

Privacy Protections in Selected Federal Benefits Programs

FEBRUARY 21, 2018*

	Immigration Status Requirements: Nonapplicants	Social Security Number (SSN) Requirements: Nonapplicants	Social Security Number (SSN) Requirements: Applicants ¹	Limitations on Use of Information about Benefit Applicants or Recipients
Medicaid	<ul style="list-style-type: none"> States may only require an applicant to provide the information necessary to make an eligibility determination.² States may <i>not</i> require nonapplicants to disclose their citizenship or immigration status and may not deny benefits because a nonapplicant fails to disclose this information.³ 	<ul style="list-style-type: none"> Medicaid must accept applications filed by nonapplicant adults.⁴ A state agency may — but is not required to — request a nonapplicant’s SSN, but only if (1) providing an SSN is voluntary; (2) the SSN is used only to determine applicant’s eligibility for Medicaid or another insurance affordability program; and (3) the agency provides clear notice that provision of the nonapplicant’s SSN is voluntary and provides information about how the SSN will be used.⁵ 	<ul style="list-style-type: none"> States may only require applicants to provide information necessary to make an eligibility determination or for a purpose directly connected to administering the state plan.⁶ SSNs are generally required of Medicaid applicants.⁷ If an applicant cannot recall his or her SSN or an SSN has not been issued, the agency must assist the applicant in applying for an SSN and may not deny or delay benefits.⁸ If an applicant is not eligible for an SSN, is eligible only for a nonwork SSN, or has a well-established religious objection to obtaining an SSN, the state may use a Medicaid identification number to determine eligibility.⁹ Individuals seeking Medicaid for emergency services only do 	<ul style="list-style-type: none"> States must restrict disclosure to purposes directly connected with administration of the Medicaid program.¹¹ Purposes directly related to Medicaid administration are defined to include: establishing eligibility, determining the amount of medical assistance, providing services or conducting or assisting an investigation, prosecution or civil or criminal proceeding related to administration of the state Medicaid plan.¹² Information that states <i>must</i> safeguard includes: names and addresses, any information received for verifying income eligibility and the amount of medical assistance payments, agency evaluation of personal information, social and economic conditions or circumstances, and SSN.¹³ The Medicaid agency must have specific criteria for releasing information about applicants and beneficiaries, including restricting access to agencies that are subject to standards of confidentiality comparable to Medicaid’s standards.¹⁴ Releasing information to a federal immigration agency regarding receipt of Medicaid benefits is <i>not</i>

* Correction made to endnote 61 on Sep. 10, 2019: The last parenthetical in the citation was changed from “(v)” to “(iv).”

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			not need to provide an SSN and are not required to provide information about their immigration status or have their status verified. ¹⁰	<p>connected to the administration of the state plan.¹⁵</p> <ul style="list-style-type: none"> ● U.S. Immigration and Customs Enforcement confirmed that it does not use information obtained from applicants for health coverage under the ACA, Medicaid, or CHIP for purposes of civil immigration enforcement.¹⁶ ● Allows Medicaid to share information with other related programs, such as to verify children’s eligibility for school breakfast and lunch.

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Children’s Health Insurance Program (CHIP)	<ul style="list-style-type: none"> ● States must reduce administrative barriers to applying for the program.¹⁷ ● States that use Medicaid application and renewal forms and the Medicaid eligibility verification process are deemed to comply with the CHIP statute.¹⁸ ● Medicaid rules regarding the provision and use of nonapplicant information apply to separate CHIP programs and Medicaid expansion programs.¹⁹ 	<ul style="list-style-type: none"> ● States may not require nonapplicants to provide an SSN.²⁰ ● States must reduce administrative barriers to applying for the program.²¹ ● States that use Medicaid application and renewal forms and the Medicaid eligibility verification process are deemed to comply with the CHIP statute.²² ● Medicaid rules regarding the provision and use of SSNs apply to separate CHIP programs and Medicaid expansion programs.²³ 	<ul style="list-style-type: none"> ● States must reduce administrative barriers to applying for the program.²⁴ ● States that use Medicaid application and renewal forms and the Medicaid eligibility verification process are deemed to comply with the CHIP statute.²⁵ 	<ul style="list-style-type: none"> ● CHIP is required to comply with Medicaid’s privacy protections (see above). This applies whether a state has a separate CHIP program or a Medicaid-expansion CHIP program, or a combination of the two.²⁶ ● ICE does not use information provided by individuals when applying for health coverage as the basis for pursuing immigration enforcement against applicants or their household members.²⁷

