

WELCOME TO Answers

Immigration issues can be complicated. Free local assistance is available to you. The Health Consumer Alliance can help answer your questions about immigration and health care insurance. Call 888-804-3536 or visit www.healthconsumer.org.

A U.S. citizen, a U.S. national or a noncitizen who is "lawfully present" can apply to receive a health insurance plan through Covered California and depending on income, may be eligible for help paying for a Covered California Health Plan or eligible to receive low or no-cost coverage through Medi-Cal.

Immigrants who are not "lawfully present" are not eligible to purchase a Covered California Health plan. However, they can still apply through Covered California to see if they may be eligible to receive low or no-cost coverage through Medi-Cal. Immigrants not considered to be "lawfully present" do not have to pay a tax penalty if they do not have health insurance.

An immigrant who is not "lawfully present" can apply for a health insurance plan through Covered California for someone who is lawfully present (for example, a U.S. citizen child). In that case, only the immigration status of the person who is seeking the health insurance coverage (i.e. the U.S. citizen child) will be needed. The person who is filling out the application will not be asked for their immigration information.

Immigration Status and Covered California



MAJOR POINTS

- **Eligibility for Covered California** A U.S. citizen, a U.S. national or a noncitizen who is "lawfully present" is required to purchase health insurance by January 1, 2014, or may be subject to a tax penalty. Citizens, nationals, or lawfully present individuals will have access to affordable, quality coverage through Covered California, and depending on income, may be eligible for help paying for a Covered California Health Plan or eligible to receive low or no-cost coverage through Medi-Cal.
- **Mixed-Immigration-Status Families** For mixed-immigration-status families (families that have both lawfully present individuals and individuals not lawfully present), the members not considered lawfully present may apply for health insurance coverage through Covered California for the individuals in the family who are considered to be lawfully present.
- **Getting financial help for a Covered California Health Plan** To be eligible to receive help paying for monthly premiums and out-of-pocket costs for a Covered California Health Plan, individuals and families must provide their annual household income. However, for mixed-immigration-status families, the individuals not considered to be lawfully present will not be counted in the household/family size and the household income will be proportionally adjusted (reduced) based on a formula created by the Affordable Care Act.
- **Verifying Immigration Status** Only those individuals seeking to enroll in health insurance coverage through Covered California, either a Covered California Health Plan or Medi-Cal, will be asked for information to verify their citizenship or lawfully present status (such as a Social Security Number or Alien Number).
- **Protecting Privacy** Covered California uses the information provided on an individual's application to help determine the eligibility of the person who is seeking to enroll in health insurance coverage. Covered California keeps the provided information secure and private and does not share provided information with any immigration agency for the purpose of enforcement.



Details

Eligibility for Covered California

A U.S. citizen, a U.S. national or a noncitizen who is “lawfully present” and who is a resident of California may be eligible to purchase a health insurance plan through Covered California. Depending on income, the individual may also be eligible for help paying 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 not be confined (after the disposition of charges or judgment) in a jail, in a prison, or in a similar penal institution.

Immigrants who are not “lawfully present” are not eligible to purchase a Covered California Health Plan; however, they can still apply through Covered California to see if they may be eligible to receive low or no-cost coverage through Medi-Cal. Immigrants not considered to be “lawfully present” do not have to pay a tax penalty if they do not have health insurance.

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 and there is no minimum income requirement for eligibility for premium assistance and cost-sharing subsidies if they are not eligible for full-scope Medi-Cal.

Deferred Action for Childhood Arrivals (DACA): DACA-eligible individuals are not considered to be “lawfully present” under the Affordable Care Act and are not eligible for Covered California Health Plans. However, a DACA-eligible individual may still apply through Covered California as they may be eligible to receive low or no-cost health coverage through Medi-Cal.

Mixed-Immigration-Status Families

Families that have both citizens or lawfully present individuals and individuals not considered lawfully present may apply for health insurance through Covered California. Only those individuals in the family who are citizens, nationals, or lawfully present will qualify for a Covered California Health Plan. However the family members who are not lawfully present may still apply through Covered California as they may be eligible for coverage in Medi-Cal.

