



# Article

<b>Article Title:</b>	Immigration Status and Covered California		
<b>Domain</b>	Individual Market: Eligibility and Enrollment	<b>Subject:</b>	Eligibility for Individuals and Families
<b>Topic:</b>	Eligibility for Covered California	<b>Subtopic:</b>	Family and Location Concerns
<b>Published Date:</b>	11/14/13; updated 3/7/14		

## Introduction *1 or 2 paragraphs that can be used to set context or be used as talking points*

All California residents, regardless of immigration status, can use Covered California to look for health coverage for themselves or their families.

U.S. citizens, U.S. nationals and individuals considered “lawfully present” (see list [here](#)) will have access to affordable, quality coverage through Covered California. Depending on income, they may be eligible for help paying for that coverage or for low- or no-cost coverage through Medi-Cal.

California residents who are not considered “lawfully present” can use Covered California to see if they are eligible for health coverage options through Medi-Cal, but these options may be limited. In some counties, other health care options will be available.

Additionally, an individual who is not lawfully present may apply for coverage for someone who is lawfully present. For example, a parent who is not lawfully present can apply for their child who is considered lawfully present. Only the immigration status of the person who is seeking the health coverage (in this case, the child) would be needed. The person applying, but not purchasing health coverage for themselves, will not be asked about their immigration status.

Only U.S. citizens, U.S. nationals, and lawfully present individuals must purchase health coverage by [March 31, 2014](#), or may be subject to a tax penalty under the law.

## Key Points *3-5 bullet points*

- **Requirement to buy health coverage:** U.S. citizens, U.S. nationals, and [lawfully present](#) individuals must purchase health coverage by [March 31, 2014](#), or may be subject to a tax penalty. Individuals not considered to be “lawfully present” are not required to purchase health coverage and do not have to pay a tax penalty if they do not have health insurance.
- **All California residents, regardless of immigration status, can use Covered California to look for health coverage:** U.S. citizens, U.S. nationals, or [lawfully present](#) individuals will have access to affordable, quality coverage through Covered California. Depending on income, they may be eligible for help paying for that coverage or they may be eligible for low- or no-cost coverage through Medi-Cal. California residents who are not considered “lawfully present” can still use Covered California to see if they are eligible for health coverage options through Medi-Cal, however these options may be limited. In some counties, other health care options will be available.
- **Mixed-immigration status families:** For [mixed-immigration status families](#) (families that have



## Article

### Key Points *3-5 bullet points*

both lawfully present individuals and individuals not considered lawfully present), the members not considered lawfully present can still apply through Covered California for themselves because they may be eligible for health coverage options through Medi-Cal. Individuals not considered lawfully present may also apply for coverage for their lawfully present family members (such as a dependent U.S. citizen child) who may be eligible for coverage through a Covered California plan or low-cost or free coverage through Medi-Cal. Only the immigration status of the person who is seeking the health coverage (in this case, the dependent U.S. citizen child) would be needed. Family members who aren't applying for health coverage for themselves won't be asked for their immigration status.

- **Verifying Immigration Status:** Only individuals seeking to enroll in health insurance coverage through Covered California who have stated they are a citizen, national, or lawfully present will be asked for information to verify their citizenship or immigration status (such as a Social Security Number or Alien Number). All information provided about immigration status for determining eligibility for health coverage through Covered California will be kept secure and private and **will not be used by any immigration agency for the purpose of enforcement.**
- **Getting financial help:** Both lawfully present and not lawfully present individuals can use Covered California to see if they are eligible for low- or no-cost coverage through Medi-Cal.

If citizens, nationals, or lawfully present individuals are not Medi-Cal eligible but are eligible for a Covered California health plan would like to see if they are eligible for help paying for that coverage, they must provide their annual household income and file taxes. For mixed-immigration status families, any individuals not considered to be lawfully present are not eligible for Covered California health plans and will not be considered tax dependents either. Those individuals will not be counted in the household/family size and the household income will be adjusted to account for the ineligible members of the household.

### Details *Elaborate key points*

- **Requirement to buy health coverage:** Under the Affordable Care Act, individuals who are U.S. citizens, U.S. nationals, or **lawfully present** immigrants must have health coverage as of **March 31, 2014**. If they do not have health coverage by March 31, 2014, and do not qualify for an exemption from the Department of Health & Human Services, they must pay a tax penalty when they file taxes in April 2015. Individuals who are not lawfully present are exempt from the requirement to have health insurance and will file for their exemption directly with the IRS.
- **All California residents, regardless of immigration status, can use Covered California to look for health coverage:**
  - **U.S. citizens, U.S. nationals or "lawfully present"** immigrants who are residents of California may be eligible to purchase a health insurance plan through Covered California's enrollment system. Depending on income, the individual may also be eligible for financial assistance to help pay for a Covered California health plan or eligible to receive low or no-cost coverage through Medi-Cal. For a Covered California health plan, individuals must also

## Details *Elaborate key points*

not be incarcerated in a jail, prison or other penal institutions.

