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H.R. 1 Changes to Immigrant Medicaid Eligibility

Updated 08/2026

Due to the 2025 federal budget law H.R. 1, on October 1, 2026, US residents in Texas with the following immigration statuses who are over 18 years old and who are currently eligible for Texas Medicaid (as long as they meet all other eligibility criteria) will no longer be eligible due to their immigration statues, even though they are still lawfully present in the US:

1. Refugees
2. Asylees
3. Temporary Protected Status
4. Entrants under the Convention Against Torture
5. Current Parolees
6. Entrants under Domestic Violence or Trafficking
7. Any other immigration status not listed in the green box below:

Immigrants with the statuses below will remain eligible for Medicaid as long as they meet all income, residency, household, and other criteria:

1. Lawful Permanent Residents (green card holders);
2. Cuban or Haitian Entrants; or
3. Entrants under the Compacts of Free Association (from Polynesia & Micronesian islands)

* Click here for a detailed chart with more specific immigration statuses listed.

Although immigrants' statuses are unchanged and they remain lawfully-present in the US, after October 1, 2026, adult immigrants with statuses in the red box above will lose Medicaid eligibility because their immigration statuses are no longer eligible for Medicaid coverage regardless of their taxpayer history. Immigrants with statuses listed in the green box above remain eligible as long as their taxpayer history (40 quarters of paying Medicare taxes) qualifies them.

The policy change for Medicaid does not affect children under 19 years old, who will remain eligible for Medicaid as long as their immigration status remains current and as long as their family income remains within eligibility guidelines.

HHSC estimates that this eligibility shift will remove Medicaid eligibility for **70,000 Texan immigrants who are either pregnant or who have disabilities**.

Affected immigrants who will lose eligibility on October 1 are currently enrolled in:

- **Pregnancy Medicaid**;
- **Disability Medicaid**;
- **Medicaid for Parents and Caretakers**; and
- **Medicare Savings Programs**.

Accidental disenrollments will happen, but community-based organizations can help children reinstate their enrollment:

While this eligibility shift should not affect children under 19 years old on Medicaid, **system changes like these often cause unintentional, accidental disenrollments** for people who are actually still eligible.

Community Health Workers, Promotores, case managers, benefits counselors, application assisters, and other direct service providers can prepare partners, staff, volunteers, patients, and clients for confusion by sharing details about this shift and **contacting HHSC to reinstate Medicaid enrollment for children whom the agency accidentally removes from enrollment.**

For children accidentally disenrolled, **Reinstate, don't reapply!**

For children accidentally disenrolled, Medicaid application assisters should help families reinstate Medicaid, not reapply.

Under CMS rules published April 8, 2026, states must complete the process of removing newly-ineligible immigrants by October 1, 2026. This process is different from HR 1's SNAP eligibility processing, which affects immigrants in the same categories.

- For SNAP, HHSC will remove ineligible immigrants on a rolling basis based on renewal dates;
- For Medicaid, HHSC must remove all ineligible immigrants by the October 1, 2026 deadline;

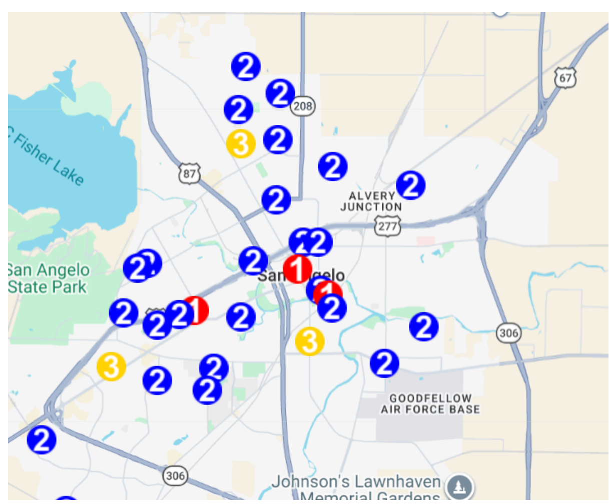
- In **May 2026**, HHSC sent letters to the estimated 70,000 immigrants in Texas who could lose Medicaid eligibility in October due to this shift;
    - Responding to the letter with an attestation of eligible status opens a 90-day Reasonable Opportunity Period (ROP)
    - During the ROP, enrollees for whom HHSC must verify eligible status must send HHSC documentation of current, eligible status (which will be limited to those in the green box above).
- **Immigrants with statuses in the categories in the red box on Page 1 above should not be losing coverage right now (August 2026).**

Other coverage options (through December 31, 2026):

1. **For people losing pregnancy Medicaid**: employer coverage via Special Enrollment Period (SEP), Marketplace coverage via SEP, CHIP Perinatal; note: CHIP Perinatal does not offer postpartum coverage like pregnancy Medicaid (it covers two visits for postpartum medical care);
2. **For people losing disability Medicaid**: employer coverage via SEP, Marketplace coverage via SEP;
3. **For people losing Medicaid for Parents and Caretakers**: local county programs, FQHC sliding fee-scale programs, and charitable clinics.

