

Immigrants & Affordable Health Insurance in Colorado

Building Better Health

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Elisabeth Arenales at Colorado Center on Law & Policy reviewed an earlier version of these slides



Roadmap

1. Immigration Basics
2. Immigrant Eligibility for Medicaid, CHP+ and Connect for Health Colorado
3. Common Immigration Documents
4. Challenges for Families That Include Immigrants and Tips
5. Scenarios of Immigrant Families

Part I:

IMMIGRATION BASICS

Immigration Basics - Colorado

- “Immigrant” = “Foreign born” includes naturalized and derived citizens, lawfully present non-citizens, undocumented immigrants
- 538,000 foreign born out of 4.8 million total people (10%)
 - Latin America (S. America, C. America, Mexico, Caribbean)– 53%
 - Asia – 23%, Europe – 15%, Africa – 7%
 - North America (Canada, Bermuda, Greenland, St. Pierre and Miquelon) – 3%
 - Oceania – 1%
- 49% have been in the US longer than 15 years
- 23% of all children in Colorado have at least one foreign born parent (mixed-immigration status families)

Source: Migration Policy Institute tabulations of the U.S. Bureau of the Census’ American Community Survey (ACS) and Decennial Census. Data is from the 2014 one-year ACS file. <http://www.migrationpolicy.org/data/state-profiles/state/demographics/CO>

Languages Spoken - Colorado

- 47% of foreign born people in Colorado (239,000 people) are Limited English Proficient (LEP) and speak English less than “very well”
- 17% of all people in Colorado speaks a language other than English at home

Most Common Languages Spoken by LEP people in Colorado

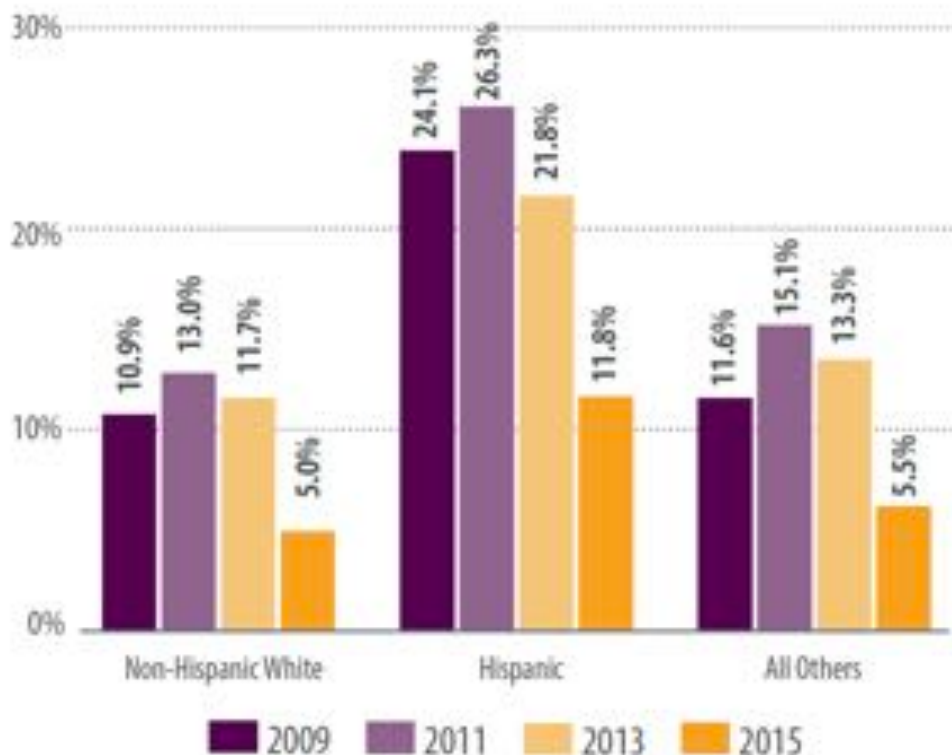
- Spanish (226,000)
- Vietnamese (12,000)
- Chinese (10,000)
- Korean (8,000)
- Russian (6,000)
- Amharic (4,000)
- Arabic (4,000)
- German (3,000)
- French (3,000)

Sources: Migration Policy Institute tabulations of the U.S. Bureau of the Census’ American Community Survey (ACS) and Decennial Census. Data is from the 2014 one-year ACS file. HHS. And, Resource for Entities Covered by Section 1557 of the ACA.

Great Reductions in Uninsured Already, But Disparities Persist

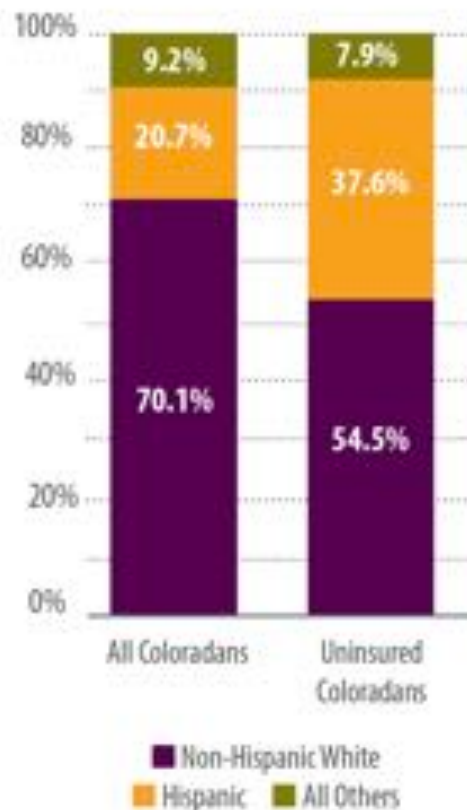
Hispanics Have Highest Uninsured Rate

Uninsured Rates by Race/Ethnicity, 2009-2015



Persistent Disparities

All Coloradans Versus Uninsured Coloradans, 2015



Sources: Charts taken from the Colorado Health Institute's 2015 Health Access Survey which used data from the 2015 Colorado Health Access Survey. http://www.coloradohealthinstitute.org/uploads/downloads/2015_CHAS_for_Web_.pdf

