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## Health Coverage Options for Certain Ukrainian Nationals

July 13, 2022

The U.S. Department of Homeland Security (DHS) is providing support and humanitarian relief to Ukrainians who have been displaced by Russia's February 24, 2022 invasion and fled Ukraine. While many Ukrainians will choose to remain in neighboring countries or other European Union (EU) states, the United States is welcoming tens of thousands of Ukrainian nationals and family members. These individuals may be granted a range of lawful non-citizen statuses, including parole, temporary protected status (TPS), immigrant and nonimmigrant visas, and refugee or asylee.

Most Ukrainian nationals arriving in the United States are eligible for health insurance. Certain Ukrainian nationals are eligible for health coverage through Medicaid, the Children's Health Insurance Program (CHIP), the Health Insurance Marketplace<sup>1</sup>, or Refugee Medical Assistance (RMA). RMA is health coverage provided through the Office of Refugee Resettlement (ORR) in the Administration for Children and Families (ACF) and is administered in most cases by state Medicaid programs. Eligibility for each coverage program depends upon the immigration status of the Ukrainian national and the state where they are residing.<sup>2</sup> This fact sheet provides information based on current law and will be updated if there are future legislative changes.

### Non-Citizen Eligibility

There are several types of health coverage options for Ukrainian nationals based on the legal pathways available for them to enter or reside in the United States:

#### ***Parolees:***

- Ukrainian nationals who enter the United States as parolees on or between February 24, 2022 and September 30, 2023 **are eligible for Medicaid or CHIP to the same extent as refugees, without a five-year waiting period**, if they meet other eligibility requirements (e.g., income, state residency) for coverage in the state.<sup>3</sup> These Ukrainian parolees are considered "qualified non-citizens" for purposes of Medicaid and CHIP eligibility since they are eligible for the same benefits as refugees.<sup>4</sup>

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<sup>1</sup> Health Insurance Marketplace® is a registered service mark of the U.S. Department of Health & Human Services.

<sup>2</sup> Applicants must meet all other financial and non-financial eligibility criteria for the respective program. Medicaid, CHIP, and RMA eligibility criteria vary from state to state. Eligibility requirements for coverage through the Marketplace with financial assistance are generally consistent across states.

<sup>3</sup> Ukrainian nationals paroled into the United States before February 24, 2022 who are granted parole for more than one year are qualified non-citizens and subject to the five-year waiting period under 8 U.S.C. 1611(a), 8 U.S.C. 1613, and 8 U.S.C. 1641, unless they are a child or lawfully present pregnant individual covered in Medicaid or CHIP in a state that has elected the CHIPRA 214 option (*see* footnote 7).

<sup>4</sup> *See* 8 U.S.C. §§ 1641(b)(3), 1613(b)(1)(A), 1612(b)(2)(A)(i), 42 C.F.R. §§ 435.4, 457.320(b)(6), and Sec. 401, Pub. L. No: 117-128 (May 21, 2022), available at <https://www.congress.gov/bill/117th-congress/house->

- Ukrainian nationals who are paroled into the U.S. after September 30, 2023 and are the spouse or child of a parolee described above, or who is the parent, legal guardian, or primary caregiver of a parolee described above who is determined to be an unaccompanied child will also be eligible for Medicaid and CHIP to the same extent as refugees.
- Eligible parolees can also include individuals other than Ukrainian nationals (i.e., individuals who are stateless or have another nationality) who last habitually resided in Ukraine.
- Ukrainian parolees who are ineligible for Medicaid or CHIP **are also eligible for Refugee Medical Assistance (RMA) for up to 12 months following the date of entry** to the same extent as refugees, if they meet the RMA income and eligibility requirements.<sup>5,6</sup> RMA benefits generally mirror Medicaid coverage and are administered through state Medicaid programs in nearly all states.<sup>7</sup>
- Parolees who are not eligible for Medicaid, CHIP, or RMA (e.g., due to income) **may be eligible for Marketplace coverage with financial assistance.**<sup>8,9</sup>

**Temporary Protected Status (TPS):** Ukrainian nationals (and individuals having no nationality who last habitually resided in Ukraine) are eligible to apply for TPS.<sup>10</sup> The TPS designation is effective April 19, 2022 and will remain in effect for 18 months, through October 19, 2023.

