



News Release

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Departments of HHS And Agriculture Issue Guidance On When States May Pose Questions Regarding Immigration Status, Citizenship And Social Security Numbers

The Departments of Health and Human Services (HHS) and Agriculture (USDA) have issued policy guidance clarifying when states may or may not request information about citizenship, immigration status, and Social Security numbers on applications for Medicaid, SCHIP, Temporary Assistance to Needy Families (TANF), and food stamp benefits. The policy guidance, consisting of a letter and set of questions and answers, also discusses the circumstances under which states may or may not deny benefits when an applicant does not provide the requested information.

The document represents part of the administration's continuing effort to provide education and technical assistance to those involved in implementing health and welfare programs. The guidance is intended to ensure that all persons eligible for federal benefit programs are enrolled. Health care, social service and nutritional supports are critical for all families, especially those trying to make the transition from welfare to work.

Many states have developed joint applications for a number of programs, such as Medicaid, TANF and food stamps, to make it easier for individuals to receive the services they need. In many situations, this has resulted in the inclusion of questions regarding the citizenship, immigration status and Social Security number of persons who are living in an applicant's household, but who are not applying for benefits or who are not eligible for benefits. These inquiries may have the unintended effect of discouraging some families from applying for and receiving benefits to which they or their children are entitled. The guidance recommends that states review their application forms and eligibility determination processes and make changes, if necessary.

While states are often required to establish the citizenship and immigration status of applicants, they *may not* require applicants to provide information about any *other* person's citizenship or immigration status. For example, if a child is applying for Medicaid or the State Children's Health Insurance Program (SCHIP), the state may not require disclosure of the citizenship or immigration status of non-applicant parents or other household or family members.

In addition, states are reminded that the Privacy Act of 1974 prevents states from requiring that an individual disclose his or her Social Security number (SSN) unless there is a specific federal statute that mandates such disclosure. Thus, while states may require that applicants for Medicaid, TANF and food stamps provide their SSNs, states may violate the Privacy Act when they require non-applicants living in the household or family unit to provide their SSNs. States always may request individuals to voluntarily provide their SSNs as long as states make clear that disclosure is voluntary and explain what will be done with SSNs that are disclosed.

The guidance letter to the states was issued by officials of the Office for Civil Rights, Administration for Children and Families, and the Health Care Financing Administration of HHS and the Food and Nutrition Service of the USDA.