

# Immigration & the Marketplace

Centers for Medicare & Medicaid Services (CMS)  
Center for Consumer Information & Insurance Oversight (CCIIO)

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*The information provided in this presentation is intended only as a general, informal summary of technical legal standards. It is not intended to take the place of the statutes, regulations, and formal policy guidance that it is based upon. This presentation summarizes current policy and operations as of the date it was presented. Links to certain source documents have been provided for your reference. We encourage audience members to refer to the applicable statutes, regulations, and other interpretive materials for complete and current information about the requirements that apply to them.*

*This document generally is not intended for use in the State-based Marketplaces (SBMs) that do not use HealthCare.gov for eligibility and enrollment. Please review the guidance on our Agent and Broker Resources webpage (<http://go.cms.gov/CCII/OAB>) and [Marketplace.CMS.gov](http://Marketplace.CMS.gov) to learn more.*

*Unless indicated otherwise, the general references to "Marketplace" in the presentation only include Federally-facilitated Marketplaces (FFMs) and State-based Marketplaces on the Federal Platform (SBM-FPs).*

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# **Coverage for Lawfully Present Immigrants and Mixed Immigration Status Households**

- » Most people in the following groups are eligible for coverage through the Marketplace:
  - U.S. citizens
  - U.S. nationals
  - Lawfully present immigrants
  
- » Lawfully present immigrants may qualify for advance payments of the premium tax credit (APTC) and income-based cost-sharing reductions (CSRs) to lower the cost of their monthly premium payment of a Marketplace plan, if they meet the other eligibility requirements for these programs. **The term “lawfully present” includes immigrants who have:**
  - “Qualified non-citizen” immigration status
  - 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 (including temporary resident status, LIFE Act, Family Unity individuals)

# Coverage for Lawfully Present Immigrants (continued)



- » The term “qualified non-citizen” includes:
  - Lawful Permanent Residents (LPR/Green Card Holder)
  - Asylees
  - Refugees
  - Cuban/Haitian entrants
  - Immigrants 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 his or her 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)
  
- » Undocumented immigrants are **not eligible** to buy Marketplace health coverage, or for premium tax credits and other savings on Marketplace plans. But they may apply for coverage on behalf of documented individuals.

# Mixed Immigration Status Households



- » A **mixed immigration status household** refers to households with members of different immigration and citizenship statuses. These households may have both members who are not eligible to apply for and enroll in Marketplace coverage and members who are lawfully present and therefore eligible for Marketplace coverage.
- » Family members who are not lawfully present, including those who are undocumented, can apply for Marketplace coverage on behalf of other family members who are lawfully present; this can be done without providing a Social Security Number (SSN) or other proof of lawful presence. Agents and brokers should not ask consumers applying on the behalf of others any questions about their citizenship or immigration status. This information is not relevant to the eligibility determination of the enrollee.
- » Mixed immigration households may also apply for APTC or income-based CSRs for members of the household who are eligible for Marketplace coverage.

# Assisting Mixed Immigration Status Households



- » To effectively assist consumers who are part of a mixed immigration status household, agents and brokers should:
  - Be mindful that a consumer's immigration status may be a sensitive topic.
  - Correctly identify the applicant by asking consumers whether they are seeking health coverage for themselves or on behalf of someone else.
  - Avoid asking household members who are applying on behalf of others any questions about their citizenship, immigration status, or SSN. If the non-applicant is the tax filer who would like to determine eligibility for APTC to help pay premiums for the applicant, providing an SSN is not required, but may help the Marketplace confirm your household income using electronic data sources.



# Disclosure of Immigration Status



- » Applying for or receiving Medicaid or Children's Health Insurance Program (CHIP) benefits, or receiving savings for health insurance costs in the Marketplace, does not make someone a "public charge." This means it will not affect their chances of becoming a Lawful Permanent Resident or U.S. citizen.
  - There's one exception for people receiving long-term care in an institution at government expense, like a nursing facility. These people may face barriers getting a green card.
- » Federal and state Marketplaces and state Medicaid and CHIP agencies cannot require applicants to provide information about the citizenship or immigration status of any family or household members who are not applying for coverage.
- » States cannot deny benefits to an applicant because a family or household member who is not applying for coverage has not disclosed their citizenship or immigration status. Information provided by applicants or beneficiaries will not be used for immigration enforcement purposes.