Getting financial help for a Covered California Health Insurance Plan

Individuals or families eligible to purchase a Covered California Health Plan may also be eligible to receive financial help to pay for it 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. To be considered for premium assistance or cost-sharing subsidies, either the individual applying for health insurance coverage or the individual who claims the person applying for health insurance coverage as a dependent must file a federal income tax return for the benefit year.

For mixed-immigration-status families (families that have both citizens or lawfully present individuals and individuals not considered lawfully present), there are specific rules for calculating the amount of financial tax credits the family will receive to help pay for a Covered California Health Plan. 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 proportionally adjusted (reduced) based on a formula created by the Affordable Care Act (for an example, see scenario 2).

An application filer must also provide the SSN or, if the tax filer does not have a SSN, the ITIN (Individual Tax Identification Number) of any tax filer who is not applying for health coverage if the tax filer's tax information will be used to verify the household's eligibility for help with paying for a Covered California Health Plan.

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 exception is 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.

Verifying Immigration Status

Only those individuals seeking to enroll in health insurance coverage through Covered California, either a Covered California Health Plan or Medi-Cal, will be asked for information to verify their citizenship or lawfully present status (such as a Social Security Number or Alien Number). People who apply for health insurance coverage on behalf of others and not for themselves (e.g., for their U.S. citizen child) do not need to provide their own citizenship or immigration status.

Information provided to verify immigration status, such as a Social Security Number or Alien Number, will be checked electronically through the Social Security Administration or through the Department of Homeland Security. If information cannot be verified or is incorrect, the applicant or enrollee will have 90 days to provide other documents to verify the enrolling person's citizenship or lawfully present status.

Protecting Privacy

Covered California uses the information provided on an individual's application to help determine the eligibility of the person who is seeking to enroll in health insurance coverage. Covered California keeps the provided information secure and private and does not share provided information with any immigration agency for the purpose of enforcement.

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 (800) 300-1506 (TTY: (888) 889-4500) for assistance.

Immigration Status and Covered California

For lawfully present immigrants who are seeking health insurance coverage through Covered California, there is no “waiting period” or “five year bar” eligibility for Covered California.

SCENARIO 1

An individual who is a lawful temporary resident with a work or student visa wants to receive health coverage through Covered California.

An individual who is considered a lawful temporary resident 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) may apply for coverage through Covered California. Such individuals who would like to apply for premium assistance or cost-sharing subsidies must attest to their household income for the year they want to be covered and must file a federal income tax return for that benefit year.

Lawful temporary residents 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.



CoveredCA.com

Covered California is the new online “marketplace” that will make it simple and affordable to purchase quality health insurance and get financial assistance to help pay for it. If your income is limited, you may be eligible for free coverage through Medi-Cal. **Questions? Call (800) 300-1506**

SCENARIO 2

A parent who is not lawfully present wants to apply for health insurance coverage through Covered California for his or her lawfully present children.

Eligibility to receive health insurance coverage through Covered California is determined on an individual basis. Therefore, a parent who is considered not lawfully present in the U.S. may apply to enroll his or her lawfully present child. The Social Security number or other immigration status verification documents of the person completing the application (the parent in this case) is not required to apply and enroll the lawfully present child in coverage. The parent will be required to provide verification documents showing the child's lawful presence status.

If the parent is seeking to receive help paying for the health insurance coverage for his or her lawfully present child, the parent must file federal income tax information for the health plan coverage year (e.g. 2014). Additionally, the not lawfully-present parent will not be counted in the household/family size and the household income will be proportionally reduced based on a formula specified by the Affordable Care Act to account for the excluded parent. For example, if this scenario was for a family of three with one family

member who is not lawfully present (i.e. the parent), the income-eligibility will be based on the established income threshold for a family of two, and the family's total reported household income will then be adjusted to exclude the not lawfully present household member.

SCENARIO 3

An individual has foreign health insurance coverage through a U.S.-based employer, but lives in California for an extended period of time.

Health coverage or a health insurance plan provided by a foreign insurance issuer to foreign nationals lawfully present in the United States for an extended period of time that is not offered within a state in the United States is not considered minimum essential coverage under an eligible employer-sponsored plan or under a plan in the individual market. Therefore, those foreign nationals lawfully present in the United States are subject to the Individual Mandate and the imposed tax penalty if they do not maintain minimum essential coverage in the state in which they reside.