

Health Care Reform What Women Got, What Women Want and What Women Need

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Ecumenical Advocacy Days

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Learning Objectives

- Understand what forms of health care immigrant women and immigrant crime victims are now legally eligible to access
- Play a larger role at a community level getting the word out and advocating to maintain and/or expand immigrant health care access
- Join the efforts to expand benefits access for immigrant crime victims as part of the Violence Against Women Act of 2011

U.S. Immigrant Demographics

- 80% of immigrants are living in the U.S. legally
- 1/3 of foreign-born population are naturalized U.S. citizens
- 1/3 of permanent residents were at one time undocumented

Potential Immigration Remedies

- Applications filed DHS
 - VAWA self petition
 - Battered spouse waivers (spouses of USCs with conditional permanent residency)
 - U visa
 - T visa (victims of trafficking)
 - Asylum (persecution based on protected classes)
- Forms of relief from removal- granted by Immigration Judge
 - VAWA cancellation of removal
 - VAWA suspension of deportation

Application for VAWA, T or U immigration status improves immigrant victims access to public assistance

- Screen for immigration case already filed
- Screening + Filing (VAWA, T or U) =
 - Lawful Presence
- Filing for immigration benefits required for VAWA, T and U visa applicants to become qualified immigrants eligible for federal public benefits

VAWA Confidentiality Protected Locations:

- A shelter
- Rape crisis center
- Supervised visitation center
- Family justice center
- Victim services program or provider
- Community based organization
- Courthouses
- **ADD IN VAWA 2011**
 - Religious institutions
 - Health care providers
 - Schools
 - Child case centers

Health Care For Undocumented Immigrants

- Services necessary to protect life and safety
- Community and migrant health clinics
- State funded programs
- Post assault health care paid by VOCA funds
- Emergency Medicaid

Federally Funded Medicaid and CHIP for “lawfully residing” children and pregnant women

- Lawfully present + Medicaid state residency rules
- Lawfully present =
 - Lawful permanent residency
 - Approved visa petition + application for lawful permanent residency filed
 - Persons fleeing persecution (e.g. refugees, asylees, withholding, conditional entrants)
 - Humanitarian immigrants (e.g. Cuban Haitian Entrants, TPS, DED, Deferred Action Status)
 - Parolees (lawfully present) if parole for 1yr + (also qualified immigrants)

Federally Funded Medicaid and CHIP for “lawfully residing” children and pregnant women

- VAWA self-petitioning applicants and their children
- VAWA cancellation and suspension applicants
- T visa holders, applicants and continued presence and their children
- U visa holders includes their children
- Temporary visa holders (e.g. student, visitor, work)
- Citizens of Micronesia, the Marshall Islands, and Palau
- Long term residents in the process of obtaining lawful permanent residency or not likely to be returned home

Emergency Medicaid

- Available only in cases where the person needs treatment for medical conditions with acute symptoms that could:
 - place the patient’s health in serious jeopardy;
 - result in serious impairment of bodily functions;
or
 - cause dysfunction of any bodily organ or part.

What Various States Offer Under Federal Emergency Medicaid

- Labor and Delivery (emergency and most states normal)
- Severe and acute
- Urgent pharmacy needs
- Mental health
- Inpatient substance abuse
- 72 hour release of drugs without prior approval
- No SSN is required to receive emergency services under Hawaii law

Health Care Open to All Immigrants

- HHS funded community and migrant health clinics
 - www.nachc.com
 - www.hrsa.gov
 - Enter zip code
- VOCA funded Post assault health care
- Emergency Medicaid
- Immunizations, testing, and treatment of communicable diseases

Federally Qualified Health Centers Offer

- Primary care
- Diagnostic, laboratory and radiological services
- Prenatal care
- Post-assault health care
- Cancer and other disease screening
- Well child services
- Immunizations
- Blood test screening
- Eye, ear and dental screenings for children
- Family planning services
- Preventative dental services
- Pharmaceutical services
- Emergency medical and dental services

State-by-State Health Care Charts Addressing Immigrant Victim Access to the following:

- Emergency Medicaid
- Forensic Examinations
- Post-Assault Health Care
- Pre-Natal Care
- www.iwp.legalmomentum.org
 - In search box type “chart”

When children qualify and their parents do not:

- If a child qualifies for benefits as a citizen or qualified immigrant the benefits granting agency may *ONLY* ask questions about the child's eligibility
- No questions may be asked about the *immigration status or social security number* of the child's parent if the parent is not applying for additional benefits for themselves

