Making Heads or Tails of Immigration and Eligibility

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Executive Director

Migrant Legal Action Program
Washington, DC

Webinar
December 1, 2015
Where are we now?
Congress
President Obama
Current Status of Immigration Law
When was the last time there was a major change in U.S. immigration law?
Jessica to insert poll
The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)…

- Made it more difficult to enter the United States
- Made it more difficult to gain legal status
- Made it easier to get deported
- Restricted access to some public benefit programs

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The 1996 Immigration Law did not:

- Make legal immigrants immediately deportable if they participate in federal or state funded programs.
- Deny all legal immigrants access to federal, state, and local funded programs.
- Deny undocumented children the right to receive a free public education.
Government Agencies
True or False?

The Immigration and Naturalization Service (INS) continues to exist.
Jessica to insert poll
False!

When the U.S. Department of Homeland Security (DHS) was established, post 9/11/01, the functions of INS were placed at DHS.
Two bureaus were established to undertake some of the INS functions

• U.S. Citizenship and Immigration Services (USCIS)

• U.S. Immigration and Customs Enforcement (ICE)
Basic Concepts/Vocabulary
The A, B, Cs of U.S. Immigration

What is an Immigrant?

An immigrant is a foreign-born individual who has been admitted to reside permanently in the United States as a Lawful Permanent Resident (LPR).
The A, B, Cs of U.S. Immigration

What is an Undocumented Immigrant?

- An undocumented immigrant is a person who is present in the U.S. without the permission of the U.S. government.

- Undocumented immigrants enter the U.S. either
  - Illegally, without being inspected by an immigration officer or by using false documents
  - Legally, with a temporary visa, and then remain in the US beyond the expiration date of the visa.
The A, B, Cs of U.S. Immigration

What is a refugee?

A person outside of the United States who seeks protection on the grounds that he or she fears persecution in his or her homeland is a refugee.
The A, B, Cs of U.S. Immigration

To attain refugee status, the person must prove that he/she has a “well-founded fear of persecution” on the basis of at least one of five specifically enumerated and internationally recognized grounds.

- Race
- Religion
- Membership in a social group
- Political opinion
- National origin
The A, B, Cs of U.S. Immigration

- A person who has *already entered* the U.S. and who fears persecution if sent back to his or her country may apply for *asylum* here.

- Once granted asylum, the person is called an “asylee”.

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The A, B, Cs of U.S. Immigration

- Like a refugee, an asylum applicant must also prove that he or she has a “well-founded fear of persecution” based on the same enumerated grounds.

- Both refugees and asylees may apply to become LPRs after one year.
2012 Deferred Action for Childhood Arrivals (DACA) Program
The DACA Policy was established June 15, 2012 and applies to undocumented young people who came to the United States as children.
True or False?

The DACA policy is the result of an Executive Order issued by President Obama.

False.
This policy is an exercise of “prosecutorial discretion.”

It is, therefore, a policy set by the administrative branch.
True or False?

The DACA policy allows eligible youth to gain legal status.

False.
This policy protects a qualified undocumented individual from deportation for two years.

The individual remains and is still undocumented. They are not “legalized” in any manner. They just will not be deported.
To be eligible for deferred action, you must:

- Have come to the United States before your sixteenth birthday.
- Have continuously lived in the U.S. since June 15, 2007, and up to the present time.
- Be present in the U.S. on June 15, 2012, and at the time of making your request for deferred action.
• Not have lawful immigration status on June 15, 2012. This means you must have entered the U.S. without papers before June 15, 2012, or, if you entered lawfully, your lawful immigration status must have expired as of June 15, 2012.

• Be at least 15 years old, if you have never been in deportation proceedings or your proceedings were terminated. (If you are currently in deportation proceedings, have a voluntary departure order, or have a deportation order, and are not in immigration detention, you may request deferred action even if you are not yet 15 years old.)
• Be 30 years old or younger as of June 15, 2012 (a person who had not yet turned 31 on that date is also eligible).

