



Information about Health Care Coverage for DACA Recipients

DHS is providing Income Maintenance (IM) workers with talking points about health care coverage for individuals with Deferred Action for Childhood Arrivals (DACA) status because on May 3, 2024, new regulations were published that extended eligibility for Marketplace coverage to (DACA) recipients.

I am a DACA recipient. What kind of health care coverage can I get?

You may be able to enroll in health care through:

- [BadgerCare Plus Prenatal Plan](#), covering pregnancy-related services.
- [BadgerCare Plus or Medicaid Emergency Services](#), covering emergency medical conditions with a serious risk to the patient's health.
- The Federally Facilitated Marketplace, starting in November 2024 you can apply for coverage and advance premium tax credits to make coverage affordable on [HealthCare.Gov](#). Your health care coverage could begin as early as December 1, 2024.
 - If you need help applying for a HealthCare.gov plan you find help at www.wiscovered.com or call Covering Wisconsin at 877-942-6837.
 - DACA recipients whose full-benefits health care application is denied because the individual does not have a qualifying immigration status will not be automatically transferred to the Marketplace. DACA recipients seeking full benefits health care coverage should apply for coverage directly on HealthCare.gov.

FAQs about Public Charge

DHS is providing Income Maintenance (IM) workers with talking points about public charge because some families worry that using government benefits could hurt their chance to gain lawful permanent resident status or remain in the U.S. These worries may prevent them from getting health care that they need. However, very few people are both eligible for government benefits subject to public charge.

Public charge has been part of immigration policy for a long time and has undergone several changes. Some of these changes have created fear and confusion, leading some immigrants and mixed-status families to avoid participating in programs for which they are eligible.

If an applicant or member expresses this concern to an IM worker, it is important to respond with accurate information. To learn more about public charge, go to www.uscis.gov and search for public charge resources.

What is public charge?

Some people who apply for lawful permanent resident status (green card) or a visa must pass a public charge test. The test is designed to identify people who are likely to depend on the government for support, by relying on cash assistance or long-term institutionalization at the government's expense to survive.

Immigration officials look at a person's whole situation, including their age, income, health, education or skills, and family situation. This includes whether a family member or another person with enough income or

resources has promised support you. Only two kinds of government benefits are considered in a public charge test:

1. Ongoing cash benefits from Wisconsin Works (W2), and Supplemental Security Income (SSI).
2. Long-term institutional care, like care received in a nursing home, paid for by the government.

Most immigrants only qualify for benefits that are safe to use, and do NOT count towards public charge.

Public charge is not a way for ICE to find or deport people. Simply using government benefits and programs does NOT trigger immigration enforcement.

I'm an immigrant/not an American citizen and I've heard about public charge. Can public charge stop me from getting benefits like BadgerCare Plus or other health care coverage?

No. Public charge does not impact your eligibility for health care coverage benefits. Your specific immigration status can affect whether you can get benefits. The best thing you can do is apply and someone will help you see what benefits you can use.

I'm a US citizen. What does public charge mean for me?

Public charge does NOT apply to you. You can use any government benefits that you qualify for without impacting your citizenship. This is true for both people who are a U.S. citizen at birth and those who become a U.S. citizen through naturalization.

I'm a lawful permanent resident. What does public charge mean for me?

Public charge does NOT apply to you when you renew your green card or apply to become a U.S. Citizen. Lawful permanent residents (green card holders) can use any government benefits that they qualify for without impacting their immigration status. However, public charge may apply if you leave the United States for 6 months or more when you return.

I'm not a lawful permanent resident or U.S. Citizen. Could public charge apply to me?

Most immigrants are NOT subject to public charge when they apply for lawful permanent residence or a visa. Public charge does not apply to:

- Refugees and Asylees
- Cuban and Haitian entrants
- Individuals granted relief under Cuban Adjustment Act (CAA), the Nicaraguan and Central American Relief Act (NACARA) or the Haitian Refugee Immigration Fairness Act (HRIFA)
- Special Immigrant Juveniles
- Certain victims of crime, including human trafficking victims (T nonimmigrants), victims of qualifying criminal activity (U nonimmigrants); Violence against Women Act (VAWA) self-petitioners, and certain battered noncitizens
- Afghan and Iraqi employees of U.S. Armed Forces
- Members and families of the U.S. Armed Forces, Ready Reserves, or military serving in active duty

Public charge doesn't apply when submitting an application or renewal for asylum, DACA, Temporary Protected Status, or Special Immigrant Juvenile Status. It doesn't apply when renewing your green card or when you're applying to become a U.S. citizen.