Immigration Basics

- **Immigration system based on 3 principles:**
 - 1) reunification of families
 - 2) admitting immigrants with skills that are valuable to US economy; and
 - 3) protecting persons fleeing persecution and for other humanitarian reasons
- **Lawful Permanent Residency (“green card” or LPR status)**
 - Certain categories of immigrants may become eligible to apply for LPR status or a green card. Path to a green card/LPR varies.
 - \$1070 filing fee including fingerprints.
- **U.S. citizenship**
 - To become eligible to apply to naturalize, an individual must have had LPR status for at least 5 years (or 3 years if obtained LPR status through US citizen spouse or through Violence Against Women Act, VAWA)
 - \$680 filing fee including fingerprints
- **Undocumented immigrants**
 - Individuals who lost permission to remain in the U.S., or entered the U.S. without permission

Family-Based Immigration

- No numerical limit for spouses, unmarried minor children and parents of US citizens (“immediate relatives” of USC’s)
- Under family preference system, limited number of visas (260K – 480K+) available for: adult children and brothers and sisters of USC’s, and spouses and unmarried children of lawful permanent residents (“Green Card” holders, LPRs)
- USC or LPR sponsor must petition for relative, establish legitimacy of relationship, meet minimum income requirements and sign and affidavit of support
- Path to LPR/green card = months to decades
- Per-Country ceilings, with some exceptions

Source: Immigration Policy Center, “How the United States Immigration System Works: A Fact Sheet,” March 1, 2014. Available at

<http://www.immigrationpolicy.org/just-facts/how-united-states-immigration-system-works-fact-sheet>.

Employment-Based Immigration

- Temporary workers (nonimmigrant visas)
 - More than 20 types of temporary work visas - e.g. H visas for special occupations such as nursing, agriculture; Ls for intracompany transfers; P visas for athletes, entertainers and skilled performers, R visas for religious workers, etc.
 - Most available visas are for highly skilled workers, and may be sponsored by a specific employer
- Permanent Employment-Based Immigration – 140,000/yr
 - 5,000 for “Other” unskilled laborers that are not temporary or seasonal
- Per-Country Ceilings

Persons Fleeing Persecution

In general, cannot return to home country because of a “well-founded fear of persecution” due to race, membership in a social group, political opinion, religion or national origin

- **Refugees** (“Conditional Entrant” is predecessor of refugee status)
 - Apply for admission from outside the US and outside their home country
 - Numerical ceiling set each year by President in consultation with Congress (e.g. 70K in 2013)
 - May apply to become LPRs after 1 year
- **Asylees**
 - Persons already in the US who were persecuted or fear persecution upon their return. Must apply within 1 year of arriving in US.
 - No numerical limit
 - May apply to become LPRs 1 year after receiving asylum
- **Withholding of Deportation or Withholding of Removal, including under the Convention Against Torture** – similar to asylum, but must meet higher evidentiary standard. No path to LPR.

Other Forms of Humanitarian Relief

- **Temporary Protected Status (TPS)** – cannot return to home country because of natural disaster, extraordinary temporary conditions, or ongoing armed conflict. Can be extended. No path to LPR.
- **Deferred Enforced Departure** – protection from deportation for people whose home countries are unstable. No path to LPR.
- **Paroled into the US** – admitted for urgent humanitarian reasons or significant public benefit. Some may have path to LPR if apply for asylum or are petitioned by relative.
- **Deferred Action** – granted for a limited number of reasons. No path to LPR.
- **Special Immigrant Juvenile Status** – children declared dependent on juvenile court and are eligible for long-term foster care about whom a court or agency has determined that return to country of origin is not in their best interest. Path to LPR.

Survivors of Domestic Violence, Trafficking and Other Serious Crimes

- **Domestic Violence Survivors** – may include a few different categories, including relief provided under the Violence Against Women Act (VAWA). Path to LPR.
- **Trafficking Survivors** – includes sex trafficking, forced or fraudulent recruitment, harboring, transport, involuntary servitude, peonage, debt bondage, slavery.
- **U Visa Holders** – serious crime survivors who suffered “substantial physical or mental abuse” who are helping law enforcement in the investigation or prosecution of this criminal activity. Includes survivors of a range of crimes.

Part II:

IMMIGRANT ELIGIBILITY FOR MEDICAID, CHP+ AND CONNECT FOR HEALTH CO

Overview of Immigrant Eligibility for Health Coverage Programs in Colorado

Medicaid and CHP+:

- “Qualified” immigrants who entered before 8/22/96
- “Qualified” immigrants who reach end of 5-year waiting period (i.e. LPRs/green card holders)
- “Qualified” immigrants exempt from 5-year waiting period (e.g., refugees, asylees, Cuban/Haitian entrants, trafficking victims, veteran families)
- **“Lawfully present” pregnant women and “lawfully present” children (NO 5-year waiting period);**
- Certain “lawfully present” seniors who are receiving the cash benefit under Old Age Pension

Connect for Health CO:

- “Lawfully present” immigrants ineligible for Medicaid or CHP+, including those with incomes under 100% FPL who are ineligible for Medicaid/CHP+ based on immigration status

“Qualified” Immigrants

- Lawful Permanent Residents (LPR, green card holders)
- Refugees
- Asylees
- Cuban/Haitian entrants
- Individuals who were paroled into the U.S. for more than a year
- Conditional entrants
- Certain domestic violence and trafficking survivors and their derivatives
- Persons granted withholding of deportation/removal

