

Congress of the United States

Washington, D.C. 20515

March 21, 2014

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Sebelius:

As supporters of the Affordable Care Act (ACA) and of the efforts of the Department of Health and Human Services (HHS) to implement the requirements of the law, we are troubled to learn of the barriers that have kept an untold number of eligible immigrant families from obtaining coverage through the healthcare.gov website.

While we commend the efforts by your Department to mitigate many of the problems encountered by mixed-status families on healthcare.gov, we would like to bring to your attention those that continue to impede immigrant families from signing up for coverage. With the March 31, 2014 deadline for individuals to obtain coverage fast approaching, we hope that you will do everything in your power to remove those barriers so eligible families may obtain coverage, as is required of them under the law.

Identity Verification Barriers

The rigorous identity proofing requirement for persons enrolling through healthcare.gov have not adequately taken into consideration the needs of mixed-status families. As a result, the requirements are keeping many low-income immigrant families from moving beyond this initial step, particularly in mixed-status families in which an undocumented immigrant is attempting to enroll eligible members of their families, including U.S. citizen children. In order to create an account, an individual must first have his or her identity verified using records maintained by the credit bureau Experian. As you know, many immigrants have limited, and in some cases nonexistent, credit history, making this verification process difficult. To verify identity over the phone with Experian, immigrants are also disadvantaged because language assistance other than Spanish is unavailable at the Experian help desk.

When verification cannot be completed online or over the phone, consumers must mail or upload documents from a list of primarily U.S.-government-issued documents that many immigrants do not have. We acknowledge that HHS has expanded the types of documents that immigrants may use to prove their identity, which now include a foreign passport or foreign identity card. However, HHS could make the ID proofing process more immigrant-friendly by allowing secondary documents to be used, such as a lease. Unlike the verification process for citizenship, immigration status and income, individuals whose identity cannot be immediately verified are not allowed to proceed with the application based on their attestation—there is a hard stop in the process. The bottom line is that many low-income immigrants do not have the necessary credit

history or required documentation to be accurately verified with the method currently being used by HHS.

We ask that HHS take this fact into consideration and improve its identity proofing requirements to allow individuals without established credit histories to proceed with online applications. As there are a variety of documents that would sufficiently provide proof of identity, we further ask that HHS consider expanding the types of documentation it will accept from individuals. Finally, we ask HHS for the rationale behind instituting the rigorous identity verification process, especially for individuals applying for their eligible family members, but not themselves.

Immigration Status Verification Problems

Healthcare.gov has been designed to communicate with other federal agencies to conduct a real-time immigration status check of applicants seeking coverage through the Marketplace website. Unfortunately, the system is currently failing to accurately verify the immigration status of many eligible immigrants and naturalized U.S. citizens. While we are encouraged by some of the recent actions your Department has taken on this issue to identify improvements that can be made and ways in which consumers can bypass some of the roadblocks they are encountering, we remain concerned that the primary verification problems still have not been fixed, and consumers and assistors have been inadequately informed both of improvements that have been made, and the status of applications for which the consumer uploaded or mailed in additional documents.

We ask that HHS make a concerted effort to fix the remaining immigration status verification problems, disseminate new information to assistors and consumers regarding ways to bypass immigration status documentation barriers, and provide updates to applicants whose immigration status are still pending verification and are nearing or have passed the 90-day reasonable opportunity period.

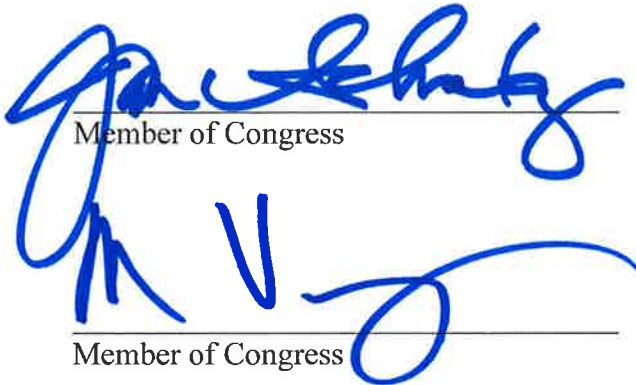
Language Access Barriers

For limited-English proficient (LEP) consumers who speak a language other than Spanish, the options for enrollment are limited. Only two out of the four avenues for enrollment—the Call Center and in-person assistance—are available to these consumers, yet reports of poor quality interpreting services through the call center’s language line and weeks long waiting lists for in-person assistance with bilingual assistors and translators indicate a dearth of language assistance services. We ask HHS to improve available language assistance services to ensure that all LEP individuals have “meaningful access” to the coverage options and assistance made available through the Affordable Care Act.

Increasing health care coverage for all Americans, including immigrants, is integral to the success of the Affordable Care Act. As such, maximizing insurance enrollment before the approaching March 31 deadline should remain a top priority for the Obama administration. We urge you to use the resources available to you to eliminate the barriers that immigrant families are facing on healthcare.gov so that they promptly enroll in coverage made available by the new health law. Additionally, we urge HHS to develop a contingency plan for immigrant families who were unable to enroll before the deadline due to these barriers. We hope that you will do

your best to make affordable health care coverage a reality for all Americans, including eligible immigrants.

Sincerely,


Member of Congress


Member of Congress


Member of Congress


Member of Congress


Member of Congress


Member of Congress


Member of Congress


Member of Congress


Member of Congress


Member of Congress


Member of Congress


Member of Congress


Member of Congress

Dr. V. Cantu
Member of Congress

Eris Falconera
Member of Congress

Linda J. Sanchez
Member of Congress

Lucille Fajal. Aland
Member of Congress

Gvette D. Clarke
Member of Congress

Charles B. Rangel
Member of Congress

Keith Ellison
Member of Congress

Rubin Hinojosa
Member of Congress

Joe E. Sosa
Member of Congress

Beto O'Rourke
Member of Congress

Green Laane
Member of Congress

Hank Johnson
Member of Congress