Access to health care for immigrants

• Challenges old & new
  • Complicated benefit eligibility rules to start with
  • Added complexity affecting immigrant eligibility
  • Language access
  • Fears of adverse immigration consequences
    • Removal
    • Public Charge
    • Changing federal landscape increasing threats
Health Benefits

- Benefits for US citizens & eligible immigrants
  - MassHealth
  - 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

MassHealth coverage types

130 CMR § 505 & 519 (eligibility) 450.105 (benefits)

5 Types of MassHealth

- MassHealth Standard – the “good” MassHealth
- MassHealth CarePlus-2014 Medicaid expansion for 21-64 under Affordable Care Act
- MassHealth CommonHealth-for certain disabled adults & disabled children with income too high for Standard
- MassHealth Family Assistance- includes CHIP for children in families with income too high for Standard; & also the benefit for most PRUCOL
- MassHealth Limited - emergency care for those not eligible for Standard/CarePlus due to immigration eligibility rules (the only all-immigrant program)
ConnectorCare

- Private Insurance through Health Insurance Connector
- Subsidized for individuals with income from 0-300% FPL (Plan Types 1-3) & no access to other insurance
  - 0-100% FPL (Plan Type 1) is only for lawfully present immigrants not eligible for MassHealth due to its immigrant eligibility rules
- After being found eligible must select a plan & pay any premium due by a deadline to be enrolled

Health benefits terminology

- Qualified Aliens (1996 federal Welfare Reform Act)
  - Barred
  - Not Barred
- Lawfully Present Aliens (2009 CHIPRA & 2014 ACA)
  - Includes all Qualified aliens
  - Plus added groups (non-Qualified Lawfully Present)
- Permanently Residing in US under color of law PRUCOL (Mass. State law)
  - Used for aliens who are not Qualified & not “Lawfully present” but known to USCIS & not contemplating removal
- Undocumented/Other – no status or out of status
Comparing Connector to MassHealth Immigrant Eligibility Categories

<table>
<thead>
<tr>
<th>Connector ACA</th>
<th>MassHealth Federal Medicaid &amp; State Law</th>
<th>Eligible Immigration Status?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawfully Present</td>
<td>Qualified (not barred)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Qualified Barred</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not-Qualified but Lawfully Present</td>
<td>Yes</td>
</tr>
<tr>
<td>Not Lawfully Present</td>
<td>Not Lawfully Present but PRUCOL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Undocumented</td>
<td>No</td>
</tr>
</tbody>
</table>

Pregnant women

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

- Children from birth to 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 ≤150% FPL**

- Eligible for MassHealth Standard if lawfully present
- Eligible for CommonHealth or Family Assistance if PRUCOL
Elderly or disabled adults

- Eligible for MassHealth Standard or CommonHealth if Qualified (with no bar)
- Eligible for Family Assistance if Lawfully Present or PRUCOL & income is ≤ 100% FPL
- Eligible for ConnectorCare if Lawfully Present

Other adults

- Eligible for MassHealth Standard or CarePlus if Qualified (not barred)
- Eligible for ConnectorCare if Lawfully Present
- Eligible for Family Assistance if PRUCOL
Qualified (never barred)

- Refugees, asylees, deportation withheld
- Cuban-Haitian entrants
- Trafficking victims
- Veterans/Active duty, spouse & dependents
- Iraqi/Afghan Special Immigrants
- American Indians (born in Canada or Mexico)
- Amerasians (born in Vietnam during war)

Qualified (may be barred)

- Legal Permanent Resident
- 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)
5-year bar

- Applies to LPR, Paroled, Battered unless
  - In status above for 5 or more years
  - Arrived in US prior to 8/22/96 & continuously present until getting status above
  - 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)

Legal Permanent Resident Card

Does code show status not subject to 5 yr bar?

If country is Cuba, Haiti, Iraq, Afghanistan, Vietnam, Canada – does exception apply?

Is date 5 or more years ago?
Exercise

- Mrs. Pappas came from Greece 6 years ago with a green card.
  - 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 if you learn she does not have green card but has had a work permit with U-visa for 6 years?
Who is lawfully present?  Page 1 of 3

- All Qualified are also lawfully present
  - Legal Permanent residents, parolees & battered immigrants (NO 5 yr bar to be 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
  - Sometimes no work permit required e.g. applicant for Special Immigrant Juvenile status
- Most people with employment authorization but not all
  - DACA excluded from definition of LP
Who is lawfully present?

