

Medical Assistance (MA) for Immigrants Under HR1

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Community Legal Services

- Free legal representation to low-income Philadelphians.
- Handle cases involving public benefits, employment, housing, consumer issues, nursing home issues, utilities, and child welfare (representing parents).
- New clients who need help with an MA case should come through CLS intake. Come to 1410 W. Erie Avenue on Tuesday or Thursday 9-12 or call 215-227-2400 on Monday or Wednesday 9-12 (leave a message and we will call back to do phone intake). Free professional interpretation provided.
- Not in Philadelphia? Contact your local legal aid provider: <https://palegalaid.net/find-legal-help>

AGENDA

- Overview of immigration terms
- Overview of MA eligibility
- Immigrant eligibility for MA
- Transition to HR-1's immigrant eligibility rules taking effect October 1
- Questions

Overview of immigration terms

Overview of Immigration Terms

- **Refugees** leave their country because they fear for their own life or safety or that of their family or when their government will not or cannot protect them from serious human rights abuses. They enter the U.S. with refugee status.
- **Asylum seekers** are people who have submitted or will submit claims for refugee status after entering the U.S. They become asylees if their claims are accepted.

Overview of Immigration Terms

- **Cuban/Haitian entrants**. Citizens of Cuba or Haiti who present themselves at the US border and have been paroled into and/or have applied for asylum in the US and do not have an enforceable deportation order.
- **COFA Migrant**. Citizens of Micronesia, Palau, and the Marshall Islands.
- **VAWA self-petitioners**. Battered spouses, children, and parents of US citizens or LPRs who apply for status through the Violence Against Women Act (VAWA).

Overview of Immigration Terms

- **Parolee**. Person granted temporary permission to enter the U.S., often for “humanitarian” reasons.
 - **U-Visas** for victims of certain crimes in the U.S. who cooperate with law enforcement.
 - **Temporary Protected Status** for people from countries that have been designated as dangerous.
- Undocumented**. This term is used for anyone who entered the U.S. without inspection or who entered with a lawful status that has now expired.

Common Immigration Terms

- **Lawfully present**. This is not an immigration status, but a term that is used to refer to a very broad range of statuses that allow people to be in the U.S. with permission. For federal health benefit purposes, it includes all the statuses we discussed already, with the exception of undocumented. It also includes asylum applicants with work authorization, asylum applicant children whose asylum applications have been pending at least 180 days, green card applicants, and most others with work authorization.

Common Immigration Terms

- **Lawful Permanent Residents (LPRs)** non-citizen who has been granted authorization to live and work in the United States on a permanent basis. People can be eligible for LPR status through a family or employment relations. Many humanitarian immigrants also have LPR eligibility. As proof of that status, a person is granted a permanent resident card, commonly called a "green card." The following statuses put people on a path to green card eligibility:
 - Refugee
 - Asylee
 - Special Immigrant from Iraq Afghanistan
 - Uvisa
 - TVisa

Figuring out a client's status

- What is your immigration status?
- How did you arrive in the US?
- Did a member of your family apply for you to come to the US?
- Did the government send you any papers or cards about your status?
- Have you asked the government to change your status?
- Have you submitted any applications for status?
- Do you have an immigration lawyer?

DO NOT send someone whose immigration status you cannot decipher to USCIS to figure it out. Connect them with immigration legal services if needed.

Overview of Medical Assistance Eligibility

MA=Medical Assistance=Medicaid. The public health insurance program for low-income people administered by the PA Department of Human Services, through the County Assistance Offices .



PA pennsylvania	ACCESS
NAME:	Individual Name
ID #:	987654321
CARD ISSUE #:	0123456789



1 MA program with 2 funding sources

1. Federally-funded MA: Goes to people that federal law defines as eligible. Higher income limits, restrictive immigrant eligibility criteria.

- **Emergency MA (EMA):** this is a subset of federal MA that is only available to those who do not meet federal MA immigration status eligibility criteria, including undocumented people. Must have an emergency medical condition to be eligible. EMA provides coverage of treatment of the emergency medical condition.

2. State-funded MA: Goes to people that state law defines as eligible. Very low income and asset limits. Less restrictive immigrant eligibility criteria than federal MA, but unavailable to undocumented people.

