



# DEFERRED ACTION AND PUBLIC HEALTH INSURANCE

Individuals who came to the United States as children may be eligible for public health insurance in New York State after applying for Deferred Action.

## What is Deferred Action?

On June 15, 2012, the Department of Homeland Security (“DHS”) announced that it will exercise prosecutorial discretion and administratively close ongoing removal cases and also stop the deportation of qualified undocumented youth brought to the U.S. as children. This discretion is available to those who qualify for Deferred Action. To be considered, you must submit an application.

You may submit your application for Deferred Action and employment authorization, with a filing fee of \$465, on or after August 15, 2012. The eligibility requirements are as follows:

- You are 15-30 years old (born on or after June 16, 1981)
- Entered the U.S. before age 16 and under 31 as of June 15, 2012
- Have continuously lived in the U.S. since at least June 15, 2007, and were physically present in the US as of June 15, 2012
- Entered the U.S. without inspection before June 15, 2012, or your lawful immigration status had expired as of June 15, 2012
- Have not been convicted of a felony, a “significant” misdemeanor\*, or three or more misdemeanors of any kind, and do not pose a threat to public safety or national security
- Are currently enrolled in school, graduated from high school or have a GED, or have been honorably discharged from the U.S. Armed Forces or Coast Guard

\* A “significant” misdemeanor includes: a) any offense for which the authorized maximum term of imprisonment is one (1) year or less but greater than five (5) days and is also an offense of domestic violence, sexual abuse or exploitation, burglary; driving under the influence, unlawful possession or use of a firearm, or drug distribution or trafficking; or b) an offense for which the individual was sentenced to over 90 days in jail, as long as the sentence was actually served and not “suspended.”

**IMPORTANT NOTICE:** If you have ever been arrested or convicted of an offense, you should get a copy of the Certificate of Disposition. The Certificate will tell you which offense(s) you were charged with, which offense(s) if any you were convicted of, the date you were convicted, and the sentence you served. If you have been arrested more than once, you must get a separate Certificate for each arrest. You should speak with a reputable immigration attorney familiar with the areas of immigration and criminal law before you apply for Deferred Action.

## Deferred Action and Public Health Insurance

Deferred Action applicants residing in New York are eligible for Medicaid and Family Health Plus, as long as they also meet the income requirements for these programs. In New York, **applicants** for Deferred Action are considered PRUCOL immigrants (Permanently Residing Under Color of Law) for purposes of medical assistance eligibility, and thus meet the immigration status requirements for Medicaid, Family Health Plus, and the Family Planning Benefit Program. Nearly all children in New York remain eligible for Child Health Plus, including children who lack immigration status.

### Where to Apply

Individuals may apply for public health insurance with facilitated enrollers at community-based organizations or health plans, at HRA Medicaid offices in New York City, Social Services offices outside of New York City, public hospitals, and Department of Health Clinics. For a list of enrollers in New York City visit: [http://www.nyc.gov/html/hia/html/public\\_insurance/enroll.shtml](http://www.nyc.gov/html/hia/html/public_insurance/enroll.shtml).

For enrollers outside of NYC go to: [http://www.health.state.ny.us/health\\_care/medicaid/ldss.htm](http://www.health.state.ny.us/health_care/medicaid/ldss.htm).

### What to Bring

Individuals who have applied for Deferred Action will need to bring several documents to prove their eligibility for public health insurance. Individuals will need to bring: 1) Proof of identity; 2) Proof of residence in New York; 3) Proof of income; 4) Proof of application for Deferred Action; and 5) Proof that U.S. Citizenship and Immigration Services (USCIS) has received the application for Deferred Action.

### Free Communication Assistance

All applicants for public health insurance, including Limited English Proficient speakers, have a right to get help in a language they can understand. All Medicaid offices and enrollers are required to offer free communication assistance. Oral interpretation services should be provided and important documents, such as Medicaid applications, should be translated either orally or in writing. If a Medicaid office or enrollment site cannot provide a bilingual enroller or in-person interpreter, an interpreter over the telephone may be used instead. Medicaid offices and enrollers must not charge a fee for communication assistance or require that applicants bring their own interpreter.

For further information, see:

- Related Resources on Deferred Action and Public Health Insurance Fact sheet on Deferred Action by Legal Aid Society of NY: [www.legal-aid.org/dream.html](http://www.legal-aid.org/dream.html)
- Q&A on Deferred Action from U.S. Citizenship and Immigration Services, visit: <http://tinyurl.com/7ksa6of>
- For information on eligibility for public health insurance programs call The Legal Aid Society's Health Law Unit on Tuesday mornings only at 212-577-3575 or 888-500-2455.
- For information on immigrants' eligibility for public health insurance programs, consult the Immigrant Eligibility for Publicly Funded Health Care Benefits by Barbara Weiner: <http://www.empirejustice.org/assets/pdf/issue-areas/immigrant-rights/immigrant-eligibility.pdf>.