

Immigrants and the Affordable Care Act (ACA)

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The Affordable Care Act (ACA) created state and federal health care Marketplaces where eligible individuals can buy private health care plans and receive subsidies to assist with the cost of monthly premiums and other expenses. Health plans available on the Marketplaces are classified as bronze, silver, gold, and platinum, based on how the plans and covered individuals share the cost of care. The subsidies are based on income and are administered through the tax system.

Lawfully present immigrants are generally eligible for the Marketplaces and subsidies, with some exceptions. This document provides a brief overview of Marketplace eligibility and verification.

Lawfully Present Immigrants

The term “[lawfully present](#)”¹ includes immigrants who have:

- ▶ Lawful Permanent Residence (LPRs)
- ▶ Humanitarian statuses or circumstances (including refugees, people granted withholding of removal, people with Temporary Protected Status, deferred action and Special Juvenile Status).
- ▶ Valid non-immigrant visas.

Applicants for some immigration statuses are also considered lawfully present but may be required to have employment authorization to be eligible for the Marketplaces.

Note: DACA recipients were excluded from the definition of lawfully present in 2012. Regulations that reverse their exclusion and make them eligible for the Marketplace and the Basic Healthcare Program are effective November 1, 2024.²

¹ <https://www.healthcare.gov/immigrants/immigration-status/>

² 89 FR 39392 (May 8, 2024), <https://www.federalregister.gov/documents/2024/05/08/2024-09661/clarifying-the-eligibility-of-deferred-action-for-childhood-arrivals-daca-recipients-and-certain>

Lawfully Present Immigrants and the Marketplaces

- ▶ Lawfully present immigrants are eligible to purchase health plans through the Marketplace for their state if they are state residents and do not have another source of comprehensive health coverage.
- ▶ Depending on their income, they are eligible for subsidies - advanced premium tax credits (APTCs) to help pay for premiums and cost sharing reductions (CSRs) to pay for out-of-pocket costs like co-pays. **Note that only people enrolled in silver plans can receive CSRs.**
- ▶ Do not have any waiting periods for enrolling in insurance Marketplaces or receiving subsidies. However, people can only enroll in a Marketplace plan during a designated Open Enrollment period unless they have a life event that makes them eligible for a [Special Enrollment Period](#)³.

Medicaid and the Children's Health Insurance Program (CHIP)

- ▶ Federal immigrant eligibility restrictions generally limit eligibility for Medicaid and CHIP to [Qualified Immigrants](#), who are a subset of the immigrants who are lawfully present. Many Qualified Immigrants are subject to a five-year waiting period before they are eligible for Medicaid.
- ▶ States can choose to provide Medicaid and CHIP to lawfully residing children and pregnant individuals without a waiting period.⁴
- ▶ Lawfully present low-income immigrants who are ineligible for Medicaid because of their immigration status can enroll in health plans through the healthcare Marketplaces and receive subsidies.
- ▶ In New York and Minnesota, lawfully present immigrants are eligible to receive care through a second public coverage program called the Basic Health Program.
- ▶ Health care coverage is available to additional immigrants under state law in a [growing number of states](#).

Undocumented Immigrants

³ <https://www.healthcare.gov/help/sep-eligibility>

⁴ The definition of lawfully residing excludes DACA recipients.

- ▶ Eligible for Emergency Medicaid if they would be eligible for Medicaid but for their immigration status.
- ▶ May obtain nonemergency health services at community health centers.
- ▶ Citizen or lawfully present *children of undocumented parents* are eligible:
 - ▶ To purchase health plans from the state or federal health care Marketplaces and receive subsidies (depending on income)
 - ▶ For Medicaid or CHIP (depending on income)

Marketplace Verification Requirements

- ▶ Citizenship or lawful presence must be verified for everyone enrolling in coverage or applying for subsidies.
- ▶ Applicants' immigration status will be electronically verified through:
 - ▶ Social Security Administration (SSA) for U.S. citizens.
 - ▶ Databases administered by U.S. Citizenship and Immigration Services (USCIS).
 - ▶ Sometimes a person's status can't be verified electronically. If that happens, applicants can provide other documents or fix the records.
- ▶ Household income is also verified. A nonapplicant who files taxes for the household may be asked to provide their SSN to electronically verify household income. If an SSN is unavailable, other proof of income can be provided.
- ▶ Information provided on applications for health coverage, including information about immigration status, can be used only to administer the program, including to determine an individual's eligibility.
- ▶ Note:
 - ▶ Only people who are applying for health coverage are required to provide their immigration/citizenship status.
 - ▶ In Medicaid and CHIP, only people applying for coverage need to provide an SSN.
 - ▶ Because Marketplace subsidies are administered through the tax system, people who file the taxes for their household and are applying for subsidies on the health care Marketplaces need to provide an SSN, if they have one, even if they are not applying for coverage for themselves.

This explanation of how immigrants are included in health care reform is per provisions in the Affordable Care Act of 2010 (ACA) (encompassed in the Patient Protection and Affordable Care Act (Pub. Law No. 111-148) as amended by the Health Care and Education Act of 2010 (Pub. Law No. 111-152)).