

Immigrants and the Affordable Care Act (ACA)

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NATURALIZED CITIZENS

Same access and requirements for affordable coverage as U.S.–born citizens.

LAWFULLY PRESENT IMMIGRANTS

Limited federal coverage.

- Subject to the individual mandate and related tax penalty (exempt if low-income or meet specific exemptions).
- May enroll in a “qualified health plan (QHP)” from the state insurance exchanges.
- Eligible for premium tax credits and lower copayments.
- No waiting periods for enrolling in state insurance exchanges or premium tax credits.
- Eligible for the Pre-Existing Condition Insurance Plan (PCIP) and the Basic Health Plan (when available in a state).
- Current federal immigrant eligibility restrictions in Medicaid maintained, including the five-year-or-more waiting period for most lawfully residing, low-income immigrant adults. Health care coverage may be available to other immigrants in some states.
- Since April 2009, states can choose to provide Medicaid and Children’s Health Insurance Program (CHIP) benefits to lawfully residing *children and pregnant women without a waiting period*. But in states that do not elect this option, these children and pregnant women must still wait five years or more before they can get affordable health care coverage.
- Citizens of Compact Free Association states who reside in the U.S. are eligible for health care coverage under the Affordable Care Act but remain ineligible for federal Medicaid.
- EXCEPTION: As of August 2012, Deferred Action for Childhood Arrivals (DACA) grantees are ineligible for Medicaid, CHIP, and ACA benefits.

UNDOCUMENTED IMMIGRANTS

No federal coverage.

- Not allowed to purchase private health insurance at full cost in state insurance exchange(s).

- Not eligible for premium tax credits or lower copayments.
- Exempt from individual mandate.
- Not eligible for Medicare, nonemergency Medicaid, or CHIP.
- Remain eligible for emergency care under federal law.
- Eligible for Emergency Medicaid if low-income.
- Citizen or lawfully present *children of undocumented parents* are eligible:
 - To purchase from the state insurance exchange.
 - For premium tax credits and lower copayments.
 - For Medicaid or CHIP.
- May seek nonemergency health services at community health centers or safety-net hospitals.

VERIFICATION REQUIREMENTS

- Only those in a family who are *applying* for benefits are required to provide a Social Security number (SSN) and their immigration/citizenship status.
- Citizenship or lawful presence must be verified for everyone enrolling in:
 - Private health insurance in the state exchanges.
 - Health insurance premium tax credits.
 - Medicaid and CHIP.
- Status will be electronically verified through:
 - Social Security Administration (SSA) for citizens.
 - U.S. Citizenship and Immigration Services (USCIS) for non–U.S. citizens via the Systematic Alien Verification for Entitlements (SAVE) database.
 - If unable to verify status electronically, enrollees have an opportunity to provide other documents or to fix the records.
- Social Security number of a nonapplicant may be requested to electronically verify household income. If unavailable, other proof of income can be provided.
- Information about immigration status may be used only to determine an individual’s eligibility.

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)).

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