



Extra Inning

Know the Immigration Rules of the Game – Part II

Dial In Number:
Conference ID:

Today's Webinar

- Dial in to listen to the audio portion of the webinar using the audio instructions on your Webex control panel.
- All participants will remain muted for the duration of the program.
- Questions can be submitted using the Q&A function on your Webex control panel; we will pause periodically to take questions.
- A recording of the webinar and any related materials will be available online and emailed to all registrants.

Agenda

- Immigration Status and Program Eligibility
- Identity Proofing
- Residency
- Questions Specific to Medicaid
- Questions Specific to Documentation
- Other Miscellaneous Questions

Presenters

- Welcome

Donna Frescatore

Executive Director, NY State of Health

- Today's Presenter

Gabrielle Armenia

*Bureau Director of Child Health Plus Policy & Exchange
Consumer Assistance*

Inning #3: Know the Immigration Rules of the Game, Part 1: Evaluation Survey Results

Here's what you said:

- 90% said it “increased my knowledge of the topics.”
- Nearly 87% said “there was sufficient information shared that will enable me to successfully enroll immigrants and their families into coverage.”
- *“Immigration categories are so diverse and complex more time is needed to enhance everyone’s working knowledge of the subject.”*
- *“More questions should be answered.”*
- *“Need more time for Q&A session.”*
- *“Posting the webinar {on the website} is a huge help.”*

Watch your email for an evaluation survey of today’s webinar

Immigration Status and Program Eligibility

How does immigration status impact NYSOH program eligibility?

Immigration status is made up of many different categories. The Marketplace needs to know immigration status to determine your level of eligibility and the help consumers can receive.

- Reminder
 - Immigration is one piece of the equation, you must be otherwise eligible meeting each program's eligibility requirements.

Program Eligibility Chart

	Medicaid	Child Health Plus	Qualified Health Plan w/ Federal Subsidies	Medicaid Emergency Services Only
US Citizen	X	X	X	
Naturalized Citizen	X	X	X	
Immigrant Non-Citizen	X	X	X	
Non-Immigrant Visa Holder	X	X	X	
Other		X		X

Immigration Status

- Includes five different immigration categories to determine an applicant's immigration status.
- Answering these questions has a direct impact on applicants program eligibility.

1. US Citizen

- By Birth
- By Acquisition
- By Derivation
- Other relevant examples:
 - Citizens of Puerto Rico
 - Citizens of Guam
 - Citizens of the US Virgin Islands

Check the box for “US Citizen”

2. Naturalized Citizen

- Naturalization is commonly known as the way in which a person not born in the United States voluntarily becomes a US Citizen.
 - Relevant Documentation:
 - Certificate of Naturalization
 - Certificate of US Citizenship

Check the box for “Naturalized Citizen”

3. Immigrant Non-Citizen

- Usually live & work in the US with permission of the United States Citizenship and Immigration Services (USCIS).
 - Examples:
 - Lawful Permanent Residents (Green Card Holders)
 - Refugees
 - Asylees
 - Orders of Supervision
 - Some categories of PRUCOL

Check the box for “Immigrant Non-Citizen”

4. Non-Immigrant Visa Holder

- **People with short term visas:**
 - Examples:
 - B Visa - visitor for business or pleasure
 - F and M Visa - students
 - H Visa – workers
 - J Visa – cultural exchange
 - O and P Visas: people with special abilities –
 - artists, scientists, athletes, etc...
 - K Visa: (fiancé, spouse, child of USC)
 - R Visa: Religious Worker
 - T Visa: Trafficking Victim
 - U Visa: Victim of Crime
 - V Visa: spouse of LPR

Check the box for “Non-Immigrant Visa holder”

5. Other

- Non –US Citizen who does not have valid immigration status or visa.
 - Examples:
 - Person admitted on temporary visa which has expired.
 - Immigrant who entered the US without USCIS approval.

Check the box for “Other”

Benefit Related Immigration Classifications

- Lawfully Present
 - All Qualified Aliens
 - Non-immigrant Visa Holders
 - Many of the PRUCOL Classifications
- PRUCOL Only
- Out of Status

REVISED

What is lawfully present?

"Lawfully present" are immigrants or noncitizens who have been inspected and admitted into the United States and not overstayed the period for which they were admitted, or have current permission from the U.S. Citizenship and Immigrant Services (CIS) to stay or live in the U.S.

- Includes all qualified aliens, many of the immigration statuses associated with PRUCOL classification and non-immigrants in a valid status.

