

The Commonwealth of Kentucky
kynect State-Based Marketplace



**Understanding Immigration and
Eligibility**

**Quick Reference Guide for Agents
and kynectors**

Kentucky's transition to a State-Based Marketplace (SBM) is pending official authorization from the Centers for Medicare & Medicaid Services (CMS). Final approval is anticipated to occur later this summer. Future updates will be shared as appropriate.

Introduction

The **Understanding Immigration and Eligibility Quick Reference Guide** is designed to provide an overview of general immigration information as it pertains to documentation and insurance plans available as well as cover sample scenarios.

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General Immigration Information

1.1. Immigration Status Verification

Citizenship or valid U.S. immigration statuses are eligibility factors required by law for enrollment in government funded health programs. An Individual's immigration status is verified through an electronic immigration status verification system, also known as SAVE, when possible. If the data cannot be confirmed by electronic matches, then the Individual must submit appropriate verification documents.

1.2. Types of Citizenship

There are two types of citizens: naturalized citizens and derived citizens.

Naturalized Citizen

- An Individual who was not born in the U.S. nor acquired U.S. citizenship automatically through their relationship to a U.S. citizen.

Derived Citizen

- An Individual who derives U.S. citizenship through their relationship to a U.S. citizen by operation of law.

1.3. Lawfully Present Immigrants

- In order to enroll in Qualified Health Plans (QHPs) on kynect health coverage, an Individual must be a U.S. citizen or be lawfully present in the United States.
- The term "lawfully present" includes immigrants who have:
 - "Qualified" immigration status with a waiting period
 - "Qualified" immigration status without a waiting period (see [Section 1.5.](#) for additional information)
 - Humanitarian statuses or circumstances (including Temporary Protected Status, Special Juvenile Status, asylum applicants, Convention Against Torture, victims of trafficking)
 - Valid non-immigrant visas
 - Legal status conferred by other laws (temporary Resident status, LIFE Act, Family Unity Individuals)

1.4. Lawfully Present Immigrants and Lower Costs for Insurance

- If an Individual is a lawfully present immigrant, then they are eligible to enroll in QHPs on kynect health coverage. They may also be eligible for lower costs on monthly premiums and lower out-of-pocket costs based on their income.

1.5. Immigrant Access to Medicaid and KCHIP

- i. There are “qualified” and “not qualified” immigrants.
- ii. Individuals who are “qualified immigrants” are generally eligible for Medicaid in Kentucky and Kentucky Children’s Health Insurance Program (KCHIP) coverage if they meet the income eligibility rules.
- iii. The term “qualified immigrant” includes:

Lawful Permanent Residents (LPR/Green Card Holder)	Asylees	Refugees
Cuban/Haitian entrants	Paroled into the U.S. for at least one year	Conditional entrant granted before 1980
Battered non-citizens, spouses, children, or parents	Victims of trafficking and their spouse, child, sibling, or parent or individuals with a pending application for a victim of trafficking visa	Granted withholding of deportation
Member of a federally recognized Indian tribe or American Indian born in Canada	Citizens of the Marshall Islands, Micronesia, and Palau who are living in one of the U.S. states or territories (referred to as Compact of Free Association or COFA migrants)	

1.5.1. Personal Responsibility and Work Opportunity Act

The Personal Responsibility and Work Opportunity Act (PRWORA) contains a 5-year ban where some qualified immigrants entering the U.S. on or after August 22, 1996 are ineligible for public benefits for the first 5 years after securing the qualified immigrant status. Once an Individual meets qualified immigrant status, if the Individual is not subject to the 5-year ban and no exemption reason is met, then they may be eligible for Medicaid or KCHIP.

The following qualified immigrants are subject to the 5-year ban and cannot receive Medicaid (except for Emergency Time-Limited MA) until the ban has been met:

- Immigrants lawfully admitted for permanent residence ON or AFTER August 22, 1996.
- Immigrants paroled in the U.S. under Section 212(d)(5) of the Immigration and Nationality Act (INA) for a period of one year. If U.S. Citizenship and Immigration Services (USCIS) document I-94 indicates the individual will be in the U.S. for at least one (1) year, eligibility may potentially start after parolee status is granted.
- Immigrants who are verified by the Office of Refugee Resettlement (ORR) to be victims of human trafficking, and eligible relatives that have a final, non-appealable, legally enforceable order of deportation or exclusion entered against them.
- Immigrants who are battered or subjected to extreme cruelty in the U.S.

