



# Eligibility for Non-Citizens in Medicaid and CHIP

*Center for Medicaid and CHIP Services*  
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# Overview

- Eligibility for Non-Citizens (PRWORA)
- Lawfully Residing Option for Medicaid/CHIP
- Eligibility for Medicaid, CHIP, and Marketplace/QHPs
- Application and Enrollment Tips for Non-Citizens
- Accessibility/Language Services

# Eligibility for Non-Citizens in Medicaid and CHIP under Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)

- The following groups may be eligible for Medicaid and CHIP:
  - Qualified non-citizens who entered before 8/96
  - 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)
- No federal funding to cover undocumented immigrants, except for payment for limited emergency services

# Who is a “Qualified Non-Citizen”?

- Specific list includes:
  - Lawful Permanent Residents (LPRs or green card holders)
  - Asylees and Refugees
  - Cuban/Haitian entrants
  - Parolees for more than 1 year
  - Battered non-citizens, spouses and children
  - Victims of trafficking
  - Veterans and active military, and their spouses and children
- Note: Many of these groups are exempt from the 5 year waiting period

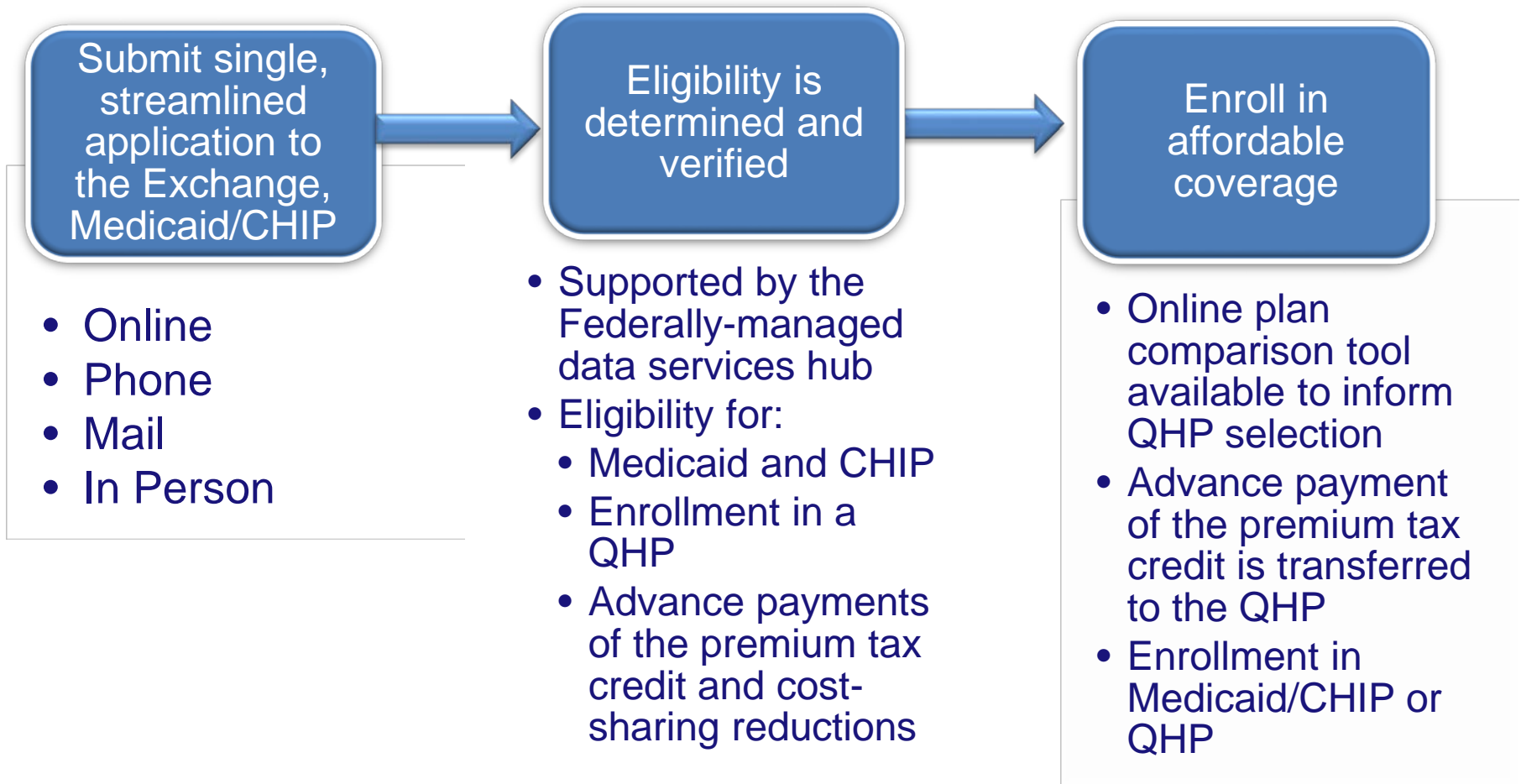
# Option to Cover Lawfully Residing Children and Pregnant Women

