

IMMIGRANT ELIGIBILITY FOR PUBLIC BENEFITS

FEDERAL POLICY GUIDANCE REGARDING INQUIRIES INTO CITIZENSHIP, IMMIGRATION STATUS, AND SOCIAL SECURITY NUMBERS IN STATE BENEFIT APPLICATION FORMS: SUMMARY OF REQUIREMENTS

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On September 21, 2000, the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA) issued guidance to state officials clarifying the proper treatment of immigration status and Social Security Number (SSN) questions on benefit application forms used by states. Many states have been combining applications for food stamps, Medicaid, State Children’s Health Insurance Program (SCHIP), and Temporary Assistance for Needy Families (TANF) into a single form. However, the combined form used by states includes unnecessary and inappropriate questions regarding immigration status and SSNs, discouraging eligible immigrants and their citizen family members from applying for benefits. The guidance clarifies that only the immigration status of the “applicant” for benefits is relevant. And, although applicants for food stamps, Medicaid, and TANF must apply for SSNs if they do not have them, states must assist them in applying for SSNs and cannot delay or deny benefits while the SSN is pending. SSNs are not required of applicants for SCHIP benefits.

The table below summarizes the requirements for the programs covered by the guidance. For greater detail, please consult the guidance.

PROGRAM	IMMIGRATION STATUS QUESTIONS ¹	SOCIAL SECURITY NUMBER QUESTIONS	COMMENTS
Emergency Medicaid	No proof of immigration status required	States may not require SSN	If the state form asks for an SSN, it must also inform the applicant that providing an SSN is voluntary and explain how it will be used. States cannot deny benefits if the applicant does not provide an SSN.
Non-Emergency Medicaid (including Medicaid expansions under SCHIP)	Required only for persons seeking benefits	Required only for person seeking benefits	States must assist individuals in applying for SSNs.
SCHIP (separate State Children’s Health Insurance Programs)	Required only for persons seeking benefits	State option to require SSN of applicants*	Although the Guidance originally declared that states may not require an SSN in separate SCHIP programs, HHS later reversed its position and granted states the option to impose this requirement.*
Food Stamps	Required for persons seeking benefits	Required for persons seeking benefits	States are encouraged to allow household members who are not seeking benefits to identify as “non-applicants” early in the process. Benefits cannot be denied to eligible persons based on a household member’s choice not to disclose immigration status or SSN.
TANF (Temporary Assistance for Needy Families)	Required for persons seeking benefits	Required for persons seeking benefits	States may allow ineligible family members to designate themselves as “non-applicants” on the initial application form. States must assist individuals in applying for SSNs.

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¹ Victims of trafficking who have been certified by the U.S. Department of Health and Human Services should be able to receive all of these benefits, if otherwise eligible, without showing proof of their immigration status.

* Health Care Financing Administration, Interim Final Rule, “Revisions to the Regulations Implementing the State Children’s Health Insurance Program,” 66 Fed. Reg. 33810, 33823 (June 25, 2001).