Federally-Funded MA Programs

Higher
income
limits



Lower
income
limits

- Breast and Cervical Cancer Prevention and Treatment program (BCCPT- no income limit)
- People receiving nursing facility level of care. (Home and Community Based Services (HCBS)/Waiver/Community Health Choices (CHC)).
- Disabled, under age 65, and working
(Medical Assistance for Workers with Disabilities- MAWD)
- Lower-income Medicare enrollees (buy-in)
- Over age 65 or disabled at least 12 months (Healthy Horizons)
- Children under 18
- Pregnant people (through 12 months post-partum)
- EXPANSION population
(adults w/o Medicare & under 65)
- SSI recipients and TANF recipients

State-funded MA Programs

Low
income
limits

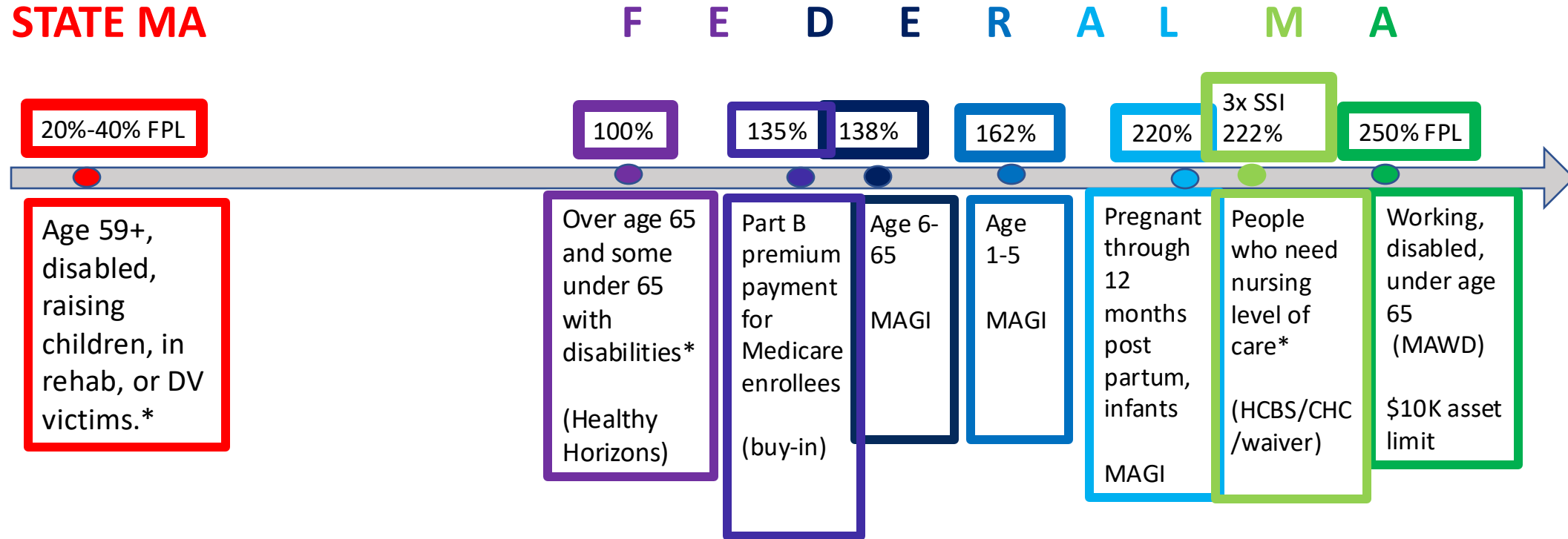


Very
low
income
limits

- MNO (Medically Needy Only)
 - Age 59 or older
 - Parent of child under 21
- GA MA (General Assistance Medical Assistance)
 - Disabled
 - Caring for unrelated child or disabled household member
 - In drug/alcohol rehab (9 mo lifetime max)
 - Domestic violence victim (9mo lifetime max)

There are different financial tests for each MA program

STATE MA



* Also has an asset limit, but households with children under 21 are exempt from it.

