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PRESS RELEASE

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Attorney General Brown Takes Action to Protect Affordable Care Act Access for DACA Recipients

BALTIMORE, MD (January 15, 2025) – Attorney General Anthony G. Brown today announced that he and 13 other states are joining together to defend health insurance access for Dreamers from court challenges.

Established in 2012, Deferred Action for Childhood Arrivals (DACA) enables certain young people who came to the United States as children and have lived here continuously since 2007, who are commonly known as Dreamers, to avoid immediate fear of deportation for two-year periods, although this status can be revoked at any time by the government. Separate regulations establish that Dreamers may work lawfully in the country.

[The motion to intervene](#) comes as the incoming administration is expected to halt federal efforts to defend a Biden administration regulation which expanded healthcare access to Dreamers by making them eligible to purchase health insurance through Affordable Care Act (ACA) exchanges, from a legal challenge brought by a coalition of states led by Kansas. ACA exchanges are marketplaces that allow individuals, families, and small businesses to shop for and enroll in affordable medical insurance. The regulation, also known as a Final Rule, was formally issued in May 2024 by the U.S. Department of Health and Human Services (HHS) and Center for Medicaid and Medicare Services' (CMS).

In August 2024, a coalition of states sued HHS and CMS in the U.S. District Court for the District of North Dakota and asked the court to delay implementation of the Final Rule, pending a review by the court. The district court stopped implementation of the Final Rule in some states but left it in place in most states, including Maryland.

The Final Rule – Clarifying the Eligibility of DACA Recipients and Certain Other Noncitizens for A Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a Basic Health Program – took effect in most states on November 1, 2024.

“The United States is the only home that Dreamers know. They were brought to this country when they were too young to have a say in where they wanted to live,” **said Attorney General**

Brown. “Dreamers should not be denied the opportunity to purchase high-quality, affordable health care coverage because of a decision their loved ones made for them when they came to the U.S.”

Today’s motion explains that because the incoming administration will stop defending the rule, these 14 states are stepping in to defend it. The incoming administration criticized the Final Rule during the 2024 campaign and has previously declined to defend both DACA and the ACA. The states’ motion explains that they have a right to step in where the federal government will stop defending this critical policy.

The states’ motion explains the many ways they will be harmed if a court eliminates the rule. In general, Dreamers contribute an estimated \$6.2 billion in federal taxes and \$3.3 billion in state and local taxes each year and provide critical financial support to their families, including over 250,000 children who are U.S. citizens. Dreamers are employed by companies, nonprofit organizations, and government agencies and institutions, work in crucial roles in the medical profession and the U.S. military, are enrolled in public and private universities, and launch their own businesses that employ other residents, including U.S. citizens.

According to data in the Final Rule, Dreamers are three times more likely to be uninsured than the general U.S. population. Uninsured populations drive up healthcare costs overall and worsen public health, resulting in increased premature deaths, uncompensated care costs, increased medical debt, reduced spending power, lost productivity, and absenteeism from work and school. The Final Rule, by expanding insurance access to Dreamers, helps this population and aids the states generally.

States that operate their own health exchanges, like Maryland, can also benefit by including Dreamers in their exchanges because larger and more diverse the risk pools may keep premiums lower for everyone.

In addition to Maryland, other jurisdictions joining today’s filing include New Jersey, Arizona, California, Colorado, Delaware, Hawaii, Illinois, Michigan, Minnesota, Nevada, New Mexico, Oregon, and Vermont.

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