

New Eligibility - Deferred Action for Childhood Arrivals

Earlier this year, the U.S. Department of Health and Human Services, through the Centers for Medicare & Medicaid Services (CMS), finalized [a rule](#) that will expand access to health care for Deferred Action for Childhood Arrivals (DACA) recipients. The rule ensures DACA recipients will no longer be excluded from eligibility to enroll in a Qualified Health Plan (QHP) through the Affordable Care Act (ACA) Health Insurance Marketplace with financial assistance.

Why was this new rule introduced? This new rule supports the Affordable Care Act (ACA)'s goals of increasing access to health insurance and improving the health and well-being of people by providing access to affordable, quality health coverage for many uninsured DACA recipients.

What does the new rule say: The rule changed the definition of "lawfully present" to include DACA recipients for purposes of determining eligibility for coverage through the Marketplace, including advance payments of the premium tax credit (APTC) and cost-sharing reductions (CSRs). It also made other technical changes to eligibility for certain other noncitizens applicable to Marketplace coverage. The rule does not change the definition of "lawfully present" for the purposes of determining eligibility for Medicaid, known as MaineCare.

Who is impacted? As a result of this rule, The Office of Health Insurance Marketplace (OHIM), will treat Maine residents with DACA status the same as other individuals granted deferred action for purposes of eligibility for coverage through a Marketplace plan.

When does this take effect? The rule will be effective beginning November 1, 2024.

How does someone apply for coverage? Individuals with DACA status may apply for coverage through CoverME.gov in two different ways:

- Using the Special Enrollment Period (SEP) "Gained US Citizenship or Legal Immigration Status" individuals may begin applying on 11/1/24 to enroll in coverage beginning 12/1/24.
- During Open Enrollment (11/1/24 – 1/15/25) individuals can use the standard Open Enrollment process. Individuals must apply by December 15th for coverage beginning January 1, 2025, and by January 15th for coverage beginning February 1st.

Is there anything different about how these applications will be processed? The Federal Data Services Hub (which we use to verify immigration status) will not be updated and will continue to return whether someone is lawfully present based on whether they are considered lawfully present for Medicaid purposes. Therefore, CoverME.gov will implement new processes to correctly identify and verify DACA recipients who are impacted. This will require a manual verification process that will be done internally.

What happens if an application is referred to MaineCare due to income levels? When an individual completes their application, based on their reported income, it may be sent to the Office of Family Independence (OFI) for a MaineCare determination. Due to system limitations, we are unable to prevent the application being sent over, even though we know the individual will not qualify for MaineCare. In this case the individual should call the CoverME.gov Consumer Assistance Center (1-866-636-0355 TTY: 711, select 4 for language assistance) to report they will be denied MaineCare. They do not need to wait to get the denial for MaineCare before contacting CoverME.gov.

Is there assistance to help individuals apply? There are a number of ways individuals can receive assistance:

- The Consumer Assistance Center is available to help individuals complete an application. They can be reached at 1-866-636-0355 TTY: 711, select 4 for language assistance
- In addition, we have free local help available through our state-wide network of enrollment assistors and insurance brokers. You can find more information about those resources [here](#).

Could applying for coverage affect my immigration status or that of someone in my household? Enrolling in coverage will have no impact on an individual's or their family members' immigration status, or ability to adjust status in the future. For individuals in a mixed-immigration status household you are not required to provide information on immigration status for anyone who is not seeking coverage.

***Note:** A lawsuit has been filed challenging this rule. Initial hearings were held on October 15th. At this time, CMS is advising we move forward as planned. We will monitor as the lawsuit moves through the courts and do not anticipate any action before the start of open enrollment.*