

# **Colorado CKF Medical Benefits and Public Assistance for Immigrant and Refugees Conference**

Primer on Issues Related to  
Immigrants and Public Benefits

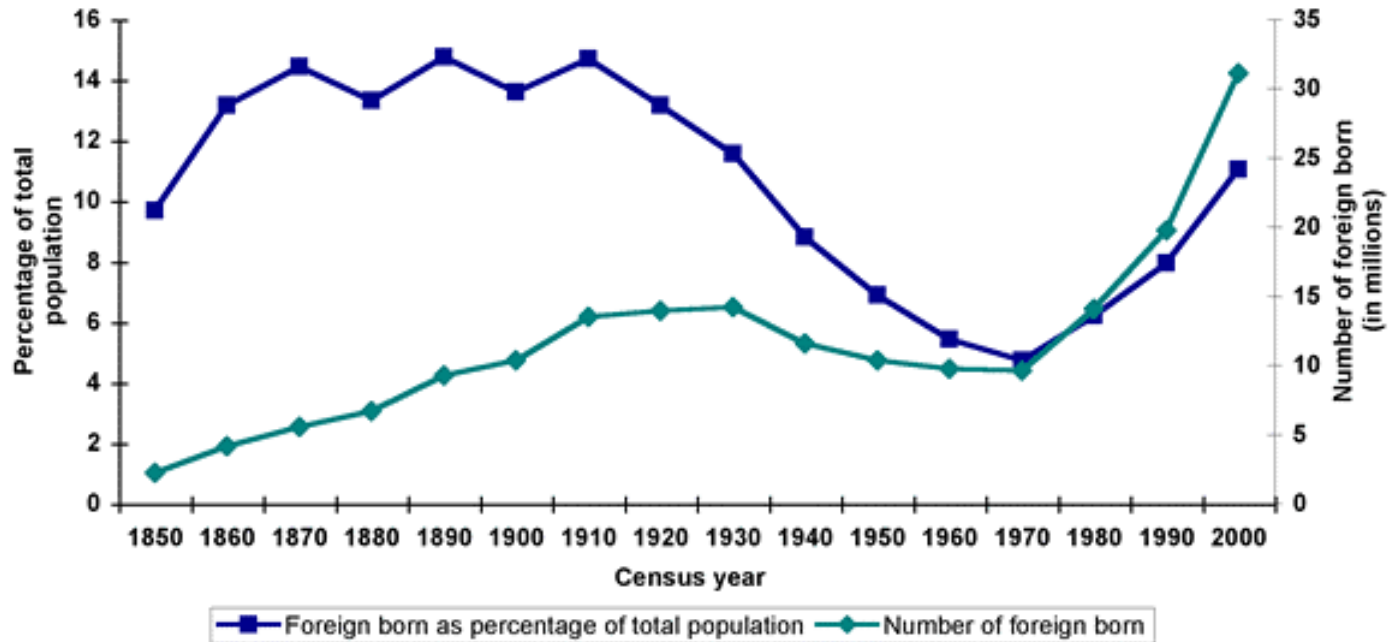
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# Immigrant Families Make up an Important Share of the U.S. Population

- According to the 2000 Census, there are over 30 million immigrants in the US, representing 11 percent of the total population.
- 85 percent of immigrant families with children are mixed status families (families in which at least one parent is a non-citizen and one child is a citizen).
- 1 in 5 children in the U.S. is the native- or foreign-born child of an immigrant.
- 1 in 4 low-income children lives in an immigrant household.

**SIZE OF THE FOREIGN-BORN POPULATION AND FOREIGN BORN AS A PERCENTAGE OF THE TOTAL POPULATION, FOR THE UNITED STATES: 1850 TO 2000**



Source: The 2000 data are from Census 2000 (see [www.census.gov](http://www.census.gov)). All other data are from Gibson, Campbell and Emily Lennon, US Census Bureau, Working Paper No. 29, *Historical Census Statistics on the Foreign-Born Population of the United States: 1850 to 1990*, US Government Printing Office, Washington, DC, 1999. This report is available [on-line](#).

