



## Inning #3

# Know the Immigration Rules of the Game

Dial In Number: 1-855-897-5763  
Conference ID: 57055554



## 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.

# Presenters

- Welcome  
Donna Frescatore  
Executive Director, NY State of Health
- Today's Presenter  
Barbara Weiner,  
Senior Attorney, Empire Justice Center
- Demonstration Assistance  
Rachael Morrissey, Senior Training Specialist, Maximus  
Julie Bautista, Training Specialist, Maximus

# Funding for today's inning provided by the



The mission of the NYSHealth is to expand health insurance coverage, increase access to high-quality health care services, and improve public and community health.

# Instant Replay of Innings #1 and #2

## Inning #1: Improve Your Small Business Marketplace Batting Average

- Overview by Kelly Smith, Small Business Marketplace Director
- Web portal demonstration by Maximus
- Equipment Bag:
  - Small Business Health Care Tax Credit Chart/Illustration
  - Differences Between the Individual Marketplace and Small Business Marketplace Chart

## Inning #2: Hit a Home Run at Your Next Outreach Event/Don't Kick Sand at the Umpire

- Presented by Ketchum
- Included “tough questions” and “role play”
- Equipment Bag:
  - Tip Card on Effective Communications Strategies
  - Role Play Script

**Access recordings at [info.nystateofhealth.ny.gov/SpringTraining](http://info.nystateofhealth.ny.gov/SpringTraining)**

## **Inning #2: Hit a Home Run at Your Next Outreach Event/ Don't Kick Sand at the Umpire Evaluation Survey Results**

### **Here's what you said:**

- 91.5% said it provided useful skills and strategies to improve your presentations (formal and informal) and interpersonal skills.
- 88.8% said it increased your knowledge of the topics.

*“Everything was handled pretty well, questions and answers at appropriate time, love the examples you used.”*

*“The presenter was absolutely fantastic”*

*“Use more examples”*

*“Make the webinars easier to join”*

***Watch your email for an evaluation survey of today's webinar***

# Is your team ready for a little friendly competition?

- 7<sup>th</sup> Inning Stretch Awards for navigator and CAC organizations
- Nominate your team for awards in 5 categories
- Check your email for details
- Nominations are due by Monday, July 14, 2014, 5pm



*Funding for the 7<sup>th</sup> Inning Stretch Awards provided by the NYSHF*

# Immigrant Eligibility Rules in the NY Marketplace

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# What will we cover?

- Definitions and Concepts
  - Citizenship and immigration statuses
  - Benefits-related immigration classifications
- Immigration Status and NY Main Health Programs
  - Medicaid
  - QHP's and federal subsidies on the Exchange
  - CHP and Medicaid
  - Emergency Medicaid
- Verification of Status

# Who is a U.S. citizen?

- **Birth:** a person who is born in the U.S., Puerto Rico, the U.S. Virgin Islands or Guam.
- **Acquisition:** a person who is born abroad but one or both of whose parents are U.S. citizens (automatic, by operation of law).
- **Derivation:** a person who is under 18 years old and a permanent resident when the parent with whom he or she is living naturalizes (also automatic, by operation of law).
- **Naturalization:** a person who applies for citizenship after having been in lawful permanent resident status (LPR) for a minimum of 5 years

# Proof of US Citizenship

- Birth Certificate
- US Passport (for all circumstances)
- Certificate of Naturalization (Application form N-400)
- Certificate of Citizenship (Application form N-600 for citizenship through acquisition or derivation)
- Consular Report of a Birth Abroad (Form FS-240)

# Lost Citizenship Documents

- Lost Certificates of Naturalization/Certification: check U.S. Citizen and provide copy of biographic page of passport.
- If no passport, apply for a replacement of Certificate of Naturalization or Citizenship with form N-565 (available on USCIS website).
- File fee waiver (Form I-912) with application if low income (in receipt of means tested benefit or with income at or below 150% of the poverty line) and
- Submit proof that the application has been received by USCIS (I-797 Notice of receipt of the N-565)

# Who is not a U.S. citizen?

- “*Alien*” - someone who is not a citizen or national (born in American Samoa or the Northern Mariana Islands)
- Aliens are classified as either immigrants or nonimmigrants
- *Non-immigrants*: permission to enter the U.S. for a particular purpose for a specific period of time.
- *Immigrants*: everyone else who is not a U.S. citizen or national and who does not fall into one of more than dozens of non-immigrant categories (alphabet soup)