“Qualified” Immigrants Exempt from the 5 Year Waiting Period

- Refugees
- Asylees
- Persons granted withholding of deportation/removal
- Cuban/Haitian entrants, certain Amerasian immigrants, individuals granted Iraqi or Afghan special immigrant status, trafficking survivors (even if they later become LPRs)
- Qualified immigrants who are U.S. veterans or active duty military and their spouses or children
- **“Lawfully present” pregnant women (at state option, NOW in CO)***
- **“Lawfully present” children (at state option, NOW in CO)***

* Note definition of “lawfully present” eligibility for these two groups and not “qualified”

Also Exempt from 5-Year Bar in Colorado



“Lawfully present” pregnant women and children under age 19



May be known as ICHIA or the CHIPRA S. 214 Option

Note: Coverage for lawfully present children and pregnant became available on July 1, 2015. Some state/ county agencies may not be aware of this change or use narrower “qualified immigrant” rules for pregnant women and children, so important to know your stuff here!

Connect for Health CO - “Lawfully Present” Immigration Categories - Part I

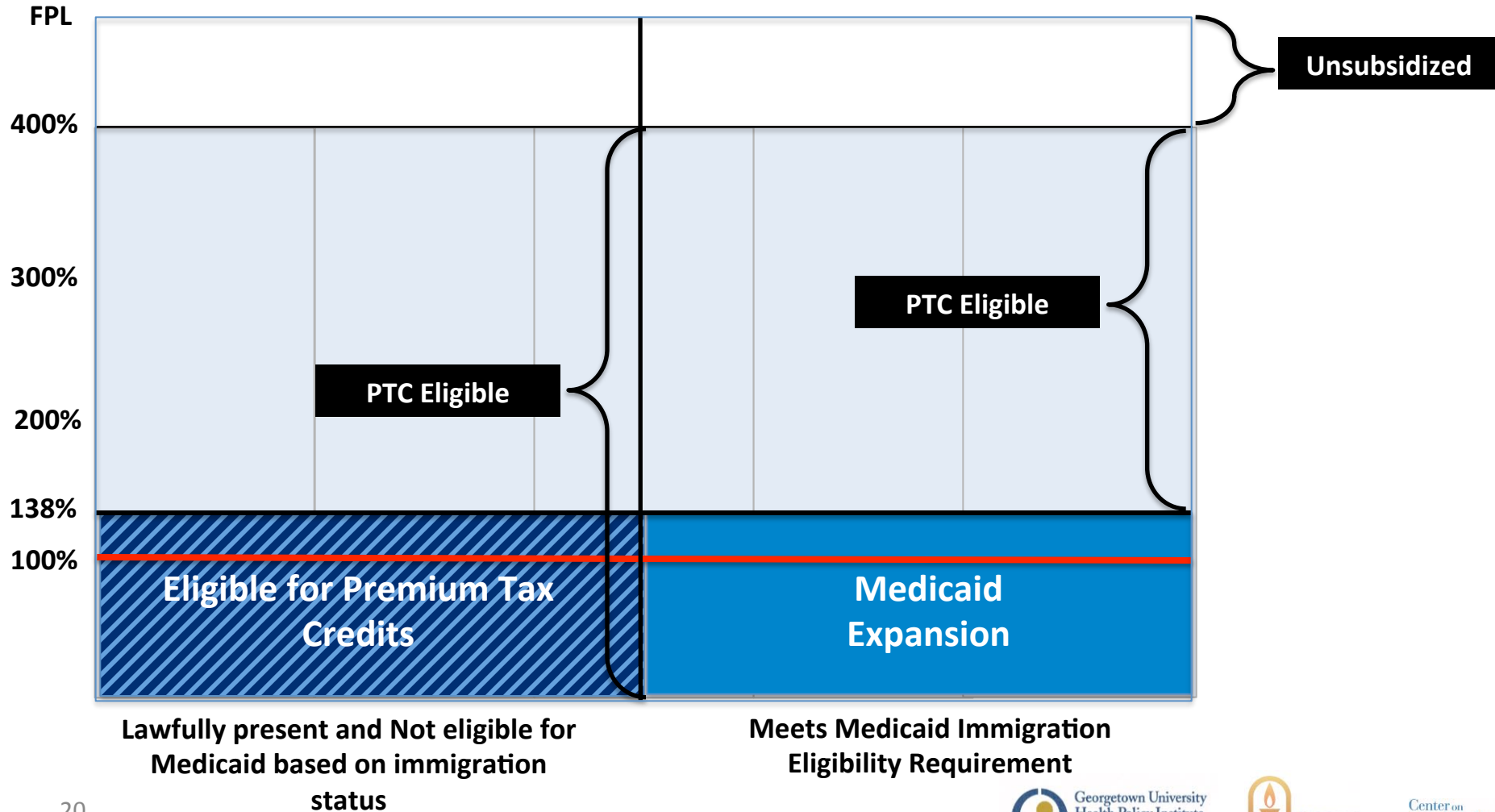
“Qualified” Immigrants:	Other “Lawfully Present” Immigrants:
<ul style="list-style-type: none"> • Lawful Permanent Resident (LPR/green card holder) • Refugee • Asylee • Cuban/Haitian Entrant • Paroled into the U.S. • Conditional Entrant • Battered Spouse, Child and Parent • Trafficking Survivor and his/her Spouse, Child, Sibling or Parent • Granted Withholding of Deportation or Withholding of Removal <p>Others:</p> <ul style="list-style-type: none"> • Member of a federally-recognized Indian tribe or American Indian Born in Canada 	<ul style="list-style-type: none"> • Granted relief under the Convention Against Torture (CAT) • Temporary Protected Status (TPS) • Deferred Enforced Departure (DED) • Deferred Action* • Individual with Nonimmigrant Status (includes worker visas; student visas; U visas; citizens of Micronesia, the Marshall Islands, and Palau; and many others) • Administrative order staying removal issued by the Department of Homeland Security • Lawful Temporary Resident
<p>*EXCEPTION: Individuals granted deferred action under the Deferred Action for Childhood Arrivals (DACA) program are <u>not eligible</u> to enroll in coverage in the Marketplace.</p>	

