

Immigrant Eligibility for Medicaid and Health Coverage under the ACA

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Background:

- In 1996, Congress significantly limited eligibility for Medicaid for legally present immigrants and created a category called “qualified” immigrants. Some “qualified” immigrants must be in status for 5 years before they are eligible for Medicaid.
- In 2009, Congress allowed states the option of providing Medicaid to pregnant women and children who are “lawfully present” in the U.S. Rhode Island implemented this option in 2010.
- In 2010 Congress passed The Affordable Care Act. Beginning in January 2014, people with income less than 138% of the federal poverty level will be eligible for Medicaid. People with income above 138% FPL and less than 400% FPL will be eligible for subsidized health insurance coverage through newly-established Exchanges. The Act also allows states to establish a “Pre-Existing Conditions Insurance Program” (PCIP) which Rhode Island has implemented. Under the ACA, “lawfully present” immigrants are eligible for the PCIP and will be eligible for subsidized coverage through the Exchange. Eligibility for Medicaid for immigrants will not change. The definition of “lawfully present” is much broader than the definition of “qualified” immigrant for Medicaid and there are no waiting periods.
- To be eligible for Medicaid, PCIP or the Exchange Subsidy, the person must be a resident of Rhode Island, which means they must intend to live in Rhode Island indefinitely. Some “lawfully present” immigrants (such as tourists or students) may not be residents.

The following chart provides a comparison of immigrant eligibility for Medicaid, PCIP and the Exchange Subsidies. Note that not all categories of immigrants are listed here. For a full list, visit the National Immigration Law Center:

<http://www.nilc.org/immspbs/cdev/ICHIA/lawfully-present-imm-categories-2010-10.pdf>

Category	Medicaid		PCIP	Exchange Subsidy
	Children and Pregnant Women	Adults		
Lawful Permanent Resident, Paroled into US for at least 1 year	Y	After 5 yrs in status or entered US before 8/22/96 or vet/active duty	Y – no 5 year bar	Y – no 5 year bar
Refugee, Asylee, Cuban/Haitian Entrant, Granted Withhold of Deportation	Y	Y	Y	Y
Temporary Protected Status, Deferred Enforced Departure	Y	N	Y	Y
Domestic Violence Survivors (VAWA); Victims of Trafficking	Y	Y, but only after 5 yrs for VAWA	Y	Y
Non immigrant visa holder	Y	N	Y	Y
Undocumented	Pregnant Woman	N	N	N