

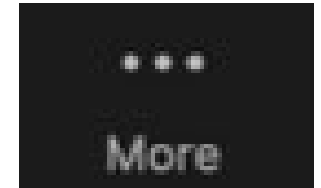
**Beyond**   
**the Basics**

Boosting Enrollment  
Among People Who  
Are Immigrants & Their  
Families: Outreach and  
Application Process  
Considerations

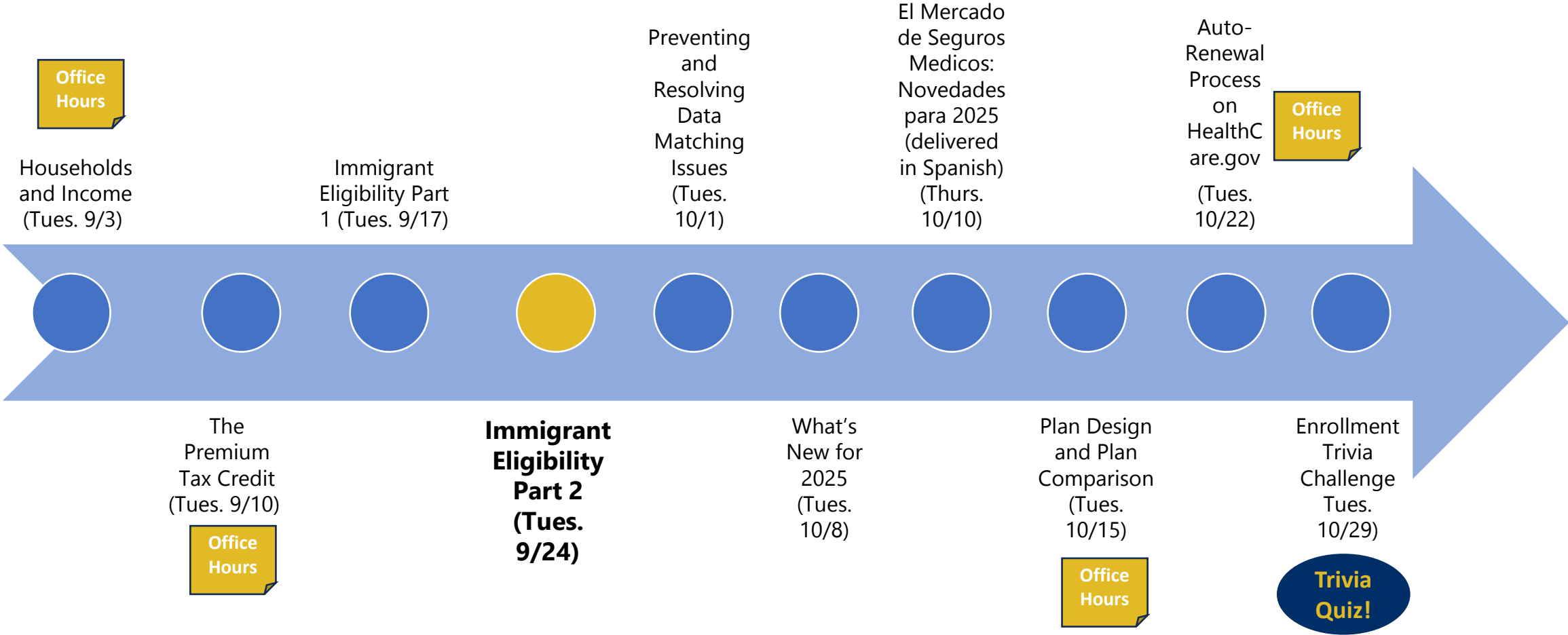
September 24, 2024

# Webinar Logistics

- After the webinar, we'll circulate the slides, a video recording of this presentation, and other resources. We'll also post everything to the Beyond the Basics website.
- Automated captions have been enabled for this webinar. To view them, click on the "more" option with three dots at the bottom of your screen. There you should have the option to turn on closed captioning.
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  - We will be monitoring questions and will pause for Q&A during the presentation.
  - We may not be able to answer every question asked, but we will have a record of all your questions and will use them as a guide for future resources and presentations.
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# Webinar Schedule



