

Immigrant Eligibility for Marketplace and Medicaid and CHIP Coverage



August 2024

This information is intended only for the use of entities and individuals certified to serve as Navigators, certified application counselors, or non-Navigator assistance personnel in a Federally-facilitated Marketplace. The terms "Federally-facilitated Marketplace" and "FFM," as used in this document, include FFM where the state performs plan management functions. Some information in this manual may also be of interest to individuals helping consumers in State-based Marketplaces and State-based Marketplaces using the Federal Platform. This material was produced and disseminated at U.S. tax filer expense.

Agenda

- Eligibility for Marketplace and Medicaid and CHIP Coverage
- Citizenship/Immigration Data Matching Issues (DMIs)
- Assister Tips and Best Practices
- Complex Case Scenarios



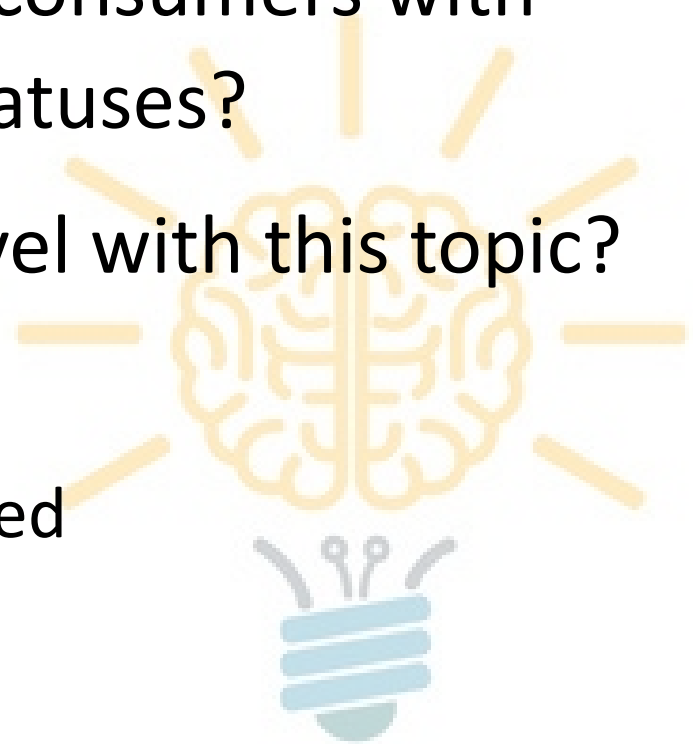
A Note About This Presentation



- This presentation addresses specific information relevant to Navigators, non-Navigator Assistance Personnel, and certified application counselors (CACs) in Federally-facilitated Marketplaces (FFMs) (collectively referred to as “assisters”).
- This presentation represents a summary of complex federal statutes relating to immigration status. As a summary, it does not include all relevant details. This publication is not a legal document and does not grant rights or impose obligations. It is not intended to take the place of either written law or regulations.

Brainstorming Questions

1. How often do you help consumers with multiple immigration statuses?
2. What's your comfort level with this topic?
 - A. Inexperienced
 - B. Somewhat experienced
 - C. Very experienced



Immigrant Eligibility for Marketplace vs. Medicaid (Slide 1 of 4)

- Immigration eligibility for Marketplace coverage through a qualified health plan (QHP) = Lawfully present.
- Immigration eligibility for Medicaid or the Children's Health Insurance Program (CHIP) = "Qualified noncitizens" (QNCs) who have met the five-year waiting period (if applicable).
 - Many QNCs have an immigration status that requires a five-year waiting period before they are eligible for Medicaid and CHIP coverage (also called the "five-year bar"). This five-year waiting period begins when consumers receive their qualifying immigration status, not when they first enter the U.S.
 - Generally, fewer immigration statuses meet the definition of QNC than of lawfully present. However, all immigration statuses that meet the definition of QNC also meet the definition of lawfully present.



Immigrant Eligibility for Marketplace vs. Medicaid (Slide 2 of 4)

- In addition, as of May 2023, 36 states, D.C., American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), and the U.S. Virgin Islands (USVI) have chosen to provide Medicaid coverage to lawfully residing pregnant individuals in Medicaid and CHIP and/or to children up to age 19 for CHIP or up to age 21 for Medicaid who would otherwise be eligible for coverage through these programs as described in section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA).
- This coverage includes both individuals who are lawfully residing but who are not QNCs, and individuals who are QNCs but who are still in their five-year waiting period.

Immigrant Eligibility for Marketplace vs. Medicaid (Slide 3 of 4)

- As of December 27, 2020, states and D.C. are required to provide Medicaid coverage for individuals who are considered Compact of Free Association (COFA) migrants, including those within their first five years of having legal status as a QNC if they are otherwise eligible. The Consolidated Appropriations Act, 2021 (CAA) extended Medicaid eligibility to COFA migrants by including them in the definition of QNCs and exempting them from the five-year bar. Territories may choose to cover COFA migrants at their option.
 - Further, CAA, 2024 amended [8 U.S.C. 1613\(b\)\(3\)](#) to expand the exception for COFA migrants, allowing immediate eligibility for CHIP effective March 9, 2024, if the individual meets all other eligibility requirements in the State plan.

