

Immigrants Are Not Affected by the New Medicaid Law

New federal Medicaid document requirement for U.S. citizens does not change the rules for noncitizens

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As of July 1, 2006, a new federal law requires United States citizens who receive or apply for Medicaid to provide document(s) to prove their citizenship status.¹ Previously, U.S. citizens applying for Medicaid could provide either a document or a written statement signed under penalty of perjury to prove their citizenship. Noncitizens, or immigrants, already were required to provide documentation of their status in order to receive Medicaid. Under the new rule, citizens must provide proof of citizenship. Immigrants should continue to follow existing documentation rules.²

Although there is a new document requirement for U.S. citizens, both citizens and immigrants can still get and keep Medicaid if they meet their state's Medicaid guidelines. Key points to remember include:

- There is no new requirement that a person must be a U.S. citizen in order to get or keep Medicaid!
- Immigrants currently receiving Medicaid will not lose their benefits because of the new document rule.
- The rules for immigrants did not change. Immigrants are still able to get Medicaid if they meet their state's Medicaid guidelines. To find out which immigrants can get Medicaid in your state, contact your state Medicaid or human services agency or local legal aid office.³
- U.S. citizens currently receiving Medicaid will not lose Medicaid automatically or be required to reapply after July 1, 2006. The state Medicaid agency will continue their benefits and will contact them to explain the steps that need to be taken under the new document rule.
- Only persons who wish to receive Medicaid are required to provide proof of their citizenship or immigration status. After July 1, 2006, parents applying on behalf of U.S. citizen children may need to sign a written statement to confirm their children's *identity* in addition to providing proof of the children's citizenship. However, parents who are not seeking Medicaid for themselves do not need to provide any information about their citizenship or immigration status.
- If you are denied or lose Medicaid benefits because of your immigration or citizenship status, you should request an appeal and seek assistance from your local legal aid office.
- Immigrants should continue to use medical services without fear of immigration consequences. Using health care services, including Medicaid, generally does not affect a person's immigration status. An immigrant's use of health services is not considered in determining whether the immigrant is or is likely to become a "public charge."⁴ If a

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hospital or clinic tells you that you cannot get an appointment or receive medical care unless you are a U.S. citizen, you should ask to speak to the person in charge at the hospital or clinic and ask for the medical care you may need or contact your local legal aid office for assistance.

Although the federal law is set to take effect on July 1, 2006, states may delay asking for documents from U.S. citizens seeking or receiving Medicaid. Citizens who currently have Medicaid do not need to provide citizenship documents before July 1 to keep their Medicaid benefits. Instead, citizens should wait for the state Medicaid agency to contact them to advise them on the steps that they need to take under the new document requirement. The state Medicaid agency should give citizens sufficient time and/or assistance to obtain the necessary documents, and should continue their Medicaid benefits during that period.

Citizens who are denied or lose their Medicaid because of the new document requirement should appeal the decision and request a hearing. For more information on the new rule for citizens, contact your state Medicaid or human services agency, or go to www.cms.hhs.gov/MedicaidEligibility/05_ProofofCitizenship.asp.

¹ Deficit Reduction Act of 2005 (Pub. L. No. 109-171), Section 6036, “Improved Enforcement of Documentation Requirements.” Medicaid is a state/federal program which provides health coverage for certain categories of low-income persons, including children, families, pregnant women, and persons over age 65 or with disabilities. Eligibility for Medicaid may vary from state to state.

² According to the Centers for Medicare and Medicaid Services (CMS), “[I]ndividuals who declared they were aliens in a satisfactory immigration status were required in every state to provide documentary evidence of that claim. . . . *The provisions of section 6036 do not affect individuals who have declared they are aliens in a satisfactory immigration status*” (emphasis added). CMS State Medicaid Directors Letter 06-012, p. 1, available at www.cms.hhs.gov/smdl/downloads/SMD06012.pdf.

³ For additional resources on immigrants’ eligibility for Medicaid, go to www.nilc.org/immspbs/index.htm. Immigrants who may not have satisfactory immigration status, but are otherwise eligible, may be able to receive Emergency Medicaid.

⁴ However, use of Medicaid for long-term care (e.g., nursing homes) will be considered in the public charge decision. For more information on public charge, go to www.uscis.gov/graphics/publicaffairs/questsans/public_cqa.pdf or www.nilc.org/immspbs/pubchg/index.htm. For fact sheets on public charge in additional languages, go to www.uscis.gov/graphics/publicaffairs/presinfo4.htm#PublicCharge. For additional resources regarding other immigration concerns about using health care, go to www.nilc.org/immspbs/index.htm.