



Citizenship and Immigration

Quick Reference Guide
September 2018

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Quick reference guides are created by the instructional design team in the MNsure BPMO office. Please email MNsure_MNsureTraining@state.mn.us for any questions, requested changes or updates.

Citizenship and Immigration Overview

As a MNsure assister, you should not provide legal advice on citizenship or immigration issues but should refer consumers to legal aid or an authorized immigration advocate.

To help consumers complete the MNsure application, you do need to be able to explain why and what the MNsure application asks about citizenship and immigration status. This may be a sensitive topic to discuss with consumers.

1. Use broad questions and share general information about eligibility to help consumers identify who may want to apply for insurance.
2. Do not ask non-applicants to disclose their citizenship or immigration status.
3. You may also need to help consumers identify which documents are needed to complete the application.

Examples of ways to ask questions:

"MNsure provides coverage to eligible citizens and noncitizens who are lawfully present. The application will ask questions about immigration and citizenship to confirm eligibility."

"The application asks for some information about people in your household, but only a family members who are applying for coverage have to answer questions about immigration or citizenship."

In general, immigrants come to the U.S. for three major reasons:

1. Family unification (someone with a close family relationship in the U.S.)
2. Freedom or safety (refugee or asylee)
3. Employment (someone invited by a U.S. employer due to a shortage of employees)

There are also special provisions for immigrants in vulnerable populations, such as:

- A person who is a battered spouse, child or parent of a U.S. citizen or lawful permanent resident (LPR) under the Violence Against Women Act
- A crime victim who is granted a U visa to facilitate reporting of crimes by undocumented victims
- A victim who is granted a T visa due to severe human trafficking
- A child who is granted Special Immigrant Juvenile Status due to abuse, abandonment or neglect by a parent or legal guardian in their home country or the U.S.
- A person who is granted temporary protected status (TPS) because conditions temporarily prevent them from returning safely to their home country (designated as TPS by the Department of Homeland Security)

Definitions

Who is Considered a U.S. Citizen?

A U.S. citizen is a person:

- Born in the U.S. or certain U.S. territories, or
- Who became a naturalized citizen (when a foreign citizen is granted U.S. citizenship after applying for and meeting the requirements of citizenship), or
- Whose parent(s) was a U.S. citizen at the time of the person's birth, or
- Whose parent(s) was naturalized before the person's 18th birthday.

Who is Considered a U.S. National?

A U.S. national is a person who was born in American Samoa or Swains Island or was born outside the U.S. to a parent who is a U.S. national.

Who is an Immigrant?

An immigrant is a person wishing to live permanently in the U.S. For example:

- Lawful permanent residents
- Asylees
- Refugees

Who is a Nonimmigrant?

A nonimmigrant is a person with permanent resident outside of the U.S., who wishes to live in the U.S. on a temporary basis. Reasons include:

- Tourism
- Work
- School
- Medical treatment

Who is Lawfully Present in the U.S.?

If an applicant indicates that they are neither a U.S. citizen nor a U.S. national, they are asked if they are lawfully present in the U.S. This category is broad. A lawfully present noncitizen is a noncitizen who has been granted the right to enter or stay in the United States and has not violated the terms of their agreement.

Statuses that are lawfully present include, but are not limited to:

- Afghan and Iraqi special immigrant

- Amerasian
- Asylee, including:
 - pending applicants for asylum under the age of 14 who have had an application pending for at least 180 days, or
 - pending applicants for asylum age 14 or older who have been granted employment authorization
- Battered noncitizen, including a child of a battered noncitizen
- Beneficiary of an approved visa petition with a pending application for adjustment of status
- Conditional entrant
- Deferred action
- Deferred Enforced Departure decision by the President of the United States
- Family Unity beneficiary
- Granted an administrative leave
- Granted employment authorization under 8 CFR 274a.12(c). See the [USCIS website](#) for a list of employment authorized categories.
- Haitian entrant
- Humanitarian parolee
- Lawful permanent resident
- Lawful temporary resident
- Lawfully present in American Samoa
- Marshall Islander
- Micronesian
- Noncitizens receiving services at the Centers for Victims of Torture
- Palauan
- Refugee
- Special immigrant juvenile status (SIJS), including pending applicants for SIJS
- Temporary protected status (TPS), including pending applicants for TPS who have been granted employment authorization
- Temporary resident status under 8 USC 1160 or 1255a
- Trafficking victim
- Withholding of removal
- Nonimmigrant status, including, but not limited to people with:
 - K-visas
 - Student visas
 - T-visas

- U-visas
- V-visas
- Worker visas

Who is NOT Lawfully Present in the U.S.?

