



CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE

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Immigrants Are Not Affected by the New Medi-Cal Law

New federal Medicaid Document Requirement for U.S. Citizens Does Not Change the Rules for Noncitizens

As of July 1, 2006, a new federal law requires United States citizens who receive or apply for Medi-Cal to provide document(s) to prove their citizenship status.¹ Previously, U.S. citizens applying for Medi-Cal could provide either a document or a written statement signed under penalty of perjury to prove their citizenship. Noncitizens, or immigrants, already were required to provide documentation of their status in order to receive Medi-Cal. Under the new rule, citizens must provide proof of citizenship. Immigrants should continue to follow existing documentation rules.²

Although there is a new document requirement for U.S. citizens, both citizens and immigrants can still get and keep Medi-Cal if they meet Medi-Cal guidelines.³ Key points to remember include:

- Immigrants currently receiving Medi-Cal will not lose their benefits because of the new document rule.
- There is *no* new requirement that a person must be a U.S. citizen in order to get or keep Medi-Cal!
- The rules for noncitizens did not change. Immigrants are still able to get Medi-Cal if they meet Medi-Cal guidelines.⁴
- U.S. citizens currently receiving Medi-Cal will not lose Medi-Cal automatically and do not need to provide citizenship documents by July 1 to keep their Medi-Cal benefits. Medi-Cal will continue their benefits and will contact them to explain the steps they need to take under the new document rule.
- Only persons who wish to receive Medi-Cal are required to provide proof of their citizenship or immigration status. For example, parents who are applying only on behalf of their children should not be asked to provide any information about their own citizenship or immigration status.
- If you are denied or lose Medi-Cal benefits because of your immigration or citizenship status, you should request an appeal and seek assistance from your local legal aid office or Health Consumer Center.⁵
- Immigrants should continue to use medical services without fear of immigration consequences. Using health care services, including Medi-Cal, generally does not affect a person's immigration status. The use of health services is not considered in the "public charge" decision.⁶ If a hospital or clinic tells you that you cannot get an appointment or receive medical care unless you are a U.S. citizen, you should ask to speak to the person in charge at the hospital or clinic and ask for the medical care you may need. If you need further assistance, contact your local legal aid office or Health Consumer Center.

Despite the July 1 effective date, California's Medi-Cal agency may delay asking for documents from U.S. citizens seeking or receiving Medi-Cal. Citizens currently receiving Medi-Cal will not lose Medi-Cal automatically or be required to reapply after July 1, 2006. Instead, citizens should wait for Medi-Cal to contact them to advise them on the steps they need to take under the new document requirement. The Medi-Cal agency should give citizens sufficient time and/or assistance to obtain the necessary documents and should continue their benefits during that period. Citizens who are denied or lose their Medi-Cal because of the new document requirement should appeal the decision and request a hearing. For more information on the new document rule for citizens, go to www.medi-cal.ca.gov.

¹ Deficit Reduction Act of 2005 (Pub. L. No. 109-171), Section 6036, “Improved Enforcement of Documentation Requirements.” For more information about Section 6036, go to: www.cms.hhs.gov/MedicaidEligibility/05_ProofofCitizenship.asp. California’s Medicaid program, known as Medi-Cal, is a state and federal government program that provides health coverage for certain categories of low-income persons including children, families, pregnant women, and persons over age 65 or with disabilities. For more information about the Medi-Cal program, go to www.medi-cal.ca.gov.

² According to the Centers for Medicare and Medicaid Services (CMS), the agency that administers the federal Medicaid program, “individuals who declared they were aliens in a satisfactory immigration status were required in every state to provide documentary evidence of that claim. . . . The provisions of section 6036 do not affect individuals who have declared they are aliens in a satisfactory immigration status.” See CMS’s State Medicaid Directors Letter 06-012, page 1, available at: www.cms.hhs.gov/smdl/downloads/SMD06012.pdf.

³ For more information about Medi-Cal eligibility guidelines, go to www.medi-cal.ca.gov or www.healthconsumer.org.

⁴ There is no change in the rules regarding which immigrants are eligible for Medi-Cal. Most immigrants who are lawfully in the United States can get full-scope Medi-Cal if they otherwise meet Medi-Cal guidelines. Immigrants who may not have satisfactory immigration status, but are otherwise eligible, may receive restricted Medi-Cal, which provides coverage for limited services such as pregnancy or emergency care. For more information about immigrant eligibility for Medi-Cal or other California programs, go to www.nilc.org/ciwc/tbls_other-mats/Cal_Benefits_Table_0905.pdf or www.healthconsumer.org. For further assistance on immigrant eligibility for Medi-Cal, contact your local legal aid office or Health Consumer Center, or go to www.nilc.org.

⁵ To find the local legal aid office in your county, go to <http://www.lawhelpcalifornia.org/CA/index.cfm>. To find the nearest Health Consumer Center, go to www.healthconsumer.org.

⁶ However, use of Medi-Cal for long-term care (e.g. nursing homes) will be considered in the public charge decision. For more information on public charge, go to www.nilc.org/immspbs/pubchg/index.htm. For fact sheets on public charge in additional languages, go to www.uscis.gov/graphics/publicaffairs/presinfo4.htm#PublicCharge. For additional resources regarding other immigration concerns about using health care, go to www.nilc.org.