

IMMIGRANTS AND HEALTH CARE IN CALIFORNIA

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National Immigration Law Center

ROAD MAP

- Immigrants in California
- Eligibility Requirements
- Barriers

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Immigrants in California



- ◆ **Highest Share in US:**

- ◆ 10.3 million foreign born (27% of state pop.)
- ◆ 4.8 million naturalized citizens (47% of immigrants)
- ◆ ~2.6 million undocumented (7% of state pop.)
- ◆ ~23% of national undocumented population

Mixed-Status Families

◆ In Families with Citizens:

- ◆ Half of California children have at least one immigrant parent
 - ◆ 90.4% of these kids are citizens
- ◆ 60% of **low-income** children have an immigrant parent
- ◆ 13% of California children have an undocumented parent



Insurance and Health Care Access

- Immigrants are more likely to be uninsured
 - ▣ 47% of non-citizens are uninsured, compared to 16% of U.S. born citizens
 - ▣ 71% of undocumented adults are uninsured
 - ▣ But most of the uninsured are citizens (80%)
- Immigrants use fewer health care services than U.S. citizens with the same insurance status
 - ▣ Per capita, immigrant use of health services costs less than half the cost for average citizen

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- **Eligibility Requirements**
- Barriers

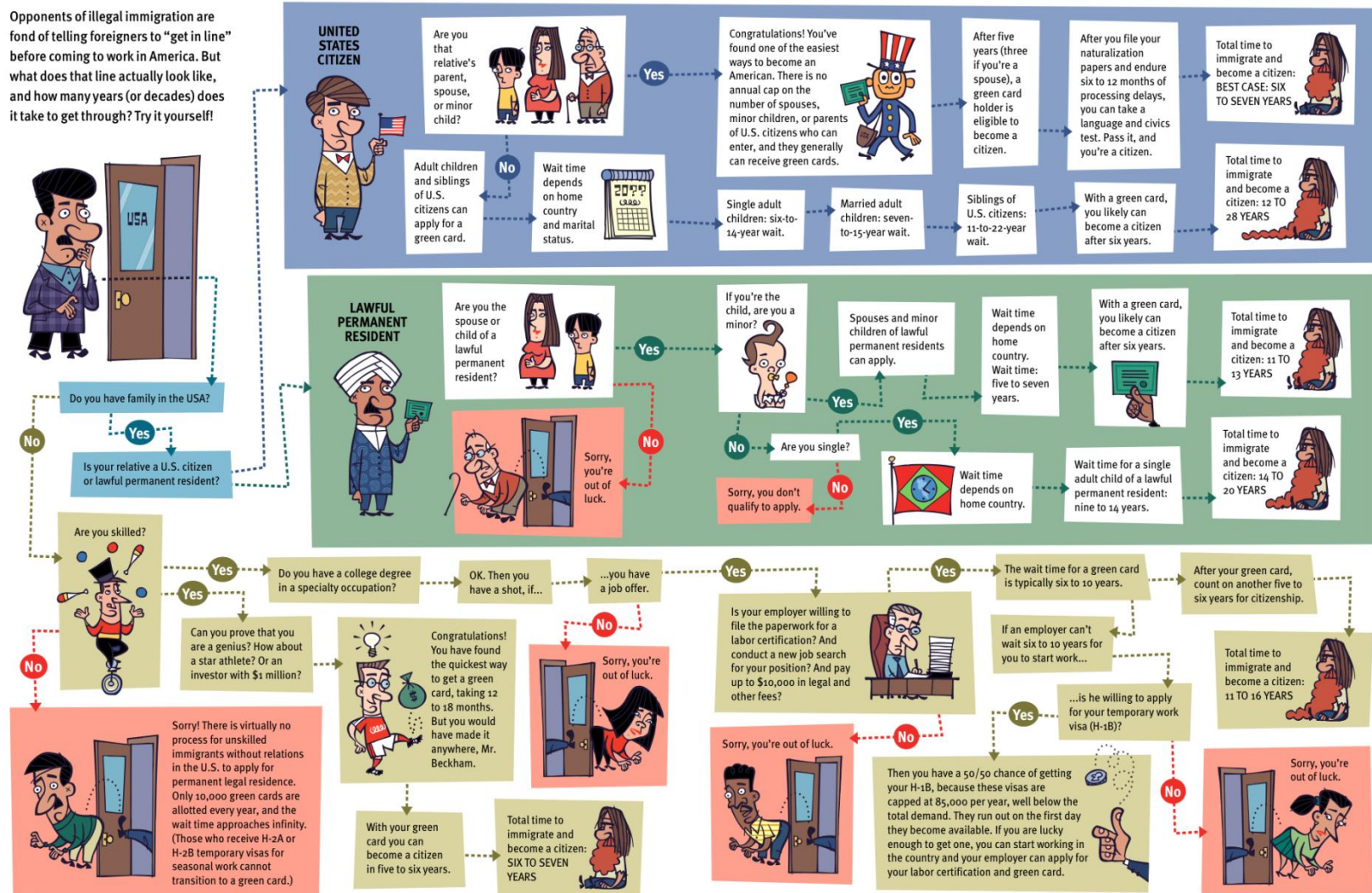
Coverage Options in CA

- **Covered California** – state health insurance marketplace/exchange
 - Premium tax credits for families earning up to <400% FPL, and cost-sharing reductions for <250% FPL
- **Medi-Cal expansion** – to 138% of federal poverty level (FPL)
- **Other safety net programs**
 - E.g., federally-qualified health centers (FQHCs), community clinics, migrant health clinics, public hospitals, charity care

What Part of Legal Immigration Don't You Understand? *Mike Flynn and Shikba Dalmia*

Illustrated by Terry Colon

Opponents of illegal immigration are fond of telling foreigners to "get in line" before coming to work in America. But what does that line actually look like, and how many years (or decades) does it take to get through? Try it yourself!



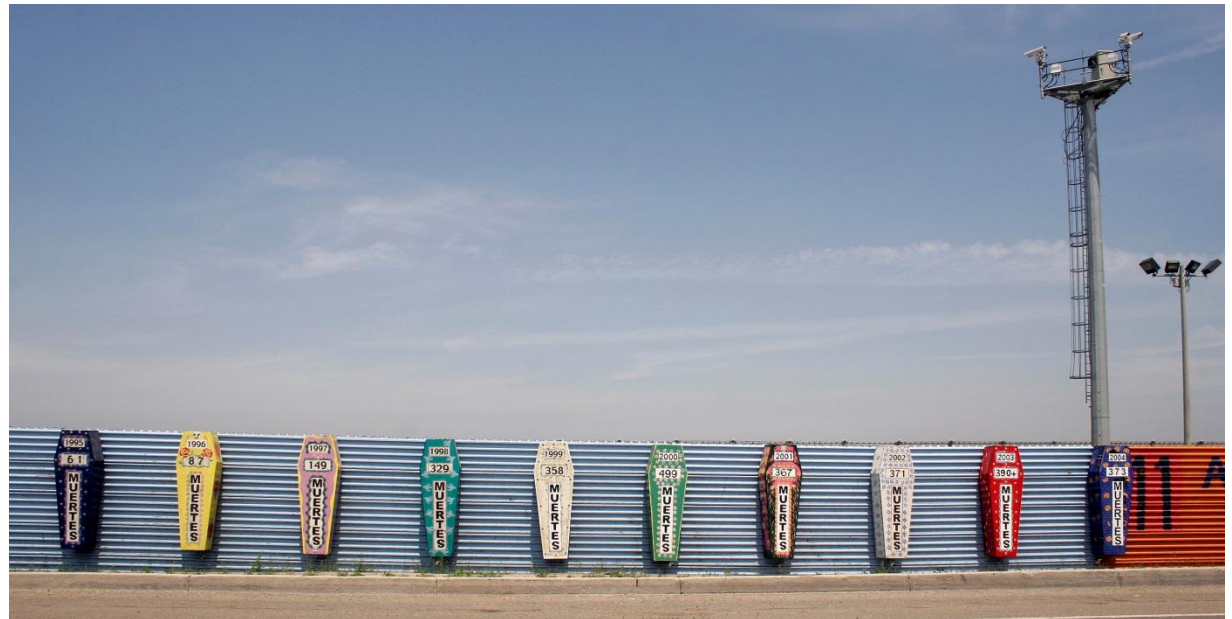
(Flynn is director of government affairs and Dalmia is a senior policy analyst at Reason Foundation. This chart was developed by Reason Foundation in collaboration with the National Foundation for American Policy.)

