



Legislation Details (With Text)

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Res. No. 781

Resolution calling upon the United States federal government to preserve immediate and non-contingent Medicaid eligibility for children born in the United States to undocumented immigrants.

By Council Members James, Foster, Gonzalez, Mealy, Palma, Seabrook, Vann and Weprin

Whereas, On February 8, 2006, President George Bush signed the Deficit Reduction Act of 2005 (“DRA”), which requires applicants for and recipients of Medicaid who are United States citizens to provide documentation verifying their citizenship; and

Whereas, Prior to the enactment of the DRA, children born in the United States to low-income, undocumented immigrants were automatically entitled to health insurance through Medicaid as United States citizens; and

Whereas, Also prior to the enactment of the DRA, once a woman received emergency care under Medicaid for the birth of a child, the child was deemed eligible for coverage for one year from the date of birth; and

Whereas, Now, under the DRA, a Medicaid application must be filed for U.S. born children of undocumented immigrants that certifies an infant's citizenship before permitting the infant to receive Medicaid despite the fact that the child was born in the United States; and

Whereas, Obtaining a birth certificate and filing a Medicaid application can be a lengthy process which could prevent an infant from receiving medical care during the first months of its life; and

Whereas, An undocumented immigrant parent may forego the application process out of fear of immigration authorities; and

Whereas, Pediatricians maintain that continuous health coverage during the first year of life is critical because newborns require care right from the start; and

Whereas, According to Dr. Jay Berkelhamer, president of the American Academy of Pediatrics, the policy articulated in the DRA "punishes babies who, according to the Constitution, are citizens because they were born here" and "will cost the health care system more in the long run" because children of undocumented immigrants may go without immunizations, preventive care and treatments needed in the first year of life; and

Whereas, Doctors, children's hospitals and advocacy groups have been urging states to uphold the pre-DRA policy of immediate eligibility for all U.S. born children, which was set forth in a 1984 federal law that that passed with bipartisan support; and

Whereas, By virtue of being born in the United States, a child is a United States citizen and the federal government should not require additional proof; and

Whereas, The new policy stemming from the ratification of the DRA will have a detrimental impact on the countless children born in the United States to undocumented immigrants; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States federal government to preserve immediate and non-contingent Medicaid eligibility for children born in the United States to undocumented immigrants.

JPV/DLV

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