

Status <sup>1</sup>	Subject to Individual Mandate <sup>2</sup>	Exchange Eligible	Premium Assistance/ Cost-Sharing Subsidy Eligible	Full-Scope Medi-Cal Eligible	Limited-Scope/ Emergency Medicaid Eligible
Naturalized Citizen, Qualified Immigrant, <sup>3</sup> or PRUCOL <sup>4</sup>	X	X	X	X	X
DACA				X	X
Undocumented					X
Legally Present Children of Undocumented Parents	X	X	X	X	X
Non-Immigrant	<sup>5</sup>	X	X	<sup>6</sup>	X

<sup>1</sup> In order to be eligible for Medi-Cal or the exchange, an individual must be a resident of California. To be a resident, a person must live in California and have the intent to remain or have entered the state with a job commitment or to seek employment.

<sup>2</sup> Exemptions to this mandate exist for financial hardship, religious objections, American Indians, those without coverage for less than three months, incarcerated individuals, those for whom the lowest cost plan option exceeds 8% of an individual's income, and those without taxable income.

<sup>3</sup> Qualified Immigrants include lawful permanent residents, refugees, asylees, persons granted withholding of deportation, Cuban/Haitian entrants, certain battered spouses/children, and victims of trafficking who have a T visa or whose application for a T visa presents a prima facie case. Qualified immigrants who have lived in the U.S. for less than five years and are newly eligible under Medi-Cal expansion will be placed in the exchange with premiums/cost-sharing covered by the state.

<sup>4</sup> PRUCOL means permanently residing under color of law. PRUCOL is a benefit eligibility category, not an immigration status. PRUCOL generally refers to individuals who are lawfully present and who can show that federal immigration authorities are aware of his/her presence and do not intend to deport him/her. Although DACA individuals are considered PRUCOL, they are excluded from participation in the exchange.

<sup>5</sup> Only if considered a "resident alien" under tax law.

<sup>6</sup> People with non-immigrant status may be eligible for full-scope Medi-Cal if they are considered PRUCOL.



## Resources

### California Immigrant Policy Center.

- (2013). *Health Program Eligibility Chart for California Immigrants*. Retrieved from <https://org2.salsalabs.com/o/5009/images/HPEligibilityChartforCAImmigrants.2013-1.pdf>.
- (2013). *Open Enrollment Period for Healthcare Reform ("Obamacare") & Covered California*. Retrieved from <https://org2.salsalabs.com/o/5009/images/FAQSheet.ACAEnrollmentforCoveredCA.pdf>.

**California Pan-Ethnic Health Network.** (2013). *Summary of Medi-Cal Coverage for Immigrants*. Retrieved from <http://www.cpehn.org/pdfs/CPEHNImmigrantCoverageMedi-Cal.pdf>.

**County Welfare Directors Association of California.** (2013). *Coverage for Immigrants under Health Care Reform*. Retrieved from <http://www.cwda.org/downloads/tools/healthcare/Coverage-for-Immigrants-Under-HCR-10-22-13-V2.pptx>.

**Healthcare.gov.** (2013). *Immigration status and the marketplace*. Retrieved from <https://www.healthcare.gov/immigration-status-and-the-marketplace/>.

**Hispanas Organized for Political Equality.** (2013). *California Health Care Resource Guide for Undocumented Immigrants*. Retrieved from <http://www.latinas.org/atf/cf/%7B556081AD-4C65-463C-B792-1965C38C6EA9%7D/HEALTHCARE%20RESOURCE%20GUIDE%20HOPE-FINAL%20OCTOBER%202028.PDF>.

### Internal Revenue Service.

- (2013). *Questions and Answers on the Individual Shared Responsibility Provision*. Retrieved from <http://www.irs.gov/uac/Questions-and-Answers-on-the-Individual-Shared-Responsibility-Provision>.
- (2013). *Topic 851- Resident and Nonresident Aliens*. Retrieved from <http://www.irs.gov/taxtopics/tc851.html>.

**Kaiser Family Foundation.** (2013). *Health Reform Frequently Asked Questions: Immigrants*. Retrieved from <http://kff.org/health-reform/faq/health-reform-frequently-asked-questions/#section-immigrants>.

**National Health Law Program.** (2008). *Medi-Cal Services for Immigrants, Including Non-Citizens and Undocumented Immigrants*. Retrieved from <http://www.healthconsumer.org/Medi-CalOverview2008Ch14.pdf>.

### National Immigration Law Center.

- (2013). *ACA: Fact Sheets and Advocacy Materials*. Retrieved from <http://www.nilc.org/ACAfacts.html>.
- (2013). *Frequently Asked Questions: The Affordable Care Act & Mixed-Status Families*. Retrieved from <http://www.nilc.org/document.html?id=987>.
- (2013). *Overview of Immigrant Eligibility for Federal Programs*. Retrieved from [http://www.nilc.org/table\\_ovrw\\_fedprogs.html](http://www.nilc.org/table_ovrw_fedprogs.html).
- (2012). *Medical Assistance Programs for Immigrants in Various States*. Retrieved from [www.nilc.org/document.html?id=159](http://www.nilc.org/document.html?id=159).