Immigration Process

- Noncitizens enter the US lawfully:
 - As **immigrants** on a path to lawful permanent resident (LPR) status
 - As **nonimmigrants** admitted for a temporary stay
 - As **refugees** admitted because they face persecution due to race, religion, nationality, political opinion, or membership in a particular social group
 - Can adjust to LPR status
 - Asylees are similar to refugees but apply for the status after entering the US

Undocumented Immigrants

- Entered without inspection
- Stayed past the expiration of a temporary visa



Deferred Action for Childhood Arrivals

Deferred Action for Childhood Arrivals (DACA)

- Undocumented immigrants who arrived in U.S. before age 16 (“Dreamers”)
- Enrolled in or completed education leading to employment
- Continuously present since
June 15, 2007



Federal Benefits Eligibility



- In 1996, Congress divided lawfully present immigrants into two categories for federal benefits eligibility purposes:
 - “qualified” and “not qualified”
- Qualified Immigrants can receive federal benefits, but many are barred from receiving federal benefits until they have been in the U.S. for five years
 - California uses state funds to provide benefits during this ‘five year bar’

Qualified Immigrants

- Lawful Permanent Residents (LPR)
- Refugees
- Asylees
- Certain domestic violence survivors and their family members
- Certain trafficking survivors and their family members
- Iraqi or Afghani special immigrants (worked for US)

More Qualified Immigrants

- Other humanitarian entrants:
 - Persons granted withholding of deportation or removal
 - Certain conditional entrants (granted before 4/1980)
 - Certain Cuban/Haitian entrants
 - Humanitarian and Public Interest Parolees

For a full list, see “[Lawfully Present’ Individuals Eligible under the Affordable Care Act](http://nilc.org/document.html?id=809)” at <http://nilc.org/document.html?id=809>

State Flexibility

- Under the “unborn child” option in CHIP, states can opt to provide prenatal services to pregnant women regardless of immigration status
- States can use their own funds to provide Medicaid/CHIP to:
 - ▣ Qualified immigrants during the five year bar
 - ▣ People Permanently Residing Under Color of Law (PRUCOL)
- California has exercised all of these options

