Delivered electronically to Secretary@HHS.gov

May 6, 2020

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

RE: REQUEST TO RESTORE ACA ACCESS FOR DACA RECIPIENTS IN LIGHT OF COVID-19

Dear Secretary Azar:

The 284 undersigned national, state, and local organizations in the areas of immigration, health, civil rights, human rights, labor, faith, and education respectfully request that you direct the U.S. Department of Health and Human Services (HHS) to restore access to benefits under the Patient Protection and Affordable Care Act (ACA) for Deferred Action for Childhood Arrivals (DACA) recipients in light of the COVID-19 pandemic. Access to COVID-19 testing and treatment for DACA recipients and their U.S. citizen children is absolutely critical during this pandemic, particularly for the 27,000 DACA recipients employed as healthcare practitioners and supporting occupations on the front lines of responding to COVID-19. Specifically, we request that you direct HHS to issue a Notice of Proposed Rule Making (NPRM) that would repeal 45 C.F.R. § 152.2(8), which excludes DACA recipients from the definition of “lawfully present” and, consequently, benefits under the ACA. As a result of the regulation, DACA recipients cannot: (a) generally obtain comprehensive health insurance under Medicaid or CHIP in their state; (b) purchase health insurance in the ACA’s health insurance marketplace, even at full cost using their own funds; and (c) obtain federal tax credits to make private health insurance affordable (even though DACA recipients still file and pay federal taxes) in the marketplace.

Under DACA, immigrant youth with long-term residency in the United States who satisfy a strict set of criminal background and educational criteria are eligible for employment authorization and protection from deportation. Recission of the regulation, originally implemented under the Obama administration, would restore access to the ACA for approximately 650,000 current DACA recipients and would ultimately benefit a total of 1.7 million if DACA resumes in the


2 The language in question reads as follows: “An individual with deferred action under the Department of Homeland Security’s deferred action for childhood arrivals process, as described in the Secretary of Homeland Security’s June 15, 2012, memorandum, shall not be considered to be lawfully present . . . .” 45 C.F.R. § 152.2(8) (2012).

future.4 The regulation unnecessarily excludes a significant pool of young, healthy adults—the exact type of participants that Congress sought to encourage to participate in the ACA—in the midst of a global pandemic. The regulation promotes worse health outcomes for DACA recipients and their families by foreclosing access to health care, including unsubsidized purchases on health care exchanges, and creates counterproductive barriers to COVID-19 testing and treatment.

In furtherance of this administration’s commitment to reduce regulatory burden and expand access to health care, we ask that you undo this misguided regulation. Thank you for your consideration of this request. If you have any questions, please contact Jose Magaña-Salgado at (480) 678-0040 or at jose@masadc.com.

Sincerely,

National
Adorers of the Blood of Christ
Adrian Dominican Sisters
Alianza Americas
America’s Voice
American Federation of State, County & Municipal Employees
American Federation of Teachers
American Friends Service Committee
American Psychological Association
Asian & Pacific Islander American Health Forum
Asian American Legal Defense and Education Fund (AALDEF)
Asian Pacific Institute on Gender-Based Violence
AsylumConnect
Autistic Self Advocacy Network
Bend the Arc Jewish Action
Blevins Strategies LLC
Boston University International Human Rights Clinic
Carmelite Sisters, Vedruna
CASA
Center for Law and Social Policy
Center for Popular Democracy
Centro de los Derechos del Migrante, Inc.
Chinese American Progressive Action
Chispa LCV
Christian Reformed Church Office of Social Justice
Church World Service

