

Documented Immigrants

Individual Mandate

- Documented immigrants and green card holders will be subject to the individual mandate (requiring them to have qualifying health coverage) and the related penalty if not insured, beginning in 2014.

Exchanges / Subsidies

- Documented immigrants can purchase insurance on the Exchanges when they open in 2014.
- Documented immigrants with income between 133-400% of the federal poverty level will immediately be eligible for federal subsidies and premium credits to purchase insurance on the Exchanges.

Medicaid

- Documented immigrants cannot apply for or enroll in Medicaid until they have lived in the U.S. for five years (with certain exceptions – refugees and asylees, for example, do not have to wait five years).*

Pre-Existing Condition Plans

- Documented immigrants who have been uninsured for at least six months and who have a preexisting condition will be eligible to enroll in the new temporary high-risk pools and receive subsidized premiums, effective July 1, 2010 and until the establishment of the Exchanges on January 1, 2014 (visit healthcare.gov for more information on how to enroll).

Children

- States can individually decide if they want to extend Children's Health Insurance Program (CHIP) coverage to children and pregnant women who are documented immigrants regardless of their date of entry. Some states require children and pregnant women to wait the full five years for Medicaid/CHIP eligibility.
- All related benefits also apply to the children of documented immigrants.

Undocumented Immigrants

Individual Mandate

- Undocumented immigrants are exempt from the individual mandate.

Exchanges / Subsidies

- Undocumented immigrants cannot purchase insurance on the Exchanges (even if they pay with their own funds) as verification of lawful presence will be required for purchasing health insurance. Undocumented immigrants are not eligible for premium credits or subsidies for purchasing insurance.

Medicaid

- Undocumented immigrants are not eligible for Medicaid or CHIP.

Emergency Care

- Undocumented immigrants may continue to seek emergency treatment at safety-net hospitals and non-emergency health services at community health centers.

Implications of Immigration Reform

- If immigration reform passes and an estimated 12 million undocumented immigrants transition into some type of interim legal status, their wait period for Medicaid and federal subsidies to purchase insurance could well exceed five years. Depending on how the law is written, the five-year clock may not begin until they move to full legal status, which could be several years after they apply.*
- It is unclear what effect immigration reform could have on the ability of undocumented persons to purchase insurance on the Exchanges. If undocumented immigrants are able to transition to a temporary legal status, this may fulfill the requirements to prove "lawful" residency.

For more information on health care reform, visit washington.mcc.org

* Though documented residents making over 133% FPL (federal poverty level) can receive subsidies to help with the purchase of insurance, those making less than 133% of FPL will receive no assistance until they have been in the country for five years. These wait periods put undue hardship on immigrants and their families. The MCC Washington office is working with other organizations to urge Congress to pass legislation that would eliminate—or at least reduce—these wait periods.