

Health Care Resource Guide for Service Providers Aiding Immigrant Victims of Domestic Violence, Sexual Assault, Stalking, Human Trafficking and Other Criminal Activity

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This resource guide is intended to aid practitioners in efficiently and effectively locating materials on the health care options for immigrant survivors in the National Immigrant Women's Advocacy Project's (NIWAP) web library. This guide is broken down by type of health care or benefit. One of the tools included is a state-by-state comparison while other tools are focused on the benefits available to different types of visa holders. NIWAP offers a wide variety of resources and hopes this research guide provides some guidance in effectively finding the most useful resource.

Comprehensive Overview of Health Care Benefits

For a comprehensive overview of the health care benefits available to all immigrants, please see the PowerPoint presentation entitled "Public Benefits: Immigrant Survivors' Access to Healthcare under the Affordable Care Act," available at: <http://niwaplibrary.wcl.american.edu/public-benefits/health-care/Workshop%20ACA.pdf/view>. This presentation explains the health care benefits available to immigrant survivors and survivors across the spectrum of statuses, from undocumented immigrants to legally permanent residents. It includes what it means for an immigrant to be "qualified" and "lawfully present" for public benefits. Additionally, the presentation includes information on the new federal and state exchanges and step-by-step instructions on how to sign up for the federal exchange.

"Access to Health Care for Immigrant Victims of Sexual Assault," available at <http://niwaplibrary.wcl.american.edu/public-benefits/health-care/CH17-Health-Chapter-MANUAL-ES.pdf>, is a chapter from a technical assistance manual that provides in-depth information with regard to the possible healthcare options available to immigrant survivors of sexual assault. It contains information about forensic exams, emergency Medicaid, prenatal care, community health centers and states' responsibilities under the Victims of Violence Act (VOCA.) This chapter is intended to provide practitioners with a thorough understanding of each of the options available to immigrant survivors across the spectrum of statuses.

"Medical Assistance Programs for Immigrants and Immigrant Crime Victims: State by State" features a chart breaking down the programs available to different categories of immigrants by individual states. This chart provides in-depth information about the possible benefits. It is available at <http://niwaplibrary.wcl.american.edu/public-benefits/state-benefits/Medical-Assistance-State-Chart.pdf/view?searchterm=Medical%20Assistance%20Programs%20for%20Immigrants%20and%20Immigrant%20Crime%20Victims>

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“Qualified” and “Lawfully present”

“Qualified” and “lawfully present” are two terms created specifically to deal with the healthcare options available to immigrants. The definitions vary widely based on an immigrant’s status and where the individual’s application is in the immigration process. The following PowerPoint of flowcharts explains the definitions for the appropriate status: “Public Benefits Flow Charts: VAWA Self-Petition and Cancellation, U Visas, T Visas and SIJS,” available at: <http://niwaplibrary.wcl.american.edu/public-benefits/benefits-for-qualified-immigrants/Public%20Benefits%20Flow%20Charts%20VAWA%20U%20T%20SIJS.pdf/view>

Access to Healthcare Exchanges

Since the passage of the Affordable Care Act, the federal government and multiple states have created healthcare “exchanges” to facilitate the purchase of private health insurance by those who are subject to the individual mandate. The PowerPoint presentation “Public Benefits: Immigrant Survivors’ Access to Healthcare under the Affordable Care Act,” available at: <http://niwaplibrary.wcl.american.edu/public-benefits/health-care/Workshop%20ACA.pdf/view> clearly outlines the qualifications of immigrants and the accessibility of these exchanges. The presentation also includes the steps an immigrant has to take to register for the exchanges, the possible benefits and a list of which states are participating in the federal exchange and which have state-run exchanges.

“Federal, Partnership, and State Exchanges That Provide State and State-Option Funded Medicaid and Medicaid-Like Services” provides a state-by-state listing of the benefits that immigrants have available to them based on the type of exchange. This is an excellent resource for information about benefits available in a particular state. It is available at: <http://niwaplibrary.wcl.american.edu/public-benefits/health-care/Affordable%20Care%20Act%20and%20Exchanges.pdf/view>

Forensic Exams and Costs

Getting forensic examinations to assist in the prosecution of sexual assault cases is often funded by the state investigating the crime; finding out the specific requirements of reporting and payment to receive an examination can be found in the state-by-state guide found in Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault “Ch. 17.2. State-by-State Coverage of Forensic Costs,” available at: http://niwaplibrary.wcl.american.edu/public-benefits/health-care/Ch17.2_Charts_Forensic-Exams-MANUAL-ES.pdf

Emergency Medicaid

Emergency care is covered under emergency Medicaid in every state; certain states have different degrees of services covered under the definition of emergency care, depending on immigration status. A full overview of such services can be found in Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault “Ch. 17.1 Emergency Medicaid State-by-State Chart Access for Immigrant Victims,” available at: <http://niwaplibrary.wcl.american.edu/public-benefits/health-care/CH17-Health-Chapter-MANUAL-ES.pdf>

Post-Assault and Victim Compensation

Most states have compensation programs for crime victims (reimbursement for medical costs as a result of a criminal action) under grants issued by the Federal Victims of Crime Act, with each state having different procedures and restrictions, some of which occasionally prevent full or partial access to compensation for certain victims based on immigration status. A detailed chart of state-by-state access can be found in Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault “Ch. 17.3 State-by-State Post-Assault Healthcare Chart,” available at: http://niwaplibrary.wcl.american.edu/public-benefits/health-care/17.3_Chart_PostAssaultHealthCare-MANUAL-ES.pdf

Prenatal Care

Many states provide some form of state funded non-emergency pre-natal care for immigrants. Similar to other benefits listed above, restrictions exist on a state-by-state basis depending on immigration status. A list of restrictions and pre-natal care benefits by state can be found in Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault “Ch. 17.4 Pre-natal Care for Qualified and Non-Qualified Immigrants,” found at: <http://niwaplibrary.wcl.american.edu/public-benefits/health-care/4-PreNatal%20Care%20for%20Qualified%20and%20Non-Qualified%20Aliens%20-all%20states.pdf>

Additional Public Benefits Resources²

The above listed items are focused specifically on healthcare, however resources also exist for other public benefits for immigrants. The links below provide resources for general public benefit information.

A brief overview of all public benefits services available by state, with restrictions, can be found on the “Public Benefits Benchcard,” available at: <http://niwaplibrary.wcl.american.edu/reference/additional-materials/materials-for-adjudicators-and-judges/tools-for-courts/benefits/Public-Benefits-Bench-Card.pdf>

A list of services available to all immigrants regardless of status can be found at: <http://niwaplibrary.wcl.american.edu/public-benefits/unrestricted-benefits/Programs%20Open%20To%20All%20Immigrants%20Regardless%20of%20Status.pdf/view>

A comprehensive toolkit on the full range of public benefits, generally, can be found at: <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/Public%20Benefits%20ToolKit%20FINAL%203%2024%2014%20leo.pdf>

² Please contact NIWAP’s technical assistance line for help with finding specific public benefits information in our web library at (202) 274-4457 or email info@niwap.org.