An applicant who may fall into this category includes someone who:

- Entered the U.S. without permission (entered without inspection), or
- Has an expired visa or no longer has permission to stay in the U.S (overstayed visa)

Questions on the MNsure Application

Any Minnesotan may use the MNsure application to apply for health care coverage. To evaluate each applicant's eligibility to get coverage through MNsure, applicants will be asked to provide citizenship or immigration information on the application.

Use of Data from the MNsure Application

The Affordable Care Act includes strong protections for personally identifiable information and privacy provisions to encourage participation of eligible individuals in mixed-status immigrant families.

MNsure can only collect, use and disclose information that is necessary for enrollment in health coverage and to verify eligibility against other agencies' records.

The Department of Homeland Security's U.S. Immigration and Customs Enforcement office has a policy that information about an applicant or their household that is submitted for health insurance eligibility will not be used for civil immigration enforcement. This policy document is available in both [English](#) (PDF) and [Spanish](#).

Privacy and Confidentiality

MNsure, the Minnesota Department of Human Services, county and tribal agencies require their employees, contractors and assisters to follow strict rules protecting privacy.

A consumer must sign authorization forms and consent to provide access to their personally identifiable information in order for MNsure assisters to conduct activities on their behalf. Assisters are subject to penalties if they do not comply with data privacy rules.

Social Security Numbers

MNsure uses an applicant's Social Security number (SSN) to tell the applicant apart from other people, to prevent duplication of state and federal benefits and to verify income, resources or other information that may affect eligibility and benefits. This information is voluntary, but not providing an SSN will impact the programs the applicant may be eligible for.

Providing an SSN increases also increases the likelihood that MNsure can verify an applicant's information electronically and can reduce the amount of paper documentation needed for verification.

Note: Individual Taxpayer Identification Numbers (ITINs) **cannot** be provided in place of the SSN on the application.

If an applicant does not have an SSN, they will be asked if they have applied for one. If they answer no, they must select one of the following reasons:

- Not eligible
- SSN is issued for non-work reason only

- Religious objections
- Newborn or newly adopted
- Other (If selected, the applicant will be asked if they want assistance applying for an SSN. Selecting “Other” will make an applicant ineligible for MA or MinnesotaCare.)

Does a Non-applicant Have to Enter a Social Security Number?

For Medical Assistance and MinnesotaCare determination, a non-applicant household member does not have to provide an SSN. For qualified health plan eligibility determination, a non-applicant household member must provide an SSN if all of the following are true:

- They have an SSN
- They are a tax filer
- They have a spouse or tax dependent seeking financial assistance
- They filed a federal tax return in at least one of the two previous tax years

Citizenship and Immigration Questions

For coverage through MNsure, (including Medical Assistance and MinnesotaCare) consumers must be residents of Minnesota, and be one of the following:

- U.S. citizen
- U.S. national
- Lawfully present in the U.S.

To evaluate each applicant’s eligibility to get coverage through MNsure, applicants will be asked to provide citizenship or immigration information.

Are Applicants Required to Provide Citizenship and Immigration Information?

Providing citizenship and immigration information, as well as other private data on the MNsure application, is voluntary.

If a consumer chooses not to provide citizenship and immigration information, and they are applying for coverage, it could impact their eligibility for coverage. However, citizenship and immigration information is not required for household members listed on the application who are not applying for coverage. This includes parents who may be applying for coverage for their children only. Assisters must help consumers understand their privacy rights to help them make informed decisions about providing private data. Consumers should read the privacy warning in the application (also on MNsure’s Privacy Warnings [web page](#)) to understand how MNsure will use citizenship and immigration information to verify eligibility.

How Does the MNsure Online Application Verify Citizenship and Immigration Information?

MNsure uses citizenship and immigration information submitted on the application to determine an applicant’s eligibility. MNsure only shares that data when the law allows or requires it and for verification. When an applicant submits their application, MNsure verifies their citizenship or immigration status by matching records from the Social Security Administration (SSA) or the Department of Homeland Security (Homeland Security).

