

U.S. Citizens, Legal Immigrants, and Undocumented Immigrants in the Chairman’s Mark of “America’s Healthy Future Act”

	U.S. Citizens	Legal Immigrants	Undocumented
Subject to Individual Mandate to Have Health Coverage	Yes	Yes	No
Eligible for Medicaid	Individuals with incomes < 133% of the Federal Poverty Level (FPL)	Individuals with incomes < 133% of the FPL who have surpassed the five-year waiting period and are “qualified” immigrants	No; undocumented individuals are not eligible for full-scope Medicaid
Waiting Period for Medicaid	No	Yes; five-year waiting period to access Medicaid exists for legal resident immigrant children and pregnant women in states that do not elect CHIP state option, and for adults. “Not qualified” immigrants are ineligible for the waiting period.	Ineligible for full-scope Medicaid
Verification for Medicaid	Maintains existing verification, including 2005 documentation of citizenship/identity requirements; potential verification via Social Security Administration (SSA) under new Children’s Health Insurance Program Re-authorization Act state option	Maintains existing verification through Systematic Alienage Verification for Entitlements (SAVE) Verification Information System	Ineligible for full-scope Medicaid
Access to the Exchange	Yes	Yes	No; undocumented immigrants cannot purchase insurance through the exchange
Documentation Required for Application to Exchange	Name, date of birth, Social Security number	Name, date of birth, Social Security number or Alien registration number	Ineligible for the exchange
Verification System Used for Exchange	Citizenship verified with SSA	Legal residence determined by unspecified Department of Homeland Security verification	Ineligible for the exchange
Eligible for Tax Credits	Yes; Modified adjusted gross income (MAGI) must be > 100% of the FPL.	Yes; MAGI must be > 100% of FPL. <u>Exception:</u> Eligible for tax credits if MAGI is < 100% of FPL <i>and</i> individual is subject to the five-year waiting period for Medicaid*	No
Rules for Determination of Federal Poverty Level (and Subsequent Eligibility for Tax Credit)	Household MAGI and total household size both count toward calculation of FPL	Household MAGI and total household size both count toward calculation of subsidy eligibility	Total MAGI counts toward calculation of subsidy eligibility but undocumented individuals in household do not

* Please refer to additional chart on legal immigrants’ access to subsidies.

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Access to Subsidies for Legal Immigrants

	Legal Immigrants with MAGI < 100% of FPL		Legal Immigrants with MAGI between 100% and 133% of FPL		Legal Immigrants with MAGI between 134% and 200% of FPL	Legal “Not Qualified” Immigrants
	“Qualified” immigrants subject to five-year waiting period	Other “qualified” immigrants exempt from five-year waiting period or “not qualified immigrants” who are legal residents	“Qualified immigrants” subject to five-year waiting period	Others exempt from five-year bar or “not qualified immigrants” who are legal residents		e.g., U-visas, K-visas, and spouse or child of citizen w/ pending status adjustment
Individual Mandate	Yes	Yes	Yes	Yes	Yes	Yes
Eligible for Medicaid	Yes	Yes	Yes	Yes	No	No
Five-Year Waiting Period and Restrictions for Medicaid	Yes	No	Yes	No	n/a	n/a
Access to the Exchange	Yes	Yes	Yes	Yes	Yes	No
Eligible for Tax Credits	Yes	No	Yes	No	Yes	No
Year Eligible for Tax Credits	2013	n/a	2013	n/a	2013	n/a