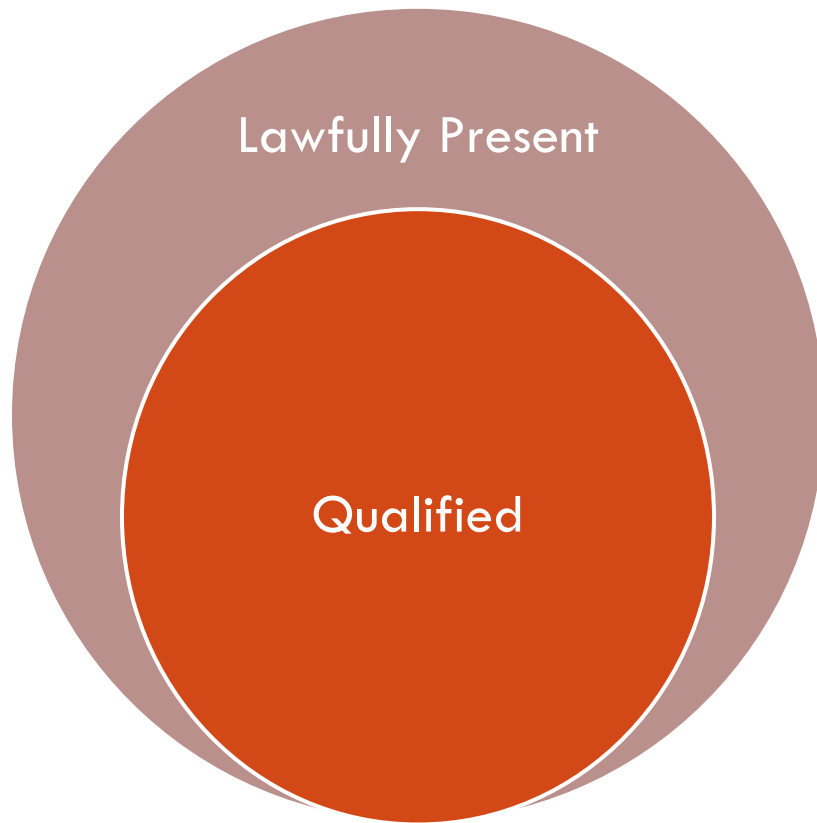
PRUCOLs

Permanently Residing Under Color of Law - not an immigration status, but a benefit eligibility category (see MC 13 Form – Statement of Citizenship, Alienage, and Immigration Status)

May include persons:

- ❑ with approved immediate relative visa petition
- ❑ who filed application for adjustment to LPR status
- ❑ granted deferred action (**including Deferred Action for Childhood Arrivals or DACA**)
- ❑ granted Family Unity status
- ❑ granted a stay of deportation
- ❑ who have lived in the US continuously since before Jan. 1, 1972
- ❑ who are survivors of domestic violence (certain immigrants)
- ❑ **Other persons in the US with the knowledge of DHS whose departure that agency does not contemplate enforcing.**

Eligibility for Covered California



lawfully present

immigrants are eligible to purchase health coverage through state health care marketplaces

➤ no five-year bar

exception:

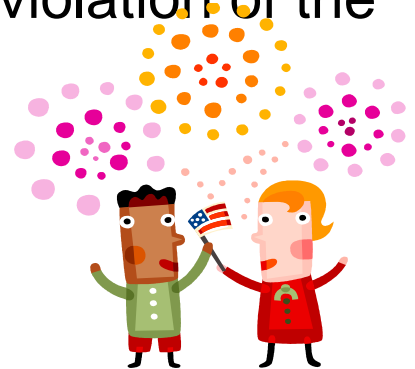
People who received deferred action through DACA are specifically excluded

Lawfully Present Immigrants

- All “qualified” immigrants
- People with permission to stay in the U.S. indefinitely
 - temporary protected status (TPS)
 - most with deferred action
- Applicants for LPR and certain other statuses
- People with valid nonimmigrant status not in violation of the terms of their visas

Complete list:

<https://www.healthcare.gov/immigration-status-and-the-marketplace/>



Undocumented Immigrants

- Undocumented residents can receive restricted-scope Medi-Cal
- Remain eligible for health programs that are available regardless of immigration status (e.g., public health programs)
- Hospitals must still provide emergency care regardless of insurance or immigration status
- Community health centers can continue to provide non-emergency health care regardless of immigration status
- Eligible to be covered by employer-sponsored group health insurance
- Insurance companies may offer insurance policies outside the state exchange(s) that are available to undocumented

DACA

- Excluded from access to federally-facilitated, partnership, and state-run marketplaces/exchanges
 - ▣ No premium tax credits and cost-sharing reductions
 - ▣ Exempt from the individual mandate
- No access to Medicaid and CHIP

- California classifies DACA recipients as PRUCOL
 - ▣ Can receive Medi-Cal if otherwise eligible

For FAQ on DACA and Access to Health Care see
<http://nilc.org/acadacafaq.html>

CA Programs Available Regardless of Status

- **Emergency Medi-Cal**
- **Prenatal care** (Medi-Cal)
- Access for Infants and Mothers (AIM)
- Long-term care
- Early Breast Cancer Detection and Breast and Cervical Cancer Treatment
- California Children's Services (CCS)
- Healthy Kids (Children's Health Initiatives)
- Health Programs in some counties (Healthy SF)
- **Community clinics**
- Child Health and Disability Prevention Program (CHDP) and CHDP "Gateway"
- Family PACT
- Minor consent services
- Mental health services
- Regional Center Services
- Women Infants and Children (WIC)
- School lunch and breakfast

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- **Barriers**

Barriers

- Lack of information/misinformation
 - Concern that receiving benefits or having medical debt will interfere with ability to adjust status (“public charge”)
 - Fears about jeopardizing family members
 - Belief that benefits will need to be repaid

- Confusion about eligibility
- Problems in application process
- Language barriers



