

Frequently Asked Questions on Medical Assistance for Legal Immigrants in Their First Five Years in the United States

1. **What has changed?**

On June 30, 2009, the Department of Public Welfare issued Operations Memorandum 090603. This memo states that many legal immigrants in their first five years as a legal immigrant cannot get federally-funded Medical Assistance (MA). Newer immigrants who are currently getting federally-funded MA will be reviewed within 60 days to see if they meet one of the exceptions to the new rules. If they do not meet an exception, they will get a notice cutting off their MA. Or if they qualify for a state-funded category of MA, they may get a notice saying they are being switched to state-funded MA (see #6 below).

2. **What should immigrants do if they get a cutoff, denial, or change notice?**

Immigrants who get a notice cutting off, denying, or changing their MA should appeal right away! If they appeal a cutoff within 13 days of the date of the notice, the MA must continue while they wait for a hearing (about 2-3 months). In the meantime, the immigrant can go to a legal services office for help.

Appealing is easy: fill out the form on the back of the notice, make a copy, and mail or take it to the welfare office. Be sure to get a receipt showing the appeal was delivered or mailed within 13 days! If you miss the 13 day deadline, appeal anyway – it may not be too late. Then go to legal services for help.

3. **What are the exceptions to the five-year bar on new immigrants receiving MA?**

The following legal immigrants are still eligible for federally-funded MA as soon as they enter the United States, if they otherwise qualify for MA:

- Children under age 21;
- Pregnant women (through 60 days post-partum);
- Refugees and asylees (even if they now have a green card);
- People in certain other immigration categories, including Cuban/Haitian entrants; trafficking victims; and immigrants whose deportation is being withheld;
- Certain veterans and their families; and
- Some people who have lived in the United States continuously since before 8/22/96 who are now legal immigrants.

4. **Can immigrants with emergency medical conditions get MA before they have been here for five years?**

Yes! If a doctor states that an immigrant has an emergency medical condition, and the immigrant otherwise qualifies, the immigrant can get MA -- regardless of how long they have been in the U.S. and regardless of their immigration status. An “emergency medical condition” could be something that makes you go to the emergency room, or it could be another kind of problem that urgently needs medical attention. It can include on-going conditions. In

Philadelphia, the doctor should fill out DPW's Emergency Medical Condition form. In most other counties, the doctor will have to write a letter. Your legal services office can help the doctor prepare the letter.

5. What Medical Assistance is federally-funded?

All TANF-related and SSI-related categories of MA are federally-funded. Extended Medical Coverage, Healthy Horizons, and MAWD (Medical Assistance for Workers with Disabilities) are all federally-funded.

6. If an immigrant can't get federally-funded MA, can they get state-funded MA?

Yes, if they qualify. The income limits for state-funded MA are extremely low, and only people who fit into certain categories qualify.

For full MA, the immigrant must:

- Have income below \$205 per month (\$316 for two people) (different in some areas)
- Have savings below \$250 (\$1,000 for a family), and
- Fit into one of these groups:
 - Disabled;
 - Requiring health sustaining medications;
 - Victim of domestic violence (only 9 months in a lifetime);
 - In a drug or alcohol program that precludes work (9 months in a lifetime)
 - Caring for an unrelated child under age 13; or
 - Caring for anyone who is ill or disabled and needs care.

For MA without prescription drug coverage, the immigrant must:

- Have six-month income below \$2,550 and savings below \$2,400 (for one person)
- Fit into one of these groups:
 - Over age 59; or
 - Working 100 hours a month or more.

7. What is legal services, and who qualifies?

Legal services programs are non-profit law offices providing free legal help to low-income people. In Philadelphia, both Community Legal Services and Philadelphia Legal Assistance will help immigrants get MA. Case managers and advocates can get advice by calling the Welfare Law Line at (215) 227-6485. (Clients should come to an office rather than calling the Welfare Law Line, though they can call this number if they cannot come in person.)

Outside Philadelphia, the Pennsylvania Legal Aid Network, (800) 332-7572, will help find your local legal services office.

Anyone can also get help from the Pennsylvania Health Law Project at (800) 274-3258.

All of these legal services offices provide free interpreters for their services.