

## Protecting the Health of our Nation's Essential Workers: Congress Must Lift the "Five-Year Bar" on Medicaid and CHIP

As Congress continues to address the ongoing impacts of the COVID-19 pandemic, it is critical that they take immediate action to address a longstanding, unnecessary gap in health coverage by lifting the five-year bar that blocks lawfully present immigrant families from accessing insurance through Medicaid and the Children's Health Insurance Program (CHIP).

### **The five-year bar is an arbitrary, ineffective, and fundamentally misguided policy.**

Twenty-five years ago, Congress passed legislation that created an arbitrary and dangerous five-year exclusion period and additional restrictions that prevented lawfully present immigrants from accessing health insurance programs as part of a "welfare reform" effort. Today, the five-year bar prevents hundreds of thousands of people who are lawfully living, working, and paying taxes in the United States from accessing medical care and other basic needs. The hard-learned lessons of the COVID-19 pandemic have shown us the dangers of arbitrary policies that block access to basic medical care.

### **The five-year bar risks the health and safety of essential workers, their families, and all of our communities.**

Lawfully present immigrants, like so many families, have been deeply impacted by the pandemic. Roughly 6.4 million essential workers in the US are lawfully present immigrants.<sup>1</sup> Even though these workers and their families are at heightened risk for

COVID-19, they are least likely to be able to afford health coverage and much more likely to forgo testing and care for possible COVID-19 symptoms. They often have no option but to get care through already overwhelmed and more expensive emergency departments and hospital services. The pandemic is a stark reminder that, if any of us are sick, all of us are at risk. If essential workers and their families are excluded from access to affordable care, the health of our communities is at stake.

### **Congress has the power to restore affordable coverage options for millions of people.**

Two proposed legislative solutions would address the gap: the *LIFT the BAR Act* and the *HEAL for Immigrant Women and Families Act*. Both would remove the five-year bar for lawfully present immigrants, and give Deferred Action for Child Arrival (DACA) recipients access to these programs. Both pieces of legislation would restore access to health care through Medicaid and CHIP for millions of legally present immigrants who meet all of the other eligibility criteria, including income and residency requirements.

## It's time to act:

- » **Public health and safety depends on comprehensive, community-wide health coverage.** The lack of coverage for immigrants and essential workers during the COVID-19 pandemic led to more cases and a higher likelihood of death. One out of every three COVID-19 deaths and 40% of all infections were tied to health insurance gaps in surrounding communities.<sup>2</sup>
- » **Coverage gaps create ripple effects on the entire health system.** People without coverage are more likely to forgo care and to be hospitalized for avoidable health problems.<sup>3</sup> The five-year bar creates an unnecessary and increasingly unsustainable burden for the hospital system. Additionally, safety net providers — which disproportionately care for uninsured immigrants — are especially vulnerable to financial and other stresses and risk further closures.<sup>4</sup>
- » **Particularly in light of COVID-19, the five-year bar is outdated and does not align with current health care or immigration systems.** It was conceived as part of an antiquated backlash against public benefit programs at a time when the Medicaid program was a fraction of its current size and the CHIP program did not yet exist. Over the last decade, Democrat and Republican governors alike have opted to expand Medicaid and introduce programs that help increase access to care recognizing the benefits of comprehensive coverage.
- » **Providing access to coverage for individuals on legal path to citizenship worked well before 1996 change.** Eliminating the five-year bar simply restores access to health care for people who always had it before 1996 and closes an unnecessary gap in our current system.
- » **Eligible families deserve access to programs their tax dollars pay for.** Lawfully present immigrants pay billions of dollars in taxes each year that fund these health and safety net programs. If they are contributing to these programs and are otherwise eligible for them, they should be able to access them.

After 25 years, we know this policy simply doesn't work. Only Congress can rectify this oversight, and the time for action is now. As we've seen more clearly than ever during the COVID-19 pandemic, lawfully present immigrants are important members of all communities and our essential workforce. Depriving them of hard-earned access to Medicaid, CHIP, and other publicly available programs jeopardizes their health, and the health of their families and entire communities. Congress must lift the five-year bar this year.

### Endnotes

<sup>1</sup> <https://www.fwd.us/news/immigrant-essential-workers/>

<sup>2</sup> <https://familiesusa.org/resources/the-catastrophic-cost-of-uninsurance-covid-19-cases-and-deaths-closely-tied-to-americas-health-coverage-gaps/>

<sup>3</sup> <https://www.kff.org/uninsured/issue-brief/key-facts-about-the-uninsured-population/>

<sup>4</sup> [https://www.urban.org/sites/default/files/publication/103483/safety-net-hospitals-in-the-covid-19-crisis-how-five-hospitals-have-fared-financially\\_0\\_0.pdf](https://www.urban.org/sites/default/files/publication/103483/safety-net-hospitals-in-the-covid-19-crisis-how-five-hospitals-have-fared-financially_0_0.pdf)

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