Washington Health Benefit Exchange

CITIZENSHIP & LAWFUL PRESENCE

JULY 2019
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OVERVIEW

• Federal Regulations require all state-based exchanges and the federal marketplace to use approved electronic data sources to verify eligibility for all customers to participate in an exchange.

• To be eligible for enrollment in a Qualified Health Plan through the exchange, an individual is required by law to be a U.S. citizen or national, or to be lawfully present.

• Eligibility to participate in the Exchange may be impacted if the customer’s U.S. Citizenship or immigration status cannot be verified by electronic data sources or customer supplied documents.
  ❖ This means the customer could lose coverage until sufficient documentation is provided

• Some consumers live in a mixed immigration status household. In this situation, each household member may be eligible for different health coverage options based on their citizenship or immigration status.
CITIZENSHIP
• Individuals can gain citizenship in the U.S. by Birth, Adoption, or Naturalization.

• Naturalization is a Legal process by which a citizen of one country becomes a citizen of another.
  ○ It generally requires that the person:
    ✓ Stay in the adopted country for a specified minimum period (typically five years) and will make it his or her permanent residence,
    ✓ Is of good character and has not been in violation of immigration laws (or has been given amnesty),
    ✓ Has a sufficient knowledge of the local language, and has taken an oath of allegiance to the adopted country.
I. Applicant provides Social Security Number (SSN)

II. Applicant attests to being a U.S. Citizen

III. HPF verifies citizenship with Social Security Administration records (SSA)

NATURALIZED CITIZEN?

- If applicant attests to being a naturalized citizen they are asked to provide either their Certificate of Naturalization number or Certificate of Citizenship Number AND Alien Number
  - HPF then tries to verify citizenship with Department of Homeland Security
CITIZENSHIP INFORMATION NEEDED FOR HPF

Certificate of Naturalization: N-550 or N-570

Certificate of Citizenship: N-560
WARNING MODAL

If an applicant does not input the Certificate of Naturalization or Certificate of Citizenship, this modal will appear as you navigate through the application prior to e-sign.

We couldn't verify your information

Review your application and confirm that your information, including names, birth dates, and Social Security numbers, for the individuals below is correct.

If you are a naturalized citizen, verify your Social Security number and provide your citizenship number.

By selecting Update Citizenship the customer will be taken back to a previous screen and will be allowed to update their Citizenship document number.
COMMON DOCUMENTS THAT DO VERIFY CITIZENSHIP

- U.S. Passport Or U.S. Passport Card
- Enhanced driver’s license or enhanced state ID (MUST say enhanced)
- Certificate Of Naturalization
- Official U.S. county birth certificate
DOCUMENTS THAT DO NOT VERIFY CITIZENSHIP

- **Standard State issued ID or drivers license**
  Only an enhanced ID or drivers license confirms U.S. Citizenship

- **Hospital birth record**
  Document is a keepsake and is not official proof of U.S. Citizenship

- **Self-attested letter**
  45 CFR § 155.315 states that although the Exchange can accept self-attestations for numerous categories, we are unable to accept a self-attested letter to verify U.S. Citizenship for an individual
LAWFUL PRESENCE
Lawfully present immigrants residing in Washington State may be eligible to enroll in a QHP through the Exchange if they fit into one of the following categories:

- they have applied for certain lawfully present statuses
- they are present in the U.S. under certain immigration statuses

The term “lawfully present” includes immigrants who have (but not limited to):

- “Qualified non-citizen” immigration status without a waiting period (does not have to meet 5-year bar)
- Humanitarian statuses (temporary protected status, asylum, victims of trafficking, etc.)
- Valid non-immigrant visas
The following groups of individuals are **NOT** Eligible for QHP/APTC enrollment:

- Deferred Action Childhood Arrivals (DACA)/Dream Act. DACA individuals are not eligible for QHP enrollment or federally-funded Apple Health programs.

