Deferred Action for Childhood Arrivals (DACA)

Statements on Deferred Action for Childhood Arrivals (DACA)

The AMA continues to work to ensure members of the health care workforce approved for DACA are able to continue employment, education, training and research in the health professions.

At this moment, an estimated 27,000 health care workers and support staff depend on DACA for their authorization to work in the United States. The number also includes nearly 200 medical students, medical residents and physicians who depend on DACA for their eligibility to practice medicine.

If those trainees and physicians retain their work eligibility, each will care for an average of between 1,533 and 4,600 patients a year. Together, over the course of their careers, they will touch the lives of 1.7 to 5.1 million U.S. patients.

- On June 23, 2023, the AMA sent comments to the U.S. Department of Health and Human Services (HHS) and Centers for Medicare & Medicaid Services (CMS) on the proposed clarifications to eligibility criteria for Qualified Health Plans (QHP) through an Exchange, state-based Basic Health Programs (BHPs), and some Medicaid and Children’s Health Insurance Programs (CHIP), as well as certain insurance affordability programs. In the comments the AMA opposed federal and state legislation denying or restricting legal immigrants’ access to Medicaid and supported extending eligibility to purchase ACA marketplace coverage to undocumented immigrants and DACA recipients and supported advancing policies that address the unmet medical needs of unaccompanied undocumented minor children.

- On Nov. 29, 2021, the AMA sent a letter commenting on the U.S. Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) proposed rule regarding the Deferred Action for Childhood Arrivals program. The AMA supported DHS’ decision to incorporate DACA and its associated procedures into regulation. The AMA also supported the continuation of the DACA initiative and encouraged DHS to implement some proposed recommendations aimed at strengthening the program’s administration and adjudication. Additionally, the AMA encouraged the administration to work with Congress to pass legislation that would solidify the longevity and stability of DACA.
On June 18, 2020, the Supreme Court of the United States ruled in opposition of the U.S. Department of Homeland Security’s attempt to rescind DACA in a landmark decision. This decision aligns with the amicus brief that the AMA helped to write in conjunction with other leading health organizations, the letter the AMA signed onto urging regulatory or legislative action to retain DACA during the COVID-19 national emergency, and the AMA’s advocacy supporting the American Dream and Promise Act of 2019 (H.R.6) and the Dream Act of 2019 (S.874). However, this decision only addressed procedural regulations and does not determine the actual legality of DACA, leaving the fate of DACA recipients unclear. As such, the AMA will continue to closely monitor the situation.

- Consistent with our previous advocacy, and in light of the important role that DACA recipients play in the U.S. health care system, the AMA signed-on to a letter with over 70 other organizations urging Vice President Pence, the House of Representatives and the Senate to take regulatory or legislative action to maintain work authorization for individuals currently in DACA status during the COVID-19 national emergency.
- The AMA worked with the Association of American Medical Colleges (AAMC) to file an amicus brief with the U.S. Supreme Court related to the impact of changes in DACA policy on physicians. The U.S. Supreme Court heard oral arguments on Nov. 12, 2019.
- The AMA along with approximately 70 other health care organizations, supported the American Dream and Promise Act of 2019 (H.R.6) as well as the Dream Act of 2019 (S.874). The AMA is working with the Association of American Medical Colleges (AAMC) to draft and file an amicus brief by Oct. 14, 2019 related to the impact of changes in DACA policy on physicians.

Additional advocacy activities

Learn about the AMA’s advocacy efforts related to:

- Immigrant issues: Health and safety
- Extension of family detention
- The public charge and the presidential proclamation
- Nonmilitary deferred action
- Visa and green card challenges

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