• Be in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or be an honorably discharged veteran of the Coast Guard or U.S. armed forces.
• Have not been convicted of a felony offense. A felony is a federal, state, or local criminal offense punishable by imprisonment for a term exceeding one year.

• Have not been convicted of a significant misdemeanor offense or three or more misdemeanor offenses.

• Not pose a threat to national security or public safety.

• Pass a background check.
If someone currently applies for deferred action and is denied because of past criminal involvement, that individual might face deportation.
Advocates and service providers should exercise **extreme** caution when providing information to young people who might benefit from this initiative and not provide any immigration or legal advice. They must explain that there could be negative consequences resulting from applying.
Every person’s immigration situation presents a different and individual case, with different facts and circumstances, many of which might be unknown to those trying to help the person affected.
Young people who think they might be eligible for Deferred Action should not take advice from a notary public or an immigration consultant.
They should contact and consult with only a qualified immigration lawyer or an accredited representative for legal advice.
For detailed information on DACA, go to:

http://nilc.org/FAQdeferredactionyouth.html
What are the fees associated with the deferred action application?

$465, which includes a $380 fee for the employment authorization application and an $85 fee for fingerprints.

Fee waivers are **not** available.

However, fee exemptions will be available in extremely limited circumstances.
Fee Exemption

A request for fee exemption must be submitted and decided before submitting a request for consideration of deferred action for childhood arrivals.

To make a request for a fee exemption, the applicant must submit a letter and supporting documentation to USCIS demonstrating income less than 150% of the U.S. poverty level.
The applicant must also demonstrate that he/she is:

- Under 18 years of age, homeless, in foster care or otherwise lacking any parental or family support.
- Unable to care for themselves because he/she suffers from a serious, chronic disability.
- $25,000 or more in debt over the past 12 months from unreimbursed medical expenses for themselves or an immediate family member.
USCIS will accept the following as documentary evidence for fee exemption:

- Affidavits from community-based or religious organizations to establish homelessness or lack of parental or other familial financial support.

- Copies of tax returns, bank statements, pay stubs, or other reliable evidence of income level. Evidence can also include an affidavit from the applicant or a responsible third party attesting that the applicant does not file tax returns, has no bank accounts, and/or has no income to prove income level.
| □ Copies of medical records, insurance records, bank statements, or other reliable evidence of unreimbursed medical expenses of at least $25,000.

USCIS will address any factual questions through requests for evidence (RFEs).
November 2014 Executive Actions

(Held up by federal court action)

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DACA Expansion

(not in effect)
Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA)

(not in effect)
Migrant ≠ immigrant
≠ undocumented
Questions?
Ways To Obtain Legal Status
There are two basic ways an individual can be sponsored for legal status (or be admitted to permanently reside in the U.S.):

--Employment-based immigration

--Family-sponsored immigration
Employer Sponsorship

• Skills

• Availability of Workers
Family Sponsorship
How do Immigrants Get Admitted to Permanently Reside Here?

Through family-sponsored immigration, a U.S. citizen can sponsor his or her spouse, foreign-born parent (if the sponsor is over the age of 21), minor and adult children, and brothers and sisters. A lawful permanent resident can sponsor his or her spouse, minor children and adult unmarried children.
Facts on Family-Sponsored Immigration

- Family-Sponsored Immigration is how U.S. citizens and lawful permanent residents bring family members from other countries to live permanently in the U.S.

- Citizens may only bring their spouses, unmarried children, parents (if the citizen is over 21 years), married children, and brothers and sisters (if the citizen is over 21 years).
Facts on Family-Sponsored Immigration

- Lawful Permanent Residents (LPRs) may only bring their spouses and unmarried minor and adult children.

- Neither citizens nor LPRs may bring in more distant family members, such as aunts, uncles and cousins.