Immigrant Eligibility for Marketplace vs. Medicaid (Slide 4 of 4)

- With one limited exception noted below, applying for or receiving Medicaid or CHIP benefits or getting savings for health insurance costs in the Marketplace generally doesn't make someone a "public charge" under current Department of Homeland Security (DHS) regulations. For current DHS resources about the public charge ground of inadmissibility, visit [USCIS Public Charge Resources](#).
- Exception: For Individuals who are institutionalized for long-term care in an institution at government expense (such as nursing facility residents or residents of mental health institutions) and are receiving Medicaid coverage for their institutional services, such coverage is considered as part of the public charge determination.



Marketplace-Eligible Lawfully Present Immigrant Status

Lawfully present immigrants may be eligible for coverage through the Marketplace if they meet other Marketplace eligibility requirements.

Partial List of Marketplace-Eligible Lawfully Present Immigrant Statuses

- Lawful Permanent Resident (LPR/Green Card holder), or applicant for adjustment to LPR status
- Asylee
- Refugee
- Granted an employment authorization document (also called an EAD, work permit, or I-766)
- Cuban/Haitian entrant
- Individual with non-immigrant status, including worker visas (e.g., H1, H-2A, H-2B), student visas, U-visa, T-visa, and other visas; and Free Association (COFA) migrants (citizens of the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau who are lawfully residing in the U.S.)
- Paroled into the U.S.
- Conditional entrant granted before 1980
- Certain battered spouses, children, and parents
- Victim of trafficking and their spouse, child, sibling, or parent or applicant for Victim of Trafficking visa
- Non-citizen granted withholding of deportation or withholding of removal under the immigration laws or under the Convention Against Torture (CAT)

Marketplace-Eligible Lawfully Present Immigrant Status (Cont.)

Partial List of Marketplace-Eligible Lawfully Present Immigrant Statuses (continued)

- Temporary Protected Status (TPS) or applicant for TPS with Employment Authorization
- Deferred Enforced Departure (DED)
- Deferred Action (including DACA)*
- Lawful temporary resident
- Applicant or recipient of Special Immigrant Juvenile classification
- Applicants for asylum, withholding of deportation or withholding of removal, or for protection under the Convention Against Torture (CAT) who are under the age of 14

The preceding chart represents a summary of complex federal statutes relating to immigration status. As a summary, it does not include all relevant detail. This publication is not a legal document and does not grant rights or impose obligations. It is not intended to take the place of either the written law or regulations.

*Under a final rule that appeared in the May 8, 2024 Federal Register, DACA recipients are considered to be lawfully present for purposes of enrollment in Exchange coverage or in a Basic Health Program (BHP) based on a grant of deferred action, just like other similarly situated noncitizens who are granted deferred action. This rule also made additional updates to the definition of “lawfully present” for purposes of Marketplace coverage. These changes are reflected in the chart above. These changes, for both DACA recipients and other impacted noncitizens, are effective November 1, 2024.

For additional information about eligible statuses, visit [HealthCare.gov: Immigration status to qualify for the Marketplace](https://www.healthcare.gov/immigration-status-to-qualify-for-the-marketplace/).

Marketplace Financial Assistance

Eligibility

- Lawfully present immigrants may be eligible for advance payments of the premium tax credit (APTC) and cost-sharing reductions (CSRs) to help lower their coverage costs based on their household size, income, and other eligibility criteria.
- A consumer's APTC is based on the estimated annual household income and the household size that the consumer reports on their Marketplace application. The consumer's premium tax credit (PTC) is determined after the end of the year based on the actual household income and household size for the year at tax filing.

Marketplace Financial Assistance Eligibility (Cont.)

- Most consumers must have an annual household income between 100 percent and 400 percent of the federal poverty level (FPL) to be eligible for financial assistance.* However, lawfully present immigrants who are not eligible for Medicaid because of immigration status may be eligible for financial assistance even if their household income is below 100 percent of the FPL.

*Note: The American Rescue Plan Act of 2021 (ARP) made the PTC available to eligible consumers with household income above 400 percent of the FPL and capped how much of a family's household income the family will pay towards the premiums for a benchmark plan before the PTC becomes available at 8.5 percent for Plan Years 2021 and 2022. The Inflation Reduction Act, signed into law on August 16, 2022, extended these enhanced Marketplace tax credits through PY 2025.

Mixed Immigration Status Households

- Some consumers live in mixed immigration status households, which are households made up of people holding different citizenship or immigration statuses.
- In this situation, each household member may be eligible for different health coverage options based on their citizenship or immigration status.
- The Marketplace collects citizenship and immigration information only for applicants and/or their household members who are applying for coverage to determine consumers' eligibility for health coverage options.



Applying for Coverage on Behalf of Family Members

- Consumers may apply for coverage through the Marketplace, Medicaid, and/or CHIP on behalf of their family members, even if they are not eligible for coverage themselves and regardless of their own eligibility statuses. For example, undocumented parents of U.S. citizens can apply for coverage as the application filer on behalf of their children.
- In this case, the application filer is attesting that the family member who is applying for coverage is a U.S. citizen or has an eligible immigration status.
- Federal and state Marketplaces and state Medicaid and CHIP agencies must not ask applicants to provide information about the citizenship or immigration status of any family or household members who aren't applying for coverage.