2026 Benefit Income and Resource Limits

	GA/TANF Related	MNO		100% FPIG		120%		135% FPIG		138% FPIG		162% FPIG	
Persons	monthly	monthly	6 months	monthly	annual	monthly	annual	monthly	annual	monthly	annual	monthly	annual
1	\$205	\$425	\$2,550	\$1,330	\$15,960	\$1,596	\$19,152	\$1,796	\$21,546	\$1,835	\$22,025	\$2,155	\$25,855
2	\$316	\$442	\$2,650	\$1,803	\$21,640	\$2,164	\$25,968	\$2,435	\$29,214	\$2,489	\$29,863	\$2,921	\$35,057
3	\$403	\$467	\$2,800	\$2,277	\$27,320	\$2,732	\$32,784	\$3,074	\$36,882	\$3,142	\$37,702	\$3,688	\$44,258
4	\$497	\$567	\$3,400	\$2,750	\$33,000	\$3,300	\$39,600	\$3,713	\$44,550	\$3,795	\$45,540	\$4,455	\$53,460
5	\$589	\$675	\$4,050	\$3,221	\$38,650	\$3,865	\$46,380	\$4,348	\$52,178	\$4,445	\$53,337	\$5,218	\$62,613
	Immigrants subject to 5 year bar	Spend down Medically Needy		Healthy Horizons: disabled or 65+ (SSI counting rules) (EAF)		SLMB (Buy-in) (other MA allowed) (SSI counting rules)		QI (Buy-in) (no other MA allowed) (SSI counting rules)		MAGI/Expansion (no EAF) (133% + 5% disregard) Adults Children 6-18		Children ages 1-5 (MAGI) (157% + 5% disregard)	

	200% FPIG		220% FPIG		3xSSI amount	250% FPIG		350% FPIG*	
Persons	monthly	annual	monthly	annual	monthly	monthly	annual	monthly	annual
1	\$2,660	\$31,920	\$2,926	\$35,112	\$2,982	\$3,325	\$39,900	\$4,655	\$55,860
2	\$3,607	\$43,280	\$3,967	\$47,608		\$4,508	\$54,100	\$6,312	\$75,740
3	\$4,553	\$54,640	\$5,009	\$60,104				\$7,968	\$95,620
4	\$5,500	\$66,000	\$6,050	\$72,600				\$9,625	\$115,500
5	\$6,442	\$77,300	\$7,086	\$85,030				\$11,273	\$135,275
	Qualified Disabled Working Individual (SSI counting rules)		Pregnant Women and Children < 1 (MAGI) (215% + 5% disregard)		Waivers	MAWD (SSI counting rules) (EAF)		SPBP *New limit as of 10/1/25 (Current beneficiaries begin using this new limit at next recert)	

Monthly SSI Amounts	
1 person	\$994
2 person	\$1,491
Monthly SSP	
1 person	\$22.10
2 person	\$33.30
Back to Work	
Trial Work Month	\$1,210
Subst. Gainful Activity	\$1,690
1619b – MA Continuation	\$52,088*

RESOURCE LIMITS

No resource limits MAGI/Expansion MA and SNAP - No resource limits for some programs if children under 21 live in the household						
GA-Related	MNO	SSI RELATED	MAGI MA	MAWD	WAIVERS	BUY IN
1 person = \$250 2 or more = \$1,000	1 person = \$2,400 2 person = \$3,200 each add. person = \$300	1 person = \$2,000 2 person = \$3,000	No Resource Test!	\$10,000 regardless of household size	\$8,000 spousal impoverishment rules apply	1 person = \$9,950 Married = \$14,910

*2025 amounts revised 1/20/26

Immigrant Eligibility for MA

Immigrants who meet **FEDERAL MA** immigration status requirements

- Refugees and some others with “refugee-like” statuses:
 - Asylum
 - Cuban/Haitian entrant
 - T-Visa holders (trafficking victims)
 - People with withholding of deportation or withholding of removal
 - Special Immigrants from Afghanistan/Iraq
 - People paroled into the US from Afghanistan 7/31/21-12/16/22 or from Ukraine 2/24/22-9/30/23 (and some family members of those parolees who are paroled at later dates) until parole expiration.

Immigrants who meet **FEDERAL MA** immigration status requirements

- VAWA petitioners and green card holders 5+ years
- VAWA petitioners and green card holders less than five years who are exempt from the five-year bar, including:
 - Under age 21 or pregnant/post-partum
 - Have been continuously present in the US since Aug 22, 1996
 - Certain military/military family members
- Children under 21 and pregnant adults who are lawfully present

