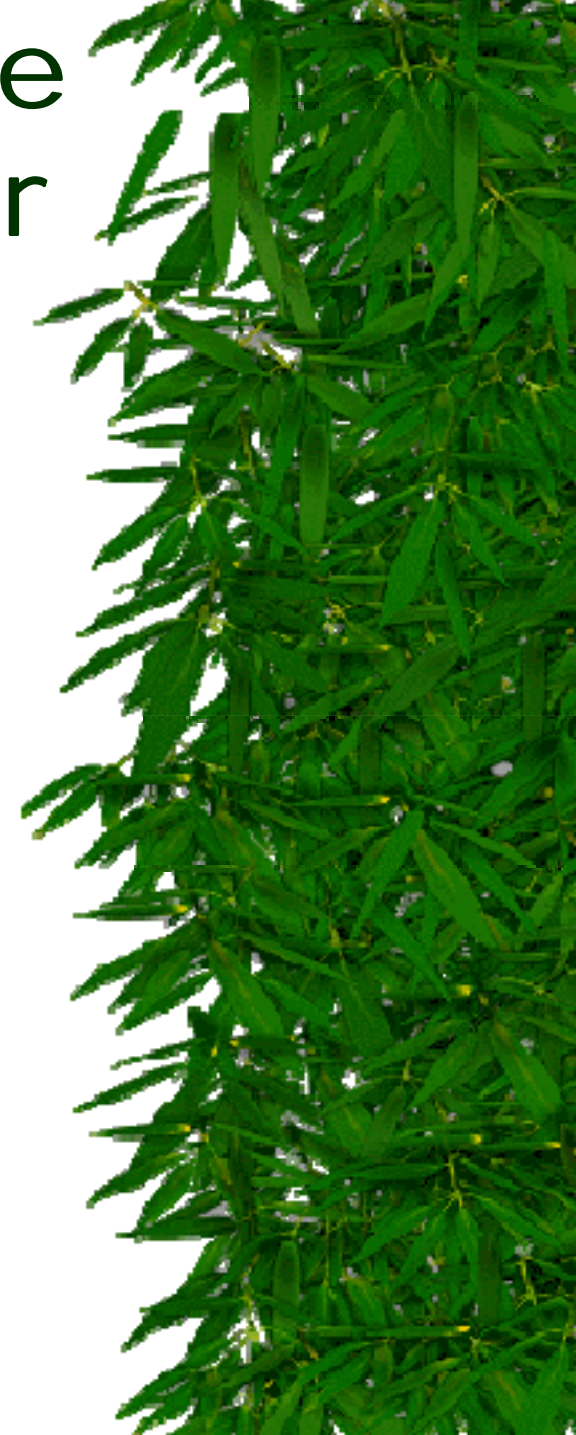


Access to Health Care and other Benefits for Immigrants in California

**Stronger Bridges to
Health Forum**

San Francisco, June 2009

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Issues Affecting Access to Benefits

- **Immigrant eligibility rules**
- State residency and other eligibility rules
- Privacy, Confidentiality and Verification
- Concerns about “Public charge”
- Concerns about Sponsors
- Linguistic and Cultural Competence
- Logistical Barriers
- The “Climate”

Immigrant Benefit Classifications

- ★ **U.S. Citizens**

- ★ **“Qualified” immigrants**
 - Entering the U.S. before 8/22/96
 - Entering the U.S. on or after 8/22/96

- ★ **“Not Qualified” immigrants**
 - **PRUCOL** (Permanently Residing Under Color of Law)
 - Other lawfully present non-citizens
 - **Undocumented immigrants**

Qualified Immigrants

- ★ **Lawful Permanent Residents (LPR)**
- ★ **Refugees, Granted Asylum, Withholding of Deportation/Removal, or Conditional Entrant status**
- ★ **Paroled into U.S. for at least 1 Year**
- ★ **Cuban and Haitian Entrants**
- ★ **Certain Battered Spouses and Children**

Qualified Battered Immigrants

Must have *prima facie* case or approved:

- * **Visa petition** filed by U.S. citizen or LPR spouse/parent
- * **Self-petition under VAWA**, or
- * Application for cancellation of removal/suspension of deportation under VAWA

Parent of battered child and **child** of battered spouse also considered “qualified”

Victim of Severe Form of Trafficking

- ★ If 18 or over, must be certified by HHS
- ★ Children under 18 need HHS “eligibility letter”
- ★ Technically, not “qualified” but...treated like refugees, and eligible for all benefits administered by federal agency or federally funded
- ★ Derivative beneficiaries of T- Visas also eligible for federal benefits

Not Qualified Immigrants

- ★ *ALL* Other Non-citizens

... even if have work authorization and are lawfully present in U.S.