The following qualified immigrants are NOT subject to the 5-year ban and MAY receive Medicaid from their date of entry:

- Children under the age of 19 who meet qualified immigrant criteria OR are lawfully present.
- Immigrants lawfully admitted for permanent residence before August 22, 1996.
- Afghan and Iraqi immigrants who are granted special immigration status under Section 1059 of the National Defense Authorization Act (NDAA) of 2006 or Section 1244 of the NDAA of 2009 are treated in the same manner as refugees admitted under Section 207 of the Immigrations and Nationality Act.
- Refugees who were admitted under Section 207 of the INA and asylees who were granted asylum under Section 208 of the INA.
- Children under the Child Citizenship Act of 2000, who automatically acquire citizenship on the date that all of the following requirements are satisfied: a. At least one parent is a U.S. citizen whether by birth or naturalization; b. The child is under 18 years of age; and c. The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to the lawful admission for permanent residence.
- Immigrants who are verified by the Office of Refugee Resettlement (ORR) to be victims of human trafficking, and eligible relatives.
- Immigrants granted status as Cuban or Haitian entrant (as defined by Section 501 (e) of the Refugee Assistance Act of 1980) whose I-94 is annotated with the word "refugee".
- Immigrants granted status as a Cuban or Haitian refugee who present an I551 with a category status of 'CU6' (for Cuban refugee), 'HA6' (for Haitian National paroled under Haitian Refugee Fairness Act), or 'RE6' (Refugee who entered the U.S. on or after April 1, 1980).
- Immigrants admitted as an Amerasian immigrant under Section 584 of the Foreign Operations Export Financing and Related Programs Appropriation Act of 1988 (letter coded AM-1, Am-2, AM-3, AM-6, AM-7, and AM-8).
- Immigrants whose deportation is being withheld (I-94 annotated with the words political asylees) under Section 243 (h) of the INA or after April 1, 1997, the renumbered Section 241 (b) of the INA.
- Permanent Resident immigrants who are veterans honorably discharged for reasons other than immigration status, their spouses, or unmarried dependent children.
- Permanent Resident immigrants who are on active duty, other than active duty for training in the Armed Forces of the United States and fulfills the minimum active duty service requirements established in 38 U.S.C. 5303A(d), their spouses or unmarried dependent children.
- Immigrants who are granted conditional entry pursuant to Section 203(a) (7) of the INA as in effect prior to 4/1/1980.

1.6. Immigration Status and Qualified Health Plans (QHP)

- i. In addition to the “qualified immigrant” list above in [Section 1.5.](#), the list of “lawfully present” Individuals include:
 - a. Individuals with valid non-immigrant status (includes worker visas (such as H1, H-2A, H-2B), student visas, and other visas, and Residents of Micronesia, the Marshall Islands, and Palau)
 - b. Temporary Protected Status (TPS)
 - c. Deferred Enforced Departure (DED)
 - d. Lawful Temporary Resident
 - e. Administrative order staying removal issued by the Department of Homeland Security
 - f. Resident of American Samoa
 - g. Applicant for any of these statuses:
 - Adjustment to LPR Status
 - Temporary Protected Status with Employment Authorization
 - Special Immigrant Juvenile Status
 - Victim of Trafficking Visa
 - Asylum*
 - Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention Against Torture (CAT)
 - h. With Employment Authorization:
 - Registry Applicants
 - Order of Supervision
 - Applicant for Cancellation of Removal or Suspension of Deportation
 - Applicant for Legalization under IRCA
 - Legalization under the LIFE Act

Please Note: Due to a recent court order, Deferred Action for Childhood Arrivals (DACA) recipients and consumers with certain other immigration statuses living in some states including Kentucky are no longer eligible for Qualified Health Plans through the federal Marketplace or some State-Based Marketplaces. This includes plans offered through kynect health coverage.

*Applicants for asylum who have been granted employment authorization or are under the age of 14 and had an application pending for at least 180 days are eligible to enroll in kynect health coverage.

1.7. Non-applicants

Households can identify Individual members as non-applicants and they:

- i. Are not required to disclose their citizenship/immigration status;
- ii. Are required to enter relevant Individual information in order to determine household eligibility such as income and tax filing relationship statuses.

