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
ROAD MAP

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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 Shikha 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!

**UNITED STATES CITIZEN**

Are you that relative’s parent, spouse, or minor child?
- Yes
- No

Adult children and siblings of U.S. citizens can apply for a green card.
- Yes
- No

Wait time depends on home country and marital status.

Congratulations! You’ve found one of the easiest ways to become an American. There is no annual cap on the number of spouses, minor children, or parents of U.S. citizens who can enter, and they generally can receive green cards.
- Yes
- No

Single adult children: six to 14-year wait.

Married adult children: seven to 15-year wait.

Siblings of U.S. citizens: 11 to 22-year wait.

With a green card, you likely can become a citizen after six years.

**LAWFUL PERMANENT RESIDENT**

Are you the spouse or child of a lawful permanent resident?
- Yes
- No

Are you single?
- Yes
- No

If you’re the child, are you a minor?
- Yes
- No

Spouses and minor children of lawful permanent residents can apply.
- Yes
- No

Wait time depends on home country. Wait time: five to seven years.

Wait time for a single adult child of a lawful permanent resident: nine to 14 years.

With a green card, you likely can become a citizen after six years.

Total time to immigrate and become a citizen: 12 to 28 YEARS

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* 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 (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
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” 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:
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
ROAD MAP

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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
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.


- ¡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.
Donde Encontrará Cuidado Médico a su Alcance

Bienvenido a Covered California

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
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 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

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

If no SSN, why? Select One
- Religious Exemption
- Child Under 1
- ITIN/ATIN available
- This person does not qualify for an SSN

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.

SHOP Application
Request for ITIN

- 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 need to provide proof of status.

Many no longer have documents.
Immigration Documents List

- No "other" option
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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.
Allow 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 * Kotz
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 * 08/04/2012

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/](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/](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**

### Table: Language Spoken at Home

<table>
<thead>
<tr>
<th>Language spoken at home</th>
<th>Speak English less than &quot;very well&quot;</th>
<th>Covered California Enrollment Through Feb. 28</th>
</tr>
</thead>
<tbody>
<tr>
<td>(~35,000,000)</td>
<td></td>
<td>(~804,000)</td>
</tr>
<tr>
<td><strong>Spanish</strong></td>
<td>28.60%</td>
<td><strong>Spanish</strong></td>
</tr>
<tr>
<td><strong>Asian and Pacific Islander languages</strong></td>
<td>9.60%</td>
<td><strong>Asian and Pacific Islander Languages</strong></td>
</tr>
<tr>
<td><strong>Other Indo-European languages</strong></td>
<td>4.40%</td>
<td><strong>Indo-European Languages</strong></td>
</tr>
<tr>
<td><strong>English</strong></td>
<td></td>
<td><strong>83.40%</strong></td>
</tr>
</tbody>
</table>
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
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.