

June 23, 2023

Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Via regulations.gov

Re: Proposed Rule Clarifying Eligibility for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, a Basic Health Program, and for Some Medicaid and Children's Health Insurance Programs

Administrator Brooks-LaSure:

The following organizations focused on improving the lives of immigrants strongly support the Centers for Medicare and Medicaid Services' (CMS) proposal to end the exclusion of Deferred Action for Childhood Arrivals (DACA) recipients from eligibility for health insurance coverage and subsidies under the Affordable Care Act (ACA) and other public health insurance programs. We further support CMS' proposal to implement clarifications and technical corrections that will simplify coverage enrollment for additional categories of noncitizens.

For more than a [decade](#), DACA has protected more than 800,000 individuals living in the U.S. [Today](#) about 580,000 recipients benefit from it. Yet due to a 2012 CMS decision, recipients have been excluded from the health coverage that could have supported their ability to survive and thrive. We believe CMS is correct in choosing to rectify that decision given that other deferred action recipients have never been excluded and that doing so will better allow DACA recipients to contribute to the country they call home.

As DACA recipients are [uninsured](#) at a rate three times higher than the general population, many without access to mental health support and holding concerns about the costs of medical care, this rule will do much for them and their families. Since being granted DACA, recipients [have](#) become employed, found opportunities that better fit their skills, and improved their earnings. A [majority](#) of DACA recipients are employed, and three-quarters of DACA recipients in the workforce are essential workers, including 45,000 health care providers, administrators, and staff and 20,000 educators.

We also support the proposed rule's clarifications that will reduce barriers to health care for additional groups of immigrants. The proposals would simplify enrollment for many applicants, including vulnerable children such as recipients of Special Immigrant Juvenile Status and children under the age of 14 with pending applications for asylum, withholding of removal and relief under the Convention Against Torture (CAT). In addition, the proposals to eliminate restrictive language around eligibility for those with a pending application for adjustment of status or with employment authorization will help reduce complexity for those navigating an already complex process.

We additionally support the proposal to replace the outdated and pejorative term "alien" with the more specific term "noncitizen." The word "alien" leads to [stigma](#) and othering of people not

born in the United States. Adopting this change would also align with modern Department of Justice [practices](#).

We encourage CMS to eliminate the requirement that adults and older youth applying for asylum, withholding of removal and relief under the CAT obtain employment authorization before being considered lawfully present. Adults and older youth seeking humanitarian protections, many of whom experience physical and mental health impacts from their experiences, should not face barriers to receiving health care.

The proposed rule includes an effective date of November 1st to align with the annual ACA open enrollment period. The final rule should have an effective date sooner, if possible, and no later than November 1st. With DACA under threat and the increased wait times at USCIS, immigration relief recipients and applicants cannot wait for health care.

Thank you,

National Immigration Law Center

United We Dream

AAPI Equity Alliance

ACA Consumer Advocacy

Alianza Americas

Alliance for a Better Community

America's Voice

American Psychological Association Services

Asian Americans Advancing Justice | AAJC

Asian Resources, Inc

Association of Asian Pacific Community Health Organizations (AAPCHO)

Association of Clinicians for the Underserved (ACU)

Bend the Arc

Bend the Arc: Jewish Action

Bend the Arc: Jewish Action, SoCal

Breakthrough Central Texas

California Immigrant Policy Center (CIPC)

Care in Action

CASA

Coalition for Humane Immigrant Rights (CHIRLA)

Colorado Consumer Health Initiative

Colorado Cross-Disability Coalition

Colorado Immigrant Rights Coalition (CIRC)

Community Catalyst
Community Change Action
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Diocesan Migrant and Refugee Services Inc
Doctors for America
Doctors For Camp Closure
Dorothy Day Catholic Worker, Washington DC
Drug Policy Alliance
Ensuring Opportunity Campaign
Equality California
Every Texan
Florence Immigrant & Refugee Rights Project
Freedom Network USA
Grantmakers Concerned with Immigrants and Refugees
Harvard Medical School
Healthy Contra Costa
Hispanic Federation
Human Rights Campaign
Immigrant Legal Center
Immigration Hub
ImmSchools
Indivisible Brooklyn
Inland Empire Immigrant Youth Collective
Inland Equity Community Land Trust
Interfaith Welcome Coalition - San Antonio
Iowa Migrant Movement for Justice
Jakara Movement
Just Neighbors
Justice Action Center
Justice for Our Neighbors Michigan
Justice For Our Neighbors North Central Texas
Korean Resource Center (KRC)
Latino Coalition for a Healthy California
Latino Community Foundation

Maryknoll Office for Global Concerns
Massachusetts General Hospital
Maternal and Child Health Access
MiraCosta College
Multi-faith ACTION Coalition
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Jewish Women
National Domestic Workers Alliance
National Immigrant Justice Center
National Korean American Service & Education Consortium (NAKASEC)
National Network for Immigrant and Refugee Rights (NNIRR)
Nebraska Appleseed
NETWORK Lobby for Catholic Social Justice
New York Immigration Coalition
PhD dreamers
Pre-Health Dreamers
Presbyterian Church USA
Presidents' Alliance on Higher Education and Immigration
Silver State Equality-Nevada
Sisters of Mercy of the Americas - Justice Team
SoCal PICRT
Sojourners
Somos Un Pueblo Unido
South Asian Network
Tennessee Immigrant & Refugee Rights Coalition
The Resurrection Project
U.S. Committee for Refugees and Immigrants (USCRI)
UndocuBlack Network
UnidosUS
Unitarian Universalists for Social Justice
United Latino Voices of Contra Costa County
Witness at the Border
Young Invincibles