Affordable Care Act (ACA) FAQ for Nonimmigrant Students and Scholars

What is the Law?

The Patient Protection and Affordable Care Act (Affordable Care Act – ACA requires individuals who do not maintain “minimum essential health coverage” to make an additional payment to the Internal Revenue Service when they pay their taxes, unless they are exempt.

Are F-1 and J-1 status individuals subject to the individual mandate?

For lawfully present aliens such as F-1 and J-1 visa holders and their dependents, it is the alien’s tax status that determines whether he or she is subject to the individual mandate. If you will be filing your taxes as a non-resident alien for tax purposes, then you are exempt from the law. However the individual nonimmigrant should not exceed the time specified by the IRS substantial presence test.

What is the Substantial Presence Test?

A person must be physically present in the US for 31 days during the current year AND 183 days during the 3-year period that includes the current year and 2 years immediately before that counting. Individuals, who have stayed in the US for more than 5 years in J and F category, may not fall under the nonresident alien status. However there are exemptions to this rule.

Does CUA health insurance plan meet the requirements of ACA?

The CUA health insurance plan meets the requirements of ACA with the exception of the contraceptive requirement.

What is the Health Insurance Marketplace?

Health insurance market places are organizations that help purchase of health insurance. Individuals who qualify for ACA or who want ACA insurance can access the market place to purchase individual coverage. Lawfully present nonimmigrants who are exempt from individual mandate would qualify for market place coverage through state exchanges. For more information about the market place please go to www.healthcare.gov.

For more detailed information go to:

NAFSA

Healthcare.gov