Data matching may be unsuccessful when:

- An applicant does not provide or enters an incorrect Social Security number
- An applicant's name does not match SSA or Homeland Security records
- There are data limitations (SSA or Homeland Security may not be able to verify citizenship for foreign-born U.S. citizens, or the federal database may be temporarily unavailable at the time an application is submitted)

If a source is not available or a match cannot be found for the applicant's information, the applicant will be asked to provide additional information to verify their citizenship or immigration status.

Lawfully Present Immigration Status Questions on the Application

Applicants who indicate lawful presence in the U.S. will be asked about their immigration status.

An applicant who is lawfully present in the U.S. must select an immigration status from the choices below:

- American Indian born in Canada
- Amerasian noncitizen
- Asylee
- Conditional entrant
- Cuban/Haitian entrant
- Deportation being withheld
- Refugee
- Special Iraqi/Afghani immigrant
- Victim of severe trafficking
- Withholding of removal
- Battered noncitizen
- Lawful permanent resident
- Paroled for at least 1 year
- Temporary nonimmigrant
- Deferred Action for Childhood Arrivals
- Other

The MNsure application asks for the following information:

- Immigration document type
- Document ID number

For a comprehensive list of immigration document types, visit the MNsure [Questions about Citizenship and Immigration document \(PDF\)](#)

NOTE: Even though only some document fields are marked as required, enter as many fields from the immigration document as possible to ensure accurate eligibility results. The online application will also prompt the applicant to enter:

- Date of entry into the U.S.
- Information specific to the selected immigration status
- Additional document information

Lawfully Present Immigration Document Tips for the Application

1. Permanent resident cards issued before 1989 do not have a card number. In that case, enter AAA000000000.
2. Some refugees may only have a Customs and Border Protection (CBP) admission stamp on their passport when CBP creates an automated I-94 instead of a paper one. If a refugee needs a copy of their automated I-94, they can print one out by following the directions on the [CBP website](#). They will enter their I-94 document information in the application.

Change in Status

When working with an individual who has legal permanent resident status, but previously had another qualified immigration status:

- List immigration status as lawful permanent resident
- On the follow-up question answer “Yes” to having had refugee or asylee status
- Enter supporting document details (I-551 Permanent Resident Card)

This allows client to be appropriately assessed for Medical Assistance eligibility.

Non-applicants in the Household

Non-applicants who are helping an applicant complete a MNsure application or who are part of the applicant’s household:

1. Do not have to give citizenship or immigration information about themselves or about anyone in the household who is not applying for coverage. Do not ask citizenship or immigration information to anyone who is not applying for coverage or about anyone in a household that is not applying for coverage. This includes parents who may be applying for coverage for their children only.
2. May need to provide other information required for eligibility determination, such as income or tax filing status.

Deferred Action for Childhood Arrivals (DACA)

An individual who has Deferred Action for Childhood Arrivals (DACA) status from Homeland Security is considered to be lawfully present only during the deferred action period. DACA does not give an individual permanent lawful status. Individuals with DACA status are not eligible for Medical Assistance or qualified health plans through MNsure.

As of January 1, 2017, individuals with DACA status are eligible for MinnesotaCare coverage provided they meet all MinnesotaCare eligibility requirements.

Program Eligibility

All immigrants may be eligible for programs through MNsure but the programs they are eligible for will vary depending on their status.

Qualified Health Plan Eligibility

All lawfully present non-citizens may be eligible for assisted or unassisted qualified health plans.

Medical Assistance Eligibility

Immigration-based eligibility for Medical Assistance varies depending on whether the applicant is a child, a pregnant woman or a non-pregnant adult over age 21

Refer to the [MA Immigration Status and Eligibility Table \(PDF\)](#) for a detailed list.

Children age 21 and under can be eligible for MA if they are a lawfully present non-citizens.

Immigration status does not affect eligibility for pregnant women. Pregnant women (regardless of immigration status) who are lawfully present noncitizens are eligible for MA for the duration of their pregnancy and 60 days post-partum as long they are not enrolled in other coverage, and are within income limits.

Some consumers with noncitizen immigration statuses may qualify for MA, and some may qualify after a five year waiting period. During the five-year waiting period, they may be eligible for MinnesotaCare, or assisted or unassisted qualified health plans.