Help with health care applications and with finding/using health care programs: HHSC's Community Partner Program (CPP) certifies community-based organizations around the state to help Texans find and use affordable health care, food, and other support and benefits programs. The CPP directory is linked here for searching by county or zip code for a nearby CPP. CPP staff can help with applications for family members who are still eligible for Medicaid, CHIP, SNAP, and other programs (and for helping to understand who is still eligible).

** **Tip: Tier 3 CPPs** (marked in yellow on the example to the right) have access to more HHSC information on case status and can help applicants login to their YourTexasBenefits.com accounts. CPPS with Tier 1 and Tier 2 status don't have that same access.



People losing Medicaid or CHIP due to eligibility changes can contact **Certified Application Counselors (CACs) and health care Navigators**, who can help community members learn about transitioning to coverage through employers, the health insurance Marketplace, and/or eligibility through the Social Security Administration. Most CACs and Navigator organizations are also CPPs but not all. A list of Texas Navigator organizations is linked here. Most offer virtual or phone-based appointments, and all offer services in multiple languages.

Upcoming Changes to Marketplace Health Insurance

After December 31, 2026, H.R. 1 also causes immigrants in the categories listed above to be **ineligible for subsidies to help them purchase Marketplace health insurance plans.** Immigrants who are lawfully-present can purchase Marketplace health insurance plans, but they will not qualify for the subsidy tax credits that make those plans affordable. Most immigrants will not be able to afford unsubsidized plans.

Some immigrants who opt into Marketplace coverage from October to December 2026 may want to seek employers that offer health insurance (including part-time employers that offer health insurance) during the time frame during which they have coverage through the Marketplace.

** People who enroll in **CHIP Perinatal** to replace pregnancy Medicaid will be able to keep CHIP Perinatal after December 31, 2026.

For immigrants who are losing coverage by September 30, 2026 or by December 31, 2026:

1. Access medical, dental and vision care now, before coverage ends on October 1, 2026.
2. Refill prescriptions (some states allow a 3 month supply for certain medications) before coverage ends on October 1, 2026.
3. Acquire durable medical equipment (e.g. mobility aids, respiratory equipment, supplies for diabetes and other conditions) before coverage ends on October 1, 2026.
4. Identify health clinics to access free or lower cost primary and specialist care: local county programs, FQHC sliding fee-scale programs, and charitable clinics.

5. For people who need to use the emergency room, ask to speak with a social worker about charity care options for people without health insurance who use the emergency room.
6. For people who already have medical debt or who take on medical debt while uninsured, organizations like DollarFor.org can help structure debt so it's manageable.

Eligibility by status and timeline / Chart linked here.

HR 1 Changes to Eligible Categories Summary Table	Programs	Medicare	Marketplace Subsidies (below 100% FPL only)	Medicaid and CHIP
		MC	MP	M/C
Effective Dates	Eligibility Before HR 1	July 4, 2025	January 1, 2026	October 1, 2026
Categories Eligible for Benefits				
Lawful Permanent Residents (LPR/green card holder) subject to 40 quarter work hours for Medicaid	MP, M/C, MC	✓	x	✓
Certain Cuban and Haitian entrants	MP, M/C, MC	✓		✓
Individuals from Compact of Free Association (COFA) nations	MP, M/C, MC	✓		✓
Children under "ICHIA" option	M/C			✓
Refugees	MP, M/C, MC	x		x
Asylees	MP, M/C, MC	x		x
Victims of domestic violence (battered spouse, child, and parent)	MP, M/C, MC	x	x	x
Trafficking survivor and his/her spouse, child, sibling, or parent	MP, M/C, MC	x	x	x
Temporary Protected Status (TPS)	MP, MC	x		
Granted withholding of deportation or withholding of removal	MP, M/C, MC	x		x
Parolees admitted for humanitarian reasons	M/C, MC	x		x
Conditional entrant granted before 1980	MP, M/C		x	x
Paroled into the US for at least one year	MP, M/C		x	x
Afghan/Iraq special immigrant visas	MP, M/C			x
Member of a federally recognized Indian tribe	MP, M/C			x
Native American tribal members born in Canada	MP, M/C			x
Additional Categories (Marketplace only)				
Deferred Enforced Departure (DED)	MP			
Deferred Action (including DACA)	MP			
Paroled in the US for less than one year	MP			
Individuals with nonimmigrant status, including worker visas (H1, H2-A, H-2B) student visas, U-visa, T-visa and others.	MP			
Administrative stay of removal	MP			
Lawful temporary resident	MP			
Family unity beneficiary (section 1504 LIFE Act Amendments)	MP			
Special immigrant juvenile status (SIJS)	MP			
Granted employment authorization document (EAD, work permit, or I-766)	MP			
Applicants for certain status (including LPR, SIJS and T visas)	MP			

Feedback or Questions? Contact Lynn Cowles, Director of Health and Food Justice at Every Texan / cowles@everytexan.org / 512-522-3220