

Immigration Status and Eligibility for Health Coverage Programs

This job aid explains eligibility guidelines according to immigration status/category and class codes for Health First Colorado (Colorado's Medicaid Program), Child Health Plan *Plus* (CHP+), and qualified health plans through Connect for Health Colorado. This aid does not provide eligibility guidelines for Premium Tax Credits.

Not all immigration categories and class codes are listed here; only class codes that are available in the drop-down menu of the PEAK application are included. Applicants should always select the appropriate immigration status and class code that appears on their immigration document even if these fields are not required. If an applicant's class code is not available from the drop-down menu, "other" should be selected. Because multiple immigration documents can be used to show lawful presence for multiple immigration categories, names and images of the most commonly used documents can be found in a separate CKF job aid, *Images of Documents Typically Used by Lawfully Present Immigrants* found here: <https://ckf.cchn.org/wp-content/uploads/2019/04/Job-Aid-Images-Commonly-Used-by-Immigrants-final.pdf>. **This document should not be used for legal advice.**

Updated April 2019.

Immigration Status/Category Name and Class Codes	Health First Colorado for Adults	Health First Colorado and CHP+ for Children (under 19) and Pregnant Women	Connect for Health Colorado Qualified Health Plans
<p>Afghan and Iraqi Special Immigrants – Iraqi and Afghan nationals who have worked for the U.S. government in their home country and are permitted to come to the U.S. with a Special Immigrant Visa. <i>Class codes:</i> SI1-SI3, SI6, SI7, SI9, SQ1-SQ3, SQ6, SQ7, SQ9</p>	Eligible; no five-year lawful presence waiting period required		Eligible
<p>Amerasians – Vietnamese children born to U.S. citizen fathers between 1962 and 1976, who are admitted to the U.S. as Legally Permanent Residents (LPRs).</p>			
<p>Applicants and recipients of Victim of Trafficking (T) Visa – trafficking survivor/victim and his/her spouse, child, and parent – individuals certified by the Office of Refugee Resettlement and/or who have a T visa or have applied for one.</p>			
<p>Asylees – individuals already in the U.S. and who were granted asylum by meeting the definition of a refugee (different eligibility rules apply to asylum applicants, see below).</p>			
<p>Canadian born individuals with 50 percent American Indian blood (Cross Border Native American).</p>			

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<p>Cuban or Haitian entrants – nationals of Cuba or Haiti who were paroled into the U.S., or have a pending exclusion or deportation case, or applied for asylum, provided that they are not subject to a final order of deportation or exclusion.</p> <p>Deportation Withheld - individuals who have had deportation withheld under section 243(h) and 241(b)(3) of the INA.</p> <p>Hmong/Highland Lao Veteran – members of Hmong or Highland Laotian tribes who helped the U.S. during the Vietnam War.</p> <p>Refugees – individuals who, while outside the U.S. and their home country, were granted permission to enter and reside in the U.S. because they have a well-founded fear of persecution in their home country. <i>Class codes:</i> A3, IC6, IC7, M83, R36, R86, RE1-RE9, RE46, REFUG,(a)(3), (a)(5), Y64 , 274a12(a)(3), 274a12(a)(10)</p>	Eligible; no five-year lawful presence waiting period required		Eligible						
<p>American Samoans lawfully present under the immigration laws of American Samoa.</p> <p>Battered spouse, child, and parent – domestic violence victims/survivors under the Violence Against Women Act.</p> <p>Conditional entrants granted before 1980 – category of immigrants before the status of “refugee” was established in 1980.</p> <p>Lawful Permanent Residents (LPRs) or “green card” holders – individuals who have permission to live and work permanently in the U.S.</p> <p>Paroled by the U.S. Department of Homeland Security (DHS) for at least one year – individuals permitted to enter the U.S. for humanitarian or public interest reasons.</p>				Eligible after five-years of lawful presence; until then, eligible for Emergency Medicaid only	Eligible; no five-year lawful presence waiting period required	Eligible			
<p>Applicants of Special Immigrant Juvenile (SIJ) status – noncitizens under the age of 21 who have been abandoned and/or abused and have a pending SIJ application.</p>							N/A	Eligible; no five-year lawful presence waiting period required	Eligible