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Facts on Family-Sponsored Immigration

- Our immigration system divides the family members eligible for sponsorship into 2 tiers.
  - “Immediate relatives” of U.S. citizens (excluding brothers and sisters, unmarried and married adult children) receive an unlimited number of visas each year.
  - All others fall into the “family preference system” which has an annual maximum limit of 226,000 visas issued per year.
### Facts on Family-Sponsored Immigration

**Immigration Based on Family Relationships**

<table>
<thead>
<tr>
<th>Category</th>
<th>U.S. Sponsor</th>
<th>Relationship</th>
<th>Visas Allocated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate relative</td>
<td>U.S. Citizen</td>
<td>Spouses, unmarried minor children and parents (if the citizen is 21 years or older)</td>
<td>Not numerically limited (approximately 250,000 have been issued annually in recent years.</td>
</tr>
</tbody>
</table>

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## Facts on Family-Sponsored Immigration

### Immigration Based on Family Relationships

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</tr>
</thead>
<tbody>
<tr>
<td><strong>1st Preference</strong></td>
<td>U.S. Citizen</td>
<td>Unmarried adult children (21 years or older)</td>
<td>23,400 visas/year, plus any visas left from the 4th preference</td>
</tr>
<tr>
<td><strong>2nd A Preference</strong></td>
<td>LPR</td>
<td>Spouses and minor children</td>
<td>87,900 visas/yr</td>
</tr>
<tr>
<td><strong>2nd B Preference</strong></td>
<td>LPR</td>
<td>Unmarried adult children (21 years or older)</td>
<td>26,300 visas/year</td>
</tr>
</tbody>
</table>
## Facts on Family-Sponsored Immigration

**Immigration Based on Family Relationships**

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</tr>
</thead>
<tbody>
<tr>
<td>3&lt;sup&gt;rd&lt;/sup&gt; Preference</td>
<td>U.S. Citizen</td>
<td>Married adult children</td>
<td>23,400 visas/year, plus any visas left from the 1&lt;sup&gt;st&lt;/sup&gt; and 2&lt;sup&gt;nd&lt;/sup&gt; preferences</td>
</tr>
<tr>
<td>4th Preference</td>
<td>U.S. Citizen (21 years or older)</td>
<td>Brothers and sisters</td>
<td>65,000 visas/yr, plus any left over from the previous preferences</td>
</tr>
</tbody>
</table>
Limits on Immigrants from One Country

In addition to the number of visas allocated to the different categories, U.S. law also limits the number of visas that may be issued to any one country in a year.

This “per-country ceiling” (about 25,600 visas) represents the total number of family preferences and employment-based visas that may be issued to nationals of a given country.
Facts on Family-Sponsored Immigration

- **Income Requirements**
  - To begin the process, the citizen or LPR must file a petition with CIS, seeking an “immigrant visa” for the family member.
  - All citizens or LPRs wishing to petition for a family member must also earn at least 125% of the federal poverty level and sign a legally enforceable *affidavit of support* promising to support the immigrant financially.

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Facts on Family-Sponsored Immigration
-Income Requirements

- Petitioners are allowed to get another person to co-sign the affidavit of support on behalf of the immigrant to satisfy this financial requirement.

- In this case the co-signer also assumes unlimited liability to support the immigrant.
Facts on Family-Sponsored Immigration

- Income Requirements

- While this requirement was added to the law in 1996 to ensure that immigrants will be provided for by family members and will not become a “public charge”: for some hardworking but low paid Americans, it closes off an opportunity to reunite with close family members.

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The A, B, Cs of U.S. Immigration

- What are Non-Immigrants?
  - Non-immigrants are individuals who are permitted to enter the U.S. for a period of limited duration, and are given only temporary visas.
  - Some non-immigrant (temporary) visas are given to: students, tourists, temporary workers, business executives, and diplomats.
What is a Naturalized Citizen?