Connect for Health CO - “Lawfully Present” Immigration Categories – Part II

Applicant for Any of These Statuses:	With Employment Authorization:
<ul style="list-style-type: none"> • Lawful Permanent Resident (LPR/green card holder) • Special Immigrant Juvenile Status • Victim of Trafficking Visa • Asylum* • Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention Against Torture (CAT)* 	<ul style="list-style-type: none"> • Applicant for Temporary Protected Status • Registry Applicants • Order of Supervision • Applicant for Cancellation of Removal or Suspension of Deportation • Applicant for Legalization under IRCA • Legalization under the LIFE Act

**Only those who have been granted employment authorization or are under the age of 14 and have had an application pending for at least 180 days are eligible*

Immigrant Eligibility in Medicaid Expansion States like Colorado



Sponsor Deeming

- Federal law allows states, but does not require them, to deem a sponsor's income as their own when applying for public benefits.
 - Can prevent an immigrant from being eligible for Medicaid/CHP+ based on income (even if the immigrant receives nothing from the sponsor)
- Not allowed for lawfully present pregnant women or children enrolled in Medicaid or CHP+
- Not allowed for Connect for Health Colorado coverage or premium tax credit
- Special hardship exemptions for Old Age Pension Program
 - https://www.colorado.gov/pacific/sites/default/files/OAP-Sponsor_Deeming_for_Non-Citizen.pdf
- If ineligible for Medicaid or CHP+ because of income due to sponsor deeming, may be eligible for Connect for Health Colorado

State Residency

- “Residency” can be confused with immigration status when talking with immigrant communities
- In general, under federal rules, for QHP enrollment and Medicaid/CHIP, residency is the state in which an individual lives and:
 - Intends to reside, including without a fixed address; or
 - Has entered with a job commitment or is seeking employment (whether or not currently employed)
- To verify residency, Marketplaces:
 - Can accept self-attestation
 - Can use HHS approved electronic sources
 - Evidence of immigration status can’t be used.
- Nonimmigrant visa holders and attesting to state residency for Emergency Medicaid and Connect for Health CO
 - have consequences on ability to renew or obtain certain nonimmigrant visas → consult an immigration lawyer

Lawfully Present Immigrant Seniors

- **Medicare** has different immigrant eligibility rules
 - qualifying work history
 - immigration status restrictions and waiting periods
- Some lawfully present seniors, including LPRs, are not eligible for **Premium Free Medicare** because they lack qualifying work history.
 - They may be eligible only for **Premium “Buy-in” Medicare** which may cost more than marketplace coverage with premium tax credits and cost sharing reductions
- Lawfully present seniors who are not eligible for **Premium Free Medicare** are eligible for **Connect for Health CO**

Undocumented & DACAmented Individuals

- Health Coverage:
 - Ineligible for Medicaid/ CHP+ (except Emergency Medicaid) and Ineligible to purchase qualified health plans in the individual Marketplaces, even at full price
 - Can purchase private coverage outside the Marketplace or through employer
 - Can apply for health insurance for eligible family members, and be part of household of eligible family members
- **Taxes** (Blog post at: <http://ccf.georgetown.edu/all/confused-happens-tax-time-part-two-people-immigrant-families/>)
 - Exempt from the individual mandate as “exempt non-citizens,” along with individuals who are “non-resident aliens” under tax law
 - If applying for premium tax credits on behalf of eligible family members, must file a tax return
 - If not eligible for a Social Security number (SSN), may file a tax return using an Individual Taxpayer Identification Number (ITIN)

Part III:

COMMON IMMIGRATION DOCUMENTS





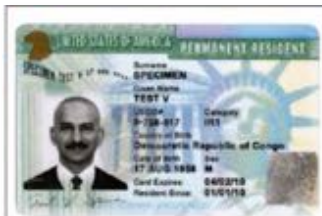

Documentation of Immigration Status

- Immigration status (and citizenship for many naturalized citizens) is verified by the U.S. Department of Homeland Security.
- An eligible immigrant may have several different documents proving their immigration status; only one is needed
- Under federal rules, an alien registration number (A#) alone may also be used to verify immigration status
 - If no documents or A# → immigration lawyer
- A few common immigration documents
 - Permanent Resident Card (“Green Card,” Form I-551)
 - Employment Authorization Document (EAD, “work permit,” I-766, I-688B)
 - Arrival/Departure Record (I-94, I-94A)
 - Notice of Action (I-797)
 - Refugee travel document (I-571)

Permanent Resident Card, "Green Card," I-551

**Lawful Permanent Resident /
"Green Card"**

Employment Authorization Card

 <p style="text-align: center;">I-551 (1997 revision)</p>	 <p style="text-align: center;">I-551 (1997 revision) reverse</p>
 <p style="text-align: center;">I-551 (2004 revision)</p>	 <p style="text-align: center;">I-551 (2004 revision) reverse</p>
 <p style="text-align: center;">I-551 (2010 revision)</p>	 <p style="text-align: center;">I-551 (2010 revision) reverse</p>