The Five-Year Bar

- Some people must wait until they've had their immigration status for 5 years before becoming eligible for federal MA.
- Lots of people are exempt from this “five year bar”
 - Refugees and those with “refugee-like” status
 - Asylum
 - Cuban/Haitian entrant
 - T-Visa holders (trafficking victims)
 - People with withholding of deportation or withholding of removal
 - Special Immigrants from Afghanistan/Iraq
 - Parolees from Ukraine and Afghanistan
 - Kids under age 21 and pregnant adults through 12 months post partum
 - Those who have been continuously present in the U.S. since 1996
 - Military/veterans and their spouses/children.
- Who is subject to the five year bar? The following are the main groups subject to the 5 year bar:
 - People who became LPR on family-based petitions
 - Diversity lottery winners
 - VAWA petitioners

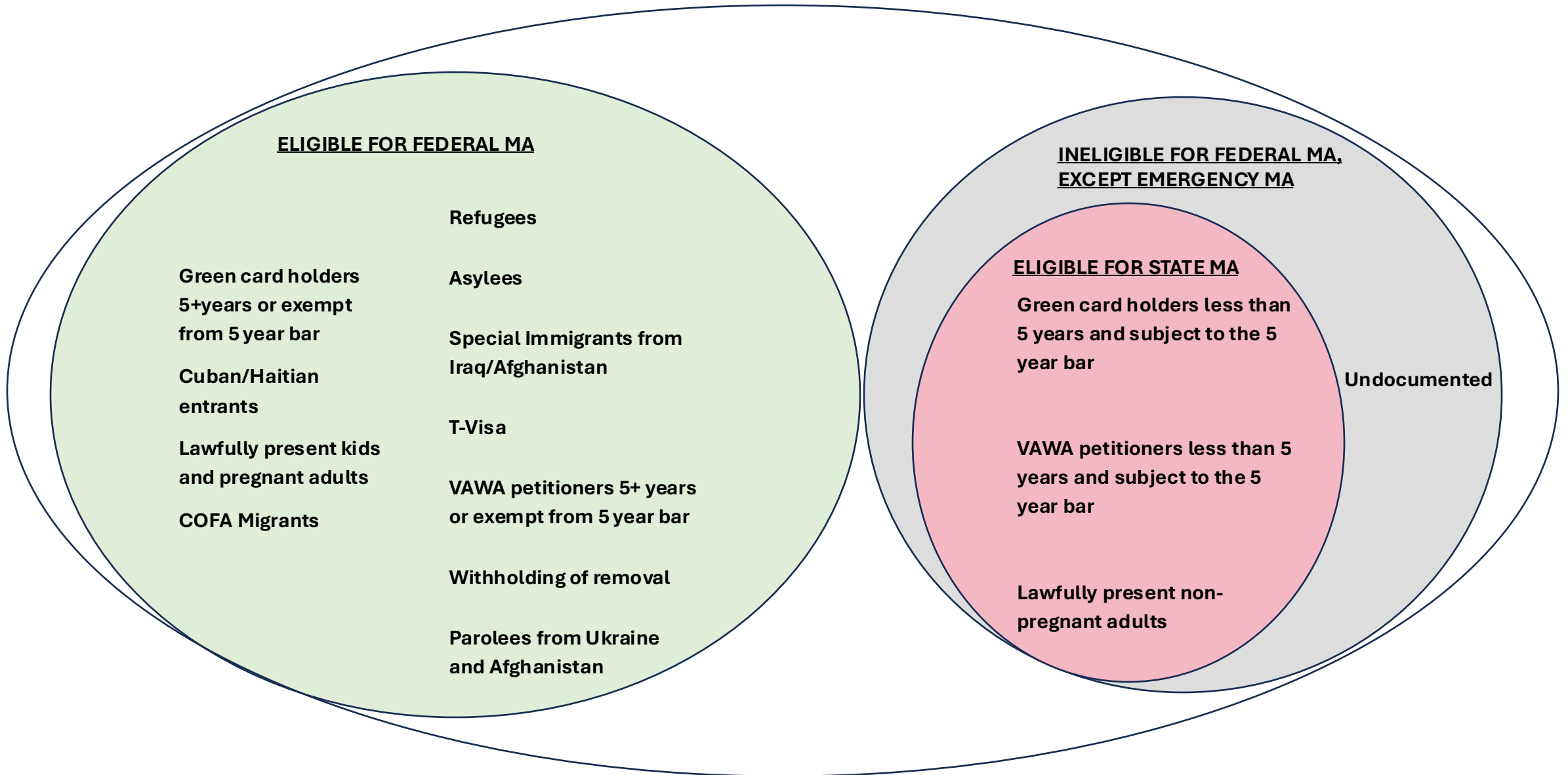
Immigrants who do not meet Federal MA immigration status requirements