- Lawful permanent residents are eligible to apply for US citizenship through a process called naturalization.
- To qualify to naturalize, applicants must reside in the U.S. for 5 years (3 if they are married to a U.S. citizen), demonstrate a knowledge of U.S. history and government, show they have committed no serious crimes, have paid their taxes, are of “good moral character”, and demonstrate that they understand, speak and write ordinary English.
“Adjustment of Status” within the United States
Mr. & Mrs. Smith
FACT PATTERN

Mrs. Smith has been married to Mr. Smith for 15 years. Mr. Smith was born in the United States in Seattle, Washington. Mrs. Smith was born in Mexico and is undocumented. She entered the U.S. “without inspection”.

Query: Can Mr. Smith sponsor Mrs. Smith for legal status while Mrs. Smith remains in the United States (without having to return to Mexico)?
Jessica to insert poll
Answer:

No! He cannot sponsor her while she resides in the United States.
§ 245 (i)

(A program for adjustment of status within the United States)

This program ended on April 30, 2001 and has not been renewed.
Three year bar

Ten year bar
New Waiver Process
(effective March 4, 2013)
Questions?
Immigrants and Government Benefits
Undocumented parents may apply for benefits for their citizen children, even if they themselves do not qualify for those benefits. (e.g., Medicaid, Food Stamps)
Federal Programs for Which Undocumented Persons are Eligible

WIC

Head Start

Community and migrant health clinics

Emergency Medicaid

Free or Reduced Lunch

Free public schools/Title I

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Immigrant Access to Federally Funded Health Programs
Medicaid and CHIP
Eligibility for Immigrants
General Immigrant Eligibility Rules for Medicaid and CHIP

• Under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, the following groups may be eligible for Medicaid and CHIP:

  – "Qualified" immigrants who entered the U.S. before 8/22/96
  – "Qualified" immigrants who reach the end of a 5-year waiting period (i.e. legal permanent residents/green card holders)
  – "Qualified" immigrants exempt from the 5-year waiting period (e.g., refugees, asylees, Cuban/Haitian entrants, trafficking victims, veteran families)

• States have some flexibility from certain federal rules as defined by federal statute to vary.

NOTE: Immigrants who do not meet these immigrant eligibility rules (i.e. “qualified” immigrants in the five-year bar and “not qualified” immigrants), may be eligible for Medicaid payment of limited emergency services if they otherwise meet all Medicaid eligibility standards.
“Qualified” Immigrants for Medicaid and CHIP

“Qualified” Immigrants (categories defined by statute, many of these are exempt from the 5-year bar)

• Lawful Permanent Residents (LPR/green card holders)
• Refugees
• Asylees
• Cuban/Haitian entrants
• Persons who were paroled into the U.S. for more than a year
• Conditional entrants
• Certain domestic violence and trafficking survivors and their derivatives
• Certain American Indians
• Persons granted withholding of deportation/removal
Five-Year Waiting Period for Medicaid & CHIP

• Many “qualified” immigrants who entered the U.S. on or after August 22, 1996 are subject to a five-year waiting period (also known as “the five-year bar”)

• The five-years begin when an immigrant obtains a “qualified” immigration status.

• Many “qualified” immigrants are not subject to the five-year bar:
  – Refugees, asylees, persons granted withholding of deportation/removal (even if they later become LPRs)
  – Cuban/Haitian entrant, Amerasian, Iraqi or Afghan special immigrant status, trafficking survivor (even if they later become LPRs)
  – Qualified immigrants who are U.S. veterans or on active military duty and their spouses or children
  – Children (state option)
  – Pregnant women (state option)
States Have Some Flexibility to Vary from the General Eligibility Rules

Federal Medicaid/CHIP Options

• CHIPRA gave states the 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 the Commonwealth of the Northern Mariana Islands have taken up the option

• Under the “unborn child” option in CHIP, states can opt to provide certain medical services to pregnant women, regardless of immigration status, if they are not otherwise eligible for Medicaid

State-Funded Options
• States can cover additional immigrants with state-only funds
Emergency-Only Medicaid & Other Programs Available to All

