

# Immigration-Related Eligibility for Health Coverage Programs



**New**  
**Changes to**  
**Eligibility**  
**Based on**  
**Immigration**  
**status**

# HHS Lawfully Present Changes

## **New statuses listed in the Lawfully Present eligibility standards:**

- People granted Deferred Action for Childhood Arrivals (DACA)
- People granted Special Immigrant Juvenile Status (SIJS)

## **Simplification in eligibility parameters for statuses already listed in the Lawfully Present/Residing eligibility standards:**

- Children under 14 applying for asylum, withholding of removal, or relief under the Convention Against Torture (CAT): eliminates the 180 day waiting period
- Nonimmigrant Visa Holders: eliminating the “not in violation of status language”
- People with employment authorization documents (EADs): eliminates specifications, and clarifies that all people with EADs meet the standard
- People applying for adjustment to LPR status: eliminates requirement for ‘approved visa petition’

The ACA Marketplace Uses the Lawfully Present/Residing Standard for Enrollment Eligibility



<b>Lawfully Present Statuses that Also Meet the More Restrictive Federal Medicaid Standard</b>	<b>Other Lawfully Present Statuses</b>
<p>“Qualified” Immigrants:</p> <ul style="list-style-type: none"> <li>• Lawful Permanent Resident (LPR/green card holder)</li> <li>• Refugee</li> <li>• Asylee</li> <li>• Cuban/Haitian Entrant</li> <li>• Paroled into the U.S. for at least one year</li> <li>• Conditional Entrant</li> <li>• Granted Withholding of Deportation or Withholding of Removal</li> <li>• Battered Spouse, Child and Parent</li> <li>• Trafficking Survivor and his/her Spouse, Child, Sibling or Parent</li> <li>• Compact of Free Association (COFA)</li> </ul> <p>Others:</p> <ul style="list-style-type: none"> <li>• Member of a federally-recognized Indian tribe or American Indian born in Canada</li> <li>• Iraq/Afghan Special Immigrant Visas</li> </ul>	<ul style="list-style-type: none"> <li>• Granted relief under the Convention Against Torture (CAT)</li> <li>• Temporary Protected Status (TPS)</li> <li>• Deferred Enforced Departure (DED)</li> <li>• Deferred Action (including DACA)</li> <li>• Paroled into the US for less than one year</li> <li>• Individual with Nonimmigrant Status (includes worker visas; student visas; U visas; and many others)</li> <li>• Administrative order staying removal issued by the Department of Homeland Security</li> <li>• Lawful Temporary Resident</li> <li>• Family Unity</li> <li>• Special Immigrant Juvenile Status</li> <li>• Others granted employment authorization</li> </ul>

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**APPLICANT for Any of These Statuses:**

- Lawful Permanent Resident
- Special Immigrant Juvenile Status
- Victim of Trafficking Visa (T visa)
- Withholding of deportation or withholding of removal, under the immigration laws or under the Convention Against Torture (CAT)\*

**Must Also Have Employment Authorization:**

- Applicant for Temporary Protected Status
- Registry Applicants
- Order of Supervision
- Applicant for Cancellation of Removal or Suspension of Deportation
- Applicant for Legalization under IRCA
- Applicant for LPR under the LIFE Act
- Applicants for asylum\*

*\*Only those who are under age 14 or people who have been granted employment authorization*

# Special PTC Rule will be Important for Newly Eligible

The PTC income floor of 100% FPL does **not** apply to people who have a lawfully residing/present status but are not eligible for Medicaid due to their immigration status

This includes people who have a lawfully residing/present status who:

- Do not have a “qualified” immigration status
- Have a “qualified” immigration status who are subject to and have not met the 5-year bar

Bottom line: **Many people who have a lawfully residing/present status and incomes in the Medicaid range or below 100% FPL are eligible for PTC and CSR**