Health Care Offered Through Federal and State Public Benefits Programs

Qualified Immigrant Access to Federal public Benefits

- All qualified immigrants can access some federal public benefits
- Which benefits they can access depends on
 - Immigration status
 - When they entered the United States
 - Whether they meet heightened program requirements for some programs
 - What benefits are offered by the state



Immigrant Benefit Classifications

- Citizens
- Qualified Immigrants
 - Entering US before Aug. 22, 1996
 - Entering US on or after Aug. 22, 1996 subject to 5 year bar on federal means tested public benefits (e.g. TANF, Medicaid, Child Care, SSI, Food Stamps)
- Lawfully Present children and pregnant women
- Lawfully Residing and Prucol (Permanently Residing Under Color of Law)
 - States can opt to offer state funded benefits to persons residing under color of law
 - NILC charts
- Undocumented Immigrants

Who are “Qualified Immigrants”?

- Lawful permanent residents
- Refugees and asylees
- Cuban/Haitian entrants
- Veterans
- Amerasians
- Trafficking victims filing for or with T-visas
- Persons granted conditional entry
- Persons paroled into U.S. one year or more
- Persons granted withholding of deportation or cancellation of removal
- Persons who (or whose child) has been battered or subject to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent

State Funded Benefits

- 1996 Welfare Reforms gave states the authority to:
 - Extend state funded benefits eligibility to immigrants who are not “qualified immigrants” under federal law
 - Limited the state funded “public benefits” available to qualified immigrants, immigrant visa holders, and immigrants paroled into the U.S. for under one year
- NILC State Benefits Charts track state funded:
 - TANF, Health Care, Food Stamps, SSI

State Funded Benefits Summary

- Eligible immigrants
 - Qualified Immigrants
 - PRUCOL
 - Lawfully residing
 - VAWA, T, U, continued presence
 - Marshall Islands, Micronesia, Palau
 - All immigrants
- Access to what is set by state can include:
 - Prenatal care
 - Long term care
 - Breast and cervical cancer
 - Acute/chronic care
 - Psychiatric services

Immigrants and Health Care Reform

- Naturalized citizens same as U.S. Born Citizens
- Legal Immigrants
 - Subject to individual mandate and tax penalties (unless low income)
- Lawfully present immigrants
 - May purchase for state insurance exchanges (no wait)
 - Eligible for tax credits and cost-sharing reductions (no wait)
 - Eligible for state's temporary high risk pools and basic health plans
 - 5 year bar to Medicaid for qualified immigrant low income non-pregnant adults
- Undocumented immigrants
 - Exempt from individual mandates
 - Cannot purchase from state insurances exchanges & no tax credit
 - No Medicare, Medicaid or CHIP
 - Only HHS funded unrestricted health care and emergency Medicaid

Immigrants and Health Care Reform

- Citizen or lawfully present children of undocumented immigrant parents
 - May purchase child-only coverage on state insurance exchanges
 - Are eligible for premium tax credits and reduced cost-sharing
 - May be eligible for Medicaid or CHIP.

Helping immigrants applying for federal or state funded public benefits

What are the barriers to accessing public benefits that immigrant victims and their children encounter?

Potential Barriers:

- Immigrant benefit categories;
- Language access barriers;
- Verification barriers;
- Fear of Deportation;
- Need to educate state benefits agency officials with correct information about legal rights to access benefits for
 - immigrant victims and
 - their children.

How might accompanying an immigrant victim applying for benefits help overcome these barriers?

Importance of Accompaniment

- Helps prevent problems including
 - Turned away at the door
 - Problems with language access
 - Incorrect information about eligibility
 - Denied benefits for citizen children
 - VAWA eligible denied benefits
 - Fear of deportation
 - Public charge
 - Concern about family members who are sponsors or who may be deported
- Provides documentation and opportunity to train benefits workers

Reporting Requirements

- Mandatory reporting requirement of section 404 of the welfare law (PRWORA)
- Requires most government benefits programs to
 - 4 times a year
 - Notify DHS about any immigrant the entity “knows” is not lawfully present in the U.S.
- Agency could appropriately “know” the immigration status only of “*applicants*”
- An agency can only KNOW an applicant’s undocumented status through a formal determination supported by a DHS document (e.g. order of deportation)

Reporting Requirement Bottom Line

- “Non-applicant” family members *immigrant family members who do are not seeking to receive benefits for themselves*
- Must not be required to disclose:
 - Proof of immigration/citizenship status; *or*
 - SSNs
- Federal requirements of benefits workers if they ask about immigration status or SSN of non-applicants

