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Immigrants and the ACA: A Primer

What does health care reform (the Affordable Care Act) mean for those who are not citizens of the U.S.?

Legal Immigrants or Legal Permanent Residents are covered by the Affordable Care Act (ACA) with only minor limitations. That coverage includes the ability to purchase insurance from the state insurance exchanges, eligibility for premium tax credits and cost-sharing reductions that make purchasing insurance more financially reasonable. Legal immigrants are allowed to apply for Medicaid, but only after they have been living in the U.S. legally for 5 years. In some states, where exemptions from the five-year waiting period for immigrant children or pregnant women exist, the period may be waived. Legal Immigrants and permanent residents are subject to the individual mandate, and will be fined accordingly if they do not have insurance.

Undocumented immigrants do not have any federal coverage under the ACA. They will not be allowed to purchase health insurance through the state or federal health insurance exchanges, and will not be eligible for any tax credits that might be used in the exchange. Undocumented immigrants are also not able to enroll in Medicare or non-emergency Medicaid. However, immigrants will still be able to receive emergency medical care at hospitals (as guaranteed by the 1986 Emergency Medical Treatment and Active Labor act) and health clinics. Undocumented immigrants are not subject to the individual mandate, meaning they will not be required to pay a fee if they are uninsured.

Nonimmigrants (including temporary workers, visitors for business or pleasure, exchange visitors, representatives of foreign governments and press, victims of crime, trafficking victims, fiancées of U.S. citizens, and foreign investors) are exempt from the individual mandate if they are not expected to be in the United States for the whole period of enrollment. The shortest period of enrollment available will not be known until the state-run health benefits exchanges are operational. Until the length of the enrollment period is known, it won't be known whether nonimmigrants in the U.S. for a limited period of time, such as 6 months, will be required to comply with the individual mandate. Currently, no one in the U.S. will be fined for going without coverage for less than 3 months (limited to one 3-month period a year), so any nonimmigrants in the United States for a period of time shorter than that will not be fined as outlined in the individual mandate. Nonimmigrants that are subject to the individual mandate will have full access to state health insurance exchanges, including any tax credits they may be eligible for.