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# Agenda

- Public Charge
- Navigating the Application Process
- New: HHS Rule Ends Bar on Marketplace Eligibility for People with DACA and Others
- Unauthorized Agent and Broker Activity on ACA Marketplace

# Public Charge



# What is Public Charge?

- Under immigration law, certain people undergo a public charge assessment when they apply to become permanent residents or seek permission to come to the United States:
  - Immigration officials try to determine if an individual is “likely to become primarily dependent on the government for subsistence” as demonstrated by use of these benefits:
    - Public cash assistance for income maintenance
    - Long-term institutional care paid for by the government (i.e. Medicaid)
  - These two types of benefits are the only kind that can be negatively factored into public charge
    - No other benefit is negatively factored in including but not limited to, ACA marketplace subsidies, CHIP and Medicaid (that is not used for long-term care in an institution)

See the regulations at [8 CFR §212.20-23](#)

# Public Charge

- Other important details :
  - Long-term care at government's expense does **not** include: short-term institutionalization for rehabilitation purposes , imprisonment or conviction of a crime, or home and community-based services
  - Receipt of benefits only counts when the individual seeking an immigration status was the *beneficiary* of the benefits
  - Many categories of immigrants are **EXEMPT** from public charge, including:
    - Asylees
    - Refugees
    - U or T visa applicants and holders (human trafficking or victims of crimes)
    - VAWA self-petitioner
    - People seeking or granted SIJS (Special Immigrant Juvenile Status)
  - Benefits a person received while in an exempt status are not considered in the public charge test

# Role for Consumer Assisters

- People who are immigrants and their families have faced tremendous fear and confusion related to public charge, and this has resulted in many people forgoing health coverage and other supports.
- Enrollment assisters can play an important role in raising awareness that participation in health insurance affordability programs is not negatively factored into public charge.
- Enrollment assisters can:
  - Share resources that detail current policies to help them make informed decisions
  - Provide information about the value of comprehensive health insurance
  - Provide information about privacy protections related to information shared for enrollment purposes
- For more information on implementation of the current public charge policy, see the Protecting Immigrant Families Campaign:
  - [KeepYourBenefits.org](https://www.KeepYourBenefits.org) (available in English, Spanish, and Chinese)
  - [Public Charge Community Resources](#)



# Addressing Concerns Related to Privacy

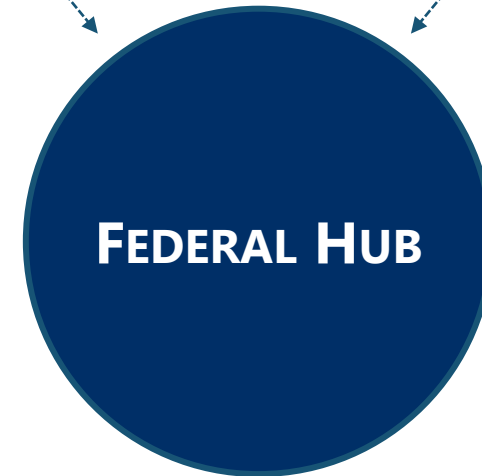
- Some people fear that completing an application for health coverage — even for a U.S. citizen child — could expose that there are non-citizens in the household.
- Privacy rules protect families applying for health insurance, including families whose members have different immigration statuses.
- People applying for coverage for someone else, like a child, do not have to provide information about their immigration status
- Laws governing the ACA marketplaces, Medicaid, and CHIP limit the use of information collected during the application processes. It can only be used to make eligibility determinations and must be protected from unauthorized disclosure for other purposes.
  - Citations: 42 U.S.C. § 18081(g)(1); 42 U.S.C. § 1320b-7(a)(5); 42 U.S.C. § 1396a(a)(7)
- State workers, marketplace employees and assister groups are required to keep information private and secure
  - Citations: 42 U.S.C. § 18081(g)(2); 42 C.F.R. § 457.1110; 45 C.F.R. § 155.260(a)
- For more information regarding privacy concerns, see this resource from the National Immigration Law Center:
  - [Know Your Rights: Is It Safe to Apply for Health Insurance or Seek Health Care?](#)