Knowledge Check #1

True or false:

Non-citizens can be eligible for APTC and CSRs through the Marketplace.



Knowledge Check #1 Answer

True .

Lawfully present immigrants may be eligible for APTC and CSRs to help lower their costs based on their household size, income, and other eligibility criteria. Lawfully present immigrants who are not eligible for Medicaid because of immigration status may be eligible for financial assistance even if their household income is below 100 percent of the FPL.



Medicaid and CHIP Eligibility

- Immigrants who are QNCs may be eligible for coverage through Medicaid and CHIP if they meet all other eligibility criteria in the state (including income and state residency requirements).
- As discussed, many QNCs have an immigration status that requires a five-year waiting period before they are eligible for Medicaid or CHIP. This five-year waiting period begins when consumers receive their qualifying immigration status, not when they first enter the U.S.
- Many immigrants, such as refugees, asylees, COFA migrants, veterans, and certain LPRs, don't have to wait five years to be eligible for Medicaid.



Medicaid and CHIP Eligibility (Cont.)

Medicaid- and CHIP-eligible QNC Immigrant Statuses (if five-year bar is met)	Medicaid- and CHIP-eligible QNC Immigrant Statuses (five-year bar does not apply)
<ul style="list-style-type: none">▪ LPR/Green Card holder▪ Paroled into the U.S. for at least one year▪ Conditional entrant granted before 1980▪ Battered non-citizens, spouses, children, or parents▪ Victims of trafficking	<ul style="list-style-type: none">▪ Refugees▪ Asylees▪ Cuban/Haitian entrant▪ Victims of trafficking and their spouse, child, sibling, or parents▪ Granted withholding of deportation▪ Amerasian immigrants▪ Iraqi and Afghani special immigrants and parolees (eligible until the later of March 1, 2023, or parole term end)▪ Certain LPR/Green Card holders.▪ Veterans or active-duty military and their spouses or unmarried dependents who also have “qualified non-citizen” status

This chart represents a summary of complex federal statutes relating to immigration status. As a summary, it does not include all relevant detail or identify all of the immigration statuses. This publication is not a legal document and does not grant rights or impose obligations. It is not intended to take the place of either the written law or regulations.

For additional information, visit [HealthCare.gov: Coverage for lawfully present immigrants](https://www.healthcare.gov/coverage-for-lawfully-present-immigrants/).

COFA Migrants are Eligible for Medicaid Coverage

- Effective December 27, 2020, COFA migrants may be eligible for Medicaid, if they meet all of the eligibility criteria in their state.
- COFA migrants are generally citizens of the Marshall Islands, Federated States of Micronesia, and the Republic of Palau who are lawfully residing in one of the U.S. states or D.C. Territories may choose to cover COFA migrants in their Medicaid programs or CHIP at their option.
- Under the CAA, COFA migrants are now considered QNCs for the purposes of Medicaid eligibility and are not subject to a five-year waiting period before qualifying for Medicaid coverage, if otherwise eligible.
- CAA, 2024 also amended [8 U.S.C. 1613\(b\)\(3\)](#) to expand the exception for pregnant women and children COFA migrants, allowing immediate eligibility for CHIP effective March 9, 2024, if the individual meets all other eligibility requirements in the State plan.



Other Medicaid and CHIP Options

- Lawfully residing children and pregnant individuals: As discussed, states have the option to cover lawfully residing children and/or pregnant individuals without the five-year waiting period in Medicaid or CHIP through the CHIPRA 214 state option. A child or pregnant individual is "lawfully residing" if they're "lawfully present" as described in [SHO 10-006](#) and [SHO 12-002](#).
 - As of 2023, 36 states, D.C., American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), and the U.S. Virgin Islands (USVI) have chosen to provide Medicaid coverage to lawfully residing pregnant individuals in Medicaid and CHIP and/or to children up to age 19 for CHIP or up to age 21 for Medicaid who would otherwise be eligible for coverage through these programs. A list of states that provide this option is available at [Medicaid and CHIP Coverage of Lawfully Residing Children & Pregnant Individuals](#).
- Emergency Medicaid: Medicaid provides payment for treatment of an emergency medical condition for other consumers who meet all Medicaid eligibility criteria in the state (such as income and state residency) but are not in a satisfactory immigration status or are within the 5-year waiting period.



Verifying Immigration Status

Consumers who attest to having an eligible immigration status should provide on their Marketplace application the immigration document type and document numbers they have available.