- Ukrainians granted TPS, and Ukrainians who have pending applications for TPS and who have been granted employment authorization are not considered “qualified non-citizens” for purposes of Medicaid and CHIP eligibility, and thus are not eligible for Medicaid or CHIP, unless they are children and pregnant individuals in states that have adopted the “CHIPRA 214” option, as described below.
- Such individuals who are granted TPS, and individuals who have a pending application for TPS and have been granted employment authorization are both considered “lawfully present” and **are eligible for Medicaid, and CHIP** if they are: (1) either a child under age 21 (under age 19 for CHIP) or a pregnant individual; and (2) living in one of the 39 states and territories that have opted to cover lawfully present individuals under age 21 (under age 19 for CHIP) and/or pregnant individuals, including those otherwise subject to

[bill/7691/text?q=%7B%22search%22%3A%5B%22hr+7691%22%2C%22hr%22%2C%227691%22%5D%7D&r=1&s=2\](https://www.acf.hhs.gov/orr/fact-sheet/benefits-ukrainian-humanitarian-parolees)

<sup>5</sup> See ACF Fact Sheet - Benefits for Ukrainian Humanitarian Parolees at <https://www.acf.hhs.gov/orr/fact-sheet/benefits-ukrainian-humanitarian-parolees> and ORR Policy Letter 22-13

<https://www.acf.hhs.gov/sites/default/files/documents/orr/PL-22-13-Ukrainian-Humanitarian-Parolees-Eligible-for-ORR-Benefits-and-Services.pdf>.

<sup>6</sup> Effective March 28, 2022, the RMA eligibility period has been expanded from 8 months to 12 months of assistance for participants whose date of eligibility for ORR benefits is on or after October 1, 2021. See

<https://www.federalregister.gov/documents/2022/03/28/2022-06356/extending-refugee-cash-assistance-and-refugee-medical-assistance-from-8-months-to-12-months> and <https://www.acf.hhs.gov/blog/2022/03/setting-up-new-arrivals-success-orr-expands-cash-and-medical-assistance-four-months>.

<sup>7</sup> The eight states that do not administer RMA programs are: AK, KS, KY, ME, MO, NV, TN, and TX. In these states, RMA is administered privately by a national resettlement agency.

<sup>8</sup> All parolees are “lawfully present” for the purpose of eligibility for Marketplace coverage, except for a non-citizen paroled for prosecution, for deferred inspection or pending removal proceedings, per 45 C.F.R. 152.2.

<sup>9</sup> Parolees who do not qualify for financial assistance through the Marketplace are still eligible to purchase Marketplace coverage without financial assistance.

<sup>10</sup> 87 FR 23211, published April 19, 2022. See: <https://www.federalregister.gov/documents/2022/04/19/2022-08390/designation-of-ukraine-for-temporary-protected-status>.

the five-year waiting period. This is commonly referred to as the CHIPRA 214 option.<sup>11</sup>

- Ukrainian parolees who are subsequently granted TPS **remain eligible for RMA**, if not eligible for Medicaid or CHIP, to the same extent as refugees. Ukrainian nationals granted TPS who are not eligible for Medicaid, CHIP (e.g., due to not having a “qualified non-citizen” status) or RMA **may be eligible for Marketplace coverage with financial assistance**.<sup>12</sup>

**Refugees:** Some Ukrainian nationals may be granted refugee status and resettled into the United States. Ukrainian nationals who are granted refugee status **are eligible for full Medicaid or CHIP benefits**, without application of the five-year waiting period, if they otherwise meet all other eligibility requirements in the state.<sup>13</sup>

- Ukrainian nationals granted refugee status, but who are not eligible for Medicaid or CHIP due to other eligibility factors (such as income), **may be eligible for RMA for up to 12 months** following the date of entry, if they meet the RMA income and eligibility requirements.<sup>14</sup> RMA benefits generally mirror Medicaid coverage and are administered through state Medicaid programs in nearly all states.<sup>15</sup>
- Ukrainian nationals granted refugee status who are not eligible for Medicaid, CHIP, or RMA (e.g., income is too high for these programs) **may be eligible for Marketplace coverage with financial assistance**.<sup>16</sup>

