



Center for Medicaid and CHIP Services

SHO# 12-002

August 28, 2012

**Re: Individuals with Deferred Action
for Childhood Arrivals**

Dear State Health Official:
Dear Medicaid Director:

This guidance is intended to inform you about the implications for Medicaid and the Children's Health Insurance Program (CHIP) of the U.S. Department of Homeland Security's (DHS) announcement on June 15, 2012, that it will consider providing temporary relief from removal by exercising deferred action on a case-by-case basis with respect to certain individuals under age 31 as of June 15, 2012 who meet certain guidelines, including that they came to the United States as children and do not present a risk to national security or public safety.¹ This process is referred to by DHS as Deferred Action for Childhood Arrivals (DACA).² DHS has explained that the DACA process is designed to ensure that governmental resources for the removal of individuals are focused on high priority cases, including those involving a danger to national security or a risk to public safety, and not on low priority cases.³ DHS began accepting requests for consideration of deferred action on August 15, 2012.

Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) gave states the option to provide Medicaid and CHIP eligibility to children and/or pregnant women who are "lawfully residing" in the United States and otherwise eligible for Medicaid or CHIP. CMS provided guidance on the definition of "lawfully residing" in a July 1, 2010 State Health Official Letter (<http://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SHO10006.pdf>). Because the reasons that DHS offered for adopting the DACA process do not pertain to eligibility for Medicaid or CHIP, HHS has determined that these benefits should not be extended as a result of DHS deferring action under DACA. For this reason, individuals with deferred action under the DACA process shall not be eligible for Medicaid and CHIP under the CHIPRA state option with respect to any of the categories (1)-(9) set forth in the July 1, 2010 letter.

¹ June 15, 2012 Memorandum of Secretary of Homeland Security Janet Napolitano, available at <http://www.dhs.gov/xlibrary/assets/sl-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>.

² Consideration of Deferred Action for Childhood Arrivals, available at <http://www.uscis.gov/childhoodarrivals>.

³ See *supra* nn. 1-2.

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We hope this information will be helpful. Thank you for your commitment to the Medicaid and CHIP programs.

Sincerely,

/s/

Cindy Mann
Director

cc:

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