



## Health Care For Immigrants

This brochure answers some common questions about immigrants and health care in California. Topics include:

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# Immigrants and Health Care

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# What Health Care Can Immigrants Get?

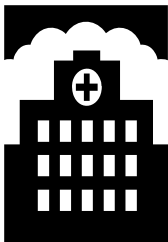
## Many Immigrants Can Get Regular Medi-Cal



**Regular Medi-Cal.** Medi-Cal covers doctor visits, hospital care, and other health care for low-income families and children. **Most poor legal immigrants can get regular Medi-Cal.** You can probably get regular Medi-Cal if the INS knows you are here and is not trying to deport you. You cannot get regular Medi-Cal if you are undocumented (you do not have permission from the INS to be here).

The list on page 3 shows which immigrants can get regular Medi-Cal. Remember, to get regular Medi-Cal you have to meet other Medi-Cal rules. Medi-Cal covers poor children, parents, relatives caring for children, seniors over 65 years old, and people with disabilities. Special Medi-Cal programs cover people with tuberculosis, and breast or cervical cancer. People granted political asylum on or after June 15, 2000 and refugees can get at least eight months of regular Medi-Cal regardless of their circumstances. If you cannot get Medi-Cal, see pages 9, 10, and 11 for other health programs that might help.

## Undocumented Immigrants Can Get Restricted or Emergency Medi-Cal



Undocumented immigrants cannot get regular Medi-Cal. However, they can get another kind of Medi-Cal, sometimes called Emergency or Restricted Medi-Cal. It covers:

- ❖ Emergencies, like a broken arm or giving birth.
- ❖ Doctor visits and other care for pregnant women. This lasts from the start of pregnancy through 60 days after the baby is born.
- ❖ Nursing home care or other long-term care.
- ❖ Kidney dialysis.
- ❖ Breast or cervical cancer treatment for related services for up to 18 months for breast cancer and 24 months for cervical cancer.

Your children can get regular Medi-Cal if they are citizens. This is true even if you are undocumented and only get emergency Medi-Cal. Your children also get regular Medi-Cal if they are in the list of legal immigrants on page 3. If you want Medi-Cal just for your children, only **their** immigration status matters. You do not need to tell Medi-Cal about the immigration status of anyone else in the family.



## Which Immigrants Get Regular Medi-Cal?

- ❖ People with green cards (Lawful Permanent Residents)
- ❖ Refugees, people with asylum or withholding of deportation
- ❖ Conditional entrants admitted to the U.S. before April 1, 1980
- ❖ Cubans or Haitians
- ❖ Some battered spouses (and parents of battered children)
- ❖ Some battered children (and children of battered spouses)
- ❖ People who were paroled into the U.S.
- ❖ People who lived in the U.S. continuously since 1971 or earlier (and who could get their status adjusted as registry aliens)
- ❖ Victims of trafficking
- ❖ People who properly applied for lawful permanent residence
- ❖ People whom the INS knows about and does not plan to deport. This can be because of individual circumstances. It can also be because of a group the immigrant belongs to.
- ❖ Persons eligible to self-petition as a special immigrant juvenile
- ❖ Persons granted relief under the Convention Against Torture
- ❖ Micronesians and Marshal Islanders
- ❖ Persons granted K, S, U, or V visas
- ❖ People with:
  - ◆ An order of supervision
  - ◆ A stay of deportation
  - ◆ A suspension of deportation
  - ◆ An indefinite voluntary departure
  - ◆ A voluntary departure (and who are waiting for a visa)
  - ◆ Approval for an Immediate Relative Petition (INS Form I-130) (and who are entitled to voluntary departure)
  - ◆ Deferred action status

If you believe that you belong to one of these categories and have been denied regular Medi-Cal, you can appeal and/or call your local legal aid or health consumer center.



If you do not know your immigration status, contact your local legal aid office. Show them your immigration papers.



## Common Questions About Medi-Cal



### If I apply for Medi-Cal, what can the welfare office ask about immigration status?

- ❖ Are you applying only for your **children**? If so, only their immigration status matters. You do not need to tell Medi-Cal about the immigration status or social security number of anyone else in the family.
- ❖ Are you applying for **restricted Medi-Cal only** (covering emergencies, prenatal care, family planning, etc.)? If so, the welfare office cannot ask for your social security number. They cannot ask about your immigration status, either. Restricted benefits are explained on page 2.

