



Colorado Covering Kids and Families

Immigration Status and Eligibility for Medicaid and CHP+: February 2005

Many immigrants are eligible for Medicaid and CHP+. Medicaid and the Child Health Plan *Plus* (CHP+) are health insurance programs for low-income children, families, and pregnant women in Colorado. Immigration status is one of several factors used to determine eligibility for Medicaid and CHP+. The graph below shows Medicaid and CHP+ eligibility criteria associated with immigration status.

Immigration Status	Eligibility Guideline*
Lawful Permanent Residents (LPRs)	Must have been in the US for 5 years to be eligible.
Refugees	Eligible for either Medicaid or CHP+ depending on other eligibility criteria; no 5 year ban applies.
Asylees	
Victims of Trafficking	
"Aliens whose deportation has been withheld"	
Cuban or Haitian entrants	
Amerasians	
Honorably discharged military veterans and immediate families	
Active duty with the US military and immediate families	
American Indians born abroad (50% AI blood)	Eligible for Medicaid unless SSI eligibility changes
Eligible for SSI	

*Other eligibility criteria include: income and assets

The complete Medicaid eligibility guidelines for legal immigrants can be found in the Medical Services Board Staff Manual Volume 8, section 8.100.53.A, online at <http://www.hcpf.state.co.us/HCPF/StateRules/index.asp>.

Parent immigration status does not affect children's eligibility. The eligibility rules for Medicaid and CHP+ apply only to those members of a family who are going to be insured. If a child meets all of the eligibility criteria, s/he is eligible for Medicaid or CHP+ benefits regardless of their parents' immigration status. This is true even in the case of citizen children of undocumented parents.

For more information on these issues, visit:

<http://www.hhs.gov/ocr/immigration/triagency.html>
<http://www.nilc.org/immspbs/vr/verifreptg005.htm>
http://www.nilc.org/ce/nilc/nilcpubchg_4.10.01.PDF

Counties or Medical Assistance (MA) sites who determine Medicaid and CHP+ eligibility cannot report a family to the INS for receiving Medicaid benefits, unless the family has committed Medicaid fraud and owes the county or State money.

According to the US Department of Health and Human Services, **counties and MA sites cannot require Social Security Numbers or other information about immigration status for family members who are not applying for benefits.** Ineligible family members, including undocumented parents, do not need to provide information about their immigration status when applying for medical benefits for their children.

Medicaid or CHP+ eligible children, families, and pregnant women can receive benefits without losing the ability to change immigration status in the future. In the case where the children are eligible but the parents are not, the children's medical benefits will not interfere with the parent's ability to change status in the future.

Immigrants who would qualify for Medicaid on the basis of income and assets, but do not because of immigration status, can receive Emergency Medicaid benefits. This includes undocumented immigrants. Emergency Medicaid covers only life, limb, or organ threatening emergencies, including labor and delivery.

Colorado also has a special State Only Prenatal Medicaid Program for pregnant women who entered the US legally and would qualify for Medicaid except for immigration status (i.e. a legal immigrant who hasn't been in the country for 5 years or adjusted to LPR status).

Immigrants who have questions about how their immigration status affects their eligibility for Medicaid and CHP+ are wise to consult with an immigration attorney on this issue.

The Colorado Department of Health Care Policy and Financing has reviewed this fact sheet and agrees with its content.

contacts

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