



Deferred Action for Childhood Arrivals (DACA) FAQs for Enrollers

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References and Resources



Deferred Action for Childhood Arrivals (DACA) FAQs for Enrollers

**Covered California is monitoring the pending litigation seeking to block this new rule; we will promptly share updates on any developments and their potential impact on consumers, closely working with enrollment partners to ensure awareness.*

General Questions

What is Deferred Action for Childhood Arrivals (DACA)?

Deferred Action for Childhood Arrivals (DACA) is a U.S. immigration policy that allows certain undocumented immigrants who came to the United States as children to receive a deferred action from deportation and become eligible for a work permit. To be eligible for DACA, an individual must meet certain criteria set by the [U.S. Citizenship and Immigration Services \(USCIS\)](#).

Throughout its history, DACA has helped hundreds of thousands of undocumented immigrants who were brought to the U.S. as children, often called “Dreamers.” It stops them from being deported and allows them to work in the United States. Nonetheless, DACA does not offer a way to permanent residency or citizenship. This means that those under DACA are in a provisional state of protection, which can change depending on the political and legal climate.

What does Deferred Action mean?

Deferred action refers to a discretionary decision by immigration authorities to postpone the removal (deportation) of an individual who is unlawfully present in the United States. This does not provide legal status but grants temporary relief from deportation and allows the individual to remain in the country for a specified period. During this time, individuals may also be eligible for employment authorization. DACA is a notable example of deferred action, which provides such relief to individuals who were brought to the U.S. as children and meet specific criteria.

How many people will the DACA final rule impact?

The Center for Medicare and Medicaid Services (CMS) estimates that as many as 124,000 uninsured DACA recipients would be enrolling in coverage. It is estimated that about 40,000 DACA recipients in California will be eligible for coverage. Although there is no way to be entirely sure of the exact number of individuals who would apply for coverage, Covered California will be ready to serve them.

Qualifying for Healthcare Coverage through Covered California

How does the New Rule impact Covered California?

The new final rule published by CMS on May 3, 2024, modifies the definition of lawful presence to include DACA recipients, allowing them to enroll in a health plan and receive financial help through Covered California as of November 1, 2024*, if otherwise eligible. (The rule explicitly excludes Medicaid and CHIP from this change.) However, under existing state law, individuals with DACA status are eligible to receive full-scope Medi-Cal in California if they meet all other program eligibility requirements.



Deferred Action for Childhood Arrivals (DACA) FAQs for Enrollers

How does a DACA recipient qualify for healthcare coverage through Covered California? Which documents are required?

Beginning November 1, 2024*, individuals with DACA status will be recognized as lawfully present in the U.S. for purposes of enrollment in coverage and receiving financial help through the Affordable Care Act (ACA) healthcare marketplaces. To qualify for healthcare coverage through Covered California, they must meet the same [eligibility criteria](#) as anyone else who is considered lawfully present.

Like other applicants, Covered California will check lawful presence by matching the information from the application against the federal data sources. DACA recipients will be required to provide either document information or a copy of their documents to show proof of immigration or lawful presence. Alongside the [documents already accepted to verify immigration status](#), DACA recipients can also submit the following:

- **Notice of Action (Form 1-797) (showing approval of "Deferred Action for Childhood Arrival" status):** issued by U.S. Citizenship and Immigration Services to communicate immigration status.
- **Employment Authorization Document (EAD) (1-766) (annotated with a "C33"):** indicates the granted authorization for the DACA recipients to work in the United States.

DACA recipients are encouraged to provide the document information during the application process. If additional information is needed, they may provide copies of their documentation after they submit their application.

What happens if an individual cannot provide the required documents?

If an individual is unable to provide the necessary documents at the time of application, DACA recipients will be given a conditional eligible status, if they meet all other eligibility requirements.

- They will have 95 days from the initial start date of their application to provide the required documents, including proof of lawful presence.
- This is known as the Reasonable Opportunity Period (ROP), which provides consumers additional time to submit required documentation.
- If a consumer is unable to provide documents after the 95-day ROP, the consumer may be offered two separate 30-day extensions, not to exceed 60 days.
- During this timeframe, the consumer is shown in either a *Pending* or *Not Verified* status, and conditionally eligible for a Covered California health insurance plan.
- The consumer can enroll in a plan and receive financial help during the Reasonable Opportunity Period (ROP).



Deferred Action for Childhood Arrivals (DACA) FAQs for Enrollers

How will the Reasonable Opportunity Process (ROP) apply to DACA recipients? Are they going to remain the same?

The ROP process will apply to DACA recipients in the same manner as other applicants. However, due to system constraints, DACA recipients may initially be placed in a Reasonable Opportunity Period (ROP) to provide them access to enrollment for healthcare coverage and financial help.

Why did DACA recipients not qualify for Qualified Health Plan (QHP) enrollment before the new rule?

Under the federal rules, only citizens and lawfully present immigrants are eligible to enroll in healthcare coverage and receive subsidies through the ACA healthcare marketplaces. Before the new rule, DACA recipients were not considered “lawfully present” and therefore were not eligible.

As Covered California works towards ensuring DACA recipients' access to Healthcare Coverage, is it possible for a DACA recipient to subsequently lose eligibility and coverage due to future changes made to their legal status?