Consumers with Noncitizen Immigration Statuses That May Qualify for MA Coverage

- Refugee
- Asylee
- Cuban/Haitian entrant
- Conditional entrant granted before 1980
- Withholding of deportation or withholding of removal
- Trafficking survivor and spouse, child, sibling or parent
- American Indian noncitizens
- Amerasians
- Afghan/Iraqi special immigrants
- Centers for Victims of Torture
- Qualified noncitizens who are U.S. veterans or on active military duty and their spouses and children

Consumers with Noncitizen Immigration Statuses That May Qualify for MA Coverage After a Five Year Waiting Period

- Lawful permanent resident (LPR) who has resided in the U.S. for five years or more
- Paroled into the U.S. for at least one year and resided in the U.S. with that status for 5+ years.

- Battered spouse, child or parent who has a pending or approved petition with the Minnesota Department of Human Services (DHS)

Four Programs are Available to Certain Noncitizens who are not Eligible for MA Because of Their Immigration Status.

- Children’s Health Insurance Program (CHIP) funded MA may be available for pregnant women who are undocumented or noncitizens not otherwise eligible for MA. Eligibility may continue through the 60-day postpartum period. CHIP-funded MA is not available to people enrolled in other health care coverage.
- People who are receiving services from the Center for Victims of Torture (CVT) may be eligible for state funded MA-CVT.
- People with a medical emergency may be eligible for Emergency Medical Assistance (EMA).
- People who meet specific criteria may be eligible for federally funded Refugee Medical Assistance (RMA).

Consumers who may qualify for these programs, should contact their county agency for application information.

Medical Assistance Sponsor Deeming Rules

Another factor used to determine a noncitizen’s eligibility for MA is if they have a sponsor (exception: anyone who has entered the U.S. as a refugee is NOT a sponsored immigrant).

A sponsor is a U.S. citizen or LPR who sponsors a noncitizen as a condition of the noncitizen’s entry into the U.S. and has agreed to support the immigrant in the event that they cannot support themselves. MA considers all of the income of the sponsor and the sponsor’s spouse to be available to the immigrant. The sponsorship agreement ends when the immigrant becomes a U.S. citizen, works for 10 years, (or 40 quarters) in the U.S. or dies.

Exceptions to sponsor deeming:

- Pregnant women and children under age 21
- Battered noncitizens
- Facility residents whose placement would be jeopardized
- Military service exemption
- Anyone who would go hungry or homeless without assistance
- Safety net provision applies. Refer to the [Safety Net Provision](#) for details.

NOTE: A safety net provision applies if the sponsored immigrants do not qualify for MA because their income with the sponsor’s income included is over the MA limit, but without the sponsor's income, the immigrant's income is below the minimum income limit for MinnesotaCare.

MinnesotaCare Eligibility

All lawfully present non-citizens may be eligible for MinnesotaCare. As of January 1, 2017, individuals with DACA status are eligible for MinnesotaCare coverage provided they meet all MinnesotaCare eligibility requirements.

To apply for MinnesotaCare, DACA recipients must complete the [Application for Health Coverage and Help Paying Costs \(DHS-6696\)](#). Additional information is available in a [Bulletin](#) from the Minnesota Department of Human Services.

Emergency Medical Assistance

Consumers may need health care resources if they are not eligible for coverage. Emergency Medical Assistance (EMA) serves:

- Individuals who are ineligible for MA due to their immigration status, but who meet all other MA program requirements
- Sponsored immigrants who are ineligible due to their sponsor's income or assets
- Noncitizens granted Deferred Action for Childhood Arrivals

EMA only covers services received in an emergency department and/or inpatient hospital setting. Additional services could be covered through a care plan if needed to prevent emergent condition from recurring within 48 hours

To apply, submit a paper MNsure application to the client's county of residence and write EMA clearly on the top of each page

An applicant does not have to provide immigration information if they are applying for emergency medical care only or are a pregnant woman living in the U.S.

Consumers should contact their county or DHS for more information.

Non-Immigrant Student Eligibility

As an assister, you may encounter individuals who have come to the U.S. to study at a college or university. These non-immigrants with student visas may qualify for MinnesotaCare or QHP coverage.

However, consumers with certain types of student visas may be required to maintain school-sponsored health insurance as a condition of enrollment in the school. Having this minimum essential coverage would make them ineligible for MinnesotaCare, advanced premium tax credits and cost-sharing reductions.

If a family member of the student is living in Minnesota and is not required to maintain school-sponsored health insurance, the family member might be eligible for MinnesotaCare or QHP coverage if they meet all other requirements.