*There is NO waiting period:* For lawfully present immigrants who are seeking health insurance coverage through Covered California, there is [no "waiting period" or "five year bar"](#) for eligibility for Covered California health plans and there is no minimum income requirement for eligibility for financial assistance to help pay for the health plan if they are not eligible for full-scope Medi-Cal.

- **Immigrants who are not considered "lawfully present"** are not eligible to purchase a Covered California Health Plan. However, they can still apply through Covered California to see if they are eligible for health coverage options through Medi-Cal, however the benefits may be limited. In some counties, other health care options will be available. Further, individuals who are not considered lawfully present may continue to buy private health insurance coverage on their own outside of the Covered California.

*Deferred Action for Childhood Arrivals (DACA) and other Persons Residing Under the Color of Law (PRUCOL) are NOT considered lawfully present, but may be eligible to receive full Medi-Cal benefits.* DACA-eligible individuals and other PRUCOL are not considered to be "lawfully present" under the Affordable Care Act and are not eligible for Covered California health plans. However, DACA-eligible individuals and other PRUCOL may still apply through Covered California as under California law they may be eligible to receive full Medi-Cal benefits at low- or no-cost.

- **Mixed-Immigration Status Families:** [Mixed-immigration status families](#) that have both citizens or lawfully present individuals and individuals who are not lawfully present can still use the Covered California enrollment system. Individuals who are not lawfully present may apply for themselves, as they may be eligible for health coverage options through Medi-Cal, or they may apply for their lawfully present family members (such as a dependent child) for coverage through a Covered California plan or low or no-cost Medi-Cal. Only the immigration status of the person who is seeking the health coverage (in this case, the dependent child) would be needed. Family members who aren't applying for health coverage for themselves will not be asked for their immigration status.
- **Verifying Immigration Status:** Only those individuals seeking to enroll in health insurance coverage through Covered California and have stated they are a citizen, national, or lawfully present will be asked for information to verify it (such as a Social Security Number or Alien Number). People who apply for health insurance coverage on behalf of others and not for themselves (such as for a dependent child) do not need to provide their own citizenship or immigration status.

If the applicant's immigration status cannot be verified electronically, he/she will have 90 days to provide additional documentation to verify his/her status. Immigration status is verified via the federal data hub through the Department of Homeland Security's database.

All information provided on the Covered California application about immigration status for determining eligibility for health coverage through Covered California will be kept secure and private and [will not be used by any immigration agency for the purpose of enforcement.](#)



# Article

## Details *Elaborate key points*

- **Getting financial help:** Both lawfully present and not lawfully present individuals can use Covered California to see if they are eligible for low- or no-cost health coverage options through Medi-Cal.

Citizens, nationals, or lawfully present individuals who are not eligible for Medi-Cal, but are eligible to purchase a Covered California health plan, may also be eligible to receive financial assistance to help pay for health care costs based on their annual household income. Annual household income means the income of the taxpayer, the spouse (if any), and any child or other person whom the individual claims as a tax dependent and who is required to file a tax return. Applicants for financial help who have not filed federal taxes in the past are still eligible to apply for financial help but they (or the tax-filer of the family) must agree to file taxes for the upcoming tax year (under a SSN or an Individual Tax Identification Number (ITIN)).

*Mixed-immigration-status families:* There are specific rules for calculating the amount of financial help a family will receive to help pay for a Covered California health plan when the family has mixed immigration or citizenship statuses. Individuals who are not lawfully present are not eligible for Covered California health plans and will not be considered tax dependents either. Those individuals will not be counted in the household/family size and the household income will be adjusted to account for the ineligible members of the household. (See scenario 2 for an example.)

*Public Charge:* In general, applying for health insurance coverage through Covered California's enrollment system, and receiving help to pay for a Covered California health plan or receiving low or no-cost coverage through Medi-Cal, will not make an individual a "public charge" – it will not affect your immigration status, chances of becoming a lawful permanent resident, or becoming a naturalized citizen. The exceptions are if the individual receives long-term care in a nursing home or other facility paid for by the government, or does not tell the truth on the application.

- **Help in Other Languages:** If an individual needs help applying for health insurance coverage through Covered California in a language other than English, Covered California will provide the individual an interpreter. Covered California also provides disability accommodations. Call 1-800-300-1506 (TTY: 1-888-889-4500) for assistance.
- **Cross-Border Plans:** Legally present Mexican nationals and their dependents working in San Diego or Imperial counties who are covered by a small group "cross-border" plan licensed by the Department of Managed Health Care meet the requirements for minimum essential coverage (MEC). In these cases, they do not need to purchase a Covered California health plan in order to satisfy the individual mandate for coverage.

