



Message from Assemblyman Marcos A. Crespo

Our nation is in the midst of long overdue immigration reform. The past decade has witnessed perhaps the most anti-immigrant epoch in American history: Thousands of families torn apart, wholesale civil rights violations, and systematic attempts to stigmatize entire communities.

As Chair of the Assembly's Task Force on New Americans, my job is to advance, expand and protect the rights of new Americans in the State of New York. Whether it is fighting for the rights of farmworkers, advocating for increased funding for and access to English language classes or working with community leaders all across the state to help shape the federal immigration reform legislation, my focus will be directed toward searching for solutions to the problems that affect immigrant communities across the Empire State.

Today, I am most grateful to Assembly Speaker Sheldon Silver for the trust he has placed in me through his appointment to lead this Task Force. Over a period that covers my entire adult life, it has been under the leadership of Speaker Silver that New York has moved toward policies that both respect the contributions of our immigrant residents and ease their transition into a new society.

I am the son of Puerto Rican and Peruvian parents; one an American citizen by birth, the other through immigration and naturalization. Their hardships and hard work have allowed me the opportunity to serve our state as an elected official. The values they instilled in me are the cornerstone of my work as a public official to help improve the lives of all New Yorkers.

Federal Legislation Proposed to Reform National Immigration Laws

Lack of Access to Health Care Coverage Will Remain Major Obstacle for Immigrants

The bipartisan legislation unveiled last month by United States Senators, under the leadership of Senators Charles Schumer, Marco Rubio and others, clearly acknowledges that a path to citizenship will be part of immigration reform. This is a huge step forward towards bipartisan compromise and a factor that is unanimously supported by Latino elected officials across the nation and here in New York State.

However, the 13-year path to citizenship crafted in the proposed law will continue to bar the majority of the 11 million undocumented immigrants with limited resources from purchasing health care insurance through health exchanges and will continue a system where expensive emergency room treatment is the only option for undocumented individuals and families.

The proposed federal law will classify as Registered Provisional Immigrant (RPI) those currently undocumented. Registered Provisional Immigrants will be allowed to work and travel freely throughout the country. Ten years after becoming a RPI, these residents will have to wait three additional years to apply to become citizens of the United States.

Eligibility for participation in the national health care system for RPIs will be limited to those that can afford to buy insurance through insurance exchanges. Section 2101(d)(3) and (4) (page 90-91 of the Senate bill 744) addresses health care coverage for RPIs. The bill declares individuals in RPI status as ineligible for all federal means-tested public benefits, including Medicaid.



Assemblyman Marcos A. Crespo, Chair of the Task Force on New Americans, and United States Senator Charles Schumer discuss federal immigration reform issues at a recent meeting in Albany.

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Immigrant advocates are under the impression, while the legislation is vague, that immigrant children will still be covered under the state-run Children's Health Insurance Program (CHIP). States would incur the cost for extending CHIP to pregnant women and children in RPI status because they will be classified as "lawfully present."

RPIs will not receive Medicare. The minimum requirement to earn access or become eligible to buy Medicare coverage is 40 quarters or ten years of authorized work in the U.S., or at least five years in

legal permanent resident status. Those receiving RPI status would fail to meet that criteria.

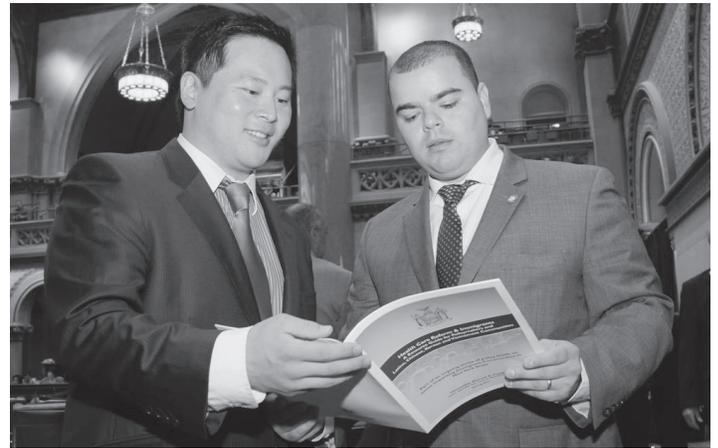
States like New York with a large undocumented immigrant population will have to determine how to manage the inevitable health care needs that won't be paid for through public insurance coverage for those in RPI status. With a great deal of detail yet unknown on the health exchanges and funding for indigent care at public health facilities, the Task Force on New Americans will continue to monitor this issue.