Acceptable Documents to Verify Immigration Status

- | | |
|---|---|
| <ul style="list-style-type: none">▪ Permanent Resident card (Green Card/I-551)▪ Reentry permit (I-327)▪ Refugee travel document (I-571)▪ Employment authorization document (I-766)▪ Machine-readable immigrant visa (with temporary I-551 language)▪ Temporary I-551 stamp (on passport or I-94/I-94A)▪ Arrival/departure record (I-94/I-94A)▪ Arrival/departure record in foreign passport (I-94)▪ Foreign passport▪ Certificate of Eligibility for Nonimmigrant Student Status (I-20)▪ Notice of Action (I-797) | <ul style="list-style-type: none">▪ Certificate of Eligibility for Exchange Visitor Status (DS-2019)▪ Document indicating membership in a federally recognized Indian Tribe or American Indian born in Canada▪ Certification from the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR)▪ Document indicating withholding of removal▪ ORR eligibility letter (if under 18)▪ Resident of American Samoa card▪ Alien number (also called alien registration number or USCIS number) or I-94 number |
|---|---|

This chart represents a summary of forms relating to immigration status. As a summary, it does not include all relevant detail. This publication is not a legal document and does not grant rights or impose obligations. It is not intended to take the place of either the written law or regulations.

- This list is also available at [HealthCare.gov: Immigration documentation types](https://www.healthcare.gov/immigration-documentation-types). This is not a comprehensive list. The documentation needed may differ based on the individual's immigration status.

Verifying Immigration Status (Cont.)

- The Marketplace verifies citizenship and immigration status based on information and documentation provided by the consumer through the Social Security Administration (SSA) and/or the Department of Homeland Security (DHS).
- Consumers who do not attest to being U.S. citizens or having an eligible immigration status are not eligible for health coverage through the Marketplace but may still complete a Marketplace application to learn if they may be eligible to receive treatment for an emergency medical condition under Medicaid, which includes labor and delivery, if they meet other eligibility criteria for Medicaid or CHIP in their state.



Applying for Coverage on Behalf of Family Members (Cont.)

- If application filers need help with the identity verification process, they can call the Marketplace Call Center at 1-800-318-2596 (TTY: 1-855-889-4325). Identity verification is also referred to as “identity (ID) proofing,” and it protects consumers’ personal information by ensuring that each applicant is who they claim to be and preventing fraudulent creation of a Marketplace account and applying for health coverage in another consumer’s name without their knowledge.
- ID proofing is an important part of the Marketplace application, and unresolved ID proofing issues can prevent consumers from completing an online application.



Citizenship/Immigration Data Matching Issues

- Data matching issues (DMIs), or “inconsistencies,” occur when information a consumer enters in their Marketplace application doesn’t match the data that the Marketplace has from trusted data sources, like SSA records or Department of Homeland Security (DHS) databases.
- The most common types of DMIs are related to income, citizenship, and immigration information.
- Consumers with citizenship/immigration DMIs have 95 days from the date of the eligibility notice to resolve the issue by providing documents to verify their citizenship or immigration status.
- If consumers don’t resolve their citizenship or immigration DMIs, they may lose eligibility for coverage and any financial help they were receiving through the Marketplace.



Citizenship/Immigration Data Matching Issues (Cont.)

- The Marketplace notifies consumers of immigration status DMIs and potential eligibility for APTC on both the consumer's "My Account" page and their Eligibility Determination Notice (EDN).

The screenshot shows a web interface for 'Eligibility & appeals'. On the left is a sidebar menu with links: 'My plans & programs', 'My plan profile', 'Eligibility & appeals' (highlighted), 'Applications details', 'Report a life change', 'Communication preferences', 'Exemptions', and 'Tax forms'. The main content area has a green status bar at the top: 'Your application was received and has been processed.' Below this is a blue header 'Eligibility results'. The text below states: 'Results based on your application (ID 4000010037) submitted on 12/18/2023. Follow these steps below to complete your enrollment. [Learn more about your eligibility results](#)'. Under 'Eligibility overview', it lists 'Daniel Harper' and 'Sofia Harper' with a green 'Eligible' status. A note says: 'To buy a Marketplace plan For a premium tax credit of up to \$534 each month for your tax household. Your eligibility is temporary: By March 17, you must submit documents to confirm some information. See your eligibility notice for details and deadlines.' Below this is a section 'Required action: View your eligibility notice' with a green button 'VIEW ELIGIBILITY NOTICE (PDF)'. The bottom text says: 'Your eligibility notice explains your options for coverage, costs, deadlines and next steps. If you're eligible for coverage through a Marketplace plan, you can enroll after you view your notice.'

	Daniel Harper	Sofia Harper
Applied for coverage.	●	●
Eligible to enroll in a 2024 Marketplace plan. Enroll by January 15, 2024 .	●	●
Eligible to use the premium tax credit to pay for a Marketplace plan. Can use up to \$534/month for this household.	●	●
Eligible for cost-sharing reductions: Will pay less for copayments, coinsurance, and deductibles when you're enrolled in a Silver plan.	●	●
The Marketplace needs documents that confirm information in your application. (Details below.)	●	●
Likely not eligible for Medicaid because you don't meet the criteria in your state.	●	●
ACTION: Next steps		
Enroll this month for Marketplace coverage to start next month. See Eligibility Guide , page 4.	●	●
By March 22, 2024 , submit documents to confirm immigration status. See Submitting Documents , attached.	●	●
Choose a Silver plan to get cost-sharing reductions. Choosing Silver instead of Bronze may save you thousands of dollars if you use a lot of services.	●	●
Learn more about how you could qualify for Medicaid. See Eligibility Guide , page 7.	●	●

Resolving a Citizenship/Immigration DMI

- Consumers should respond to the notice by uploading requested documents through their account on HealthCare.gov or by mailing copies of documents to the Marketplace to resolve their immigration status DMI. This allows the Marketplace to verify the applicant's citizenship or immigration status.
 - Assister tip: Uploading documents is the fastest way to submit documents to the Marketplace.
- For the list of acceptable documents for resolving each type of DMI, visit [HealthCare.gov: How do I resolve a data matching issue](https://www.healthcare.gov/healthcare/how-do-i-resolve-a-data-matching-issue/).
 - Assister tip: Remember, there are different documents to submit for immigration status, citizenship, income, and other DMIs.



