



Elizabeth G. Taylor
Executive Director

February 9, 2015

Via email

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RE: Call for Ideas: Help Shape a Federal Immigrant and Refugee Integration Strategy

Daniel Cody
Reed Smith, LLP

Dear Director Muñoz and Director Rodríguez,

Marc Fleischaker
Arent Fox, LLP

The National Health Law Program (NHeLP) is a public interest law firm working to protect health rights and advance access to comprehensive, quality healthcare for low-income and underserved people. The oldest non-profit of its kind, NHeLP advocates, educates, and litigates at the federal and state levels.

Robert B. Greifinger, MD
John Jay College of
Criminal Justice

We thank the White House Task Force on New Americans for the opportunity to provide input on the Task Force's federal immigrant integration strategy and plan. We applaud President Obama for taking executive actions to fix our nation's broken immigration system by broadening administrative relief for immigrants and promoting civic integration.

Miriam Harmatz
Florida Legal Services

NHeLP believes that healthy communities are the foundation of a safe and productive society. Healthy communities can only exist if we provide pathways for the meaningful involvement of its newest members. As such, **we urge the Task Force to allow individuals granted relief under the President's Immigration Accountability Executive Actions to participate in affordable health coverage options under the Affordable Care Act (ACA), and Medicaid and**

the Children’s Health Insurance Program (CHIP) in states that have taken up CHIPRA expanded coverage options.

The Affordable Care Act has provided 9.5 million Americans with high-quality affordable health insurance coverage. Many of the new enrollees are lawfully present immigrants, which includes other individuals granted deferred action. Yet, two months after President Obama announced the Deferred Action for Childhood Arrivals (DACA) program in June 2012, the Department of Health and Human Services (DHHS) issued regulations and guidance excluding DACA grantees from affordable health insurance options that are available to other non-DACA individuals also granted deferred action.¹ Prior to August 2012, DACA recipients were eligible for the same health programs that are afforded to other lawfully present immigrants, including those with a similar form of deferred action. This exclusion has carried into the recently announced expanded DACA and Deferred Action for Parents of Americans and LPRs (DAPA) programs.

We believe the exclusion lacks policy justification and undermines the spirit and primary goal of the ACA, namely, expanding access to affordable health coverage for uninsured individuals. Excluding DACA and DAPA recipients from Medicaid, CHIP and the health insurance marketplaces will not eliminate their need for health care; it only shifts the cost burden of their care to health care providers and local and state governments, and in turn taxpayers. Restoring eligibility for DACA recipients, however, would mean allowing a population of generally younger, healthier individuals to pay for health insurance in the marketplaces, spread the risk across a larger pool of covered individuals, and thereby lower the cost of health care for everyone. Providing DACA and DAPA recipients with equitable health care access as other lawfully present immigrants will also reduce confusion for immigrant families seeking to enroll in health insurance marketplace plans, particularly those in mixed-status families.

Immigrants should be treated fairly by having access to the health programs their tax dollars support. As President Obama stated in his Presidential Memorandum establishing the Task Force, “Our success as a Nation of immigrants is rooted in our ongoing commitment to welcoming and integrating newcomers into the fabric of our country. It is important that we develop a Federal immigrant integration strategy that is innovative and competitive with those of other industrialized nations and supports mechanisms to ensure that our Nation’s diverse people are contributing to society to their fullest potential.” Allowing DACA and DAPA recipients to participate in the ACA’s affordable coverage options, and Medicaid and CHIP at state option, is an essential tool to ensuring these hard-working immigrants are able to optimize their full potential as new Americans.

¹ See Center for Medicaid and CHIP Services, Letter to State Health Officials SHO# 12-002, August 28, 2012, and [75 FR 45029](#), July 30, 2010, as amended at [77 FR 52616](#), Aug. 30, 2012 excluding DACA recipients from the definition of “lawfully present”.

If you have any questions or need any further information, please contact Erin Armstrong (armstrong@healthlaw.org; 202-289-7661), Staff Attorney, at the National Health Law Program.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth G. Taylor". The signature is written in a cursive style with a long horizontal stroke at the end.

Elizabeth G. Taylor,
Executive Director