

A Quick Guide to Immigrant Eligibility for Virginia Medicaid and ACA

PROGRAM	LAWFUL PERMANENT RESIDENTS (age 19 and over)	LAWFUL PERMANENT RESIDENTS (age under 19)	LAWFUL PERMANENT RESIDENTS (pregnant women)	REFUGEES, ASYLEES, VICTIMS OF TRAFFICKING, OTHERS ¹	LAWFULLY PRESENT INDIVIDUALS ²	UNDOCUMENTED IMMIGRANTS and DACA RECIPIENTS ³ (including children and pregnant women)
	If entered the U.S. on or after August 22,1996					
VIRGINIA MEDICAID Manual M0220.200-.700) & Appendix 5	Not eligible until after 5-year waiting period AND 40 quarters, unless military connection ⁴	State option⁵ Virginia provides without a 5-year waiting period or 40 quarters	State option Virginia provides without a 5-year waiting period or 40 quarters	Eligible Eligible for 7 years. Temporary Medicaid lasts for 8 months, then financial and category rules apply	State option Virginia covers children under 19, and pregnant women without a 5-year waiting period or 40 quarters	Not eligible
FAMIS/CHIP VIRGINIA		State option Virginia provides without a 5-year waiting period or 40 quarters.	State option Virginia provides without a 5-year waiting period or 40 quarters.	Eligible Eligible for 7 years. Temporary Medicaid lasts for 8 months, then financial and category rules apply	State option Virginia covers children under 19 and pregnant women without a 5-year waiting period or 40 quarters	Not eligible
EMERGENCY MEDICAID	Eligible Before 5-year waiting period AND 40 quarters met.	N/A, eligible for full Medicaid	N/A, eligible for full Medicaid	Eligible After 7-year status expires and status not adjusted to LPR, or status adjusted but 5-year waiting period AND 40 quarters not met.	Eligible Must still meet category and financial rules	Eligible Must still meet category and financial rules
ACA – Health Care Reform Subsidies (premium tax credits and cost-sharing reductions)	Eligible	Eligible	Eligible	Eligible	Eligible⁶	Not eligible Also not eligible for full-priced health insurance in the Exchange marketplace

¹ Also includes Cuban/Haitian entrants, Amerasian immigrants, Iraqi or Afghan immigrants on Special Immigrant Visa, individuals granted withholding or deportation of removal, and victims of a severe form of trafficking.

² “Noncitizens are lawfully residing in the U.S. if they have been admitted lawfully into the U.S. and have not overstayed the period for which they were admitted, or they have current permission to stay or live in the U.S.”, Medicaid Manual M0220.314

³ DACA is the acronym for Deferred Action for Childhood Arrivals

⁴ LPRs remain ineligible after 5 years unless they also have credit for 40 quarters of work. Veterans, active duty military, and their spouses and children are always eligible for full Medicaid benefits if they meet all other eligibility requirements, Medicaid Manual M0220.311.

⁵ Eligible if receiving federal foster care.

⁶ See <https://www.healthcare.gov/immigrants/immigration-status/> and 45 CFR § 155.305(a)(1) for full list of qualified immigration statuses.

Overview of Health Coverage for Asylees and Refugees

Temporary Medicaid

Asylees, refugees & four other types of “Qualified Aliens⁷” who entered the U.S. on or after 8-22-96 are eligible for temporary Medicaid for 8 months. Their eligibility is exclusively based on their immigration status - income and resources are not used to assess eligibility during this period.

- Refugees: 8 months from date of entry to U.S.
- Asylees: 8 months from date asylum is granted

Medicaid for First 7 Years

After eligibility for temporary Medicaid expires, the refugee or asylee is eligible for full benefits Medicaid if they meet all other eligibility criteria. This status lasts for the first 7 years of residency in the U.S. If they later change their immigration status, they are still considered to have “seven-year” status for the purposes of Medicaid eligibility.