PRUCOL

Permanently Residing Under Color of Law - not an immigration status, but a benefit eligibility category

May include persons:

- with approved immediate relative visa petition
- who filed application for adjustment to LPR status
- in deferred action status
- granted Family Unity status
- granted a stay of deportation
- who have lived in the US continuously since before January 1, 1972
- certain battered immigrants
- Other persons in the US with the knowledge of DHS whose departure that agency does not contemplate enforcing.

Not Qualified Immigrants: Programs Barred

- ★ **Federal**

 - “Public Benefits” barred

- ★ **State or Local**

 - “Public Benefits” barred

 - unless* state passes new law

Not Qualified Immigrants: Federal Program Bar

Bar on Federal “Public Benefits”

“Public Benefits” to be defined by agencies (only HHS, FEMA and a few others have done so)

Examples of “public benefit” in law

- Grants, Contracts, Loans, Professional or Commercial Licenses provided by government
- Retirement, Welfare, Health & Disability, Housing, Post-Secondary Education, Food Assistance, Unemployment Benefit, FEMA, **OR** any “similar benefit” **AND**
- Assistance provided to individual, household, or family unit, by an agency/funds of federal government

Examples of HHS Federal Public Benefits

- * Adoption Assistance
- * **Child Care and Development Fund**
- * Foster Care
- * Independent Living
- * Low Income Home Energy Assistance Program (LIHEAP)(single unit buildings only)
- * Medicare
- * Medicaid (except emergency medical)
- * Mental Health Clinical Training Grants
- Refugee benefits (Cash, Medical, Social Services)
- * Social Services Block Grant (SSBG)
- * State Children's Health Insurance Program (SCHIP)
- * Temporary Assistance for Needy Families

Programs Exempt from Federal Bar

- **Emergency Medicaid** and other emergency medical services
- Immunizations, testing and treatment for symptoms of communicable diseases (outside of Medicaid)
- Short-term non-cash disaster relief
- Certain housing assistance if receiving on 8/22/96
- School Lunch and School Breakfast
- State Option to Provide WIC

AND programs

1. delivered at the community level, that...
2. do not condition assistance on income or resources
3. are necessary to protect life or safety

AG's List of Programs "Necessary to Protect Life or Safety"

Child protection & adult protective services

Violence and abuse prevention, including domestic violence

Mental illness or substance abuse treatment

Short-term shelter or housing assistance

Programs during adverse weather conditions

Soup kitchens, food banks, senior nutrition programs

Medical & public health services & mental health, disability,

Substance abuse services necessary to protect life or safety

Programs to protect life & safety of workers, children & youth, or community residents

Other services necessary for the protection of life or safety



Non-Profit Agencies

Non-profit charitable organizations are not required to determine, verify or otherwise ask for proof of an immigrant's status

- applies to immigrant restrictions in the 1996 welfare and immigration laws

- ★ Non-profits can create a safe environment for immigrants and their family members who are seeking services



CA Programs Available Regardless of Status

- * Emergency Medi-Cal
- * **Prenatal care** (Medi-Cal)
- * Access for Infants and Mothers (AIM)
- * Long-term care
- * **Early Breast Cancer Detection and Breast and Cervical Cancer Treatment**
- * California Children's Services (CCS)
- * Healthy Kids (Children's Health Initiatives) and Healthy San Francisco
- * Community clinics
- * Child Health and Disability Prevention Program (CHDP) and CHDP "Gateway"
- * Family PACT
- * Minor consent services
- * Mental health services
- * Regional Center Services
- * Women Infants and Children (WIC)
- * School lunch and breakfast

Hypothetical

Angie works in a health clinic, a non-profit organization that receives federal funds. Patients can be treated at the clinic, regardless of their income.

Nadia, an undocumented woman with HIV, seeks treatment at the clinic.