For additional information on immigration and the Affordable Care Act please visit [healthcare.gov](http://healthcare.gov) at <https://www.healthcare.gov/what-do-immigrant-families-need-to-know/>

## Scenarios *2-5 scenarios*

1. **Scenario 1: An individual who has a work or student visa and wants to see if s/he is eligible to receive health coverage through Covered California.**



# Article

## Scenarios 2-5 scenarios

An individual who is a California resident may use Covered California to see if they are eligible for health coverage. An individual who has a work or student visa, has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission, and has plans either to become a permanent resident or citizen of the United States or to be here for the entire health plan year (e.g., all of 2014) is considered "[lawfully present](#)."

When this individual applies, they will first be determined eligible or ineligible for health coverage options through Medi-Cal. If they are determined ineligible for Medi-Cal, the lawfully present individual would be able to apply for a Covered California health plan and depending on their income, may also receive help paying for it. All individuals who would like to apply for help paying for their coverage (premium assistance and/or cost-sharing subsidies) must attest to their household income for the year they want to be covered and agree to file a federal income tax return for that benefit year.

Individuals who did not file taxes with the U.S. government for income year 2012 will need to provide Covered California with documents to verify their stated income for 2014.

### **2. Scenario 2: A parent who is not considered lawfully present wants to apply for health insurance coverage through Covered California for his or her lawfully present children.**

This is a mixed-immigration status family. All members of the family – both the lawfully present children and not lawfully present parent – can use Covered California to determine if they are eligible for health coverage options through Medi-Cal.

If determined ineligible for Medi-Cal, the lawfully present children will be eligible for a Covered California health plan and the parent who is not lawfully present can apply for them. Family members who aren't applying for health coverage for themselves (the parent in this case) will not be asked if they have an eligible immigration status. The parent will be required to provide the Social Security Number or other immigration status verification documents showing the children's lawful presence status.

The application filer (the parent in this case) may also apply for financial help to help pay for their children's Covered California health plan. The parent can provide proof of income other than a tax return but must agree to file taxes for the coverage year (for example, for the coverage year 2014, it would be April 2015 taxes). If the parent is not considered lawfully present, s/he can agree to file taxes next year because he/she can file using an ITIN (Individual Tax Identification Number).

Since this is a mixed-status family, the amount of financial help the eligible children may receive will be determined by excluding members of the household who are not lawfully present from the family size and adjusting the entire household income to account for the ineligible members of the household.

### **3. Scenario 3: A lawfully present individual has foreign health insurance coverage through a U.S.-based employer, but lives in California for an extended period of time.**

Health coverage provided by a foreign insurance company/issuer that is not offered in any state in the U.S. to individuals who are lawfully present in the U.S. is not considered adequate health coverage. If the individual is in the U.S. for three months or longer, they would be subject to the



## Article

### Scenarios 2-5 scenarios

individual mandate and may be subject to a tax penalty if they do not get health coverage in the U.S. or receive an exemption.

**FAQs** *Frequently asked Questions and Answers. This will be used for a variety of different uses including Certification Exam Questions, Marketing/Communications, etc.*

## IMMIGRATION FAQs

1.

### **Are immigrants required to buy health coverage?**

Under the Affordable Care Act, most individuals who are U.S. citizens, U.S. nationals, or lawfully present immigrants must have health coverage as of March 31, 2014. If they do not have health coverage by March 31, 2014, and do not qualify for an exemption from the Department of Health & Human Services, they must pay a tax penalty when they file taxes in April 2015.

Individuals who are not lawfully present are exempt from the requirement to have health insurance and will file for their exemption directly with the IRS.

### **Can immigrants apply for health care coverage through Covered California?**

Yes. Both lawfully present individuals and individuals not considered lawfully present can apply for health coverage through Covered California.

Citizens or lawfully present immigrants who meet other requirements, such as California state residency, may be eligible to purchase a health insurance plan through Covered California. Depending on income, the individual may also be eligible for financial assistance to help pay for a Covered California health plan or eligible to receive low or no-cost coverage through Medi-Cal (see question #3 for more).

Immigrants who are not considered “lawfully present” are not eligible to purchase a Covered California health plan. However, they can still apply through Covered California to see if they are eligible for health coverage options through Medi-Cal, but the benefits may be limited. In some counties, other health care options will be available. Individuals who are not considered lawfully present may also continue to buy private health insurance coverage on their own outside of Covered California.

