



HHS Notice on Federal Public Benefits ***Updated September 12, 2025***

Updates

On September 10, 2025, a U.S. District Court issued a preliminary injunction, blocking the immigrant eligibility restriction in the U.S. Department of Health and Human Services (HHS) Notice in the 20 plaintiff states and Washington, DC.¹ In other words, the notice does not apply in the following states: Arizona, California, Colorado, Connecticut, District of Columbia, Hawaii, Illinois, Maine, Michigan, Massachusetts, Maryland, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Wisconsin, and Washington. Learn more about the notice in our explainer below.

On September 11, 2025, a U.S. District court issued a nationwide preliminary injunction blocking immigrant eligibility restrictions in Head Start.² In other words, Head Start remains available to all children regardless of immigration status.

HHS provided a 30 day comment period that ended on 8/13/2025. The PIF Coalition comment signed by nearly 400 organizations is available [here](#). **According to [Regulations.gov](#), HHS received 587,551 comments on the notice!**

Toplines

On July 14, the U.S. Department of Health and Human Services (HHS) published a [notice](#) in the Federal Register that re-interprets the meaning of “Federal public benefit” in the 1996 welfare law. In doing so, the notice restricts eligibility to a narrow set of “qualified immigrants” and leaves out many lawfully residing immigrants. See Table B

¹ *State of New York v. U.S. Department of Justice*, on [Court Listener](#). The decision also blocked notices issued by the Department of Labor and U.S. Department of Justice.

² *Washington State Association of Head Start and Early Childhood Education and Assistance Program v. Kennedy* on [Court Listener](#).

below for more details.

The notice says that HHS considers an additional 13 programs as “Federal public benefits” with eligibility restricted to qualified immigrants. These include Head Start, Community Health Centers, the Title X family planning program, and the Community Services Block Grant (CSBG). See Table A below for more details. HHS also recognizes that some services designated as “federal public benefits” may nevertheless fit within one of the statutory exemptions, such as testing and treatment of communicable disease symptoms. This notice does not change eligibility for Medicaid or CHIP and states that provide coverage to lawfully residing immigrant children and pregnant people can continue to do so.

This HHS notice did not address PRWORA’s verification requirements. It confirms that non-profit charitable organizations are not required to verify immigration status. But it did not provide details on how verification of status might occur.

More Details

Programs HHS Considers as Federal Public Benefits

The 1996 welfare law provided a general definition of the “Federal public benefits” that are subject to its “qualified immigrant” eligibility restrictions.³ With some important exceptions, the welfare law allowed Federal agencies to determine which of their programs were restricted by the law and which were exempt from restriction.

On July 14, 2025, almost thirty years after passage of the 1996 welfare law, and more than 25 years after HHS published its initial notice,⁴ the agency published a [notice](#) reinterpreting this term. The notice takes effect immediately (based on the rationale that any delay would be contrary to the public interest and fail to address the ongoing

³ Qualified immigrants under the welfare law –the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) – include lawful permanent residents (LPRs) or people with green card; refugees, people granted asylum or withholding of deportation/removal, and conditional entrants; people granted parole by the U.S. Department of Homeland Security (DHS) for a period of at least one year; Cuban and Haitian entrants; certain abused immigrants, their children and/or their parents; certain survivors of trafficking; and individuals residing in the U.S. pursuant to a compact of free association (COFA).

⁴ On August 4, 1998, the U.S. Department of Health and Human Services (HHS) published a notice with a comment period clarifying which of its programs were subject to the restrictions on federal public benefits (such as Medicaid, CHIP and TANF) and which of its programs were exempt from or not subject to these restrictions. USDA had not published a similar notice until this one. PRWORA’s definition of qualified immigrant was not altered by the recent Reconciliation Act (OBBA, P.L. 119-106).

emergency at the Southern Border of the U.S.), but also grants a 30 day comment period.

Table A below lists the programs that HHS considered to be “Federal public benefits” in the initial August 4, 1998 notice⁵, and in the [notice](#) published on July 14, 2025.