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Affordable Care Act Marketplace	<ul style="list-style-type: none"> Applicants for the marketplace or insurance-premium tax credits or cost-sharing reductions shall only be required to provide the information strictly necessary to authenticate identity, determine eligibility, and determine the amount of the credit or reduction applying for the marketplace.²⁸ The marketplace regulations generally prohibit requests for the citizenship or immigration status of individuals who are not seeking coverage for themselves, on either an application or a supplemental form.²⁹ 	<ul style="list-style-type: none"> Generally, nonapplicant household members should not be required to provide an SSN. However, if a nonapplicant is the tax filer for the year that tax data is used to verify household income and family size, and has an SSN, the nonapplicant must provide it.³⁰ 	<ul style="list-style-type: none"> People applying for coverage in the marketplace must provide only the information strictly necessary to authenticate identity and to determine eligibility for the marketplace and the amount of advance premium tax credits and cost-sharing reductions for which they may be eligible.³¹ The marketplace may require applicants to provide an SSN only if they have one.³² 	<ul style="list-style-type: none"> Any person or agency receiving information from the marketplace must use it only for the purposes of ensuring efficient operation of the health insurance marketplace, including verifying eligibility or claiming insurance-premium tax credits or cost-sharing reductions.³³ Information that is linkable to an applicant or an applicant’s family member, such as an SSN, name, address, or other information, may be used only for specific exchange functions, such as determining applicants’ eligibility and enrolling them in plans.³⁴ Data-sharing arrangements must be equal to or more stringent than data-sharing requirements of the Medicaid program.³⁵ Any marketplace agreements with nonmarketplace entities, such as contractors, must require them to comply with the marketplace privacy rules. Individuals who knowingly and willfully use or disclose information in violation of the Affordable Care Act may be liable for civil monetary penalties of up to \$25,000.³⁶ ICE does not use information provided by individuals when applying for health coverage as the basis for pursuing immigration enforcement against applicants or their household members.³⁷

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Supplemental Nutrition Assistance Program (SNAP)	<ul style="list-style-type: none"> If a household member indicates an inability or unwillingness to provide documentation of immigration status, 	<ul style="list-style-type: none"> If a SNAP household member does not provide an SSN (and does not wish to apply for one) the state agency generally will determine him or her ineligible for benefits. However, state agencies may not deny benefits to otherwise eligible household members simply 		<ul style="list-style-type: none"> The SNAP laws generally prohibit the use or disclosure of information obtained from applicants.⁴¹ However, SNAP allows disclosures to: (1) people directly connect to administering and enforcing SNAP; (2) the comptroller general of the U.S. for audit and examination authorized under law; (3) a state or local law enforcement investigation of violation of SNAP laws or regulations; or (4) the

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	<p>the state agency must classify that person as ineligible and the state agency must <i>not</i> continue efforts to obtain documentation.³⁸</p>	<p>because other household members fail to provide or apply for an SSN.³⁹</p> <ul style="list-style-type: none"> • While states are generally required to verify the immigration status of any applicant, if a household member does not wish to have their status verified, the state agency must give the household the option to withdraw its application or to participate without that household member.⁴⁰ 		<p>federal government for purposes of collecting the amount of an over-issuance of benefits. SNAP law also allows the disclosure of an address, SSN, and photograph (if available) of a household member to a federal state or local law enforcement officer if the household member is fleeing to avoid prosecution or custody or confinement after committing a felony or is violating a condition of probation or parole under federal or state law or if a family member has information necessary for an officer to locate this household member.⁴²</p> <ul style="list-style-type: none"> • Requires reporting in very narrow circumstances if the agency “knows” that an immigrant is not lawfully present.⁴³