REVISED

Lawfully Present

- Noncitizens in a “qualified alien status
- Nonimmigrants
- Deferred Action (not DACA)
- Deferred Enforced
- Departure (Liberians)
- TPS status
- Parole of less than 1 year
- Stay of removal
- Applicant for SIJ
- Approved immigrant visa and pending adjustment of status application
- Order of Supervision with EAD
- Applicants for the following who have EAD:
 - For withholding of removal or cancellation
 - For Asylum
 - For TPS
 - For registry

REVISED

What is PRUCOL Only?

- Registry aliens;
- Immediate relatives with an approved I-130;
- Deferred Action (DA) under DACA;
- Requests for DA (non-DACA) pending for 6 months or more and not denied.

REVISED

The applicant I'm working with is Lawfully Present, what are her possible health insurance options through NYSOH?

- QHP with or without APTC or APTC/CSR;
- Medicaid; and
- Child Health Plus

Some lawfully present applicants may be eligible for emergency Medicaid. Applicants should apply to see which program they might be eligible.

REVISED

The applicant I'm working with is PRUCOL Only. What are his possible insurance options through NYSOH?

- Medicaid; and
- Child Health Plus

Note: Applicants who are PRUCOL Only are not eligible to purchase a QHP through the Marketplace. This is because they are not considered “lawfully present” under the ACA.

Who is eligible for emergency Medicaid?

- Non-immigrant visa holders (like some tourists), unless they are eligible for regular Medicaid.
- Applicants who are out of status.

Who Else Should Apply through NYSOH?

- Pregnant women;
- Children under the age of 19;
- Most importantly, we encourage all New Yorkers to apply for health insurance coverage through NY State of Health.

Identity Proofing

How does a person prove their identity?

- Account holder is presented with questions to verify that they are who they say they are.
- Responses to these questions are verified against Experian data.
- Account holders without a credit history or who are unsuccessful in having their identity verified will need to be manually identity proofed.
 - Will receive the message “We could not confirm your identity...Please call The Marketplace...”

What is the manual identity proofing process?

- If person being listed as the head of household reports that they are known to Medicaid AND the consumer has a Social Security Number you may have them call the NYSOH Contact Center to be identity proofed over the telephone.
 - Assistor may not call on their behalf.
- If the account holder is not known to Medicaid, follow the manual identity proofing process.

What do I need to ID proof someone manually?

Forms which we are about to discuss:

- Identity Verification Form (DOH – 5088)
- Attestation of Identity Form (DOH 5090)
- Identity Verification Form (Children Under 16) (DOH-5091)

Use DOH-5088 when account holder has documentation.

Verifying Your Identity

We can verify your identity by reviewing your documents

NY State of Health needs to verify your identity to finish processing your application and to give you access to your online account. You need to complete the form below and submit **copies** of the necessary documents. Please do not send originals. Once we verify your identity, we can finish processing your application and you can gain access to your online account.

If you submit a copy of a document from List A, it should have your photograph or a physical description of you, including information such as your name, age, sex, race, height, weight, and eye color. If you do not have a document from List A, you can send copies of two documents from List B. The information on both documents from List B must match.

Once you have completely filled out the form and collected copies of the documents listed below, you can mail them to: NY State of Health, PO BOX 11727, Albany, NY 12211. You can also fax them to 1-855-900-5557.

Identity Verification Form **AC0005555555**

1. Applicant Name			
2. Address	3. City	4. State	5. ZIP Code
6. Date of Birth (mm/dd/yyyy)	7. Social Security Number	8. Telephone Number	
Submit a copy of ONE document from List A		OR Submit one copy of TWO documents from List B	
<ul style="list-style-type: none">U.S. Passport book or cardDriver's licenseOfficial Government Identification cardSchool Identification cardU.S. military card or draft recordMilitary dependent's Identification cardNative American Tribal DocumentU.S. Coast Guard Merchant Mariner cardCertificate of Naturalization (N-550 or N-560)Certificate of U.S. Citizenship (N-560 or N-561)	<ul style="list-style-type: none">Birth certificateSocial Security cardMarriage certificateDivorce decreeEmployer Identification cardHigh school diplomaCollege diplomaHigh school equivalency diplomaProperty deed		
Attestation. I attest, under penalty of perjury, that to the best of my knowledge the information in and submitted with this form is true and correct.			
9. Signature		10. Date (mm/dd/yyyy)	

NEED HELP WITH THIS FORM? Call us at 1-855-355-5777. TTY users should call 1-800-662-1220 or 1-877-662-4886 for TTY in Spanish.