Public Charge

- A “public charge” is a person considered primarily dependent on the government for subsistence, as demonstrated by:
 - receipt of public cash assistance for income maintenance or
 - institutionalization for long-term care at government expense

- A person who is found likely to become a **public charge** may be denied:
 - Admission to the U.S., or
 - Lawful permanent resident status

- Public charge is not a concern for:
 - Medical benefits other than long-term care
 - Other non-cash benefits (e.g., SNAP)
 - People who are already LPRs





Immigration Enforcement

- ❑ Information about immigration status may be used only to determine an applicant's eligibility for health care coverage.
- ❑ ICE has released a notice stating that information provided in health insurance application process will not be used for civil immigration enforcement
- ❑ On October 25, 2013, **U.S. Immigration and Customs Enforcement (ICE)** issued a memo titled "Clarification of Existing Practices Related to Certain Health Care Information," confirming that immigrant parents can enroll their U.S. citizen children and other eligible family members in health insurance programs under the ACA without triggering immigration enforcement activity.
- ❑ <http://www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf>

– ¡Now available in Spanish!

<http://www.ice.gov/espanol/factsheets/aca-memoSP.htm>

Verification

- Citizenship or lawful presence is verified for all applicants
- Status is verified electronically through:
 - Social Security Administration (SSA) for citizens.
 - U.S. Citizenship and Immigration Services (USCIS) for noncitizens via the Systematic Alien Verification for Entitlements (SAVE) database.
- Income is verified electronically by the IRS
 - If unable to verify status or income electronically, enrollees have an opportunity to provide other documents by upload, mail or fax.

Issues

- Income, identity or immigration status cannot be verified electronically
 - ▣ Submit paper documents by upload, mail or fax



SSNs

- Only individuals who are *applying* for benefits are required to provide their immigration/citizenship status.
- The Social Security Number (SSN) of a non-applicant may be **requested** to electronically verify household income.
- A non-applicant can be required to provide an SSN only if that person is:
 - a primary tax filer,
 - who has an SSN, and
 - is applying for tax credits.

Key Issues for Mixed-Status Families

- Undocumented people may apply for coverage on behalf of their dependent family members
 - Applications should distinguish between *applicants* (e.g., U.S. citizen child) & *non-applicants* (e.g., undocumented parent)
 - Non-applicants are not required to provide their immigration status
 - Non-applicants without SSNs cannot be required to provide one
 - Never provide an SSN unless officially issued by the Social Security Administration
 - Individual Taxpayer Identification Numbers (ITINs) should not be used
 - Information provided on an application may be used **ONLY** to determine eligibility for health insurance.



**COVERED
CALIFORNIA**


Donde Encontrará Cuidado Médico a su Alcance



[SOBRE NOSOTROS](#)

[OBTENGA COBERTURA](#)

[RECURSOS](#)

 [IDIOMA: ESPAÑOL](#)



Donde encontrará
cuidado médico
a su alcance,
incluyendo Medi-Cal

Empieza Aquí

O llámenos:
800-300-0213



Individuos
y familias



Pequeños
Negocios



Necesito ayuda
antes de 2014



Ayúdeme a
inscribirme

SSN Questions

First Name * Edison

Middle Name

Last Name * Katz

Suffix Select One

Does this person want health insurance? Even if you have insurance now, you might find better coverage or lower costs. * Yes No

Sex* Male

Date of Birth * 06/04/2012

Some lawfully present immigrants don't have SSNs

You must provide a Social Security number (SSN) if you wish to apply for health insurance. We use Social Security numbers (SSNs) to check income and other information. Even if you are not applying, giving your SSN will help us review your application faster. If someone who is applying does not have an SSN and would like help getting one, visit www.ssa.gov.

Does this person have a Social Security Number? * Yes No

If no SSN, why? Select One

Is this person a U.S. Citizen or National? *

Note to Employers and Employees applying for SHOP: Select "Yes" for U.S. Citizen/national and select "No" for Naturalized Citizen to proceed with your application. By doing so, you are not misrepresenting your current citizenship status.