Benefits used by Afghan humanitarian parolees (as defined in the Afghanistan Supplemental Appropriations Act) and Ukrainian humanitarian parolees (as defined in the Additional Ukraine Supplemental Appropriations Act, 2022) are not considered in public charge.

There are many more circumstances when public charge does not apply. Most immigrants only qualify for benefits that are safe to use, and do NOT count towards public charge. To learn more go to:

<https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge/public-charge-resources>.

I am a DACA recipient. What does public charge mean for me?

Public charge does NOT apply to you when you renew your DACA status. Using BadgerCare Plus Prenatal Plan or BadgerCare Plus Emergency Services will not impact your ability to become a lawful permanent resident. Buying insurance through HealthCare.Gov and getting tax credits or cost-sharing to make your health insurance more affordable will not impact your ability to adjust to lawful permanent resident status (green card).

I am a Ukrainian humanitarian parolee or an Afghan humanitarian parolee. What does public charge mean for me?

Benefits used by Ukrainian humanitarian parolees (as defined in the Additional Ukraine Supplemental Appropriations Act, 2022) and Afghan humanitarian parolees (as defined in the Afghanistan Supplemental Appropriations Act) are not considered in public charge.

If your immigration status is changing, and you're receiving ongoing cash benefits from Wisconsin Works (W2) or Supplemental Security Income (SSI), or if you plan to use Wisconsin Medicaid or BadgerCare Plus coverage to pay for nursing home or other long-term care at an institution, you should speak to an immigration attorney or Department of Justice accredited representative. To find help in your area, visit

<https://dcf.wisconsin.gov/findlegalservices>.

I am planning to apply for permanent residence (green card) through a family member (e.g. Family-Based Adjustment of Status). What does public charge mean to me?

Public charge may apply. Your income, age, health, education, skills, family situation, and sponsor's written statement of support will be considered to see if you are likely to become a public charge in the future. Only two kinds of benefits are considered in a public charge test:

1. Ongoing cash benefits from Wisconsin Works (W2), and Supplemental Security Income (SSI).
2. Long-term institutional care, like care received in a nursing home, paid for by the government.

You should speak to an immigration attorney or Department of Justice accredited representative before applying for SSI, or W-2 or if you plan to use Medicaid or BadgerCare Plus coverage to pay for nursing home or other long-term care at an institution. To find help, visit <https://dcf.wisconsin.gov/findlegalservices>.

Could enrolling my children or my spouse in benefits impact my immigration status?

No, only benefits used by the person applying for lawful permanent resident status (green card) or a visa are considered.

Benefits for the applicant's family members, including children and pregnant women, will not impact the applicant's immigration status or be considered in a public charge test.

Could applying for or getting FoodShare be considered in a public charge test?

No, FoodShare benefits are not part of a public charge test.

Could getting Wisconsin Medicaid or BadgerCare Plus health care coverage be considered in a public charge test?

No. Only long-term care in an institution paid for by Wisconsin Medicaid or BadgerCare Plus is considered in a public charge test.

- Institutionalization for short periods of rehabilitation is not considered in a public charge test.
- Home and Community Based Services Medicaid is not considered in a public charge test.
- Children's Health Insurance Program benefits are not considered in a public charge test in any circumstance.

If I apply for benefits, will my information be shared with immigration?

No, the information provided to DHS when you apply for benefits for yourself, or your family will not be shared with anyone for immigration enforcement purposes.

What if I don't want to share my immigration status?

If you are applying for benefits, we need to know your status because it affects which benefits you can get. We will not share your information with anyone for other purposes.

If you are applying for benefits for someone else, like your children, but not for yourself, when you're asked for your immigration status you can either share your status or say you don't want to share your status because you're not applying for benefits for yourself. Again, we will not share your information with anyone for other purposes and your status will not impact your children's eligibility for benefits.

What benefit programs are part of public charge?

Two kinds of government benefits are considered in a public charge test:

1. Ongoing cash benefits from Wisconsin Works (W2) and Supplemental Security Income (SSI).
2. Long-term institutional care, like care received in a nursing home, paid for by the government.