**Ukrainian non-citizens who do not qualify for full Medicaid benefits based on their immigration status may be eligible for “emergency Medicaid,” which pays for services necessary to treat an emergency medical condition, if they meet all other eligibility requirements in the state.** An individual eligible only for emergency Medicaid is permitted to enroll in Marketplace coverage with financial assistance if they meet all Marketplace and financial assistance eligibility requirements.<sup>17</sup>

### **Verification of Non-Citizen Status**

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<sup>11</sup> See sections 1903(v)(4)(A) and 2107(e)(1)(O) of the Social Security Act (42 U.S.C. §§ 1396b(v)(4)(A) and 1397gg(e)(1)(O)) as modified by Section 214 of the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA).. The 39 states and territories that have elected the “CHIPRA 214 Option” are: AS, AR, CA, CO, CT, CNMI, DC, DE, FL, HI, IL, IA, KY, LA, ME, MD, MA, MN, MT, NE, NJ, NM, NY, NV, NC, OH, OR, PA, RI, SC, TX, VI, UT, VT, VA, WA, WV, WI, and WY. For more details on coverage in Medicaid and CHIP see: <https://www.medicaid.gov/medicaid/enrollment-strategies/medicaid-and-chip-coverage-lawfully-residing-children-pregnant-women> and <https://downloads.cms.gov/cmsgov/archived-downloads/smdl/downloads/sho10006.pdf>.

<sup>12</sup> <https://www.healthcare.gov/immigrants/immigration-status/>. See also footnote 9.

<sup>13</sup> Seven states elect the option under 8 U.S.C. 1612(b)(2) to restrict Medicaid coverage to refugees and individuals with other humanitarian statuses for a period of seven years: MS, MT, SC, TN, TX, VA, and WV. If a state has elected the CHIPRA 214 option in Medicaid, the seven-year eligibility limit elected by these states does not apply to eligible children and pregnant individuals. No such limitation for coverage of refugees for seven years exists in CHIP.

<sup>14</sup> Effective March 28, 2022, the RMA eligibility period has been expanded from 8 months to 12 months of assistance for participants whose date of eligibility for ORR benefits is on or after October 1, 2021. See <https://www.federalregister.gov/documents/2022/03/28/2022-06356/extending-refugee-cash-assistance-and-refugee-medical-assistance-from-8-months-to-12-months> and <https://www.acf.hhs.gov/blog/2022/03/setting-up-new-arrivals-success-orr-expands-cash-and-medical-assistance-four-months>.

<sup>15</sup> The eight states that do not administer RMA programs are: AK, KS, KY, ME, MO, NV, TN, and TX. In these states, RMA is administered privately by a national resettlement agency.

<sup>16</sup> See footnote 9.

<sup>17</sup> See footnote 9.

A Ukrainian national's immigration status can be verified through the Federal Data Services Hub (Hub), a direct connection with the DHS Systematic Alien Verification for Entitlements (SAVE) Program, or through the DHS's Graphical User Interface (DHS SAVE's manual verification system referred to as the "GUI"). The immigration codes returned by SAVE to verify a Ukrainian national's immigration status can be reviewed in the Hub SAVE "Verify Lawful Presence (VLP) v37 Business Services Definition."

## **Eligibility and Enrollment for Medicaid and CHIP**

### ***State Residency***

In order to qualify for Medicaid or CHIP, applicants generally must be a resident of the state in which they are applying.<sup>18</sup> Applicants who are adults (age 21 or over) are generally considered residents of the state in which they are living and intend to reside.<sup>19</sup> A child under age 21 (under age 19 for CHIP) is generally a resident of the state in which the child's parent or caretaker is a resident, if the child is living with them, or in which the child resides.<sup>18</sup> States have flexibility to define the term "intent to reside." However, they **may not** deny Medicaid or CHIP eligibility because the individual has not resided in the state for a minimum specified period of time or does not have a fixed address. States may accept attestation that an individual is a state resident without requiring further documentation from the individual.