Before the final rule, DACA recipients were not considered “lawfully present” for purposes of enrollment in health insurance through Covered California. They might have been eligible for Medi-Cal but could not enroll in health plans offered by Covered California due to how their legal status was treated under the law before this ruling. Depending on a person's situation, they might switch between being eligible for Medi-Cal and Covered California.

If a person obtains a different type of legal status or becomes a citizen, this does not affect their eligibility. They would just need to update their legal status on their application. However, if someone loses their DACA status or any other type of legal status under the law, they would no longer be eligible for enrollment through Covered California.

Covered California operates within the framework of federal and state laws and regulations. This means that changes are always possible, and Covered California is ready to adapt as necessary.

Does the final rule apply only to current DACA recipients, or does it also extend to individuals currently in the process of obtaining DACA status? In other words, does this rule affect both existing and future DACA recipients?

The final rule applies only to individuals who already have approved DACA status. According to the [USCIS](#), individuals with DACA can maintain their status and are eligible to apply for (and receive) renewal. However, new applications for DACA cannot be approved at this time. Although the USCIS will accept new applications per current court orders and [8 CFR 236.22](#), new applications will not be processed.

Individuals with questions about their DACA status can contact USCIS at (800) 375-5283.



Deferred Action for Childhood Arrivals (DACA) FAQs for Enrollers

Implementation of the Final Rule and Important Dates

What is the effective date for the new final rule?

The final rule will become effective on November 1, 2024*. Starting from this date, individuals under the DACA program will be granted a new legal status, being recognized as “Lawfully Present.”

When will DACA recipients be eligible to apply for enrollment into Covered California?

DACA recipients will be eligible to apply for enrollment in Covered California starting November 1, 2024*. Newly eligible individuals can use the “gained lawful presence” [Qualifying Life Event \(QLE\)](#), which will allow the use of a Special Enrollment Period (SEP) to enroll in a Qualified Health Plan through Covered California. Individuals will have 60 days to select a plan. Those applying in November 2024 can start coverage as early as December 1, 2024, and December applicants can start as early as January 1, 2025, if all other eligibility criteria are met. Certain DACA recipients may begin coverage as early as November 1, 2024, but for most applicants, the earliest start date is December 1, 2024.

How can individuals get coverage earlier than December 1, 2024?

Typically, if a DACA recipient applies for coverage due to newly gaining lawful presence and selects a plan in November 2024, their coverage would start on December 1, 2024. However, coverage may be effective sooner under certain circumstances. If a DACA recipient applies in November due to a different QLE that allows for retroactive coverage, such as birth or adoption or an error or misconduct, their coverage could start as early as November 1, 2024, the date they will gain lawful presence under the new rule. The soonest available start date is no earlier than the effective date of the final rule, which is November 1, 2024.

Can DACA recipients still enroll in a Qualified Health Plan (QHP) after the 60-day Special Enrollment Period (SEP) has passed?

Yes, DACA recipients may still enroll after the 60-day SEP has passed. The 60-day SEP begins November 1, 2024, and lasts through December 31, 2024, which overlaps with Covered California's Open Enrollment period (November 1, 2024 — January 31, 2025). After the 60-day SEP has passed on December 31, 2024, DACA recipients can still apply during the Open Enrollment period through January 31, 2025. However, after the Open Enrollment period ends, DACA recipients can no longer enroll in a QHP or change their QHP using the “gained lawful presence” QLE. They must have a valid QLE to enroll or wait until the next Open Enrollment period, which begins on November 1, 2025.



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If a DACA recipient enrolls for 2024 coverage, how can they renew their healthcare coverage for plan year 2025?

DACA recipients will be included in the standard renewal process. In December 2024, Covered California will automatically renew individuals who are enrolled in coverage for the 2024 plan year in the same manner as other Special Enrollment Period (SEP) cases.

Additionally, the 60-day newly gained lawful presence SEP for DACA recipients overlaps with Covered California's Open Enrollment period. Consumers who apply for 2024 coverage may also actively submit their application or renew their coverage for 2025.

How will these applications be processed in the California Healthcare Eligibility, Enrollment, and Retention System (CalHEERS)?

When the DACA new final rule was first proposed in 2023, Covered California implemented a configuration in CalHEERS that would allow these consumers to be evaluated for Exchange programs. This configuration remained off while awaiting the rule to be finalized.

Covered California aims to turn on this configuration effective November 1, 2024, in alignment with the final rule's effective date. Once turned on, any applicant who attests to DACA status and whose income is over the Medi-Cal limits will be evaluated for Covered California eligibility, including Advanced Premium Tax Credits (APTC) and Cost Sharing Reductions (CSR). These consumers will be indistinguishable from any other enrollee as there will be no indication of their immigration status on the Electronic Data Interchange (EDI) 834 form.

References and Resources

- Final Rule: [Clarifying the Eligibility of Deferred Action for Childhood Arrivals \(DACA\) Recipients and Certain Other Noncitizens for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a Basic Health Program](#)
- Code of Federal Regulations: [eCFR. 8 CFR 23622 — Discretionary determination](#)
- [U.S. Citizenship and Immigration Services Frequently Asked Questions on DACA](#)
- [Department of Health Care Services — DACA Rescission Frequently Asked Questions](#)
- [Covered California Understanding Reasonable Opportunity Period \(ROP\) & Auto-Discontinuance](#)

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