

DACA Eligibility Update

The Centers for Medicare and Medicaid Services notified Kentucky that Deferred Action for Childhood Arrivals (DACA) recipients and individuals in certain other noncitizen groups **should not** attest to having eligible immigration status in applications for Marketplace coverage due to the United States District Court for the District of North Dakota issuing a preliminary injunction in *Kansas v. United States of America* (Case No. 1:24-cv-00150). The preliminary injunction blocks the final rule that allowed Marketplace enrollment for these groups in the 19 states that are involved in the lawsuit. These states are: Alabama, Arkansas, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Texas, and Virginia. All of those states except Idaho, Kentucky, and Virginia are served by the Federal Marketplace platform on HealthCare.gov.

For more information, please visit the [Healthcare.gov](https://www.healthcare.gov) website at

- <https://www.healthcare.gov/court-decisions/>
- <https://www.healthcare.gov/immigrants/immigration-status/>

Additionally:

To further comply with the Court's order, kynect will make a technical change so that DACA recipients and other noncitizens covered by the final rule who attest to lawful presence aren't eligible for health coverage through kynect. Following that technical change, kynect will cancel any enrollments for 2025 Qualified Health Plan coverage selected by these groups. The insurance company will refund any premiums paid for 2025 coverage. DACA recipients and other noncitizens covered by the final rule who enrolled in 2024 Qualified Health Plan coverage will have their enrollment terminated at the end of the month and will not have Marketplace coverage starting in 2025. A letter will be sent about ineligibility for coverage to any DACA recipient or other noncitizen covered by the rule who enrolled in a plan.