“Federal public benefits” are subject to “qualified immigrant” eligibility restrictions. The notice says that this list is not exhaustive. Any programs not listed in this notice or established after the date of this notice may still fall under the definition of Federal public benefit. Any additional programs determined to be Federal public benefits will be announced in program specific guidance. However, the notice does not change eligibility for Medicaid or CHIP and states that cover lawfully residing immigrant children and pregnant people can continue to do so.

In the July 10, 2025 notice, HHS' recognized that some services designated as "federal public benefits" may nevertheless fit within one of the statutory exemptions, such as testing and treatment of communicable disease symptoms.

Qualified Immigrants

“Qualified immigrants” under the welfare law –the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) – are eligible for Federal public benefits programs. They include lawful permanent residents (LPRs) or people with a green card, refugees, people granted asylum or withholding of deportation/removal, and conditional entrants; people granted parole by the U.S. Department of Homeland Security (DHS) for a period of at least one year; Cuban and Haitian entrants; certain abused immigrants, their children and/or their parents; certain survivors of trafficking; and individuals residing in the U.S. pursuant to a Compact of Free Association (COFA).

Many lawfully residing immigrants, who are not listed as “qualified immigrants,” are ineligible for “Federal public benefits” programs. These immigrants include people with Temporary Protected Status; applicants for adjustment to LPR status with approved visa petitions; applicants for asylum or withholding of deportation/removal; people paroled for less than one year, granted deferred enforced departure, or deferred action; special immigrant juveniles; U Visa Holders, people with valid nonimmigrant visas, and more.⁶

⁵ HHS, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), “Interpretation of ‘Federal Public Benefit,’” 63 Fed. Reg. 41658–61 (Aug. 4, 1998). The HHS notice clarifies that not every benefit or service provided within these programs is a federal public benefit.

⁶ For more details on lawfully residing immigrants, see National Immigration Law Center, “Lawfully Present” Individuals Eligible Under the Affordable Care Act (last updated May 2024). <https://www.nilc.org/wp-content/uploads/2015/11/Lawfully-Present-Individuals-Eligible-Under-ACA-2024.pdf>

Table B Below provides details.

Verification Requirements

This HHS notice did not address PRWORA’s verification requirements. It confirms that non-profit charitable organizations are not required to verify immigration status. But it did not provide details on how verification of status might occur.

Costs and Savings

In addition to any savings that may be achieved by excluding lawfully residing people from health and human services programs, HHS notes millions of dollars in new administrative costs for individuals to document their eligibility, and the government to review their eligibility, and for programs to revise their eligibility and operating procedures.

Table A: Programs HHS Considers to Be “Federal Public Benefits” Restricted to “Qualified” Immigrants		
	HHS Notice: 8/4/1998⁷	HHS Notice: 7/10/2025
1. Adoption Assistance	✓	✓
2. Administration on Developmental Disabilities – State Developmental Disabilities Councils (direct services only)	✓	✓
3. ADD– Special Projects (direct services only)	✓	✓
4. ADD- University Affiliated Programs (clinical disability assessment services only)	✓	✓
5. Adult Programs/ Payments to Territories	✓	✓
6. Agency for Health Care Policy and Research Dissertation Grants	✓	✓

⁷ HHS, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), “Interpretation of ‘Federal Public Benefit,’” 63 Fed. Reg. 41658–61 (Aug. 4, 1998). The HHS notice clarifies that not every benefit or service provided within these programs is a federal public benefit.