- Green card holders less than five years who are not exempt from the five-year bar.
- VAWA petitioners less than five years who are not exempt from the five-year bar.
- Non-pregnant adults who are lawfully present.
- Undocumented

Meets
immigration
status
requirements
for **STATE MA**

Only
federal MA
option is
EMA

Medical Assistance Eligibility Today



HR1 Shrinks the # of immigrant groups eligible for federal MA to just four

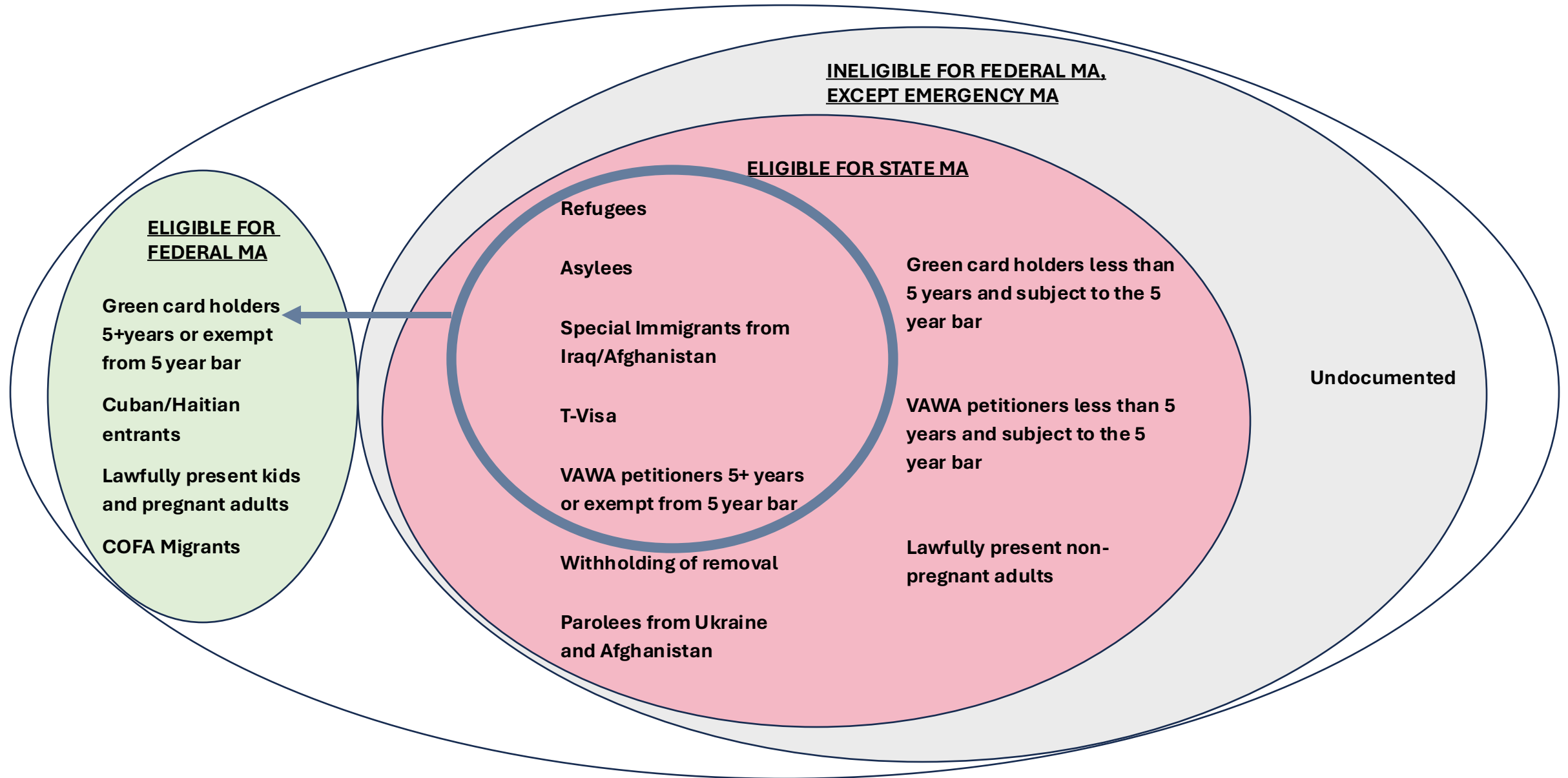
Immigration Statuses Eligible for Federal MA Under Current Law