Protecting New Americans From Fraudulent Immigration Services, New York Needs to Do Its Part Now

As our nation moves closer to enacting immigration reform, New York State should live up to its progressive mantra and enact legislation that will protect millions of immigrants, including the more than two million non-citizens living throughout our state from unscrupulous immigration service providers.

For decades, immigrants seeking legal assistance toward citizenship have been preyed upon by individuals and groups who take their life savings while not delivering the assistance purchased. Legislation pending for several years (A.158/S.786) in the New York State Senate would provide protection against immigration services fraud and is needed before the floodgates open for immigrants seeking to apply for Registered Provisional Immigrant (RPI) status.

This legislation, which Assemblyman Crespo sponsors, has passed the Assembly in 2012 and passed again in May of 2013. The State Senate has failed to allow this important consumer protection,



Assemblymembers Marcos A. Crespo (D-Bronx) and Ron Kim (D-Queens) review information on health care access for immigrants published by the Task Force on New Americans.

immigrant-friendly legislation to move, thereby preventing the proposed law from reaching the Governor for his signature.

Collecting Better Data on Asian-Americans Needed in Order to Help Properly Address the Needs of Diverse Asian Communities

While Asian Americans as well as Native Hawaiians and other Pacific Islanders are often represented as a homogeneous group, they are extremely diverse, with ethnicities from over 30 different countries. Although Asian American as well as Native Hawaiian and other Pacific Islander communities in this state share geographical and cultural commonalities, they also experience diverse social, educational, health, and economic differences that are unique to their respective communities.

Legislation to address these differences and to help New York collect better data on individual groups has been introduced by Assemblyman Ron Kim of Queens (A.1186-A/S.2348-A). Given the diversity of languages and cultures, separating data for each Asian subgroup, Native Hawaiian and Pacific Islander ethnic groups, and making the data publicly accessible are critical for enhancing our state's understanding of the needs and experiences of these different communities.

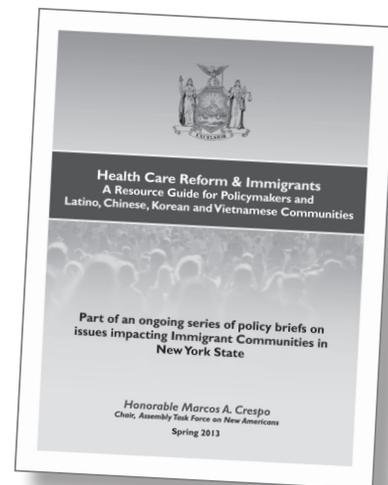


Task Force Releases Multi-Lingual Guide on Access to Affordable Care Guide has been translated into Spanish, Mandarin, Korean, Vietnamese, Russian & Bengali

As the deadline for implementation of the Patient Protection and Affordable Care Act (ACA) nears for New York, there are many unanswered questions as to who qualifies, what documentation will be needed to verify eligibility and how immigrants in our communities will be impacted.

The Task Force on New Americans has compiled information to better communicate lawful immigrant eligibility for participation in ACA. The new federal health care law, along with user-friendly information, can significantly increase the coverage and access to care for low- and moderate-income immigrants. The publication will help bridge the communication divide with many of our neighbors and friends as they search for health care for themselves and their families.