### What about victims of domestic violence? When do they get Regular Medi-Cal? What about other people in the family?

Maybe you are a battered immigrant. Maybe your child is a battered immigrant or you are a child whose parent is a battered immigrant. Either way, you get regular Medi-Cal if:

- ▶ you have a pending or approved spousal petition or petition for relief under the Violence Against Women Act; **and**
- ▶ the welfare office decides (using the U.S. Attorney General's guidelines) that you need Medi-Cal in part because of domestic violence.

Many county welfare offices do not know about this. Call legal aid or your local health consumer center if you have problems.

### What if I am an immigrant eligible for regular Medi-Cal, but I don't have my immigration documents to prove it?

A lawsuit called Ruiz v. Kizer says that the welfare office must give you time to provide copies of your immigration documents. If you swear that you are one of the immigrants eligible for regular Medi-Cal, the welfare office must give you 30 days or however long it takes them to decide whether you meet all the *other* Medi-Cal eligibility rules (like income and resources) to turn in your immigration documents – whichever is longer. If you turn in your immigration documents within this time, the welfare office will send copies of the documents to the INS to be sure that the documents are okay.

Ruiz says that the welfare office must give you regular Medi-Cal while it waits for a response from the INS. Sometimes it takes a very long time for the INS to let the welfare office that your immigration documents are okay. Federal law says that when a welfare office sends the INS information to see



if you are eligible for benefits, the INS cannot use that information to deport you.

If you do not give the welfare office any immigration documents within the 30 days (or however long it takes them to decide if you meet the other Medi-Cal rules), the welfare office can deny your Medi-Cal application for regular Medi-Cal and may give you “restricted” Medi-Cal instead.

### **I heard that I cannot get Medi-Cal because I entered the United States after August 22, 1996. Is that right?**

No, that is wrong. Immigrants can get Medi-Cal whenever they entered the U.S.

### **I was told that I cannot get Medi-Cal because I have a border crossing card. Is this right?**

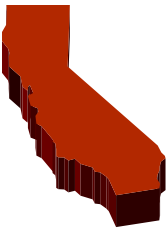
No, that is wrong. To get Medi-Cal, you must be a California resident. This only means you live in California and have no plans to leave. Even undocumented immigrants can be California residents. The welfare office usually will take a sworn statement that undocumented people intend to stay in California. Even people who first came into this county with a border crossing card and temporary immigration visa may get Medi-Cal if they decide to stay in the U.S.

**However — be very careful!** Is your border crossing card or temporary visa still current? If so, applying for Medi-Cal may get you into trouble with INS. Remember, to get your card or visa, you told the INS that you would leave the U.S. after awhile. If you now say you are in California to stay, the INS may think you lied to them. That is visa fraud. Talk to an immigration lawyer if you have a current border crossing card or temporary visa and you need health care.

### **How do I show I am a resident of California?**

To get Medi-Cal, you must show that you are a California resident. That just means you are in California and plan to stay. It has nothing to do with your immigration status. Even an undocumented immigrant can be a California resident.

How do you prove you are a state resident? Use a rent receipt, a driver’s license, an auto registration, a recent pay stub, or something showing your children are in school here. The welfare office should look at all of this, even if you have a border crossing card or temporary visa. That is now required by a court case called *Latino Coalition for a Healthy California v. Belshe*.





### **Can I send my Medi-Cal application in the mail?**

Yes. The state was supposed to implement a simple mail-in application and procedure for all counties to use on December 1, 2001, but it is not clear whether all counties are using it. If you have an unpaid medical bill, you are pregnant, you have a medical emergency, or immediate medical need it is better to apply for Medi-Cal by going to the nearest welfare office. Otherwise, your Medi-Cal may be delayed if you mail in the application form. Check with your local legal aid or health consumer center to see what your county does.

Parents, pregnant women and children, and relatives caring for children can use the simple joint Medi-Cal/Healthy Families mail-in application to apply for either program. Persons who are disabled or 65 or older can use the MC 210 Medi-Cal mail-in application form. The mail-in application means that you will not have to go to the welfare office to apply. Instead, you can mail your application plus copies of necessary papers. If you mail in proof that you work in California, you do not need to send any other papers that show you are a California resident. The welfare office should accept a copy of your most recent available pay stub as proof of your income. Also, remember that you do not have to give your social security number if you are only applying for restricted Medi-Cal (emergency, prenatal care, family planning — explained above on page 2). If you are not giving your social security number because you are only applying for restricted Medi-Cal, be sure to note this reason somewhere on your mail-in application before you mail it in.

Be sure to keep a copy of the application for your records. Your Medi-Cal worker cannot make you come into the welfare office for a face-to-face interview unless he or she has a good reason, suspects fraud, or needs you to come to the office to finish the application. You have the right to ask for a face-to-face interview, however, if you want one (to get help finishing the application form).

