

## IMMIGRANT ELIGIBILITY PROVISIONS

Federal officials approved these new immigrant eligibility provisions for Medicaid, Medicare, and the Affordable Care Act under the One Big Beautiful Bill Act.

PROGRAM	CHANGE	ROLE OF EMERGENCY MEDICAID OR EMERGENCY MEDICAL TREATMENT AND LABOR ACT (EMTALA) COVERAGE	EFFECTIVE DATE(S)
Medicaid/Children's Healthcare Insurance Program	Eligibility narrowed to U.S. citizens/nationals, certain lawful permanent residents such as green card holders (excluding tourists, visitors, diplomats and temporary students), certain Cuban/Haitian entrants, and Compact of Free Association (COFA) residents. Formerly eligible groups, such as refugees, asylees, and certain humanitarian entrants, lose coverage. As a non Medicaid-expansion state, Texas already excluded certain adult immigrant groups from Medicaid. States including Texas will receive a lower federal share of Medicaid funding, including for emergency Medicaid, for unverified/excluded populations; it would be up to states to subsidize that coverage.	EMTALA prohibits hospitals with emergency departments (ED), and that participate in Medicare, from refusing to provide a medical screening examination (MSE) to anyone who comes to the ED and asks for care. If the MSE determines an emergency medical condition is present, EMTALA requires the hospital to stabilize the patient or transfer them to a facility with the needed capability, regardless of the patient's ability to pay or immigration status. The changes made by Sections 71109 and 71110 of OBBBA still allow for federal reimbursement of emergency services provided to unauthorized immigrants but reduces the percentage of federal funds the state receives for providing such care.	Oct. 1, 2026: States must adjust eligibility and federal matching payment rules by that date.
Affordable Care Act (ACA) Marketplace Premium Tax Credits (PTCs)	<p>Deferred Action for Childhood Arrivals (DACA) recipients prohibited from enrolling in marketplace health plans or receiving PTC subsidies to purchase ACA coverage.</p> <p>Lawfully present immigrants who are ineligible for Medicaid because of their immigration status (including those in the five-year waiting period for Medicaid coverage) and with incomes below 100% of the federal poverty level (FPL) will no longer qualify for PTCs.</p> <p>Eligibility for PTCs narrowed to lawful permanent residents (i.e. green card holders), certain Cuban/Haitian entrants, and COFA residents. Formerly eligible groups, such as refugees, asylees, and certain humanitarian entrants, will be excluded.</p>	EMTALA still applies at hospitals with an ED and that participate in Medicare, from refusing to provide an MSE and any care needed to stabilize the patient, without regard to the patient's ability to pay or immigration status.	<p>June 25, 2025: DACA restriction took effect.</p> <p>Dec. 31, 2025: Restriction on PTCs for those ineligible for Medicaid and under 100% FPL took effect.</p> <p>Jan. 1, 2027: Narrower "eligible-alien" definition for PTCs takes effect.</p>
ACA Enrollment	Automatic reenrollment and provisional eligibility for marketplace coverage ends; heightened eligibility verifications begin. Immigrants must verify their eligibility status prior to reenrolling and can no longer receive limited gap coverage or access subsidies while such verification is pending.	EMTALA still applies at hospitals with an ED and that participate in Medicare, from refusing to provide an MSE and any care needed to stabilize the patient, without regard to the patient's ability to pay or immigration status.	Jan. 1, 2028
Medicare	Only U.S. citizens/nationals, certain lawful permanent residents (i.e. green card holders), certain Cuban/Haitian entrants, and COFA residents age 65 and older who meet the 10-year payroll tax requirement will qualify. Other lawfully present immigrants (e.g., asylees, refugees) will be excluded.	EMTALA still applies at hospitals with an ED and that participate in Medicare, from refusing to provide an MSE and any care needed to stabilize the patient, without regard to the patient's ability to pay or immigration status.	Jan. 4, 2027: Existing Medicare patients who no longer meet the new immigration criteria will lose coverage.

Sources: American Medical Association, Minnesota Medical Association, Texas Health and Human Services Commission, National Law Program, Congress.gov