



Health Insurance

Quick Guide to Health Care Rights of Immigrants

Under immigration law there is a broad category of individuals who are “lawfully present” in the United States. This Quick Guide explains the health care rights of “lawfully present” immigrants in the United States. It is important to note that each member of a family may have a different immigration status, and therefore, may have different options. Many of the rules around accessing various types of health insurance changed in 2025. Please be aware that this area of the law is frequently changing and the latest information can be found at TriageHealth.org.

Immigration Status

- **Lawful Permanent Residents:** also known as “green card holders,” are individuals who are not U.S. citizens, but are authorized to permanently live within the U.S.
- **People residing under the Compacts of Free Association (CFA):** citizens of Micronesia, Marshall Islands, & Palau
- **Cuban and Haitian entrants:** certain individuals from Cuba or Haiti who are eligible for specific refugee benefits and services because of their humanitarian status
- **Refugees:** individuals compelled by force to leave their countries of origin due to their race, social and/or political affiliations, religion, or national origin
- **Asylees:** individuals considered “refugees” who travel directly to U.S. as a “safe haven” country
- **Humanitarian Status or Circumstances:** includes Parolees, Temporary Protected Status, Special Juvenile Status, asylum applicants, Convention Against Torture, victims of trafficking
- **Legal status conferred by other laws:** e.g., temporary resident status, LIFE Act, Family Unity individuals
- **Valid non-immigrant visas:** e.g., work, school

Individuals who entered the U.S. under age 16 unlawfully, or who fell out of lawful status, may have access to protected status under the **Deferred Action for Childhood Arrivals (DACA)** program that began 8/15/12. New DACA applications are not being processed due to ongoing court cases, but applications can be renewed.

Health Care Options by Immigration Status

Program	Employer-sponsored Insurance	Marketplace Plans	Marketplace Financial Assistance	Medicare	Medicaid & CHIP
Lawful Permanent Residents	Eligible	Eligible	Eligible	Eligible	Eligible after 5-year waiting period; eligible for emergency Medicaid, states may allow children and pregnant adults immediate access; may also be a state-funded option
Certain Cuban & Haitian Entrants	Eligible	Eligible	Eligible	Eligible	Eligible
Individuals Residing Under CFA	Eligible	Eligible	Eligible	Eligible	Eligible

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Program	Employer-sponsored Insurance	Marketplace Plans	Marketplace Financial Assistance	Medicare	Medicaid & CHIP
All Other Individuals Lawfully Present	Eligible	Eligible	No longer eligible as of 1/1/27; for those with incomes under 100% FPL, premium tax credit eligibility ends 1/1/26	No longer eligible as of 7/4/25; those already enrolled will be disenrolled from coverage no later than 1/4/27	No longer eligible as of 10/1/26, except emergency Medicaid; states may allow children and pregnant adults access; may also be a state-funded option
DACA Recipients	Possibly Eligible	No longer eligible as of 8/25/25	No longer eligible as of 8/25/25; most states terminated coverage by 9/30/25	Not Eligible	Eligible for emergency Medicaid; may also be a state-funded option
Undocumented Immigrants	Possibly Eligible	Only in CO & WA (as of 2025)	Not Eligible*	Not Eligible	Eligible for emergency Medicaid; may also be a state-funded option

*May be eligible for state assistance in Colorado and Washington.

Other Resources for Immigrants

Program	Lawful Permanent Residents	Certain Cuban & Haitian Entrants	Individuals Residing Under CFA	Lawfully Present Individuals	DACA Recipients	Undocumented Immigrants
BCCTP: Breast & Cervical Cancer Treatment Program	Eligible	Eligible	Eligible	Eligible	Eligible	Eligibility varies by state: TriageHealth.org/StateResources
SNAP: Supplemental Nutrition Assistance Program	Eligible after 5-year waiting period; have credit for 40 quarters of work; or in a military/veteran family	Eligible	Eligible	Not eligible after 11/1/25 for new applicants and at recertification for existing enrollees	Not Eligible	Not Eligible
TANF: Temporary Assistance for Needy Families	Eligible after 5-year waiting period; some states do not have a waiting period	Eligible	Eligible and exempt from 5-year waiting period	May be eligible if a "qualified immigrant" under PWORA	Not Eligible	Not Eligible
SSI: Supplemental Security Income	Eligible after 40 quarters of work credit and have had status for 5 years, or meet another exception	Only eligible during first 7 years after granted status, or meet another exception	Eligible	May be eligible if a "qualified immigrant" under PWORA	Not Eligible	Not Eligible
Hill-Burton	Eligible for services in any hospital or facility that received Hill-Burton funds under Title VI of the Public Health Service Act. Total Obligated Facilities: 127 (as of 11/10/21). No Obligated Facilities: AK, DC, DE, IN, MD, MN, NE, NV, ND, OH, RI, SD, UT, VT, WY, & all territories except PR. To see a list of facilities: www.hrsa.gov/get-health-care/affordable/hill-burton/facilities.html					
Hospital Ability to Pay Programs	Eligibility depends on each hospital's rules.					
Community Health Centers	Eligible	Eligible	Eligible	Eligible	Eligible	Eligible

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The Emergency Medical Treatment and Active Labor Act (EMTALA) is a federal law that requires hospitals to screen and treat all patients who seek emergency care. However, in most cases, cancer care is not included in “emergency care.”

State Specific Programs: Some states may use state-funds to “waive” the 5-year waiting period for some lawfully present immigrants. Undocumented immigrants may have more options for health care assistance through state-funded programs. For example, California, Colorado, Connecticut, DC, Illinois, Maine, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, Utah, Vermont, and Washington have expanded their Medicaid programs to provide health insurance to all children regardless of immigration status.

And, California, Colorado, DC, Illinois, Minnesota, New York, Oregon, and Washington have expanded their Medicaid programs to provide health insurance to some or all low-income adults regardless of immigration status.

However, as a result of recent changes to federal law and budget challenges, some states have or are considering capping enrollment or ending programs. For the latest information, contact your state Medicaid agency: [TriageHealth.org/StateResources](https://www.triagehealth.org/state-resources).

Public Charge Rule: An individual who is deemed likely to become a “public charge.” meaning that they are likely to become primarily dependent on the government for subsistence, can be denied admission to the U.S. or lawful permanent residence (LPR status). This rule does not apply to all immigrants. Dependence on the government can be shown by either receipt of public cash assistance (TANF or SSI) or institutionalization for long-term care at government expense.

On 11/17/25, the U.S. Department of Homeland Security proposed a new rule, to rescind the 2022 public charge rule and to make changes to how the government will look at the receipt of all public benefits as ground for denied admission to the US or LPR status. It is currently unclear what the details of those changes will be.

For more information on immigration: National Immigration Law Center: www.nilc.org

For legal assistance with immigration: [LawHelp.org/resource/finding-immigration-help](https://www.lawhelp.org/resource/finding-immigration-help)

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