- Select One
- Religious Exemption
- Child Under 1
- ITIN/ATIN available
- This person does not qualify for an SSN SHOP Application

Request for ITIN

First Name *

Middle Name

Last Name *

Suffix

Does this person want health insurance? Even if you have insurance now, you might find better coverage or lower costs. * Yes No

Sex *

Date of Birth *

You must provide a Social Security number (SSN) if you wish to apply for health insurance. We use Social Security numbers (SSNs) to check income and other information. Even if you are not applying, giving your SSN will help us review your application faster. If someone who is applying does not have an SSN and would like help getting one, visit www.ssa.gov.

Does this person have a Social Security Number? * Yes No

If no SSN, why?

ATIN/ITIN *

Is this person a U.S. Citizen or National? * Yes No

Note to Employers and Employees applying for SHOP: Select "Yes" for U.S. Citizen/national and select "No" for Naturalized Citizen to proceed with your application. By doing so, you are not misrepresenting your current citizenship status.


Check the box if this person has satisfactory immigration status. Eligible immigration status

- ITINs should be used for paying taxes only
- The IRS cannot do electronic verification of income with an ITIN
- Select “not eligible for SSN”

Naturalized Citizens

Does this person want health insurance? Even if you have insurance now, you might find better coverage or lower costs. * Yes No

Sex *

Date of Birth * 

You must provide a Social Security number (SSN) if you wish to apply for health insurance. We use Social Security numbers (SSNs) to check income and other information. Even if you are not applying, giving your SSN will help us review your application faster. If someone who is applying does not have an SSN and would like help getting one, visit www.ssa.gov.

Does this person have a Social Security Number? * Yes No

If no SSN, why?

Is this person a U.S. Citizen or National? * Yes No

Is this person a naturalized citizen? A naturalized citizen is someone who was not born a U.S. citizen but later became a U.S. citizen. * Yes No

Note to Employers and Employees applying for SHOP: Select "Yes" for U.S. Citizen/national and select "No" for Naturalized Citizen to proceed with your application. By doing so, you are not misrepresenting your current citizenship status.

Document Type *

Alien Number

Naturalization Number *

First name on the document *

Middle name on the document

Last name on the document *

Suffix on the document

- Naturalized citizens need to provide proof of status

Many no longer have documents

Immigration Documents List

Sex* Male

Date of Birth* 06/04/2012

You must provide a Social Security number (SSN) if you wish to apply for health insurance. We use Social Security numbers (SSNs) to check income and other information. Even if you are not applying, giving your SSN will help us review your application faster. If someone who is applying does not have an SSN and would like help getting one, visit www.ssa.gov.

Does this person have a Social Security Number?* Yes No

If no SSN, why? This person

Is this person a U.S. Citizen or National?* Yes No

Note to Employers and Employees applying for SHOP: Select "Yes" for U.S. Citizen/national and select "No" for Naturalized Citizen to proceed with your application. By doing so, you are not misrepresenting your current citizenship status.

Check the box if this person has satisfactory immigration status. Eligible immigration status

Document Type* Select One

First name on the document*

Middle name on the document

Last name on the document*

Suffix on the document

- Select One
- Reentry Permit (I-327)
- Refugee Travel Document (I-571)
- Employment Authorization Card (I-766)
- Temporary I-551 Stamp (on passport or I-94, I-94A)
- Arrival/Departure Record (I-94, I-94A) issued by U.S. Citizenship ...
- Certificate of Eligibility for Nonimmigrant (F-1) Student Status (I-20)
- Certificate of Eligibility for Exchange Visitor (J-1) Status (DS2019)
- Notice of Action (I-797)
- Document indicating American Indian born in Canada . LPR . I-551
- Document indicating member of a federally-recognized Indian tribe
- Certification from U.S. Department of Health and Human Services...
- Office of Refugee Resettlement (ORR) eligibility letter
- Cuban/Haitian Entrant, Document indicating withholding of removal
- Resident of American Samoa
- Resident of Commonwealth of the Northern Mariana Islands
- Permanent Resident Card (Green Card, I-551)
- Arrival/Departure Record (I-94, I-94A) issued by U.S. Customs an...