Coalition for Disability Health Equity
Congregation of Our Lady of the Good Shepherd, U.S. Provinces
Congregation of Sisters of St. Agnes
Congregation of St. Joseph Justice Team
Daughters of Charity
Daughters of Charity USA
Disciples Refugee & Immigration Ministries
Doctors for Camp Closure
Dominican Leadership Conference
Dominican Sisters of MSJ
Dominican Sisters of Sinsinawa
Dominican Sisters of Sparkill
Empowering Pacific Islander Communities (EPIC)
Evangelical Lutheran Church in America
Faith in Public Life
Families Belong Together (FBT)
Franciscan Action Network
Franciscan Sisters of the Poor
Freedom Network USA
Freedom To Thrive
Girls Inc.
Grey Nuns of the Sacred Heart
Hispanic Federation
Holy Union Sisters - U.S. Province
Ignatian Solidarity Network
Intercommunity Peace & Justice Center
International American Relief society IARS
International Refugee Assistance Project
International Rescue Committee
Japanese American Citizens League
Jesuit Social Research Institute
Lawyers for Good Government
Leadership Conference of Women Religious
League of Conservation Voters
Maryknoll Office for Global Concerns
Medical Mission Sisters
MoveOn
NAPAFASA
National Advocacy Center of the Sisters of the Good Shepherd
National Asian Pacific American Women's Forum (NAPAWF)
National Center for Transgender Equality
National Council of Jewish Women
National Education Association
National Immigration Law Center
National Korean American Service & Education Consortium (NAKASEC)
National Latina Institute for Reproductive Health
National Network for Immigrant and Refugee Rights
National Organization for Women
National Partnership for New Americans
NETWORK Lobby for Catholic Social Justice
Next100
Our Lady of Victory Missionary Sisters
People's Action
Poder Latinx
Provincial Council Clerics of St. Viator (Viatorians)
Roman Union Ursulines in the United States
School Sisters of Notre Dame - Atlantic Midwest Province
School Sisters of Notre Dame - Central Pacific Province
Service Employees International Union (SEIU)
Sisters of Bon Secours USA
Sisters of Charity of Nazareth Congregational Leadership
Sisters of Charity of Nazareth Western Province Leadership
Sisters of Charity, BVM
Sisters of Christian Charity
Sisters of Mercy of the Americas - Justice Team
Sisters of Mercy of the Holy Cross USA Province
Sisters of Notre Dame de Namur
Sisters of Providence, Saint Mary-of-the-Woods, Indiana
Sisters of Saint Francis, Rochester, Minnesota
Sisters of Saint Joseph of Carondelet
Sisters of St. Benedict if Ferdinand, Indiana
Sisters of St. Francis Justice, Peace and Care for Creation Committee
Sisters of St. Francis of Philadelphia
Sisters of St. Francis of the Providence of God
Sisters of St. Francis, Clinton, Iowa
Sisters of St. Francis, Sylvania OH
Sisters of St. Joseph of Carondelet
Sisters of St. Joseph of Carondelet
Sisters of St. Joseph of Carondelet - HI
Sisters of St. Joseph of Chambery
Sisters of St. Joseph of Carondelet
Sisters of the Holy Cross
Sisters of the Presentation of the Blessed Virgin Mary, New Windsor, NY
Society of Jesus
Sojourners
South Texas Human Rights Center
Sugar Law Center for Economic and Social Justice
T’ruah: The Rabbinic Call for Human Rights
Tahirih Justice Center
Teach For America
The Confess Project
The Jus Semper Global Alliance
The Leadership Conference on Civil and Human Rights
U.S. Federation of the Sisters of St. Joseph
UFW Foundation
UMC Board of Church and Society RRT
UndocuBlack Network
Union for Reform Judaism
United Church of Christ Justice and Witness Ministries
Voices for Progress
Women’s Alliance for Theology, Ethics, and Ritual (WATER)
YWCA USA

