

# MARSHALLESE FAMILIES AND THE AFFORDABLE CARE ACT

## A Fact Sheet

By Laura Kellams, Northwest Arkansas Director,  
Arkansas Advocates for Children and Families  
November 2013



Arkansas is home to one of the largest Marshallese populations in the United States. Marshallese families are free to travel, work, and live in the U.S. through a Compact of Free Association with the Republic of the Marshall Islands. Because of this non-immigrant, but “lawfully present” status, it is important to understand the options for affordable health coverage available to Marshallese migrants.

### Health Insurance Marketplace

- Marshallese individuals **are eligible** for “advance premium tax credit” subsidies to purchase insurance in the Marketplace via [www.healthcare.gov](http://www.healthcare.gov).
- The sliding-scale subsidies are available to Marshallese families earning 0 percent - 400 percent of the federal poverty level and can be used to purchase coverage **at all ages, from birth to death**. You must file taxes in coming years to get the subsidy.

### “Private Option,” traditional Medicaid, and ARKids First

- Marshallese individuals are **not eligible** for what is commonly known as the Private Option, Arkansas’s Medicaid-funded private insurance coverage for people whose incomes are at or near the poverty level.\*
- Unlike “qualified alien” immigrants, Marshallese individuals are **not eligible** for Medicaid or ARKids First, even after five years of residency.\*
- For serious, one-time emergency situations, Marshallese individuals **may qualify** for Emergency Medicaid if they meet other Medicaid-eligibility requirements (income, etc.).

### Medicare

- Marshallese individuals **can be eligible** for Medicare, if they meet Medicare requirements for employment history in the United States. If they don’t meet those requirements, they can still purchase insurance through the Marketplace.

### Other Information

- Marshallese families **are subject** to the standard penalties under the Affordable Care Act if they do not enroll in coverage. The penalty in 2014 is the greater of \$95 per person or 1 percent of yearly household income. There are exceptions to the penalty.
- When multiple families live at the same address, each family will apply separately in the same way they file their taxes.
- In some cases, Marshallese children may be citizens (if they were born here) and be eligible for ARKids First while non-citizen siblings or parents are eligible for the Marketplace. Each family member would enroll in the most affordable type of coverage available.
- If affordable employer coverage is available to family members, Marshallese individuals cannot receive Marketplace subsidies. In this case, they may purchase Marketplace plans with no subsidy.
- Language services, including free interpretation and documents in your own language, are required to be provided.

## More Information

There is a possible future policy change that would allow Marshallese children under age 19 to qualify for ARKids First and Medicaid. The federal Immigrant Children's Health Improvement Act would allow "lawfully residing" Marshallese children to enroll. About half of the states have adopted this, but Arkansas has not taken this option. This means that Marshallese children are not presently eligible for ARKids First.

Arkansas's opportunity to cover Marshallese children with ARKids First:

- The Kaiser Commission on Medicaid and the Uninsured/Georgetown Center for Children and Families, "[New Federal Funding Available to Cover Immigrant Children and Pregnant Women](#)," June 2009.
- [Letter from Secretary Sebelius to State Health Officials Re: Medicaid and CHIP Coverage of "Lawfully Residing" Children and Pregnant Women, July 2010.](#)

Eligibility for subsidies in the Health Insurance Marketplace:

- National Immigration Law Center, "[Immigrants and the Affordable Care Act.](#)" March 2013
- National Immigration Law Center, "[Lawfully present' Individuals Under the Affordable Care Act.](#)" September 2012.

Compact of Free Association migrants are not eligible for full-scope Medicaid or ARKids First:

- National Immigration Law Center, "[Overview of Immigrant Eligibility for Federal Programs.](#)" October 2011.
- National Immigration Law Center, "[Immigrants and the Affordable Care Act.](#)" March 2013

Emergency Medicaid eligibility:

- National Immigration Law Center, "[Overview of Immigrant Eligibility for Federal Programs.](#)" October 2011.

Medicare Eligibility (under certain circumstances):

- U.S. Department of Health and Human Services, "[Summary of Immigrant Eligibility Restrictions Under Current Law.](#)" February 2009.
- U.S. Government Accountability Office, "[Compacts of Free Association: Improvements Needed to Assess and Address Growing Migration.](#)" November 2011.

Requirement that information be provided in culturally and linguistically appropriate manner:

- [Federal Register, Vol. 78, No. 137. July 17, 2013.](#)

For more information, contact AACF's northwest Arkansas director, Laura Kellams, at [lkellams@aradvocates.org](mailto:lkellams@aradvocates.org), or call (479) 927-9800. You can also contact AACF's health policy director, Anna Strong, at [astrong@aradvocates.org](mailto:astrong@aradvocates.org), or call (501) 371-9678.

\*In the mostly rare instance that Marshallese-born individuals have become Legal Permanent Residents or citizens, they may meet eligibility criteria for these programs, depending on length of residence.