2. Health Coverage Available to Kentucky's Immigrant Population

The table below is an overview of health insurance programs available to immigrants in Kentucky.

	Refugees, Asylees and Other Humanitarian Immigrants	"Qualified Immigrants"		Other Lawfully Present Individuals	Undocumented Individuals	DACA Immigrants
		Lawful Permanent Residents (Green Card Holders) Adults Age 19 and Older	Children Under Age 19			
Medicaid*	Yes	Yes, After 5 years	Yes, 5-year bar does not apply	Yes, if under 19 years old	No	No
KCHIP (Pregnant Persons)	Yes	Yes, 5-year bar does not apply	Yes, 5-year bar does not apply	Yes, if under 19 years old	No	No
KCHIP (Children)	Yes	No	Yes, 5-year bar does not apply	Yes, if under 19 years old	No	No
Time-Limited Emergency Medicaid	No	No	No	Yes, with letter from doctor/nurse stating emergency condition	Yes, with letter from doctor/nurse stating emergency condition	Yes, with letter from doctor/nurse stating emergency condition
Pregnancy Presumptive Eligibility Medicaid (PE)	Yes	Yes	Yes	Yes	Yes	Yes
Hospital Presumptive Eligibility Medicaid (PE)	Yes	Yes	Yes	No	No	No
Qualified Health Plan (QHP)	Yes	Yes	Yes	Yes	No	No
Advance Premium Tax Credit (APTC)	Yes**	Yes**	Yes**	Yes**	No	No

To show how this table can be used while working with Individuals, the next section provides sample scenarios of different citizenship and immigration statuses. Review each scenario and the eligibility results to confirm your understanding of how Immigration statuses affect eligibility for health coverage in Kentucky.

3. Sample Scenarios

3.1. Scenario 1: Rashid, Miriam, and Leila

- i. Rashid and Miriam are married and live in Kentucky.
- ii. Rashid became a citizen last year.
- iii. Miriam is applying to become a Lawful Permanent Resident; Rashid submitted a visa petition for Miriam last year which was approved in February.
- iv. Leila was born in Kentucky last month and is enrolled in Medicaid.
- v. Rashid and Miriam file taxes jointly and claim Leila as a dependent.
- vi. Rashid and Miriam are applying for coverage.

Eligibility Based only on Citizenship/Immigration Status:

Individual	Eligibility Based only on Citizenship/Immigration Status					
	Applying for coverage	Citizen	Immigration status	Subject to the 5 year ban	Satisfied the 5 year ban	May be eligible for:
Rashid	Yes	Yes	N/A	N/A	N/A	Medicaid or QHP Enrollment
Miriam	Yes	No	Applying for Lawful Permanent Resident; Approved Visa Petition	N/A	N/A	QHP Enrollment
Leila	No	Yes	N/A	N/A	N/A	Already enrolled in Medicaid;

3.2. Scenario 2: Ricky, Eva, and Karina

- i. Ricky and Eva are not married but live together with their daughter, Karina.
- ii. Ricky is undocumented and not applying for coverage.
- iii. Karina was born in Kentucky and is a U.S. citizen.
- iv. Eva has Deferred Action for Childhood Arrivals (DACA), and she plans to file federal taxes and will claim Ricky and Karina as dependents.
- v. Ricky and Eva are applying for coverage for Karina.

Eligibility Based only on Citizenship/Immigration Status:

Individual	Eligibility Based only on Citizenship/Immigration Status				
	Applying for coverage	Citizen	Immigration status	Residency for QHP enrollment	May be eligible for:
Ricky	No	N/A	N/A	N/A	N/A
Eva	Yes	N/A	N/A	Yes	N/A
Karina	Yes	Yes	N/A	N/A	Medicaid, KCHIP, or QHP Enrollment

3.3. Scenario 3: Mei, Michael, and Lin

- i. Mei (33 years old) lives with her son, Michael (5 years old), and her father Lin (72 years old) in Kentucky.
- ii. She has been a Lawful Permanent Resident (LPR) for 6 years.
- iii. Michael is a citizen and is enrolled in his father’s employer sponsored health insurance (Michael does not live with his father).
- iv. Lin has been an LPR for 2 years; he has not worked the 40 quarters and is not enrolled in Medicare.
- v. Mei will claim Michael and Lin as tax dependents.
- vi. Mei and Lin are applying for coverage.