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<p>Applicants for the adjustment to LPR status with approved visa petitions – individuals whose relatives or employers have requested their immigration to the U.S.</p>			
<p>Citizens of Micronesia, the Marshall Islands, and Palau</p>			
<p>Deferred Enforced Departure – individuals allowed to remain lawfully in the U.S. for a limited time by a presidential proclamation or other executive action.</p>			
<p>Family Unity – individuals and their spouses and minor children, protected from deportation. The individual must have been the spouse or child of an amnesty immigrant as of 1988, and have been residing in the U.S. since then.</p>			
<p>Granted Administrative stay of removal issued by DHS.</p>			
<p>Granted Deferred Action Status (excluding DACA) – individuals granted deferred action based on their need to remain in the U.S. EXCEPTION: Deferred Action for Childhood Arrivals (DACA) grantees are not considered “lawfully present” for Medicaid, CHP+, or marketplace eligibility purposes.</p>	Eligible for Emergency Medicaid only	Eligible; no five-year lawful presence waiting period required	Eligible
<p>Granted Temporary Resident Status – individuals granted a general amnesty and “special agricultural workers.”</p>			
<p>Granted Temporary Protected Status (TPS) – individuals physically present in the U.S., but are from countries that DHS has designated as unsafe and are permitted stay in the U.S. for a specified period.</p>			
<p>Granted Withholding of Removal Under the Convention Against Torture (CAT)</p>			
<p>Lawfully Present in American Samoa under the laws of American Samoa</p>			

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<p>Paroled by DHS for less than a year – individuals permitted to enter the U.S. for humanitarian or public interest reasons.</p>			
<p>Nonimmigrant visa holders – tourists, students, visitors on business, and others permitted to live and work in the U.S. indefinitely.</p>	<p>Eligible for Emergency Medicaid only</p>	<p>Eligible; no five-year lawful presence waiting period required</p>	<p>Eligible</p>
<p>U Visa Holders – victims of crimes with information about that crime and who are helpful to law enforcement. Note: U Visa Holders are considered “Non-immigrant visa holders”.</p>			
<p>Applicant for the LIFE act– individuals who filed written claims for class membership in one of the class action lawsuits that challenged the former IRCA under the Legal Immigration and Family Equity (LIFE) Act.</p>	<p>Eligible for Emergency Medicaid only</p>	<p>Eligible with employment authorization</p>	
<p>Applicants for cancellation of removal – individuals in removal proceedings who have applied for cancellation of removal based on certain criteria.</p>			
<p>Applicants for legalization under the IRCA of 1986</p>			
<p>Applicants for suspension of deportation – individuals in removal proceedings who have applied for cancellation of removal based on certain criteria.</p>			
<p>Applicants for TPS status</p>			
<p>Order of Supervision – individuals with a final order of deportation, but are unable to be removed by authorities.</p>			
<p>Registry applicants – individuals who have resided continuously in the U.S. since Jan. 1, 1972, and meet LPR requirements.</p>			

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Applicants for asylum (including under the CAT)	Eligible for emergency Medicaid only	Eligible with employment authorization; or if under 14 years of age, have had an application pending for at least 180 days	
Applicants for withholding of deportation or removal (including under the CAT)		Eligible for Emergency Medicaid only	Not eligible
Undocumented immigrants and DACA (Deferred Act Child Arrival) grantees – <u>(DACA status does not include other deferred action granted individuals, see above for more information).</u> <i>Class code: C33</i>	Eligible for Emergency Medicaid only		Not eligible

The information contained in this chart is for informational purposes only. It is not legal advice.