# New Immigration Centers Emerge in 1990s

- Immigrants are settling in communities throughout the U.S.
- During the 1990s, the immigrant population in "new immigrant" states grew twice as fast (61 percent vs. 31 percent) as the immigrant population in the 6 states that receive the greatest numbers of immigrants.
- Between 1990 and 2000 CO was the 8<sup>th</sup> fastest growing "new immigrant" state.

# Immigrants in Colorado

- CO had almost 370,000 immigrants in 2000 (U.S. Census)
- CO has the 17<sup>th</sup> largest immigrant population in the U.S.
- CO's immigrant population grew by 160 percent between 1990 and 2000.
- Over 54% of CO immigrants are Hispanic/Latino in origin
- Almost 32% of CO immigrants have become U.S. Citizens
- 18 percent of CO's immigrants live in poverty.

# Immigrants Contribute Significantly to the U.S. Economy, but Rely on Low-Wage, Low-Benefit Jobs

- In 2000 immigrants accounted for 15 percent of the total civilian labor force, and headed 20 percent of low-income households.
- In 2001, nearly half of all U.S. immigrant workers earned less than 200 percent of the minimum wage, in comparison to 32 percent of native-born workers. (Urban Institute)
- In a 2002 Colorado Fiscal Policy Institute survey of immigrant workers, the median annual individual income was \$14,000 (versus the median annual income of \$27,237 for all CO workers)
- The 2002 Colorado Fiscal Policy Institute survey found that 80 percent of the respondents did not receive job-based health insurance or paid sick days.

# Immigrant Families and Health Insurance

- 13.9 percent of native citizens are uninsured, compared with 43% of non-citizens.
- Children with immigrant parents are more likely to be uninsured, even if they are citizens. In 2002, **21.6%** of citizen children in “mixed status” families were uninsured versus **12.4%** of children with citizen parents.
- Among children of CO immigrant workers:
  - 6.5% had CHP+
  - 21% had Medicaid
  - 8% had other coverage
  - **64.5% were uninsured**

# Children in Immigrant Households

The children of immigrants are more likely:

- to be poor (**24 percent versus 16 percent**);
- to be uninsured (**22 percent versus 10 percent**);
- to have no usual source of medical care (**14 percent versus 4 percent**); and
- not to have a steady source of food (**37 percent versus 27 percent**).

# The Welfare Law Has Affected Immigrants' Use of Benefits

- From 1996 to 2000, low-income non-citizens' enrollment in Medicaid decreased from 17 percent to 14.1 percent.
- Low-income immigrant families with children have lower TANF use rates than low-income citizens families with children (8.7 percent versus 11.6 percent).
- The Colorado Fiscal Policy Institute found that 91% of immigrant workers did not receive any type of government assistance.

# THE BIG PICTURE:

## 6 Things You Need To Remember

1. Many legal immigrants are still eligible for federally-funded benefits programs.
2. Undocumented immigrants can secure some federally-funded programs.
3. **All** U.S. citizen children are eligible for public benefits, regardless of the immigration status of the parents.
4. Reporting to the DHS by agencies administering federal programs is only required in **VERY RARE** circumstances.
5. DHS guarantees that an immigrant's use of health benefits, hunger benefits, and other social services will **NOT** prevent a person from getting a green card or becoming a U.S. citizen under the "public charge" rules. Only persons primarily dependent on cash assistance or government-funded institutional long term care are at risk of being denied permanent resident status.
6. Immigrant families **DO** need to be informed about situations that **COULD** cause them problems.

# Overview of the 1996 Welfare Law

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA):

- Divided lawfully present immigrants into ‘qualified’ and ‘not qualified’
- Imposed a five-year bar on federally funded TANF, food stamps, Medicaid and SCHIP for most “qualified” immigrants who entered the U.S. on or after 8/22/96
- Created harsh deeming rules and potential sponsor liability for immigrants whose sponsors sign “enforceable” affidavits of support (INS Form I-864)
- Granted state options to provide or deny Medicaid benefits to many qualified immigrants

# Overview of Immigrant Public Benefits Restrictions

Because of the 1996 welfare law, immigrants' eligibility for public benefits depends primarily on three factors:

- 1. The individual's immigration status**
  - “Qualified” Immigrants
  - “Not qualified” immigrants
  - Other categories related to benefits eligibility
  
