

DEPARTMENT OF HEALTH SERVICES

714/744 P Street
P.O. Box 942732
Sacramento, CA 94234-7320
(916) 657-2941

February 22, 1999



TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons
All County Public Health Directors
All County Mental Health Directors

Letter No.:99-09

IMMIGRATION FACT SHEETS FOR THE HEALTHY FAMILIES/MEDI-CAL FOR CHILDREN PROGRAMS

The purpose of this All County Welfare Directors Letter (ACWDL) is to provide counties with copies of fact sheets that were developed by the Medi-Cal for Children and the Healthy Families Programs (HFP). These fact sheets provide basic information on what is known today about immigration issues relating to the HFP and Medi-Cal for Children Programs.

This ACWDL includes a separate fact sheet for each program. Each fact sheet is provided in Spanish and English. These fact sheets have been sent to all enrolled entities participating in the Healthy Families/Medi-Cal for Children Programs for distribution, and are being made available to all interested parties. These fact sheets are being provided for your information, but county welfare departments may copy and distribute these fact sheets as necessary. Counties should be prepared to provide these fact sheets to individuals who request immigration information, or who have questions or concerns regarding immigration issues, including the issue of public charge.

BACKGROUND

The Managed Risk Medical Insurance Board (MRMIB) and the Department of Health Services (DHS) have continued their ongoing efforts to request immediate clarification from the Immigration and Naturalization Service (INS) regarding its policy on public charge in relation to the Healthy Families and Medi-Cal for Children Programs. Over the last eight months, State of California officials have sent seven letters to the INS requesting clarification of the public charge issue. INS has yet to provide this clarification. This issue has been identified as a barrier to enrollment in available health care programs for uninsured California children.

MRMIB and DHS will continue to pursue clarification from the INS. However, at this time MRMIB and DHS are providing families eligible for the programs, enrollment entities,

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certified application assistants, and other interested individuals the enclosed fact sheets summarizing what is known today about immigration issues regarding the Healthy Families and Medi-Cal for Children Programs. When we receive clarification from the INS, we will provide the counties with any relevant information via an ACWDL.

If you have questions regarding the enclosed fact sheets, please call John Zapata of my staff at (916) 657-0725.

Sincerely,

ORIGINAL SIGNED BY

ANGELINE MRVA, Chief
Medi-Cal Eligibility Branch

Enclosures



The California Managed Risk Medical Insurance Board

1000 G Street, Suite 450

Sacramento, CA 95814

(916) 324-4695 FAX: (916) 324-4878

Board Members

Tal Finney, Chairman

Soap Dowell

Sandra Hernández, M.D.

January 29, 1999

RE: Immigration Related Policies of the Healthy Families Program

This letter is designed to help families understand the relationship of immigration issues and the Healthy Families Program. It is based on the best available information that is known today.

Eligibility & Enrollment

The State of California encourages all families to enroll their eligible children in the Healthy Families Program.

Children eligible for the Healthy Families Program include:

- US citizen and non-citizen national children, and
- Qualified alien children. In general, qualified alien children are those legal immigrant children who entered the U.S. prior to August 22, 1996.

Legal immigrant children who entered the country after August 22, 1996 are not eligible for the Healthy Families Program until they have been in the United States for five years. There are several exceptions to the five-year rule. These exceptions are listed in the Healthy Families Program Handbook. For more information on Healthy Families Program eligibility, please call toll free 1-800/880-5305.

Collection and Sharing of Information on Immigration Status

Children: The Healthy Families Program requests information on the citizenship and immigration status of children applying to the program. This information is collected to be sure that children are eligible for the program. There are only two circumstances in which this information could be given to the Immigration and Naturalization Service (INS): to verify the eligibility of immigrant children or in the course of conducting fraud investigations.

Parents or Guardians: The Healthy Families Program does not collect information on the parents of children enrolled in the program. Parents (or others) applying for Healthy Families Program benefits on behalf of a child are not asked to provide their citizen or immigration related information.

The Healthy Families Program **does not** collect information on the immigration status of parents or guardians. The Healthy Families Program can not and will not provide information on the immigration status of parents to the INS.

Repayment of the Costs of Lawfully Received Benefits

The Healthy Families Program **will not use immigration information** to ask families for repayment of any of the costs of lawfully received benefits under the Healthy Families Program.

INS Determinations of Public Charge

The Healthy Families Program has received requests from many organizations asking for clarification of whether immigrant families should fear actions by the INS if they enroll their children in the Healthy Families Program. These fears are based on the possibility of the INS determining that a member of the family is a "public charge" or using information in "sponsorship determinations" if they enroll their children in the Healthy Families Program.

The State of California is continuing to ask the INS and other federal agencies to issue clear and comprehensive written policies on public charge issues.

Public charge is not an issue if:

- You are applying to become an U.S. citizen.
- You are applying for asylum or have been granted asylum.
- You are a refugee.
- You are a registry applicant (a person who has been in the U.S. continuously since before 1972).