# **Systematic Alien Verification Entitlement (SAVE) Program**

# Background: Systematic Alien Verification of Entitlements (SAVE)



- » The Marketplace attempts to verify naturalized and derived U.S. citizenship and eligible immigration status through the Department of Homeland Security (DHS), which utilizes a database known as the Systematic Alien Verification of Entitlements (SAVE) program.
- » The Marketplace uses SAVE Step 1 through the Hub\* to verify consumer information. Step 1 is a real-time verification of a consumer's citizenship or immigration status while a consumer navigates through and submits his or her application for coverage.
- » SAVE also offers a Step 2 verification process which can be used to attempt verification of citizenship or immigration status if Step 1 cannot. This Step 2 process typically takes 3 – 5 days to complete.

*\*The Data Services Hub, or the "Hub," is an automated means of transferring data to/from data sources like DHS SAVE, among others.*

# Using SAVE Step 2 to resolve DMIs



- » The Marketplace implemented functionality that allows it to more seamlessly verify citizenship and immigration status using SAVE Step 2.
  - This functionality reduces the need for some consumers to provide documentation in order to resolve their citizenship or immigration status data matching issues (DMIs).
  - If a consumer's citizenship or immigration status cannot be verified in real-time using Step 1, the Marketplace will generate a DMI and may also call SAVE Step 2 to attempt to verify the information automatically, without the consumer needing to send in documents right away.\*
  - After a DMI is generated, a consumer will have **95 days of enrollment eligibility** for Marketplace coverage with APTC or CSRs, if otherwise eligible, while their citizenship or immigration status is being verified. Up to three (3) DMI reminder notices will be sent to the household contact for the application as a reminder to take steps to resolve the open DMI before the due date (95 days after initial generation), as applicable.

*\*In order to initiate Step 2 processing, a consumer must enter sufficient information on the application. In the absence of sufficient information, all processing will continue to be done manually by the Eligibility Support Contractor.*

*If an attested immigration status cannot be verified by SAVE Step 2, DMI review and processing will be handled by CMS, including manual adjudication for processing, if applicable.*

# Step 2 Consumer Experience



- » **If a consumer's immigration status cannot be verified in real-time through Step 1:**
  - The Marketplace may automatically send information to DHS to attempt to verify them through Step 2. This process can take between 3 to 5 days.
  - Upon Marketplace application submission, the Eligibility Determination Notice (EDN) will let the consumer know that the Marketplace is continuing to try to verify their information.
- » **After DHS responds to the Marketplace with the Step 2 finding:**
  - If a consumer's citizenship or immigration status DMI is resolved through Step 2, a Resolution Notice will be sent to the household contact with details about the verification result(s) from Step 2.
  - If Step 2 does not resolve the consumer's DMI, a follow-up notice will be sent to let the consumer know they need to send the Marketplace documents.

# SAVE Step 2: EDN Messaging

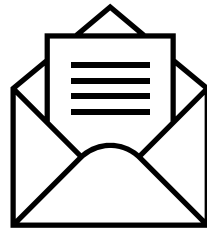


When Step 2 is called, the EDN will instruct the consumer as follows:

- » **If a U.S. Citizen or National has a citizenship DMI:**
  - In this scenario, the consumer must submit documents to confirm their U.S. citizenship.
  - The consumer views the "Submitting Documents" attachment of the EDN, which contains information on submitting documents to confirm citizenship.
  
- » **If a consumer has an immigration DMI:**
  - In this scenario, the consumer is instructed to submit documents to confirm their immigration status.
  - The consumer views the "Submitting Documents" attachment of the EDN, which contains information on submitting documents to verify immigration status.

# SAVE Step 2: EDN Messaging

- » A consumer may receive an EDN that includes an immigration DMI:
  - The consumer views the “Submitting Documents” attachment of the EDN, which contains information on submitting documents to confirm immigration status.
  - The consumer is given the option to upload the document(s) directly to their Marketplace account or mail the document(s) to the address provided.
- » Further in the “Submitting Documents” section, the consumer views a list of appropriate documents for the DMI that can be submitted for verification.



