



# Access to Health Coverage for Immigrants Living with HIV

## Quick Reference Guide

### Are you working with immigrants living with HIV who need health coverage?

Use this quick reference guide to learn about these topic areas:

1. Eligibility of immigrants for health coverage
2. Eligibility of immigrants for financial assistance
3. Verification of identity and immigration/citizenship status
4. Resources for immigrants not eligible for Medicaid or Marketplace coverage
5. Concerns about immigration enforcement

October 2017

## Eligibility of Immigrants for Health Insurance Coverage

### Eligibility for Medicaid and CHIP

Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, “qualified” immigrants may be eligible for Medicaid and CHIP. Many qualified immigrants, however, are subject to a five-year waiting period (the “five year bar”) which begins when the immigrant first obtains a “qualified” immigration status.

#### Qualified Immigrant Categories Defined by Statute:

- Lawful Permanent Residents (LPRs/green card holders)
- Refugees\*
- Asylees\*
- Cuban/Haitian entrants\*
- Persons who were paroled into the U.S. for more than a year
- Conditional entrants\*
- Persons granted withholding of deportation/removal
- Certain domestic violence and trafficking survivors and their derivatives\*
- Member of a federally-recognized Indian tribe or American Indian born in Canada



People with a “qualified” immigration status who are not subject to the 5 year bar include those with an \* above as well as the following below:

- Immigrants who entered the U.S. before 8/22/1996
- Qualified immigrants who are U.S. veterans or on active military duty and their spouses and children
- People who were paroled into the U.S. for more than a year
- Individuals granted Iraqi/Afghan special immigrant status

NOTE: “Lawfully residing” children and pregnant women are eligible for Medicaid and CHIP in some states without being subject to the 5 year bar. Some states provide coverage through a CHIP option to pregnant women regardless of immigration status. Find out whether your state has taken up those options here: <http://bit.ly/2tKJBCX>

## Eligibility for Marketplace Coverage

Eligibility for the health insurance Marketplace is broader than for Medicaid and CHIP. In general, citizens and “lawfully present” immigrants are eligible to buy health insurance and get tax credit subsidies in the ACA Marketplaces. “Lawfully present” includes “qualified” immigrants, plus additional categories (see below).

### “Lawfully present” immigration categories eligible for Marketplace coverage<sup>1,2</sup>

#### ALL “Qualified” Immigrants (see list on the left)

- 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

#### Others

- Members of a federally-recognized Indian tribe or American Indian born in Canada

#### PLUS Other Lawfully Present Immigrants

- Granted relief under the Convention Against Torture (CAT)
- Temporary Protected Status (TPS)
- Deferred Enforced Departure (DED)
- Deferred Action\*
- Individuals 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
- Family Unity

<sup>1</sup> Find updated information here: <http://1.usa.gov/1sVS3gB>

<sup>2</sup> NOTE: Applicants for certain immigration statuses and some immigrants who have employment authorization are also considered “lawfully present”. For the complete list, see: <http://bit.ly/2tpRfmD>

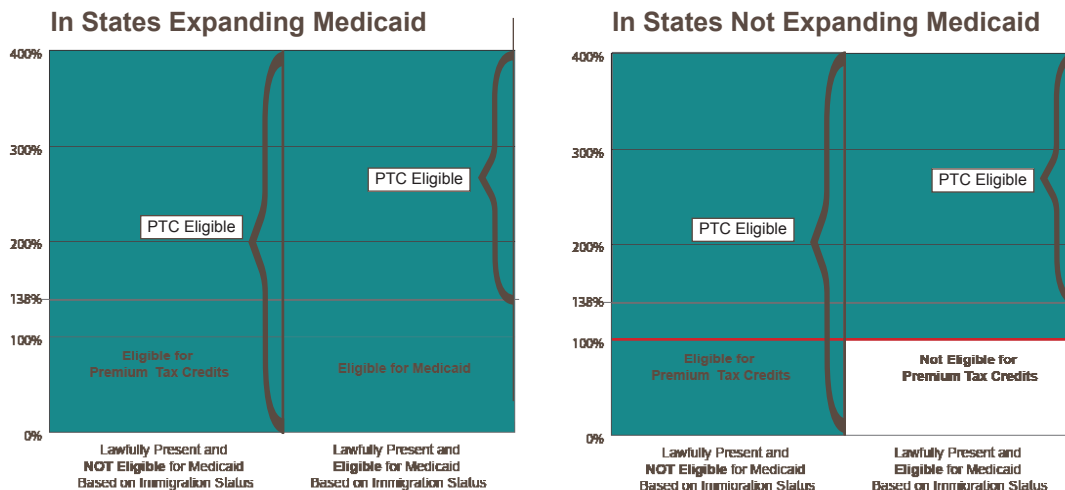
\* **EXCEPTION:** Individuals granted deferred action under the 2012 Deferred Action for Childhood Arrivals (DACA) program are not eligible to enroll in coverage in the Marketplace.