# Navigating the Application Process



# Eligibility Verification

- Citizenship and immigration status must be verified
- Applicants provide Social Security number (SSN) and/or immigration document numbers
- Those numbers and key other factors are matched against information in government data files



# How the Marketplace Verifies Citizenship

- Applicant provides SSN
- Applicant attests to being a U.S. citizen



- HealthCare.gov checks citizenship through a data match with SSA



- If SSA can't substantiate citizenship, the applicant is asked if they are a naturalized or derived citizen\* and if so, is asked to provide:
  - Information on their Naturalization Certificate or Certificate of Citizenship
  - HealthCare.gov then tries to verify citizenship through data match with Systematic Alien Verification for Entitlements (SAVE) program

**Is Jane a U.S. citizen or U.S. national?**

[Learn more about being a U.S. citizen or U.S. national.](#)

- Yes
- No

**Is Jane a naturalized or derived citizen?**

[Learn more about naturalized or derived citizenship.](#)

- Yes
- No

**Does Jane have one of these documents?**

Optional.

[Learn more about these documents.](#)

- Naturalization Certificate
- Certificate of Citizenship

\***Naturalized citizen** is used to describe individuals born outside of the U.S. who become U.S. citizens after completing certain requirements and the "naturalization" process.

**Derived citizen** refers to U.S. citizens who obtain citizenship through U.S. citizen parents.

# Documents That Can Be Used to Prove Citizenship

Submit any one of the following documents to verify citizenship

## U.S. Passport



## Certificate of Citizenship



## Certificate of Naturalization



## State-issued enhanced driver's license (EDL)

- Currently available in Michigan, Minnesota, New York, Vermont and Washington



Document from a federally recognized Indian tribe that includes the individual's name, the name of the tribe, and shows membership, enrollment, or affiliation with the tribe

- A tribal enrollment card
- A Certificate of Degree of Indian Blood
- A tribal census document
- Documents on tribal letterhead signed by a tribal leader

**NOTE:** If a person does not have one of these documents, they will need two documents to prove citizenship.

# If None of the Previous Documents Are Available

## Submit ONE document from EACH column (total of TWO documents)

### One of the following documents:

- U.S. public birth certificate
- Consular Report of Birth Abroad (FS-240, CRBA)
- Certification of Report of Birth (DS-1350)
- Certification of Birth Abroad (FS-545)
- U.S. Citizen Identification Card (I-197 or the prior version I-179)
- Northern Mariana Card (I-873)
- Final adoption decree showing the person's name and U.S. place of birth
- U.S. Civil Service Employment Record showing employment before June 1, 1976
- Military record showing a U.S. place of birth
- U.S. medical record from a clinic, hospital, physician, midwife or institution showing a U.S. place of birth
- U.S. life, health or other insurance record showing U.S. place of birth
- Religious record showing U.S. place of birth recorded in the U.S.
- School record showing the child's name and U.S. place of birth
- Federal or State census record showing U.S. citizenship or U.S. place of birth
- Documentation of a foreign-born adopted child who received automatic U.S. citizenship (IR3 or IH3)

### AND one of the following documents:

*Document must have a photograph or other information, like name, age, race, height, weight, eye color, or address*

- Driver's license issued by a State or Territory or ID card issued by the Federal, state, or local government
- School identification card
- U.S. military card or draft record or Military dependent's identification card
- U.S. Coast Guard Merchant Mariner card
- Voter Registration Card
- A clinic, doctor, hospital, or school record, including preschool or day care records (for children under 19 years old)
- 2 documents containing consistent information that proves your identity, like employer IDs, high school and college diplomas, marriage certificates, divorce decrees, property deeds, or titles

# How the Marketplace Verifies Immigration Status

## Does Jane have eligible immigration status?

[Not sure? See a list of eligible statuses.](#)

- Yes, Jane has eligible immigration status.
- I would like to continue the application without answering this question. I understand that if I don't answer it, **Jane won't be eligible for full Medicaid or Marketplace coverage** and will be considered only for coverage of emergency services, including labor and delivery services.