Resolving a Citizenship/Immigration DMI (Cont.)

- The Marketplace verifies whether a consumer's immigration status meets Marketplace and/or Medicaid eligibility requirements using immigration documentation.
- The Marketplace notifies consumers of their final eligibility determination via mail or email based on the consumer's communication preferences.
 - Assister tip: Consumers should be sure that the communication preference they indicated in their HealthCare.gov account is the method of communication they check most often.



Tips for Preventing Citizenship/Immigration DMIs

- Complete the whole application. While some fields of the application are labeled as optional, we highly recommend that consumers fill out as many of the fields as possible.
- Encourage applicants to select an appropriate immigration document type and provide all document numbers and ID numbers, if applicable (e.g., Alien Number or “A#” (sometimes also called the USCIS number) or I-94 number.)
- If a consumer’s name used for the Marketplace application differs from how it appears on their immigration document or other documents (such as a Social Security card), advise the applicants to provide their name as written on those documents.

Does the name below match the name on the I-551?
Optional.

Anton Weiss

☐ Yes
☒ No

[Clear your selection](#)

Update Anton's information so that it matches their card.

First name

Antonio

Middle name
Optional

Last name

Weiss

Suffix
Optional

Select suffix ▼

Tips for Preventing Citizenship/Immigration DMIs (Cont.)

Social Security Number (SSN)

- Non-applicants are strongly encouraged to provide an SSN if they have one. Providing SSNs helps make sure eligibility is correct, helps the application process go smoother and faster, and makes it less likely a consumer will need to submit more information later.

Note: People who apply for health coverage need to provide an SSN, if they have one. Many noncitizens have SSNs.

- Double check that the information on the application is complete and that there are no errors or typos. Consumers should confirm that name, birth date, and SSN are correct and complete for all applicants.
- State Medicaid agencies are required to assist applicants who do not provide an SSN with assistance in obtaining their SSN and may not deny or delay services to an individual who meets all other eligibility requirements, pending issuance or verification of the individual's SSN.



Tips for Preventing Citizenship/Immigration DMIs: SSNs

Anton's information

What's Anton's Social Security Number (SSN)?

Enter Anton's 9-digit SSN. We verify the SSN with Social Security based on the consent you gave at the start of the application.

[Learn more about entering SSNs.](#)

☐ Anton doesn't have an SSN.

Does the name below match the name on Anton's Social Security card?

Anton Weiss

☐ Yes

☐ No

Save & continue

Application ID: 4389630048

Marketplace vs. Medicaid: Considerations

- An individual who is lawfully present but determined ineligible for Medicaid based on immigration status is eligible for a QHP through the Marketplace with APTC and CSRs, if otherwise eligible.
 - If the individual applies for coverage through the Marketplace during an Open Enrollment Period (OEP) or due to a Special Enrollment Period (SEP) qualifying event and they are determined **ineligible** for Medicaid by the state Medicaid agency **after** the OEP has ended or after more than 60 days after their SEP qualifying event, they are eligible for an SEP to select a plan for Marketplace coverage or change Marketplace plans, if needed.
 - Consumers can apply for an SEP through HealthCare.gov or the Marketplace Call Center (1-800-318-2596).



Marketplace vs. Medicaid: Considerations (Cont.)

- To qualify for this SEP, consumers must newly apply for Marketplace coverage or complete the “Report a Life Change” process for an existing application and attest to being denied Medicaid within the last 60 days. Once granted an SEP, eligible consumers should continue directly to “Plan Compare” to enroll in a plan or apply financial assistance to the cost of their current plan.
- Marketplace SEPs are available 60 days from the date on the consumer’s EDN. The EDN lists the due date to select a plan.
- If the applicant is lawfully present and is eligible for Medicaid based on immigration status and all other eligibility criteria , the applicant is eligible for:
 - Medicaid, or
 - A QHP through the Marketplace without APTC and CSRs



Medicaid and CHIP Application Considerations

- The Marketplace will send applications to the Medicaid/CHIP agency for consumers who appear eligible for Medicaid or CHIP coverage based on income or other factors, even if the Marketplace can't verify their immigration status. The state Medicaid or CHIP agency may ask the consumer for additional information.
- Consumers who appear to be eligible for Medicaid or CHIP but for whom the state Medicaid agency is unable to verify citizenship or eligible immigration status generally receive a 90-day “reasonable opportunity period” from the state Medicaid agency, during which time the state must provide benefits to these consumers.
- Answering application questions, including optional questions, after being denied Medicaid or CHIP eligibility will help HealthCare.gov properly determine eligibility for low-income immigrant applicants, including those with household income under 100 percent of the FPL who were denied Medicaid or CHIP due to immigration status.