States also have the flexibility to extend Medicaid and CHIP eligibility to individuals who are not residents of the state (non-residents). States can elect to provide Medicaid and CHIP to non-residents through their state plans.

### ***Applications for Individuals Moving to Another State***

If an individual is moving to a different state, the individual may apply for Medicaid and CHIP in the state in which they intend to reside. Individuals moving to another state do not need to wait until they arrive to apply for coverage in their new state. They should use the address where they intend to live, if known. Otherwise, they can provide another address where the Medicaid or CHIP agency can reach them, such as the address of a community organization or facility with which they will work in the new state. The effective date of eligibility would generally be the date the individual arrives in their new state of residence. Alternatively, states can elect to enroll individuals relocating to the state who have not yet arrived by choosing to cover them as a non-state resident.

Individuals who move to a new state or who otherwise enroll in Medicaid or CHIP in the state in which they intend to reside should report their change in residency to the prior state's Medicaid or CHIP agency if enrolled in Medicaid or CHIP coverage in that state.<sup>20</sup> Individuals can designate an authorized representative, such as a case manager from a refugee resettlement organization or other community organization, who can communicate with the state Medicaid or CHIP agency on the applicant's behalf. Applicants and beneficiaries may designate an

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<sup>18</sup> See 42 C.F.R. §§ 435.403; 457.320.

<sup>19</sup> Individuals who are age 21 or over are also state residents if the individual has entered the state with a job commitment or seeking employment (whether or not they are currently employed) also are considered a resident of the state under 42 C.F.R. § 435.403(h).

<sup>20</sup> Reporting the change in circumstances does not need to occur before the individual applies for coverage in their new state. The change would be effective on the date in which the individual arrives in their new state.

authorized representative to report changes in circumstances to either state agency and receive copies of notices and other information on the individual's behalf. During the public health emergency posed by COVID-19, CMS will not enforce compliance with requirements that designation of an authorized representative must be signed by the applicant or enrollee, provided that applicants make the designation orally, in writing, or both. A record of such authorization must be submitted by the authorized representative, along with the application.

### ***Presumptive Eligibility***

Hospitals participating in Hospital Presumptive Eligibility (HPE) or other qualified entities designated by the state to participate in the state's Presumptive Eligibility (PE) program may immediately enroll Ukrainian nationals who are likely eligible under a state's Medicaid or CHIP program for a temporary period of time. In making a PE determination, the hospital or other qualified entity determines an individual's likely eligibility for a state's Medicaid or CHIP program based on attested income information provided by the individual or representative. In some states, the hospital or other qualified entity must also consider whether the immigration status provided by the individual would qualify the individual for full Medicaid or CHIP benefits and/or whether the individual is a state resident. States can designate additional entities serving Ukrainian nationals as qualified entities and provide them with needed training to make PE determinations.

Individuals seeking a determination of HPE or PE cannot be required to provide proof of income, immigration status, or state residency. Hospitals and other qualified entities must accept attested information provided by the individual. Ukrainian nationals in temporary housing may not know if or when they will be relocated to another state. In making a PE determination for these individuals, hospitals and other qualified entities can accept the state where the individual is currently living as their state of residence. Payment for services covered under the state plan (as well as federal financial participation) is guaranteed during a PE period; this is true even in an individual later submits a full Medicaid application and is determined to be ineligible.

### **Outstationing and Application Assisters**

States can outstation state or county eligibility workers at any location that is assisting Ukrainians to help facilitate enrollment of these individuals into coverage. If authorized to determine eligibility by the state Medicaid agency, state eligibility workers assigned to an outstation location can evaluate information provided on an application and any supporting documentation and determine Medicaid or CHIP eligibility.

If certain conditions are met, in addition to state or county employees, states may use provider or contractor employees, or volunteers who have been properly trained to staff outstation locations. These individuals can assist individuals in completing an application, but only employees of the state or county agency can make a determination of eligibility.