**U.S. Dept. of Health and Human Services, Assistant Secretary for Planning and Evaluation.** (2012). *The Affordable Care Act: Coverage Implications and Issues for Immigrant Families*. Retrieved from <http://aspe.hhs.gov/hsp/11/ImmigrantAccess/Coverage/ib.shtml#potential>.





# How the Affordable Care Act Impacts Immigrant and Migrant Populations in California

This document provides a **summary** of how the Affordable Care Act (ACA) applies to immigrant and migrant populations in California. Eligibility will vary by state. This is not intended as legal advice. Please consult an expert on your eligibility. Additional resources are listed for your information.

## The Affordable Care Act

Under the ACA, **each state must have a regulated health insurance marketplace** (called a “health benefit exchange”) where state residents<sup>1</sup> can compare healthcare plans, determine their eligibility for subsidies, and purchase private coverage or enroll in Medicaid. In California, the health benefit exchange is **Covered California** (www.CoveredCA.com). Under the ACA, people with incomes between 100% and 400% of the federal poverty level (FPL)<sup>2</sup> are eligible to receive assistance to pay monthly premiums for health coverage purchased through the exchange. They may also be eligible for cost-sharing assistance to limit annual out-of-pocket costs for health services. People with incomes between 100% and 250% FPL may be eligible for additional cost-sharing subsidies, which reduce out-of-pocket expenses at the time of service (such as co-pays). People of any income or immigration status can purchase coverage outside of the exchange directly with private insurance providers or through an employer. However, neither premium assistance nor cost-sharing subsidies are available outside of the exchange.

The ACA also **authorizes states to expand Medicaid**, a health insurance program for low-income people funded jointly by state and federal governments, to cover all adults with incomes at or below 138% FPL.<sup>3</sup> California, along with 24 other states and the District of Columbia, has elected to expand its Medicaid program. **In California, Medicaid is called Medi-Cal.** California residents may be eligible for “full-scope” or “limited-scope” Medi-Cal benefits, referring to whether individuals have access to the “full scope” of medical services. A person who is eligible for Medi-Cal is not eligible for premium assistance or cost-sharing subsidies through the exchange. Individuals who are lawfully present but whose immigration status makes them ineligible for Medi-Cal are eligible for premium assistance and cost-sharing subsidies through the exchange. (Such individuals with income below 100% FPL would receive the same level of assistance as if they had an income of 100% FPL.)

The ACA also **requires U.S. citizens and legal residents to have health coverage** or pay a tax penalty. This is known as the **individual mandate**. Exemptions to this mandate exist for financial hardship, religious objections, American Indians, those without coverage for fewer than three months, undocumented immigrants (more below), incarcerated individuals, those for whom the lowest cost plan option exceeds 8% of income, and those with income below the tax filing threshold.

## Eligibility of Naturalized Citizens, Qualified Immigrants, and PRUCOL Individuals

In California, naturalized citizens, qualified immigrants,<sup>4</sup> and most people permanently residing under color of law (PRUCOL)<sup>5</sup> are eligible for full-scope Medi-Cal benefits regardless of how long they have been in the country, as long as they meet income and state residency requirements. (Eligibility will vary by state because the federal government’s eligibility standards are stricter.) These immigrants may purchase coverage through the exchange, are eligible for premium assistance and cost-sharing subsidies based on income, and are subject to the individual mandate to purchase health coverage. (Although DACA individuals are considered PRUCOL, they are specifically excluded from participation in the exchange and the individual mandate. See below.)

Qualified immigrants who have lived in the U.S. for less than five years and who are newly eligible under the Medi-Cal expansion will be transitioned from Medi-Cal into the exchange where they will have an affordability wraparound, which will ensure that premiums, out-of-pocket costs, and covered services will be the same as if they were enrolled in Medi-Cal. Non-qualified immigrants who are PRUCOL will continue to receive coverage through Medi-Cal.

## Eligibility of DACA Individuals

In California, individuals granted **Deferred Action for Childhood Arrivals (DACA)** status are considered PRUCOL and are eligible for full-scope Medi-Cal as long as they meet the

income and state residency requirements. (Eligibility will vary by state because the federal government’s eligibility standards are stricter.) DACA individuals will receive coverage through Medi-Cal, unlike newly eligible qualified immigrants who have lived in the U.S. for less than five years, who will receive coverage through the exchange. Unlike most other PRUCOL individuals, DACA individuals in California are explicitly barred from purchasing coverage through the exchange. They are not subject to the individual mandate.

## Eligibility of Undocumented Individuals

**Undocumented immigrants are not eligible to receive full-scope Medi-Cal or purchase coverage through the exchange** (even at full price). They are not subject to the individual mandate.

