

# Health Insurance for Michigan's Immigrant Families

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## ACA REVIEW & UPDATE 2013

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## What we will cover

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### Eligibility

- Medicaid and Children's Health Insurance Program (CHIP)
- Marketplaces (Individual and SHOP)
  - Federal rules
  - State variations

### 2. Barriers to enrollment and ways to address them

Available resource materials

## ELIGIBILITY

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- Different rules for different programs
- Different rules for family members with different immigration statuses



## Eligibility for *Citizens* in Immigrant Families

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- Who are the citizens in immigrant families?
  - Native-born: All family members born in the U.S.  
89% of kids in immigrant families are citizens!
  - Naturalized: All family members who came to the U.S. as immigrants and became citizens after arriving.
- Eligibility for what? Everything a citizen in an all-citizen family is eligible for!

## Immigrant Eligibility for Medicaid & MICHild

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### “QUALIFIED” IMMIGRANTS

No change in the ACA

- Applicant’s immigration status must be a “qualified immigrant” status.  
*See resource materials for list of statuses.*
- Entry on/after 8/22/96? 5-year wait for most

## Immigrant Eligibility for Medicaid, MICHild and MOMS

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EXCEPTIONS to general rule (must be in a “qualified” status and must wait at least five years ):

- Refugees, trafficking survivors, and other humanitarian immigrants, veterans/military families – no 5-year wait
- ICHIA (CHIPRA) option – “lawfully residing” kids and pregnant women can be made eligible by states but Michigan has enacted this for MICHild
- Emergency Medicaid – regardless of status
- Maternity Outpatient Medical Services (MOMS) program covers prenatal care for pregnant women noncitizens who are eligible for Emergency Medicaid

## Not-qualified Immigrants

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### EVERYONE ELSE

- Any immigrant whose status is not on the “qualified” list is “not qualified,” even if work-authorized.
- NOT eligible for Medicaid (except emergency services and MOMS), MICHild, or other public programs
  - See exceptions in previous slide

## Programs Available to ALL

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- Emergency Medicaid
- MOMS
- Immunizations
- FQHCs – Community Health Centers – Migrant Centers
- Uncompensated care, charity care, financial assistance
- Disaster relief -- if relief is short-term and non-cash
- School lunch and breakfast, food banks, WIC
- Mental illness and substance abuse prevention (if program is available to all regardless of income)
- Violence and domestic abuse prevention
- Shelters
- Additional services and health plans available in some counties

## Medicaid and/or MICHild Eligibility: Review

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- Qualified immigrants who have completed or are not subject to the 5-year bar
- Pregnant women regardless of status through the MOMS program
- Any immigrant with a medical emergency
  - but ongoing treatment is generally NOT covered

OTHER STATES? *See resource materials*

## Immigrant Eligibility for the Marketplace & Help With Costs

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- “Lawfully present” immigrants are eligible:
  - Private health insurance in the Marketplaces
  - Premium tax credits and cost-sharing reductions (0-400% Federal Poverty Level (FPL), in all states)
  - Pre-existing Condition Insurance Plan (PCIP)
  - Basic Health Program (BHP) (0-200% FPL)
  - Required to have health insurance under the individual mandate
- Immigrants are “lawfully present” if their immigration status is listed by HHS – [www.healthcare.gov/immigration-status-and-the-marketplace/](http://www.healthcare.gov/immigration-status-and-the-marketplace/)

*See resource materials and compare to “qualified” immigrant*

## List of “Lawfully Present” Immigrants for ACA purposes

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- Lawful Permanent Resident (LPR/Green Card holder)
- Asylee or Refugee
- Cuban/Haitian Entrant
- Paroled into the U.S.
- Conditional Entrant Granted before 1980
- Battered Spouse, Child and Parent
- Victim of Trafficking and his/her Spouse, Child, Sibling or Parent
- Granted Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention against Torture (CAT)
- Individual with Non-immigrant Status (includes worker visas, student visas, and citizens of Micronesia, the Marshall Islands, and Palau)
- Temporary Protected Status (TPS)
- Deferred Enforced Departure (DED)
- Deferred Action Status (Deferred Action for Childhood Arrivals (DACA) is not an eligible immigration status for applying for health insurance)
- Lawful Temporary Resident
- Administrative order staying removal issued by the Department of Homeland Security
- Member of a federally-recognized Indian tribe or American Indian Born in Canada
- Resident of American Samoa

