

Understanding Immigration Quick Reference Guide for Agents and kynectors



This Understanding Immigration Quick Reference Guide is designed to assist you to understand general immigration information as it pertains to documentation and insurance plans available as well as show you some sample scenarios.

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1. General Immigration Information

A. The importance of eligibility determination

Citizenship or valid U.S. immigration statuses are eligibility factors required by law for enrollment through kynect. An individual's citizenship status is verified by electronic data matches, when possible. If the data cannot be confirmed by electronic verification, the applicant must submit appropriate verification documents.

B. Types of citizenship

- i. A naturalized citizen: an individual who was not born in the U.S. or acquired U.S. citizenship automatically through his or her relationship to a U.S. citizen
- ii. A derived citizen: an individual who derives U.S. citizenship through his or her relationship to a U.S. citizen by operation of law

C. Lawfully present immigrants and Health Insurance Plan (HIP) with or without Assistance

- i. In order to buy private health insurance via kynect, you must be a U.S. citizen or be lawfully present in the United States. The term "lawfully present" includes immigrants who have:
 - a. "Qualified non-citizen" immigration status without a waiting period (see Section E for the definition)
 - b. Humanitarian statuses or circumstances (including Temporary Protected Status, Special Juvenile Status, asylum applicants, Convention Against Torture, victims of trafficking)
 - c. Valid non-immigrant visas
 - d. Legal status conferred by other laws (temporary resident status, LIFE Act, Family Unity individuals)

D. Lawfully present immigrants and lower costs for insurance

- i. If you're a lawfully present immigrant, you can buy private health insurance via kynect. You may be eligible for lower costs on monthly premiums and lower out-of-pocket costs based on your income.

E. Immigrant access to Medicaid and KCHIP

- i. There are "qualified" and "not qualified" immigrants.
- ii. Immigrants who are "qualified non-citizens" are generally eligible for Medicaid and Kentucky Children's Health Insurance Program (KCHIP) coverage if they meet the income eligibility rules.
- iii. The term "qualified non-citizen" includes:
 1. Lawful Permanent Residents (LPR/Green Card Holder)
 2. Asylees
 3. Refugees
 4. Cuban/Haitian entrants
 5. Paroled into the U.S. for at least one year
 6. Conditional entrant granted before 1980
 7. Battered non-citizens, spouses, children, or parents
 8. Victims of trafficking and his or her spouse, child, sibling, or parent or individuals with a pending application for a victim of trafficking visa
 9. Granted withholding of deportation/removal
 10. Member of a federally recognized Indian tribe or American Indian born in Canada

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Please note: “qualified” immigrants who entered the U.S. on or after August 22, 1996 must wait at least five years in “qualified” status (with some exceptions) to become eligible for Medicaid or KCHIP. Kentucky has waived this 5-year ban for lawfully residing children (0 – 18 years old)

F. Immigration status and kynect

- i. In addition to the “qualified non-citizen” list for Medicaid above¹, “qualified non-citizen” for kynect includes:
1. Individual with Non-immigrant Status (includes worker visas, student visas, and citizens of Micronesia, the Marshall Islands, and Palau)
 2. Temporary Protected Status (TPS)
 3. Deferred Enforced Departure (DED)
 4. Deferred Action Status²
 5. Lawful Temporary Resident
 6. Administrative order staying removal issued by the Department of Homeland Security
 7. Resident of American Samoa
 8. Applicant for any of these status:
 - Adjustment to LPR Status
 - Temporary Protected Status with Employment Authorization
 - Special Immigrant Juvenile Status
 - Victim of Trafficking Visa
 - Asylum³
 - Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention Against Torture (CAT)³
 9. With Employment Authorization:
 - Registry Applicants
 - Order of Supervision
 - Applicant for Legalization under IRCA
 - Legalization under the LIFE Act

¹ Section 1.E.iii.1-10

² Exception: individuals granted deferred action under the Deferred Action for Childhood Arrivals (DACA) program are not eligible to enroll in coverage.

³ Only those who have been granted employment authorization or are under the age of 14 and had an application pending for at least 180 days are eligible.