Eligibility Based only on Citizenship/Immigration Status:

Individual	Eligibility Based only on Citizenship/Immigration Status					
	Applying for coverage	Citizen	Immigration status	Subject to the 5 year ban	Satisfied the 5 year ban	May be eligible for:
Mei	Yes	No	LPR	Yes	Yes	Medicaid or QHP Enrollment
Michael	No	Yes	N/A	N/A	N/A	N/A
Lin	Yes	No	LPR	Yes	No	QHP Enrollment

4. Examples of Documentation

Please refer to the table below for documents that support citizenship/immigrant status information.

Required Documentation for:	Documentation Type
Immigration Status	<ol style="list-style-type: none"> 1. Permanent Resident Card, "Green Card" (I-551) 2. Reentry Permit (I-327) 3. Refugee Travel Document (I-571) 4. Employment Authorization Card (I-766) 5. Machine Readable Immigrant Visa (with temporary I-551 language) 6. Temporary I-551 Stamp (on passport or I-94/I-94A) 7. Arrival/Departure Record (I-94/I-94A) 8. Arrival/Departure Record in foreign passport (I-94) 9. Foreign Passport 10. Certificate of Eligibility for Nonimmigrant Student Status (I-20) 11. Certificate of Eligibility for Exchange Visitor Status (DS2019) 12. Notice of Action (I-797) 13. Document indicating membership in a federally recognized Indian tribe or American Indian born in Canada 14. Certification from U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) 15. Office of Refugee Resettlement (ORR) eligibility letter (if under 18) 16. Document indicating withholding of removal 17. Administrative order staying removal issued by the Department of Homeland Security 18. Resident of American Samoa card 19. Alien number (also called alien registration number or USCIS number) or I-94 number
Citizenship	<ol style="list-style-type: none"> 1. U.S. Passport 2. Certificate of Naturalization (DHS Forms N-550 or N-570)

	<ol style="list-style-type: none"> 3. Certificate of U.S. Citizenship (DHS Forms N-560 or N-561) 4. Certification of Birth issued by the Department of State (Form DS 1350, FS-240 or FS-545) 5. U.S. birth certificate 6. U.S. Citizen I.D. card (DHS Form I-197 or I-179) 7. The SAVE database confirms citizenship for naturalized citizens 8. American Indian Card, Form I-872, issued by the Department of Homeland Security with the classification code "KIC" 9. Final adoption decree 10. Evidence of Civil Service employment by the U.S. government before June 1976 11. Official military record of service showing a U.S. place of birth 12. Northern Mariana Identification Card, Form I-873 13. U.S. hospital birth record on hospital letterhead that was created at least 5 years before the initial Medicaid application date and indicates a U.S. place of birth 14. Life, Health or other insurance record showing a U.S. place of birth that was created at least 5 years before the initial application date 15. Religious records recorded in the U.S. within three months of the birth 16. Early school records 17. Birth records of citizenship filed with Vital Statistics within five years of the birth 18. Federal or State census record showing U.S. citizenship or a U.S. place of birth for persons born 1900 through 1950. The applicant or worker completes Form DC-600, Application for Search of Census Records and Proof of Age. In remarks, state U.S. citizenship data requested for Medicaid eligibility. This form is on the U.S. Census website at http://www.census.gov 19. Institutional admission papers from a nursing home, skilled nursing care facility or other institution that was created at least 5 years before the initial Medicaid application date and indicates a U.S. place of birth 20. A medical (clinic, doctor, or hospital) record created at least 5 years before the initial Medicaid application date that indicates a U.S. place of birth unless the application is for a child under age 5 21. Indian tribal records. Forward this type verification to the Medical Support and Benefits Branch for approval by the Department for Medicaid Services 22. Notarized statements may be accepted for citizenship verification only when no other documentation is available. Naturalized citizens are permitted to utilize this process as well. Procedures are as follows: <ul style="list-style-type: none"> • Written notarized statements MUST be signed under penalty of perjury, from two Individuals of which only one can be related; <ul style="list-style-type: none"> ▪ These two Individuals MUST have personal knowledge of the events establishing the applicant's claim of citizenship. At least one statement must contain information regarding why other documentation is not available; ▪ The person signing the notarized statement must provide proof of their own citizenship and identity.
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Please note: If Individuals need help finding serial numbers or information on the document, check on the back of the document. Some older documents may not list serial numbers. Please refer to section 5 for more information on submitting documentation.

