

Basic Benefit Training: Immigrants' eligibility for health benefits

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Health Benefits



- Benefits for US citizens & eligible immigrants
 - MassHealth Standard, CarePlus, CommonHealth & Family Assistance
 - ConnectorCare
- Safety net benefits with no citizenship/immigration requirements
 - Health Safety Net Program (HSN)
 - Children's Medical Security Program (CMSP)
 - MassHealth Limited
 - MassHealth Standard for Pregnant Women



Safety Net Benefits

- MassHealth Limited:
 - Emergency services only
 - i.e. ambulance, ER, labor & delivery, dialysis, COVID-19
- Children's Medical Security Plan (CMSP):
 - Primary and preventative care only
 - Health Safety Net program (HSN)
- Health Safety Net (HSN):
 - Only acute hospitals and community health centers
 - No defined benefits; debt relief
 - 0-150% FPL full HSN; 150-300% FPL partial HSN (deductible)
- ****Exception: MassHealth Standard for Pregnant women – during pregnancy and 60 days post-partum****



Is it safe for undocumented to apply?

- Same application for MassHealth, Health Connector, Health Safety Net & CMSP
- From page 8 of Member Booklet (Mar 2020):
What non U.S. citizens need to know about applying for MassHealth Limited, MassHealth coverage for pregnant women, CMSP, and the Health Safety Net
Applications and the information on them will be kept confidential. This means that:
 - Names and addresses will not be sent to immigration enforcement officials

Comparing Connector to MassHealth Immigrant Eligibility Terminology

Connector ACA (Federal law)	MassHealth Federal Medicaid & State Law	Eligible Immigration Status?
Lawfully Present	Qualified (not barred)	Yes
	Qualified Barred	
	Not-Qualified but Lawfully Present	
Not Lawfully Present	Not Lawfully Present but PRUCOL	No
	Undocumented	

Pregnant women

Eligible for MassHealth Standard regardless of immigration status during pregnancy & 60 days post-partum



Children under age 19

- Children from birth through age 18
- Eligible for MassHealth Standard if **lawfully present**
- Eligible for Family Assistance or CommonHealth if **lawfully present** or **PRUCOL**



Young adults 19 & 20 with income \leq 150% FPL

- Eligible for MassHealth Standard if **lawfully present**
- Eligible for Family Assistance or CommonHealth if **PRUCOL**



Elderly or disabled adults

Eligible for -

- MassHealth Standard or CommonHealth if **Qualified**
- Family Assistance if **Lawfully Present*** & income is $\leq 100\%$ or **PRUCOL** & uninsured $\leq 300\%$
- ConnectorCare if **Lawfully Present**



Other adults

- Eligible for MassHealth Standard or CarePlus if **Qualified**
- Eligible for ConnectorCare if **Lawfully Present***
- Eligible for Family Assistance if uninsured & **PRUCOL**



Qualified (never barred)

- Refugee, granted asylum, deportation withheld
- Cuban-Haitian entrant
- Trafficking victim
- Veteran/Active duty, spouse & dependents
- Iraqi/Afghan Special Immigrant
- American Indian (born in Canada or Mexico)
- Amerasian (born in Vietnam during war)

Qualified OR Qualified Barred

- Lawful Permanent Resident (LPR)
- Paroled into US for 1 year or more
- Battered immigrant with pending petition (including child of battered parent or parent of battered child if not living with abuser)

Qualified Barred: 5-year bar

- 5 year bar applies to LPR, Paroled, Battered **unless--**
 - In status above for 5 or more years
 - Was in never-barred status before becoming LPR (e.g. refugee, asylee, etc)
 - Is LPR with never-barred status (e.g. Veterans, some Cuban-Haitian entrants, Iraqi/Afghan SI; Amerasians; some American Indians)
 - Arrived in US prior to 8/22/96 & continuously present until getting status above

Exercise #1

- Mrs. Gutierrez came from El Salvador 6 years ago with a green card. Her income is 125% FPL
 - Is she eligible for MassHealth Standard?
- What if she has lived in US for 6 years but only got her green card 3 years ago?
 - What MassHealth would she be eligible for?
- What if you learn she does not have green card but has had a work permit with TPS for 6 years?
 - What MassHealth would she be eligible for?