DOH-5088 (09/13)

Consumer should complete this form with their own information:

1. Applicant Name - Adult being listed as Head of Household.
2. Address
3. Date of Birth
4. Social Security Number: N/A if consumer has none.
5. Telephone number

*Applicant must sign. You may not sign for them.

*Write consumer's account number on each page

Attach Appropriate Documents:

1 Item from List A or 2 Items from List B

Here are 2 examples which would each be acceptable from Lisa A.



Foreign Passport - List A – Official Government ID



Permanent Resident Card - List A – Official Government ID

AC0005555555

Here are 2 documents which would be acceptable submitted together from Lisa B.



Birth Certificate & Social Security Card – 2 Items from List B

*Write consumer's account number on each page

Use DOH-5090 when Account Holder has no Documentation

If the consumer truly has no documents to prove that they are who they say they are (or not enough) you may use:

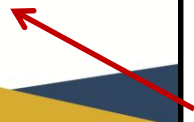
Attestation of Identity Form					
1. Applicant Name					
2. Address		3. City	4. State	5. ZIP Code	
6. Date of Birth (mm/dd/yyyy)		7. Social Security Number		8. Telephone Number	
List A		OR	List B	OR	List C
<ul style="list-style-type: none">• U.S. Passport book or card• Driver's license• Official Government Identification card• School Identification card• U.S. military card or draft record• Military dependent's Identification card• Native American Tribal Document• U.S. Coast Guard Merchant Mariner card• Certificate of Naturalization (N-550 or N-570)• Certificate of U.S. Citizenship (N-560 or N-561)			<ul style="list-style-type: none">• Birth certificate• Social Security card• Marriage certificate• Divorce decree• Employer Identification card• High school diploma• College diploma• High school equivalency diploma• Property deed or title		<ul style="list-style-type: none">• Hospital or clinic record*• Doctor's record*
Attestation. I attest, under penalty of perjury, that I am unable to submit one document from List A or two documents from List B or, in the case of a child, one document from list C listed above to verify my identity (or the identity of my child) because I do not have access to the required documents. I attest, under penalty of perjury, that to the best of my knowledge the information in and submitted with this form is true and correct.					
9. Signature of adult applicant (or parent or guardian for a child applicant)			10. Date (mm/dd/yyyy)		
11. Name (type or print legibly)			12. Relationship to applicant		
NEED HELP WITH THIS FORM? Call us at 1-855-355-5777. TTY users should call 1-800-662-1220 or 1-877-662-4886 for TTY in Spanish.					
© 2020 (12/19)					

*Applicant must sign.
You may not sign for them.

*Write consumer's account number on each page

DOH - 5090

AC0005555555



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Use DOH-5091 for children under age 16 who are account holders.

Identity Verification Form (Children 16 and Under)

1. Applicant Name (child aged 16 or under)

2. Address 3. City 4. State 5. ZIP Code

6. Date of Birth (mm/dd/yyyy) 7. Social Security Number 8. Telephone Number

Submit a <u>copy</u> of ONE document from List A	OR	Submit one <u>copy</u> of TWO documents from List B	OR	Submit a <u>copy</u> of ONE document from List C
<ul style="list-style-type: none"> • U.S. Passport book or card • Driver's license • Official Government Identification card • School Identification card • U.S. military card or draft record • Military dependent's Identification card • Native American Tribal Document • U.S. Coast Guard Merchant Mariner card • Certificate of Naturalization (N-550 or N-570) • Certificate of U.S. Citizenship (N-560 or N-561) 		<ul style="list-style-type: none"> • Birth certificate • Social Security card • Marriage certificate • Divorce decree • Employer Identification card • High school diploma • College diploma • High school equivalency diploma • Property deed or title 		<ul style="list-style-type: none"> • Hospital or clinic record* • Doctor's record* • Attestation of Identity Form (DOH-5090) <p style="text-align: center; font-size: small;">*Applies to children 16 and under only</p>

Attestation. I attest, under penalty of perjury, that if I submit a document from List C, it is because I am unable to submit one document from List A or two documents from List B above to verify my identity (or the identity of my child) because I do not have access to the required documents. I attest, under penalty of perjury, that to the best of my knowledge the information in and submitted with this form is true and correct.