# SAVE Step 2: Resolution Notice Updates



- » If the Marketplace is able to resolve a consumer's DMI through SAVE Step 2, a Resolution Notice will be sent to the household contact of the application to inform him or her that the Marketplace has verified citizenship or immigration status for an applicant or applicants.
- » This notice also states that the applicant does not need to send documentation to verify citizenship or immigration status.
- » Eligibility for coverage through the Marketplace will remain the same as described in the consumer's EDN received at the time of application.



## **The Health Insurance Marketplace® confirmed citizenship or immigration information for [FNLN].**

You don't need to send any other documents to confirm citizenship or immigration status for [[First Name]]. If someone else in your household needed to confirm their information, they'll get a separate notice from the Marketplace. For more information, log into your HealthCare.gov account and select "Messages" to find the notice about your Marketplace eligibility.

### **What should I do next?**

**If you haven't already selected a health plan:** Visit HealthCare.gov to find available plans and enroll in one that best fits your needs.

# SAVE Step 2: FFM Account Updates



- » A consumer's EDN and resolution notices, as applicable, will be mailed and/or posted (depending on what the household contact selected as their communication preference) in their Marketplace account.
- » If the household contact has selected a preference for email communication, the Marketplace will send an email to inform them that a new notice is available for review in their account.
- » The following details regarding Step 2 processing are available under the "Application Details" tab of "My Account":
  - First name(s) of applicant(s) with a citizenship or immigration DMI
  - A button to download a PDF of the household EDN, which includes steps a consumer may wish to take to resolve the open DMI
  - Confirmation of citizenship or immigration status verification, as applicable
  - The date on which citizenship or immigration status was verified, as applicable
  - A button to download a PDF of the Resolution Notice, as applicable
  - The deadline to submit documentation to resolve the DMI, as applicable

# SAVE Step 2: FFM Account Updates

(continued)



**Status: Complete** ID#: 140545573

**Your application is complete**

[VIEW ELIGIBILITY RESULTS](#)

[REMOVE MY APPLICATION](#)

Your Marketplace application is complete and has been processed. View your eligibility results to find out if you can enroll in health coverage.

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**Send documents for data matching issues**

If you don't resolve the data matching issues (or "inconsistencies") by the deadline, you could lose your coverage. Select "Upload Documents" to see a list of documents to send.

Send one or more documents to verify the immigration status of the person below.

**ROSLYN: send documents verifying immigration status.**  
Send documents by 7/24/2017

[UPLOAD DOCUMENTS](#)

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**Send proof for your Special Enrollment Period**

You can enroll now. But, if you don't send proof by the deadline, you could lose your new coverage. Select "Upload Documents" to see a list of documents to send.

**ROSLYN: send documents proving loss of coverage**  
Send documents by 5/20/2017

*You don't need to send documents. Your Special Enrollment Period ended, and you didn't enroll or change plans.*

[UPLOAD DOCUMENTS](#)

- » If a consumer has a citizenship or immigration status DMI, the resolution status of the DMI can be found in the "Account Details" section of "My Account."
- » Any documentation submitted to assist in verification of citizenship or immigration status may be used by the Eligibility Support Contractor, as applicable.

# SAVE Step 2: FFM Account Updates (continued)



The screenshot displays a web interface for 'Your application is complete'. It features two sections, each with a 'VIEW ELIGIBILITY RESULTS' and 'REMOVE MY APPLICATION' button. The first section, highlighted with a purple box, states 'Your immigration status has been verified.' and includes a 'DOWNLOAD NOTICE (PDF)' button. The second section, also highlighted with a purple box, states 'Your citizenship status has been verified.' and includes a 'DOWNLOAD NOTICE (PDF)' button. Both sections include a 'SEND DOCUMENTS' button and a deadline for document submission.

- » After a citizenship or immigration status DMI has been resolved, a Resolution Notice will be found in the "Account Details" section of "My Account."
- » If a citizenship or immigration status DMI is unable to be resolved **within 95 days of DMI generation**, information regarding deadlines in the "Account Details" section of "My Account" will be updated accordingly.