# Eligibility of Immigrants for Financial Assistance in the Health Insurance Marketplace

As shown in the graphic below:

- Premium Tax Credits (PTCs) are available for lawfully present individuals with incomes between 100%-400% Federal Poverty Level (FPL).
- Lawfully present immigrants with incomes below 100% FPL, who are not eligible for Medicaid due to their immigration status, are also eligible for PTCs.
- Cost Sharing Reductions (CSRs) are available to lawfully present immigrants with incomes below 250% FPL.
- Lawfully present individuals who are eligible for Medicaid are not eligible for PTCs.

Coverage Landscape for Families that Include Immigrants



## Declaring Cash Income

Many immigrants work in jobs that may not provide traditional payment, and so will not have the standard documents needed to verify income to Medicaid or the Marketplace. One way to help immigrants in this situation to prove their income is via an **“I earn cash” affidavit**. Here is an example:

Date  
Applicant’s name  
Address  
Telephone number

To Whom It May Concern:

I, \_\_\_\_\_, am writing you this letter as proof of my income because I am paid in cash and have no pay stubs. I work as a [occupation] \_\_\_\_\_ and I make [cash amount] \$ \_\_\_\_\_ every \_\_\_\_\_ [frequency of pay].

Thank you so much for your help.

Sincerely,

\_\_\_\_\_  
(Signature)  
Printed name

Date  
Applicant’s name  
Address  
Telephone number

To Whom It May Concern:

I, \_\_\_\_\_, am writing you this letter as proof of my income because I am paid in cash and have no pay stubs. I work as a [occupation] \_\_\_\_\_ and I make [cash amount] \$ \_\_\_\_\_ every [frequency of pay] \_\_\_\_\_.

Thank you so much for your help.

Sincerely,  
\_\_\_\_\_  
(Signature)  
Printed name

# Concerns about Immigration Enforcement: It's Safe to Apply for Health Coverage

The rules about immigrants and health coverage have not changed. The Marketplace, Medicaid, and CHIP programs include strong protections for personally identifiable information. Agencies can only collect, use, and disclose information that is necessary for enrolling health coverage.

The U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (DHS/ICE) has issued guidance stating that **information about applicants/households obtained for health insurance eligibility will not be used for civil immigration enforcement purposes**. The ICE letter remains in effect and is available in English (<http://1.usa.gov/1bkRTkM>) and Spanish (<http://1.usa.gov/1lqUORL>).

A “public charge” refers to a person who depends on the government for subsistence. Getting Medicaid, CHIP, or tax credits for Marketplace health coverage does not make someone a public charge. However, people who get Medicaid assistance for long-term institutional care, such as a nursing home, are considered a public charge.

## Verification of Identity and Immigration/Citizenship Status

As part of the Marketplace enrollment process, applicants will be asked to verify their identity and immigration or citizenship status.

**To verify identity:** Household contacts who cannot complete the identity proofing process online or over the phone can submit copies of certain documents to prove their identity.

**To verify citizenship:** U.S. citizen applicants will be asked to provide a Social Security Number and to attest to being

a U.S. citizen. The Marketplace will then attempt to verify citizenship electronically by matching this information with Social Security Administration records.

**To verify immigration status:** Immigrant applicants will be asked to attest to having an “eligible immigration status” and to provide applicable document numbers, typically an Alien Registration Number (“A number” or “USCIS number”) or I-94 number. The Marketplace will then attempt to verify status by matching this information with data from SAVE (Systematic Alien Verification for Entitlements).