G. Non-applicants

Households can identify individual members as non-applicants and they:

- Are not required to disclose their citizenship/immigration status;
- But are required to enter relevant individual information in order to determine household eligibility such as income and tax filing relationship statuses

2. Insurance Plans Available for Kentucky's Immigrant Population

The table below is an overview of health insurance programs available to immigrants in Kentucky.

| | Refugees, Asylees & Other Humanitarian Immigrants | Lawful Permanent Residents (Green Card Holders) | | Other Lawfully Present Individuals* (except DACA) | Undocumented Immigrants & DACAmented Immigrants |
|---------------------|---|---|---------------------------|---|---|
| | | Adults 19 & Over | Children under age 19 | | |
| Medicaid | √ | NO. Until after first 5 years | YES. During first 5 years | Only if under 19 | NO. (Except emergency services) |
| KCHIP | √ | N/A | YES. During first 5 years | Only if under 19 | NO |
| Full Price HIPs | √ | √ | √ | √ | NO |
| Premium Tax Credits | | √ | √ | √ | NO |
| Individuals Mandate | √ | √ | √ | √ | NO |

*Individuals include: Student visa holders, Temporary workers, etc.

To show how this table can be used while working with individuals, the next section provides 3 sample scenarios of different citizenship and immigration status. Review each scenario and the eligibility results to confirm your understanding of how Immigration statuses affect health insurance eligibility in kynect.

3. Sample Scenarios

A. Scenario 1: Rashid, Miriam, and Leila

- Rashid (27 years old) and Miriam (27 years old) are married and live in Kentucky.
- Miriam became a lawful permanent resident 2 years ago.
- Rashid became a citizen last year
- Leila was born in Kentucky last month; no social security number yet, but applied for one
- Everyone in the family is interested in getting health coverage.

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Eligibility Based only on Citizenship/Immigration Status:

| Individual | Eligibility Based only on Citizenship/Immigration Status | | | | | |
|------------|--|---------|---------------------------|---------------------------|--------------------------|-------------------------------------|
| | Applying for coverage | Citizen | Immigration status | Subject to the 5 year bar | Satisfied the 5 year bar | May be eligible for: |
| Rashid | Yes | Yes | N/A | N/A | N/A | Medicaid and HIP Enrollment |
| Miriam | Yes | No | Lawful Permanent Resident | Yes | No | HIP Enrollment |
| Leila | Yes | Yes | N/A | N/A | N/A | Medicaid, KCHIP, and HIP Enrollment |

B. Scenario 2: Ricky, Eva, and Karina

- Ricky (24 years old) and Eva (24 years old) are not married by live together with their daughter, Karina (1 year old).
- Ricky has a student visa and plans to complete his program of study at Kentucky State University in 2017; he currently has no income.
- Karina is a citizen
- Eva has Deferred Action for Childhood Arrivals (DACA), and she plans to file federal taxes and will claim Ricky and Karina as dependents.

Eligibility Based only on Citizenship/Immigration Status:

| Individual | Eligibility Based only on Citizenship/Immigration Status | | | | |
|------------|--|---------|-----------------------|------------------------------|-------------------------------------|
| | Applying for coverage | Citizen | Immigration status | Residency for HIP enrollment | May be eligible for: |
| Ricky | Yes | No | Visa holder (student) | Yes | HIP Enrollment |
| Eva | Yes | No | DACA | N/A | Not eligible |
| Karina | Yes | Yes | N/A | N/A | Medicaid, KCHIP, and HIP Enrollment |

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C. Scenario 3: Mei, Michael, and Lin

- Mei (33 years old) lives with her son, Michael (5 years old), and father Lin (72 years old) in Kentucky.
- She has been a lawful permanent resident (LPR) for 6 years.
- Michael is a citizen.
- Lin has been a LPR for 6 years; he has not worked the 40 quarters and is not enrolled in Medicare; He is Mei's tax dependent.

Eligibility Based only on Citizenship/Immigration Status:

| Individual | Eligibility Based only on Citizenship/Immigration Status | | | | | |
|------------|--|---------|--------------------|---------------------------|--------------------------|-------------------------------------|
| | Applying for coverage | Citizen | Immigration status | Subject to the 5 year bar | Satisfied the 5 year bar | May be eligible for: |
| Mei | Yes | No | LPR | Yes | Yes | Medicaid and HIP Enrollment |
| Lin | Yes | No | LPR | Yes | Yes | HIP Enrollment* |
| Michael | Yes | Yes | N/A | N/A | N/A | Medicaid, KCHIP, and HIP Enrollment |

* Even though Lin has satisfied the 5 year bar, he is over the age limit for expanded Medicaid.