## List of “Lawfully Present” Immigrants for ACA Purposes (Continued)

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- **Applicant for any of these statuses:**
- Temporary Protected Status with Employment Authorization
- Special Immigrant Juvenile Status
- Victim of Trafficking Visa
- Adjustment to LPR Status
- Asylum\*
- Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention against Torture (CAT)\*
- \*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
- **With Employment Authorization:**
- Registry Applicants
- Order of Supervision
- Applicant for Cancellation of Removal or Suspension of Deportation
- Applicant for Legalization under IRCA
- Legalization under the LIFE Act

## Immigration status not “lawfully present”

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- Not eligible for Marketplace coverage, even at full price, or for subsidies. Not subject to individual mandate.
- Eligible (as are “not qualified” immigrants) for: emergency Medicaid, MOMS, public health programs, community health centers, financial assistance at hospitals, insurance at full cost offered outside the Marketplaces, and coverage offered by employer or family member’s employer.

## Young DACA immigrants: ineligible for ACA

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- DACA = Deferred Action for Childhood Arrivals
- Program to grant Deferred Action (temporary relief from deportation) to undocumented youth/ young adults who entered U.S. before age 16 and meet other criteria (“DREAMers”).
- DACA grantees: lawfully present under immigration law and authorized to work; not eligible for CHIP, Medicaid, or Marketplace coverage or subsidies.
- State variation – eligible for Medicaid in some states (e.g. NY, CA) but not Michigan

*See resource materials*

## Small (business) Health Options Program (SHOP)

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- Different rules apply to SHOP Marketplace vs. individual Marketplace.
- No verification of immigration status for SHOP; employer already screens for authorization to work at hire.
- Employer may offer a family policy to its employees.
- SHOP must comply with ACA privacy requirements.

## BARRIERS TO ENROLLMENT & Tips for Breaking them Down

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## Concerns about applying / enrolling

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- Confusion about eligibility
- Privacy and confidentiality
- Verification and documentation  
Immigration status, Social Security number (SSN), Income, Identity, State residency
- Public charge
- Effect on sponsor
- Linguistic competence
- Hostility and discrimination

## Confusion about eligibility rules

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- Emphasize that a citizen or lawfully-present child or adult will still be eligible even when other family members are not. Generally, it is safe for an ineligible family member to apply for those who are eligible.
- Have immigrant-specific resource materials handy, in English and in multiple languages for consumers.
- Identify advocates in the community and Marketplace with knowledge of immigrant eligibility. (ACCESS!)
- Keep a record of immigration-related problems and share with MIRC and/or state and federal civil rights and health policy officials.

## Privacy and confidentiality (1 of 4)

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- Questions: If I go to the health care agency to apply, will the agency find out that my (spouse or parent or child) is undocumented? Will the agency report my undocumented family member to immigration authorities?
- Answer: ACA and its regulations include strong protections for personally identifiable information; some privacy provisions were written to encourage participation of mixed-status immigrant families
- 10/25/13 ICE Statement: “Clarification of Existing Practices Related to Certain Health Care Information”  
<http://www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf>

## Privacy and confidentiality (2)

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- Agencies must not ask about citizenship or immigration status of anyone in the family except those applying for coverage.
- Agencies must ask for SSN of non-applicant IF –
  - the non-applicant has an SSN, AND
  - the family is applying for help with costs, AND
  - the non-applicant is the taxfiler for the household.
 If no SSN, the agency must proceed with the application and a determination of eligibility.

