



State of California—Health and Human Services Agency
Department of Health Care Services



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Governor

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Medi-Cal Eligibility Division Information Letter No.: I 14-45

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS

SUBJECT: Clarification of Medi-Cal Eligibility for Deferred Action for Childhood Arrivals (DACA)

The purpose of this Medi-Cal Eligibility Division Informational Letter (MEDIL) is to address that individuals who have been granted deferred action status through the DACA program are eligible for state-funded full scope Medi-Cal.

Background - On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States (U.S.) under the age of 16 and meet other specified criteria may request consideration of deferred action status for a period of two years, subject to renewal. Individuals who can demonstrate through verifiable documentation that they meet the guidelines will be considered for deferred action by United States Citizenship and Immigration Services (USCIS).

DACA Eligibility under the Affordable Care Act (ACA) - In general, individuals granted deferred action status are considered to be “lawfully present” in the U.S. However, under ACA, DACA individuals are not considered to be lawfully present for purposes of purchasing insurance coverage through the health benefit exchange (Covered California) established under ACA. This exclusion does not apply to their eligibility for full scope Medi-Cal.

Medi-Cal Eligibility for individuals with DACA status - In individuals with DACA status are eligible for state-funded, full scope Medi-Cal if they meet all eligibility requirements because they have deferred action status. Deferred action status is listed among the existing Permanently Residing in the United States Under Color of Law (PRUCOL) categories that are eligible for state-funded full scope Medi-Cal (See Title 22, California Code of Regulations (CCR) § 50301.3(l)).

Claiming DACA status - In accordance with MEDIL I 14-21, a Statement of Citizenship, Alienage and Immigration Status (MC13) form is no longer required prior to verification of

immigration status. Verification is completed using the information provided on the Single Streamlined Application. Counties may accept a verbal declaration of immigration status (typically over the phone) and note the individual's status declaration in the case record in accordance with current electronic signature policies for the Medi-Cal program.

The MC 13 should only be used if the individual's DACA status is not verified through the federal data services hub and the county is unable to determine the immigration status an applicant or beneficiary is claiming. DACA individuals who complete an MC 13 to declare their DACA status would be expected to claim deferred action status on the form. In accordance with current Medi-Cal policy, an applicant who attests to having DACA status (verbally or in writing or who claims deferred action status on the MC 13), must be granted full scope Medi-Cal while immigration status is verified if they meet all other Medi-Cal requirements.

Granting Full Scope Medi-Cal to Eligible DACA Individuals - The California Healthcare Enrollment, Eligibility and Retention System (CalHEERS) is not currently programmed to grant full scope Medi-Cal to eligible DACA individuals. Therefore, counties must follow the process specified in MEDIL I 14-08 to grant full scope Medi-Cal to eligible DACA individuals. Counties must also input an "S" in the Citizen/Alien indicator field in the Medi-Cal Eligibility Data System (MEDS), which indicates "other documented full scope alien" to ensure proper funding of the services provided to this population.

Verification of DACA status - Electronic verification of DACA status should first be done using the information provided on the application via the federal data services hub (per existing ACA verification guidelines for citizenship and immigration status). If DACA status cannot be electronically verified via the federal data services hub, the county must then use the manual Systematic Alien Verification for Entitlements (SAVE) process to verify the individual's DACA status. If additional documentation is needed for the SAVE verification, counties may ask DACA individuals to provide copies of their documents that establish DACA status.

If electronic verification of DACA status fails, applicants have a 90-day reasonable opportunity period (ROP) to provide documentation. If documentation is required for verification of immigration status, but is not provided within the 90-day ROP, Medi-Cal benefits must be reduced to restricted scope in accordance with current Medi-Cal policy. Additional documentation of DACA status may include an Employment Authorization Document (EAD) with the status code "C-33" and/or a Form I-797 Notice of Action. A sample image of an EAD (with a different status code) is provided on page 3.

