

“Lawfully Residing” Children and Pregnant Women Eligible for Medicaid and CHIP

Medicaid and the Children’s Health Insurance Program (CHIP) provide healthcare coverage to many low-income people in Nebraska, including some legal immigrants. *In 2010 the Nebraska Legislature took advantage of a new federal law to obtain federal funding to cover certain “lawfully residing” pregnant woman and children eligible for Medicaid and CHIP.* The “Questions and Answers” below address some of the important issues relating to this coverage.

Which immigrants are newly eligible?

In general, Nebraska now covers lawfully residing immigrant children under age 19 and pregnant women (prenatal, labor/delivery, and post-partum).

What are the requirements to get services?

Children and pregnant women must have incomes low enough to qualify for Medicaid or CHIP. In addition, there are two main requirements for immigrants to get services: 1) lawful presence and 2) state residence.

Who is a lawfully present immigrant?

The majority of people that are documented would be considered lawfully present, including: Temporary Protected Status (TPS), applicants for TPS that have employment authorization, and certain non-immigrants (U Visas, T Visas, Student Visas). These are just a few examples.¹

Who is considered a state resident?

To be a state resident, a person must live in Nebraska and plan to make Nebraska their permanent home. In other words, they must not have plans to live anywhere else. *Everyone that applies for Medicaid/CHIP should have a chance to show that they live in Nebraska and plan to stay indefinitely.*

What if I am not sure if I am eligible?

You (or your child) should apply for Medicaid/CHIP. There is no harm in applying to see if you are eligible.

Does this new coverage help undocumented people?

No. But if a pregnant woman is undocumented then her unborn child may be eligible for prenatal care services, regardless of the mother’s immigration status. See Nebraska Appleseed's



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website for more information, in a publication called Medicaid Coverage of Prenatal Care for Unborn Children, Regardless of the Mother's Immigration Status.

On the other hand, if a child is undocumented they are eligible only for emergency services under Medicaid.

Do immigrants with sponsors need to worry about this new coverage?

No. Lawfully residing children or pregnant women with sponsors can apply for Medicaid and CHIP without concern for their sponsor. The state will not consider the sponsor's income in determining eligibility and the sponsor will not be responsible for services received by the sponsored immigrant.

What should I do if am a lawfully present immigrant and I am denied coverage?

If you are a lawfully present immigrant, you plan to live in Nebraska indefinitely, and you are denied coverage, you should call Nebraska Appleseed and ask for the intake line. Call 800-845-3746.

For more information, please contact Nebraska Appleseed.

Phone: 800 845 3746

Web: www.neappleseed.org

ⁱ Lawfully present immigrants include but are not limited to: Lawful Permanent Residents (Green card holders); Refugees; Asylees; Persons granted withholding of deportation/removal; Persons paroled in the U.S.; Cuban and Haitian entrants; Certain battered spouses and children; Victims of human trafficking; U Visa holders (victims of serious crimes); Persons with a valid non-immigrant status (students, spouses, etc.); Persons with Temporary Protected Status (TPS) or TPS applicants with a work permit; Persons granted deferred action status; Children that have applied for special immigrant juvenile status; Certain work authorized immigrants; Certain applicants for lawful permanent resident status; Certain applicants for asylum and other humanitarian relief.