



**U.S. Citizens, Legal Immigrants, and Undocumented Immigrants in the
“Patient Protection and Affordable Care Act” (H.R. 3590) and the “Health
Care and Education Reconciliation Act of 2010” (H.R. 4872)**

	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; all non-pregnant adults subject to the five –year waiting period; immigrant children and pregnant women have waiting period in states that do not elect CHIP state option. “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. Citizenship documentation if verification is not verified correctly the first time.	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 between 100 and 400% of FPL. If under 100% of FPL, legal immigrant must be categorically ineligible for Medicaid and/or subject to a waiting period.	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	Income is pro-rated, so that legal immigrants and U.S. citizens receive a fair subsidy to help them afford insurance.