



# Exhibit 1: Immigration Statuses Eligible for Marketplace Coverage

Lawfully Present Immigration Status	
Statuses eligible for enrollment in a QHP through the Marketplace <sup>+</sup>	
<ul style="list-style-type: none"> <li>○ Individuals with valid nonimmigrant status (includes worker visas (e.g., H-1, H-2A, H-2B), student visas, U-visas, T-visas, and other visas; also includes citizens of Micronesia, the Marshall Islands, and Palau)</li> <li>○ Immigrants whose visa petitions have been approved and who have pending applications for adjustment of status</li> <li>○ Individuals granted employment authorization               <ul style="list-style-type: none"> <li>☞ Exception: Deferred Action for Childhood Arrivals (DACA), as described in June 2012 Department of Homeland Security (DHS) policy, are not considered lawfully present</li> </ul> </li> <li>○ Temporary Protected Status (TPS)</li> <li>○ Paroled into the U.S.</li> <li>○ Deferred Action Status               <ul style="list-style-type: none"> <li>☞ Exception: DACA, as described in June 2012 DHS policy, are not considered lawfully present</li> </ul> </li> <li>○ Deferred Enforced Departure (DED)</li> <li>○ A child who has a pending application for Special Immigrant Juvenile status</li> <li>○ Granted relief under the Convention Against Torture (CAT)</li> <li>○ Lawful Temporary Resident</li> <li>○ Family Unity beneficiaries</li> <li>○ <b>All of the Medicaid-eligible statuses listed below</b></li> </ul>	
“Qualified Non-Citizen” Statuses	
Eligible for Medicaid/CHIP if consumer meets the five year requirement*	Eligible for Medicaid/CHIP-five-year bar does not apply**
<ul style="list-style-type: none"> <li>○ Lawful Permanent Resident (LPR/Green Card holder)</li> <li>○ Paroled into the U.S for 1 year or more</li> <li>○ Battered spouse, child, or parent who has a pending or approved petition with DHS</li> <li>○ Applicants for Victim of Trafficking Visa</li> <li>○ Conditional Entrant (granted before 1980)</li> </ul>	<ul style="list-style-type: none"> <li>○ Lawful Permanent Residents who adjusted from a status exempt from the 5-year bar</li> <li>○ Veterans or active duty military, and their spouses or unmarried dependents who also have “qualified non-citizen” status</li> <li>○ Refugees</li> <li>○ Asylees</li> <li>○ Cuban/Haitian entrants</li> <li>○ Consumers granted Withholding of Deportation or Withholding of Removal</li> <li>○ Trafficking Survivors and their spouses, children, siblings, or parents</li> <li>○ Member of a federally recognized Indian tribe or American Indian born in Canada</li> <li>○ Amerasian Immigrants</li> <li>○ Iraqi and Afghani Special Immigrants</li> </ul>

For more lawfully present immigration statuses, visit: <http://healthcare.gov/immigrants/immigration-status/>

<sup>+</sup>Children and/or pregnant women with listed statuses may be eligible for Medicaid or CHIP in certain states. For more information, visit: <http://www.medicaid.gov/medicaid-chip-program-information/by-topics/outreach-and-enrollment/lawfully-residing.html>.