- No "other" option

You must provide a Social Security number (SSN) if you wish to apply for health insurance. We use Social Security numbers (SSNs) to check income and other information. Even if you are not applying, giving your SSN will help us review your application faster. If someone who is applying does not have an SSN and would like help getting one, visit www.ssa.gov.

Does this person have a Social Security Number? * Yes No

Social Security number * 

Is this person a U.S. Citizen or National? * Yes No

Note to Employers and Employees applying for SHOP: Select "Yes" for U.S. Citizen/national and select "No" for Naturalized Citizen to proceed with your application. By doing so, you are not misrepresenting your current citizenship status.

Alien Number

Naturalization Number *

Check the box if this person has satisfactory immigration status. 

Eligible immigration status

Document Type*

Alien Number *

Card Number*

Document Expiration Date *



First name on the document *

Middle name on the document

Last name on the document *

Suffix on the document

- Selection of document triggers request for additional information: A number, card number, expiration date

HOUSEHOLD MEMBERS

SSN 1: This box cannot be left blank. Please enter a 3 digit number.

SSN 2: This box cannot be left blank. Please enter a 2 digit number.

SSN 3: This box cannot be left blank. Please enter a 4 digit number.

Alien Number: Enter a 9 character combination of letters and numbers.

Document Expiration Date: Should be greater than or equal to system date.

Card Number : Field Cannot be empty. Enter 13 character alphanumericals only.

First Name as per the Document: May not be empty. Must be alphabets, hyphen, space, apostrophe and period.

Please enter all required (*) household member information below.

First Name * Edison

Middle Name

Last Name * Katz

Suffix Select One ▾

Does this person want health insurance? Even if you have insurance now, you might find better coverage or lower costs. * Yes No

Sex* Male ▾

Date of Birth * ? 06/04/2012 

You must provide a Social Security number (SSN) if you wish to apply for health insurance. We use Social Security numbers (SSNs) to check income and other information. Even if you are not applying, giving your SSN will help us review your application faster. If someone who is applying does not have an SSN and would like help getting one, visit www.ssa.gov.

- Unable to proceed without completing required information

Language Access

- Website is also available in Spanish
<https://www.coveredca.com/espanol/>
- Paper application is available in 11 languages, plus English
- Fact sheets are available in 12 languages , plus English
 - ▣ Arabic, Armenian, Chinese, Farsi, Hmong, Khmer, Korean, Lao, Russian, Spanish, Tagalog, and Vietnamese
 - ▣ <https://www.coveredca.com/fact-sheets/>

Language Access

- **Almost 20% of Californians speak English “less than very well”**
- **About 16.6% of Covered California enrollees identified their primary language as other than English**

2008-2012 American Community Survey 5-Year Estimates			Covered California Enrollment Through Feb. 28	
(~35,000,000)			(~804,000)	
Language spoken at home		Speak English less than "very well"		
Spanish	28.60%	13.10%	Spanish	8.20%
Asian and Pacific Islander languages	9.60%	4.70%	Asian and Pacific Islander Languages	8.10%
Other Indo-European languages	4.40%	1.40%	Indo-European Languages	0.20%
			English	83.40%

Consumer Health Care Resources

Stuck?

Contact the Health Consumer Alliance:

www.healthconsumer.org

- ▣ Direct access to Covered California



Resources on Immigrants and Health Care

NATIONAL IMMIGRATION LAW CENTER: WWW.NILC.ORG

NATIONAL COUNCIL OF LA RAZA: WWW.NCLR.ORG

NATIONAL HEALTH LAW PROGRAM: WWW.HEALTHLAW.ORG

CENTER ON BUDGET AND POLICY PRIORITIES:
WWW.CBPP.ORG

CALIFORNIA IMMIGRANT POLICY CENTER:
WWW.CAIMMIGRANT.ORG

QUESTIONS?

- **Visit www.nilc.org/health**
- Contact Alvaro at huerta@nilc.org
- Contact Gabrielle at lessard@nilc.org

National Immigration Law Center

- Our mission is to defend & advance the rights & opportunities of low-income immigrants and their family members.
- We envision a U.S. society in which all people - regardless of their race, gender, immigration or economic status - are treated equally, fairly, and humanely, have equal access to justice, education, government resources and economic opportunities, and are able to achieve their full potential as human beings.