# What You Should Know: How to Help



- » Consumers whose applications undergo SAVE Step 2 processing may contact you:
  - For help understanding their notices
  - For help resolving their citizenship or immigration DMI (see the “Helpful Resources” slide for additional instructions)
  - To follow up on the status of their citizenship or immigration status processing
  - If they think their DMI has already been resolved

# Immigration Documentation Types

- » Agents and brokers should review the available document types listed in the application with their client and help them determine which document attests to their specific immigration status. If they have more than one current immigration document, they should select and input information from the document that contains an alien number, if possible. The alien number (also called alien registration or USCIS number) usually begins with an “A” and ends with eight or nine numbers.
- » **Consumers may need to have one or more of the following documents or identification numbers to attest to their lawfully present status:**
  - Permanent Resident Card, “Green Card” (I-551)
  - Reentry Permit (I-327)
  - Refugee Travel Document (I-571)
  - Employment Authorization Document (I-766)
  - Machine Readable Immigrant Visa (with temporary I-551 language)
  - Temporary I-551 Stamp (on passport or I-94/I-94A)
  - Certificate of Eligibility for Nonimmigrant Student Status (I-20)

# Acceptable Documents



- Certificate of Eligibility for Exchange Visitor Status (DS2019)
- Notice of Action (I-797)
- Document indicating membership in a federally recognized Indian tribe or American Indian born in Canada
- Certification from U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR)
- Office of Refugee Resettlement (ORR) eligibility letter (if under 18)
- Alien number (also called alien registration number or USCIS number) or I-94 number
- Arrival/Departure Record (I-94/I-94A)
- Arrival/Departure Record in foreign passport (I-94)
- Foreign Passport



» **Sample EDN:**

- [English - https://marketplace.cms.gov/applications-and-forms/notices/march-2022-eligibility-determination-notice.zip](https://marketplace.cms.gov/applications-and-forms/notices/march-2022-eligibility-determination-notice.zip)
- [Spanish - https://marketplace.cms.gov/applications-and-forms/notices/march-2022-eligibility-determination-notice-spanish.zip](https://marketplace.cms.gov/applications-and-forms/notices/march-2022-eligibility-determination-notice-spanish.zip)

» **Sample Resolution Notice:**

- [English - https://marketplace.cms.gov/applications-and-forms/notices/resolution-notices.zip](https://marketplace.cms.gov/applications-and-forms/notices/resolution-notices.zip)
- [Spanish - https://marketplace.cms.gov/applications-and-forms/notices/resolution-notices-spanish.zip](https://marketplace.cms.gov/applications-and-forms/notices/resolution-notices-spanish.zip)

» [HealthCare.gov instructions for DMIs - https://www.healthcare.gov/verify-information/send-more-info/](https://www.healthcare.gov/verify-information/send-more-info/)

» [HealthCare.gov instructions for helping immigrant consumers - https://www.healthcare.gov/immigrants/coverage/](https://www.healthcare.gov/immigrants/coverage/)

» [Streamlined Marketplace Application Drilldown Video – Citizenship and Immigration - https://youtu.be/SUAD4FgyCa0](https://youtu.be/SUAD4FgyCa0)

» [Citizenship & Immigration FAQs - https://www.agentbrokerfaq.cms.gov/s/topic/0TOt0000000Gw5bGAC/citizenship-and-immigration](https://www.agentbrokerfaq.cms.gov/s/topic/0TOt0000000Gw5bGAC/citizenship-and-immigration)

» [Lawfully Present Immigrants - https://www.agentbrokerfaq.cms.gov/s/article/What-is-considered-a-lawfully-present-immigration-status](https://www.agentbrokerfaq.cms.gov/s/article/What-is-considered-a-lawfully-present-immigration-status)

» [Mixed Immigration Status Households - https://www.healthcare.gov/immigrants/immigrant-families/](https://www.healthcare.gov/immigrants/immigrant-families/)

» [Acceptable Documents - https://www.agentbrokerfaq.cms.gov/s/article/What-documents-can-be-used-to-verify-immigration-status](https://www.agentbrokerfaq.cms.gov/s/article/What-documents-can-be-used-to-verify-immigration-status)