Alien Registration Number


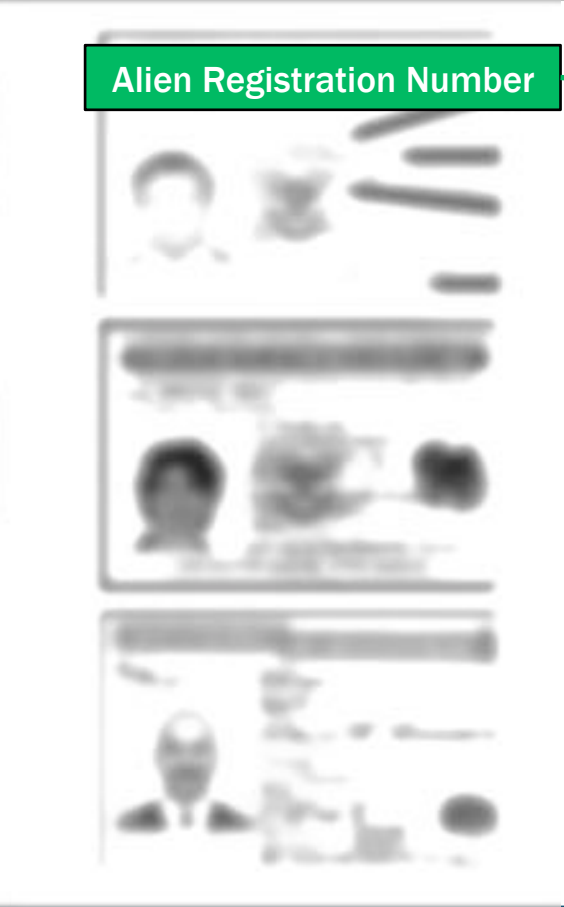

Card Number
(may be located on the back)

Employment Authorization Card (I-766)

Lawful Permanent Resident / "Green Card"
Employment Authorization Card
Temporary

- Alien Registration Number
- Card Number
- Category Code
- Expiration Date

Refugee Travel Document (I-571)

Lawful Permanent Resident / "Green Card"	Employment Authorization Card	Refugee Travel Document
		 <p>Alien Registration Number</p>

Certificate of Eligibility for Nonimmigrant Student Status – I-20

DEPARTMENT OF HOMELAND SECURITY
CERTIFICATE OF ELIGIBILITY FOR NONIMMIGRANT (F-1) STUDENT STATUS - FOR ACADEMIC AND LANGUAGE STUDENTS

Page 1
OMB NO: 1615-0048
Expires 02/28/2011

Please read both sides of Page 1
This page must be completed and signed by the United States Department of Homeland Security.

SEVIS ID

<p>1. Family Name (surname):</p> <p>First (given) name: _____ Middle Name: _____</p> <p>Country of birth: _____ Date of birth (month/day/year): _____</p> <p>Country of citizenship: _____ Admission number: _____</p> <p>2. School (United States) name:</p> <p>School Official to be notified of student arrival in U.S. (Name and Title): _____</p> <p>School address (include ZIP code): _____</p> <p>School name (including college, university, etc.) and approval date: _____</p> <p>approved on: _____</p>	<p>Per DHS Officer Use</p> <p>SEVIS ID: _____</p> <p>Student's Type: _____</p> <p>How long is your stay: _____</p> <p>When does it end: _____</p> <p>Residential address in United States: _____</p>	<p>3. This certificate is issued to the student named above for:</p> <p>4. Level of education the student is pursuing or will pursue in the United States: _____</p> <p>5. The student named above has been accepted for a full course of instruction at the school, beginning on _____.</p> <p>The student is expected to remain in the United States until _____ and complete the full course of study in _____ months.</p> <p>6. English proficiency: _____</p> <p>7. This school estimates the student's average annual living expenses in terms of _____ (Type in US dollars) to be:</p> <p>a. Tuition and fees: \$ _____</p> <p>b. Living expenses: \$ _____</p> <p>c. Expenses of dependents (if any): \$ _____</p> <p>d. Other expenses (if any): \$ _____</p> <p>8. Resources: _____</p> <p>9. This school has information showing the following as the student's source of support, estimated for an academic year of _____ months (do not include summer months given in item 5):</p> <p>a. Student's personal funds: \$ _____</p> <p>b. Funds from this school: \$ _____</p> <p>c. Sponsor's funds: \$ _____</p> <p>d. Funds from another source: \$ _____</p> <p>e. Specific type: _____</p> <p>f. Other source: _____</p> <p>g. Other type: _____</p> <p>h. Other type: _____</p> <p>i. Other type: _____</p> <p>j. Other type: _____</p> <p>k. Other type: _____</p> <p>l. Other type: _____</p> <p>m. Other type: _____</p> <p>n. Other type: _____</p> <p>o. Other type: _____</p> <p>p. Other type: _____</p> <p>q. Other type: _____</p> <p>r. Other type: _____</p> <p>s. Other type: _____</p> <p>t. Other type: _____</p> <p>u. Other type: _____</p> <p>v. Other type: _____</p> <p>w. Other type: _____</p> <p>x. Other type: _____</p> <p>y. Other type: _____</p> <p>z. Other type: _____</p>
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10. School Certification: I certify under penalty of perjury that all information provided above in items 1 through 9 was completed before I signed this form and is true and correct. I received this form in the United States after review and evaluation in the United States by one or more officials of the school of the student's application, acceptance, or other records of admission and proof of financial responsibility, which was received at the school prior to my execution of this form. The school has determined that the above named student's qualifications meet all standards for admission to the school, the student will be required to pursue a full course of study as defined by 8 CFR 314.107(b)(4), I am a designated official of the above named school and am authorized to issue this form.

 Title of School Official Signature of Designated School Official Title Date Issued Place Issued (city and state)

11. Student Certification: I have read and agreed to comply with the terms and conditions of my admission and those of my certificate of eligibility as specified on page 2. I certify that all information provided on this form reflects specifically to me and to me and cannot be the basis of my knowledge. I certify that I will seek or remain in the United States lawfully, and solely for the purpose of pursuing a full course of study at the school named on page 1 of this form. I also authorize the named school to release any information from my records which is needed by DHS pursuant to 8 CFR 314.107 to determine my nonimmigrant status.