### **What if my child needs regular Medi-Cal right away?**

Starting July 1, 2002, there might be two new ways your child can get immediate regular Medi-Cal: **Single Point of Entry Accelerated Medi-Cal** and **Express Eligibility**. But, the Legislature and Governor may decide that there is not enough money in the budget to make these changes this year. Check with your local legal aid or health consumer center for the latest information.

**Single Point of Entry Accelerated Medi-Cal:** A new California law would allow your child to get an immediate regular Medi-Cal card if your child applies for Medi-Cal using the Medi-Cal/Healthy Families joint mail-in application and appears eligible for free Medi-Cal. If your child appears eligible for free regular Medi-Cal, the Medi-Cal office will mail you a card



within approximately one week that you can **immediately** use to get health services for your child. This card will allow your child to get regular Medi-Cal for a temporary period while the county determines your child's Medi-Cal eligibility.

**Express Eligibility:** Another California law would allow your child to enroll in free or low-cost Medi-Cal if your child receives free school meals. It is up to your school district to decide if it wants to participate in this new Express Lane program. If so, with your consent, the school will send a copy of your child's school lunch application to the Medi-Cal office. Just as with Single Point of Entry, your child can get a regular Medi-Cal card within approximately one week while the Medi-Cal office finishes determining his or her eligibility.

With both Express Eligibility and Single Point of Entry, the Medi-Cal office will probably ask you follow-up questions regarding your child. It is important that you answer these follow-up questions so that your child can keep his or her Medi-Cal benefits. Your child's Medi-Cal benefits may be cut off or lowered to just restricted Medi-Cal if you do not answer the follow-up questions (restricted Medi-Cal is explained on page 2). Again, check with your local legal aid or health consumer center to see if these changes were included in these year's budget.



### **Do I have to pay back Medi-Cal?**

No. It is against the law for the welfare office to make you pay back health care benefits for which you were eligible. In a lawsuit named Rocio v. Belshe, the court said it was wrong for Medi-Cal to make immigrants pay back the value of the Medi-Cal benefits that they properly got and made the Medi-Cal office refund the money. If this happens to you, remember that you have the right to ask for a fair hearing. Call (800) 952-5253 for a fair hearing. Please call Rosemary Bishop at San Diego Advocates for Social Justice if you need help (619) 233-7263.

A very narrow exception exists for certain Medi-Cal beneficiaries, regardless of their citizenship or immigration status. If you were 55 years of age or older at the time you got Medi-Cal or if you got Medi-Cal for nursing home services, Medi-Cal can put a claim on property that is in your estate after you die. Medi-Cal cannot collect anything, however, until your surviving spouse dies and only if there is no minor child (under 19), blind, or disabled child. Your surviving family members have important rights, including notice and hearing rights. These Medi-Cal estate claim laws are complicated, but important to understand. Call a legal services office for help or for a referral to an estate planning attorney if you have questions or concerns. California Advocates for Nursing Home Reform has a good web site with more information at [www.canhr.org](http://www.canhr.org).



## **What if I am pregnant? Should I get health care right away?**

Absolutely! You should see a doctor or nurse early and often while you are pregnant. That helps keep your baby healthy.

If you are pregnant, you can apply right away for the **Presumptive Eligibility (PE) Medi-Cal** program. This gives you temporary Medi-Cal right away. You do not have to wait for the welfare office to approve your regular Medi-Cal application. You apply with any doctor or nurse who has signed up with PE Medi-Cal. Ask your doctor or nurse if they are a “PE provider.” They can give you PE Medi-Cal right when you apply.

**However, to keep your PE Medi-Cal, you must also file a regular application with the County right away.** You need to file a regular Medi-Cal application either the month you first apply for PE or the very next month. For example, suppose you apply for PE on April 15. You have to file a regular Medi-Cal application by the end of May. If you do not, you lose your PE Medi-Cal.

### **You get PE Medi-Cal if:**

- ❖ You are pregnant.
- ❖ You plan to stay in California. You do not have to prove this. You just say on the form that you are a state resident because you plan to stay here.
- ❖ Your family income is below 200% of poverty. If you are pregnant and living alone, that is \$1,990 a month. You do not need to prove your income when you apply for PE Medi-Cal. All you need is to say on the form how much money you and your family make each month.
- ❖ Your immigration status does not matter but you must live in California and plan to stay.