9. Signature of Parent or Guardian 10. Date (mm/dd/yyyy)

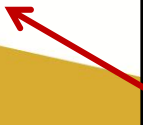
11. Name (type or print legibly) 12. Relationship

NEED HELP WITH THIS FORM? Call us at 1-855-355-5777. TTY users should call 1-800-662-1220 or 1-877-662-4886 for TTY in Spanish.

DOH-5091 (12/13)

- Created an account on the NYSOH for the child where the child is listed as head of household.
- Entered in child's identifying information.
- Helped the child to the point where they fail identity proofing.
- Received the message "We could not confirm your identity, please call The Marketplace..."

DOH - 5091




How do you apply for an undocumented child?

- Families who are seeking coverage for their children still need to list the adult as the head of household, even if the adult is not applying.
 - Assistors should create an account in the adult's name.
- That adult may be manually Identity Proofed if no credit history.
 - Send in ID form with head of household's name/information.

The only exception to this rule would be:

- Undocumented Foster Child
- Minors who are on their own

Use New Fax Cover Page Provided



New York State of Health (NYSOH)
Fax to: 518-560-5102

Identity Proofing Only

TO: NYSOH Identity Proofing FROM (NAVIGATOR/CAC NAME): John Smith

CLIENT ACCOUNT #: AC0000555555 TOTAL # OF PAGES: _____

NAVIGATOR/CAC PHONE #: 518-555-5555 DATE OF FAX: _____

AGENCY NAME: _____ RE: ID PROOFING

★ One cover sheet should be completed for each account.

★ Remember to write the primary account holder's NYSOH Account Number on each page of the fax.

Submission of incorrect or incomplete documents may cause a delay in processing.

The contents of this facsimile and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender.

Residency

New York State Residency

- You must be a New York State Resident in order to be eligible for coverage through NYSOH.

How do nonimmigrant visa holders like students or temporary workers know if they meet the residency requirements to enroll in a Qualified Health Plan (QHP) through NYSOH?

- Generally, if they are 21 and over they must live in NYS and intend to live here. If they are under 21 then they must live in NYS. It's important to remember that they must meet all other requirements to enroll through NYSOH.
- Nonimmigrants who are in NY for tourism or short business trips don't meet the residency requirement.

How do nonimmigrant visa holders like students or temporary workers know if they meet the residency requirements to enroll in a Medicaid & Child Health Plus through NYSOH?

- Applicants will be presented with a series of questions to determine if they meet NYS residency requirements.
- Responses to these questions will initiate a request for documentation.

Residency Review Questions

1. Have you or your child(ren) applied to adjust your status to become a legal permanent resident? Yes/No
 - If yes, please provide a copy of your application to adjust status or some other documentation proving this.

2. Do you currently work? Yes/No
 - If yes, how long have you worked for your current employer? Please provide pay stubs or letter from your employer. _____ years / _____ months

3. Do your child(ren) go to school? Yes/No
 - If yes, a letter is needed from the school that states that the child attends school there and indicates how long he/she has attended.

4. Do you own your own home? Yes/No
 - If yes, a copy of the mortgage or documentation that verifies that mortgage payments are being made is needed.

5. Do you rent a house or apartment? Yes/No
 - If yes, a copy of lease or rental agreement is needed.

Questions Specific to Medicaid

Is a person with a medical visa eligible for Medicaid?

No, a person who travels to the U.S. on a Medical Visa is not eligible for Medicaid. In order to qualify for a B-2 Medical visa for the purposes of treatment by a U.S. physician, the individual needs to show U.S. immigration authorities that they plan to make a brief and temporary visit to the U.S. for necessary medical attention that is unavailable in their home country. The individual must prove that:

- The purpose of the trip is to receive medical treatment;
- The stay in the U.S. is for a limited and defined period of time;
- The applicant has sufficient funds to cover all expenses including the cost of medical care while in the U.S.;
- Evidence of financial and social ties to the home country; and
- Evidence of residence outside the U.S. to which the applicant will return once the purpose of the trip is concluded.

What is Medicaid for the treatment of an emergency medical condition?

- Medicaid payment is provided for care and services necessary for the treatment of an emergency medical condition to otherwise eligible temporary non-immigrants (e.g. certain foreign students, visitors/tourists) and undocumented (illegal) aliens.

Who can receive Medicaid for the treatment of an emergency medical condition?

- Undocumented Aliens
- Temporary Non-immigrants

How long is the Medicaid coverage for the treatment of an emergency medical condition?

