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LEGAL AID SERVICES OF OREGON
PORTLAND REGIONAL OFFICE



Problems We are Seeing:

- CAWEM + applications taking too long to process; pregnant women not given correct benefits;
- Qualified Non Citizens wrongly placed into CAWEM, rather than Oregon Health Plan
- Folks eligible for the QHPs not screened

We Know:

- At least 2300 immigrants were disenrolled from Oregon Health Plan in March 2014 because of their immigration status.
- Some of those determinations were wrong.
- Traumatized and abused children being denied benefits.
- It appears disenrolled applicants were not screened for QHPs.

Non Citizen Eligibility

- Oregon Health Plan for adults – more restrictive. Must be a “qualified alien” and *might* be subject to a five year bar.
- Oregon Health Plan for kids – less restrictive. Must be lawfully residing (similar to lawfully present.)
- QHPS – also less restrictive. Must be lawfully present. Almost all immigrants with any status meet this requirement.

Eligibility

- Eligibility for Oregon Health Plan and QHPs is very different!
- Almost all immigrants with any status should be eligible for QHPS;
- Oregon Health Plan is more restrictive, but many immigrants qualify.

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.

Do you have to be an LPR to qualify for Oregon Health Plan?

- **No!**

Many different types of immigrants here in Oregon qualify for Oregon Health Plan, who *are not* LPRs, including:

- Children lawfully residing in Oregon; including U Visa holders
- Some adults who have been living here prior to August 1996;
- Most Cubans and Haitians;
- Some survivors of domestic violence and trafficking (T-Visa and VAWA beneficiaries);
- 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 Bar for Oregon Health Plan?

- No! Most humanitarian immigrants retain their **original** immigration status for Oregon Health Plan, 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.)

Questions to Ask for LPRs Applying for Oregon Health Plan

- How long has the LPR lived here? : Those who entered before 1997 have special, easier rules
- How old is the LPR? Children not subject to bar
- Where did the LPR live before coming to the US? Any residence or identity related to Haiti or Cuba means special rules apply
- What status did they have before becoming an LPR? Asylees, Refugees and other humanitarian immigrants retain their original status.