If citizenship or immigration status cannot be verified as described above, the following documents can be used to prove identity and immigration/citizenship status.

### Consumers can verify their identity by:

One of these:	Alternatively, two of these:
<ul style="list-style-type: none"><li>• Driver’s license issued by state or territory</li><li>• School identification card</li><li>• Voter registration card</li><li>• U.S. military draft card or draft record</li><li>• Identification card issued by the federal, state, or local government</li><li>• U.S. passport or U.S. passport card</li><li>• Certificate of Naturalization (Form N-550 or N-570) or Certificate of U.S. Citizenship (Form N-560 or N-561)</li><li>• Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li><li>• Employment Authorization Document that contains a photograph (Form I-766)</li><li>• Military dependent’s identification card</li><li>• Native American tribal document</li><li>• U.S. Coast Guard Merchant Mariner card</li><li>• Foreign passport or identification card issued by a foreign embassy or consulate that contains a photograph</li></ul>	<ul style="list-style-type: none"><li>• Birth certificate</li><li>• Social Security card</li><li>• Marriage certificate</li><li>• Divorce decree</li><li>• Employer identification card</li><li>• High school or college diploma (including high school equivalency diplomas)</li><li>• Property deed or title</li></ul> <p><i>Find updated information here: <a href="http://1.usa.gov/1HXAQVB">http://1.usa.gov/1HXAQVB</a></i></p>

**To verify U.S. Citizenship, submit any one of these documents\*:**

- U.S. Passport
- Certificate of Naturalization
- Certificate of U.S. Citizenship
- State-issued enhanced drivers license (EDL)
- A document issued by a federally recognized American Indian tribe showing membership

**\*If a person does not have one of these documents, they will need to submit one document from each column (total of TWO documents) to verify citizenship:**

Submit one of the following documents:	<u>AND</u> one of the following documents:
<ul style="list-style-type: none"> <li>• U.S. public birth certificate</li> <li>• Consular Report of Birth Abroad (FS-240, CRBA)</li> <li>• Certification of Report of Birth (DS-1350)</li> <li>• Certification of Birth Abroad (FS-545)</li> <li>• U.S. Citizen Identification Card (I-197 or the prior version I-179)</li> <li>• Northern Mariana Card (I-873)</li> <li>• Final adoption decree showing the person's name and U.S. place of birth</li> <li>• U.S. Civil Service Employment Record showing employment before June 1, 1976</li> <li>• Military record showing a U.S. place of birth</li> <li>• U.S. medical record from a clinic, hospital, physician, midwife or institution showing a U.S. place of birth</li> <li>• U.S. life, health or other insurance record showing U.S. place of birth</li> <li>• Religious record showing U.S. place of birth recorded in the U.S.</li> <li>• School record showing the child's name and U.S. place of birth</li> <li>• Federal or State census record showing U.S. citizenship or U.S. place of birth</li> <li>• Documentation of a foreign-born adopted child who received automatic U.S. citizenship (IR3 or IH3)</li> </ul>	<p><i>Document must have a photograph or other information, like name, age, race, height, weight, eye color, or address</i></p> <ul style="list-style-type: none"> <li>• Driver's license issued by a State or Territory or ID card issued by the Federal, state, or local government</li> <li>• School identification card</li> <li>• U.S. military card or draft record or Military dependent's identification card</li> <li>• U.S. Coast Guard Merchant Mariner card</li> <li>• Voter Registration Card</li> <li>• A clinic, doctor, hospital, or school record, including preschool or day care records (for children under 19 years old)</li> <li>• Two documents containing consistent information that proves your identity, like employer IDs, high school and college diplomas, marriage certificates, divorce decrees, property deeds, or titles</li> </ul> <p><small>Find updated information here: <a href="http://1.usa.gov/1HXAQVB">http://1.usa.gov/1HXAQVB</a></small></p>

