Eligibility for Financial Assistance on beWellnm.com: What Lawfully Present Immigrants Need to Know

NEW MEXICO | OFFICE OF SUPERINTENDENT OF INSURANCE

What are Premium Tax Credits?

Premium Tax Credits are federal tax credits that you can take in advance to help lower monthly health insurance payments on the Health Insurance Marketplace. The Health Insurance Marketplace is the place where people can shop, compare, and enroll in Qualified Health Plans. In New Mexico, the Marketplace is called beWellnm.com.

Do lawfully present immigrants qualify for federal Premium Tax Credits on the Health Insurance Marketplace?

Yes, as long as they meet all other program eligibility requirements. Here is a resource on immigration status and Marketplace coverage. Here is a list of immigration documentation types that can be used to verify immigration status.

What is the "public charge" rule?

According to the United States Department of Homeland Security, "a noncitizen who is deemed likely to become a 'public charge,' meaning that they are likely to become primarily dependent on the government for subsistence, can be denied admission or lawful permanent residence," which is also known as a "green card." In 2022, the Biden Administration rolled back public charge rules adopted by the Trump administration and made it more difficult for future administrations to change these rules in the future.

Does the public charge rule apply to federal Premium Tax Credits?

No. Even before the Biden administration rolled back the Trump administration's public charge rules, using the Premium Tax Credit and advance payments of the Premium Tax Credit were not considered grounds for inadmissibility. More information about the changes is available here: https://www.uscis.gov/public-charge.

Ultimately, receiving Marketplace Premium Tax Credits or Cost Sharing Reductions is not a negative factor for a public charge determination.

Does receiving Premium Tax Credits through the Marketplace jeopardize the visa status for student visa holders who are employed and paying taxes?

No. Student visa holders can meet the eligibility criteria for Premium Tax Credits if they live or work in the Marketplace coverage area during the time they are enrolled.

In order to maintain the ability to renew their visa, students cannot "domicile" in the United States. However, Marketplace eligibility criteria are based on where the individual lives or works rather than official domicile.

There is no sponsor liability related to receiving Premium Tax Credits through the Marketplace.

What factors could create challenges for lawfully present immigrants who want to enroll in Marketplace coverage?

Taxation issues can sometimes create challenges for lawfully present immigrants who want to enroll in Marketplace coverage. It is important to know that to claim the Premium Tax Credit, you will be required to file taxes in the US and must have either a Social Security Number ("SSN") or an Individual Taxpayer Identification Number ("ITIN") in order to enroll for Marketplace coverage.

Individuals who are married must jointly file taxes in order to qualify for federal Premium Tax Credits. Individuals on non-immigrant visas (including some student visas) may need to file taxes on Form 1040-NR because they can't meet the "substantial presence test" in their first five years in the U.S. That form currently does not allow all married couples to file jointly, which could restrict their eligibility for Premium Tax Credits. The beWellnm application will not let you claim Premium Tax Credits or other savings if you are married but do not file jointly.

Taxes are complicated. If you are married and unsure that you will be able to file jointly, you should speak to a tax professional prior to enrolling in Marketplace coverage. IRS Publication 519 contains additional information regarding tax filings for lawfully present immigrants.

If you find that you are not able to file jointly or have other concerns about tax issues, you can also opt to obtain discounted coverage through the New Mexico Medical Insurance Pool. The Pool is a state program that is available to residents of New Mexico who cannot obtain comprehensive coverage through other programs or through an employer.

I filled out a beWellnm application but need to change or cancel my application. What do I need to do?

Login to your profile, visit the "My Enrollments" page, and click "Update Application" or "Cancel Application." Your coverage and financial assistance will not start until the effective date of your coverage.

Can I get help with my Marketplace application?

Yes! Free local help is available. Set up an appointment at https://www.bewellnm.com/certified-assister/ or call 1-833-862-3935.

What else should I know about Marketplace coverage?

Starting in 2023, the State of New Mexico is providing extra premium and out-of-pocket savings to most individuals and families who enroll in coverage through beWellnm. Sign up for a Turquoise Plan to get lower deductibles, co-pays, coinsurance, and limits on your annual maximum out-of-pocket costs.

Can lawfully present immigrants or their children qualify for Medicaid?

Some lawfully present immigrants can qualify for Medicaid. Please contact the New Mexico Human Services Department to see if you or your dependents may qualify. Visit https://www.yes.state.nm.us or call 1-800-283-4465.