# The Nonimmigrant Alphabet

- B visa: visitor for business or pleasure
- F and M visas: students
- H visas: workers
- O and P: people with special abilities-artists, scientists, athletes, etc.
- J visa: cultural exchange
- K visas (fiance, spouse, child of USC)
- T visa: trafficking victim
- U visa: victim of crime
- V visa: spouse of LPR

# Immigrant

- The INA provides a definition of exclusion...everybody who is not a nonimmigrant is an immigrant
- The term “immigrant” is sometimes used more narrowly by government agencies to refer to someone who has lawful permanent residence and can work without restriction and travel.
- NOTE: permanent residence can be lost if the LPR stays out of the country for longer than 6 months or is convicted of a particularly serious crime.

# Benefits Related Immigration Categories

- **Qualified Aliens:** the noncitizen eligibility category established by the 1996 welfare reform law to list (and limit) the classes of noncitizens who are considered eligible for federal public benefits (including Medicaid)
- **PRUCOL** (permanently residing under color of law): a kind of “catch all” category of immigrants used in New York and some other states to describe those who fall into none of the “qualified alien” immigrant classifications but are here with the knowledge and permission or acquiescence of USCIS/ICE
- **“Lawfully Present”:** the noncitizen eligibility classification first introduced in 2008 for covering children and pregnant women at a state option in CHP and Medicaid and later, in the ACA, as the immigrant eligibility classification for QHP’s in the Marketplace

# Who are “qualified aliens”?

- Permanent residents (including conditional residents)
- Refugees, asylees, granted withholding of removal
- (Cuban/Haitian Entrants) Cubans and Haitians who entered the US with parole status after October of 1980
  - Granted parole status of at least one year
  - Victims of a severe form of trafficking
  - Battered spouses and children of USC or LPR petitioning under VAWA
  - Lawfully residing armed service members and veterans

# What health insurance programs are qualified aliens eligible for?

- Medicaid (FP)
- Child Health Plus (FP)
- Qualified Health Plans and Premium Tax Credits and Cost Sharing

# 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

# Lawfully Present

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  - For withholding of removal or cancellation
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  - For TPS
  - For registry

# Healthcare Programs for Lawfully Present Noncitizens

- Qualified Health Programs, APTC and Cost Sharing
- Child Health Plus and Medicaid for Pregnant Women
- Regular Medicaid (FNP) (because they are also PRUCOL) except those in a lawfully present nonimmigrant status unless they have:
  - “U” visa
  - “K3/K4” or V visa
  - Or other nonimmigrant visa that may lead to permanent resident status

# Noncitizens who are PRUCOL Only

- Applicants for an immigration benefits who do not have employment authorization
- “Registry aliens” who do not have an application for permanent residence pending
- Individual with Deferred Action under DACA
- Individual under an Order of Supervision but without employment authorization

# Programs for PRUCOL Noncitizens

- Medicaid (FNP)
- Child Health Plus (FNP)
- But Not QHP's

# Immigrants Without Status

- Includes those who came into the U.S. at a place other than a port of entry and entered without inspection (EWI)
- Also includes those who originally entered with a visa but then their visa expired (overstays)
- They are eligible only for EMERGENCY MEDICAID unless they are children or pregnant, in which case they are eligible for CHP or Medicaid.
- Pre-certification for Emergency Medicaid through the Marketplace

# Verification of status through the Federal Data Hub

- Verification of status through the Exchange: matching information on immigration document with data in the records maintained by the DHS
- The matching is done through the SAVE system
- The most common documents are:
  - I-94 Arrival Departure record
  - Permanent resident card
  - Employment Authorization card
  - Visa in a foreign passport
  - I-797 Notice of Action
- The the codes on these various documents are the key to understanding the applicant's immigrant/nonimmigrant status

# Portal Demonstration

# IMMIGRATION

## Entering Immigration Status

Marketplace asks the applicant to **“Mark the box that indicates your Citizenship or Immigration Status”**

- US Citizen
- Naturalized Citizen
- Immigrant Non-Citizen
- Non-Immigrant Visa Holder
- Other

**Important Note:** Only Required for Applying Household Members

## Health Plan Marketplace Citizenship/Immigration Status

Mark one box that indicates Elizabeth's current Citizenship or Immigration Status.\* 

- US Citizen
- Naturalized Citizen 
- Immigrant Non-Citizen 
- Non-Immigrant Visa Holder 
- Other 

---

Has Elizabeth lived in the US since August 21, 1996?