 Name of Student Signature of Student Date

 Name of parent or guardian Signature of parent or guardian Address (city) (State or Province) (Country) (Date)

2010 Form I-20-A (09/10) The Issuance Date Admission Status Number

Certificate of Eligibility for Exchange Visitor Status (J visa)


U.S. Department of State

CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR(J-1) STATUS

OMB APPROVAL NO.1405-0119
EXPIRES: 10-28-2005
ESTIMATED BURDEN TIME: 40 min
*See Page 2

1. Family Name: Wang		First Name: David		Middle Name:		Gender: MALE		N0001234567	
Date of Birth:(mm-dd-yyyy): 04/01/1970		City of Birth: Taipei		Country of Birth: TAIWAN		Citizenship Country Code: TW		Citizenship Country: TAIWAN	
Legal Permanent Residence Country Code: TW		Legal Permanent Residence Country: TAIWAN		Petition Code: 213		Position: UNIVERSITY TEACHING STAFF INCI			
U.S. Address: College of Engineering 1111 Washington BLVD. New York, NY 12345									
2. Program Sponsor: Happy University						Exchange Visitor For: (F-1-J)			

SEVIS ID
J-1



SEVIS ID

Part IV:

CHALLENGES FOR FAMILIES THAT INCLUDE IMMIGRANTS & TIPS

Immigration Enforcement: It's Safe to Apply

- ***Q: If I apply for health insurance, will government find out that my family member is undocumented? Will they be reported to immigration authorities?***
 - The ACA includes strong privacy protections for personally identifiable information; written to encourage participation of eligible individuals in mixed-status immigrant families.
 - Agencies can only collect, use, and disclose information that is necessary for enrollment in health coverage.
 - The U.S. Department of Homeland Security or U.S. Immigration and Customs Enforcement (DHS/ICE) has issued guidance that information about applicants/household obtained for health insurance eligibility will not be used for civil immigration enforcement purposes.

Clarification of Existing Practices Related to Certain Health Care Information

English: <http://www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf>

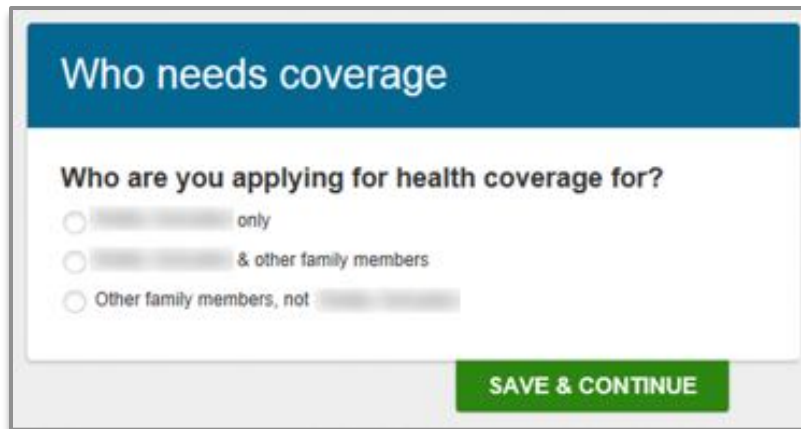
Spanish: <http://www.ice.gov/espanol/factsheets/aca-memoSP.htm>

Concern about Privacy and Confidentiality

- *Q: Will someone helping my family apply for health insurance share information about my family member's immigration status?*
 - The Marketplaces, Medicaid and CHIP agencies must require their employees and contractors to follow robust rules protecting privacy.
 - Contractors include
 - QHP issuers
 - Navigators
 - Certified application counselors
 - Agents
 - Brokers
 - Call center representatives

Protections for Non-Applicants

- *Q: Can I apply for health insurance for other members of my family and not provide information about my own immigration status?*
 - All applications should allow households to designate individuals as non-applicants



The screenshot shows a web form titled "Who needs coverage". Below the title is the question "Who are you applying for health coverage for?". There are three radio button options: "only", "& other family members", and "Other family members, not". A green "SAVE & CONTINUE" button is located at the bottom right of the form.

- Important protections for non-applicants:
 - Should not be asked to disclose citizenship/immigration status.
 - Must only provide information that is relevant to the eligibility determination such as income and tax filing status, but generally cannot be required to provide information not relevant to the eligibility determination

Requests for Social Security Numbers: Applicants

Medicaid and CHIP

SSNs are generally required of Medicaid applicants

- Coverage cannot be denied or delayed pending issuance or verification of SSN
- Medicaid agencies must help individuals apply for an SSN if they are eligible and don't have one, or if they don't know their SSN

Some applicants do not have to provide Social Security numbers (SSN), including:

- Newborns in process of obtaining an SSN
- Persons who have a religious objection
- Certain lawfully present immigrants who are not eligible for an SSN or can only get an SSN for a non-work purpose such as certain domestic violence survivors, trafficking survivors, asylum applicants, and others

Marketplace

Only applicants who have an SSN are required to provide one.

General Rules About Requests for SSNs

Applicants must be notified about:

- Whether providing their SSN is required or optional
- Why they are being asked for their SSN
- How their SSN will be used

Requests for Social Security Numbers: Non-Applicants

Medicaid and CHIP

Non-applicant household members do not have to provide an SSN for Medicaid and CHIP.

Marketplace

Non-applicant household members should not be required to provide an SSN unless **ALL** of the following are true:

- ✓ They have a spouse or tax dependent seeking premium tax credit eligibility
- ✓ The non-applicant is a tax filer
- ✓ The non-applicant has a SSN
- ✓ They filed a federal tax return in the 2014 tax year

NOTE

However, providing an SSN, when available, may increase the likelihood that application information can be verified electronically.