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<p>Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)</p>	<ul style="list-style-type: none"> • Information about immigration status is not required for mothers, children, or infants to enroll in WIC, except in Indiana, where immigration status information is required.⁴⁴ 	<ul style="list-style-type: none"> • SSNs are not required for nonapplicants or applicants for WIC. However, a state must determine that applicants establish identity, residency, income, and nutritional risk and, where applicable, pregnancy.⁴⁵ • If an applicant does not have proof of residency or identity, a state or local agency must require applicants to confirm their residency or identity in writing.⁴⁶ 		<ul style="list-style-type: none"> • WIC regulations limit what the state agency may disclose and to whom. The rules restrict access to “confidential applicant and participant information” to people directly connected with administration or enforcement of the WIC program whom the state agency determines have a need to know the information for WIC program purposes.⁴⁷ • “Confidential applicant and participant information” is defined as any information about an applicant or participant as a result of a WIC application, certification or participation that individually identifies an applicant or participant and/or family members. There are also specific rules for responding to a search warrant that limit to the greatest extent possible access to the confidential information.⁴⁸ • A WIC state or local agency may use confidential participant information in the administration of other programs that serve people eligible for WIC and for reporting child abuse and neglect.⁴⁹ • If applicants sign a voluntary release form, WIC may share information with health care providers.⁵⁰

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National School Lunch Program	<ul style="list-style-type: none"> ● Immigration status is not an eligibility factor for free or reduced-price lunches or school breakfast.⁵¹ 	<ul style="list-style-type: none"> ● An adult household member must sign an application for the school lunch program. Adults signing the application must either enter the last four digits of their SSN or state that they do not have one. Households that provide a SNAP, TANF, or Food Distribution Program on Indian Reservations (FDPIR) case number on the application do not need to provide the last four digits of their SSN or state that they do not have one.⁵² 	<ul style="list-style-type: none"> ● Immigration status is not an eligibility factor for free or reduced-price lunches or school breakfast.⁵³ 	<ul style="list-style-type: none"> ● Limits disclosure of any information obtained from either (1) an application for free or reduced-price meals or (2) information obtained from SNAP, FDPIR, TANF, Medicaid, school breakfast, or a similar income-based program to purposes related to the administration of school meals (and related programs) or an alleged fraud investigation.⁵⁴ ● Administration of the program includes verification of eligibility (which may be done by a third-party contractor) for school meals and other nutrition, education, and health programs.⁵⁵ ● A person who violates the program rules by disclosing information may be subject to a criminal penalty.⁵⁶

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Temporary Assistance for Needy Families (TANF)	<ul style="list-style-type: none"> ● Follows the Tri-Agency Guidance regarding questions about immigration status and SSN for <i>nonapplicants</i>.⁵⁷ ● Eligibility and benefits generally are based on the circumstances of the family unit; states are not required to obtain an SSN or the immigration status of a nonapplicant. When applying for TANF, the family unit may state that the nonapplicant is ineligible for TANF without providing information about the nonapplicant’s immigration status. States have flexibility in TANF either to treat a family member who is not applying for TANF for him/her/their self as a nonapplicant and/or to allow the person to be excluded from the TANF family by using TANF “child only” rules.⁵⁸ 	<ul style="list-style-type: none"> ● Applicants must disclose their SSN unless an SSN has not been issued, in which case a state must help the applicant apply for an SSN.⁵⁹ ● The state agency may not deny, delay or discontinue TANF assistance pending the issuance or verification of an SSN.⁶⁰ 		<ul style="list-style-type: none"> ● In its TANF state plan, each state must include that they will take such reasonable steps as the state deems necessary to restrict the use and disclosures of information about individuals and families receiving assistance under a federally-funded TANF program.⁶¹ ● Federal law requires TANF programs to report to immigration authorities only in very narrow circumstances — if a state agency “knows” that an immigrant who is <i>applying to receive TANF for his or own use</i> is not lawfully present in the U.S.⁶²