## Can Immigrants use the Healthy Families Program?

### Healthy Families Helps Children

Healthy Families covers health care for children under age 19. Parents have to pay a small amount. Healthy Families helps children in families with incomes below \$3,130 a month for a family of three and \$3,771 a month for a family of four. (That is 250% of the federal poverty level for a family of that size.)

You should still apply even if your income is higher. That is because some money does not count, especially if you work or get child support.

To get Healthy Families, children must be:

- Citizens
- Lawful permanent residents
- Refugees, asylees, recipients of withholding of deportation, paroled into the U.S. for at least one year
- Cubans or Haitians
- Conditional entrants
- A battered child (or a child of a battered parent)
- Victims of trafficking



For information on Healthy Families eligibility, call 800-880-5305.



## Other Health Care For Undocumented Immigrants

### I am an undocumented immigrant adult. Do I get any health care besides Restricted Medi-Cal?



Yes. You can get:

- ❖ Community mental health services
- ❖ Regional center services
- ❖ Tuberculosis-related treatment
- ❖ Treatment for symptoms of communicable disease
- ❖ In most counties, low-income people get some other health care even if they are undocumented. Usually, you get this health care from county hospitals and clinics.

Contact your local legal aid or health consumer center for more information.

### What about undocumented immigrant children and women? Do they get any health care besides Restricted Medi-Cal?

Yes. All of the programs listed below help children with any immigration status. This includes undocumented immigrant children.

- ❖ Children under age 21 with certain serious, lasting health problems get **California Children Services (CCS)**. CCS covers health care for those problems. To get CCS, your child must be a California resident. However, this just means you and your child must live in California with no plans to leave. It has nothing to do with immigration status. A new letter from CCS says that even if you have a limited visa or a border crossing card, you can be eligible for CCS.
- ❖ The **Child Health and Disability Prevention Program (CHDP)** covers preventive care for children under age 20. CHDP serves children with family incomes below 200% of the federal poverty level. (For example, that's \$2,504 a month for a family of three.) CHDP pays for regular check-ups and shots. It covers many important tests, like vision and hearing tests. It does not pay for hospital care.
- ❖ The **Access for Infants and Mothers (AIM)** program provides health care for pregnant women. It also pays for hospital care for newborn babies. Pregnant women qualify with family income between 200% and 300% of the federal poverty level. (For example, that is between \$2,504 and \$3,756 a month for a family of three.)



- ❖ **Minor Consent Services** help children from age 12 to 21 regardless of family income or immigration status. This is a special Medi-Cal program that covers:
  - sexually transmitted disease
  - drug and alcohol abuse
  - family planning
  - sexual assault issues
  - pregnancy
  - mental health.

Children can get these services without anyone telling their parents. Children do not need their parents' permission for minor consent services. Children applying for these services should not be asked for immigration documents or a social security number. Call your local legal aid or health consumer center if you have problems.

- ❖ **Vaccines for Children (VFC)** provides free shots for children who are uninsured. You can get these shots at a doctor's office, if the office participates in VFC. You can also get them from a community clinic.



- ❖ **The Women, Infants and Children (WIC)** program gives pregnant women, new mothers, infants and young children food vouchers. The vouchers can be used at a grocery stores to buy milk, cheese, eggs, juice, cereals, beans, and peanut butter. (Women who breast feed get an extra set of vouchers for additional foods). WIC does not require social security numbers or proof of immigration status.
- ❖ **Regional Centers** provide services to people with developmental disabilities and their families. Services include the early start program, supported living, independent living, and mobility training. In addition, clients may receive services from a recreational therapist, speech pathologist, or other specialized services.



## Health Care and Public Charge

### What Is Public Charge?

“Public Charge” is a phrase used by the Immigration and Naturalization Service (INS). It refers to people who cannot support themselves financially. A “Public Charge” depends financially on public benefits, like CalWORKs or Supplemental Security Income (SSI).



What happens if the INS decides that you will not be able to support yourself and that you will become a “public charge”? If you are not a U.S. citizen, they can refuse to let you come to the U.S., even if you are returning home. They can deny you a green card.

Before deciding whether you are likely to become a public charge, the INS must consider all the facts. They must look at:

- ✓ Age — are you too old to keep working?
- ✓ Health — are you so sick that you cannot work? Will you be unable to pay high medical bills?
- ✓ Education and skills — can you get a job?
- ✓ Income — do you earn enough to support yourself?
- ✓ Family size — how many children do you support?
- ✓ Sponsorship — Has someone signed an INS contract promising to support *you* and to pay back any government benefits you get after you get your green card?

Public Charge does not apply to legal permanent residents unless they leave the U.S. for more than 180 days.