To enroll in Medicaid, the refugee or asylee must meet categorical and income eligibility criteria. The Aged, Blind and Disabled eligibility category also has a resource and asset test. Requirements for each category differ and can be found in the Medicaid Manual.

Eligibility Categories:

- Low Income Families & Children (LIFC)
- Aged (65 and over)
- Blind or Disabled
- Child under 19
- Pregnant Woman
- Low Income Adults (Medicaid Expansion, coverage began January 1, 2019)

Medicaid expansion created a new eligibility category for low income adults. It covers adults between 19 and 64 who are not eligible for Medicare with income below 138% FPL. Prior to this date, individuals who lost Temporary Medicaid, did not meet another coverage group, and were unable to access financial assistance through the Health Insurance Marketplace, were in the “Medicaid Gap” and unable to access affordable coverage. Anyone who lost coverage in this way, is still within 7-years of arrival and has income below 138% FPL should reapply for Medicaid!

After 7 Years:

After 7 years, the refugee or asylee will remain eligible for full benefits Medicaid ONLY IF they have adjusted their status to Legal Permanent Resident, have 40 quarters of work history and continue to meet all other eligibility criteria. They will be eligible for only

⁷ Deportees whose deportation is withheld, Cuban or Haitian entrants, victims of a severe form of trafficking & Afghan or Iraqi Immigrants admitted to the U.S. on a Special Immigrant Visa, Amerasian Immigrants are included in the refugee category and are also in the group, Medicaid Manual M0220.313.

Emergency Medicaid⁸ if they have not adjusted their status to LPR, do not have 40 quarters of qualifying work history, and continue meet categorical and financial criteria.

A qualifying work quarter is defined by the Title II of the Social Security Act. Qualifying quarters worked by a parent while a child is under 18 can be credited towards the child and qualifying quarters worked by spouses during the marriage can be counted for each spouse so long as they remain married.

Children under 19; pregnant women; and active duty military, veterans and their spouses and children are exempt from these requirements and can remain in Medicaid or FAMIS for as long as they meet the eligibility criteria. Children of Afghan or Iraqi immigrants admitted on a Special Immigrant Visa for permanent residency are eligible until age 21.

Note: Non-citizens cannot be denied Medicaid because they do not have an social Security number and cannot be forced to get one for the sole purpose of getting Medicaid.

Marketplace Coverage

All “lawfully present” immigrants, except those with DACA status, can purchase private insurance on the Health Insurance Marketplace. “Lawfully present” is a broad category that includes immigrants with permission to live and/or work in the U.S., such as those with valid visas⁹. Those who are not eligible for other coverage (employer coverage, Medicare, Medicaid, etc.) with income between 138% and 400% Federal Poverty Level are likely eligible for financial assistance on the Health Insurance Marketplace.

Lawfully present immigrants barred from Medicaid because of their immigration status or because they have not yet met the 5-year bar AND 40 quarters of work requirements are eligible for financial assistance from the Marketplace, even with incomes below 138% FPL. This may apply to a refugee or asylee after 7 years, when they are no longer eligible for Medicaid, and have not adjusted their status to LPR or they have adjusted their status but have do not have credit for 40 quarters of work.

Marketplace Special Enrollments (SEPs)

When an asylee or refugee loses Medicaid, they must apply to the Health Insurance Marketplace within 60 days of the loss of coverage to access a Special Enrollment Period and enroll in coverage. They may also apply 60 days *before* the loss of coverage occurs. If they do not apply within this timeframe, they will have to wait until the next Open Enrollment to apply and will have a gap in coverage.

⁸ Emergency Medicaid covers only emergency services for nonresident aliens when these services are provided in a hospital emergency room, inpatient hospital setting, or dialysis center. See Medicaid Provider Manual, Hospitals, Chapter IV, Covered Services and Limitations

⁹ See <https://www.healthcare.gov/immigrants/immigration-status/> and 45 CFR § 155.305(a)(1) for full list of qualified statuses.