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Where Health Insurance Competes for You.

Nevada Health Link, created by the state agency, Silver State Health Insurance Exchange, is the online health insurance marketplace offering qualified health insurance plans based on income through the Affordable Care Act.

Nevada Health Link is the only place eligible individuals can access federal tax credits and subsidies to help cover the cost of health insurance premiums.

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CMS Lawfully Present Final Rule

On May 8, 2024, a U.S. Department of Health and Human Services (HHS) final rule appeared in the Federal Register modifying the definition of “lawfully present” used to determine eligibility for enrollment in a Qualified Health Plan through the Health Insurance Marketplace. Under this rule, DACA recipients and other non-citizens will be treated the same as other individuals granted deferred action for purposes of eligibility for coverage through a Marketplace plan.

Effective November 1, 2024, DACA recipients and other non-citizens impacted by the final rule who meet all other eligibility requirements will be eligible to enroll in QHP through the Marketplace with financial assistance like advance payments of the premium tax credit (APTC) and cost-sharing reductions (CSRs).

Please note: This final rule does not make any changes to the definition of “lawfully present” for Medicaid and the Children’s Health Insurance Program (CHIP).



What is DACA?

Deferred Action for Childhood Arrivals (DACA)* is a policy established by the U.S. Department of Homeland Security (DHS) in 2012. - It allows certain noncitizens who came to the U.S. as children to defer removal from the country.

Key Points

- DACA does not provide lawful immigration status but allows recipients to remain in the U.S. while it is in effect.
- Individuals can request DACA for two years, with the possibility of renewal.
- Approved individuals may apply for work authorization if they show economic necessity.



Dreamer vs. DACA

DACA recipients and “Dreamers” are not interchangeable terms. DACA refers only to those who applied for and received DACA status through the Obama-created program. DREAMers refer to the larger population of unauthorized migrants who arrived as minors to the United States.

Eligibility Requirements To be considered for DACA, individuals must meet the following criteria:

1. **Age Requirement:** Under 31 years old as of June 15, 2012 (born on or after June 16, 1981).
2. **Arrival in the U.S.:** Came to the U.S. before turning 16.
3. **Continuous Residence:** Lived in the U.S. continuously since June 15, 2007, up to the time of filing for DACA.
4. **Physical Presence:** Physically present in the U.S. on June 15, 2012, and at the time of filing.
5. **Immigration Status:** No lawful immigration status on June 15, 2012, and at the time of filing: - Either never had lawful status, or - Any lawful status expired before June 15, 2012.
6. **Education or Military Service:** Currently enrolled in school, graduated from high school, obtained a GED, or honorably discharged from the U.S. Coast Guard or armed forces.
7. **Criminal Background:** No felony convictions or certain misdemeanors, and do not pose a threat to national security or public safety. ### Important Note - A District Court order currently prevents USCIS from processing initial DACA requests. - USCIS continues to accept and process renewal requests and applications for employment authorization



Others Included in the New Definition of “Lawfully Present”

- **Noncitizens with Work Authorization:** Noncitizens granted employment authorization are considered lawfully present regardless of their underlying immigration status or category.
- **Family Unity Beneficiaries:** Certain Family Unity Beneficiaries who were previously excluded from the definition of "lawfully present" are now considered eligible.
- **Lawful Permanent Resident Applicants:** Individuals with a pending application for adjustment of status to lawful permanent resident (LPR) are no longer required to have an approved immigrant visa petition to be considered lawfully present.
- **Removal of 180 day Waiting Period for Certain Noncitizen Children:** Individuals under age 14 applying for asylum, withholding of removal, or relief under the Convention Against Torture are no longer required wait for 180 days while an application for these immigration categories is pending to be considered lawfully present.
- **Special Immigrant Juvenile Children:** Children with an approved petition for Special Immigrant Juvenile (SIJ) classification are lawfully present.

Marketplace Eligibility

To qualify for health coverage through a Marketplace, a consumer must be a U.S. citizen or national or be "lawfully present" in the U.S. and expect to remain so for the entire period for which coverage is sought.

- DACA recipients and certain other noncitizens may now be eligible for APTC and CSRs to help lower their coverage costs based on their household size, income, and other eligibility criteria.
- DACA recipients and certain other noncitizens may now be eligible for APTC and CSRs to help lower their coverage costs based on their household size, income, and other eligibility criteria.
- DACA recipients and other noncitizens impacted by the final rule may be eligible for APTC and CSRs even if their household income is below 100 percent of the FPL, since they are ineligible for full Medicaid coverage due to their immigration status. **Please note: those under 138% FPL will need a Medicaid denial to be eligible for subsidies*

Verifying Immigration Status

The ACA requires Marketplaces to verify that applicants are lawfully present in the U.S.

- The Marketplace verifies citizenship and immigration status through the Social Security Administration (SSA) and/or DHS; this information will be used only by the Marketplace to determine consumers' eligibility for Marketplace coverage.
- DACA recipients generally have Social Security numbers, and all Marketplace applicants who have a Social Security number (SSN) must provide this number when applying for coverage.
- Consumers who attest to having an eligible immigration status should also provide a document that the agency can use to verify their immigration status and a USCIS/A number they have available;
- DACA recipients will generally have an Employment Authorization Document (EAD or I-766).
- There are several types of acceptable documents that a consumer might show to establish their immigration status.

For more information about acceptable documents needed to apply, refer to [Immigration Document Types](#).

Data matching issues (DMIs), or “inconsistencies,” occur when information a consumer enters in their Marketplace application doesn't match the data that the Marketplace has from trusted data sources, like SSA records or Internal Revenue Service (IRS) databases. Consumers with citizenship/immigration DMIs have 95 days from the date of the eligibility determination notice to resolve the issue. For more information on DMIs refer to [How to Resolve Income Data Matching Inconsistencies \(DMIs\) webinar](#) or [Resolving Data Matching Issues \(DMIs\) job aid](#).



Mixed Immigration Status

Some consumers live in a mixed immigration status household, which is a household made up of people holding different citizenship or immigration statuses. In this situation, each household member may be eligible for different health coverage options based on their citizenship or immigration status.

The Marketplace collects citizenship and immigration information only for applicants who are applying for coverage for themselves, and not for household members who are not seeking coverage.



Open Enrollment Period

Open Enrollment runs from November 1 through January 15. Individuals can enroll at any time during this period without the need for a qualifying life event.

Outside of the Open Enrollment Period you may be able to enroll in health insurance through a Special Enrollment Period (SEP) if you experience a qualifying life event, such as: losing health insurance , changing marital status, moving to a different area, and having a baby.