### **Can immigrants receive financial assistance to help pay for their health care coverage? Will they become a “public charge” if they take the financial assistance?**

Both lawfully present and not lawfully present individuals can use Covered California to see if they are eligible for low- or no-cost health coverage options through Medi-Cal.

Citizens, nationals, or lawfully present individuals who are not eligible for Medi-Cal, but are eligible to purchase a Covered California health plan may be able to get financial assistance to help pay for it, depending on their annual household income. Annual household income means the income of the taxpayer, the spouse (if any), and any child or other person whom the individual claims as a tax dependent and who is



## Article

**FAQs** *Frequently asked Questions and Answers. This will be used for a variety of different uses including Certification Exam Questions, Marketing/Communications, etc.*

required to file a tax return. Applicants for financial help who have not filed federal taxes in the past are still eligible to apply for financial help but they (or the tax-filer of the family) must agree to file taxes for the upcoming tax year (under a SSN or an Individual Tax Identification Number (ITIN)). To learn more about the financial help available to help pay for health care costs, visit Covered California's Frequently Asked Questions page here: [www.coveredca.com/FAQs/](http://www.coveredca.com/FAQs/).

**Public Charge:** In general, applying for health insurance coverage through Covered California and receiving help to pay for a Covered California health plan or receiving low- or no-cost coverage through Medi-Cal, will not make an individual a “public charge” – it will not affect your immigration status, chances of becoming a lawful permanent resident, or becoming a naturalized citizen. The exceptions are if the individual receives long-term care in a nursing home or other facility paid for by the government, or does not tell the truth on the application.

**Can I apply on behalf of my lawfully present family members if I am not lawfully present? Can my family or child still receive financial help to pay for their health care costs?**

Mixed-immigration status families can still apply for health coverage through Covered California. Individuals who are not lawfully present may apply for themselves, as they may be eligible for health coverage options through Medi-Cal, or they may apply for their lawfully present family members (such as a dependent child) for coverage through a Covered California plan or low or no-cost Medi-Cal. Only the immigration status of the person who is seeking the health coverage (in this case, the dependent child) would be needed. Family members who aren't applying for health coverage for themselves will not be asked for their immigration status. There are specific rules for calculating the amount of financial help a family will receive to help pay for a Covered California health plan to account for the ineligible members of the household.

**Do I have to provide Covered California with information about my immigration status? What happens to my immigration status information if I do provide Covered California with it?**

Only those individuals seeking to enroll in health insurance coverage through Covered California will be asked for information to verify immigration status. People who apply for health insurance coverage on behalf of others (such as for a dependent child) do not need to provide their own citizenship or immigration status. Immigration status is verified via the federal data hub through the Department of Homeland Security's database.

***All information provided on the Covered California application about immigration status will be kept secure and private and will not be used by any immigration agency for the purpose of immigration enforcement.***

**Who is considered “lawfully present”?**

Lawfully present immigrants generally include: lawful permanent resident (or “green card holders”); lawful temporary resident; persons fleeing persecution, including refugees and asylees; other humanitarian immigrants, including those granted temporary protected status; Cuban/Haitian entrants; and Survivors of domestic violence, trafficking, and other serious crimes. See <https://www.healthcare.gov/immigration-status-and-the-marketplace/> for more information and other groups that are lawfully present

Deferred Action for Childhood Arrivals (DACA) and other Persons Residing Under the Color of Law (PRUCOL) are not considered lawfully present. However they may still apply through Covered California as



# Article

**FAQs** *Frequently asked Questions and Answers. This will be used for a variety of different uses including Certification Exam Questions, Marketing/Communications, etc.*

under California law they may be eligible to receive Medi-Cal benefits at low- or no-cost.

**I heard there is a waiting period before I can get health coverage if I recently became a lawful permanent resident, is this true?**

No, not in California. For lawful permanent residents who are seeking health insurance coverage through Covered California, there is no "waiting period" or "five-year bar."

**Where can I get help?**

If an individual needs help applying for health insurance coverage through Covered California, they should call 1-800-300-1506 (TTY: 1-888-889-4500) for assistance. If they are seeking help in a language other than English, Covered California will provide the individual an interpreter.

For additional information on immigration and the Affordable Care Act please visit [healthcare.gov](http://healthcare.gov) at <http://www.healthcare.gov/what-do-immigrant-families-need-to-know/>.

**Supporting Materials** *Please include the title and all relevant links to Scripting; step action table; charts/visuals; helpful hints; flowcharts; publications or materials. (The majority of Covered California developed materials should be stored in SharePoint)*

**Bibliography/Reference Material** *(Links and citations to law/reg; advocates' material; CovCA formal background)*

**Key Words** *(Top Search words to find article)*

Immigration, citizen, lawfully,