



MASSHEALTH ALERT: Did your patient/client receive a “Questions for Immigrants with Sponsors” form from the Office of Medicaid?

In early December, 2004 3200 elderly and disabled “special status” immigrants receiving MassHealth Essential were mailed a notice telling them to return a form called “Questions for Immigrants with Sponsors” by January 1, 2005 or risk losing their MassHealth Essential benefits. MIRA has prepared this flyer to help you advise your clients/patients and to help us flag problems that may be barriers to continued coverage for this vulnerable population.

1. Why does the Office of Medicaid need this information?

Under new rules that will take effect January 1, 2005, elderly and disabled special status immigrants will lose MassHealth Essential if they have a sponsor who signed an enforceable affidavit of support unless the sponsor is unable to support them. If the sponsor’s family income is less than 200% of poverty for a family size that includes the immigrant, MassHealth will determine that the sponsor is unable to support the immigrant. Immigrants will get another notice telling them if their benefits will be reduced and giving them the right to appeal.

2. Are all immigrants with sponsors going to be affected by this change?

No. This rule only applies to the elderly and disabled on MassHealth Essential; no other group of immigrants is affected. Also, only those immigrants who have a sponsor who filled out a Form I-864, also called an “Affidavit of Support under Section 213A” or “an enforceable affidavit of support” will be affected by this change. Some people who got the notice do not have a sponsor or have a sponsor who signed an unenforceable affidavit of support; they should answer “no” to the question whether they have a sponsor. All the following things must be true for an elderly or disabled immigrant with MassHealth Essential to be affected by this new rule:

- The immigrant is a lawful permanent resident (green card holder)
- The immigrant became a lawful permanent resident because a family member filed a relative petition (Immigrants who became lawful permanent residents in other ways will either not have any sponsor or will have a sponsor who signed a different form than the enforceable Form I-864).
- The immigrant has had a green card for less than five years.

If you are confused about whether your immigrant client/patient has a sponsor who signed Form I-864, please, call MIRA or MLRI

3. Does this change affect immigrants receiving EAEDC?

Yes. Elderly and disabled “special status” immigrants receiving EAEDC should now be getting MassHealth Essential, and are also subject to these new rules in order to keep their MassHealth Essential coverage. However, if they lose MH Essential due to their sponsor’s income level, they will still receive EAEDC-Medical benefits in addition to MH Limited. EAEDC-Medical covers drugs and doctor visits.

REMEMBER : On the five year anniversary of becoming a lawful permanent resident (or first getting parole status), an elderly or disabled immigrant is eligible for MassHealth Standard regardless of the sponsor's income. BUT, people age 65 or over will not be automatically upgraded by the MassHealth computer system. Please call MIRA or MLRI about elders close to the 5-year mark.

4. What if the immigrant doesn't know where the sponsor is, or what if the sponsor refuses to sign the form or is unable to sign the form?

We don't yet know how MassHealth will handle these situations. Some immigrants may also be unwilling to ask their sponsors for help for a variety of reasons. Please call MIRA or MLRI about these situations.

5. What if the immigrant is afraid of his/her sponsor?

If a sponsored immigrant or his/her child have been victims of domestic violence from the sponsoring relative and no longer live with the abuser, the immigrant should check Yes to the question 3 on the first page of the form: "Are you or any family member a victim of domestic abuse and no longer living with the abuser." The abuse victim will not have to fill out the second page of the Form, and the sponsor rule will not apply.

6. How is the sponsor's income going to be counted?

The MassHealth form is asking for the gross income of the sponsor and sponsor's spouse (regardless of whether the spouse signed the affidavit of support) and for family size, only lists the spouse and children under age 19 not other dependents. It also does not ask if the sponsor is sponsoring other people besides the MH Essential recipient. We think there are a lot of problems with the way the form asks about the sponsor's income and family size. If the sponsor's income is close to the 200% cut off (including the sponsored immigrant in family size) or there are other questions about counting family size or income, please call MIRA or MLRI.

7. What options are there if the sponsor's income is significantly over 200%?

The immigrant will be able to retain MassHealth Limited for emergency coverage, and will have Free Care/Uncompensated Care at hospitals and community health centers. People on EAEDC will also retain EAEDC-Medical for prescriptions and doctor visits. All the immigrants affected will also be eligible to apply for Prescription Advantage, which covers drugs with copayments starting at \$7. To apply, call 1-800-AGE-INFO (applicants may need a copy of the December MassHealth notice to apply). Nongroup insurance is also available from commercial insurance companies. Residents of Massachusetts cannot be denied nongroup coverage because of age or disability. However, coverage is costly. Nongroup insurance for someone over 60 years of age will cost about \$700-\$800 per month.

For more information and to tell us about your patient's/client's situation, please call or email: Carly Burton at 617-350-5480 x208, cburton@miracoalition.org or Vicky Pulos at MLRI, 617-357-0700 Ext. 318, vpulos@mlri.org.

Do you want to do something about policies that treat legal immigrants differently than other Massachusetts residents, join our campaign to restore coverage to all MassHealth eligible legal immigrants! Contact Carly Burton at the MIRA Coalition, 617-350-5480 x208, cburton@miracoalition.org.