Medicaid payment for limited services related to an emergency medical condition is available to people who meet all the state’s Medicaid eligibility requirements except for citizenship or immigration status, including:

• Qualified immigrants who are in the five-year bar

• Lawfully present, but not qualified immigrants, such as nonimmigrant visa holders (i.e., students, temporary workers, etc.), Temporary Protected Status (TPS) and many others, excluding certain lawfully present immigrants that a state may have opted to cover under Medicaid and/or CHIP

• Undocumented immigrants
Other programs available to ALL:

• Programs using federal health care block grants: mental health, maternal and child health, family planning, communicable diseases, immunizations

• Programs providing health services necessary to protect life or safety: emergency medical, food, or shelter, mental health crisis, domestic violence, crime victim assistance, disaster relief

• Hospital financial assistance programs or charity care

• Community Health Centers/FQHCs, Migrant Health Centers
“Lawfully Present” Immigration Categories Eligible for Marketplace Coverage –Part I

ALL “Qualified” Immigrants:

• Lawful Permanent Resident (LPR/green card holder)
• Refugee
• Asylee
• Cuban/Haitian Entrant
• Paroled into the U.S.
• Conditional Entrant
• Battered Spouse, Child and Parent
• Trafficking Survivor and his/her Spouse, Child, Sibling or Parent
• Granted Withholding of Deportation or Withholding of Removal
• Certain American Indians
PLUS Other Lawfully Present Immigrants:

• Granted relief under the Convention Against Torture (CAT)
• Temporary Protected Status (TPS)
• Deferred Enforced Departure (DED)
• Deferred Action*
• Individual with Nonimmigrant Status (includes worker visas; student visas; U visas; citizens of Micronesia, the Marshall Islands, and Palau; and many others)
• Administrative order staying removal issued by the Department of Homeland Security
• Lawful Temporary Resident

*EXCEPTION: Individuals granted deferred action under the Deferred Action for Childhood Arrivals (DACA) program are not eligible to enroll in coverage in the Marketplace.
“Lawfully Present” Immigration Categories Eligible for Marketplace Coverage – Part II

Applicant for any of these statuses:

• Lawful permanent resident (LPR/Green Card)
• Special Immigrant Juvenile Status
• Victim of Trafficking Visa
• Asylum*
• Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention Against Torture (CAT)*

*Only those who have been granted employment authorization or are under the age of 14 and have had an application pending for at least 180 days are eligible.
“Lawfully Present” Immigration Categories Eligible for Marketplace Coverage – Part II

With Employment Authorization:

• Applicant for Temporary Protected Status
• Registry Applicants
• Order of Supervision
• Applicant for Cancellation of Removal or Suspension of Deportation
• Applicant for Legalization under IRCA
• Legalization under the LIFE Act
Lawfully Present Immigrant Seniors

• Medicare has different rules – qualifying work history and immigration status restrictions

• Some lawfully present seniors, including LPRs, may not be eligible for Premium Free Medicare because they lack qualifying work history. Some LPRs may be eligible only for Premium “Buy-in” Medicare.

• Lawfully present seniors who are not eligible for Premium Free Medicare are eligible for premium tax credits to offset the cost of Marketplace plans
Undocumented & DACAmented Individuals

They are ineligible to purchase qualified health plans in the individual Marketplaces, even at full price

• Exempt from the individual mandate as “exempt non-citizens,” along with individuals who are “non-resident aliens” under tax law
• Can apply for health insurance for eligible family members, or be part of household of eligible family members
• If applying for premium tax credits on behalf of eligible family members, must file a tax return. If not eligible for a Social Security number (SSN), may file a tax return using an Individual Taxpayer Identification Number (ITIN)
• Can use health programs available to ALL, regardless of immigration status
• Can purchase private coverage outside the Marketplace or through employer
State Residency

