



Understanding Immigration and Eligibility

Quick Reference Guide for Agents and Assisters

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 in State sponsored health coverage. 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 HealthCare.gov

- i. In order to buy private health insurance via HealthCare.gov, an individual 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 an individual is a lawfully present immigrant, they may buy health insurance coverage via HealthCare.gov. They 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 in Kentucky 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

“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 Qualified Health Plans (QHP)

- i. In addition to the “qualified non-citizen” list above, “qualified non-citizen” 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 Status
 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
 - Asylum
 - Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention Against Torture (CAT)
 9. With Employment Authorization:
 - Registry Applicants
 - Order of Supervision

- Applicant for Legalization under IRCA
- Legalization under the LIFE Act

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

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 and Other Humanitarian Immigrants	Lawful Permanent Residents (Green Card Holders) Adults 19 & Over Children under Age 19	Other Lawfully Present Individuals (except DACA)	Undocumented Immigrants & DACA Immigrants
Medicaid	✓	NO. Until after first 5 years	YES. During first 5 years	Only if under 19 years old NO. (Except emergency services)
KCHIP	✓	N/A	YES. During first 5 years	Only if under 19 years old NO
QHP via HealthCare.gov	✓	✓	✓	✓ NO
APTC via HealthCare.gov		✓	✓	✓ NO
Individual Mandate	✓	✓	✓	✓ NO

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

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.

Eligibility Based only on Citizenship/Immigration Status:

Individual Eligibility Based only on Citizenship/Immigration Status						
Individual	Applying for coverage	Citizen	Immigration status	Subject to the 5 year	Satisfied the 5 year bar	May be eligible for:
Rashid	Yes	Yes	N/A	N/A	N/A	Medicaid or QHP Enrollment through HealthCare.gov
Miriam	Yes	No	Lawful Permanent Resident	Yes	No	QHP Enrollment through HealthCare.gov
Leila	Yes	Yes	N/A	N/A	N/A	Medicaid, KCHIP, or QHP Enrollment through HealthCare.gov

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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 QHP enrollment	May be eligible for:
Ricky	Yes	No	Visa holder (student)	Yes	QHP Enrollment through HealthCare.gov
Eva	Yes	No	DACA	N/A	Not eligible
Karina	Yes	Yes	N/A	N/A	Medicaid, KCHIP, or QHP Enrollment through HealthCare.gov

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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						
Individual	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 or QHP Enrollment through HealthCare.gov
Lin	Yes	No	LPR	Yes	Yes	QHP Enrollment*

* Even though Lin has satisfied the 5 year bar, he is over the age limit for expanded Medicaid but he is technically eligible for Medicaid as an aged individual.

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4. Examples of Documentation

Please refer to the table below for documents that support application information.

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 5** for more information on submitting your documentation.

5. Submitting 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)
 - benefind.ky.gov
- B. In Person
 - By visiting a local DCBS office
- C. Mail/FAX paper applications
 - By mailing application to:
PO Box 2104
Frankfort, Kentucky 40602
 - By FAX: 1-502-573-2005

Important note:

- When individuals provide a copy of a Green Card, a copy of both front and back is needed to capture all the required information.

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

- A. Undocumented individuals are individuals who lost permission to remain in the U.S., or entered the U.S. without permission.
- B. They are not eligible to purchase qualified health plans through HealthCare.gov and are not eligible for Medicaid in the state of Kentucky.
- 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