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Child Care and Development Fund (CCDF)–funded Child Care ⁶³	<ul style="list-style-type: none"> For most child care funded by CCDF, <i>only the child’s</i> immigration or citizenship status is relevant for eligibility determinations, and administering agencies may not request information about a parent’s citizenship or immigration status (Note the exception for child care subject to public educational or Head Start standards below).⁶⁴ Nonprofit child care agencies are not required to verify immigration status; it is the role of the lead agency to do so.⁶⁵ 	<ul style="list-style-type: none"> States are prohibited from requiring SSNs as a condition of eligibility for CCDF-funded child care assistance.⁶⁶ States are permitted to request an SSN on an application form, but the form must make clear that providing an SSN is optional. The application instructions must state that an SSN is not required; that “eligibility will not be denied due to the failure of the applicant to provide a [SSN];” how SSNs are intended to be used; and how the state will preserve confidentiality. Agencies may assign a unique identifying number to the family unit receiving assistance instead of an SSN.⁶⁷ Nonprofit child care providers are not required to verify SSN; it is the role of the lead agency to do so.⁶⁸ 		<ul style="list-style-type: none"> Lead agencies are required to certify in the Child Care and Development Fund (CCDF) Plan that they have policies to govern the use and disclosure of confidential and personally-identifiable information about children and families receiving CCDF-funded assistance and child care. Regulations also highlight the importance of personal information not being used for purposes outside of the administration or enforcement of CCDF.⁶⁹

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Head Start and Early Head Start	<ul style="list-style-type: none"> Children may be eligible regardless of their immigration status. Children are eligible for Head Start and Early Head Start without providing information about their own or a parent’s immigration or citizenship status. Head Start Child Care Partnerships also follow these rules. These programs have been determined not to provide federal public benefits because non–post-secondary education benefits were omitted from the statutory definition in Title IV of PRWORA. Therefore, Head Start providers are not required to implement PRWORA’s verification requirement.⁷⁰ 			
TANF-funded Child Care	<ul style="list-style-type: none"> Eligibility for child care funded by TANF is generally based on eligibility of the parent. Eligibility rules for TANF and TANF-related child care vary from state to state. See TANF section, above. 			

NOTES

¹ In some programs, eligible applicants who are not eligible for an SSN can apply for a nonwork SSN in order to receive the benefits or services. See Social Security Administration, Program Operations Manual, RM 10211.610 Valid Reasons to Assign and SSN for Nonwork Purposes, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0110211610>.

² 42 CFR § 435.907(e)(1). The preamble to the final rule on Medicaid Program Eligibility, at page 17164, notes that states may not request information regarding a nonapplicant's citizenship or immigration status. Medicaid Program; Eligibility Changes Under the Affordable Care Act of 2010, Final Rule, Federal Register, Vol. 77, No. 57 (March 23, 2012).

³ Letter from HHS & USDA to State Health and Welfare Officials, “Policy Guidance Regarding Inquiries into Citizenship, Immigration Status and Social Security Numbers in State Applications for Medicaid, State Children’s Health Insurance Program, Temporary Assistance for Needy Families, and Food Stamp Benefits,” <https://www.medicald.gov/Federal-Policy-Guidance/downloads/sho092100.pdf>; U.S. Dept. of Health & Human Services, “Policy Guidance Regarding Inquiries into Citizenship, Immigration Status, and Social Security Numbers in State Applications for Medicaid, State Children’s Health Insurance Program (SCHIP), Temporary Assistance for Needy Families (TANF) and Food Stamp Benefit, Questions and Answers,” <https://www.hhs.gov/sites/default/files/triagencyq%26as.pdf>. The preamble to the final rule on Medicaid Program Eligibility, at page 17165, incorporates this tri-agency guidance into the final rule by reference. Medicaid Program; Eligibility Changes Under the Affordable Care Act of 2010, Final Rule, Federal Register, Vol. 77, No. 57 (March 23, 2012).

⁴ 42 CFR § 435.907(a).

⁵ 42 CFR §§ 435.907(e)(2), 435.907(e)(3); and 435.910(e)(3).

⁶ 42 CFR § 435.907(e)(1).

⁷ 42 CFR § 435.910(a).

⁸ 42 CFR § 435.910(b)-(f).

⁹ 42 CFR § 435.910(h).

¹⁰ 42 U.S.C § 1320b-7(f).

¹¹ 42 USC § 1396a(a)(7) and 42 USC § 1320b-7(a)(5).

¹² 42 CFR § 431.302.

¹³ 42 CFR § 431.305.

¹⁴ 42 CFR § 431.306.

¹⁵ Letter from Sally Richardson, Center for Medicaid and State Operations, to State Medicaid Directors (Dec. 17, 1997) (on file with the National Immigration Law Center).

¹⁶ U.S. Immigration and Customs Enforcement, “Clarification of Existing Practices Related to Certain Health Care Information” (Oct. 25, 2013), <https://www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf>.