1. Refugees
2. Asylees
3. Cuban and Haitian Entrants
4. Human trafficking victims/T-Visa holders
5. Withholding of removal
6. Special Immigrants from Iraq or Afghanistan
7. Afghans paroled after July 31, 2021 and Ukrainians paroled after Feb 24, 2022, until parole expiration
8. VAWA Petitioners 5+ years or less than 5 years if exempt from 5 year bar
9. Green card holders 5+years or less than 5 years if exempt from 5 year bar
10. Lawfully present kids and pregnant adults, through 12 months post partum
11. COFA migrants

Immigration Statuses Eligible for Federal MA Under HR1

1. Green card holders who have had their green card 5+ years or less than 5 years and exempt from the 5 year bar.
2. Cuban Haitian entrants.
3. COFA migrants.
4. Lawfully present kids and pregnant adults, through 12 months post partum.

MA Eligibility Starting October 2026



Pennie Subsidies will also not be available to immigrants losing federal MA access under HR 1

Eligible Immigration Statuses Under Current Law*

1. Refugees
2. Asylees
3. Cuban and Haitian Entrants
4. Human trafficking victims/T-Visa holders
5. Withholding of removal
6. Special Immigrants from Iraq or Afghanistan
7. Parolees
8. VAWA Petitioners
9. Green card holders
10. COFA migrants
11. Asylum applicants with work authorization
12. TPS
13. U-Visas
14. All other lawfully present people.

*As of 1/1/26, only those over 100% FPL are eligible for Pennie subsidies.

Eligible Immigration Statuses Under HR1, starting 1/1/27**

1. Green card holders
2. Cuban Haitian entrants.
3. COFA migrants.

*Medicare access will also be restricted to people with these 3 statuses only starting 1/1/27.

State-funded MA and EMA will become the only options for many more people after HR-1 Implementation

	STATE MA	EMA
Benefits	Full package of MA benefits	MA benefits are available to the enrollee as needed to treat the emergency medical condition
Process	Regular application and renewal process	Regular application and renewal process + emergency medical condition approval
Duration	Approved for a full year	Approved for the duration of the emergency medical condition, typically short periods that can be extended
Delivery of benefits	Access card only, fee for service	Access card only, fee for service
Financial tests	Very low income limits (see slides 16 and 17)	Higher income limits (see slides 16 and 17)

What is an Emergency Medical Condition?

The condition itself does not need to be acute. An underlying “chronic” or ongoing condition that manifests with acute symptoms could qualify.

Acute symptoms may come and go over time and sometimes manifest in ways that aren’t even apparent to the person experiencing them.

Severe pain is explicitly identified as a qualifying acute symptom

A medical condition that **manifests with acute symptoms** of sufficient severity, including **severe pain**, such that the absence of **immediate medical attention could reasonably be expected to result** in one of the following:

- Placing the patient’s **health** in serious jeopardy.
- Serious impairment to bodily **functions**.
- Serious dysfunction of a bodily **organ or part**.

Medical attention is a broad term and may include medicine, medical exams, lab work, surgery, nursing care, etc.

The expected harm does not need to be death. A medical provider must have an expectation that an absence of medical attention will lead to future serious health consequences, or serious dysfunction of any bodily part, even if that bodily part is not life-essential, like an arm, leg, or eye.

This is a *future-looking* test. One does not need to already be experiencing serious harm to have an emergency medical condition.

What is an Emergency Medical Condition?

EMA is often authorized cover things like:

- Cancer (including stem-cell transplants)
- Surgical procedures
- Dialysis
- Repair of broken bones
- High risk pregnancy (examples: diabetes, hypertension, mental illness, advanced maternal age, past premature labor)
- Medications like anti-rejection medication, anti-seizure, and insulin
- Labor and delivery
- And others

Summary: HR1's Immigrant Access Restrictions

- Starting October 1, 2026, Federal MA access restricted for non-pregnant adults. Only green card holders, Cuban/Haitian entrants, and COFA migrants will have access.
 - HR1 makes no changes to the five-year bar. Green card holders who have had their green cards for less than five years may still be ineligible for federal MA after October 1, unless they are exempt from the 5 year bar.
 - Many people who will lose access to federal MA on October 1 will also lose access to Pennie on January 1.
- HR1 makes NO CHANGES to federal MA or CHIP access for children under 21 and pregnant adults (through 12 months post partum). Under HR1, lawfully present kids and pregnant people have the same access to federal MA and CHIP as they do now.
- HR1 also restricts Pennie and Medicare access to green card holders, Cuban Haitian entrants, and COFA migrants starting 1/1/27.
- State MA and EMA will become the only health coverage options for many more non-pregnant adult immigrants.

