

Please read EVERYTHING - additional notes have been added at the very bottom.

Steve Shorr

Subject: Lawfully Present?
Attachments: www SteveShorr com Insurance2.vcf

In reference to your hypothetical concern that an employee might not be properly documented and what would happen if they applied for mandatory coverage under Health Care Reform, here my research, NOT advise.

Medi Cal and Covered CA (Individuals & Families) require participants to be lawfully present in the USA. Since we are not looking for Tax Credits or Subsidies in the Group Plan, there might not be any checking as benefits are not being requested. The employee application does not ask about immigration status. On the other hand, as discussed all your employees earn over \$25K thus requiring that they file a tax return and in 4.2015 will have to show proof of coverage, to avoid the tax penalty.

I checked with an Immigration Attorney whose assistant stated that USCIS has a website where you can verify immigration documents. If someone is using a false Social Security # a bigger issue could be identity theft. I found laws that specifically require employers to verify immigration and citizenship status of all employees hired after 1986. Somehow I think I was told that they aren't required? I will check.

This is complex law. I'm not qualified or authorized to give you legal advice. Please check with your own legal counsel. Have the hypothetical employee contact an immigration attorney.

Steve

References

My Webpage on lawfully present – Covered CA
<http://healthreformquotes.com/individual-and-family-home/companies-carriers/covered-ca-ca-exchange-for-individuals-families/covered-ca-exchange-immigration-status/>

Covered CA Application
http://www.steveshorr.com/individual_and_family/Covered.CA/pdf/covered.ca.application.CA-SingleStreamApp_66MAX_092713.pdf

Are you a U.S. citizen or U.S. national? Yes No

If you are **not** a U.S. citizen or U.S. national, answer these questions:

Do you have satisfactory immigration status? Yes *To see if you have satisfactory status, go to Attachment E on page 26 for a list. Then write the document information here. In most cases your document ID number will be your Alien Registration Number.*

Document type: _____ ID number: _____

Country of issuance: _____ Expiration date: _____

Name as it appears on the document: _____

Long Beach Immigration Attorney
<http://www.medinalaw.org/>

US Immigration Case Status
<https://egov.uscis.gov/cris/Dashboard.do>

Card/ Document Production

This step applies to applications that result in an applicant receiving a card (such as a "green card") or other document (such as a naturalization certificate, employment authorization document, travel document, or advance parole). Applications will be in this step from the time the order to produce the card/document is given until the card/document is produced and mailed to the applicant. You can expect to receive your card/document within 30 days of the approval of your application.

If you do not receive your document, please contact our National Customer Service Center at 1-800-375-5283

Must verify that workers are legal to work in USA I - 9

<http://www.uscis.gov/i-9-central/penalties>

I – 9 form

<http://www.uscis.gov/i-9>

Form I-9 is used for verifying the identity and employment authorization of individuals hired for employment in the United States. All U.S. employers must ensure proper completion of Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens

http://www.steveshorr.com/individual_and_family/Covered.CA/Certification.Seminar/Eligibility%20for%20Individuals%20and%20Families_PG_v2.0_9.4.13.pdf

- Eligibility
- Medi Cal Eligibility
 - Immigration Status
 - MAGI Modified Gross Income
 - Members of Family
 - Income of relevant members
 - Non Income ways

3.1.4 CITIZENSHIP AND IMMIGRATION STATUS

To be eligible for Medi-Cal the applicant must be a resident of the U.S. with acceptable immigration status. Acceptable

• Lawful Permanent Residents	
• Refugees seeking asylum	
• Parolees	
• Aliens whose deportation is being withheld	

VERIFICATION REQUIREMENTS

- Only those in a family who are *applying* for benefits are required to provide a Social Security number (SSN) and their immigration/citizenship status.
- Citizenship or lawful presence must be verified for everyone enrolling in:
 - Private health insurance in the state exchanges.
 - Health insurance premium tax credits.
 - Medicaid and CHIP.
- Status will be electronically verified through:
 - Social Security Administration (SSA) for citizens.
 - U.S. Citizenship and Immigration Services (USCIS) for non-U.S. citizens via the Systematic Alien Verification for Entitlements (SAVE) database.
 - If unable to verify status electronically, enrollees have an opportunity to provide other documents or to fix the records

<http://www.nilc.org/immigrantsshr.html>

Attorney's Guide to determine lawful status

http://www.steveshorr.com/individual_and_family/Covered.CA/pdf/lawyers.guide.determine.immigration.status.pdf

SHOP Employee Application

http://www.steveshorr.com/ab_1672_small_group_guaranteed_issue/SHOP.Small.Business.Health.Options.Program/shop.employee.application.CC-shop-employee-app.pdf

http://www.irs.gov/publications/p17/ch01.html#en_US_2012_publink1000170407

Table 1-1.2012 Filing Requirements for Most Taxpayers

IF your filing status is...	AND at the end of 2012 you were...*	THEN file a return if your gross income was at least...**
single	under 65	\$9,750
	65 or older	\$11,200
married filing jointly***	under 65 (both spouses)	\$19,500
	65 or older (one spouse)	\$20,650
	65 or older (both spouses)	\$21,800
married filing separately	any age	\$3,800
head of household	under 65	\$12,500
	65 or older	\$13,950
qualifying widow(er) with dependent child	under 65	\$15,700
	65 or older	\$16,850

* If you were born on January 1, 1948, you are considered to be age 65 at the end of 2012.

http://www.steveshorr.com/individual_and_family/PPACA.General.Research/Mandate/5000a.code.from.gpo.gov.pdf

(5)(C) for the calendar year with respect to which the taxpayer is

(B) Percentage of income

An amount equal to the following percentage of the excess of taxable income for the taxable year over the amount of gross income specified with respect to the taxpayer for the taxable year:

- (i) 1.0 percent for taxable years beginning in 2014.
- (ii) 2.0 percent for taxable years beginning in 2015.
- (iii) 2.5 percent for taxable years beginning after 2015.

(3) Applicable dollar amount

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6. Will the information I provide for health coverage be used to verify my immigration status?

Federal policy states that Information obtained for the determination of eligibility for health coverage, for individuals or their family members, will not be used to verify immigration status.

<http://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/Medi-CalFAQs2014b.aspx>