States also can work with Marketplace Navigators, community organizations, and other application assisters who may be able to assist individuals in completing and submitting an application for coverage. Although states cannot designate individual facilitators and assisters as a qualified entity for purposes of making presumptive eligibility determinations, states can designate community organizations with whom a facilitator or assistor is affiliated to be a qualified entity.

### ***Reasonable Opportunity Period***

If a state is not able to verify an Ukrainian national's immigration status promptly, and the individual has attested to having an eligible immigration status and is found otherwise eligible for Medicaid or CHIP, the state is required to furnish benefits during the 90-day reasonable opportunity period (ROP), in accordance with section 1137(d) of the Social Security Act (42 U.S.C. § 1320b-7(d)) and 42 C.F.R. §§ 435.956(b) or 457.380(b)(1)(ii)), or such longer period provided by the state for non-citizens making a good faith effort to obtain documentation or where the agency itself needs more time to verify the individual's immigration status, consistent with 42 C.F.R. §§ 435.956(b)(2)(ii)(B) and 457.380(b)(1)(ii). Before discontinuing ROP coverage, states must provide such individuals at least ten days advance notice to Medicaid enrollees, and timely written notice to CHIP enrollees consistent with 42 C.F.R. §§ 431.211 and 457.1180. Such notices must be provided in a manner that is accessible to individuals with limited English proficiency or living with disabilities, consistent with 42 C.F.R. §§ 435.905(b) and 457.110. *See* 42 C.F.R. § 431.206(e).

### **Eligibility and Enrollment for Marketplace Coverage with Financial Assistance**

**Ukrainian nationals can apply for Medicaid or CHIP directly with their state Medicaid or CHIP agency or can use [www.healthcare.gov](http://www.healthcare.gov). Contact information for each state Medicaid agency is available at: <https://www.medicaid.gov/about-us/beneficiary-resources/index.html>.**

**Ukrainian nationals seeking Marketplace coverage should apply through**

**[www.healthcare.gov](http://www.healthcare.gov).** If a state has its own Marketplace platform, contact information can be found here: [www.healthcare.gov/marketplace-in-your-state/](http://www.healthcare.gov/marketplace-in-your-state/). Ukrainian nationals also have the right to get help in their language at no cost. They can call 1-800-318-2596 and wait through the opening. When an agent answers, they can state the language they need, and they'll be connected with an interpreter.

A special enrollment period to enroll in coverage outside of the annual open enrollment period is available to Ukrainian nationals:

- Based on their move to the United States or gaining lawful presence in the United States;
- If they lose coverage through Medicaid, CHIP, or the RMA program;
- If they apply for coverage through the Marketplace and are assessed as potentially eligible for Medicaid or CHIP during an available special enrollment period or during the annual open enrollment period, but are determined ineligible for Medicaid or CHIP coverage after the open or special enrollment period ends, and need to re-apply for Marketplace coverage.

Individuals have a period of 60 days to select a plan for Marketplace coverage following their move to the United States; loss of Medicaid, CHIP, or RMA coverage; or determination of ineligibility for Medicaid or CHIP after the end of an enrollment period.<sup>21</sup> Their coverage will generally start the first of the month after they select a plan.

If an individual with Marketplace coverage moves to a new state, they will need to apply for Marketplace coverage in that state, but they may need to wait until after their move to do so. They will also need to end the coverage that they had in their prior state. For more information,

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<sup>21</sup> *See* 45 C.F.R. §155.420 and <https://www.healthcare.gov/coverage-outside-open-enrollment/special-enrollment-period/>.

see: <https://www.healthcare.gov/reporting-changes/when-you-move/>.

**Additional Guidance for States**

The Center for Medicaid and CHIP Services (CMCS) and the Center for Consumer Information and Insurance Oversight (CCIIO), both within CMS, are providing direct technical assistance to states where Ukrainian nationals are living. For further questions about coverage options for Ukrainian nationals, state Medicaid and CHIP agencies should reach out to their state lead. For all other inquiries, please contact Sarah Lichtman Spector at [Sarah.Spector@cms.hhs.gov](mailto:Sarah.Spector@cms.hhs.gov).