



Freedom Network USA

Summary of Changes in Access to Health Insurance and Public Benefits for T Visa Applicants

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In April 2024, two new final rules were published that guide the implementation of the Affordable Care Act (ACA) for qualified noncitizens and the T visa program.

- The [ACA rule](#) clarified that T visa applicants with bona fide determinations, T visa recipients, and family members with derivative T nonimmigrant status are considered qualified noncitizens who are eligible for health insurance under the ACA.
- The [T visa rule](#) established a process for US Citizenship and Immigration Services (USCIS) to issue bona fide determinations¹ (BFDs) for T visa applicants. This determination allows applicants with complete applications to receive a stay of removal, work authorization, and access to public benefits, including the ACA Health Insurance [Marketplace](#), while they await their T visa decision.

While T visa recipients and derivatives were previously eligible to enroll in health insurance under the existing ACA rule, T visa *applicants* have been largely ineligible because USCIS has rarely issued BFDs since FY2010. When the new T visa final rule goes into effect, USCIS will begin to issue BFDs for existing and new T visa applications², which will grant survivors access to public benefits many months earlier.

How it will work:

After the T visa final rule goes into effect on August 28, 2024, USCIS will begin regularly issuing BFDs for applicants. After a BFD is issued, USCIS will notify the Office on Trafficking in Persons (OTIP) at the Department of Health and Human Services. OTIP will then notify the T visa applicant that they are eligible to request a [Certification Letter](#).³ After an applicant receives their Certification Letter, they will submit the letter to prove eligibility when they apply for health insurance through the Marketplace.

The same process is followed for T visa recipients and family members who receive T nonimmigrant derivative status. After a T visa or derivative visa is granted, USCIS will notify OTIP, which will begin the Certification Letter process.

¹ A bona fide determination is provided after USCIS has found an application is complete, properly filed, clear of fraud, and a background check does not raise public safety or national security concerns.

² USCIS will begin implementing the new T visa rule bona fide determination process on August 28, 2024 when the rule goes into effect, it may take many weeks before bona fide determinations begin being issued. More details about changes to adjudication process can be found in the [rule](#).

³ Certification Letters can also be used to access [other types of public benefits](#).