

A background image of a man with dark hair and a beard, wearing a light blue button-down shirt. He is smiling and holding a set of keys in his right hand, which is raised towards the camera. The keys are on a silver ring and include several keys of different shapes and sizes. The background is a warm, out-of-focus indoor setting.

HR 1 Implementation Series: HR1, Medicaid coverage and Immigration Status

April 22, 2026

POLL:

Which states have used state funds to cover people who are undocumented?

- A. California
- B. Illinois
- C. Minnesota
- D. All of the Above



Today's Agenda

...

- Learning Objectives
- Key Provisions of HR1 that are States are impact immigrants and Medicaid coverage
- Background
- HR1 Changes
- Q&A



Learning Objectives

- Learn what health insurance/ Medicaid eligibility coverage categories are most impacted by HR1
- Learn about state decisions that can help people retain their health insurance/ Medicaid coverage
- Learn about strategies to help people navigate these changes and keep their coverage



About the National Center for Housing + Health

The National Center for Housing + Health (NCH+H) is an innovative resource dedicated to advancing the alignment between affordable housing and healthcare. The Center brings together innovations, proven models, and practical strategies and policies that help housing providers, healthcare organizations, policymakers, and community and system leaders work better together — and make a bigger difference for people and communities.



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**NATIONAL
IMMIGRATION
LAW CENTER**

H.R. 1 and Immigrants:

Changes to Public Benefit Eligibility

April 22, 2026

Disclosure & Disclaimer

Disclosure: The presenter has no relevant financial relationships or conflicts of interest to disclose related to the content of this presentation.

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NATIONAL IMMIGRATION LAW CENTER

The National Immigration Law Center (NILC) is the one of the leading advocacy organizations in the U.S. dedicated to defending and advancing the rights and opportunities of low-income immigrants and their loved ones.

Established in 1979, we drive lasting, transformational change at the intersection of immigrant, economic, and racial justice through impact litigation, policy advocacy, movement-building, and narrative and culture change.

Agenda

- Immigrant Eligibility for Public Benefits
- Effects of H.R. 1
- Public Charge
- Dating Sharing
- What Service Providers Should Know
- Questions & Answers
- Resources



Immigrant Eligibility for Public Benefits



Personal Responsibility and Work Opportunity Reconciliation Act

- PRWORA: Passed into law in 1996. Also called the 1996 welfare law.
- Restricts eligibility for “Federal public benefits” to “qualified” immigrants
- Nonprofits are not required to verify eligibility



H.R. 1 Background

- On 7/4/25, President Trump signed the budget reconciliation bill (“H.R. 1”) into law.
- Introduced significant changes and limitations to access to public benefits and tax credits for immigrants.

Qualified Immigrants

- Lawful permanent residents (LPRs), or people with green cards
- Refugees, people granted asylum or withholding of deportation/removal, and conditional entrants
- People granted parole for a period of at least one year
- Cuban and Haitian entrants
- Certain survivors of domestic violence, their children, and/or their parents
- Certain survivors of trafficking
- Individuals residing in the U.S. pursuant to a Compact of Free Association (COFA)

Not-Qualified Immigrants

- **Everyone else!**
- Includes
 - Undocumented immigrants
 - “Lawfully present” people
 - DACA recipients
 - TPS holders



“Lawfully Present”

- Another category some programs use
- Includes “qualified” immigrants but also others who have permission to live and/work in the U.S.
- Interpreted differently depending on the program



Five Year Waiting Period

- Many qualified immigrants must wait five years after they obtain their qualified status before they can obtain certain federal public benefits.
- Includes:
 - Medicaid (except for emergency services)
 - CHIP
 - TANF
 - SNAP
 - SSI



Effects of H.R. 1

Public Benefits Eligibility

Under HR1:

- **Only these immigrants:**
 - Lawful Permanent Residents (LPRs or green card holders),
 - Cuban and Haitian entrants, and
 - People residing under a Compact of Free Association (COFA)
- **Will get federal funding for these programs:**
 - SNAP
 - Medicare
 - Medicaid
 - Affordable Care Act Subsidies

Medicaid + CHIP

Now	Effective October 1, 2026
Only "Qualified" immigrants + Children/Pregnant Immigrants In Certain States	Only 3 groups + Children/Pregnant Immigrants In Certain States
Lawful permanent residents (LPRs) who have met the 5-year waiting period (if applicable)	LPRs who have met 5 year waiting period (if applicable)
Cuban-Haitian entrants	Cuban-Haitian entrants
Individuals living in the United States under a Compact of Free Association ("COFA citizens")	COFA citizens
Certain humanitarian immigrants (refugees, asylum recipients)	
Certain survivors (trafficking, crimes, domestic violence)	