• In general, for QHP enrollment and Medicaid/CHIP, residency is the state in which an individual lives and:
  – Intends to reside, including without a fixed address; or
  – Has entered with a job commitment or is seeking employment (whether or not currently employed)

• To verify residency, Marketplaces:
  – Can accept self-attestation
  – Can use HHS approved electronic sources to the extent that they exist
  – Evidence of immigration status can’t be used

• Nonimmigrant visa holders and attesting to state residency
  – May have consequences on ability to renew or obtain certain nonimmigrant visas □ consult an immigration lawyer
Questions?
Immigrant Eligibility Scenarios
Scenario 1:
Rashid, Miriam and Leila

- Rashid and Miriam are married and live in Oregon
- Rashid became a citizen last year
- Miriam is applying to become a lawful permanent resident, Rashid submitted a visa petition for Miriam last year which was approved in February
- Leila was born in Oregon last month
- Family income: $17,811
- Rashid and Miriam file taxes jointly and claim Leila as a dependent
- Everyone in the family is interested in getting health coverage
Jessica to insert poll
## Eligibility Based only on General Citizenship / Immigration Status Rules

<table>
<thead>
<tr>
<th>Name</th>
<th>Applying for coverage</th>
<th>Citizen</th>
<th>Immigration status</th>
<th>Qualified immigrant</th>
<th>Lawfully present</th>
<th>Eligible for</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rashid</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Medicaid, QHP Enrollment</td>
</tr>
<tr>
<td>Miriam</td>
<td>Yes</td>
<td>No</td>
<td>Applying for LPR; approved visa petition</td>
<td>No</td>
<td>Yes</td>
<td>QHP Enrollment</td>
</tr>
<tr>
<td>Leila</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td>Medicaid, CHIP, QHP Enrollment</td>
</tr>
</tbody>
</table>
### Eligibility for PTC and Medicaid in Oregon

<table>
<thead>
<tr>
<th></th>
<th>Medicaid/CHIP</th>
<th>Premium Tax Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eligible?</td>
<td>HH</td>
</tr>
<tr>
<td>Rashid</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>Miriam</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Leila</td>
<td>Yes</td>
<td>3</td>
</tr>
</tbody>
</table>

- Rashid and Leila are eligible for Medicaid. They are U.S. citizens and their income is below the income limit for Medicaid in Oregon.
- Miriam is lawfully present but is not a “qualified” immigrant.
- Miriam is eligible for PTC even though her income is below 100% FPL because she is not eligible for Medicaid based on her immigration status.
Scenario 2:
Ricky, Eva and Karina

- Ricky and Eva are not married but live together with their daughter, Karina
- Karina was born in Florida and is a U.S. citizen
- Ricky has a student visa and plans to complete his program of study at Florida State University in 2017
  - He has no income
- Eva has Deferred Action for Childhood Arrivals (DACA) and she:
  - earns $37,601 a year
  - plans to file federal taxes and will claim Ricky and Karina as dependents
Jessica to insert poll
## Eligibility Based only on General Citizenship / Immigration Status Rules

<table>
<thead>
<tr>
<th>Name</th>
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<th>Citizen</th>
<th>Immigration status</th>
<th>Qualified immigrant</th>
<th>Lawfully Present</th>
<th>MAY BE ELIGIBLE FOR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ricky</td>
<td>Yes</td>
<td>No</td>
<td>F-1 visa holder (student)</td>
<td>No</td>
<td>Yes</td>
<td>QHP Enrollment</td>
</tr>
<tr>
<td>Eva</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Karina</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td>Medicaid, CHIP, QHP Enrollment</td>
</tr>
</tbody>
</table>

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**Ricky**
- Applying for coverage: Yes
- Citizen: No
- Immigration status: F-1 visa holder (student)