5. Submitting Documentation

If verification with SAVE or other data sources fails, Individuals might be required to submit verification documents. When submitting the documentation, the Individual may choose any of the following options:

- i. Online (encouraged method)
 - kynect.ky.gov
- ii. In Person
 - By visiting a local DCBS office
- iii. Mail/FAX paper applications
 - By mailing application to:
PO Box 2104
Frankfort, Kentucky 40602
 - By FAX:
1-502-573-2005

Please note: When Individuals provide a copy of a Green Card, a copy of both front and back is needed to capture all the required information.

6. Indicating Citizenship Status in kynect

When applying for benefits in kynect, immigrants must indicate they are not U.S. citizens.

- i. During the *Household Member Details* section of the kynect application, the immigrant must mark if they have an SSN or if they do not have an SSN due to immigration status.
- ii. The immigrant must then select whether or not they are a Resident.

Does this individual have a Social Security Number? ⓘ

Why doesn't this individual have a SSN?

Is not eligible to receive a SSN

Applied for SSN

Newborn without SSN

Does not have an SSN and may only be issued an SSN for a valid non-work reason

Refuses to provide an SSN

Refuses to obtain an SSN because of a well-established religious objective

I do not have an SSN or unable to locate SSN Card

Is this individual a resident of the Commonwealth of Kentucky?

- iii. The immigrant must then enter their ethnicity and race information along with the programs for which they would like to apply.

Select this individual's race(s)

American Indian or Alaskan Native

Asian

Black or African American

Native Hawaiian/Other Pacific Islander

White

Unknown

Is this individual Hispanic/Latino? ⓘ

Yes No

We have to ask for ethnicity and race to assure that program benefits are distributed without regard to race, color, or national origin, but you don't have to answer. Your answer won't affect how many benefits you get or how soon you get them.

Program Selection

What programs would this individual like to apply for? ⓘ

✓ Medicaid/KCHIP/Qualified Health Plan with payment assistance (APTC)

✓ QHP (Medical and Dental Insurance plans without payment assistance)


- iv. Next, the immigrant must select that they are not a U.S. citizen.

Is this individual a U.S. Citizen or a U.S. National? ⓘ

Yes No

Cancel Save ⓘ

- v. During the *Member Details* section of the kynect application, the immigrant must fill out the following questions:

Not a U.S. Citizen 

It is important to enter as many fields from your immigration documents as possible, even though some fields may be optional. Entering all of your document information ensures a quick, smooth application process and helps make sure your eligibility results are correct. Entering all available details may prevent the need to return to your application to provide additional information at a later date.


Does CHRISTOFER MANNING have an eligible immigration status?


Yes


I would like to continue the application without answering this question.


Does CHRISTOFER MANNING have an alien sponsor?

Has CHRISTOFER MANNING lived in the United States since August 22, 1996?

Is CHRISTOFER MANNING or any other household member an honorably discharged veteran or active-duty member of the military? 

Immigrant Type 

Immigration Document Type 

What date did you obtain your current immigration status?
 

The Name and/or Date of Birth on this immigration documentation does not match the information on the application.

7. Undocumented Individuals (Not eligible/Not qualified immigrants)

- i. Undocumented Individuals are Individuals who lost permission to remain in the U.S. or entered the U.S. without permission.
- ii. They are not eligible to purchase qualified health plans and are not eligible for Medicaid.
- iii. Resources for health care for undocumented Individuals:
 - a. Emergency Medicaid
 - b. Health care from Federally Qualified Health Centers (FQHCs) and other programs available regardless of status

8. Additional Resources

Individuals have access to the below resources to find more information on immigration and eligibility:

Resource	Description	Link
DCBS Website	The DCBS website has links to policy documents, program information, and other resources to assist Individuals with eligibility.	https://chfs.ky.gov/agencies/dcbs/Pages/default.aspx
KHBE Website	The KHBE website has a repository of training and supplemental materials as well as instructions on how to reach a kynector to assist with enrollment.	KHBE.ky.gov
Employment Authorization Document Codes	Agencies may reference the Employment Authorization Document Codes to help in determining an Individual's eligibility.	Employment Authorization Document Codes