- 2. When the individual entered the country**
  - Entering U.S. before Aug. 22, 1996
  - Entering U.S. on or after Aug. 22, 1996
  
- 3. Whether the immigrant has a sponsor**

# Immigration Categories Related to Public Benefits Eligibility

## “Qualified” Immigrants:

1. Lawful Permanent Residents (LPR)
2. Refugees
3. Asylees
4. Persons granted withholding of removal/deportation
5. Persons paroled into the U.S. for at least one year
6. Cuban/Haitian entrants
7. Certain domestic violence survivors, their children and/or parents, with approved or pending (with a prima facie case determination):
  - Visa petition filed by US citizen or LPR spouse/parent
  - Self-petition under the Violence Against Women Act (VAWA)
  - Application for cancellation of removal/suspension of deportation under VAWA

# Immigration Categories Related to Public Benefits Eligibility

## **“Not-Qualified” Immigrants:**

- ALL Other Non-citizens

... Even if the individual has work authorization and are lawfully present in U.S.

# Other Categories Related to Public Benefits Eligibility

- Victims of Trafficking (and derivative beneficiaries of T visas)
- Amerasians from Vietnam
- Veterans and active duty military personnel, their spouses, unremarried widows and unmarried children
- Members of Hmong or Laotian tribe during the Vietnam era
- American Indians born abroad
- 40 Quarters

# 40 Quarters

- Helps establish eligibility for benefits
- 40 quarters is approximately 10 years of work (individuals can earn a maximum of 4 quarters per year).
- An LPR may be credited with quarters earned by each of his or her parents before the LPR turns 18 (including before birth) **and** quarters earned by his or her spouse during marriage.

# 40 Quarters

- Certain work that is not counted toward Social Security benefits (e.g. certain agricultural work) may still be credited to a worker.
- An LPR cannot claim credit for work performed after 12/31/96 if the worker received Medicaid, SSI, food stamps, TANF or SCHIP during that time (but can get credit from spouse or parent if they are not receiving benefits).
- Public benefits offices may obtain records from SSA about the worker's qualifying quarters or the quarters earned by the spouse or parent – even if the latter is uncooperative.

# Immigrant's Eligibility for TANF

- “Qualified” immigrants who physically entered the U.S. before 8/22/96.
- “Qualified” immigrants who physically entered the U.S. on or after 8/22/96 and have been in a “qualified” immigrant status for at least five years.
- Refugees, persons granted asylum or withholding of deportation/removal, Amerasian immigrants, and Cuban/Haitian entrants are eligible without a five year bar.
- Victims of trafficking and their derivative beneficiaries.
- Veterans and active duty military personnel, their spouses, unremarried surviving spouses, and children, who are “qualified” immigrants.

# TANF Case Study

Kathleen and her daughter Molly entered the U.S. in June of 2001 as lawful permanent residents. Kathleen had second daughter in 2002 named Joan. Kathleen would like to apply for TANF for her family. Are they eligible?

# Questions To Ask...

1. What are the applicants' immigration statuses?
2. Are they "qualified" immigrants and when did they obtain their statuses?
3. When did they enter the U.S.?
4. What benefit would they like to receive?
5. Do they meet any of the exemptions (e.g. veteran, 40 quarters, etc.)?
6. What are the rules for the program?

# Questions To Ask...

1. What are the applicant's immigration statuses?  
*Kathleen and Molly are lawful permanent residents. Joan is a citizen.*
2. Are they “**qualified**” immigrants?  
*Kathleen and Molly are qualified immigrants.*
3. **When did Kathleen and Molly enter the U.S.?**  
*June 2001.*
4. **What benefit would they like to receive?**  
TANF

# Questions To Ask...

- 5. Do they meet any of the exemptions (e.g. veteran, 40 quarters, etc)**

*-no*

- 6. What are the rules for the program?**

-Qualified immigrants who enter the U.S. on or after 8/22/96 are not eligible for TANF for their first five years in the U.S.

# Case Answer

Molly and Kathleen are not eligible for TANF because they are qualified immigrants who entered the U.S. on or after 8/22/96. They may be eligible after they have been in the U.S. for five years (June 2006), depending on sponsor rules. Joan is eligible for TANF because she is a citizen.