- Individuals who have either overstayed their period of authorization or who were not permitted to enter the U.S.

- Undocumented Immigrants are not eligible to enroll in coverage through the Marketplace, even at full cost.

*These individuals are NOT Lawfully Present*

**Note:** Employment Authorization Card is annotated with category C33
If customer attests to being lawfully present they will need to supply their immigration documentation details.

- The document details are depended on what type of immigration document type the customer has
COMMON LAWFUL PRESENCE DOCS

- Permanent Resident Card (Form I-551)
- Employment authorization card
- Valid foreign passport with I-94 stamp of admission
- Visa with I-94 stamp of admission
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**What is 5 year-bar?**

“Qualified” immigrants are subject to a five-year waiting period (also known as the “five year bar”)

**FYI:**

The five years begins when an immigrant obtains a “qualified” immigration status

A limited number of groups are exempt from the five-year requirement
COMMON VISA CATEGORIES

- **K1-Non-immigrant fiancé(e) visa:**
  - Issued to the foreign-citizen fiancé(e) to enter the United States and marry his or her U.S. citizen sponsor within 90 days of arrival
  - A K-1 adjustment of status is necessary for him/her to obtain their green card

  **FYI:**
  For verification purposes we are unable to accept an expired K1 Visa with a marriage certificate showing the foreign-citizen was married within 90 days of arrival. We can accept documents showing they have applied for an adjustment of status.

- **F1 Non-immigrant student visa**
  - Issued to international students who are attending an academic program at a U.S. college or university
  - Student may remain in the U.S. as long as you are enrolled in the school to complete your academic program

  NOTE: U.S. Visa is stamped D/S (duration of stay). If LP status returned FNV they should supply a copy of their I-20 Certificate of Eligibility for Nonimmigrant Student Status, to verify program end date.
• Individuals who have applied for asylum are eligible for Marketplace coverage only if they have been granted employment authorization or are under the age of 14 and have had an application pending for at least 180 days.

• An individual who has been granted asylum indefinitely is eligible for Marketplace coverage.

Documents we can accept:

- Arrival/Departure Record (I-94) with stamp showing grant of asylum
- Order granting asylum by USCIS, DHS, immigration judge, Board of Immigration Appeals, or federal court
- Employment Authorization Card annotated A5
- Permanent Resident Card

Stamp indicating Asylum was granted indefinitely
45 CFR § 155.305 details a special rule that lawfully present immigrants may be eligible for APTC if:

- Their household income falls below 100% FPL
- Their immigration status is not Medicaid eligible

APTC Eligibility Exception Scenario:
- Sheila is 67, has been indefinitely granted Asylum, and her household income is 92% FPL.
- Sheila applies for health coverage through the Exchange and is denied WAH, as well as QHP w/ APTC.

Why this result?
Immigration status is Medicaid eligible, Sheila was denied Medicaid due to being over age 65. Sheila is being denied APTC because her household income is below the FPL threshold.
CITIZENSHIP/LAWFUL PRESENCE NOT VERIFIED?

- **NO MATCH ON NAME**
  - Change of first or last name
    - If named entered in HPF application does not match SSN card or immigrant/citizenship document, the customer will likely not return verified
  - Legal name vs. nickname
    - William vs. Bill, Robert vs. Bob, etc.

- **TYPO**
  - Name
    - Kristen vs. Kirsten
  - SSN
    - ***-****-6789 vs. ***-**-7689
    - Customer does not have an SSN or mistakenly leaves SSN field blank
  - Citizenship or immigrant document numbers
    - Typo of document number
    - Customer does not supply immigrant or citizenship document number
  - Birthdate
    - 03/10/80 vs. 10/03/80

- **WRONG ATTESTATION**
  - Customer is an immigrant but mistakenly attests to being a U.S. Citizen/visa versa

**TIP:** If the customer’s name in their HPF account differs from their SSN card they will most likely become conditional for citizenship verification every year.
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