Medicaid and CHIP Application Considerations (Cont.)

- During the reasonable opportunity period, the state agency must continue its efforts to verify the consumer's citizenship or eligible immigration status, including requesting additional documentation from the consumer, if necessary.

- If these consumers are later denied eligibility for Medicaid or CHIP based on immigration status, they can return to the Marketplace to receive APTC and CSRs (if otherwise eligible) by attesting that they were denied Medicaid or CHIP.

Denial due to immigration status

Was Anton found not eligible for Delaware Medicaid or Delaware Healthy Children Program (CHIP) based on their immigration status since 2019?

You can usually find this information on the notice from the Medicaid or CHIP agency or the Marketplace saying they weren't eligible for coverage.

☒ Yes

☐ No

Has Anton had their current immigration status since 2019?

☒ Yes

☐ No

Save & continue

Application ID: 4389630048

Other Coverage Options

- Consumers who aren't lawfully present may be eligible to receive:
 - Emergency medical assistance (Emergency Medicaid) for treatment of an emergency medical condition, including labor and delivery services.
 - Prenatal coverage, labor and delivery, and postpartum care (depending on the state) for pregnant individuals through the CHIP unborn child option in states that have elected this option. (For more information about eligibility, refer to [Medicaid and CHIP Coverage Overview](#).)
 - Private coverage offered outside the Marketplaces at full price.
 - Free or low-cost health care options, including community health centers (CHCs) and migrant health centers (MHCs). Both CHCs and MHCs offer comprehensive primary care regardless of ability to pay or immigration status. MHCs, however, only serve migrant and seasonal farm workers and their families.



Best Practices for Discussing Immigration Status

- Ensure that consumers know that documentation of citizenship and immigration status is only necessary for those applying for coverage, not for other members of the household.
- Provide information about eligible immigration statuses and acceptable immigration documents to help consumers decide who in their family may have an eligible immigration status to apply for health coverage.
- Provide current information about the Public Charge Rule and eligibility for health coverage , which can be found at [USCIS Public Charge Resources](#).



Best Practices for Discussing Immigration Status (Cont.)

- Avoid unnecessary questions, especially questions about the immigration status of consumers who aren't applying for health coverage and live in mixed immigration status households.
- Avoid words such as "undocumented," "unauthorized," or "illegal."
- Know that the ethnicity and race questions are optional. This information will help HHS better understand and improve health care for all Americans. Providing this information won't impact an applicant's eligibility for health coverage, health plan options, or costs in any way.



Helping Consumers with Limited English Proficiency

- Assistors should be prepared to help consumers with Limited English Proficiency (LEP) and provide:
 - Fact sheets and other materials that describe lawfully present immigration statuses. Ensure the materials are in a language consumers can understand.
 - Free interpretation services and translated documents to consumers who don't speak English or with LEP. For more information, refer to [Serving Special Populations: Consumers with Limited English Proficiency](#).
 - Information to consumers in plain language. Information assistors share with LEP consumers should always be timely and accessible.
- Assistors can also call the Marketplace at 1-800-318-2596 if consumers speak languages other than English and would like to get personal assistance in another language. Explain to consumers that the Marketplace provides assistance in other languages free of charge.
- Direct consumers to [Find Local Help](#) at HealthCare.gov to search for in-person assister organizations that offer help in languages other than English.

Navigator Duties

- As a Navigator, remember that even when consumers are of the same nationality, each person is unique. When you meet with a consumer, you shouldn't assume that they will be like other consumers you have assisted.
- As an HHS Navigator grant recipient, your organization receives federal financial assistance (FFA). Therefore, remember that you must comply with Section 1557 of the ACA and Title VI of the Civil Rights Act of 1964, which prohibit discrimination on the basis of race, color, or national origin. Failing to take reasonable steps to provide meaningful access to consumers with LEP might result in discrimination against consumers based on their national origin.



Complex Hypothetical Case Scenario #1: A Mixed Immigration Status Family's Options

Note: These are hypothetical examples. Actual applicant names have not been used in these scenarios.

- Eva and Adan Santos live in West Virginia. They are both 28 years old, are married, and have a two-year-old child, Serena, who was born in the U.S. Eva is five months pregnant.
- Adan became a citizen this year. Eva received her Green Card two years ago.
- Their annual household income is \$27,595, or 111% of the FPL, for a three-person household. Adan and Eva file taxes jointly and claim Serena as a dependent.
- Eva approaches an assister to help her entire family enroll in health coverage, but she is not sure if they are all eligible.



What will be the eligibility determinations for the Santos household? Will Adan, Eva, and Serena be able to enroll in the same type of coverage?

Complex Hypothetical Case Scenario #1:

Adan's Options

Answer: Adan, Eva, and Serena may not be able to enroll in the same type of coverage because of their different citizenship and immigration statuses. Their eligibility for enrollment may also depend on whether they live in a state that has expanded Medicaid coverage. The eligibility determinations for the Santos household would be as follows:

- **Adan:** Because Adan's home state of West Virginia has expanded Medicaid up to 138 percent of the FPL and Adan is a U.S. citizen, Adan qualifies for Medicaid coverage.
- Because Adan resides in a Medicaid expansion state and qualifies for Medicaid, he is ineligible for APTC or CSRs through the Marketplace.
- If Adan lived in a Medicaid non-expansion state and enrolled in coverage through the Marketplace, he would likely be eligible for APTC and CSRs through the Marketplace.