Who is lawfully present? Page 1 of 3

- All Qualified & Qualified Barred are also lawfully present
 - Lawful Permanent residents, granted parole & battered immigrants (NO 5 yr bar for lawfully present)
 - Asylees & refugees, etc.
- AND people with many more statuses including:
 - Temporary Protected Status (TPS)
 - U-visa status
 - Other non-immigrants like specialty workers (H-visa), Religious workers (R-visa) & foreign students/scholars (F, J, or M-visas)

Who is lawfully present? Page 2 of 3

- Certain applicants for a status
 - Sometimes only with a work permit e.g. asylum applicants (or no work permit but under 14 & application pending more than 180 days)
 - Sometimes no work permit required e.g. applicant for Special Immigrant Juvenile status
- Most people with employment authorization with an EAD code beginning with C but not all
 - DACA (EAD Code C33) excluded from definition of LP

Exercise #2

- Joao is 15 years-old and he entered the United States without inspection 8 years ago.
 - What health benefits is Joao eligible for?
- Joao applies for Special Immigrant Juvenile Status and his case is pending.
 - Does this change his health benefit eligibility?
- Joao receives special immigrant juvenile status and then adjusts to an LPR.
 - Does this change his benefit eligibility?



Who is lawfully present? p. 3 of 3

For complete list of who is lawfully present & cites to regulations, see Apx. 3 in online materials:

- Understanding Non-citizens' eligibility for health coverage from MassHealth & the Health Connector (May 2020)

Appendix 3

Lawfully Present Non-Citizens

130 CMR 504.003 (A)(1)(2) and (3); 504.006(A) and (B) (under 65).
130 CMR 518.003(A)(1)(2) and (3); 518.006 (A) and (B) (65 & older).
45 CFR §§155.20 and 152.2; proposed § 155.20 and 42 CFR § 435.4 at 78 Fed. Reg. 4594 (Jan. 22, 2013) (definition of lawful presence); 45 CFR §155.305 (Exchange)
956 CMR § 12.05 (ConnectorCare)

All Qualified and Qualified Barred Non-Citizens are also Lawfully Present. All Lawfully Present non-citizens are eligible for the Connector in the same way as US citizens are. All Lawfully Present children under 19 are eligible for MassHealth in the same way as US citizens and Qualified non-citizens are.

A. Lawfully Present and Qualified or Qualified Barred (as shown in Apx. 1 and 2)

- Lawful permanent resident (LPR/Green Card holder)
- Asylee
- Refugee
- Cuban/Haitian entrant
- Person paroled into the U.S. for at least one year

Lawfully present & Connector

- Only Lawfully Present non-citizens are eligible to obtain insurance through Connector
- Connector does not use terms Qualified or PRUCOL
- Connector does not have 5-year bar
- LP with income under 133% FPL will be eligible for both ConnectorCare AND MassHealth Limited
 - Separate notices from each program

ConnectorCare Tips

- You must file taxes for any year in which you get ConnectorCare even if your income is very low & you never filed before
- You must say on the application that you agree to file a tax return if you get ConnectorCare
- You must take action to enroll in a ConnectorCare plan by a deadline or you won't have coverage & will also lose HSN (COVID-19 exception)
- If you were confused & didn't enroll because you got a MassHealth card (for Limited), you may be able to get a special enrollment period to enroll after the deadline (COVID-19 exception)

Exercise #3

- Ms. O'Neil was battered by her LPR Spouse. She and her 7 year-old son moved out of the house and live together in an apartment. Ms. O'Neil has a VAWA petition that has been pending for 6 months. They have no income.
 - For what health benefits is Ms. O'Neil eligible?
 - For what health benefits is her son eligible?