Families that are concerned about immigration issues or that might want to be a sponsor should consider consulting an immigration attorney, legal services office, or immigration rights organization prior to enrolling their children in the Healthy Families Program.



The California Managed Risk Medical Insurance Board
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Sacramento, CA 95814
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Board Members
Tal Finney, Chairman
Soap Dowell
Sandra Hernández, M.D.

29 de enero 1999

Política de Inmigración del Programa Healthy Families

Esta carta se ha diseñado para ayudar a las familias a entender la relación entre los problemas de inmigración y el Programa Healthy Families. Se basa en la mejor información que está disponible hoy.

Calificación y Matrícula

El estado de California recomienda que todas las familias registren a sus niños que califiquen para el Programa Healthy Families.

Los niños que califican para el Programa Healthy Families incluye:

- Niños ciudadanos y nacionales de los EE.UU., y
- Niños extranjeros calificados. Generalmente, los niños extranjeros que califican son esos niños inmigrantes que entraron a los EE.UU. antes del 22 de Agosto de 1996.

Los niños inmigrantes legales que entraron al país después del 22 de Agosto de 1996 no califican para el Programa Healthy Families hasta que hayan cumplido cinco años en los EE.UU. Hay algunas excepciones para esta norma de cinco años. Las excepciones se explican en el Manual del Programa Healthy Families. Para más información llame gratis al 1-800/880-5305.

Colección y Distribución de Información Sobre Estado Inmigratorio

Niños: El Programa Healthy Families requiere información sobre la ciudadanía y estado inmigratorio de los niños que soliciten el programa. Existen solamente dos situaciones en las cuales esta información se podría compartir con el Servicio de Inmigración y Naturalización (siglas en inglés INS): para verificar el estado calificado de los niños inmigrantes o para conducir investigaciones de fraude.

Padres o Padres de Crianza: El Programa Healthy Families no pide información sobre los padres de los niños matriculados en nuestro programa. Los padres (u otros) que soliciten los beneficios del Programa Healthy Families a favor de sus niños no se les pide que proveen información sobre su propio estado inmigratorio.

El Programa Healthy Families **no pide** información sobre el estado inmigratorio de los padres y los padres de crianza. El Programa Healthy Families no puede y no dará información al INS sobre el estado inmigrante de los padres.

Reembolso por los Costos de Beneficios Recibidos Legalmente

El Programa Healthy Families **no utilizará información inmigratoria** para pedir el reembolso por el costo de cualquier beneficio que se haya recibido legalmente bajo el Programa Healthy Families.

Determinación de Carga Pública por el INS

El Programa Healthy Families ha recibido peticiones de muchas organizaciones preguntando que se aclare si las familias inmigrantes deben temer represalias del INS si ellos registran a sus niños en el Programa Healthy Families. Estos temores se basan en la posibilidad del que el INS determine que un miembro familiar es una "carga pública" o utilice información en "decisiones de patrocinamiento" si ellos registran a sus niños en el Programa Healthy Families.

El estado de California continua preguntando al INS y a otros ministerios federales que establezcan por escrito políticas claras y completas sobre la cuestión de carga pública.

Carga Pública no es una cuestión si:

- Usted está solicitando el hacerse ciudadano EE.UU.
- Usted está solicitando asilio o se le ha otorgado asilio.
- Usted es un refugiado.
- Un solicitante registrado (una persona que ha estado continuamente en EE.UU. desde o antes de 1972)

Las familias que tienen dudas sobre cuestiones de inmigración o quienes desean patrocinar deben consultar un abogado de inmigración, una oficina de servicios legales, o una organización sobre derechos de inmigración antes de matricular a sus niños en el Programa Healthy Families.

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
P. O. BOX 942732
SACRAMENTO, CA 94234-7320



January 29, 1999

To: Persons Interested in Medi-Cal for Children and Pregnant Women

Re: Immigration Related Policies of Medi-Cal for Children and Pregnant Women

This letter is designed to help families understand the relationship of immigration issues and the Medi-Cal Program. It is based on the best available information that is known today.

Eligibility & Enrollment

No matter what you or your child(ren)'s immigration status is, you or your child(ren) may be eligible for some level of Medi-Cal coverage if you or your child(ren) meet other eligibility requirements. For example, prenatal care and emergency services (including labor and delivery) are available regardless of immigration status.

- Regardless of your immigration status, your child may be able to get full scope Medi-Cal coverage if your child is a citizen or has a satisfactory immigration status and is otherwise eligible.
- This is true even if the child came to California after August 22, 1996.

All families are encouraged to enroll their eligible children in Medi-Cal. Adult family members and pregnant women are also encouraged to enroll in Medi-Cal.

Collection and Sharing of Information on Immigration Status

Medi-Cal requests information on immigration status only about the person who wants to receive services. Immigration status information is confidential. However, it will be released as provided below.

This means that if only your child(ren) will be receiving services, Medi-Cal will ask for information about your child(ren)'s immigration status, but **not** about your immigration status. The information is collected to be sure your child(ren) are eligible for the program. There are only two circumstances in which information about immigration status will be given by Medi-Cal to the Immigration and Naturalization Service: for determination of Medi-Cal eligibility (except when you or your children are requesting prenatal or emergency services) and in the course of conducting a fraud investigation.