## Select the document type that corresponds with Jane's most current documentation and status.

Optional

- Permanent Resident Card (Green Card) or Reentry Permit I-551, Temporary I-551 stamp, I-327
- Machine Readable Immigrant Visa with temporary I-551 language
- Employment Authorization Card I-766
- Arrival/Departure Record I-94, I-94A
- Refugee Travel Document I-571
- Nonimmigrant Student or Exchange Visitor Status I-20, DS2019
- Notice of Action I-797
- Other document or status
- Unexpired foreign passport

- Applicants attest to having an “eligible immigration status”
- Applicants select a document type and submits applicable document numbers
- Marketplace tries to verify status through SAVE

# Documents That Can Be Used to Prove Immigration Status Include...

Document Type:	What to List for Document ID:
Permanent Resident Card (I-551)	<ul style="list-style-type: none"> <li>✓ "USCIS" registration number</li> <li>✓ Card number</li> </ul>
Temporary I-551 stamp (on passport or I-94, I-94A)	<ul style="list-style-type: none"> <li>✓ "USCIS" registration number</li> </ul>
Machine Readable Immigrant Visa (with temporary I-551 language)	<ul style="list-style-type: none"> <li>✓ USCIS registration number</li> <li>✓ Passport number</li> <li>✓ Country of issuance</li> </ul>
Employment Authorization Card (I-766)	<ul style="list-style-type: none"> <li>✓ "USCIS" registration number</li> <li>✓ Card number</li> <li>✓ Expiration date</li> <li>✓ Category code</li> </ul>
Arrival/Departure Record (I-94/I-94A)	<ul style="list-style-type: none"> <li>✓ I-94 number</li> </ul>
Arrival/Departure Record in foreign passport (I-94)	<ul style="list-style-type: none"> <li>✓ I-94 number</li> <li>✓ Passport number</li> <li>✓ Expiration date</li> <li>✓ Country of issuance</li> </ul>
Foreign passport	<ul style="list-style-type: none"> <li>✓ Passport number</li> <li>✓ Expiration date</li> <li>✓ Country of issuance</li> </ul>



# Documents That Can Be Used to Prove Immigration Status

Document Type:	What to List for Document ID:
Reentry Permit (I-327)	✓ "USCIS" registration number
Refugee Travel Document (I-571)	✓ "USCIS" registration number
Certificate of Eligibility for Nonimmigrant Student Status (I-20)	✓ Student and Exchange Visitor Information System (SEVIS) ID
Certificate of Eligibility for Exchange Visitor Status (DS2019)	✓ SEVIS ID
Notice of Action (I-797)	✓ "USCIS" registration number or an I-94 number ✓ Description of the type or name of the document
Other documents	✓ "USCIS" registration number or an I-94 number ✓ Description of the type or name of the document

For more info, see our [Reference Guide: Documents Used to Verify Immigration Status](#)



## PTC for Certain People Who Have a Lawfully Residing/Present Status but Are Ineligible for Medicaid Due to Their Status

- For people with income that would qualify them for Medicaid, the marketplace must verify that applicants are ineligible for Medicaid based on their immigration status before determining their eligibility for subsidies
- If HealthCare.gov can't electronically verify an individual's immigration status through SAVE in real time, that person will get an immigration status DMI

### ↙ AS A RESULT: ↘

If otherwise eligible for Medicaid based on income and all other factors:

→ sent to Medicaid

If income is below 100% and not otherwise eligible for Medicaid (appears to be in the coverage gap):

- given the opportunity to enroll in a marketplace plan with no PTC or cost-sharing reductions (CSR)
- Asked to submit proof of immigration status

# Process A: Person Appears Eligible for Medicaid

## *Person Appears Eligible for Medicaid Based on Income & Other Factors*

Marketplace assesses or determines the applicant is eligible for Medicaid

*Case sent to state Medicaid agency for further eligibility review including verification of immigration status*

Medicaid agency notifies applicant that proof is needed including but not limited to immigration status

If applicant sends in proof, and is determined ineligible for Medicaid based on immigration status, the Medicaid agency sends applicant denial notice

*Case referred back to marketplace*

Marketplace notifies applicant to come back to the marketplace with instructions on how to get correct eligibility determination

Applicant returns to marketplace, indicates that has been denied Medicaid and provides other needed information to establish eligibility

**Correct eligibility determination for PTC and CSR**

# Indicating Ineligibility for Medicaid Based on Status

## Medicaid or CHIP denial

Were any of these people found not eligible for Delaware Medicaid or Delaware Healthy Children Program (CHIP) based on their immigration status since 2016?

