

Western Massachusetts

Health Access Network Notes



COMMUNITY PARTNERS, INC.

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Jones Library – Amherst, MA

GUEST PRESENTATION Immigrants and Health Care Reform

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The mission of the MIRA Coalition is to promote the rights and opportunities of immigrants and refugees throughout Massachusetts through policy analysis and advocacy; technical assistance and training; member organizing; and leadership development. Carly's role within MIRA is to work to improve immigrant and refugee access to public programs. The Coalition brings together over 100 member organizations including health centers, hospitals, and community-based organizations.

In the past year, MIRA has been working on expanding access to health coverage for legal immigrants; many of these successes have been codified in Chapter 58.

Carly Burton's Powerpoint handout to the Health Access Network is available at:
www.compartners.org/pdf/han/11-2-07_carlyburton_powerpoint.pdf.

Key Changes for Immigrants and Refugees under Health Care Reform:

- **Expansion of MassHealth Essential benefits:** MassHealth Essential is now available to "adults with special status," meaning elderly and disabled immigrants who have had Green Cards for less than 5 years or are residing under color of law (PRUCOL).
- **Sponsor deeming:** "Adults with special status" do not have to report their sponsors' incomes. Sponsors' incomes are no longer "deemed" – counted in determining financial eligibility for benefits – for the health insurance applications of elderly and disabled immigrants.

- **Commonwealth Care:** All legally residing immigrants are eligible for Commonwealth Care, including people who are PRUCOL. For more information on what PRUCOL means, see this [brief MassHealth PRUCOL verification guide](#). Undocumented residents are not eligible for Commonwealth Care.
- **Undocumented immigrants:** Though undocumented immigrants are ineligible for Commonwealth Care, they are subject to the individual mandate and may receive care paid by the Health Safety Net.
- **Health Safety Net:** Anyone who can prove Massachusetts residency is eligible for the Health Safety Net (this is no change); it is **not** necessary to show citizenship or immigration papers. Those immigrants who now have access to subsidized insurance are no longer eligible for the Health Safety Net.

Barriers to health care access for immigrants and refugees:

Fear: Given the climate of increased immigration enforcement, many people are afraid to leave their homes, drive, or interact with state systems. As a result, there have been increases in missed appointments and missed follow-up appointments, as well as a growing reluctance among undocumented immigrants to fill out paperwork.

Stops by state police: This fear is magnified by the actions of state troopers, who are pulling over immigrant drivers and stationing cars in rural areas, near health centers and places where immigrants mingle. Governor Patrick has said that state troopers should not be enforcing immigration law, but it seems this message is not reaching the ground. Advocates have been working with the Governor's office to address this with a written policy. The ACLU is collecting information from people who have been stopped or questioned about their immigration status by state and local law enforcement.

Concern about effect on green card applications: There is a misconception that receiving health care could hurt someone's chances of getting a green card by making them a "public charge." This misconception exists not only in immigrant communities, but also among providers, attorneys, and even some ICE officials. To keep the case simple, some lawyers are discouraging people from seeking any public benefits, even for citizen children (immigrant parents don't need to disclose their status when applying on behalf of citizen children). Some people do not want to go against legal counsel, so they don't get benefits to which they are entitled.

Application tip: When sending verifications, it is important to make things as legible as possible by circling the PRUCOL code and writing it out.

Questions & answers:

- Q: Can Individual Tax Identification Numbers (ITINs) be used to access health insurance and other benefits?
- A: The ITIN comes from the IRS and its only legal purpose is to give immigrants the opportunity to pay federal and state income taxes. It does not give work authorization,

and cannot be used in place of a social security number. It is not supposed to be used on payroll. Click here for [more information](#).

Q: Now that fewer legal immigrants will be using the Health Safety Net, will ICE be able to target the HSN for immigration enforcement?

A: Patients do not have to reveal their immigration status to their providers. Though information in MassHealth files is private, providers can report if an applicant is “known to be unlawfully present” – though the only way a provider can know this is if a patient shows the provider a final order of deportation. There has been no indication that ICE will step up enforcement in hospitals and health centers, but that’s all we can say at this point.

Q: When people injured in non-work-related accidents or crimes seek services paid by the Health Safety Net, hospitals must first prove to the HSN that they can be reimbursed by neither the patient nor the third party. Are there any tips for undocumented immigrants who have to pursue a third party for payment?

A: If undocumented immigrants can obtain legal help, it is possible to bring a civil case against the person who injured them without revealing their immigration status. People in that situation need a lawyer they can trust, so that their immigration status is not revealed in the court proceedings.

Q: Are people who have satisfied all ICE requirements for a Green Card looked at any differently, if they are only waiting for FBI clearance?

A: The state still considers these people applicants for Green Cards, even if they are only waiting for FBI clearance; they are given no special designation.

Q: I was told by MassHealth that a simple affidavit or letter is no longer enough to verify the income of someone who may be undocumented. Do we now have to submit a pay stub?

A: Great Brook Valley Health Center created [income verification forms](#) that have been approved by MassHealth. They are on the [Community Partners website](#).

Q: Are employers going to be required to reimburse the HSN for undocumented employees who seek health care?

A: At this point, an employer can only be billed for HSN use under very specific circumstances; there are more than 11 employees, the employer offers no Section 125 plan, and the employee must incur over \$50,000 in medical debt.

MIRA Announcements

MIRA is working on budget campaign to restore benefits to all legal immigrants that were cut after 9/11. MIRA is looking for more organizations to add to the list; [more information](#) is available at www.miracoalition.org.