Complex Hypothetical Case Scenario

#1: Eva and Serena's Options



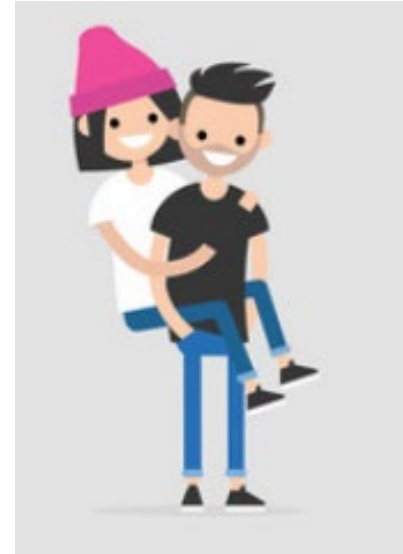
- **Eva:** Eva is considered lawfully present and a “qualified non-citizen” for purposes of Medicaid eligibility, but she has not yet met the five-year waiting period. However, because West Virginia has elected the CHIPRA 214 option and offers Medicaid/CHIP coverage for lawfully residing pregnant individuals, including those who are QNCs still in their five-year waiting period, she is eligible for Medicaid.
- **Serena:** Because Serena was born in the U.S., she is a citizen and is eligible for Medicaid coverage, if she otherwise meets the eligibility criteria in the state. Serena is eligible for Medicaid because her modified adjusted gross income (MAGI) is below West Virginia’s eligibility threshold of 141% FPL for her age range.



Complex Hypothetical Case Scenario #2: The Kim Family & the Marketplace Application

- Kiyung has been a Green Card holder for one year and lives in Virginia.
- Esther moved to the U.S. on a student visa three years ago.
- She met Kiyung and they got married three months ago.
- Their household income is 98 percent of the FPL.

Kiyung and Esther want to know their coverage options through the Marketplace.



Complex Hypothetical Case Scenario

#2 (Cont.)

- Kiyung has not met the five-year waiting period required of most Green Card holders to qualify for Medicaid, and Esther does not have a “qualified” immigration status; therefore, they will not be eligible for full Medicaid.
- They might be eligible to purchase a QHP through the Marketplace or they may be eligible for emergency Medicaid for services necessary to treat an emergency medical condition because they are both lawfully present in the U.S.



Complex Hypothetical Case Scenario #2:

Tax Relationships Application Questions

- So far, Kiyung and Esther have completed the “Contact information” section of the Marketplace application and indicated which family members are applying for coverage.
- Now they must answer questions about their tax relationship within the household. Kiyung and Esther plan on filing a joint tax return with no dependents for 2024 and complete the questions in this section.

Household tax returns

To be eligible for an advance premium tax credit and other savings, the household must file a 2024 federal tax return.

Kiyung's 2024 tax return

A 2024 tax return, which most people will file by April 2025, reports income earned in 2024.

[Learn more about filing tax returns.](#)

Will Kiyung file a 2024 joint federal income tax return with Esther?

☒ Yes

☐ No

Will Kiyung and Esther claim any dependents on their 2024 federal tax return?

[Learn more about dependents.](#)

☐ Yes

☒ No

Save & continue

Application ID: 4389630048

Complex Hypothetical Case Scenario #2:

Citizenship and Immigration Status Application Questions

Next, Kiyung and Esther will answer questions about their citizenship and immigration statuses.

- Since Kiyung and Esther are not U.S. citizens or U.S. nationals, they should select **No** to answer the first question.
- A second question will appear asking which individual is not a U.S. citizen or U.S. national. Kiyung and Esther should select the check box next to their names and then select **Save & continue**.

Citizenship & immigration status

Is every person applying for coverage a U.S. citizen or U.S. national?

[Learn more about being a U.S. citizen or U.S. national.](#)

☐ Yes

☒ No

Which of these people aren't U.S. citizens or U.S. nationals?

Select all that apply. People who aren't U.S. citizens or U.S. nationals can still apply for coverage.

☒ Ester

☒ Kiyung

Save & continue

Application ID: 4389630048

Complex Hypothetical Case Scenario #2:

Verifying Immigration Status

- Now Kiyung and Esther will answer additional questions about their immigration statuses. Kiyung has answered his questions. Here's how Esther will answer hers:
 - Esther indicates she has an eligible immigration status and has a student visa.
 - For example, Esther selects the drop-down arrow next to the “Nonimmigrant Student or Exchange Visitor Status” document type. She chooses **Certificate of Eligibility for Nonimmigrant (F-1) Student Status (I-20)** and fills out the rest of the information from that document.

Ester's immigration status

Does Ester have eligible immigration status?
[Learn more about eligible immigration status.](#)

☒ Yes, Ester has eligible immigration status.

☐ I would like to continue through the application without answering this question. I understand that if I don't answer it, **Ester won't be eligible for full Medicaid or Marketplace coverage** and will be considered for only coverage of emergency services, including labor and delivery services.

