

Section 71301 of the One Big Beautiful Bill Act (OBBBA) of 2025, also known as House Resolution 1 (HRI) of 2025, made significant changes to who is considered an “eligible alien” and thus “lawfully present” for purposes of ACA APTC/CSR eligibility. These changes go into effect for plan year 2027 and limit eligibility to only three categories of non-citizens:

1. Lawful Permanent Resident (Green Card Holder)
2. Cuban and Haitian Entrant under the Refugee Education Assistance Act of 1980
3. A Compact of Free Association (COFA) Resident (Micronesia, Marshall Islands, Palau)

*Please note, that another change in HRI was the removal of eligibility for APTC for lawfully present individuals who were 5-year barred from Medicaid and who was below 100% of the federal poverty level. This change took effect starting in plan year 2026.

Since HRI will limit who is considered to be “lawfully present” in 2027, the following categories of non-citizens will no longer be eligible for APTC starting January 1, 2027:

Work Permits (I-766, H1 Visa, H-2A Visa, H-2B Visa)	Previously eligible but no longer eligible effective 1/1/27
Student Visas	Previously eligible but no longer eligible effective 1/1/27
Asylee (Granted Asylum and some Applicants)	Previously eligible but no longer eligible effective 1/1/27
Refugee	Previously eligible but no longer eligible effective 1/1/27
Paroled into the U.S.	Previously eligible but no longer eligible effective 1/1/27
Temporary Protected Status	Previously eligible but no longer eligible effective 1/1/27
Deferred Enforced Departure	Previously eligible but no longer eligible effective 1/1/27
Withholding of Removal	Previously eligible but no longer eligible effective 1/1/27
Conditional Entrant	Previously eligible but no longer eligible effective 1/1/27
Deferred Action for Childhood Arrivals (DACA) Recipients	Temporarily eligible for a portion of 2025 but not currently eligible.
Trafficking Victims (T-Visa)	Previously eligible but no longer eligible effective 1/1/27
Crime Victims (U-Visa)	Previously eligible but no longer eligible effective 1/1/27
Special Immigrant Juvenile Status	Previously eligible but no longer eligible effective 1/1/27
Violence Against Women Act Petitioners	Previously eligible but no longer eligible effective 1/1/27
Any other Visa or Status Holders	Not eligible unless meets one of the three eligible alien and lawfully present definitions above.