PRUCOL

- State-funded, open-ended category for people in U.S. “under color of law” including-
- Deferred Action Childhood Arrivals (DACA) aka Dreamers
- Applicants for asylum who don’t have work permits yet
- Others not on Lawfully Present list but known to USCIS & not contemplated for removal
 - See more examples in Appendix 4 in online materials

Exercise #4

- Susan is 26 & applied for asylum 8 months ago, but has not yet gotten a work permit. She lives with relatives & has no income.
 - For what health benefits is Susan eligible?
- Susan gets her work permit, but still has no job.
 - Does this change the health benefits for which she is eligible?
- Susan is granted asylum & is working part-time .
 - Does this change the health benefits for which she is eligible?



Public Charge Rule

- Applies to applications for “admission” to the United States
- New definition of “Public Charge” for applications filed on/after February 24, 2020.
- More public benefits are considered under new rule.



Public Charge & Health Benefits

- Includes receipt of Federal Medicaid



- But NOT including:
 - Emergency Medicaid (MassHealth Limited)
 - Medicaid received by people under 21 years old
 - Medicaid received by pregnant women (including 60 days postpartum)

Health Benefits NOT Included

- Health Safety Net
- MassHealth Family Assistance for PRUCOL
- Children's Medical Security Plan (CMSP)
- Children's Health Insurance Program (CHIP)
- Medicare
- MassHealth paid for with state-only funding
- Coverage through the Health Connector, including Connector Care
- School-based healthcare
- COBRA
- Veterans Administration Coverage
- Tricare
- WIC or Head Start
- Public Health services

Public Charge: Key Takeaways

- Most health benefits that affected immigrants qualify for are NOT considered under the new rule.
- Benefits received by family members are NOT considered.
- Covid-19 testing and treatment are NOT considered under the new rule.



Exercise #5



- Ricky and Eva are married and have a daughter, Karina.
- Ricky has been a lawful permanent (LPR) resident for 6 years and is applying to become a U.S. citizen
- Eva has Temporary Protected Status and is applying to become a lawful permanent resident
- Karina is a U.S. citizen

Exercise #5

	Immigration Status	Subject to a Public Charge Assessment?	Eligible for Subsidized Health Benefits?	Will Benefits Be a Negative Factor in a Public Charge assessment?
Eva	Temporary Protected Status			
Ricky	LPR (6+ years)			
Karina	U.S. Citizen			

Exercise #5

	Immigration Status	Subject to a Public Charge Assessment?	Eligible for Subsidized Health Benefits?	Will Benefits Be a Negative Factor in a Public Charge assessment?
Eva	Temporary Protected Status	Yes, adjusting to LPR	Yes, MassHealth Limited, and/or Health ConnectorCare (APTC)	No
Ricky	LPR (6+ years)	No, applying for U.S. citizenship	Yes, MassHealth (federal Medicaid) or ConnectorCare (APTC)	N/A
Karina	U.S. Citizen	No	Yes, MassHealth (federal Medicaid)	N/A

COVID-19 Testing & Treatment

- Testing and treatment of COVID-19 are covered with no added costs-
 - by all types of MassHealth including MassHealth Limited,
 - by all Health Connector plans
 - by the Health Safety Net
 - by the federal government for people who are uninsured without regard to income or immigration status
- <https://www.hrsa.gov/coviduninsuredclaim>

COVID-19 Policies during the emergency

- No one still living in MA & enrolled in MassHealth on March 18 or later will lose coverage during the emergency
- People eligible for ConnectorCare but not enrolled, will not lose HSN & may still sign up for ConnectorCare until June 23
- No deductible for people with HSN partial (150-300% FPL)
- See [list of more changes](https://masslegalservices.org) on masslegalservices.org

Signs of trouble

- If one of these persons has MassHealth Limited, you know there is a mistake
 - Qualified immigrant
 - Lawfully present child under 19
 - Lawfully present young adult (19-20) income 150% FPL or less
 - Pregnant woman

Trouble shooting tips

- Get copy of client's immigration documents
- Use tools in materials to figure out eligible benefits status: using MassHealth terms
- Ask MassHealth/Connector what computer shows is client's immigration eligibility status
- Find out what information was submitted to MassHealth/Connector & how it was verified
- Get info corrected informally or appeal