

WHAT MEDICAID CUTS WILL MEAN FOR IMMIGRANT VICTIMS OF CRIME

SURVIVORS WILL BE FORCED TO STAY WITH ABUSERS

For immigrant victims of crime, particularly victims of domestic and sexual violence, Medicaid is a bridge to safety and recovery. It allows them and their children to access routine and preventive health care and treatment for injuries, chronic conditions, or prenatal and pregnancy care. Without Medicaid, many immigrant survivors who are victims of crimes, will be forced to return to their abusers—not because they want to, but because they have no other choice. Unfortunately, the Senate’s reconciliation bill strips Medicaid eligibility for immigrant victims of crimes. This will cause immeasurable harm to people who are lawfully in this country and productive members of our communities.

If immigrant survivors lose Medicaid, they will likely be uninsured.

They will have no other options for health coverage as the Senate reconciliation bill closes off the opportunity to purchase health insurance on the marketplace too.

U.S. statutes protect immigrant victims of crime

U.S. law provides protections, including lawfully present status, for immigrants ¹ who have been victims of crimes.


Survivors of domestic violence, sexual assault, human trafficking, and other

forms of violence, can apply for protections set forth in immigration law. These protections include asylum,² Violence Against Women Act (VAWA) self-petitions,³ and U and T visas.⁴

In general, these statutory provisions allow immigrant survivors to seek safety and security for themselves and their children without the involvement of their abusers. Additionally, in the case of T and U Visa recipients, they give immigrant survivors the opportunity to assist law enforcement officers with the investigation of crimes and the prosecution of criminals.

Medicaid covers the benefits that immigrant survivors need

Medicaid is an important source of health insurance for immigrant survivors. The benefits are especially relevant and critical for survivors who have both physical and emotional healthcare needs. Medicaid covers a range of services, including prevention, treatment, the health consequences of abuse, mental and behavioral health, substance use services and two-generational support. While the specific benefits vary from state to state, Medicaid covers screening and brief counseling for intimate partner violence (IPV), mental and behavioral health services, substance use services, prescription drugs, annual well-woman visits, and emergency room services.



Medicaid
is a bridge to safety
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crime.

Medicaid protects immigrant survivors from unexpected health care costs and financial stress.

One unexpected illness or injury can mean extremely high medical bills for immigrant survivors who are uninsured. And when the out-of-pocket cost of seeing a health care provider or getting preventive services are too high, people delay or forgo care often leading to more intensive (and expensive) needs. Medicaid makes seeking and receiving health services affordable by covering the cost of health care and requiring extremely “nominal” copays. Survivors covered by Medicaid can get the services they need, when they need them, without fear of cost or surprise bills.

Medicaid helps children, including the children of immigrant survivors

Medicaid covers more than 40 percent of all births, and nearly half of all children in the United States get health care through Medicaid. Medicaid also must provide coverage for all the services a child needs through what's called Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit. For children who have witnessed or experienced violence, access to the services Medicaid covers can be essential and even life-saving, helping them recover mentally and physically, and preventing higher costs later in life.

Senate reconciliation bill eliminates Medicaid eligibility for many types of legal immigrants, including immigrant survivors of crimes

The Senate reconciliation bill eliminates Medicaid for immigrant survivors who are lawfully in this country, including refugees, asylees, parolees, certain abused spouses and children and certain victims of trafficking. (People who are undocumented are already ineligible for Medicaid.) The only immigrants who would be eligible for Medicaid would be Lawful Permanent Residents (after a 5-year or longer waiting period); certain Cuban immigrants; and individuals living in the United States under a Compact of Free Association (CoFA) and lawfully residing children and pregnant people in states that opt to provide coverage for them.

Congress must reject the Senate's attempt to eliminate Medicaid eligibility for immigrant survivors who live and work in the United States with lawful status. Without Medicaid, survivors will likely be uninsured and will be unable to purchase healthcare through the marketplace as this option is being eliminated too. The healthcare services made possible through Medicaid saves immigrant survivors' lives and helps them recover, work, and contribute to our society.

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¹ Bolter, J., Explainer: Who Is An Immigrant, Migration Policy Institute, February 2019.

<https://www.migrationpolicy.org/content/explainer-who-immigrant>

² The U.S. has a long history of providing safety and protection for individuals and families forced to leave their home countries because of persecution or a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group. Persecution can include, in some instances, fleeing gender-based violence, including domestic violence. Note: As a party to the 1967 Protocol Relating to the Status of Refugees, which binds parties to the United Nations Convention Relating to the Status of Refugees (Refugee Convention), the U.S. developed section 208 of the Immigration and Nationality Act ("INA"), 8 U.S.C. 1158 to extend asylum protections to immigrants in the U.S. who are fleeing persecution; see <https://www.dhs.gov/immigration-statistics/refugees-asylees>

³ With the passage of the Violence Against Women Act of 1994 (VAWA) and its subsequent reauthorizations, Congress provided immigrants who have been abused by their U.S. citizen or lawful permanent resident relative (a green card holder) the ability to independently petition for themselves for legal status without the abuser's knowledge, consent, or participation in the immigration process. The Violence Against Women Act of 1994, Pub. L. No. 103-222, Title IV, 108 Stat. 1902-55 (codified in scattered sections of 8 U.S.C. and 42 U.S.C.) and subsequent reauthorizations; Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, (2000); Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. No. 109-162, (2006), the Violence Against Women Reauthorization Act of 2013, P.L., 113-4, 127 Stat. 54 (2013); Violence Against Women Act Reauthorization Act of 2022 (Division W of Public Law No: 117103; 136 Stat.49).

⁴ The T and U visa programs provide a pathway for victims of crimes to come forward to assist with the investigation or prosecution of crimes. The U visa is for victims of domestic violence, sexual assault, felonious assault, and trafficking and other serious crimes. U.S. Citizenship and Immigration Services, Victims of Criminal Activity: U Nonimmigrant Status, <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-criminal-activity-u-nonimmigrant-status>. The T Visa is for victims of severe forms of trafficking in persons. These visas help immigrant survivors be safe and help law enforcement bring criminals to justice U.S. Citizenship and Immigration Services, Victims of Human Trafficking: T Nonimmigrant Status. <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-of-human-trafficking-t-nonimmigrant-status>