- People who are not eligible for SSNs may use Individual Taxpayer Identification Numbers (ITINs) to file taxes, but health insurance affordability program applications should not request ITINs.

Concern About Public Charge

- *Q: If I or my family member applies for Medicaid or for help with costs of coverage in Connect for Health CO, will immigration authorities deny our application for a green card (LPR) or citizenship?*
 - “Public charge” is a term used by U.S. immigration officials to refer to a person who is considered primarily dependent on the government for subsistence (cash assistance) or long-term care at government expense.
 - Generally, Medicaid, CHIP, and tax credits for Connect for Health Colorado are not considered in screening green card applicants (applicants to adjust to lawful permanent resident status/LPR) for public charge.
 - Exception: Medicaid assistance for long-term institutional care—such as a nursing home or mental health institution—may be considered a factor in establishing public charge.
 - Public charge is not applicable when applying for citizenship.

Discrimination

- *Q: Can I be turned away from applying because I don't speak English well or because I am not a US citizen?*
 - Discrimination based on race, ethnicity, and national origin, including language spoken, is prohibited by Title VI of the Civil Rights Act and ACA Section 1557.
 - Prohibition applies to all entities receiving federal financial assistance: consumer assisters, clinics, hospitals, insurers, Marketplace agencies, Medicaid and CHIP agencies, contractors, health plans, others.
 - Applications, processes and procedures that have a chilling effect of deterring eligible immigrants from applying may violate Title VI of the Civil Rights Act and Sec. 1557 of the ACA.

Access to Language Services

- *Q: I don't speak English very well, how can I even apply for health insurance?*
 - Agencies must provide meaningful access of limited-English proficient individuals to all programs receiving federal assistance
 - Agencies must provide free oral interpretation services and translate key documents into top languages
 - Assisters should learn which languages predominate and make staffing decisions accordingly

Concern About the Effect on Sponsors (Sponsor Liability)

- *Q: Will enrolling in Medicaid/CHIP/QHP make my sponsor liable for the cost of my coverage?*
 - The law allows states, but does not require them, to seek some reimbursement from sponsors for certain programs, but state studies show the process is not cost-effective.
 - Sponsors are not liable for Medicaid or CHIP coverage of lawfully present children or pregnant women
 - Sponsors are not liable for a sponsored immigrant's premium tax credit

Tips For Talking About Immigration Status

- Do not ask non-applicants to disclose immigration status
- Use broad questions and share general information about immigrant eligibility to help consumers identify who may want to apply for insurance
- Provide other welcoming messages early in your conversation
- Use
- When asking questions about immigration and citizenship status of applicants:
 - Avoid asking if individuals are “undocumented” or “not lawfully present”
 - Instead use words like “eligible immigrant,” “eligible immigration status” or “ineligible”

For Example:

“The Marketplace provides coverage to citizens and noncitizens who are lawfully present. Here’s a list of immigration statuses considered lawfully present.”

“We keep your information private and safe. The application asks for some information about everyone in your family, but only a family member seeking coverage for him or herself has to answer questions about immigration or citizenship.”

Tips on Citizenship/ Immigration Status Data-Matching Problems

- Why might data matching be unsuccessful?
 - Incorrect submission of Social Security Number (or no # provided)
 - Name provided in application does not match what is in SSA or Department of Homeland Security's online system
 - Data matching limitations (SSA cannot verify citizenship for many foreign born citizens, or DHS's system cannot immediately verify citizenship for some naturalized or derived citizens)
 - Some applicants may not have document numbers available
- What is the Inconsistency Process?
 - When information provided by the consumer does not match up with information that the Connect for Health CO accesses to verify eligibility factors
 - Its an important consumer protection in the law allowing applicant to complete application, receive eligibility determination and enroll in a plan pending further verification of information
 - Applicants have 95 days to provide additional documentation to resolve data matching problems

Part V:

SCENARIOS OF THREE IMMIGRANT FAMILIES

Scenario 1:

Rashid, Miriam and Leila



Rashid, 27
Miriam, 27
Leila, 6 months

- Rashid and Miriam are married and live in Denver
- Miriam became a lawful permanent resident (LPR/green card holder) 2 years ago, in 2013
- Rashid became a citizen last year
- Leila was born in Denver six months ago
 - No Social Security number yet, but applied for one
- Miriam is 3 months pregnant
- Family income: \$17,577
- Rashid and Miriam file taxes jointly and claim Leila as a dependent
- Everyone in the family is interested in getting health coverage

Eligibility Based only on Citizenship / Immigration Status

Rashid



- Applying for coverage
 - Yes
- Citizen
 - Yes

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ QHP Enrollment

Miriam



- Applying for coverage
 - Yes
- Citizen
 - No
- Immigration status
 - Lawful Permanent Resident
- Family Status
 - Pregnant
- Subject to the 5-year bar
 - No
- Satisfied the 5-year bar
 - No

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ QHP Enrollment

Leila



- Applying for coverage
 - Yes
- Citizen
 - Yes

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ CHP+
- ✓ QHP Enrollment



Eligibility for PTC and Medicaid

	Medicaid/CHP+				Premium Tax Credits			
	Eligible ?	HH	Income	FPL	Eligible ?	HH	Income	FPL
Rashid	Yes	3	\$17,577	90%	No	3	\$17,577	90%
Miriam	Yes	3	\$17,577	90%	No	3	\$17,577	90%
Leila	Yes	3	\$17,577	90%	No	3	\$17,577	90%



- Rashid is eligible for Medicaid.
- Miriam is lawfully present and pregnant and eligible for Medicaid because CO covers lawfully present pregnant woman who would have been in the five year waiting period. She can keep Medicaid for 90 days post-partum, then she will be eligible for marketplace coverage and premium tax credits. (If Miriam was not pregnant, she would eligible for PTC because her income is below 100% FPL and she would be ineligible for Medicaid based on her immigration status.)
- Leila is eligible for Medicaid.