7. Child Care and Development Fund	✓	✓
8. Clinical Training Grant for Faculty Development in Alcohol and Drug Use	✓	✓
9. Foster Care	✓	✓
10. Health Profession Education and Training Assistance	✓	✓
11. Independent Living Program	✓	✓
12. Job Opportunities for Low Income Individuals (JOLI)	✓	✓
13. Low Income Home Energy Assistance Program (LIHEAP)	✓	✓
14. Medicare	✓	✓
15. Medicaid (except assistance for an emergency medical condition)	✓	✓
16. Mental Health Clinical Training Grants	✓	✓
17. Native Hawaiian Loan Program	✓	✓
18. Refugee Cash Assistance	✓	✓
19. Refugee Medical Assistance	✓	✓
20. Refugee Preventive Health Services Program	✓	✓
21. Refugee Social Services Formula Program	✓	✓
22. Refugee Social Services Discretionary Program	✓	✓
23. Refugee Targeted Assistance Formula Program	✓	✓
24. Refugee Targeted Assistance Discretionary Program	✓	✓
25. Refugee Unaccompanied Minors Program	✓	✓
26. Refugee Voluntary Agency Matching Grant Program	✓	✓
27. Repatriation Program	✓	✓

28. Residential Energy Assistance Challenge Option (REACH)	✓	✓
29. Social Services Block Grants (SSBG)	✓	✓
30. State Child Health Insurance Program (CHIP)	✓	✓
31. Temporary Assistance for Needy Families (TANF)	✓	✓
32. Title X Family Planning Program		✓
33. Head Start		✗ ⁸
34. Title IV-E Educational and Training Voucher Program		✓
35. Community Services Block Grant (CSBG)		✓
36. Health Center Program ⁹		✓
37. Substance Use Prevention and Recovery Support Services Block Grant		✓
38. Community Mental Health Services Block Grant		✓
39. Projects for Assistance in Transition from Homelessness Grant Program		✓
40. Certified Community Behavioral Health Clinics		✓
41. Mental Health and Substance Use Disorder Treatment, Prevention and Recovery support Services Programs administered by the Substance Abuse and Mental Health Services Administration not otherwise covered under 37-40.		✓
42. Title IV-E Prevention Services Program		✓
43. Title IV-E Kinship Guardianship Assistance Program		✓

⁸ On September 11, a U.S. District court issued a nationwide preliminary injunction blocking immigrant eligibility restrictions in Head Start. *Washington State Association of Head Start and Early Childhood Education and Assistance Program v. Kennedy* on [Court Listener](#).

⁹ It is unclear which federal health center services would be considered a Federal public benefit.

44. Health Workforce Programs not otherwise covered under 10 above (including grants, loans scholarships, payments and loan repayments).		✓
Note 1: The notice says that this list is not exhaustive. Any programs not listed in this notice or established after the date of this notice may still fall under the definition of Federal public benefit. Any additional programs determined to be Federal public benefits will be announced in program specific guidance.		
Note 2: The notice does not change eligibility for Medicaid or CHIP and states that cover lawfully residing immigrant children and pregnant people can continue to do so.		

Table B: Qualified Immigrants and Lawfully Residing Immigrants		
	Qualified Immigrants	Lawfully Residing Immigrants
Lawful permanent residents (LPRs) or people with green cards	✓	✓
Refugees and people granted asylum	✓	✓
People granted withholding of deportation/removal, conditional entrants	✓	✓
People granted parole by the U.S. Department of Homeland Security (DHS) for a period of at least one year;	✓	✓
Cuban and Haitian entrants;	✓	✓
Certain abused immigrants, their children and/or their parents;	✓	✓
Certain survivors of trafficking	✓	✓
Individuals residing in the U.S. pursuant to a compact of free association (COFA)	✓	✓
People with Temporary Protected Status		✓
Applicants for adjustment to LPR status with approved visa petitions		✓
Applicants for asylum or withholding of deportation/removal		✓
People paroled for less than one year, with deferred enforced departure, or deferred action		✓
Special immigrant juveniles		✓
U Visa Holders		✓

People with valid nonimmigrant status or nonimmigrant visas		✓
Longtime Residents		✓
People under an order of supervision who have employment authorization		✓
People granted Family Unity		✓
<p>Applicants for the following statuses, who have been granted employment authorization:</p> <ul style="list-style-type: none"> - Cancellation of removal or suspension of deportation - Adjustment under the LIFE Act - Lawful Temporary Residents and Applicants for Legalization under the IRCA - Registry 		✓