# Upcoming Webinars & Other Resources



## Upcoming Webinars

Ending Marketplace Coverage & Coverage Appeals

Compensation: Tips for Making Sure You Get Paid

Complex SEP Scenarios

Marketplace Registration & Training for NEW Agents and Brokers

Marketplace Registration & Training for RETURNING Agents and Brokers

Understanding Marketplace Compliance Rules & Regulations

## Additional Resources

[Webinar slides: COBRA Coverage & the Marketplace](https://regtap.cms.gov/uploads/library/AB-Slides-COBRA-060222-5CR-053122.pdf) - <https://regtap.cms.gov/uploads/library/AB-Slides-COBRA-060222-5CR-053122.pdf>

[Webinar slides: The Marketplace and Cybersecurity](https://regtap.cms.gov/uploads/library/AB-Slides-Marketplace-Cybersecurity-051822-5CR-051722.pdf) - <https://regtap.cms.gov/uploads/library/AB-Slides-Marketplace-Cybersecurity-051822-5CR-051722.pdf>

[Citizenship & Immigration FAQs](https://www.agentbrokerfaq.cms.gov/s/topic/0TOt0000000Gw5bGAC/citizenship-and-immigration) - <https://www.agentbrokerfaq.cms.gov/s/topic/0TOt0000000Gw5bGAC/citizenship-and-immigration>

# Agent and Broker Resources



Resource	Link
Agents and Brokers Resources webpage	<a href="http://go.cms.gov/CCIOAB">http://go.cms.gov/CCIOAB</a>
Agent and Broker FFM Registration Completion List	<a href="https://data.healthcare.gov/ffm_ab_registration_lists">https://data.healthcare.gov/ffm_ab_registration_lists</a>
Agent and Broker Marketplace Registration Tracker	<a href="https://data.healthcare.gov/ab-registration-tracker/">https://data.healthcare.gov/ab-registration-tracker/</a>
Find Local Help Tool	<a href="https://www.healthcare.gov/find-assistance/">https://www.healthcare.gov/find-assistance/</a>
Help On Demand	<a href="https://www.cms.gov/CCIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Help-On-Demand-for-Agents-and-Brokers.html">https://www.cms.gov/CCIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Help-On-Demand-for-Agents-and-Brokers.html</a>
Agent and Broker NPN Search Tool	<a href="http://www.nipr.com/PacNpnSearch.htm">www.nipr.com/PacNpnSearch.htm</a>
Issuer & Direct Enrollment Partner Directory	<a href="https://data.healthcare.gov/issuer-partner-lookup">https://data.healthcare.gov/issuer-partner-lookup</a>
Agent and Broker Frequently Asked Questions website	<a href="https://www.agentbrokerfaq.cms.gov/s/">https://www.agentbrokerfaq.cms.gov/s/</a>

A full list of useful websites is available from the Agent and Broker Resources webpage (<http://go.cms.gov/CCIOAB>) under Quick Links.

# Acronym Definitions



Acronym	Definition
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APTC	Advance Payments of the Premium Tax Credit
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CCIIO	Center for Consumer Information and Insurance Oversight
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CHIP	Children's Health Insurance Program
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CMS	Centers for Medicare & Medicaid Services
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CSR	Cost-sharing Reduction
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DE	Direct Enrollment
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DHS	Department of Homeland Security
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FFM	Federally-facilitated Marketplace
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EDE	Enhanced Direct Enrollment
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HHS	Department of Health & Human Services
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LPR	Lawful Permanent Resident
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Acronym	Definition
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NPN	National Producer Number
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QHP	Qualified Health Plan
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REGTAP	Registration and Training Technical Assistance Portal
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SAVE	Systematic Alien Verification of Entitlements
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SEP	Special Enrollment Period
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SSN	Social Security Number
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Agents and brokers are valued partners to all of us at CMS for the vital role you play in enrolling consumers in qualified health coverage.

We thank you for the trusted advice, support, and assistance you provide throughout the year and wish you continued success during the upcoming OEP and beyond!