### Will enrolling in Medi-Cal or Healthy Families hurt my chances to improve my immigration status?

**NO**, with some limited exceptions. On May 25, 1999, the INS said that getting health care benefits (including Medi-Cal and Healthy Families) should **NOT** hurt your ability to legalize. (Getting food stamps, WIC, school lunch and breakfast, housing, and other non-cash aid will also not hurt your chances.) This means that health benefits will:

- Not hurt your chances to get a green card
  - Not endanger your current green card
  - Not prevent you from reentering the country as a legal permanent resident so long as you are not gone for more than six months
  - Not keep you from sponsoring someone to come to the United States
- Here are the exceptions. You may have a problem if
- The government pays for long-term care in a nursing home or a mental



## More on Public Charge:

- hospital
- You have a serious communicable disease, like HIV/AIDS
- You get cash welfare
- You commit fraud to get help from the government. For example, if you lie on your application, you could have trouble with INS.

As long as these exceptions do not apply to you, you should be fine.

What if an exception does apply? It depends on your situation. Some people may have a problem. Others will not. If you need cash aid, nursing home care, mental hospital care, or treatment of serious infectious disease, contact your health consumer center or another immigration advocate.

## Will my sponsor have to re-pay the benefits?

It depends. Your sponsor does **not have to repay** any benefits **if** any of the following is true:

- You got your green card with the old affidavit of support (Form I-134).
- You get health care before you get your green card.
- The services you got were for emergency health care. This includes emergency health care covered by restricted Medi-Cal.
- The services you got were for an immunization or other treatment for a contagious disease.
- You, your husband, your wife, and your parents (while you were under age 18) together have worked 40 quarters, according to Social Security. You can check with the Social Security Administration. Call 1-800-772-1213 and ask how many quarters you and your family have worked.
- You are a citizen when you get health care. This includes children born in the United States.

These are only a few examples. Even if you are not listed, you still might be able to get health care without hurting your sponsor. If you are not in any of these categories, contact your health consumer center or an immigration lawyer to get advice about how government health care could affect your sponsor.

## Will getting Medi-Cal or Healthy Families hurt my chances of becoming a citizen?

**NO!** If you are trying to become a citizen, the INS does not look at public charge. People who naturalize must show that they have “good moral character.” If you told the truth and did not commit fraud when you got government benefits like Medi-Cal and Healthy Families, those benefits should not matter to your citizenship.

A **SPONSOR** promises the INS that, if you need help, they will support you. The sponsor also promises to repay the government for benefits you get after you get a green card.

An **AFFIDAVIT OF SUPPORT** is how your sponsor makes these promises. There are two types of affidavits. **The old affidavit of support** (number I-134) was for green card applications filed before December 19, 1997. **The new affidavit of support** (number I-864) is for green card applications filed after December 19, 1997.



## Reporting



### **Will I be reported to INS if I seek health care?**

You should not be reported to the INS for using health care. The law says hospitals cannot treat you differently just because of the country you came from or your skin color.

Likewise, you should not be reported to the INS if you apply for Medi-Cal or Healthy Families. You must give immigration status information only for family members seeking regular Medi-Cal, not for those requesting restricted Medi-Cal. Also, welfare offices should keep the information on application forms confidential. If someone threatens to report you to the INS, contact a trusted advocate for advice. They can send you to others who treat immigrants better.

## Language Rights

### **I do not speak English. The hospital told me I have to bring my daughter in to translate for me every time I visit my doctor. Is this right?**

No. Many federal and state laws require hospitals and health clinics to provide language assistance to clients. For example, Title VI of the Civil Rights Act of 1964 tells hospitals that receive federal funds to give patients free interpreter services and certain translated written materials if the patient wants them. The federal agency which enforces Title VI, the Office for Civil Rights, says this means hospitals cannot make family members, friends, or children interpret for patients. Other health care laws also give you language rights.

Medi-Cal law says nursing homes have to, among other things, tell residents about the nursing home's rules and regulations in a language that the residents understand. Nursing homes must also tell residents about their health conditions in a language that the resident understands.

California law also requires certain hospitals to, among other things, post notices in different languages which tell patients that interpreters are available. They must also prepare a list of qualified interpreters and include patients' language needs in hospital records. If your doctor is not trying to help you with language services so you can get



*This brochure was prepared by the Western Center on Law and Poverty and updated by the partners of the Health Consumer Alliance. Thanks to the Coalition of Humane Immigrant Rights in Los Angeles, Maternal and Child Health Access, the National Immigration Law Center, and Protection and Advocacy, Inc. for their input.*