Affordable Care Act Health Insurance Subsidies: Advanced Premium Tax Credit

Prior Law	Effective January 1, 2026
Lawfully present immigrants ineligible for Medicaid and earning less than 100% of poverty	No eligibility for immigrants earning under 100% of poverty
Now	Effective January 1, 2027
Lawfully Present Immigrants	Only 3 Groups of Immigrants
LPRs	LPRs
Cuban-Haitian entrants	Cuban-Haitian entrants
COFA citizens	COFA citizens
Other Qualified immigrants	
Lawfully present immigrants including TPS, asylum applicants, and more	

Medicare

Now	Effective Date Unknown (those on Medicare on 7/4/2025 receive it through 1/4/2027)
Lawfully Present Immigrants With Sufficient Work Quarters	Only 3 Groups of Immigrants
LPRs	LPRs
Cuban-Haitian entrants	Cuban and Haitian entrants
COFA citizens	COFA citizens
Other lawfully present immigrants with 40 work quarters	

SNAP

Now	Effective October 31, 2025
Only "Qualified" immigrants	Only 3 groups
Lawful permanent residents (LPRs) who have met the 5-year waiting period (if applicable)	LPRs who have met 5 year waiting period (if applicable)
Cuban-Haitian entrants	Cuban-Haitian entrants
Individuals living in the United States under a Compact of Free Association ("COFA citizens")	COFA citizens
Certain humanitarian immigrants (refugees, asylum recipients)	
Certain survivors (trafficking, crimes, domestic violence)	

Tax Changes

Child Tax Credit

Now	2026 Tax Year
Children with a Social Security Number (SSN)	Only children with a parent with an SSN that is authorized for work

American Opportunity and Lifetime Learning Credits

Now	2026 Tax Year
Anyone filing taxes	Only people with an SSN that is authorized for work

Exclusions for Overtime and Tips

Now	2026 Tax Year
Did not exist	Only people with an SSN that is authorized for work

H.R. 1 Implementation

Program	Effective Date
Medicaid and CHIP	October 1, 2026
ACA Advanced Premium Tax Credit	January 1, 2027
ACA Marketplace Tax Credits (for individuals earning below 100% of poverty level)	January 1, 2026
Medicare	Currently and up to January 4, 2027 for current recipients
SNAP	November 1, 2025
Child Tax Credit and other tax restrictions	Taxable years beginning after December 31, 2025

Bottom Line: Who is Losing Coverage

Who:

- Refugees, asylees, survivors of domestic violence and trafficking, people with Temporary Protected Status (TPS) (ACA only), applicants for asylum and/or other statuses (ACA only)

When?

- **Medicaid and CHIP:** expecting guidance maybe by end of this year (effective 10/1/26)
- **ACA under 100% of FPL:** notices are going out now to impacted people (effective 1/1/26)
- **ACA for lawfully present immigrants regardless of income:** would expect guidance prior to Open Enrollment for 2027 (effective 1/1/27)
- **Medicare: ????** (NLT 1/1/27)
- **SNAP:** Confusing and contradictory guidance was released (effective 11/1/25)

Agency PRWORA Notices: What We Know Now

Programs without Restrictions

- Emergency Medicaid (EMTALA)
- Public health programs for communicable diseases
- School breakfast/lunch programs
- WIC (except in Idaho)
- Prenatal services (depending on state)
- Noncash disaster emergency assistance
- In-kind services necessary to protect life or safety



July Notices

In July 2025, five federal agencies issued notices indicating intent to reinterpret the definition of federal public benefit in PRWORA:

- Department of Health and Human Services (HHS)
- Department of Agriculture (USDA)
- Department of Labor (DOL)
- Department of Education (ED)
- Department of Justice (DOJ)

The HHS, DOJ, DOL, and ED notices were enjoined in 21 states in September 2025. This means a court said the notices cannot be in effect.

November Notices

- On November 20, 2025, the **Department of Treasury** announced a legal opinion and forewarned a Notice of Proposed Rulemaking with its own reinterpretation for federal refundable tax credits.
- On November 25, 2025, the **Department of Housing and Urban Development (HUD)** issued a notice indicating intent to reinterpret the definition of federal public benefit.

Public Charge

What is public charge?

