

Immigrant Eligibility for Medicaid and CHIP

Qualified and Non-Qualified Immigrants

- “Lawfully Present” includes every non-citizen who is lawfully in the U.S.
- Lawfully present immigrants are in one of two categories for Medicaid and CHIP eligibility:
 - “Qualified” Immigrant
 - “Non-Qualified” Immigrants

Qualified Immigrants

- Qualified immigrants can be eligible for Medicaid and CHIP benefits, except those in the “five-year bar”
- “Five-year bar”- most qualified immigrants who entered the U.S. on or after August 22, 1996, cannot get Medicaid or CHIP during the first five years of their residence in this country

Who are Qualified Immigrants?

- Lawful Permanent Residents, or LPRs
- Refugees (will lose Medicaid after 7 years if they do not gain citizenship status)
- Asylees (will lose Medicaid after 7 years if they do not gain citizenship status)
- Persons paroled into the United States for at least one year
- Persons granted withholding of deportation or removal
- Battered spouses and children
- Cuban and Haitian entrants
- Victims of severe human trafficking

Exempted from the “five-year bar”

Can get Medicaid or CHIP without waiting, if categorically eligible

- Refugees
- Asylees (after granted asylum status)
- Persons granted withholding of deportation or removal
- Iraqi or Afghan special immigrant status
- Battered spouses and children
- Cuban and Haitian entrants
- Victims of severe human trafficking
- Active duty military and families

Non-Qualified Immigrants

- Non-Qualified Immigrants are not eligible for benefits, except for Emergency Medicaid or CHIP under the “Unborn Child” option
- Unborn Child option - TN provides prenatal care to pregnant women who are otherwise ineligible for Medicaid (due to their immigration status)
 - Is considered coverage for the child, not the pregnant women
 - The coverage includes pregnancy care, as well as labor and delivery costs
 - Ends 60 days after date of delivery

Who are Non-Qualified Immigrants?

- Unlawfully present individuals
- Persons with temporary protected status
- Asylum applicants
- Individuals formerly considered permanently residing under color of law (PRUCOLs)
- Other lawfully present individuals such as non-immigrant visa holders
 - Students
 - Temporary workers
 - Tourists/ Business visitors
 - Individuals who seek medical treatment

Unlawfully Present Immigrants:

- A person who entered the U.S. without proper permission, or someone who stayed beyond the expiration date of a visa or other status.
- Most unlawfully present residents can only receive emergency Medicaid.
- Some pregnant women may qualify for CHIP/ CoverKids' "Unborn Child" option.
- Other resources for immigrants who are unlawfully present
 - Community Health Centers/ Charitable Clinics
 - Federally Qualified Health Centers (FQHCs)
 - Other non-profit organizations

Immigrant Eligibility and the Marketplace

Who is eligible to purchase coverage through the Marketplace?

- U.S. Citizens:
 - Both native-born and naturalized
- U.S. Nationals:
 - All U.S. citizens and individuals who were born in American Samoa or the Commonwealth of the Northern Mariana Islands who decided to be treated as U.S. nationals and not as U.S. citizens.
- Most lawfully present immigrants:
 - Not all lawfully present individuals are eligible for the ACA, such as students, visitors, and others in the U.S. for a short period of time. For these people, their tax filing status will be taken into consideration. Also, DACA individuals are considered lawfully present, however, they are not eligible under the ACA.

Eligible immigrants

- Are subject to the individual mandate and related tax penalty
- May enroll in a QHP through the Marketplace
- Eligible for financial assistance in the Marketplace
- Eligible for exemptions
- No five-year bar for Marketplace coverage

List of lawfully present immigrants who qualify for Marketplace coverage

ALL “Qualified” Immigrants	PLUS 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"> • Certain American Indians 	<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><i>*EXCEPTION: Individuals granted deferred action under the Deferred Action for Childhood Arrivals (DACA) program are not eligible to enroll in coverage in the Marketplace.</i></p>

Applicant for any of these statuses:

- Lawful permanent resident (LPR/Green Card)
- 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)*

With Employment Authorization:

- 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*



Lawfully present immigrants subject to the 5-year bar for Medicaid and CHIP can:

- Purchase health coverage through the Marketplace
- Be eligible for financial assistance, even if their income is less than 100% FPL

Immigrants who are not eligible for the Marketplace are:

- Exempt from personal responsibility mandate
- Ineligible for financial assistance
- Cannot purchase health insurance through the Marketplace

But they can:

- Purchase private coverage outside the Marketplace or through an employer
- Apply for health insurance for eligible family members, or be part of household of eligible family members
- Apply for PTCs on behalf of eligible family members, but must file a tax return (if not eligible for SSN, may file a tax return using an Individual Taxpayer Identification Number (ITIN))

Immigrants ineligible for the Marketplace:

- Unlawfully present immigrants
- Deferred Action for Childhood Arrivals (DACA) children and adults
- Individuals with a visitor visa (such as tourists)

Resources for immigrants who are unlawfully present

- Emergency Medicaid / CHIP Unborn Child option
- Community Health Centers/ Charitable Clinics
- Federally Qualified Health Centers (FQHCs)
- Other non-profit organizations