Select the document type that corresponds with Ester's most current documentation and status.

Optional

☐ Permanent Resident Card (Green Card) or Reentry Permit I-551, Temporary I-551 stamp, I-327

☐ Machine Readable Immigrant Visa with temporary I-551 language

☐ Employment Authorization Card I-766

☐ Arrival/Departure Record I-94, I-94A

☐ Refugee Travel Document I-571

☒ Nonimmigrant Student or Exchange Visitor Status I-20, DS2019

▾

☐ Notice of Action I-797

☐ Other document or status

☐ Unexpired foreign passport

☐ None of these

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Complex Hypothetical Case Scenario #2:

Verifying Immigration Status (Cont.)

- Kiyung and Esther have provided all of the information about their immigration documents that they have available. While these questions are optional, providing as much information as possible will help Kiyung and Esther avoid triggering an immigration DMI and needing to upload additional information later.
- Kiyung and Esther may be eligible to receive APTC or CSRs through the Marketplace, because they are both lawfully present in the U.S. and their household income is below 100 percent of the FPL. If a consumer is a lawfully present immigrant and is determined ineligible for Medicaid due to immigration status, they may be eligible for Marketplace coverage with financial assistance, even though their household income is below 100 percent of the FPL.



Additional Resources

- HealthCare.gov resources:
 - General instructions on enrolling in Marketplace coverage with APTC/CSRs: [Healthcare.gov/apply-and-enroll/get-ready-to-apply/](https://www.healthcare.gov/apply-and-enroll/get-ready-to-apply/)
 - Information on health coverage for immigrants: [Healthcare.gov/immigrants/lawfully-present-immigrants/](https://www.healthcare.gov/immigrants/lawfully-present-immigrants/)
 - Information on appeals: [HealthCare.gov/marketplace-appeals/what-you-can-appeal/](https://www.healthcare.gov/marketplace-appeals/what-you-can-appeal/)
 - Information on resolving a DMI: [HealthCare.gov/help/how-do-i-resolve-an-inconsistency/](https://www.healthcare.gov/help/how-do-i-resolve-an-inconsistency/)
- State Health Official (SHO) guidance related to Medicaid and CHIP Coverage of “Lawfully Residing” children and pregnant women: [Downloads.cms.gov/cmsgov/archived-downloads/smdl/downloads/sho10006.pdf](https://www.downloads.cms.gov/cmsgov/archived-downloads/smdl/downloads/sho10006.pdf)
- State Health Official (SHO) guidance related to Individuals with Deferred Action for Childhood Arrivals: [Medicaid.gov/sites/default/files/Federal-Policy-Guidance/downloads/SHO-12-002.pdf](https://www.Medicaid.gov/sites/default/files/Federal-Policy-Guidance/downloads/SHO-12-002.pdf)
- State Health Official (SHO) guidance related to planning for the resumption of normal state Medicaid, Children’s Health Insurance Program (CHIP), and Basic Health Program (BHP) operations upon conclusion of the COVID-19 Public Health Emergency: [Medicaid.gov/federal-policy-guidance/downloads/sho-21-002.pdf](https://www.Medicaid.gov/federal-policy-guidance/downloads/sho-21-002.pdf)

Additional Resources (Cont.)

- Health Coverage Options for Immigrants: [CMS.gov/marketplace/technical-assistance-resources/health-coverage-options-immigrants.pdf](https://www.cms.gov/marketplace/technical-assistance-resources/health-coverage-options-immigrants.pdf)
- Assister Guide to the Immigration Section of the Online Marketplace Application: [CMS.gov/marketplace/technical-assistance-resources/assister-guide-to-immigration-section.PDF](https://www.cms.gov/marketplace/technical-assistance-resources/assister-guide-to-immigration-section.PDF)
- DHS Memo on Existing Practices Related to Certain Healthcare Information: [ICE.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf](https://ice.dhs.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf)
- Public Charge and Safeguarding Beneficiary Information: [Medicaid.gov/federal-policy-guidance/downloads/cib072221.pdf](https://www.medicaid.gov/federal-policy-guidance/downloads/cib072221.pdf)
- Medicaid Policy Guidance: [Medicaid.gov/federal-policy-guidance/index.html](https://www.medicaid.gov/federal-policy-guidance/index.html)
- CHIPRA of 2009: [Govinfo.gov/content/pkg/PLAW-111publ3/pdf/PLAW-111publ3.pdf](https://www.govinfo.gov/content/pkg/PLAW-111publ3/pdf/PLAW-111publ3.pdf)
- CMS Guidance on Medicaid and CHIP Coverage of “Lawfully Residing” Children and Pregnant Women: [CMS.gov/cmsgov/archived-downloads/SMDL/downloads/sho10006.pdf](https://www.cms.gov/cmsgov/archived-downloads/SMDL/downloads/sho10006.pdf)
- CMS Guidance on Extension of Medicaid Eligibility for COFA Migrants: [Medicaid.gov/federal-policy-guidance/downloads/sho21005.pdf](https://www.medicaid.gov/federal-policy-guidance/downloads/sho21005.pdf).