

FAQ: Health Insurance and Immigration Status in New York

Noncitizen and immigrant New Yorkers often face barriers to access the medical care they need. Even those with health insurance may be denied medical care based on misinformation and misunderstanding the differences between immigration status and insurance eligibility. Below you will find answers to common questions you may have on insurance eligibility for noncitizens in New York.

Q. Are noncitizens eligible to enroll in state funded health insurance?

- Yes. According to the New York state social services law, certain **noncitizens can enroll in state-funded health insurance**ⁱ if they meet income and residency requirements.ⁱⁱ

Q. What is PRUCOL?

- PRUCOL stands for “permanently residing under color of law.” It is a health insurance eligibility category that encompasses a wide range of immigration statuses. PRUCOL is not an immigration status. To be categorized as PRUCOL in New York, the federal government must know about that person’s presence in the U.S. and must not be contemplating that person’s departure or planning deportation.ⁱⁱⁱ
- **New Yorkers that are PRUCOL**, if financially eligible, **can receive benefits through Medicaid or the Essential Plan.**

Q. Can providers consider a noncitizen patient's insurance before providing care?

- Yes, providers can consider insurance enrollment status. However, if a patient is enrolled in a health insurance plan that a provider routinely accepts, that person should not be treated differently than other insured patients based on their real or perceived immigration status. **Noncitizens enrolled in health insurance are entitled to receive the same medical care as patients who are citizens.**
- Requiring noncitizens who are enrolled in a participating health insurance plan to present additional documentation to prove their immigration status may be considered discrimination based on immigration status or national origin.
- Requesting proof of immigration status before agreeing to evaluate or provide medical care to a person who is enrolled in a participating health insurance plan may also be considered discrimination based on immigration status or national origin.

Q. Can providers consider a patient's immigration status in healthcare decisions?

- No. It **may be a violation of federal, New York State and New York City law for providers of public accommodations to discriminate against any person based on their real or perceived immigration status**, national origin, or race.^{iv} Hospitals, whether public or private, are considered public accommodations. Laws prohibiting discrimination based on national origin make it illegal to discriminate because of a person's birthplace, ancestry, culture, or language.
- In other words, medical providers cannot deny a person medical care, including organ transplants, based on immigration status alone.

Q. If a patient does not have a social security number, can providers refuse to provide treatment?

- No. New York City and federal law prohibits discrimination in healthcare settings against otherwise eligible immigrants who do not have social security numbers (SSN).^v
- **Social security numbers are not required for enrollment in health insurance.**
- Noncitizens are eligible for Emergency Medicaid, but it is not the only healthcare coverage option available to this patient population. Depending on the patient’s health insurance eligibility category, they may be able to enroll in health coverage through the New York State of Health, even without a SSN.

About NYLPI’s Health Justice Program

Founded more than 45 years ago, New York Lawyers for the Public Interest (NYLPI) pursues equality and justice for all New Yorkers. Our work activates the power of New York communities as they lead the fight to make equal justice a reality. We strive to create equal access to healthcare, achieve equality of opportunity and self-determination for people with disabilities, ensure immigrant opportunity, strengthen local non-profits, and secure environmental justice for low-income communities of color.

NYLPI’s Health Justice work brings a racial equity and immigrant justice focus to health care advocacy in New York City and State. Through our [UndocuCare](#) campaign, we provide holistic wrap-around services, comprehensive immigration and health screenings, legal representation, and organ transplant advocacy to connect seriously ill immigrant New Yorkers to healthcare.

If you have questions for our team, please call (212) 244-4664, Monday to Friday, 10:00 a.m. – 3:00 p.m.

www.nylpi.org

ⁱ Legal permanent residents, refugees, asylees, and other non-citizens who are qualified as being “lawfully present” are eligible to enroll in state-funded Medicaid, the Essential Plan, Qualified Health Plans, CHIP, and other plans offered through [New York State of Health Marketplace](#). Additionally, in New York, the term “lawfully present” for the purpose of health insurance eligibility, includes people who are “permanently residing under color of law” (PRUCOL). 18 N.Y.C.C.R. § 360-3.2(j)(ii). *See also* 18 N.Y.C.C.R. § 370.2(c)(6)(vii).

ⁱⁱ 18 N.Y.C.C.R. § 360-3.2(j)(ii). *See also* 18 N.Y.C.C.R. § 370.2(c)(6)(vii).

ⁱⁱⁱ Examples of patients that may be PRUCOL and eligible to enroll in state funded health insurance include (but are not limited to): people who have filed an immigration application that is pending, DACA applicants and recipients, applicants for asylum or withholding of removal, persons paroled in the U.S. for less than one year, persons granted stays of removal, Temporary Protected Status applicants and recipients, and noncitizens residing in the U.S. with knowledge and permission or acquiescence of U.S. Citizenship and Immigration Services and/or U.S. Immigration and Customs Enforcement.

^{iv} 42 U.S.C. § 18116; N.Y. Exec L. § 296; N.Y.C. Admin. Cod §§ 8-107(4)(a)(1); *see also* New York State Hospital Patients’ Bill of Rights, New York State Department of Health (Aug. 2019), <https://www.health.ny.gov/publications/1500/>.

^v 42 U.S.C. § 1981; N.Y.C. Admin. Cod §§ 8-107(4)(a)(1).