



## GUIDE TO IMMIGRANT ELIGIBILITY FOR HEALTH INSURANCE PROGRAMS IN NEBRASKA

Depending on immigration status, a person may be eligible for tax credits through the Marketplace, Medicaid/CHIP, or emergency Medicaid. Below is a non-exhaustive list of statuses and what health programs immigrants may qualify for. Please remember that currently, in order to qualify for Medicaid/CHIP, an individual must fall into one of the covered categories (child, pregnant woman, aged, blind, or disabled, or low income parent) and meet the other income and eligibility guidelines.

**Undocumented Persons:** May not purchase insurance plans in the Marketplace, even at full price. They are ineligible for both tax credits and Medicaid.

- Undocumented persons can receive emergency Medicaid.
- Pregnant, undocumented women can receive prenatal care through the 599 CHIP program, but only for services related to the pregnancy.
- Undocumented persons may purchase private insurance on the individual market.

**Lawful Permanent Residents (over 18):** Are eligible for tax credits in the Marketplace, and are required to have qualifying health insurance. To qualify for Medicaid, a person must have been in the United States for at least five years, or have 40 qualifying quarters of work.

- Sponsors are not required to provide health insurance to those they are sponsoring.

**Lawful Permanent Residents (under 18):** Are eligible (through their families) for tax credits. In Nebraska, children are also eligible for Medicaid/CHIP without being subject to a five-year bar. Parents and guardians have a responsibility to provide health insurance for the children under their care.

**Lawful Permanent Residents (pregnant women):** Are eligible for tax credits. In Nebraska, pregnant women are not subject to the five-year bar, and so they can receive Medicaid coverage for pregnancy-related services if they otherwise qualify.

**Refugees, Asylees, Victims of Trafficking, and Others:** Broadly categorized as humanitarian immigrants, they are eligible for tax credits and for Medicaid/CHIP.

**Lawfully Present Immigrants:** Lawfully present immigrants, also known as Persons Residing Under Color of Law (PRUCOL), are generally eligible for tax credits, but not for Medicaid, unless it's emergency Medicaid. Some categories include:

- Those granted indefinite voluntary departure.
- Those residing in the United States under orders of supervision.
- Those who have lived in the United States continuously since January 1, 1972.
- Those granted stays or suspension of deportation.
- Applicants for asylum and family unity.
- Applicants for adjustment of status.
- Others whose departure ICE does not contemplate enforcing.

**Deferred Action for Childhood Arrivals (DACA):** young persons who are otherwise undocumented can obtain DACA status if they apply for the status change and meet the eligibility requirements. That essentially means that the government will not enforce their departure and will issue a work permit. Due to a rule change, however, while DACA individuals are considered lawfully present, they are specifically barred from any of the benefits under the Affordable Care Act, and are therefore only eligible for emergency Medicaid, or other public health services offered to undocumented persons. They may qualify for health insurance through an employer, and can purchase insurance on the individual market.

**Time-Limited Visas:** Those who are here on a time-limited visa, such as a student visa, are ineligible for prenatal care under the 599 CHIP program, or even emergency Medicaid. Since both programs require a person to be a resident of the state with an "intent to reside," and those with student or time-limited visas cannot "intend to reside" by law, they are ineligible for even emergency Medicaid. They may still seek emergency treatment at a public hospital, however.

**Mixed Status Families:** Some families have members with different citizenship or immigration statuses, which means that certain family members may be eligible for tax credits, or Medicaid/CHIP, and other family members will not be eligible for anything other than emergency Medicaid. The make-up of each family will be unique, but there are some points to remember.

- An ineligible family member can apply for coverage on behalf of an eligible family member. So, for example, an undocumented parent may apply for coverage for their citizen child.
- People who are not applying for coverage for themselves are not required to provide information about their immigration status.
- Both applicants and non-applicants may be asked for their social security numbers (SSN), but they do not have to provide one if they haven't been issued an SSN.
- Mixed status families where the tax filer has an Individual Taxpayer Identification Number (ITIN) will not use the ITIN on the Marketplace application, because the IRS will not verify income with an ITIN. But if someone in a mixed status family is eligible for a tax subsidy, the filer must file taxes for the year a person in the household receives coverage, and may do so using an ITIN.
  - For example, an undocumented parent applies for coverage for their citizen child in the Marketplace, and receives a tax credit for that child. The

undocumented parent would submit their child's SSN, and would verify their income using pay stubs, or some other proof of income. The parent would then be required to file taxes the following year using their ITIN.

- Applicants who do not have an SSN will not be able to have their income verified in real time by the IRS, and so will have to use another means of proving income. Each member of the household must provide information about their income if any member of the household is receiving tax credits.
- By law, information provided to the Marketplace will *not* be used by ICE for any kind of immigration enforcement.
- Those who are ineligible for the benefits of the ACA (like undocumented persons and DACA individuals) are also exempt from the requirement to have health insurance, and will not be subject to the penalty.

## SOURCES

Claudia Schlosberg, "Immigrant Access to Health Benefits," The Access Project for the National Health Law Program, available at [http://www.accessproject.org/downloads/Immigrant\\_Access.pdf](http://www.accessproject.org/downloads/Immigrant_Access.pdf) (last visited March 5, 2014).

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