In California, **undocumented immigrants who satisfy the income and state residency requirements are eligible for limited-scope Medi-Cal benefits**, including emergency room services, long-term care, kidney dialysis, and prenatal care. They may also seek non-emergency care at community health centers or safety-net hospitals. Other health services are available regardless of immigration status, such as Access for Infants and Mothers (prenatal care), the Child Health Disability Prevention Program (periodic health assessments for low-income minors), and Charity Care (free or low-cost hospital care for low-income individuals). In nine California counties, county safety-net programs provide services regardless of immigration status.<sup>6</sup>

## Eligibility of Children of Undocumented Parents

Citizen or legally present children of undocumented parents are **eligible for full-scope Medi-Cal. They are also eligible to purchase coverage through the exchange**, including premium and cost-sharing assistance. These children are also subject to the individual mandate.

**Undocumented parents can apply for coverage on behalf of their children.** A parent is not required to provide information about his/her own citizenship or immigration status in this case, but will need to provide this for his/her child. According to federal regulations, information obtained about immigration status of the applicant and his/her family for coverage will not be used for immigration enforcement purposes.<sup>7</sup>

## Eligibility of People with Non-Immigrant Status

People with non-immigrant status include those who are in the U.S. temporarily for work, study, or leisure. This category includes some seasonal and transborder workers; some individuals who are on a pathway to lawful permanent residence, such as individuals granted K, T, U or V non-immigrant status; and those who are authorized to remain in the U.S. permanently,

such as those who entered the U.S. under a Compact of Free Association (COFA migrants).<sup>8</sup>

Individuals with non-immigrant status are eligible for full-scope Medi-Cal if they qualify as PRUCOL. Many people with non-immigrant status will not qualify because they are not *permanently* residing under color of law. In California, COFA migrants and those with K, T, U, or V non-immigrant status are more likely than other non-immigrant status types to be considered PRUCOL. (Eligibility will vary by state because the federal government’s eligibility standards are stricter.) Non-immigrants who are not considered PRUCOL may obtain limited-scope Medi-Cal benefits if they can satisfy state residency and income requirements.

People with non-immigrant status may both purchase coverage through the exchange and be eligible for premium assistance and cost-sharing subsidies if they can prove California residency and that they will be lawfully present in the U.S. for the duration of the coverage period. Whether people with non-immigrant status are subject to the individual mandate depends in part on their tax status. If they are considered a “resident alien” under tax law, they may be subject to the individual mandate. If they are a “non-resident alien,” the mandate does not apply. Whether a non-citizen who is not a lawful permanent resident is a resident alien for tax purposes is determined by the amount of time that they live in the U.S. in a calendar year.<sup>9</sup>



## ACLU of California

*The ACLU of California works to ensure that immigrants receive protections guaranteed under the Constitution, including the right to be treated fairly in court and to be free from discrimination based on race or national origin.*

## California Immigrant Policy Center

*The California Immigrant Policy Center advances inclusive policies that build a prosperous future for all Californians using policy analysis, advocacy and capacity building to unlock the power of immigrants in California.*

<sup>1</sup> To be a resident of California, a person must live in California and have the intent to remain or have entered the state with a job commitment or to seek employment.

<sup>2</sup> For FY 2014 in the contiguous U.S. (excluding the District of Columbia), for an individual and a family of four, 100% FPL is \$11,490 and \$23,550 respectively, 138% FPL is \$15,856.20 and \$32,499 respectively, and 400% FPL is \$45,960 and \$94,200 respectively.

<sup>3</sup> Before this expansion, Medicaid was only available for low-income people who fell into specific categories, such as those who were elderly, disabled, children, parents, or pregnant mothers. The expansion makes Medicaid available to adults without dependent children so long as their income is at or below 138% FPL.

<sup>4</sup> Qualified Immigrants include lawful permanent residents, refugees, asylees, persons granted withholding of deportation, Cuban/Haitian entrants, certain battered spouses/children, and victims of trafficking who have a T visa or whose application for a T visa presents a *prima facie* case.

<sup>5</sup> PRUCOL is a benefit eligibility category, not an immigration status. PRUCOL generally refers to individuals who are lawfully present or who can show that federal immigration authorities are aware of his/her presence and do not intend to deport him/her.

<sup>6</sup> The nine counties are Alameda, Fresno, Kern, Los Angeles, Riverside, San Francisco, San Mateo, Santa Clara and Santa Cruz. However, Fresno County is considering discontinuing services for undocumented immigrants.

<sup>7</sup> U.S. Immigration and Customs Enforcement. (2013). Clarification of Existing Practices Related to Certain Healthcare Information. Retrieved from www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf.

<sup>8</sup> COFA migrants are citizens of the Republic of Palau, Republic of the Marshall Islands, or the Federated States of Micronesia who are allowed to reside and work in the U.S. indefinitely.

<sup>9</sup> Students who are temporarily present in the U.S. with an F, J, M, or Q visa are exempted from consideration as resident aliens for the first five years they are present.