The initial Authorization Period may be up to a maximum of 15 months:

- 3 months retroactive from the application date.
- 12 months prospective from the application date.

When can you apply for Medicaid for the treatment of an emergency medical condition?

- An individual may apply for Medicaid coverage for the treatment of an emergency medical condition when there is an actual medical emergency; or
- An individual may apply for coverage for the treatment of an emergency medical condition without an actual emergency being present at the time of application.

Retroactive Coverage

- If retroactive coverage is needed for:
 - Medicaid
 - Medicaid for treatment of an emergency medical condition
 - Undocumented children prospectively eligible for CHPlus
- Be sure that you have checked the box for “Do you need help paying for services within the past three months” for the appropriate household member.
- Answered the question “is your income in the past three months the same or different as it is today”
- If different, you will need to verify income in the month(s) retro is being requested.

Questions Specific to Documentation

Documentation

To qualify for most health insurance, consumers must prove that they are lawfully living in the United States. You must help them to select the document that shows their current immigration status from the list.

- Type in some information from the document.
- Do not give any information or numbers not issued to the consumer directly by the immigration authorities.
- You can give information about more than one document by clicking on the **Add Document** button.

Documentation – Alien Number

Alien numbers are on most official immigration documents, even expired documents.

- This number can be found at the top right-hand corner of the "Certificate of Citizenship" or the "Naturalization Certificate".
- Starts with an "A" and ends with 8-9 numbers.
- Do not type in any letters or dashes.
- If the alien number has less than 9 digits, then enter in zeros to the beginning of the number so that 9 digits are entered.
- If the certificate does not have an alien number, type in 999999999 in this field.
- Can also be called alien registration number or USCIS number.

Common Form of Documentation – Naturalization Certificate and Certificate of Citizenship

The Naturalization Certificate and the Certificate of Citizenship number are located in the upper right hand corner of the Certificate.

- Must be between 7 and 12 numbers.
- This number is usually above the alien number.

Examples of where to find Certificate Number

Certificate Number

THE UNITED STATES OF AMERICA

DEPARTMENT OF HOMELAND SECURITY

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

No. S0000000

USCIS Registration No. A999999999999999

I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

New Citizen Signature Here
(Complete and true signature of holder)

It is known that, pursuant to an application filed with the Secretary of Homeland Security

at: **USCIS FIELD OFFICE CITY NAME, STATE NAME**

The Secretary having found that:

NEW CITIZEN NAME - EPSON B-510DN - NEW ASC PHOTO
residing at:

Mytown, State

having complied in all respects with all of the applicable provisions of the naturalization laws of the United States, being entitled to be admitted as a citizen of the United States, and having taken the oath of allegiance at a ceremony conducted by

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

at: **CEREMONY CITY, STATE** on: **JULY 99, 0000**

such person is admitted as a citizen of the United States of America.

**** TEST CERTIFICATE ****
U. S. Citizenship and Immigration Services



THE UNITED STATES OF AMERICA

DEPARTMENT OF HOMELAND SECURITY

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

No. AS000042

USCIS Registration No. A999999999999999

I certify that the description above given is true, and that the photograph affixed hereto is a likeness of me.

SAMPLE
(Complete and true signature of holder)

It is known that:


JOHN JOSHUA CRAY
now residing at: **WASHINGTON, DISTRICT OF COLUMBIA**

*having applied to the Director of U.S. Citizenship and Immigration Services for a certificate of citizenship pursuant to Section 311 of the Immigration and Nationality Act, having complied with the requirements of the Director, that he/she is now a citizen of the United States of America, having taken the oath of allegiance on **FEBRUARY 2, 2002** and is now in the United States.*

*Now residing in possession of the evidence contained in Section 312 of the Immigration and Nationality Act, this certificate of citizenship is issued this **2006** day of **OCTOBER***

TWO THOUSAND ELEVEN and the seal of the Department of Homeland Security affixed pursuant to statute.

SAMPLE
U. S. Citizenship and Immigration Services



The Naturalization Certificate says not to copy it, but NYSOH is asking for a copy to prove citizenship status. How should I guide my consumers?

- It's only illegal to make a copy of a Naturalization Certificate for an **unlawful** purpose. NYSOH is asking to provide a copy to prove citizenship status, which is a lawful purpose.

Common form of Documentation – I-94

- The I-94 Arrival - Departure record is a small white card that may have been given when the consumer arrived in the U.S.
- Customs and Border Protection (CBP) is no longer providing cards since April 30, 2013.
- Now available for download from the border control website.
- Contains the consumer's name and where they are from. The number needed is across the top.

