Moms & Babies and Public Charge

This fact sheet is intended to help ***enrollment assister***s and other immigrant-serving providers better understand potential public charge implications for individuals enrolled in MPE or the Moms & Babies program.

What is Medicaid Presumptive Eligibility (MPE)?: MPE provides pregnant people immediate, temporary coverage for outpatient healthcare. If a pregnant person meets the Illinois residency and income requirements for MPE, they can get services right away--including the same day if the MPE provider submits the MPE application and the pregnant person is eligible. MPE covers outpatient services like prenatal checkups, doctor visits, lab tests, prenatal vitamins, medicine, specialty medical care, eye care, dental care, emergency room care, mental health and substance abuse services, transportation to get medical care and other services. If the pregnant person has a doctor or clinic, ask the office staff if the doctor or clinic is an MPE provider. If the doctor or clinic is not an MPE provider, or if the pregnant person does not have a doctor or clinic, they can call the All Kids Hotline at 1-866-255-5437 to find an MPE provider. If a pregnant person is enrolled in MPE, they also must file a full application for Moms & Babies within 30 days. If she applies for full Medicaid, MPE will last for 90 days or until the full application is approved. If she does not apply for full Medicaid, MPE will end at the end of the month following the month of application.

What is the *Moms & Babies* Program?: Moms & Babies is a Medicaid program that provides comprehensive health coverage to pregnant individuals throughout their pregnancy and for 12 months after the pregnancy ends. Moms & Babies covers both outpatient healthcare and inpatient hospital care, including delivery as well as prescription drugs, dental, eye and ear care, mental health services and more. There are no co-payments or premiums in Moms & Babies.

Duration of program: A pregnant person is eligible for the duration of their pregnancy and for one year postpartum regardless of how the pregnancy ends. The individual needs to enroll in Moms & Babies while pregnant or *within 90 days of the pregnancy ending*; this ensures that HFS can backdate the coverage to include when the individual was pregnant and ensure the individual has one year of continuous coverage. Eligibility criteria: The program is available regardless of immigration status. Pregnant individuals are eligible for the program if they are:

- an Illinois resident,
- with household income at or less than 213% FPL. Pregnant persons can have a Spend Down but they have to Spend Down the FamilyCare standard.

What is Public Charge? Public Charge is part of immigration law: officials assess a number of factors (including financial status, health insurance status, age, health, education & skills, use of specific public benefits) to determine whether a green card applicant is likely to be primarily dependent on the government in for their subsistence -- and if so, the applicant could be denied the green card.

Is Enrollment in *Moms & Babies* included in the Public Charge test?: No. Enrollment in the Moms & Babies program is **not** included in the public charge test unless that coverage is being used to pay for *long-term care institutionalization*--which means care for an ongoing period of time such as nursing home facility-based care paid for by the government for mental or other health reasons. Temporary rehabilitative or recuperative care (even if such rehabilitation or recuperation may last weeks or months) and short periods of rehabilitation do not constitute long-term care institutionalization. Access to comprehensive health insurance coverage is associated with an array of beneficial effects for the pregnant and post-partum individual and baby: receiving timely preventive care services; better management of chronic health conditions; improved health status, particularly among people with chronic health problems; greater workforce participation; and greater financial stability.

Who IS subject to the public charge test? The most common group of people subject to the public charge test: Individuals applying for green cards *through the family immigration pathway*. Green card holders who have left the U.S. *for longer than 180 consecutive days* may be subject to the public charge test upon return to the U.S.. See the website Keepyourbenefits.us and use their guide to see if public benefits could affect different immigration options.

Who is NOT subject to the public charge test? Not all immigration statuses are subject to the public charge test. U.S. citizens do not go through a public charge test. Current green card holders *renewing* their green card or who are *applying for citizenship* do not go through a public charge test. Public charge **DOES NOT** apply to people in the following **exempt** immigration categories (and many more--for a longer list see this link):

Refugees and asylees	Individuals applying for a T visa or who possess a T visa and are applying for LPR status
Amerasian immigrants	VAWA self-petitioners
Special immigrant juveniles	Individuals granted relief under the Cuban Adjustment Act or the Nicaraguan and Central American Relief Act or the Haitian Refugee Immigration Fairness Act
Applicants for DACA renewal	Applying for Temporary Protected Status (TPS)
Green card holders applying for naturalization	Individuals applying for a U visa or who possess a U visa and are applying for LPR status

Questions?: ICIRR List of Legal Help Referrals and Access to Justice (A2J) low-cost immigration legal services. Email pifillinois@povertylaw.org or register as a HelpHub user! HelpHub is a free online community where enrollment assisters in Illinois share their experiences, ask questions and troubleshoot problems they're having helping consumers enroll into health care options. HelpHub experts answer questions on immigrant eligibility for public benefits and on the intersection of public benefits and public charge. To enroll: http://helphub.povertylaw.org.