The Transition to October 1

PA DHS process for implementing HR1's new rules in the MA program (or what we know about it so far)

- PA DHS has identified about 8,000 people in PA currently receiving federal MA who may not be eligible for federal MA under HR1.
- They are sending those 8,000 people letters starting June 30, 2026 asking them to report if they have a green card, are a Cuban/Haitian entrant, a COFA migrant, or a lawfully present child or pregnant adult.
 - A little more than half of the 8,000 are in the expansion population. It will not be easy for many of these folks to move into state-funded MA because their income may be too high.
 - About a third are elderly, disabled, or parents who may have very low income. These groups are more likely to be able to move into state-funded MA.



June 30, 2026

[Name First] [Name Last]
[Address Line 1]
[Address Line 2]
[City, State Zip-Zip Extn]

Dear <<Recipient Name>>:

We need information for your Medical Assistance (MA). You could lose MA if you do not respond.

There will be new MA rules for some noncitizens starting October 1, 2026. We need information from you to see if you can still get MA coverage. Only people sent this letter need to respond.

Submit immigration documents by July 30, 2026 to see if you can still get healthcare with MA.

If you do not send your documents, your MA benefits may end starting October 1, 2026.

What do I need to do?

You must tell us if any of these things are true by submitting documents by July 30, 2026:

- If you are a U.S. citizen.
- If you are a lawful permanent resident (LPR) and have a "green card,"
- If you are a citizen of Cuba or Haiti designated a "Cuban Haitian Entrant."
- If you are a citizen of Micronesia, the Marshall Islands, or Palau also known as a "COFA Migrant."
- If you are lawfully present and under age 21.
- If you are lawfully present and are or were recently pregnant.

If you are any of these but need more time to get the documents, you must give us a written statement saying this.

How do I submit documents?

You can submit your documents in any one of the following ways:

- Online at www.dhs.pa.gov/COMPASS;
- On the free myCOMPASS PA mobile app;
- By mail using the envelope included in this mailing; or
- In person at your local County Assistance Office.
Find your local office at www.dhs.pa.gov/CAO.

If you need help providing this information, contact the Customer Service Center at 1-877-395-8930 or 1-215-560-7226 (for Philadelphia residents).

What do I do if I am not a U.S. Citizen, Lawful Permanent Resident (Green Card Holder), Cuban Haitian Entrant, COFA Migrant, under age 21, or pregnant?

You could be eligible for different MA coverage if you submit additional documents to show that you are eligible for General Assistance (GA)-related MA or Emergency Medical Assistance (EMA). See #9-12 in the included Frequently Asked Questions.

What happens if I am no longer eligible?

If you provide verification of your immigration status and we determine that you are no longer eligible for any MA program, you will receive a notice that your MA is closing by October 1, 2026 and if we cannot determine that you are eligible for GA-related MA or EMA, you will be referred to Pennsylvania's Health Insurance Marketplace, Pennie.

Need help?

You can find more information about these changes by visiting www.dhs.pa.gov/federalcuts and clicking on the *Information for Noncitizens* link.

If you still have questions, you can call the Customer Service Center at 1-877-395-8930 or 1-215-560-7226 (for Philadelphia residents).

PA DHS process for implementing HR1's new rules in the MA program (or what we know about it so far)

- August-September, DHS will review cases to continue federal MA for those they know have an HR-1 eligible status, or move those without known HR-1 eligible statuses into state-funded MA or EMA.
- Termination notices will be sent probably mid-September to those who are left. **No one should be cut off before October 1.**
- Anyone who applies after October 1 will be subject to HR1's new rules.

Xue was granted asylum in April 2025. He applied for a green card in April 2026, but he does not have it yet. He is 40 years-old and has income of \$1,700 per month. He has federal MA in the expansion category.

On July 10, Xue receives PA DHS' letter asking him to report if he has a green card. Xue does not have a green card, so he does not respond. In August, PA DHS review his case and finds that his income is too high for state MA.