- For complete list of who is lawfully present & cites to regulations, see materials:
  - Understanding the ACA in Massachusetts: Immigrants’ Eligibility for MassHealth & other subsidized coverage, 2015

Lawfully present & Connector

- Only lawfully present 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
Exercise

• Ms. O’Neil is a battered immigrant with a pending VAWA petition for the past 6 mo. who lives with her 7 year old son. They have no income.
• For what health benefits is Ms. O’Neil eligible?
• For what health benefits is her son eligible?

PRUCOL

• 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 complete list in materials
Exercise

- Consuelo 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 Consuelo eligible?
- Consuelo gets her work permit, but still has no job.
  - Does this change the health benefits for which she is eligible?
- Consuelo is granted asylum & is working part-time.
  - Does this change the health benefits for which she is eligible?
Tips for avoiding errors 1 of 2

- Are you an eligible immigrant?
  - If Lawfully present or Nonqualified PRUCOL answer is YES
  - If undocumented & only seeking safety net benefits answer is NO
- If eligible immigrant, supply document info
  - On paper include legible copy of documents – worker will be entering numbers from front/back of card into eligibility system for data match

Document numbers needed for data match

<table>
<thead>
<tr>
<th>Card Number</th>
<th>Alien Registration Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>000000001</td>
<td>0000000001</td>
</tr>
</tbody>
</table>
Green cards: Nov 2004 – Apr 2010

Work permit – Since Oct 2011
Tips for avoiding errors p. 2 of 2

- Real time match with federal SAVE system; if match does not work, need to identify status
- On paper application, identify status that corresponds to on-screen list
- Start from top of list & select first status that applies (there may be more than one)
  - Look at list-why are they listed in the order they are?
ConnectorCare Tips

- If you get a tax credit for 2018, do you agree to file a tax return for 2019? Must say “YES” to get ConnectorCare
- If applicant says NO, he or she cannot get ConnectorCare
- Why? Because subsidy is an “advance premium tax credit” paid to health plan
- After being found eligible, must also select a health plan and enroll by deadline
  - Health Safety Net will no longer cover medical (dental only) if eligible for ConnectorCare but not enrolled
Trouble shooting tips

- Get copy of client’s immigration docs
- Use tools in materials to figure out eligible status
- Ask MassHealth/Connector what computer shows is client’s immigration status
- Find out what info was submitted to MassHealth/Connector & how it was verified
- Get info corrected informally or appeal

Using on-line materials

- MLRI fact sheet on safety net benefits in English & Spanish
- Understanding the ACA in MA: Immigrant Eligibility (2015)
Exercise

- Aisha came to the US as a refugee and 2 years ago became a legal permanent resident. She recently moved to Mass., applied for health benefits & was found eligible for ConnectorCare and MassHealth Limited.
- Is this the correct result?
- If not, what steps can you take to reach a correct result?

<table>
<thead>
<tr>
<th>Immigration Status</th>
<th>Other Requirements for MassHealth (Percent shown is % of federal poverty level)</th>
<th>MassHealth Eligible Coverage Type</th>
<th>Connector Eligible Immigration Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualified — see Appendix 1 for list of Qualified statuses</td>
<td>Qualified (not barred) immigrants are eligible for all MassHealth benefits in the same way as US citizens</td>
<td>MassHealth Standard, CommonHealth, CarePlus, Family Assistance &amp; Medicare Savings Programs (QMB, SLMB, Q-1)</td>
<td>Yes</td>
</tr>
<tr>
<td>Lawfully Present — not included above as Qualified — see Appendix 3 for list of all Lawfully Present statuses</td>
<td>Pregnant women &amp; infants ≤200%, children 1-20 ≤150%, Children 1-18 &gt;150% ≤300%, Disabled children 0-18 &gt;150%, Elderly &amp; disabled adults ≤100% (asset test for elderly)</td>
<td>Family Assistance, CommonHealth, Family Assistance</td>
<td>Yes</td>
</tr>
<tr>
<td>Nonqualified PRUCOL — see Appendix 4 for list of statuses</td>
<td>Pregnant women ≤200%, Infants ≤200%, Children 1-18 ≤300% FPL, Disabled Children under 19, Disabled young adults 19</td>
<td>Family Assistance, CommonHealth</td>
<td>No</td>
</tr>
</tbody>
</table>
Massachusetts Residence

- You must be a Mass. Resident to qualify for any benefits from MassHealth or Connector
- The application says:
  
  “Are you living in Massachusetts, and you either intend to reside here, even if you do not have a fixed address, or you have entered MA with a job commitment or seeking employment? Y N

  If you are visiting in MA for personal pleasure or for the purpose of receiving medical care in a setting other than a nursing facility, you must answer no to this question.”