- Yes  No

---

Check this box if you or your spouse is an active military member or U.S. Veteran.

---

To qualify for most health insurance, you must prove that you are lawfully living in the United States. Select the document that shows your current immigration status from the list below. You will then type in some information from your document. Do not give us any information or numbers not issued to you directly by the immigration authorities.

You can tell us about more than one document by clicking on the **Add Document** button.

Document Type

--Select-- 

 Add Document

# IMMIGRATION

## Entering Immigration Status

- US Citizen - Person who by place of birth, nationality of one or both parents.
  - Common Examples: Citizens of Puerto Rico, the US Virgin Islands and Guam
- Naturalized Citizen - Naturalization is commonly known as the way in which a person not born in the United States voluntarily becomes a U.S. Citizen.
  - Common Document Types: Certificate of Naturalization (N-550 or N-570), Certificate of US Citizenship (N-560 or N-561)  
US Passport book/Card

**\*\*Please note the above lists are not all inclusive.\*\***

# IMMIGRATION

## Entering Immigration Status – Cont.

- Immigrant Non-Citizen - Usually lives and works in the United States with the permission of the United States Citizenship and Immigration Services (USCIS).
  - Common Examples: Lawful Permanent Residents, Refugees, Asylees, or PRUCOL
- Non-Immigrant Visa Holder - People with short-term visas, such as: tourists, foreign students, or temporary workers.
  - Common Examples: Students, Religious Workers, Temporary Workers, Exchange Visitors, Visitors for business or pleasure
- Other - This box is to be used if the consumer is not a U.S. citizen or does not have a valid immigration status or visa.
  - Common Examples: An immigrant that entered the US in a manner or place to avoid inspection, or was admitted on a temporary basis and the authorized stay has expired.

**\*\*Please note the above lists are not all inclusive.\*\***

# IMMIGRATION

If selecting anything other than US CITIZEN or OTHER, the applicant must select which document they will use to demonstrate their citizenship/immigration status:

- Certificate of US Citizenship
- DS2019 (Certificate of Eligibility for Exchange Visitor (J-1))
- I-20 (Certificate of Eligibility for Non-Immigrant (F-1) Student)
- I-327 (Reentry Permit)
- I-551 Permanent Resident Card
- I-571 Refugee Travel Document
- I-766 (Employment Authorization Card)
- I-94 Arrival/Departure Record
- I-94 Arrival/Departure Record in Unexpired Foreign Passport
- Machine Readable Visa (With Temporary I-551 Language)
- Naturalization Certificate
- Temporary I-551 Stamp (On passport or I-94 Arrival Departure Rec)
- Unexpired Foreign Passport

# IMMIGRATION

Mark one box that indicates Elizabeth's current Citizenship or Immigration Status.\* 

- US Citizen
- Naturalized Citizen 
- Immigrant Non-Citizen 
- Non-Immigrant Visa Holder 
- Other 

Has Elizabeth lived in the US since August 21, 1996?

- Yes
- No

--Select--  
Certificate of Citizenship  
DS2019 (Certificate of eligibility for Exchange Visitor (J-1) Status)  
I-20 (Certificate of Eligibility for Nonimmigrant (F-1) Student Status)  
I-327 (Reentry Permit)  
I-551 Permanent Resident Card  
I-571 (Refugee Travel Document)  
I-766 (Employment Authorization Card)  
I-94 Arrival/Departure Record  
I-94 Arrival/Departure Record in Unexpired Foreign Passport  
Machine Readable Visa (With Temporary I-551 language)  
Naturalization Certificate  
**Other**  
Temporary I-551 Stamp (on Passport or I-94 Arrival/Departure Record)  
Unexpired Foreign Passport\*

--Select-- 

.S. Veteran.

living in the United States. Select the  
You will then type in some information  
ed to you directly by the immigration

document button.