Student visa holders should not drop school-sponsored insurance in order to access MNsure.

Asylum Seekers with Pending Status

- Recommend that the consumer connect with their immigration lawyer about applying for health coverage through MNsure.
- Applicants under age 14 who have had an application for asylum pending for at least 180 days are eligible for MinnesotaCare, ATPC and unassisted QHPs if they meet all other requirements.

- Applicants age 14 and older who have an application pending for asylum and have been granted employment authorization are eligible for MinnesotaCare, ATPC and unassisted QHPs if they meet all other requirements.

If the consumer does not meet the criteria listed above, **do not** submit a MNsure application.

Verification Documentation

In some situations, MNsure may not be able to match information submitted on an application with data from other agencies. This may happen because a Social Security number was not entered, a Social Security number or applicant's name did not match SSA or Homeland Security records, or SSA or Homeland Security could not verify citizenship for a foreign-born applicant.

- U.S. passport
- U.S. birth certificate
- Consular Report of Birth Abroad or Certificate of Birth
- Naturalization Certificate or Certificate of Citizenship
- Document from a federally recognized Indian tribe that includes the individual's name, tribe name, tribal membership, enrollment or affiliation

Applicants may also be asked to submit documentation to verify their citizenship or immigration status. If verification is required, MNsure, the Minnesota Department of Human Services or the applicant's county or tribal agency will contact the applicant for documentation. Assure the consumer that this is standard procedure.

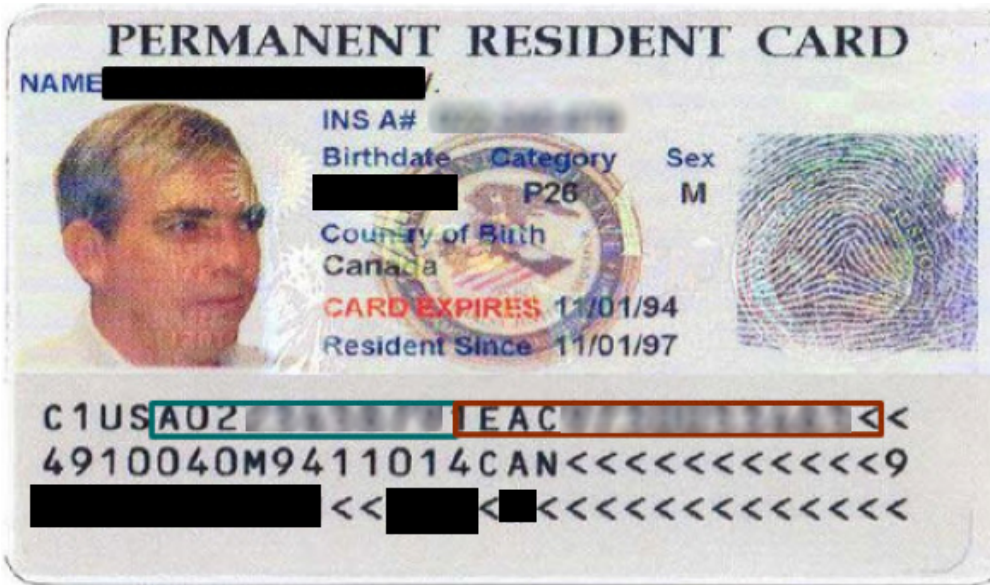
Refugee Services

A refugee is someone who has fled their country of origin and cannot return because of fear of persecution.

DHS has a Refugee Programs Office (RPO) that coordinates services with resettlement agencies and community-based organizations to help refugees transition to life in the U.S. Many of these agencies have their own navigators to assist refugees with applications, and have other programs to assist refugees with broader health, social service and employment needs.

Refer to the [DHS Refugee Assistance page](#) for more information and to find a resettlement agency and/or a community based organization specializing in refugee services.

Example Immigration Documents



- The first set of numbers beginning with “A” followed by 8-9 numbers is the alien/registration number.
- The card number can be found on the backside of the card if it is not listed on the front. It begins with 3 letters and is found after the alien (A) number.





- The USCIS # is the alien number
- Include an 'A' before the numbers on the application, for this example A00000725
- The card number begins with 3 letters, which will be listed on the application.
- Date of entry can be listed as the Valid From date on the Employment Authorization Card.