

Megan Dorton, Staff Attorney
(503) 224-4086 (office)
(503) 732-0680 (cell – not for clients)
megan.dorton@lasoregon.org

LEGAL AID SERVICES OF OREGON
PORTLAND REGIONAL OFFICE



Advocates Are Reporting:

- CAWEM + applications taking longer to process than other pregnant women applications?
- Qualified Non Citizens wrongly placed into CAWEM, rather than Medicaid
- Folks eligible for the QHPs wrongly denied applications.

We Know:

- At least 2300 immigrants were disenrolled from Medicaid in March 2014 because of their immigration status.
- Some of those determinations were erroneous.
- Not clear whether disenrolled applicants were screened for QHPs.

Non Citizen Eligibility

- Medicaid for Adults – more restrictive. Must be a “qualified alien” and *might* be subject to a five year bar.
- Medicaid for Kids – less restrictive. Must be lawfully residing (similar to lawfully present.)
- QHPS – also less restrictive. Must be lawfully present.

Do you have to be an LPR to qualify for Medicaid?

- No!
- Many different types of immigrants here in Oregon qualify for Medicaid, who **are not** LPRs, including:
- Children lawfully residing in Oregon;
- Some adults who have been living here prior to August 1996;
- Most Cubans and Haitians;
- Some survivors of domestic violence and trafficking;
- People who were refugees, asylees, some parolees, and other types of humanitarian immigrants (they retain this status);
- Others, too!

Are all LPRs Subject to the 5 Year Ban?

- No! Most humanitarian immigrants retain their **original** immigration status for Medicaid, including:
 - Some domestic violence and trafficking survivors
 - LPRs now who used to be asylees, refugees, people granted withholding of removal, or who are Cubans and Haitians.
 - Others (Amerasians, some Afghan or Iraqi immigrants, veterans.)

What Are Eligibility Determinations Based on?

- *Should be* based on the applicant's immigration status (present status and sometimes, past status) (this seems obvious!)
- Are generally based on whatever documents the applicant provides or the agency chooses to accept.
- These documents will be “verified” by the federal SAVE database.
- Agency should give applicant an opportunity to provide other documentation.

Why Verification is Complicated:

- Applicants receive multiple documents during their immigration case. They are in English, and they are hard to understand and easy to lose.
- The document explains (part of) the immigration status, but not always all of it.
- Just because a document is lost or expired does not mean the holder's status has changed. (If I lose my passport, I am still a U.S. citizen!)
- Applicants are not U.S. trained immigration or public benefit attorneys and often do not understand what documents mean.
- Agency workers frequently make mistakes; and the federal database makes mistakes, too.

The Result

- Agency may not be sure what it's looking for. If the applicant turns in the “wrong” document, or a document that is unfamiliar to the agency, application might be denied.
- The SAVE database generally does not verify the applicant's status; it verifies the document. So if the document is expired, the SAVE database will state that it is expired or needs follow up verification, which can wrongly result in a denial.
- Sometimes SAVE is just plain wrong, resulting in a denial.

What to Do If an Applicant is Wrongly Denied

- Don't take the agency's word for it. Mistakes happen.
- Appeal the determination within 10 days, if possible – seems complicated, but it very easy, and most of the time the issue is resolved pretty quickly.
- Appeal form is located on Coveroregon.org website, under “LEARN MORE.”
- Applicant can call Public Benefits Hotline (1-800-520-5292) and advocates can call me: (503) 224-4086.