

# Immigrant Rights to Public Benefits, Healthcare, and Sensitive Locations

Compiled and summarized by PASOs  
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## Public Benefits

- **Undocumented** individuals **have the right** to apply for and receive **SNAP, TANF, and Medicaid** for **eligible family members** (U.S. citizen child).
  - If an undocumented individual applies for public benefits for an eligible family member, agency workers will not report the undocumented individual to law enforcement.
  - Example: If an undocumented mother applies for TANF benefits for her U.S. citizen child, she will not be reported to law enforcement agencies.
  - Anyone who gives false information to the agency or presents fake or fraudulent documents could be arrested regardless of who they are seeking benefits for. Therefore, families must tell the truth about income and other matters.”
- Law: Personal Responsibility and Work Opportunity Reconciliation Act of 1996 § 404; 63 FR 41622, 41672 and 41684; Public Law 104-193 as amended by 104-209, 105-33 and 105-185; 65 FR 70166.**
- All **undocumented** immigrants who qualify have the **legal right to apply for WIC and will not be reported** for applying!
- Applying for or **receiving SNAP/TANF and Medicaid for an eligible family member does not make a non-citizen a public charge**. That is, a non-citizen to the United States **will not be deported**, denied entry to the country, or denied permanent status **because of receipt of benefits**.
  - **Receiving these benefits does not typically** make a person a **public charge**; however, a person **may be deemed a public charge** if the benefits are their only source of financial means or income.
- DSS, HUD, DHHS, and SSA **will only report undocumented immigrants** if the following is **true**:
  1. the immigrant is **applying for benefits for himself/herself & not his/her eligible children** or family
  2. the immigrant **gives the agency papers that state he/she is here illegally**, such as a final order of removal
  3. the agency makes an official decision that the immigrant is here illegally.
  4. the immigrant has given false information on paper work or presented fraudulent or false documents to obtain benefits.

**If your rights are violated!** Immigrants may refuse to tell a Health and Human Services employee their immigration status. HHS is not supposed to ask about immigration status, but only about the status of an immigrant's US citizen child. If an HHS employee asks about immigration status, take down the employee's name and contact Appled Justice 803-779-1113, or PASOs, 803-777-0188, to help.

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## Access to Healthcare

- Any entity receiving **HRSA or Title X funds** and any **FQHCs** must serve all clients, **regardless of immigration status** and these entities **do not ask patients their legal status**.
  - Sometimes these agencies will ask for valid identification to comply with federal health laws. Individuals can present valid up-to-date foreign identification that has their real name.
- **Hospitals** serve **undocumented immigrants** and hospital staff has **no duty to report** undocumented immigrants.
  - Hospitals will only turn in people who fail to pay their bills after they go to collection and those who require specialized out patient care and cannot be discharged to a nursing home or other facility due to not having insurance, Medicaid or Medicare to cover the costs.**Law: Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) Section 1011.**

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## Sensitive Locations

- **U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection** policies provide that enforcement actions at **sensitive locations will be avoided** & may only take place when prior approval is obtained from appropriate supervisory officials, or there are exigent circumstances necessitating immediate action without supervisor approval.
- **Sensitive locations include but are not limited to the following:**
  - Schools or education-related activities, and school bus stops that are marked and/or known to the officer, during periods when school children are present at the stop;
  - Medical treatment and health care facilities, such as hospitals, doctors' offices, health clinics, and emergent or urgent care facilities;
  - Places of worship, such as churches, synagogues, mosques, and temples;
  - Religious or civil ceremonies or observances, such as funerals and weddings;
  - During public demonstration, such as a march, rally, or parade.
- **Schools** cannot report undocumented children unless they have the parent's permission or are given a subpoena.
  - Some schools publish a school directory with student names, addresses, countries of birth; parents and students have the right to choose not to be included in the student directory.**Law: Plyler v. Doe, 457 U.S. 202 (1982)**
- **Assistance and Benefits for All Persons Regardless of Legal Status**  
(Immigration status will not be verified for these programs)
  - Emergency Room, Emergency medical assistance, and community health clinics
  - School breakfast and lunch programs
  - Head Start
  - Emergency services, shelter/ food/clothing
  - Police, fire, ambulance, public transportation (like buses)**Law: Personal Responsibility and Work Opportunity Act and 8 USC 161121**