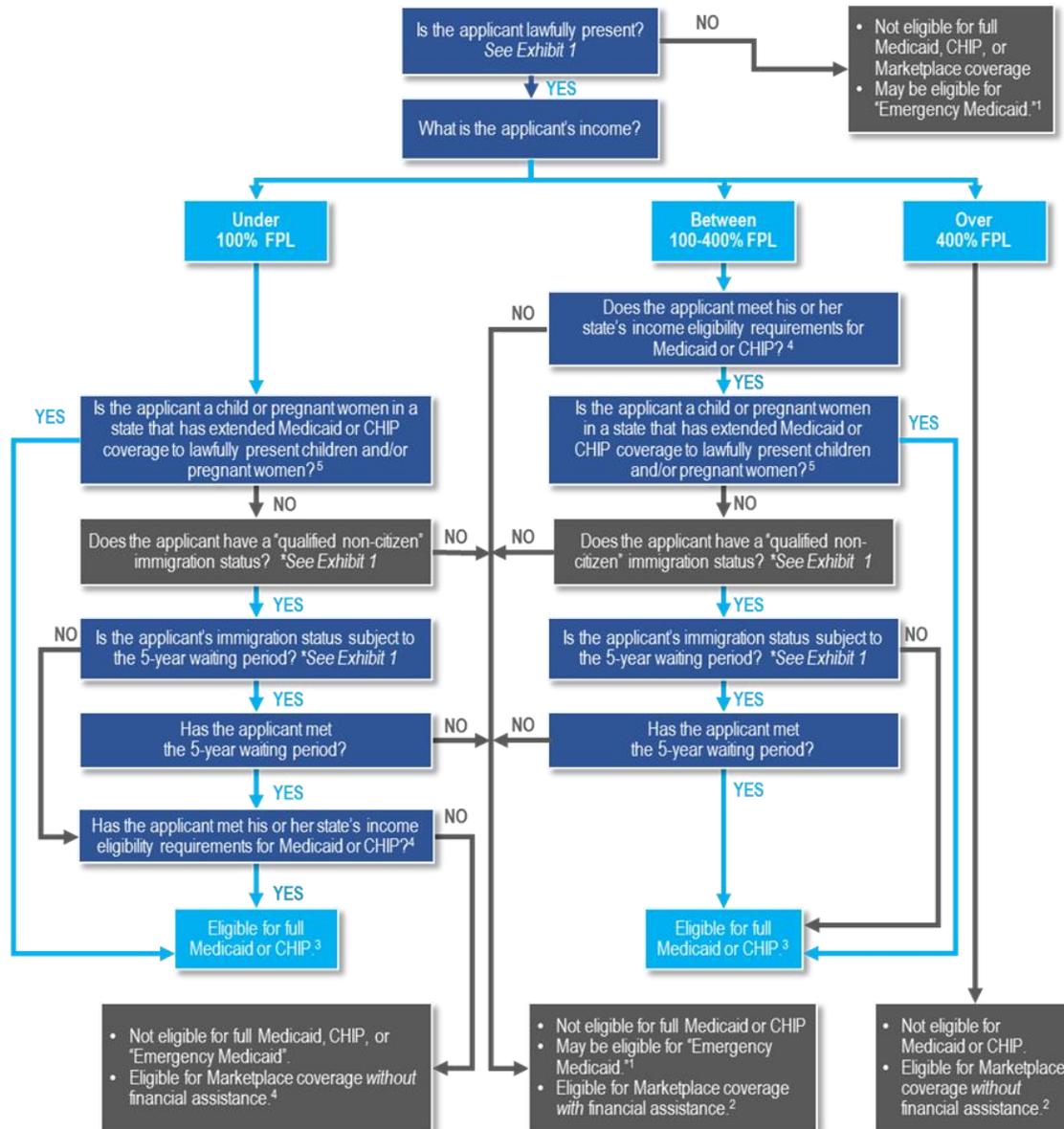
\* Indicates lawfully present immigration statuses that are considered qualified non-citizen statuses for purposes of Medicaid and CHIP eligibility. These statuses **are** subject to the Medicaid five-year bar.

\*\* Indicates lawfully present immigration statuses that are considered qualified non-citizen statuses for purposes of Medicaid and CHIP eligibility and that are **not** subject to the Medicaid five-year bar.

This chart represents a summary of complex federal statutes relating to immigration status. As a summary, it does not include all relevant detail. This publication is not a legal document and does not grant rights or impose obligations. It is not intended to take the place of either the written law or regulations.



# Exhibit 2: Process for Determining a Non-Citizen Applicant's Eligibility for Medicaid, CHIP, and Marketplace Coverage



<sup>1</sup> i.e., Payment for treatment of an emergency medical condition. Applicant must meet income, residency, and other Medicaid eligibility rules, other than immigration eligibility requirements.

<sup>2</sup> Applicant must meet all other eligibility requirements.

<sup>3</sup> Applicant must meet all other eligibility requirements. Note: in some states, certain non-citizens must meet the following additional eligibility requirements for Medicaid: Lawful Permanent Residents (LPRs) may be required to have 40 work quarters; and some non-citizens such as refugees and asylees may be limited to 7 years of coverage. (See 8 USC 1612(b)(2)(A) for a complete list of immigration status subject to a 7-year limit on coverage).

<sup>4</sup> State Medicaid and CHIP programs have different eligibility categories with different income requirements. Visit <http://www.Medicaid.gov/Medicaid-chip-program-information/by-state/by-state.html> to see your state's eligibility rules.

<sup>5</sup> In some states, lawfully present children and/pregnant women are eligible for Medicaid and/or CHIP coverage without having a "qualified non-citizen" immigration status or having to meet the 5-year bar. Visit <http://www.Medicaid.gov/Medicaid-chip-program-information/by-topics/outreach-and-enrollment/lawfully-residing.html> to see your state's rules.