4. Examples of Documentation

Please refer to the table below for documents that support kynect applications.

| Required Documentation for: | Documentation Type |
|-----------------------------|---|
| Immigration Status | <ol style="list-style-type: none"> 1) Permanent Resident Card, "Green Card" (I-551) 2) Reentry Permit (I-327) 3) Refugee Travel Document (I-571) 4) Employment Authorization Card (I-766) 5) Machine Readable Immigrant Visa (with temporary I-551 language) 6) Temporary I-551 Stamp (on passport or I-94/I-94A) 7) Arrival/Departure Record (I-94/I-94A) 8) Arrival/Departure Record in foreign passport (I-94) 9) Foreign Passport 10) Certificate of Eligibility for Nonimmigrant Student Status (I-20) 11) Certificate of Eligibility for Exchange Visitor Status (DS2019) 12) Notice of Action (I-797) 13) Document indicating membership in a federally recognized Indian tribe or American Indian born in Canada 14) Certification from U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) 15) Office of Refugee Resettlement (ORR) eligibility letter (if under 18) 16) Document indicating withholding of removal 17) Administrative order staying removal issued by the Department of Homeland Security 18) Alien number (also called alien registration number or USCIS number) or I-94 number |
| Citizenship | <ol style="list-style-type: none"> 1) Alien registration number (also called USCIS number) 2) Naturalization Certificate number |

Please note: If individuals need help finding serial numbers or information on the document, check on the back of the document. Some older documents may not list serial numbers. Please refer to **section 4** for more information on submitting your documentation.

5. If Required: Submitting Your Documentation

If verification with the Federal Hub or other data sources fails, individuals might be required to submit verification documents. When submitting the documentation, the individual may choose any of the following options:

- A. Online (Encouraged method)
 - By accessing kynect's Self-Service Portal at www.kynect.ky.gov or kyenroll.ky.gov (please refer to the **How to use the Agent/kynector Portal Job Aid** for more information)
- B. In Person
 - By visiting a local DCBS office, Agents, or kynectors (Agents and kynectors can also be contacted via phone)
- C. Mail/FAX paper applications
 - By mailing application to:
PO Box 2104
Frankfort, Kentucky 40602
 - By FAX: 1-502-573-2005
 - For Employers and employee's utilizing kynect for Employer-Sponsored Insurance, please mail to:
Kentucky Office of the Health Benefit and Information Exchange
PO Box 2102
Frankfort, KY 40602

Please note:

- When individuals send kynect a copy of the Green Card, KOHBIE needs the back of the card as well as the front.
- Future changes for the SSP: Green Card (I-551 or I-94) holders are required to enter the receipt number in the SSP. However, receipt numbers should not be required because they do not exist on this type of the immigration document. As a result, Agents/kynectors may get questions from individuals on this issue. In the meantime, inform individuals to enter all numbers into the system. This may cause dummy data. In the future, the SSP will not make the receipt number as a mandatory field.

6. Undocumented Individuals (Not eligible/Not qualified non-citizen)

- A. Undocumented individuals are defined as individuals who lost permission to remain in the U.S., or entered the U.S. without permission.
- B. They are ineligible to purchase qualified health plans in kynect.
- C. They are exempt from the individual mandate.
- D. Resources for health care for undocumented individuals:
 - Emergency Medicaid
 - Health care from Federally Qualified Health Centers (FQHCs) and other programs available regardless of status

| Other Quick Reference Guides | Topics Covered |
|--|--|
| Income | MAGI Countable Income Household Composition Tax Filing Status Tax Form Reference |
| Health Insurance | HIPs Metal Level Plans Out-of-Pocket Costs Payment Assistance Special Discounts Plan Comparison Tool in kynect Summary of Benefit and Coverage |
| Eligibility | Eligibility Information and What Individuals Might Need to Bring Eligibility Information for All Programs |
| Kentucky Online Gateway | How to set up a KOG account as an Individual, employer and kynector |
| Interview Guide | How to Fill out an Application in kynect Commonly Asked Questions |
| Special Enrollment | Special Enrollment Qualifying Events Special Enrollment Effective Dates Exceptional Special Enrollment |
| Glossary | Acronyms and Definitions of Terms |
| Helpful Resources | Contact Information Call Center Policy |
| Small Business Health Options Program | Employee and Employer Set Up Enrollment and Disenrollment Special Enrollment COBRA |
| 1095-A | Definition of the Tax Form 1095-A How to Work with the Tax Form 1095-A Reconciliation of Payment Assistance |