



Improve Health Care Access for Lawfully Present Immigrant Adults

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Every Texan supports legislation to **include more lawfully present immigrants in Texas Medicaid**. Texas excludes most lawfully present adult immigrants from Medicaid. Only six other states do this; all other states include lawfully present immigrant adults.

Recommendations

- Include “qualified” and “lawfully present” adult immigrants in Texas Medicaid on the same terms as U.S. citizens, as 43 states already do.
- Include provisions directing this policy in Medicaid 12-month postpartum coverage and Medicaid Expansion bills.

To ensure inclusion in Texas Medicaid of adult immigrants with lawful statuses, specific legislation will be needed.

- Texas Medicaid has excluded most legal immigrant adults (19 or older) since 1997. Only six other states do this.
- Texas’ exclusion of lawful-status immigrant adults from Medicaid even extends to pregnant women with legal immigration status. These women can instead access the far more limited benefits provided to undocumented immigrant women, in the “CHIP Perinatal” program. (CHIP-P covers only pregnancy-related needs, and ends 2 months after delivery.)
 - Bills to extend Maternity Medicaid to 12 months postpartum must include authority and directive to grant Medicaid Maternity benefits to lawfully present immigrant mothers.
 - The 87th Legislature increased Medicaid Maternity from only 2 months after delivery to 6 months. Because of the current COVID-19 Medicaid coverage continuation, the Texas 2021 law has not yet been implemented.
 - [SB 124 by Alvarado, Blanco, Eckhardt, Gutierrez, Menéndez, Miles, and Whitmire](#) would include these lawfully present immigrant mothers in Maternity Medicaid coverage, with 12 months postpartum coverage.
- Similarly, unless bills to authorize Medicaid Expansion for an estimated 1.4 million uninsured Texas adults specifically provide authority and directive to grant Medicaid benefits to lawfully present immigrant adults, a Texas Medicaid Expansion bill might continue the exclusion.

Texas is one of just seven states (the other six states are Mississippi, Montana, North Dakota, South Carolina, South Dakota, and Wyoming) that exclude “qualified immigrant”

adults from Medicaid if they came to the United States after 1996. This arbitrary distinction deprives thousands of otherwise eligible members of our communities — who pay taxes, have work authorization, and have followed the complex immigration law process to become Legal Permanent Residents — from critical health care services.

An often-overlooked choice made over 20 years ago has left Texas offering no pathway to Medicaid coverage for Texas adults with lawful immigration statuses (Texas does cover immigrant children under 19 who are lawfully present in Medicaid and CHIP). The great majority of these Texas residents are legal permanent residents and on a pathway to U.S. citizenship.

Background: Immigrants in Texas

Immigrants now make up nearly a quarter (23%) of Texas' labor force, according to a [recent analysis of U.S. Census Bureau data](#), nearly double the share from three decades ago. Immigrants make up significant shares of Texas workers in construction (37%), business services (23%), manufacturing (26%) landscaping services (53%), building services (47%), meat processing (42%) , restaurant and food services (22%), and a third or more of several manufacturing industries, including those that produce plastic products and electrical products.

Less widely understood is that roughly 2/3 of Texas' immigrant labor force is lawfully present: either naturalized U.S. citizens, or lawfully present immigrants. Still, lawfully residing immigrant worker adults are denied access to critical health care coverage under Texas Medicaid.

Previous Bills Filed

- During the 77th Legislature in 2001, the Legislature passed an omnibus Medicaid bill ([SB 1156](#) by Coleman and Zaffrini) that included allowing post-1996 qualified legal immigrants to apply for Texas Medicaid (see Section 2), but that bill was vetoed by the governor.
- The 87th Legislature's [HB 734](#) (companion SB 521 by Blanco, a re-file of the 86th Legislature's [HB 4204](#) by J. González) offered Medicaid for immigrant adults with lawful status that mirrored the current (very limited) Texas Medicaid adult coverage categories for U.S. citizens, by providing coverage of (1) pregnant women, (2) a small number of legal immigrant parents with dependent children, as well as (3) some legal immigrant adults and seniors needing an institutional level of long-term care. The bill died in committee.

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