Residence & Immigration Status

- State residence & immigration status are different
- Confusing issues for some non-immigrant visa statuses
  - Confusion about what a visa is
  - Difference between duration of B1/B2 visa (up to 10 years) & duration of authorized stay (1-6 mos)
- If in doubt, refer client to immigration lawyer
Non-immigrant tourist visa

Form I-94

Form I-94:

U.S. Customs and Border Protection
Securing America's Borders

Get I-94 Number: 194FAQ

Admission (I-94) Number Retrieval

Admission (I-94) Record Number: 69000888062
Admit Until Date (MM/DD/YYYY): 10/10/2012

Details provided on Admission(I-94) form:

- Family Name: LI
- First (Given) Name: LYDIA
- Birth Date (MM/DD/YYYY): 01/01/1990
- Passport Number: P123123213
- Passport Country of Issuance: Mexico
- Date of Entry (MM/DD/YYYY): 04/11/2012
- Class of Admission: B1
Safety net benefits

- MassHealth Limited – emergency services only e.g. ambulance, ER, labor & delivery, dialysis
- Health Safety Net – acute hospital & CHC only
- Children's Medical Security Program – primary & preventive care only

Is it safe for undocumented to apply?

- Same application for MassHealth, Connector & safety net programs
- Page 8 of Member Booklet:
  
  “Applications and the information on them will be kept confidential. This means that:
  Names and addresses will not be sent to immigration enforcement officials.”
Sensitive locations
https://www.ice.gov/ero/enforcement/sensitive-loc
“… DHS is committed to ensuring that people seeking to participate in activities or utilize services provided at any sensitive location are free to do so without fear or hesitation.

What does the Department of Homeland Security mean by the term “sensitive location”? Locations covered by these policies would include, but not be limited to:
• ... 
• Medical treatment and health care facilities, such as hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities;....”

Questions on application if applying for safety net benefits

• Do you have SSN? Y or N.
  • If N, why? Just applied; noncitizen exception; religious exception.
• Are you a US citizen? Y or N
• If you are a noncitizen, do you have an eligible immigration status? Y or N
  • If N or no response, no more questions about immigration status, no documents required, safety net benefits only
The Health Safety Net Program

- Formerly called Uncompensated Care Pool or Free Care
- For services at acute Hospitals or Community Health Centers
- No defined benefits; debt relief
- 0-150% FPL full HSN; 150-300% FPL partial HSN (deductible)
- Only HSN dental for MassHealth or ConnectorCare members

For Health Safety Net Program

- Must submit proof of identity
  - Govt. issued photo ID or ID with physical description
  - List of documents (pp 43-44 of Member Booklet)
  - Affidavit by someone who can verify your identity if no document available
  - Avoid submitting foreign passport as proof of identity
- If applicant is eligible for ConnectorCare, HSN will be restricted to cover dental only even if person misses enrollment deadline & can no longer enroll in ConnectorCare
Other immigrant issues:
MassHealth & Connector

- Sponsor Deeming – not applied in MassHealth or Connector
- Public Charge - currently, receiving MassHealth or ConnectorCare premium tax credits is not evidence of public charge but watch out for proposed changes
- Reporting – no required reporting to ICE
- Confidentiality - Medicaid & ACA limit state agency disclosure; HIPAA limits health care insurers & providers disclosure
  - Courts may order disclosure in certain cases

Help applying

- Enrollment assister info on mahealthconnector.org under “Help Center” & “Find Local Help”
  - Refer to CAC or Navigator if possible
    - Health Care for All Help Line
    - Mayor’s Health Line
    - Local hospitals & health centers
    - Other community-based organizations
Other sources of information

- Massachusetts Immigrants & Refugees Advocacy (MIRA) Coalition: www.miracoalition.org
- National Immigration Law Center, www.nilc.org
- Massachusetts Legal Services programs
  www.masslegalservices.org
- MassHealth: www.mass.gov/masshealth
- Connector: www.mahealthconnector.org