Scenario 2: Ricky, Eva and Karina



Ricky, 24

Eva, 24

Karina, 1

- Ricky and Eva are not married but live together with their daughter, Karina
- Ricky has a student visa and plans to complete his program of study at Colorado State University in 2017
 - He has no income
- Karina is a citizen
- Eva has Deferred Action for Childhood Arrivals (DACA) and she:
 - earns \$37,107 a year
 - plans to file federal taxes and will claim Ricky and Karina as dependents

Eligibility Based only on Citizenship / Immigration Status

Ricky



- Applying for coverage
 - Yes
- Citizen
 - No
- Immigration status
 - Nonimmigrant Visa holder (F-1 student visa)
- Residency for QHP enrollment
 - Yes

MAY BE ELIGIBLE FOR:
✓ QHP enrollment

Eva



- Applying for coverage
 - No

Karina



- Applying for coverage
 - Yes
- Citizen
 - Yes

MAY BE ELIGIBLE FOR:
✓ Medicaid
✓ CHP+
✓ QHP enrollment



Eligibility for PTC and Medicaid

	Medicaid/CHP+				Premium Tax Credits			
	Eligible ?	HH	Income	FPL	Eligible ?	HH	Income	FPL
Ricky	No	2	\$0	0%	Yes	3	\$37,107	190%
Eva	N/A	--	--	--	N/A	--	--	--
Karina	Yes	3	\$37,107	190%	No	3	\$37,107	190%



- Ricky is eligible for enrollment in a QHP with a PTC, but it's unclear if attesting to residency in CO will negatively impact his visa/immigration process. Unless he's authorized to work, he may not have an SSN. As a foreign student, he may be considered a non-resident alien for tax purposes and may not be subject to the penalty for going without coverage.
- Eva is not eligible for enrollment in insurance affordability programs. She is not eligible for Emergency Medicaid due to income. If she became pregnant, she would not be eligible for Medicaid for lawfully present pregnant women. She is not subject to the penalty for going without coverage
- Karina is eligible for CHP+.

Scenario 3: Mei, Michael and Lin



Mei, 33
Michael, 5
Lin, 72

- Mei lives with her son, Michael, and father Lin in Boulder
- She has been a lawful permanent resident (LPR) for 10 years and has worked the whole time
- Michael is a citizen
- Lin has been an LPR for 2 years
 - He is not credited with 40 quarters and is not eligible for premium-free Medicare
 - He is Mei's tax dependent
- Mei earns \$17,577 a year

Eligibility Based only on Citizenship / Immigration Status

Mei



- Applying for coverage
 - Yes
- Citizen
 - No
- Immigration status
 - LPR
- Subject to the 5-year bar
 - Yes
- Satisfied the 5-year bar
 - Yes

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ QHP enrollment

Lin



- Applying for coverage
 - Yes
- Citizen
 - No
- Immigration status
 - LPR
- Subject to the 5-year bar
 - Yes
- Satisfied the 5-year bar
 - No

MAY BE ELIGIBLE FOR:

- ✓ QHP enrollment

Michael



- Applying for coverage
 - Yes
- Citizen
 - Yes

MAY BE ELIGIBLE FOR:

- ✓ Medicaid
- ✓ CHP+
- ✓ QHP enrollment



Eligibility for PTC and Medicaid

	Medicaid/CHP+				Premium Tax Credits			
	Eligible ?	HH	Income	FPL	Eligible ?	HH	Income	FPL
Mei	Yes	3	\$17,577	90%	No	3	\$17,577	90%
Lin	No	1	\$0	90%	Yes	3	\$17,577	90%
Michael	Yes	3	\$17,577	90%	No	3	\$17,577	90%



- Mei is eligible for Medicaid.
- Lin is eligible for PTC even though his income is below 100% FPL and he is not eligible for Medicaid based on his immigration status.
- He has opted not to enroll in Medicare because he would have to pay the full premium.
- Michael is eligible for Medicaid.

INFORMATION on ACA & Immigrants

NILC Resources

- *Immigrants and the Affordable Care Act* - <http://nilc.org/immigrantsshr.html> and in Spanish - <http://nilc.org/immigrantsshrsp.html>
- *Frequently Asked Questions – The Affordable Care Act & Mixed Status Families* - http://nilc.org/aca_mixedstatusfams.html
- *Sponsored Immigrants & Benefits* - <http://www.nilc.org/document.html?id=166>
- *“Lawfully Present” Individuals Eligible under the Affordable Care Act* - <http://www.nilc.org/document.html?id=809>
- *Frequently Asked Questions – Exclusion of Youth Granted “Deferred Action for Childhood Arrivals” from Affordable Health Care* - <http://www.nilc.org/document.html?id=802>
- *A Quick Guide to Immigrant Eligibility for ACA and Key Federal Means-tested Programs* - <http://www.nilc.org/document.html?id=844>
- *Typical Documents Used by Lawfully Present Immigrants* - <http://www.nilc.org/document.html?id=35>
- *Federal Guidance on Public Charge – When Is it Safe to Use Public Benefits?* - <http://www.nilc.org/document.html?id=164>
- *Overview of Immigrant Eligibility for Federal Programs* – see page 4 for a list of “qualified” immigrants. <http://www.nilc.org/document.html?id=108>
- *Maps of Health Coverage for Immigrant Children and Health Coverage for Pregnant Women* - <http://www.nilc.org/healthcoveragemaps.html>
- *Medical Assistance Programs for Immigrants in Various States* - <http://nilc.org/document.html?id=159>

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