## Privacy and confidentiality (3)

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- Agencies must allow a person to decline to provide information about their own SSN (e.g. if s/he doesn't have one) or immigration status, and must assure application filers that eligibility of other family members will not be affected.
- Agencies can collect, use, or disclose personally-identifiable information **ONLY** for eligibility and enrollment purposes.

## Privacy and confidentiality (4)

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- The Marketplaces, Medicaid and CHIP agencies must require their employees and contractors to follow rules protecting privacy.
- Contractors include
  - QHP issuers
  - Navigators
  - Certified application counselors
  - Agents
  - Brokers

## Verification of immigration status

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- Agencies verify immigration status through the Systematic Alien Verification for Entitlements (SAVE) program of U.S. Department of Homeland Security (DHS)
  - used only to verify the status of applicant family members (not ineligible immigrants)
  - used only to verify status for benefits eligibility purposes (not to enforce immigration laws)
- At times, SAVE cannot verify status quickly. Agencies cannot delay health insurance once immigrant presents satisfactory documentation of status.

## Verification of SSN

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- Applicants must provide SSN ... *if* they have one
- Non-applicants must provide SSN ... *if* s/he has one, is the taxfiler, AND is applying for help with costs
- Agencies must provide assistance in obtaining SSN if needed/requested
  - “Non-work SSN” may be issued if needed solely for health care/other benefits
- Agencies verify SSNs through SSA
  - Naturalized citizens statistically encounter more delays than native-born citizens.
  - Individuals should provide only SSNs issued to them by SSA

## Verification of identity, income, residency

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When not verified by federal hub:

**FLEXIBILITY** is key

Allow for circumstances often faced by immigrant families:

- Work in the informal economy
- File income taxes with ITIN, not SSN
- Mismatch between income doc and tax doc or application
- Identification document that is foreign or lacks photo

Regulations prohibit agencies from using immigration document alone to verify state residency

## Public charge

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- Question: if I or my family member applies for Medicaid or for help with costs of coverage, will immigration authorities deny our application for a green card or citizenship?
- Answer: Medicaid, CHIP, and Marketplace subsidies are not considered in screening green card applicants for public charge.
  - Medicaid exception: long-term institutionalization.
  - Public charge is not applicable when applying for citizenship.

*See resource materials*

## Effect on immigrant sponsor

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- Concern of sponsored immigrants: enrolling in Medicaid/MiChild may 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, but state studies show the process is not cost-effective.

## Discrimination

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- 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
- Applies to all entities receiving federal financial assistance: consumer assisters, clinics, hospitals, insurers, Marketplace agencies, Medicaid and CHIP agencies, contractors, HMOs, others
- Applications, processes and procedures that have a chilling effect -- deterring eligible immigrants from applying -- may violate Title VI and ACA Sec. 1557

## Language services

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- 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
- Call center (1-800-318-2596) can connect to language lines for immediate interpretation into 150 languages.

## Hospitality, not hostility

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- Immigration enforcement authorities cannot enter into private areas of public facilities such as medical clinics without consent or a warrant.
- See ICE policy on Enforcement at or Focused on Sensitive Locations, which includes “hospitals” and similar locations: <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>

## The ACCESS Navigator Program

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- One of the four federally funded Navigator organizations in Michigan
- Service in Wayne, Oakland and Macomb Counties
- 46 Navigators that are certified and trained
- We provide education and enrollment services with no strings attached
- Services to all populations with special emphasis on ethnic minorities in South East Michigan including Arab, Chaldean and Bangladeshi communities



## How to reach us

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- **Website:** [www.accesshealthcaremichigan.org](http://www.accesshealthcaremichigan.org)
  - Features full calendar of events
  - Pre-enrollment (request for appointment)
- **Phone: 1-888-670-6798**
  - Service available in Arabic, Spanish and English
  - Request appointments, basic information etc
- **Office locations in (walk ins and appointments):**
  - Detroit, Hamtramck, Ferndale, Sterling Heights, Dearborn, Mt Clemens, Warren, St. Clair Shores and many more



## ??? QUESTIONS ???

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## FOR MORE INFORMATION

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- **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>
- **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>