conditional Entrants
• Certain battered immigrant spouses and children (and their children/parents)

• Certain victims of Trafficking (and certain family members)

Some lawful permanent residents, primarily those who got their green card through a visa petition filed by a family member, are barred from getting non-emergency Medicaid until they have been in lawful permanent resident status for five years. Refugees, asylees, and other humanitarian entrants are not subject to this five-year bar. There are other special exceptions for active duty military, veterans, and their families.

The five-year bar only applies to non-emergency Medicaid. It does NOT affect eligibility for the following programs:

• emergency Medicaid for immigrants
• health insurance through the health insurance exchanges
• children’s and pregnant women’s medical benefits

Washington state has a program called Medical Care Services (MCS) for some lawfully present immigrants with disabilities or serious medical conditions who are ineligible for non-emergency Medicaid, either because they are not in a qualified status or have had status for less than five years. The state list of categories considered “lawfully present” is like the federal list. It includes many immigration applicants and persons in temporary immigration status.

I am undocumented. I do not have any immigration application pending. Am I eligible for any programs?

If you do not have any legal immigration status or an immigration application pending, the law says you are NOT lawfully present. You are not eligible for non-emergency Medicaid. You cannot buy health insurance through Healthplanfinder.

However, you may be eligible for emergency Medicaid and for programs that provide dialysis or cancer treatment. All immigrants in Washington state are eligible for medical programs for low-income children and pregnant women, even if they do not have legal status.

Our publication called Help with Medical Bills for Immigrants without Legal Status has more information.

I was granted deferred action under DACA (Deferred Action for Childhood Arrivals). Am I eligible for any programs under the Affordable Care Act?

Unfortunately, ACA does not consider persons granted deferred action under DACA lawfully present. You are not eligible to buy insurance through Healthplanfinder.
You may be eligible for emergency Medicaid, for programs that provide cancer treatment or dialysis, or possibly for a state program for persons with disabilities.

**I do not have legal status. If I apply, will I be reported to immigration officials?**

No. The state can only use the information you provide on your application to determine your eligibility for benefits. No one can use it for immigration enforcement.

It is important to be truthful on your application. Do not lie or provide fake documents or social security numbers! If you do, you could face accusations of fraud. This could have consequences for your immigration status or your ability to get status in the future.

You can use Healthplanfinder even if you are not lawfully present and it does not appear you are eligible either for regular Medicaid or to buy insurance on the exchange. There still may be some programs open to you (including Emergency Medicaid and pregnant women’s and children’s medical).

**Will I have to provide a social security number?**

Maybe not.

Some programs do require a social security number. Both the on-line and paper application will ask you to provide one.

Even if you do not have a social security number, you should go ahead and complete the application. You may be eligible for programs that do not require a social security number. You will have the chance to provide other documents to show you are eligible.

You may need to provide other evidence of income for family members who do not have a valid social security number (such as paystubs), so that the state can determine what benefits you or other family members may be eligible for.

| If you are eligible for a social security number but do not have one, you can get help applying for one. |

**Do I have to get health insurance coverage?**

Yes, **if** you are a U.S. citizen or a lawfully present immigrant. If you do not have affordable health insurance through your job and you are eligible for Medicaid Expansion or a Qualified Health Plan, then you must have coverage. If you are required to have health insurance but you do not have it, you will owe the Internal Revenue Service (IRS). Our publication called Health Care Reform: Requirement to get Health Care Coverage has more information.

If the law does not consider you lawfully present (including persons granted deferred action under DACA), you do **not** have to have health insurance. You will not have to
pay the IRS a fine for failure to carry insurance.

Undocumented parents must make sure that their documented children have coverage. This should not be a problem. Children from low and moderate-income families are eligible for free or low cost coverage.

If I get health insurance or medical coverage through the government, will that affect my immigration status?

No, with one exception.

If you are in the process of becoming a lawful permanent resident (getting your green card) through a visa petition submitted by a family member, you will have to show that you will not become a “public charge.” This means you will not rely on government benefits for your financial support. In deciding whether you are likely to become a public charge, the government primarily considers any cash assistance you have gotten. The government does not consider medical benefits or insurance you have received. The only exception to this is if you get long-term care benefits in an institutional setting, such as a nursing home.

There is no public charge consideration or bar for persons applying for naturalization. Getting public benefits will not keep you from becoming a naturalized U.S. citizen.

Our publications called Will Using Public Benefits Hurt My Chance of Getting a Green Card or Becoming a U.S. Citizen? and Public Charge: When is it Safe for Immigrants to Use Public Benefits? have more information.

What if I need legal help?

- Apply online with CLEAR*Online - http://nwjustice.org/get-legal-help or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington’s toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- Outside King County: Call 1-888-201-1014 weekdays from 9:10 a.m. until 12:25 p.m. CLEAR works with a language line to provide free interpreters as needed to callers. If you are deaf or hard of hearing, call 1-888-201-1014 using your preferred TTY or Video relay service.

- King County: Call 211 for information and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. You may also call (206) 461-3200, or the toll-free number, 1-877-211-WASH (9274). 211 works with a language line to
provide free interpreters as needed to callers. Deaf and hearing-impaired callers can call 1-800-833-6384 or 711 to get a free relay operator. They will then connect you with 211. You can also get information on legal service providers in King County through 211’s website at www.resourcehouse.com/win211/.

- **Persons 60 and Over:** Persons 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income.