**Eva**
- Applying for coverage: No

**Karina**
- Applying for coverage: Yes
- Citizen: Yes

**MAY BE ELIGIBLE FOR:**
- Medicaid
- CHIP
- QHP Enrollment
Eligibility for PTC and Medicaid

<table>
<thead>
<tr>
<th>Eligible</th>
<th>Medicaid/CHIP</th>
<th>Eligible</th>
<th>Premium Tax Credits</th>
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</thead>
<tbody>
<tr>
<td>Ricky</td>
<td>No</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>$0</td>
<td>$37,601</td>
</tr>
<tr>
<td></td>
<td>0%</td>
<td>0%</td>
<td>190%</td>
</tr>
<tr>
<td>Eva</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Karina</td>
<td>Yes</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>$37,601</td>
<td>$37,601</td>
</tr>
<tr>
<td></td>
<td>190%</td>
<td>190%</td>
<td>190%</td>
</tr>
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</table>

- Ricky is eligible for enrollment in a QHP with a PTC, but it's unclear if attesting to residency in Florida will negatively impact his eligibility for visa.
- Eva is not applying for coverage, she would not meet the immigration requirement for insurance affordability programs because of the exclusion of DACAmented individuals, even though she is authorized to work and has a SSN.
- Eva is not subject to the penalty for going without coverage.
- Karina is eligible for CHIP.
Scenario 3:
Mei, Michael and Lin

- Mei lives with her son, Michael, and father Lin in North Carolina
- She has been a lawful permanent resident (LPR) for 6 years
- Michael is a citizen
- Lin has been a LPR for 2 years
  - He has not worked the 40 quarters and is not enrolled in Medicare
  - He is Mei’s tax dependent
- Mei earns $17,811 a year
Jessica to insert poll
## Eligibility Based only on General Citizenship / Immigration Status Rules

<table>
<thead>
<tr>
<th>Mei</th>
<th>Lin</th>
<th>Michael</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applying for coverage</td>
<td>Subject to the 5-year bar</td>
<td>Applying for coverage</td>
</tr>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Citizen</td>
<td>Satisfied the 5-year bar</td>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Immigration status</td>
<td>Lawfully present</td>
<td>Citizen</td>
</tr>
<tr>
<td>LPR</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Qualified immigrant</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**MAY BE ELIGIBLE FOR:**
- Medicaid
- QHP Enrollment
- QHP Enrollment

**MAY BE ELIGIBLE FOR:**
- QHP Enrollment
- Medicaid
- CHIP
- QHP Enrollment
Eligibility for PTC and Medicaid

<table>
<thead>
<tr>
<th>Eligible ?</th>
<th>HH</th>
<th>Income</th>
<th>FPL</th>
<th>Eligible ?</th>
<th>HH</th>
<th>Income</th>
<th>FPL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mei</td>
<td>No</td>
<td>3</td>
<td>$17,811</td>
<td>90%</td>
<td>No</td>
<td>3</td>
<td>$17,811</td>
</tr>
<tr>
<td>Lin</td>
<td>No</td>
<td>1</td>
<td>0</td>
<td>Yes</td>
<td>3</td>
<td>$17,811</td>
<td>90%</td>
</tr>
<tr>
<td>Michael</td>
<td>Yes</td>
<td>3</td>
<td>$17,811</td>
<td>90%</td>
<td>No</td>
<td>3</td>
<td>$17,811</td>
</tr>
</tbody>
</table>

- Mei is not eligible for Medicaid because her state has not expanded and she is not eligible for PTC because her income is below 100% FPL.
- Lin is eligible for PTC even though his income is below 100% FPL because he does not meet the Medicaid immigration requirement.
- Lin has opted not to enroll in Medicare because he would have to pay the full premium.
- Michael is eligible for Medicaid.
Scenario 4: Nina, Tanya and Amelia

- Nina lives with her daughter, Tanya, in Michigan
- Nina is undocumented
- Tanya is a US citizen
- Nina’s older daughter, Amelia, lives with her grandparents in Canada
- Nina files taxes using an ITIN and claims both children as dependents
- Nina earns $34,633 a year
Jessica to insert poll
Eligibility Based only on General Citizenship / Immigration Status Rules

