

NYLPI

JUSTICE THROUGH COMMUNITY POWER

MEMORANDUM IN SUPPORT OF A.3316/S.1809
February 20, 2019

New York Lawyers for the Public Interest (NYLPI) strongly supports A.3316/S.1809, which would ensure that Temporary Protected Status beneficiaries are eligible for Medicaid benefits even if the federal government ends the program.

Temporary Protected Status, or TPS, is a designation for nationals of countries experiencing humanitarian crises such as violent conflict, environmental disasters, or epidemics. TPS holders receive work authorizations and many have been in their communities for 20 years. There are an estimated 325,000 TPS holders in the U.S., with nearly 300,000 U.S.-born children. There are 33,600 people with TPS in New York who are from one of the 10 TPS-designated countries. However, the Trump Administration is aggressively moving to end TPS and has already announced the end of the program for citizens of 7 countries. Guinea, Liberia, and Sierra Leone have already lost TPS. Sudan, Nicaragua, Haiti, and El Salvador were scheduled to lose TPS between November 2018 and September 2019, although the terminations are currently enjoined because of a federal court decision that is being appealed by the Trump Administration.

Because of the Affordable Care Act, TPS holders are considered “lawfully present” and therefore eligible to enroll in qualified health plans and receive tax credits and subsidies through New York State of Health if they meet other eligibility criteria. Low-income TPS holders are eligible for the Essential Plan if they meet the income guidelines because of the state’s commitment to covering immigrant communities excluded from federal Medicaid. Additionally, many TPS holders have employer-sponsored insurance due to the work authorizations they have as a result of their immigration status. New Yorkers with TPS currently stand to lose all of these health benefits if their TPS is terminated.

It is incumbent upon New York State to stand as a bulwark against the anti-immigrant policies and rhetoric of the federal government and to protect the health insurance coverage of New Yorkers with TPS. Bills A.3316/S.1809 achieve this in part by ensuring that TPS holders are eligible for Medicaid even after their TPS is terminated. While these bills do not protect all existing coverage options for TPS holders, they represent an important step in demonstrating New York’s commitment to maintain existing immigrant health coverage options.

The consequences of losing coverage cannot be overstated. People without coverage are more likely to delay seeking preventive care for serious and chronic health conditions, avoid seeking care for fear of costs, and are at higher risk of incurring medical debt or bankruptcy. Research demonstrates that gaps in coverage lead to cost inefficiencies and waste. Individuals and families without access to coverage are more likely to be sicker and die sooner. Hospitals are asked to provide care for which they may not be reimbursed and which patients may not be able to afford on their own.

Many TPS holders are raising families, working in or starting New York State businesses, and contributing positively to their communities in myriad ways. Facilitating maintenance of health

coverage is an important step in keeping these immigrant families integrated in their communities and strengthening their ability to work, be productive, and contribute to the state and local economy.

New York has the opportunity to further cement its leadership to other states by making a firm commitment to supporting ongoing coverage of TPS holders in the face of attacks by the federal government.

NYLPI therefore firmly supports these bills.

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