1. Does the clinic provide a federal public benefit?
2. Is Nadia eligible for treatment?
3. Is Angie required to verify Nadia's immigration status?
4. Is Angie required to report Nadia to the Department of Homeland Security?

Another Hypothetical

- **Candace is undocumented. Her daughter, Tara, was born in the U.S. An earthquake destroyed the home they rented in Southern California, and they were evacuated to Northern California. They lost their housing and all of their possessions, have no money or identification documents. Which benefits or services can they receive?**
- Candace started a business. Can she get child care while she works?



Immigrant Eligibility for Major California Programs

Full-Scope Medi-Cal
Qualified immigrants &
PRUCOL

Healthy Families
Qualified immigrants

CaWORKs
Qualified immigrants
& PRUCOL. Deeming
rules apply

**Food Stamps/California
Food Assistance
Program (CFAP)**

Qualified immigrants
(plus) Deeming rules
apply.

**SSI/Cash Assistance
Program for Immigrants
(CAPI) and IHSS**

Qualified Immigrants and
PRUCOL. Deeming rules
apply.

**NOTE: Immigrants on next
slide are eligible for all
state & local programs**



Victims of Trafficking and other Serious Crimes in CA:

- ★ **Trafficking Victims** can get state and local benefits before certified for federal benefits
- ★ 12 months, extended if T visa application or Continued Presence request filed
- ★ **U Visa Applicants** can get state and local benefits (no time limit)
- ★ Continues unless U visa finally denied
- ★ **State RMA, RCA and RSS programs available for both groups**

SSI Eligibility

- **Receiving SSI or application pending on August 22, 1996**
- **Qualified immigrants with disabilities, who were lawfully present in the U.S. on 8/22/96**
- **LPRs with credit for 40 quarters of work history.** Post 8/22/96 entrants must wait until in qualified status for five years.
- **Refugees**, asylees, granted withholding of deportation/removal, Cuban/Haitian entrants, Amerasian immigrants, trafficking victims, *during first 7 years after obtaining status, unless extended (see next page)*
- **Veterans**, active duty military, spouses, surviving spouses, & children
- Members of federally recognized Indian tribes or American Indians born in Canada

New SSI Extension!

At least 2 more years of SSI for **humanitarian immigrants** who reach end of 7 year period and who:

- ★ are under 18 or over 70 years old, or
- ★ have been an LPR for less than 6 years, or
- ★ have a pending application for LPR status filed within 4 years of getting SSI, or
- ★ are a Cuban/Haitian entrant or were granted withholding of deportation/removal, or
- ★ have a pending application for citizenship.

Humanitarian immigrants who have applied for citizenship get additional third year of SSI

Hypotheticals

- ★ Clare, who is undocumented, has two children, Mike, an undocumented teenager, and Tyler, a six-year old, born in the U.S. Clare is pregnant. Which benefits can they receive?

- ★ Veronica was granted asylum in September 2000, and became a lawful permanent resident (LPR) in 2004. She has a disability. Which benefits can she receive?

More Hypotheticals

Andrea applied to become an LPR based on her marriage to a U.S. citizen, but does not have her green card. She has a disability.

Which services can she receive?

What if her husband is abusive?

Governor's Budget Proposals Would:

- ★ **Eliminate CAPI and CFAP**
- ★ Use newly available federal funds to serve lawfully residing children in Medi-Cal and Healthy Families, but
 - Impose a **five year waiting period** for Medi-Cal for most “qualified” immigrant adults
 - **Eliminate PRUCOL** eligibility for Medi-Cal (adults and possibly some kids)
- ★ End CalWORKs for 1 of 4 children on cash aid or end CalWORKs altogether.



Governor Recently Proposed to:

- ★ Eliminate CalWORKs and Healthy Families altogether
- ★ Eliminate post partum care, breast and cervical cancer treatment, dialysis, certain mental health services
- ★ Eliminate various community clinic programs, maternal and child health
- ★ Reduce funding for ADAP

Resources

Immigrants & Public Benefits:

- ★ National Immigration Law Center: www.nilc.org
- ★ California Immigrant Policy Center (CIPC):
www.caimmigrant.org

Individual Legal Assistance for Health Care:

www.healthconsumer.org

Legal Services:

www.lawhelpcalifornia.org

Questions

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