State or Local
AB540 Ally Training Project
Adhikaar
Advocates for Immigrant Rights
Advocating Opportunity
AIDS Foundation of Chicago
Alianza
American Friends Service Committee Colorado
ARISE Adelante
Arkansas United
Asian Americans Advancing Justice - Los Angeles
Association of Mexicans in North Carolina, Inc. (AMEXCAN)
Ayuda
Benedictine Sisters of Baltimore
Benedictine Sisters of Chicago
Benedictine Sisters of Colorado Springs, Benet Hill Monastery
Benedictine Sisters of Elizabeth, NJ
Benedictine Sisters of Erie
Benedictine Sisters of FL
Benedictines for Peace, Local Chapter at St. Scholastica Monastery in Chicago
Benet Hill Monastery
Cabrini Immigrant Services of NYC, Inc.
California Immigrant Policy Center
Caminando Juntos - Presentation Sisters Hispanic Ministry
Canal Alliance
Capuchin Franciscans, Prov. of St. Joseph
Casa San Jose
Catholic Charities of Central & Northern Missouri/Refugee & Immigration Services
Catholic Charities of SW Kansas
Catholic Charities of West TN
Chesapeake Multicultural Resource Center
Church of Our Saviour/La Iglesia de Nuestro Salvador
Church Women United in New York State
Clergy and Laity United for Economic Justice of Ventura County
Cleveland Jobs with Justice
Coaliición de Derechos Humanos
Coalition for Humane Immigrant Rights (CHIRLA)
Community Legal Access
Convencion Bautista Hispana de Texas
Crossing Borders - Dubuque
CT Shoreline Indivisible
Delaware Civil Rights Coalition
Doctors for Camp Closure Oregon Chapter (D4CC Oregon)
Dominican Sisters ~ Grand Rapids
Dominican Sisters of Houston
Dominican Sisters of Mission San Jose
Dominican Sisters of San Rafael
Education and Leadership Foundation
El Vínculo Hispano/The Hispanic Liaison
End Domestic Abuse Wisconsin
Equality California
EverThrive Illinois
Franciscan Sisters of Allegany, New York
Franciscans for Justice
Greater New York Labor Religion Coalition
Guatemala Solidarity Committee
Haitian Americans United Inc.
Heartland Alliance
HIAS Pennsylvania
IHM Sisters of Monroe, Michigan - Leadership Council
Illinois Coalition for Immigrant and Refugee Rights
Immaculate Heart of Mary Sisters, Immaculata, PA
Immigrant and Refugee Committee, Sisters of the Most Precious Blood, O'Fallon, MO
Immigration Institute of The Bay Area
Immigration Refugee Covenant Group, United Churches Olympia WA
Indivisible Chicago-South Side
Indivisible Illinois
Intercommunity Justice and Peace Center
International Center of Kentucky
Jewish Voice for Peace, Atlanta Chapter
Kentucky Coalition for Immigrant and Refugee Rights
Kids for College
L.O.I.R.A. Lorain Ohio Immigrants assoc.
La Union Del Pueblo Entero
Latino Pastoral Action Center
Lowcountry Immigration Coalition
LUCHA Arizona
LUCHA Ministries, Inc.
Lutheran Episcopal Advocacy Ministry NJ
Michigan Immigrant Rights Center
Michigan United
Migrant and Immigrant Community Action Project
MinKwon Center for Community Action
Mission Graduates
Mississippi Center for Justice
Mother of God Monastery
Mount St. Scholastica Monastery, Atchison, Kansas
Nationalities Service Center
Nebraska Appleseed
New York Immigration Coalition
Newark, De Benedictine Sisters
NHCUCC Immigrant and Refugee Support Group
North Carolina Conference of the United Methodist Church
North Carolina Justice Center
Northeast Iowa Peace and Justice Center
NOVA Catholic Community
OneAmerica
Opening Doors International Services, Inc.
Our Lady of Guadalupe Monastery
Pennsylvania Council of Churches
Pennsylvania Immigration and Citizenship Coalition
Pittsburgh LCLAA
Progressive Leadership Alliance of Nevada
Proyecto Santo Nino de Atocha
Refugee Support Network
Rian Immigrant Center
Rio Grande Valley Equal Voice Network
SC Appleseed Legal Justice Center
Seattle Immigrant Rights Action Group
Servants of Mary US/Jamaica Community Council
Services, Immigrant Rights & Education Network (SIREN)
Silver State Equality-Nevada
Sintsirmas & Mueller Co LPA
SIREN
Sisters of Charity of New York
Sisters of Saint Francis
Sisters of Saint Joseph of Chestnut Hill, Philadelphia, PA
Sisters of St. Dominic of Blauvelt, New York
Sisters of St. Francis, Dubuque
Sisters of St. Francis, St. Francis Province
Sisters of St. Joseph of Baden, PA
Sisters of St. Joseph of Boston
Sisters of St. Joseph of Carondelet, Albany Province
Sisters of St. Joseph of Carondelet, LA
Sisters of St. Joseph of Orange
Sisters of St. Joseph of Rochester
Sisters of St. Joseph of Springfield
Sisters of St. Joseph, Brentwood NY
Sisters of the Most Precious Blood of O'Fallon, MO
Sisters of the Presentation of the BVM of Aberdeen, SD
Sisters of the Presentation, Dubuque, Iowa
Sisters of the Presentation of the Blessed Virgin Mary
Social Justice Coalition, Central Lutheran Church
Southeast Sustainability Directors Network
Srs. of St. Joseph of Carondelet, LA Province
St. John of God Church
St. Paul's Lutheran Church
St. Paul's Monastery
St. Placid Priory
St. Scholastica Monastery
Texas Civil Rights Project
The Children's Partnership
The Legal Project
The Semilla Center for Healing and the Arts
Thresholds
True Alliance Center, Inc / GBNCC
U Md Carey Immigration Clinic
Unitarian Universalist Mass Action
United Action for Idaho
United Vision for Idaho
University Legal Assistance (Gonzaga University School of Law)
University YMCA New American Welcome Center
Ursuline Sisters of Cleveland
Wallingford Indivisible
Wayne Action for Racial Equality
Western North Carolina Sanctuary Movement
Wilco Justice Alliance (Williamson County, Texas)