According to Marcos A. Crespo, Chair of the Task Force on New Americans, "As of last year, nearly 40 million immigrants were residing in the United States, accounting for 13 percent of the total population. Over 40% of the population of New York City is composed of immigrants, as is 43% of its labor force. In communities across our state, immigrants are establishing roots and becoming the fabric of our neighborhoods. It is my hope that the guide will help them navigate the new health care system taking shape."



Copies of the guide are available on the Assembly website at www.assembly.state.ny.us/comm/

Immigrants and the Affordable Care Act (ACA)

NATURALIZED CITIZENS

Same access and requirements for affordable coverage as U.S.-born citizens.

LAWFULLY PRESENT IMMIGRANTS

Limited federal coverage.

- Subject to the individual mandate and related tax penalty (exempt if low-income or meet specific exemptions).
- May enroll in a "qualified health plan (QHP)" from the state insurance exchanges.
- Eligible for premium tax credits and cost-sharing reductions.
- No waiting periods for enrolling in state insurance exchanges or premium tax credits.
- Eligible for the Pre-Existing Condition Insurance Plan (PCIP) and the Basic Health Plan (when available in a state).
- Current federal immigrant eligibility restrictions in Medicaid maintained, including the five-year-or-more waiting period for most lawfully residing, low-income immigrant adults.
- Since April 2009, states can choose to provide Medicaid and Children's Health Insurance Program (CHIP) benefits to lawfully residing children and pregnant women without a waiting period. But in states that do not elect this option, these children and pregnant women must still wait five years or more before they can get affordable health care coverage.

- Citizens of Compact Free Association states who reside in the U.S. remain ineligible for federal Medicaid.
- EXCEPTION: As of August 2012, Deferred Action for Childhood Arrivals (DACA) grantees are ineligible for Medicaid, CHIP, and ACA benefits.

UNDOCUMENTED IMMIGRANTS

No federal coverage.

- Not allowed to purchase private health insurance at full cost in state insurance exchange(s).
- Not eligible for premium tax credits or cost-sharing reductions.

Exempt from individual mandate.

- Not eligible for Medicare, nonemergency Medicaid, or CHIP.
- Remain eligible for emergency care under federal law.
- Eligible for Emergency Medicaid if low-income.
- Citizen or lawfully present children of undocumented parents are eligible:
 - o To purchase from the state insurance exchange.
 - o For premium tax credits and reduced cost-sharing.
 - o For Medicaid or CHIP.
- May seek nonemergency health services at community health centers or safety-net hospitals.

VERIFICATION REQUIREMENTS

- Only those in a family who are applying for benefits are

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required to provide a Social Security number (SSN) and their immigration/citizenship status.

- Citizenship or lawful presence must be verified for everyone enrolling in:
 - o Private health insurance in the state exchanges.
 - o Health insurance premium tax credits.
 - o Medicaid and CHIP.
- Status will be electronically verified through:
 - o Social Security Administration (SSA) for citizens.
 - o U.S. Department of Homeland Security (DHS) for non-U.S. citizens via the Systematic Alien Verification for Entitlements (SAVE) database.
 - o If unable to verify status electronically, enrollees have

an opportunity to provide other documents or to fix the records.

- Social Security number of a nonapplicant may be requested to electronically verify household income. If unavailable, other proof of income can be provided.
- Information about immigration status may be used only to determine an individual's eligibility.

This explanation of how immigrants are included in health care reform is per provisions in the Affordable Care Act of 2010 (ACA) (encompassed in the Patient Protection and Affordable Care Act (Pub. Law No. 111-148) as amended by the Health Care and Education Act of 2010 (Pub. Law No. 111-152)).

Information courtesy of: National Immigration Law Center, March 2013

New York State Assembly • Albany, New York 12248



Task Force on **New Americans**



Sheldon Silver, Speaker
Marcos A. Crespo, Chair



Task Force on **New Americans**

To be included on the email list of groups, organizations and individuals interested in updates on the work of the Assembly Task Force on New Americans, email martinezg@assembly.state.ny.us with the words **Subscribe to TF News** in the subject line.