



Immigrants and BadgerCare Plus

BadgerCare Plus is a health insurance program for children, pregnant women, and families. More information about this program can be found at badgercareplus.org

NOTE: The following information is general in nature and should not be considered legal advice.

1. Are immigrants able to enroll in BadgerCare Plus?

Yes. If you meet all other BadgerCare Plus rules and you are any of the following, you may be able to enroll.

- “Qualified” immigrants (for example, a refugee, asylee, legal permanent resident, battered spouse or child, or certain others), if they meet all other BadgerCare Plus requirements. However, some qualified immigrants must wait 5 years after obtaining legal status. (See question #3.)
- The citizen children or citizen spouse of an undocumented immigrant.

Please keep in mind, undocumented immigrants are not able to enroll in the full coverage BadgerCare Plus program, but may be able to enroll in:

- BadgerCare Plus Prenatal Program, which covers pregnancy-related services, or
- BadgerCare Plus Emergency Services, which covers emergency medical conditions when there is a serious risk to a patient’s health.

2. Can children who were born in the US be eligible for BadgerCare Plus even if their parents are undocumented immigrants?

Yes, as long as they meet the other BadgerCare Plus rules.

3. Can immigrants who have a legal immigration status get BadgerCare Plus?

Yes. However, some legal immigrants entering the U.S. after 8/22/96 are subject to a 5 year waiting period before being able to enroll in public assistance, including BadgerCare Plus. The law does allow immigrants in certain categories, including all lawfully residing children and pregnant women, to be exempt from the 5 year waiting period. Examples of these categories are:

Those without a 5-year waiting period after obtaining legal status.	Must wait 5 years after obtaining legal status (except children and pregnant women or those who entered the US before 8/22/96)
<ul style="list-style-type: none"> • Children and pregnant women who are legal permanent residents and in some cases if they have legal but temporary immigration status ¹ • Refugees • Victims of severe trafficking • Asylees • Legal permanent residents in the U.S. military or honorably discharged, plus spouse & dependent(s) • Others who entered the U.S. before 8/22/96 	<ul style="list-style-type: none"> • Legal permanent residents • Battered immigrants • Persons paroled into the U.S. for at least a year

(continued)

4. Will undocumented immigrants be reported to US Citizenship and Immigration Services (USCIS)?

No. Information is not shared for the purpose of enforcing immigration laws.

5. Are immigrants participating in BadgerCare Plus considered “public charges”, which could have a negative impact on their ability to obtain or adjust their immigrant status in the future?

Generally, no. Participation in BadgerCare Plus does not establish the person as a public charge. However, an undocumented, non-qualifying or qualifying immigrant in a medical institution for more than the length of a rehabilitative stay while getting BadgerCare Plus would be considered a public charge.

For more information, see cms.hhs.gov/MedicaidEligibility/05a_Immigrants.asp, or uscis.gov/portal/site/uscis or call USCIS National Customer Service Center (NCSC) at 1-800-375-5283.

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Footnotes:

¹ An Operations Memo (# 09-57) revised by the Department of Health Services in January 2010 expands the range of eligible children and pregnant women by including a long list of categories of legally present non-citizens who only have temporary status. Examples include: “family unity beneficiaries” (spouses and unmarried children of certain individuals granted temporary or permanent residence); certain immigrants in deferred action status; non-citizens who are the spouse or child of a U.S. citizen whose visa petition has been approved and who have a pending application for adjustment of status; the fiancé or fiancée (and his/her children) of a U.S. citizen entering solely to conclude a valid marriage contract; the spouse (and his/her children) who is a beneficiary of a petition for status as immediate relatives of a U.S. citizen; a non-citizen who is the spouse or child of an immigrant who was lawfully admitted for permanent residence but who has been waiting since at least Dec. 2000 for his/her VISA application to be approved. <http://dhs.wi.gov/em/ops-memos/2010/pdf/10-10.pdf>