You can usually find this information on the notice from the Medicaid or CHIP agency or the Marketplace saying they weren't eligible for coverage.

Susan Griffith

Steven Griffith

Jerry Griffith

None of these people

Has Susan had their current immigration status since 2016?

Yes

No

Has Steven had their current immigration status since 2016?

Yes

No

Has Jerry had their current immigration status since 2016?

Yes

No

Save & continue

- Question individuals will use to indicate they have been determined ineligible for Medicaid based on their immigration status
- Exercise caution when helping someone answer this question

# Process B: Person Treated as if in Medicaid Coverage Gap

*Income is Below 100% FPL and Not Otherwise Eligible for Medicaid*

Marketplace determines applicant can enroll in coverage without PTC and notifies applicant that they may qualify for help paying for coverage but that proof of status is needed to make that determination

If applicant sends in proof, case is sent to special unit to determine if eligible under Medicaid rules

If determined ineligible for Medicaid based on status, marketplace notifies applicant about eligibility for subsidies and special enrollment period (as applicable)

**Applicant returns to marketplace to select a plan with PTC and CSR (and will be granted a SEP, as applicable)**

# New: HHS Rule Ends Bar on Marketplace Eligibility for People with DACA and Others



# Lawfully Present ACA Marketplace and Basic Health Plan eligibility (effective Nov. 1, 2024)

- People granted deferred action for childhood arrivals (DACA) are no longer barred from ACA marketplace coverage
- Simplification and clarification in eligibility parameters for statuses already listed in the lawfully present eligibility standards:
  - People granted special immigrant juvenile status (SIJS)
  - Children under 14 applying for asylum, withholding of removal, or relief under the Convention Against Torture (CAT): eliminates the 180-day waiting period
  - Nonimmigrant Visa Holders: eliminating the “not in violation of status language”
  - People with employment authorization documents (EADs): eliminates specifications, and clarifies that all people with EADs meet the standard
  - People applying for adjustment to LPR status: eliminates requirement for ‘approved visa petition’

**Note:** These changes were not adopted for the Medicaid and CHIP lawfully residing optional programs.



# Important Items Related to New Lawfully Present Standard

- People newly eligible due to the change are eligible for a special enrollment period that could allow them to begin coverage December 1, 2024
- While the change was proposed to also modify the Medicaid and CHIP lawfully residing standard, that change has not taken place at this time
- People who meet the lawfully present standard but are ineligible for Medicaid due to their immigration status, may qualify for PTCs even if their income is below 100 percent of the poverty line
- Expect application process bumps in the road as this change is implemented:
  - Fill out the application as completely and accurately as possible
  - If a person gets a data matching issue based off immigration status, upload required documentation as quickly as possible
  - People with immigration-related data matching issues (DMIs) may get the wrong PTC eligibility result and/or may be incorrectly sent to Medicaid
  - People who may be more likely to experience delays in having their status verified electronically:
    - People with a pending application for adjustment of status
    - Family unity beneficiaries
    - Certain people with DACA

# Unauthorized Agent and Broker Activity on ACA Marketplace



# Unauthorized Enrollment and Plan Switches are on the Rise

- The Health Insurance Marketplace is seeing an increase in suspicious enrollment activity.
- We've heard lots of reports of bad actors targeting people who are immigrants.
- People should call the Marketplace Call Center if they are enrolled in a plan or their plan was switched without their authorization. The marketplace may be able to help by:
  - Cancelling unauthorized plans
  - Reenrolling people in the plans they selected
  - Having inaccurate costs repaid
  - Getting corrected tax forms

Q&A



# Resources

## **Beyond the Basics:**

- [Immigration Documents Used in HealthCare.gov](#)
- [Immigrant Eligibility for Health Insurance Affordability Programs](#)
- [Helping Families that Include Immigrants Apply for Health Coverage](#) (available in English and Spanish)
- [What to Bring to an Appointment](#) (available in eight languages)