<https://i94.cbp.dhs.gov/I94/request.html>

- Website provides the most recent I-94 admission record and limited travel history.
- The most recent I-94 may be printed and used as evidence of a lawful admission.
- The I-94 number is located on the document itself across the top.

Examples of I-94

- Paper Card
- Electronic Copy

Departure Number OMB No. 1651-0111

626633123 12

**I-94
Departure Record**

**ADMITTED
ATL
JUN 25 2006
L-1
April 23, 2009**

14. Family Name
SAMPLE


15. First (Given) Name
JANE

16. Birth Date (Day/Mo/Yr)
23 03 68

17. Country of Citizenship
NEW ZEALAND

CBP Form I-94 (10/04)
STAPLE HERE

See Other Side

 **U.S. Customs and Border Protection**
Securing America's Borders

OMB No. 1651-0111
Expiration Date: 11/30/2014

Get I-94 Number I-94 FAQ

Admission (I-94) Number Retrieval

Admission (I-94) Record Number:

Admit Until Date (MM/DD/YYYY): D/S

Details provided on Admission (I-94) form:

Family Name:

First (Given) Name: Federico

Birth Date (MM/DD/YYYY):

Passport Number:

Passport Country of Issuance: Italy

Date of Entry (MM/DD/YYYY): 05/11/2013

Class of Admission: F1

▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

▶ If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

▶ Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

Other Miscellaneous Questions

If a consumer has an Individual Tax Identification Number (ITIN) but not a Social Security Number (SSN). Can they use the ITIN instead?

- No, an ITIN cannot be submitted in the place of a SSN.
- If applying for coverage and the consumer has a SSN, they must provide it. If eligible to get an SSN they must get one (unless they meet a narrow exception for some religions) and then provide it. If they cannot get one because of immigration status, then they do not need to give a SSN to the Marketplace.

How does being a part of the Visa Waiver Program (VWP) affect consumers' eligibility for health insurance coverage through NYSOH?

- The VWP is administered by the Department of Homeland Security and enables eligible citizens or nationals of designated countries to travel to the United States for tourism or business for a stay of 90 days or less without first obtaining a visa. While travelers in the US under the VWP are lawfully present, they do not meet the residency requirements to enroll through NY State of Health. Thus, they are not eligible to apply for and enroll in coverage through the Marketplace.

Can an immigrant who is married to an LPR (“green card holder”) apply for health insurance while they are waiting to adjust their status?

- If they are lawfully present in the United States they can apply for health insurance while waiting to adjust their status. While lawful permanent residents can sponsor spouses for green cards, there is an annual cap on the number of immigrant visas available to spouses of LRPs. This generally means the spouse will need an independent basis to satisfy the lawful presence test.

What is the 5 Year Ban?

- The Federal 5 year ban was part of Welfare Reform. During the first 5 years that an alien is in a Qualified Alien Status (e.g., LPR is a Green Card Holder) they would be ineligible for federal benefits including Medicaid.
- Distinction is not linked to benefits, rather it is linked to funding of the program.
- Does not affect New York State Residents enrolling in Medicaid.

How does the Internal Revenue Service (IRS) treat immigrants and non-immigrants?

- United States tax laws refer to RESIDENT and NONRESIDENT ALIENS. Typically resident aliens are taxed like U.S. citizens and nonresident aliens are taxed according to special rules.

Are aliens subject to the Individual Mandate?

- All lawful permanent residents (LPRs or “Green Card Holders”) and foreign nationals who are in the United States long enough during a calendar year to qualify as RESIDENT ALIENS for tax purposes are subject to the mandate.

How does an alien know whether they are a resident or a nonresident?

- Under the tax laws, any alien who is not a resident is a nonresident. An alien, **for tax purposes only**, becomes a resident by adjusting to an LPR (Green Card Test) or being present in the United States for a certain number of days (Substantial Presence Test). For more information, consult a tax professional and review IRS Publication 519 (2013) “U.S. Tax Guide for Aliens.”

Can resident aliens enroll in health insurance through NY State of Health?

- Resident aliens who are lawfully present in the United States can enroll in coverage through NY State of Health, so long as they meet the other eligibility requirements.

Tool Kit

- Fact Sheet – Emergency Medicaid
- ID Proofing Tip Sheet
- ID Proofing Forms & Cover Sheet
- Q & A Document