**To verify immigration status any of the following documents can be used:**

Submit any of the following documents:
<ul style="list-style-type: none"> <li>• Permanent Resident Card, "Green Card" (I-551)</li> <li>• Reentry Permit (I-327)</li> <li>• Refugee Travel Document (I-571)</li> <li>• Machine Readable Immigrant Visa (with temporary I-551 language)</li> <li>• Temporary I-551 Stamp (on Passport or I-94/I-94A)</li> <li>• Foreign passport</li> <li>• Arrival/Departure Record (I-94/I-94A)</li> <li>• Arrival/Departure Record in foreign passport (I-94)</li> <li>• Certificate of Eligibility for Non-immigrant Student Status (I-20)</li> <li>• Certificate of Eligibility for Exchange Visitor Status (DS-2019)</li> <li>• Employment Authorization Card (I-766)</li> <li>• Notice of Action (I-797)</li> <li>• Certification from U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR)</li> <li>• Document indicating withholding of removal (or withholding of deportation)</li> <li>• Administrative order staying removal issued by the Department of Homeland Security</li> <li>• Document indicating a member of a federally-recognized Indian tribe or American Indian born in Canada</li> <li>• Office of Refugee Resettlement (ORR) eligibility letter (if under 18)</li> <li>• Resident of American Samoa Card</li> </ul> <p><small>Find updated information here: <a href="http://1.usa.gov/1HXAQVB">http://1.usa.gov/1HXAQVB</a></small></p>

## Requests for Immigration Status and Social Security Numbers (SSNs)

Marketplace, Medicaid, and CHIP applications allow household members who aren't applying for coverage to designate themselves as a "non-applicant", who does not have to disclose their immigration status or SSN.



*Providing a Social Security Number makes electronic verification easier which can reduce paper documentation.*

### Non-Applicants:

- Should be told whether providing a SSN is required or optional, why they are being asked for it, and how it will be used.
- If asked for their immigration status or SSN, they should say, "I am not applying for health insurance for myself."
- Must only provide information that is relevant to determine eligibility such as income and tax filing status.

### Applicants

- Medicaid and CHIP applicants generally need to provide an SSN, but if they don't have one or don't know it, agencies must help them apply for an SSN.
- In the Marketplace, only applicants who have an SSN are required to provide one

## Resources for Immigrants Not Eligible for Medicaid or Marketplace Coverage

Some medical assistance programs are available to all regardless of immigration status.

These include:

- Emergency-Only Medicaid
- Treatments for communicable diseases or immunizations
- Community Health Centers/FQHCs, Migrant Health Centers
- Hospital financial assistance programs or charity care
- RWHAP including ADAP
- Federal health care block grant programs (such as maternal and child health, family planning programs)
- Programs providing health services necessary to protect life or safety include: emergency medical care, food, or shelter, mental health crisis, domestic violence, crime victim assistance, and disaster relief

This table (<http://bit.ly/2r9HpTy>) lists health coverage options for immigrants in various states including medical assistance programs available to individuals regardless of their status (source: *National Immigration Law Center*).

## Additional Resources

**Know Your Rights: Is it Safe to Apply for Health Insurance or Seek Health Care?** (<http://bit.ly/2tpXx5U>) (source: *National Immigration Law Center*)

**FAQs on exclusion of DACA youth from ACA health coverage** (<http://bit.ly/1RmBgNI>) (source: *National Immigration Law Center*)

**Q&A on same-sex marriage and immigration issues** (<http://1.usa.gov/1PIHWFO>) (source: *U.S. Citizenship and Immigration Services*)

**Special Enrollment Periods Fact Sheet** (<http://bit.ly/2Apsxq7>) that describes life events or special circumstances that allow people to enroll in/change private health insurance outside the open enrollment



The ACE TA Center helps RWHAP recipients and subrecipients support their clients, especially people of color, to navigate the health care environment through enrollment in health coverage and improved health literacy. [www.targethiv.org/ace](http://www.targethiv.org/ace)

*This document was prepared by JSI Research & Training Institute, Inc. and supported by the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services (HHS) under Grant #UF2HA26520, Supporting the Continuum of Care: Building Ryan White Program Grantee Capacity to Enroll Eligible Clients in Affordable Care Act Health Coverage Programs. This information or content and conclusions are those of the author and should not be construed as the official position or policy of, nor should any endorsements be inferred by HRSA, HHS or the U.S. Government.*