 Add Document

# IMMIGRATION

## Scenario 1 - Family of 3

- Mary Babu is single mom looking to enroll herself and child into coverage.
- Mary came to the United States 5 years ago with a Visitor Visa; the visa has expired and, therefore, she has no immigration status (i.e. undocumented).
- Mary is 3 months pregnant with her second child.
- Her daughter is 7 years old and her name is Abi Abbi.
- Abi is also undocumented (does not have an immigration status or active visa).
- Mary works as a babysitter for her neighbor's kids and is paid \$300/week cash (\$15,600 annually).
- Mary does not file taxes.

## Manual Identity Proofing Process

### If the applicant fails Identity Proofing:

1. Return to the Identity information screen and confirm all the information entered is accurate.
  
2. If identity proofing continues to fail, follow the manual identity proofing process:
  - a) Call the NYSOH Contact Center
  - b) Paper process and required documentation for undergoing identity proofing. For the paper process, help the consumer complete the identity verification form and submit copies of the necessary documents. Please do not send originals.

**\*\*Please Note:** If the applicant must go through the paper identity proofing process, advise them that the application cannot be completed until they do so.\*\*

# IMMIGRATION

## Manual Identity Proofing Process

Submit a <u>copy</u> of <b>ONE</b> document from List A	O R	Submit one <u>copy</u> of <b>TWO</b> documents from List B
<ul style="list-style-type: none"><li>• U.S. Passport book or card</li><li>• Driver's license</li><li>• Official Government Identification card</li><li>• School Identification card</li><li>• U.S. military card or draft record</li><li>• Military dependent's Identification card</li><li>• Native American Tribal Document</li><li>• U.S. Coast Guard Merchant Mariner card</li><li>• Certificate of Naturalization (N-550 or N-570)</li><li>• Certificate of U.S. Citizenship (N-560 or N-561)</li></ul>		<ul style="list-style-type: none"><li>• Birth certificate</li><li>• Social Security card</li><li>• Marriage certificate</li><li>• Divorce decree</li><li>• Employer Identification card</li><li>• High school diploma</li><li>• College diploma</li><li>• High school equivalency diploma</li><li>• Property deed or title</li></ul>

- If you submit a copy of a document from List A, it should have the consumer's photograph or a physical description of the consumer, including: name, age, sex, race, height, weight, and eye color.
- If the consumer does 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.

## Tips for Getting Manual Identity Proofed

- Only IDs for Head of Household are required (not all family members).
- Write the Account Number on the form and on each page of the fax.
- Be sure to have the form signed.
- Each individual request for ID Proofing requires a separate fax.
- Include your contact information in the event additional information is required.
- Print head of household information clearly so that the information is legible (e.g. full name, birth of date, SS#, phone number, etc.).
- Official government ID's (e.g. passport, voting card, and driver's license) from other countries count as "Official Government Identification" listed on document list A.
- Once the process is completed, the status on your dashboard will change from "enroll" to "manage."

# IMMIGRATION

## Scenario 1 - Family of 3

- Mary Babu is single mom looking to enroll herself and child into coverage.
- Mary came to the United States 5 years ago with a Visitor Visa; the visa has expired and, therefore, she has no immigration status (i.e. undocumented).
- Mary is 3 months pregnant with her second child.
- Her daughter is 7 years old and her name is Abi Abbi.
- Abi is also undocumented (does not have an immigration status or active visa).
- Mary works as a babysitter for her neighbor's kids and is paid \$300/week cash (\$15,600 annually).
- Mary does not file taxes.

# IMMIGRATION

## Scenario 2 - Family of 2

- Married couple, no children, looking to enroll both into coverage
- Mark Sloan - Has H-1B visa (foreign national in a specialty (high-skill) profession)
- Judy Sloan - Naturalized citizen (N-550)
- Mark works as a Quality Control Chemist and makes \$35,000 annually as part of the work contract and he does not get health coverage.
- Judy works part-time and makes \$15,000 annually and does not get coverage through her employer.
- Judy and Mark file taxes jointly.

Questions?

## Bottom of the Inning Recap...

- A recording of the webinar will be available online ([info.nystateofhealth.ny.gov/SpringTraining](http://info.nystateofhealth.ny.gov/SpringTraining)) and emailed to all registrants
- Please complete evaluation survey of today's program
- Inning #4 – watch for invitation
- Please nominate your team for a 7<sup>th</sup> Inning Stretch Award