- CHIPRA made available a state option to cover children and/or pregnant women who are:
  - Lawfully present, and otherwise eligible
  - Without a 5-year waiting period
  - Regardless of date of entry into the U.S.
- 29 states, DC and CNMI

# “Lawfully Present” includes:

- Qualified non-citizen, regardless of a waiting period
- Humanitarian statuses or circumstances (Temporary Protected Status, Special Juvenile Status, asylum applicants, Convention Against Torture)
- Valid non-immigrant visa holder
- Legal status conferred by other laws (temporary resident status, LIFE Act, Family Unity individuals)
- Lawfully present in American Samoa and the Northern Mariana Islands

# Seamless, Streamlined System of Eligibility and Enrollment



# Minimizing Burden in Application Process

- The state may only require an individual to provide the information necessary to make an eligibility determination
- Applications may ask a non-applicant for certain information necessary to determine eligibility for an applicant (i.e. income, tax filing status, relationship)



# Application Process Cont.

- Request for SSN of a non-applicant is permitted if:
  - It is voluntary
  - It is used only to determine eligibility for applicant/beneficiary or for purpose directly connected to Medicaid program
  - Clear notice is provided to individual
- States should not ask for citizenship/immigration information from a non-applicant

# Public Charge

- Applying for Medicaid or CHIP does not make someone a “public charge.”
  - It will not affect someone’s chances of becoming an LPR or US citizen.
  - The one exception is for individuals receiving long-term care in an institution at government expense. These people may face barriers getting a green card.

# Accessibility and Federal Funds for Language Services

- Information must be accessible to individuals who are limited English proficient and individuals with disabilities
  - Entities receiving federal funds have a responsibility to provide these services and not to discriminate based on national origin for individuals who are limited English proficient under Title VI of Civil Rights Act of 1964
  - Based on disability under section 504 of the Rehabilitation Act of 1973
- Federal funds are available for oral interpretation and written translation provided to Medicaid and CHIP applicants and beneficiaries

# Eligibility Options for Non-Citizens

Program	Summary of Eligibility Rules
Medicaid/CHIP	<ul style="list-style-type: none"><li>• Qualified non-citizens</li><li>• Must apply the 5-year waiting period to certain non-citizens</li><li>• State option to cover lawfully residing children and/or pregnant women (removes the 5-year waiting period)</li></ul>
Marketplace/QHP	<ul style="list-style-type: none"><li>• Must be <u>lawfully present</u> to purchase insurance in a Qualified Health Plan, or to be eligible for an Advance Payment for Premium Tax Credit or Cost-Sharing Reduction</li><li>• Under 100% FPL of household income, may be eligible for APTC and CSRs, if lawfully present and ineligible for Medicaid due to immigration status</li></ul>

# Resources

Information on non-citizen eligibility, application, and verification for Marketplace, Medicaid and CHIP eligibility

<https://www.healthcare.gov/immigrants/>

Information on Medicaid and CHIP eligibility for non-citizens

<http://www.medicaid.gov/medicaid-chip-program-information/by-topics/outreach-and-enrollment/lawfully-residing.html>