# Immigrants' Eligibility for Federal Food Stamps

- Persons who have lived in the U.S. as “qualified” immigrants for at least five years.
- Refugees, persons granted asylum or withholding of deportation/removal, Cuban-Haitian entrants, and Amerasian immigrants.
- Victims of trafficking and their derivative beneficiaries.
- “Qualified” immigrant children under 18 years old.
- Seniors born before 8/22/31, who were lawfully residing in the U.S. on 8/22/96, and are now “qualified” immigrants.
- “Qualified” immigrants receiving disability-related assistance regardless of their date of entry.

# Immigrants' Eligibility for Federal Food Stamps cont.

- Lawful permanent residents with credit for 40 quarters of work.
- Veterans, active duty military personnel, their spouses, un-remarried surviving spouses and children who are "qualified" immigrants.
- Hmong and Laotian tribe members who are lawfully present in the U.S.
- Certain American Indians born abroad

# Food Stamps Case Study

Eva entered the country in December of 1999 as a lawful permanent resident. She worked until December 2003, earning 16 quarters of work credit, when she became disabled. Eva is married to a U.S. citizen who has 20 quarters of work credit. Eva is currently receiving state disability assistance. Eva would like to apply for food stamps. Is she eligible?

# Questions To Ask...

1. **What is Eva's immigration status and when did she obtain that status?**

*She entered the U.S. and became a lawful permanent resident in December 1999.*

2. **Is she a "qualified" immigrant?**

*Yes.*

3. **When did Eva enter the U.S.?**

*December 1999.*

4. **What benefit would she like to receive?**

*Food stamps.*

## Questions To Ask...

- 5. Does she meet any of the exemptions (e.g. veteran, 40 quarters, etc)**  
*-She receives state disability assistance.*
  
- 6. What are the rules for the program?**  
*-Receipt of state-funded disability assistance makes Eva eligible for food stamps.*

# Case Answer

Eva is eligible for food stamps because she is a “qualified” immigrant receiving disability-related assistance.

# Health Coverage Programs

- Medicaid
  - Low income children
  - Very low income adults with children
  - Pregnant women up to 133% FPL
  - Disabled persons up to 225% FPL or on SSI
- SCHIP (CHP+)
  - Children up to 185% FPL who are not eligible for Medicaid
  - Pregnant women

# Immigrant Eligibility Today

(pre-implementation of SB03-176):

- **Qualified” immigrants** who entered the U.S. before 8/22/96
- **“Qualified” immigrants** who entered the U.S. on or after 8/22/96, and have been in a “qualified” immigrant status for at least five years.
- **Refugees, persons granted asylum or withholding of deportation/removal, Amerasian immigrants, and Cuban/Haitian entrants**
- **Victims of trafficking**
- **Veterans** and active duty military personnel, their spouses, unremarried surviving spouses, and children, who are “qualified” immigrants

# SB03-176



- The 1996 Welfare Law authorized states to exclude certain federally-eligible immigrants from their state **Medicaid** programs
- Excludable groups include:
  - LPRs without 40 quarters
  - “Refugee” groups after 7 years

# Mandatory Coverage Groups

- **When SB03-176 is implemented, only these groups will be eligible for Medicaid**
  - LPRs with 40 quarters
  - SSI recipients
  - Refugees, asylees, victims of trafficking, Cuban/Haitian entrants, and persons granted withholding of deportation **for seven years**
  - Veterans, active duty military personnel, their spouses, un-remarried surviving spouses and children
  - Certain Native Americans
  - Amerasians from Vietnam **for five years**

# SCHIP (CHP+)

- Nondiscrimination rules require states to cover all qualified immigrants, subject to the five year bar rules

  - exception: “Medicaid expansions”

- Kids who lose Medicaid under SB03-176 will be eligible for SCHIP

# SSI

- **Persons receiving SSI on 8/22/96**, or whose SSI applications were pending on that date
- **Persons who were lawfully residing in the U.S. on 8/22/96**, and are now “qualified” immigrants, and are blind or disabled
- **LPRs with 40 quarters of work credit** (LPRs who physically entered the U.S. on or after 8/22/96 must have been in a “qualified” status for at least five years)
- **Refugees, asylees, persons granted withholding of removal/deportation, Amerasian immigrants, and Cuban/Haitian entrants** during the first seven years after obtaining status.
- **Victims of trafficking**
- **Veterans** and active duty military personnel, their spouses, unremarried surviving spouses, and children, who are “qualified” immigrants
- **A member of a federally recognized Indian tribe, or American Indian born in Canada.**

