

# Health Care Reform: Immigrant Eligibility

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## What is the Affordable Care Act?

The Affordable Care Act (ACA) is a federal law that changes

- How health insurance companies operate.
- How people can get medical coverage.

You may hear it called “Obamacare” after President Obama. [Health Care Reform: General Information](#) has more, including how to apply for coverage.

## I am an immigrant. I need medical coverage. Can the ACA help?

**Yes.** It includes provisions that may help you get coverage for your medical bills.

The ACA expanded eligibility for the **Medicaid program** for low-income people. Medicaid is now available to people with higher incomes than before, and to non-disabled adults under age 65 with no children. **Existing restrictions on immigrant eligibility for Medicaid are the same.** [Health Care Reform – Medicaid Expansion](#) has more info.

The ACA also provided for the establishment of health care exchanges where you can

- Buy insurance, called **Qualified Health Plans**.
- Apply for help paying for your plan.

Washington State’s health care exchange is **Healthplanfinder**. [Health Care Reform – Qualified Health Plans](#) has more info.

## Am I eligible for Medicaid?

Maybe. You may be eligible for non-emergency Medicaid if, in addition to meeting other requirements, such as being low-income, you are either a U.S. citizen or a “qualified” immigrant.

These are “qualified” immigrants:

- Lawful Permanent Residents (LPRs/“green card” holders)
- Asylees
- Refugees
- Persons granted withholding of deportation/removal
- Cuban/Haitian Entrants
- Persons 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 some relatives

Some qualified immigrants, including those who got their green card through a visa petition filed by a relative, cannot get non-emergency Medicaid until they have been in qualified status for five years. This does not apply to refugees, asylees, and other humanitarian entrants. There are also 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:

- emergency Medicaid
  - health insurance bought on Healthplanfinder
  - medical coverage for low-income children and pregnant women
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- ❖ Washington State's has a Medical Care Services (MCS) program for lawfully present immigrants who are age 65 or older, blind, or disabled, and who cannot get non-emergency Medicaid.
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### Can I buy insurance and apply for subsidies through Healthplanfinder?

Maybe, if both these are true: you

- Are a lawfully present immigrant.
- Meet other eligibility requirements.

The Appendix at the end of this publication lists who the ACA considers lawfully present. The list includes

- A broad range of people with legal permission to be in the U.S., including "qualified" immigrants.
- Some people with immigration applications pending.

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

**Not eligible:** You are not eligible for non-emergency Medicaid. You cannot buy health insurance through Healthplanfinder.

**Eligible:** You may be eligible for programs available to all immigrants, regardless of status, including:

- Emergency Medicaid
- Dialysis, cancer treatment, and treatment for benign life-threatening tumors
- Medical coverage for low-income children
- Medical coverage for low-income pregnant women

You may be able to get treatment for a reduced fee at a community clinic, regardless of your immigration status. You can buy health insurance on your own. You cannot buy it through Healthplanfinder. You cannot get federal subsidies to help pay for it.

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- ❖ [Help with Medical Bills for Immigrants without Legal Status](#) has more info.
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### They granted me DACA (Deferred Action for Childhood Arrivals) status. Am I eligible for any programs under the ACA?

**No.** Persons granted DACA are not eligible for benefits under the ACA. You cannot buy insurance through Healthplanfinder or get help paying the costs of insurance. You are not eligible for non-emergency Medicaid.

If you are over 65, blind, or disabled, you may be eligible for the state Medical Care Services program. You may be eligible for programs available regardless of immigration status, including emergency Medicaid, cancer treatment, dialysis, treatment of benign life-threatening tumors, and coverage for low-income children and pregnant women.

For more about how you may be able to get medical coverage, read this from Northwest Health Law Advocates:

<http://nohla.org/wordpress/img/pdf/DACA%20Health%20Care%20Info.pdf>.

### **I do not have legal status. If I apply for medical coverage, will they report me to immigration officials?**

**No.** The state can only use info on your application to decide your eligibility for benefits. No one can use it for immigration enforcement.

**You should always be truthful on your application and other eligibility forms.** If you lie or give fake documents or social security numbers, they may accuse you of fraud. This could affect your immigration status or ability to get status in the future. You should also promptly report any changes to your income or who is living with you.

You can use Healthplanfinder even if you are not lawfully present and it does not appear you are eligible for non-emergency Medicaid or to buy insurance on the exchange. You may be eligible for other programs, such as emergency Medicaid and coverage for low-income children and pregnant women.

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

**Maybe not.**

Both the on-line and paper application ask you for your social security number, if you have one. If you do not, you can still fill out the application. Some programs do not require a social security number. You will have the chance to provide other documents to show you are eligible.

You may have to give other evidence of income, like paystubs, for family members who do not have a valid social security number. Then the state can decide what benefits you or relatives may be eligible for.

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- ❖ If you are eligible for a social security number and want one, you can get help applying for it.
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### **I do not want medical coverage for myself. Can I use Healthplanfinder to apply for my children?**

**Yes.** You can apply for all your family members to see who is eligible. All info you give on the application is confidential.

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

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- ❖ The ACA required most U.S. citizens and lawfully present immigrants to have a minimum level of medical coverage for themselves and their dependents. New laws changing the tax code may also change this. We will provide updated info as it becomes available.
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If you are not lawfully present, you do **not** need health insurance for yourself. This includes people granted DACA.

### **I get health insurance or medical coverage through the government. Will that affect my immigration status?**

Most medical benefits provided by the government will not affect your immigration status.

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 must show you will not need government benefits for your financial support. This is the “public charge” test. In deciding if you are likely to become a public charge, the government mainly considers any cash assistance you have gotten. Right now, they do **not** consider medical benefits or insurance. The only exception to this is if you get long-term care benefits in an institution, such as a nursing home.

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

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- ❖ The current administration has discussed making changes to the public charge rules. They have made no changes at this time.
  - ❖ [When is it Safe for Immigrants to Get Benefits: Public Charge Rules and Possible Changes](#) has more info.
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### What if I need legal help?

- **Apply online with [CLEAR\\*Online](#)**  
- <https://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, 9:15 a.m. - 12:15 p.m.
- **King County**: Call 211 for information and referral to an appropriate legal services provider Monday – Friday, 8:00 am – 6:00 pm. You may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info on legal service providers in King County through 211’s website, [www.resourcehouse.com/win211/](http://www.resourcehouse.com/win211/).
- **Persons 60 and Over**: Persons 60 or over may call CLEAR\*Sr at 1-888-387-7111, regardless of income.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of your choice.

211 and CLEAR will conference in interpreters when needed at no cost to callers.

Free legal education publications, videos, and self-help packets covering many legal issues are available at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org).

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## APPENDIX

Immigration statuses considered “lawfully present” under the ACA:

- Lawful Permanent Residents (LPRs/“greencard” holders)
- Asylees
- Refugees
- Granted Withholding of Deportation/Removal, under the immigration laws or 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 (except for 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 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