

General Information Regarding the Affordable Care Act (ACA)

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The ACA implemented numerous wide-sweeping changes to the U.S. healthcare system, including the expansion of income-related eligibility for Medicaid, allowing young adults to stay covered on their parents' health insurance plans until the age of 26, proscribing certain minimum requirements for nearly all healthcare plans, and prohibiting insurance companies from denying coverage based on "pre-existing conditions" or imposing life-time coverage limits. Among the most fundamental changes, however, was the creation of healthcare "marketplaces" (also called "exchanges") and the individual healthcare mandate. The healthcare marketplace is a conduit through which individuals may purchase health insurance from certain private insurance companies. It is run either by the federal government, or by the state, depending on whether the state created its own exchange, and it provides the opportunity to compare options and ultimately choose an insurance plan that fits the needs of the particular individual. Further, U.S. citizens and certain categories of immigrants purchasing insurance through the healthcare exchanges can be eligible for federal subsidies if their income is below specified levels. Determining which immigrants qualify to purchase health insurance on the exchanges and which may additionally qualify for healthcare subsidies depends on multiple factors including:

- What form of immigration status the immigrant has;
- In the case of some immigrant crime victims, or abused, abandoned or neglected immigrant children, what form of immigration relief they have filed for;
- Whether the immigrant first entered the United States before August 22, 1996; or
- The state in which the immigrant resides.

The sections below will discuss which immigrant victims are eligible to purchase health insurance through the marketplace and the limited categories of non-citizens who may, depending on their state of residence, qualify for healthcare subsidies. Generally, the same individuals who are permitted to use the healthcare exchanges are also required to purchase healthcare insurance for themselves, or pay a penalty. That does not mean, however, that everyone is required to use the marketplace to purchase health insurance. For instance, an individual may purchase insurance from an insurer who does not sell on the exchanges. An individual who is already covered by insurance either through their employer or through another individual's insurance policy need not purchase additional insurance through the exchanges, as the individual already has insurance and is, therefore, already in compliance with the individual mandate. Regardless of how coverage is obtained, under the ACA requirements, immigrants who qualify to purchase insurance on the healthcare exchanges are required to be insured under the individual mandate. If they do not purchase health insurance, they will face the same civil penalties that U.S. citizens are required to pay.

For more information on access to healthcare for immigrant crime victims under the ACA, please see the following resources:

1. Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault, Leslye Orloff, Amanda Baran & Phoebe Mounts, [Chapter 17: Access to Healthcare for Immigrant Victims of Sexual Assault \(2012\)](#)
2. Carly Erickson & Leslye Orloff, [Federal, Partnership, and State Exchanges That Provide State and State-Option Funded Medicaid or Medicaid-Like Services](#)
3. Rocio Molina, [Eligibility Under the Affordable Care Act for Survivors of Domestic Violence, Trafficking, and Other Serious Crimes](#)
4. Up-to-date information on access to healthcare for immigrant adults and children including immigrant survivors who may have forms of immigration status that are not connected to crime victimization is [available from the National Immigration Law Center \(NILC\)](#)
5. For general information about healthcare reform, see National Health Law Program's Information on the Affordable Care Act Eligibility and Enrollment and [Medicaid Expansion Toolbox](#).

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