

**Treatment of Immigrants and U.S. Citizens in “Affordable Health Care for America Act” (H.R. 3962)
(Access to Federal Programs and Tax Credits)**

	Undocumented Immigrants	Legal Immigrants			U.S. Citizens
		Lawfully Residing	Lawfully Present [*]	Nonimmigrant ^{**}	
Required to purchase insurance (individual mandate)	Yes, if residing	Yes	Yes, if residing	Yes, if residing	Yes
Eligible for Medicaid, Medicare, and Children’s Health Insurance Program (CHIP) [‡] if under 150% of the Federal Poverty Line (FPL)	No	Only if “qualified” [†]	Only if “qualified” [†]	Only if “qualified” [†]	Yes
Subject to five-year waiting period for Medicaid, Medicare, and CHIP [^]	N/A	Yes	Yes	Yes	No
Eligible for access to unsubsidized Exchange	Yes	Yes	Yes	Yes	Yes
Eligible for insurance premium subsidies	No	Yes	Yes, if residing	No Except for K-, T-, U-, and V-Visa holders	Yes
Income eligible for subsidies	Not eligible	0–400% of FPL, if ineligible for Medicaid	0–400% of FPL, if ineligible for Medicaid	0–400% of FPL, if ineligible for Medicaid	150–400% of FPL
Year available for premium subsidies	N/A	2013	2013	2013	2013

* A lawfully present immigrant is an individual who is admitted into the United States legally. However, to be subjected to the individual mandate and be eligible for tax credits, an individual must reside in the country. This is determined by fulfilling one of two tests. The green card test: The individual is a legal permanent resident at any time during the current year. The substantial presence test: The individual is present at least 31 days during the current year or at least 183 days during the current and previous two years.

** Nonimmigrants are noncitizens who are legally admitted to the United States on a temporary basis, such as tourists, students, or diplomats and their dependents. It should be noted that many nonimmigrants have established roots, are residing in the United States, and will be required to have insurance.

† “Qualified” immigrants include legal permanent residents; refugees[▪]; asylees[▪]; persons granted withholding of deportation or removal; conditional entrants; persons granted parole by the Department of Homeland Security (DHS) for at least one year; Cuban/Haitian entrants[▪]; Violence Against Women Act (VAWA) petitioners whose petitions have been filed or accepted but not denied; and victims of trafficking.[▪] Those marked with a square (▪) are exempt from the five-year bar for Medicaid.

‡ In year 2015, the Children’s Health Insurance Program (CHIP) will be phased out. People with household income under 150% of FPL will be transitioned to the Medicaid program, and all other must be transitioned to plans in the Exchange.

^ States have the option to remove the waiting period for legal immigrant children and pregnant women in Medicaid and CHIP.