Nina
- Applying for coverage
  - No

Amelia
- Applying for coverage
  - No

Tanya
- Applying for coverage
  - Yes
- Citizen
  - Yes

MAY BE ELIGIBLE FOR:
- Medicaid
- CHIP
- QHP Enrollment
## Eligibility for PTC and Medicaid

<table>
<thead>
<tr>
<th></th>
<th>Medicaid/CHIP</th>
<th>Premium Tax Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eligible ?</td>
<td>HH</td>
</tr>
<tr>
<td>Nina</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Amelia</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Tanya</td>
<td>Yes</td>
<td>3</td>
</tr>
</tbody>
</table>

- Nina is not applying for coverage, she would not meet the immigration requirement for insurance affordability programs (Nota: she is not subject to the penalty for going without coverage)
- Amelia is not applying for coverage, her immigration status is unclear, but she would not meet the state residency requirement for insurance affordability programs
- Tanya is eligible for CHIP
Scenario 5:
Nadif, Fatima and Amina

- Nadif and Fatima are married and have a daughter, Amina
- Nadif and Fatima:
  - Entered the U.S. as refugees 4 years ago
  - Became LPRs 1 year ago
- Amina is a citizen
- Nadif earns $18,800 a year
- Nadif and Fatima file taxes jointly and claim Amina as a dependent
Jessica to insert poll
### Eligibility Based only on General Citizenship / Immigration Status Rules

<table>
<thead>
<tr>
<th>Name</th>
<th>Applying for coverage</th>
<th>Citizen</th>
<th>Immigration status</th>
<th>Qualified immigrant</th>
<th>Subject to the 5-year bar</th>
<th>MAY BE ELIGIBLE FOR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fatima</td>
<td>Yes</td>
<td>No</td>
<td>Refugee, LPR</td>
<td>Yes</td>
<td>No</td>
<td>Medicaid, QHP Enrollment</td>
</tr>
<tr>
<td>Nadif</td>
<td>Yes</td>
<td>No</td>
<td>Refugee, LPR</td>
<td>Yes</td>
<td>No</td>
<td>Medicaid, QHP Enrollment</td>
</tr>
<tr>
<td>Amina</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td>Medicaid, QHP Enrollment</td>
</tr>
</tbody>
</table>
## Eligibility for PTC and Medicaid in Expansion State

<table>
<thead>
<tr>
<th></th>
<th>Medicaid/CHIP</th>
<th>Premium Tax Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Eligible?</strong></td>
<td><strong>HH</strong></td>
<td><strong>Income</strong></td>
</tr>
<tr>
<td>Fatima</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>Nadif</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>Amina</td>
<td>Yes</td>
<td>3</td>
</tr>
</tbody>
</table>

- Fatima and Nadif are eligible for Medicaid.
- They are not subject to the 5-year bar because they entered the US as refugees.
- Amina is eligible for Medicaid.
### Eligibility for PTC and Medicaid in Non-Expansion State

<table>
<thead>
<tr>
<th></th>
<th>Medicaid/CHIP</th>
<th>Premium Tax Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eligible?</td>
<td>HH</td>
</tr>
<tr>
<td>Fatima</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Nadif</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Amina</td>
<td>Yes</td>
<td>3</td>
</tr>
</tbody>
</table>

- Fatima and Nadif are not eligible for Medicaid because their state has not expanded.
- Fatima and Nadif are not eligible for PTC because their income is below 100% FPL.
- Amina is eligible for Medicaid.
How Can We Overcome Barriers for our Clients/Patients?
Clinic strategies to maintain and increase immigrant access.
The Silent Crisis

How to Do Outreach in an Anti-Immigrant Climate

This booklet is to inform and support you and your program in your work with immigrants.
You can find “The Silent Crisis” online in English and Spanish at:

www.outreach-partners.org/other/anti-immigrant-climate
Questions/Further Discussion