# Programs Without Immigration Status Restrictions

- Emergency Medicaid and other emergency medical services
- Immunizations, testing and treatment for symptoms of communicable diseases (outside of the Medicaid program)
- Programs delivered at the community level, that do not condition assistance on income or resources and are necessary to protect life or safety (including emergency mental health and substance abuse services)

# Emergency Medicaid

- No immigration status restrictions
- Otherwise eligible for state Medicaid program
- Applicant cannot be required to provide immigration status information or SSN on application

# Case Study

- Lisa is an undocumented immigrant. Her daughter Nicole was born in the U.S. Lisa's boyfriend Carl came to the U.S. in 1994 and became an LPR in 1997. Carl's two sons, Andre, age 17 and Mike, aged 12, came to the U.S. in 1997 and became LPR's in 2000. They all live in Colorado. Assuming they all meet income and other requirements, who is eligible for Medicaid or CHP?

# Questions to Ask

- Is the person a child or an adult ?

If a child:

- What is the child's immigration status?
- When did he/she come into the US?
- Is he/she subject to a five-year bar?

# Questions to Ask

If an adult, all of the above *plus*:

Is the person in a mandatory coverage group?

- If an LPR, does he/she have credit for 40 quarters of work?
- If a refugee, asylee, etc., has he/she been in the US for more than seven years?
- Is the person receiving SSI?
- Is the person a veteran or family member?
- Is the person Native American?

# Case Study - Answer

- **Lisa:** Because she is undocumented, Lisa is eligible for emergency Medicaid only.
- **Nicole** is eligible because she is a citizen
- **Carl** needs to have 40 quarters of work credit
- **Andre and Mike** are subject to the five year bar until 2005. After that **Mike** could get SCHIP, but **Andre** will be too old for SCHIP, so he will be ineligible until he acquires 40 quarters of work or joins the military

# SSI Case Study

Tran entered the U.S. in March of 1997 as a refugee. Due to an accident in January 2004, Tran became blind, and would like to apply for SSI. Tran has 24 quarters of work credit. Tran's husband, Martin, entered the US with a green card in June of 1996, and just turned 75. Martin has 10 quarters of work credit. He would also like to apply for SSI. Are they eligible?

# Questions To Ask...

1. What are Tran and Martin's immigration statuses?
2. Are they "qualified" immigrants. If so, when did they obtain that status?
3. When did Tran and Martin enter the U.S.?
4. What benefit would they like to receive?
5. Do they meet any of the exemptions (e.g. veteran, 40 quarters, etc.)?
6. What are the rules for the program(s)?

# Questions To Ask...

- 1. What are Tran and Martin's immigration statuses?**  
*Tran is a refugee. Martin is a lawful permanent resident.*
- 2. Are they "qualified" immigrants. If so, when did they obtain that status?**  
*Yes. Tran received her status in March 1997 and Martin received his status in June of 1996.*
- 3. When did Tran and Martin enter the U.S.?**  
*Tran entered in March 1997 and Martin entered in June of 1996.*

# Questions To Ask...

4. **What benefit would they like to receive?**

*SSI.*

5. **Do they meet any of the exemptions (e.g. veteran, 40 quarters, etc.)?**

*Tran is a refugee.*

6. **What are the rules for the program(s)?**

*-Refugees are eligible for SSI for their first 7 years in the U.S.*

*-Qualified immigrants who were in the U.S. before 8/22/96 are eligible for SSI if they are blind or disabled.*

# Case Answer

Tran and Martin are both qualified immigrants. Tran is not eligible for SSI, and Martin may be eligible. Because of SSI eligibility rules, Tran is only eligible for SSI for her first 7 years in the U.S. (until March 2004). As an LPR who was lawfully present in the U.S. before 8/22/96, Martin is only eligible for SSI if he is blind or disabled. However, Martin may have age-related conditions that meet the definition of disability under SSI.