Legally – *Public charge is part of the Immigration and Nationality Act. It allows someone to be denied entry to the U.S. or a green card if, using a number of factors, they might be a public charge.*

Applies to:

- People applying for entry from outside of the U.S.
- People applying for a green card from within the U.S. (with exemptions)

How does it work now?

Totality of Circumstances Test - Officers must review all of a person's circumstances – age, education, income, health, family size, and may consider affidavit of support. Also may consider the use of specific benefits

Only benefits included today:

- Cash assistance (TANF/SSI) or state/local cash assistance
- Long term institutionalization funded by the government (e.g. nursing home care)

2025 DHS Regulation

Essentially eliminates the 2022 Biden rule and does not replace it with a new regulation

The proposed rule:

- Deletes limitation on which programs may be considered in a determination
- Deletes clarifications on family members' use of benefits
- Deletes clarification that receipt of benefits while in an exempt status is not considered
- Indicates that any past or potential future use of a benefit for any length of time could be counted

2025 DHS Regulation

- Suggests officers would be able to consider virtually any benefit used (past or future)
- Lack of any guidelines create potential for arbitrary and discriminatory decisions
- Will lead to chaos and confusion for the public, without an intent to provide adequate clarity
- Is contradictory to longstanding practices and law

What to tell community members

- Emphasize that the rule is proposed and nothing changes until it is final.
- Help people understand that public charge only applies to limited categories of noncitizens who plan to apply for a green card in the future.
- Emphasize the importance of getting health, food, and housing for your family.



Data Sharing

Data Privacy

- Federal benefits agencies, including CMS, have begun sharing data with DHS
- DHS is primarily seeking addresses of potentially undocumented immigrants
- The ACA has strong data privacy rules
- A December 2025 order limits the sharing of Medicaid data with DHS in 22 states – but allows CMS to share data on recipients who are not lawfully present if the information can be separated from other data
- Lawsuits will continue

What to tell community members

- Acknowledge their fears.
- Explain what protections exist, while also explaining that those protections have not always been respected.
- Encourage everyone to make individualized decisions, based on having all relevant information.
- Look at and share: [PIF Data Privacy and Public Programs Toolkit](#)

What Service Providers Should Know

Legal Framework

- Governed by the **Fourth Amendment** protections against *unreasonable search and seizures*
 - Is there a reasonable expectation of privacy in an area?
 - **Private vs public** spaces matter
- Health care providers have **no affirmative legal obligation** to inquire about or report to federal immigration authorities a person's immigration status
- HIPAA governs privacy and has law enforcement exceptions that are *allowed not required*

Rights and Responsibilities

FOR PEOPLE YOU SERVE:

- **They can't be denied EMERGENCY TREATMENT by a hospital, regardless of immigration status, even if they can't pay**
- **Right to apply for eligible coverage:** If they apply for coverage, their information can only be used for health insurance. And they do not have to provide their status if applying for someone else (e.g. a child)
- **Right to care in your language:** You have the right to receive language assistance when seeking care or applying for Medicaid, CHIP, and Marketplace coverage

FOR SERVICE PROVIDERS

- You have the right to **refuse entry to private spaces in facilities** and **refuse to provide information about clients** to law enforcement (including immigration) ***unless*** the request for information is pursuant to a warrant issued by a judge or magistrate (and sufficiently specific)
- You have to **invoke your rights:** If you give consent to entry or access, your patients lose this protection
- **Build a plan**

QUESTIONS & ANSWERS

Resource Hub

<https://bit.ly/m/NILC-Health-Webinar>



Stay connected through NILC's Health and Economic Justice Mailing for future opportunities!

More information and resources can be found at our website: <https://www.nilc.org/resources/>



Additional Resources

National Health Law Program (NHeLP) Resources:

<https://healthlaw.org/immigrant-health/>

National Housing Law Project (NHLP) Resources:

<https://www.nhlp.org/initiatives/immigrant-rights/>

NILC's Public Benefits Guide for Practitioners:

<https://www.nilc.org/resources/public-benefits-for-immigrants-a-guide-for-practitioners/>

More information and resources can be found at our website: <https://www.nilc.org/resources/>



Questions



Session Evaluation

Up in ZOOM



Next Session

- Address Verifications
- May 18th or 20th Afternoon ET
- Check at [Corporation for Supportive Housing - CSH Events - Housing Webinars and Trainings](#) when we finalize a date.



Thank you!

Learn more at www.csh.org



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