

# URGENT ACTION

## STOP PLANS FOR HEALTHCARE DISCRIMINATION

A rule proposed by U.S. health authorities would exclude Deferred Action for Childhood Arrivals (DACA) recipients, also known as “Dreamers” (undocumented migrants who came to the U.S. as children and are protected from deportation), from being able to access health insurance through the Affordable Care Act insurance plans. It would also exclude gender-affirming care from a list of essential healthcare benefits, meaning insurers would no longer be required to cover it. This could prevent transgender people from receiving medically necessary care. These proposals are inherently discriminatory, retrogressive measures, which seriously undermine the right to health. We demand that authorities reject this proposed rule immediately.

**TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER (IT IS MOST IMPACTFUL TO USE AS MUCH OF YOUR OWN WORDS AS POSSIBLE)**

[US Health and Human Services public comments website](https://www.hhs.gov/healthcare/public-comments)

Website: <https://bit.ly/comment4rightsHHS>

*I strongly oppose the proposed rule that would end DACA recipients' ability to access affordable health insurance and remove gender-affirming care from a list of essential health benefits, meaning insurers would no longer be required to cover it. This rule undermines the human right to health and disproportionately harms already marginalized communities.*

*DACA recipients have lived in the United States since childhood, have built lives in the United States and contribute to society as students, workers, and taxpayers. Denying them access to affordable healthcare increases financial and medical hardship.*

*Similarly, the exclusion of gender-affirming care from a list of essential health benefits directly endangers the health and well-being of transgender people, who already face significant barriers in accessing trans-specific and general healthcare. Leading medical organizations, including the American Medical Association and the World Health Organization, recognize gender-affirming care as medically necessary. Removing coverage could increase rates of untreated mental and physical health conditions and widen existing health disparities.*

*The US has signed the International Covenant on Economic, Social and Cultural Rights, and as such is required to follow the object and purpose of the treaty. Article 12 requires that states ensure access to acceptable, affordable, and quality healthcare without discrimination, especially for the most marginalized. This proposed rule would codify discriminatory practices, constitute a retrogressive measure, and seriously undermine the right to health defeating the object and purpose of the treaty.*

***I urge the Department of Health and Human Services to reject this harmful rule. Instead, the U.S. needs policies that ensure equitable access to healthcare for all individuals, including DACA recipients and transgender people. Protecting the right to health for all without discrimination is not only a moral imperative but an obligation under international human rights standards.***

*Sincerely,*

## ADDITIONAL INFORMATION

The Affordable Care Act (ACA) is a U.S. law designed to make healthcare more affordable and accessible by providing health insurance options through marketplaces, expanding Medicaid, and preventing insurers from denying coverage based on preexisting conditions. It aims to reduce the number of uninsured people and improve healthcare quality. Medicaid is a U.S. government program that provides free or low-cost health coverage to low-income individuals and families, including those with disabilities, older people, and children.

The proposed rule titled “Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability,” published on 19 March 2025, includes provisions that could significantly impact transgender people. The rule would prohibit states from requiring health insurance plans cover gender-affirming care—such as hormone replacement therapy, gender-affirming surgeries, and related treatments—as essential health benefits (EHBs), starting in 2026. By removing gender-affirming care from the list of EHBs, insurers would no longer be required to cover these treatments. While health plans could still choose to offer coverage for such care voluntarily, it would be classified as a non-EHB. This reclassification means that cost-sharing limits imposed on EHBs would not apply, potentially leading to increased out-of-pocket expenses for transgender people seeking these services.

This change could lead to reduced access to medically necessary treatments for transgender and nonbinary individuals who rely on ACA insurance plans. Blocking access to medically necessary care goes against the right to health, which includes access to services without discrimination. Under the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which the US has signed but not ratified, states must ensure healthcare is accessible to all, without bias based on gender identity. Signatory states, like the US, are required to refrain from acts that would defeat the object and purpose of treaties that they have signed.

DACA recipients, also known as “Dreamers,” are currently able to access affordable healthcare through the ACA Marketplace. The ACA Marketplace is an online platform where individuals and families can shop for, compare, and purchase health insurance plans, often with subsidies based on income to make coverage more affordable. If this rule is implemented, DACA recipients would be excluded from these programs, making it harder for them to get the insurance they need. Without ACA coverage, many DACA recipients could be forced to rely on more expensive options or go without health coverage entirely.

DACA recipients are people who arrived to the U.S. in their childhood and have lived in the U.S. for well over a decade, are enrolled in school or have graduated high school and built lives in the United States. Losing access to affordable health insurance could result in poorer health outcomes, especially for those already struggling with chronic conditions or needing regular medical attention. Excluding DACA recipients exacerbates existing inequalities in the healthcare system.

International human rights law prohibits discrimination based on national origin or immigration status. The UN Committee on Economic, Social, and Cultural Rights has emphasized that everyone within a country’s jurisdiction — regardless of legal status — has the right to essential healthcare services.

The public comment period for this proposed rule is open until 11 April 2025. Individuals and organizations are encouraged to submit their feedback and express any concerns regarding the potential impacts of the rule on healthcare access for transgender individuals and DACA recipients.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** English  
You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 11 April 2025

**NAME AND PRONOUN:** transgender people (various pronouns)

**LINK TO PREVIOUS UA:** N/A