On September 15, PA DHS sends him a notice of MA termination effective October 1. Unless he has an emergency medical condition, he'll lose MA access starting October 1. PA DHS will refer him to Pennie, though he will be ineligible for subsidies starting 1/1/27 without a green card. He can use community health centers, and can reapply for EMA or state MA if he becomes eligible for either, or for (non-emergency) federal MA if he gets his green card.

Fatima came to the U.S. a refugee in 2022. She is 67 years-old and has federal MA in the Healthy Horizons category. She got her green card in 2024. The CAO never asked about her green card and she never had any reason to tell them, so she never did.

On July 10, Fatima receives PA DHS' letter asking her to report if she has a green card. She makes copies of her green card and drops one off at the CAO on July 23, making sure to keep a receipt. In August, the CAO uses the green card copy to verify her lawful permanent residency. She remains eligible for federal MA and nothing will change for her on October 1.

Alejandra became a VAWA self-petitioner in January 2021. Her immigration attorney told her she might get her green card next year. She has a 10-year-old daughter and recently lost one of her jobs, leaving her with just \$400/month income. She receives federal MA in a TANF-related category.

On July 10, Alejandra receives PA DHS' letter asking her to report if she has a green card. She does not have a green card, so she does not respond. In August, PA DHS reviews her case and finds that she meets the income limit and categorical requirements for state MA.

On September 15, Alejandra receives a notice that she will be moved into state MA starting October 1. Her MCO enrollment will end, but she will keep MA (access card only) after October 1. Nothing changes for her daughter, who remains eligible for federal MA with the same MCO. If she gets her green card next year, she should report it to the CAO so she can move back into federal MA.

Appeal now, think later.

- Appeals are always important, but they will soon become even more important as it will soon become even harder for everyone— especially immigrants— to get and keep MA.
- Appeal a cut off within 15 days of the mailing date on the notice to keep benefits on while the appeal is pending.
- If you miss the 15 day deadline, you have a total of 30 days from the mailing date on the notice to appeal. Appeals of cut-offs filed on days 15-30 do not come with benefits pending appeal.
- Submit appeals at the CAO or by mail. Make and keep a copy of the appeal, get a receipt if dropped off at CAO, and use certified mail if possible so you have proof that the appeal was submitted in time.
- Notices sent in the wrong language? This is good cause for a late appeal.
- Ask CLS or your local legal aid program for help with an appeal. Appeal first if you can, so you don't miss the deadline.

Key Take Aways

- NO CHANGES for kids under 21 and pregnant adults through 12 months post-partum. Also no changes to CHIP.
- People with green cards should report this to the CAO! (especially non-pregnant adults)
- People who do not have green cards, but are eligible, should apply for them ASAP! (especially non-pregnant adults)
- For non-pregnant adults who do not meet HR1's new rules:
 - Remember state-funded MA. Everyone who will lose federal MA access because of HR1 has an immigration status that meets state-funded MA immigration status eligibility criteria.
 - Remember EMA for those ineligible for state-funded MA.
 - Remember FQHCs, community health centers, and hospital emergency rooms remain available to people regardless of insurance or immigration status.
 - IF YOU HAVE MA NOW, USE IT!
- When in doubt, appeal!

RESOURCES

- PA DHS webpage and letter:
<https://www.pa.gov/agencies/dhs/resources/snap/noncitizen-eligibility>
- CLS intake flyer, including a bunch of translations:
<https://drive.google.com/drive/folders/1wEqxZ4yyO8iQu6AVFz2ZDJUhtdkQFZpc>
- Protecting Immigrant Families coalition handout on MA data sharing, including a bunch of translations: <https://pifcoalition.org/resources/library/data-privacy-and-public-programs-5-things-you-need-to-know/>
- PA DHS Handbooks:
 - Immigrant Eligibility for MA, chapter 322.
http://services.dpw.state.pa.us/oimpolicymanuals/ma/index.htm#t=Title_Page.htm
 - Immigrant Eligibility for CHIP, chapter 1105:
http://services.dpw.state.pa.us/oimpolicymanuals/chip/index.htm#t=Chapter_1100_Forms%2c_Operations_Memoranda%2c_Policy_Clarifications/Handbook_Title.htm
 - Refugee MA chapter 730, immigration status verification chapter 740, privacy protections chapter 930, and SSNs chapter 950:
http://services.dpw.state.pa.us/oimpolicymanuals/supp/index.htm#t=980_Voter_Registratio%2FTitle_Page.htm

QUESTIONS