## **National Immigration Law Center (NILC) Resources:**

- [“Lawfully Present” Individuals under the Affordable Care Act](#)
- [The 2022 Public Charge Regulations](#)

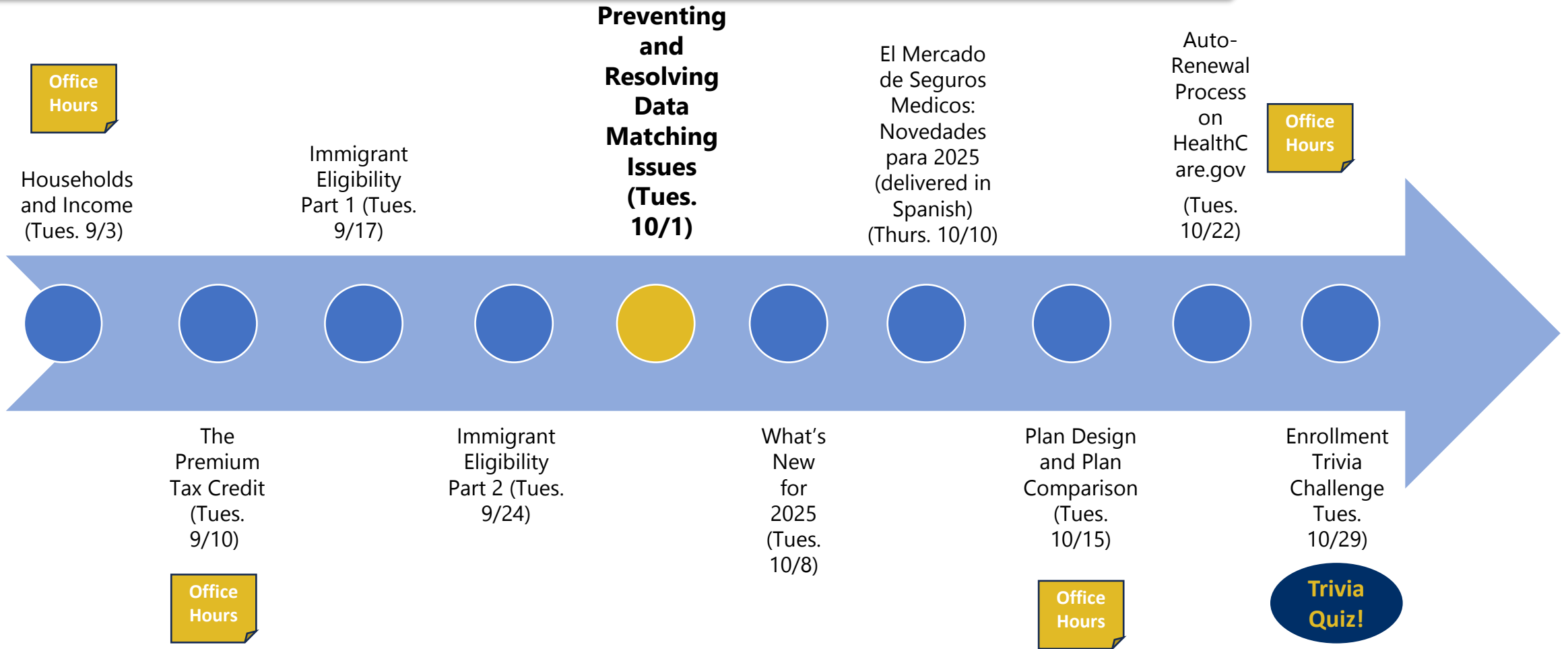
## **Protecting Immigrant Families Resources:**

- [Public Charge Community Resources](#)
- [KeepYourBenefits.org](#) (available in English, Spanish, and Chinese)

## **HealthCare.gov Marketplace Resources:**

- [Assister Guide to Immigration Section of the Online Marketplace Application](#) (HealthCare.gov)
- [Eligible Immigration Statuses for Marketplace Coverage](#)
- [Immigration Document Types](#)

# Upcoming Webinars



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