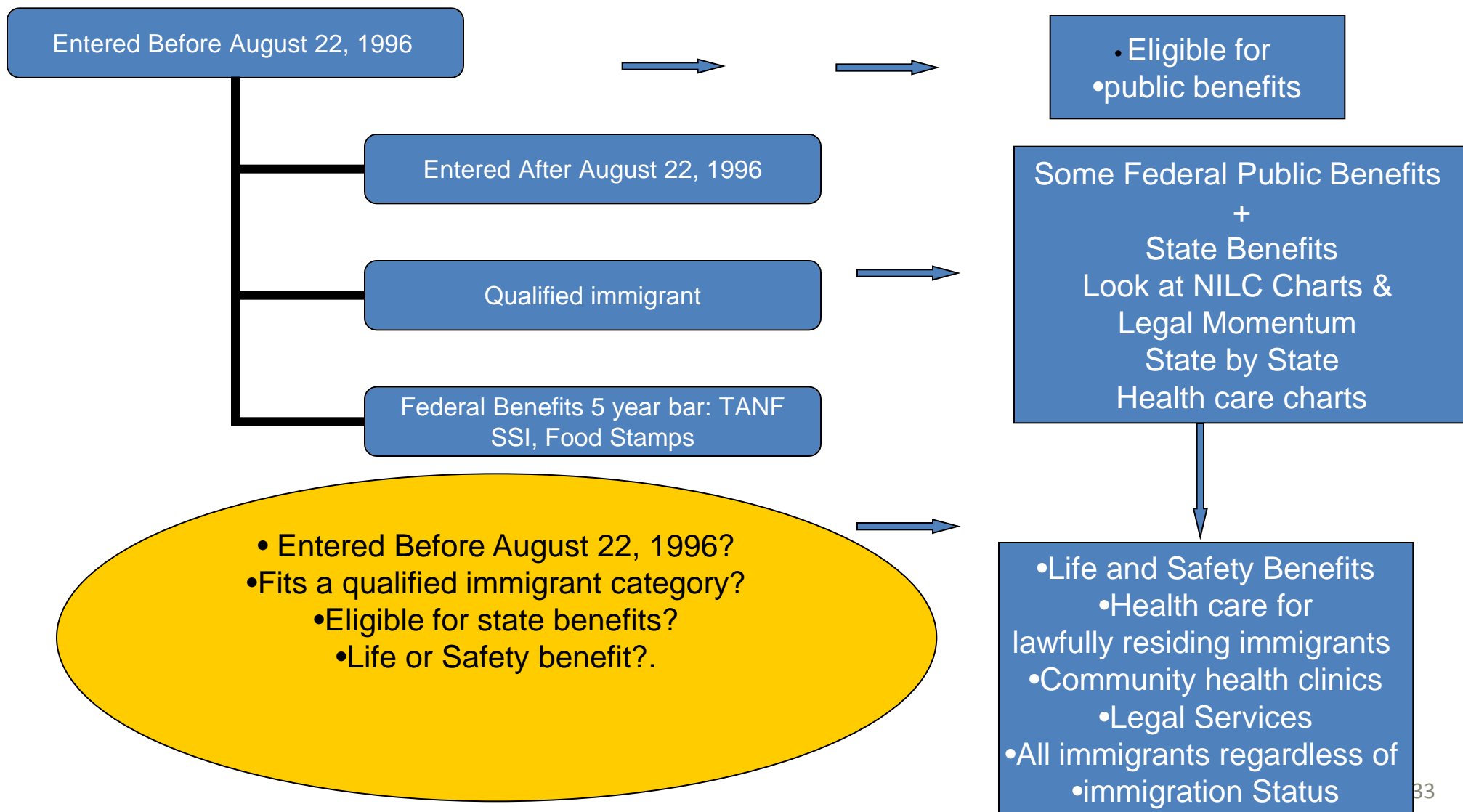
Violence Against Women Act 2011

- Seek access to federal public benefits and health care for
 - VAWA battered immigrants
 - U visa crime victims
 - VAWA confidentiality protected immigrant crime victims
- Same access to benefits and health care given to
 - Refugees
 - Human trafficking victims
- Without
 - 5 year bar
 - Deeming abusive family member or sponsor's income

Need advocates in communities

- Educating service providers and health care professionals about health care legally open to immigrant
 - Women
 - Children
 - Crime victims
- Accompanying women and victims applying for benefits
- Access materials and share with health care providers in your communities
 - www.iwp.legalmomentum.org

How to determine whether an immigrant is eligible for public benefits



For further assistance

Contact:

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Full library of materials available at

www.iwp.legalmomemtum.org