The Medi-Cal Program does not collect information on the immigration status of parent/guardians who are not seeking Medi-Cal services for themselves. The Medi-Cal Program cannot and will not provide information on the immigration status of such parents to the INS.

Repayment of the Costs of Lawfully Received Benefits

Medi-Cal will not use immigration information to demand or collect repayment from recipients for services lawfully received.

INS Determination of Public Charge

Medi-Cal has received requests from many organizations asking for clarification of whether immigrant families should fear actions by the INS if they enroll their children in Medi-Cal. These fears are based on the possibility of the INS determining that a member of the family is a "public charge" or using information in "sponsorship" determinations.

The State of California is continuing to ask the INS and other federal agencies to issue clear and comprehensive written policies on these issues.

Public charge is not an issue if:

- You are applying to become an U.S. citizen.
- You are applying for asylum or have been granted asylum.
- You are a refugee.
- You are a registry applicant (a person who has been in the U.S. continuously since before 1972).

Families that are concerned about immigration issues or that might want to be a sponsor should consider consulting an immigration attorney, legal services office or immigration rights organization prior to applying for Medi-Cal.

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29 de Enero de 1999

A Personas interesadas en Medi-Cal Para Niños y Mujeres Embarazadas

Política de Inmigración Relacionada a Medi-Cal Para Niños y Mujeres Embarazadas

Esta carta está diseñada para ayudar a familias a entender la relación entre cuestiones de inmigración y el Programa de Medi-Cal. Se basa en la mejor información que está disponible hoy.

Calificación y Matrícula

No importa cual sea el estado inmigrante de usted y su(s) niño(s), usted o su(s) niño(s) pueden calificar para ciertos servicios de Medi-Cal si usted o su(s) niño(s) llenan otros requisitos de calificación. Por ejemplo, el cuidado de embarazo y servicios de emergencia (incluyendo el parto) están disponibles sin considerar su estado migratorio.

- Sin considerar su estado migratorio, su niño puede recibir la cobertura completa de Medi-Cal si su niño es un ciudadano o cumple con el estado de inmigración satisfactorio y llena los otros requisitos.
- Esto es cierto aún si el niño llegó a California después del 22 de agosto de 1996.

Se recomienda a todas las familias a que inscriban a sus niños que califican en Medi-Cal. A miembros adultos y mujeres embarazadas también se les recomienda que soliciten matriculación en Medi-Cal.

La colección y distribución de información sobre estado migratorio

Medi-cal solamente pide información sobre el estado migratorio de las personas que desean recibir servicios de Medi-Cal. Información sobre el estado migratorio es confidencial. Sin embargo, se distribuirá bajo las siguientes provisiones:

Esto significa que si usted o su(s) niño(s) recibe(n) servicios, Medi-Cal pedirá información sobre el estado migratorio de su(s) niño(s), pero **no** de su propio estado migrante. La información se requiere para asegurar que su(s) niño(s) califica(n) para el programa. Existen solamente dos situaciones en las cuales Medi-Cal dará información sobre estado migratorio al Servicio de Inmigración y Naturalización (siglas en inglés INS): para determinar si califica para Medi-Cal (excepto cuando usted o su(s) niño(s) solicita(n) servicios para cuidado de embarazo o atención de emergencia) y para conducir investigaciones de fraude.

El Programa Medi-Cal **no pide** información sobre el estado inmigratorio de los padres o padres de crianza que no solicitan los servicios de Medi-Cal para si mismos. El Programa de Medi-Cal no puede y no dará información al INS sobre el estado inmigrante de tales padres.

Reembolso por los Costos de Beneficios Recibidos Legalmente

Medi-Cal **no utilizará la información inmigratoria** para exigir o coleccionar el reembolso de beneficios recibidos legalmente por los beneficiados.

Determinación de Carga Pública por el INS

Medi-Cal ha recibido peditos de muchas organizaciones que preguntan que se aclare si las familias deben temer represarias del INS si inscriben a sus niños en Medi-Cal. Estos temores se basan en la posibilidad de que el INS determine que un miembro familiar es una "carga pública" o utilice información en "decisiones de patrocinamiento."

El estado de California continua preguntando al INS y otros ministerios federales que establezcan por escrito políticas claras y completas sobre estas cuestiones.

Carga Pública no es una cuestión si:

Usted está solicitando el hacerse ciudadano de los EE.UU.

Usted está solicitando asilio o se le ha otorgado asilio.

Usted es un refugiado

Usted es un solicitante registrado (una persona que ha estado continuamente en los EE.UU. desde o antes de 1972)

Las familias que tienen dudas sobre cuestiones de inmigración o quienes desean patrocinar deben consultar un abogado de inmigración, una oficina de servicios legales, o una organización sobre derechos de inmigración antes de matricular a sus niños en el Programa de Medi-Cal.