¹⁷ 42 USC § 1397 bb (b)(4)(A).

¹⁸ 42 USC § 1397 bb (b)(4)(B).

¹⁹ 42 CFR § 457.340 (b).

²⁰ 42 CFR § 457.320(b)(4), 42 CFR § 457.301.

²¹ 42 USC § 1397 bb (b)(4)(A).

²² 42 USC § 1397 bb (b)(4)(B).

²³ 42 CFR § 457.340 (b).

²⁴ 42 USC § 1397 bb (b)(4)(A).

²⁵ 42 USC § 1397 bb (b)(4)(B).

²⁶ 42 CFR § 457.1110.

²⁷ U.S. Immigration and Customs Enforcement (ICE), “Clarification of Existing Practices Related to Certain Health Care Information” (Oct. 25, 2013), <https://www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf>.

²⁸ Affordable Care Act § 1411(g)(1), codified at 42 USC § 18081(g)(1).

²⁹ 45 CFR § 155.310(a)(2).

³⁰ 45 CFR § 155.305(f)(6).

³¹ Affordable Care Act § 1411(g)(1), codified at 42 USC § 18081(g)(1).

³² 45 CFR § 155.310(a)(3)(i).

³³ Affordable Care Act § 1411(g)(2), codified at 42 USC § 18081(g)(2).

³⁴ 45 CFR § 155.260(a). The definition of *personally identifiable information* is provided at 45 CFR § 1305.

³⁵ 45 CFR § 155.260 (e)(3).

³⁶ 45 CFR § 155.260 (e)(3).

³⁷ U.S. Immigration and Customs Enforcement (ICE), “Clarification of Existing Practices Related to Certain Health Care Information” (Oct. 25, 2013), <https://www.ice.gov/doclib/ero-outreach/pdf/ice-aca-memo.pdf>.

³⁸ 7 CFR § 273.4(b)(2).

NOTES (continued)

³⁹ Memorandum from U.S. Dept. of Agriculture, “SNAP - Conforming to the Tri-Agency Guidance through Online Applications” (Feb. 18, 2011), https://www.fns.usda.gov/sites/default/files/Tri-Agency_Guidance_Memo-021811.pdf; and U.S. Dept. of Agriculture, “Eligibility Manual for School Meals: Determining and Verifying Eligibility, School Year 2016-2017” (July 29, 2016), <https://www.fns.usda.gov/2016-edition-eligibility-manual-school-meals>; U.S. Dept. of Health & Human Service, “Policy Guidance, Questions and Answers,” www.hhs.gov/sites/default/files/triagencyq%26as.pdf.

⁴⁰ 7 CFR § 273.2(f)(1)(ii)(A).

⁴¹ 7 USC § 2020(e)(8).

⁴² 7 USC § 2020(e)(8). In New Jersey, the exception applies to a household member fleeing to avoid prosecution for a high misdemeanor.

⁴³ 7 CFR § 273.4(b)(1); 65 Fed. Reg. 58301 (Sep. 28, 2000). “Knowing” is defined as a person seeking SNAP for the person’s own use; there is a formal finding of fact or conclusion of law that the immigrant is unlawfully present (a SAVE response showing no record of an individual does not meet this standard of “knowing”); and a DHS determination of unlawful presence (such as a final order of deportation). 7 CFR § 273.4(b)(2), 65 Fed. Reg. 58301 (Sep. 28, 2000).

⁴⁴ “Making Sure WIC’s Doors Stay Open to All Eligible Moms and Young Children” (May 12, 2017), <https://www.nwica.org/blog/making-sure-wics-doors-stay-open-to-all-eligible-moms-and-young-children#.WR2nYhMrLFw>. Indiana is an exception and requires immigrant and citizenship status verification to obtain WIC services in the state. National WIC Association, “Making Sure WIC’s Doors Stay Open to All Eligible Moms and Young Children” (May 12, 2017), <https://www.nwica.org/blog/making-sure-wics-doors-stay-open-to-all-eligible-moms-and-young-children#.WR2nYhMrLFw>.

⁴⁵ 7 CFR § 246.7.

⁴⁶ 7 CFR § 246.7(c)(2)(i).

⁴⁷ 7 CFR § 246.26(d)(1)(ii).

⁴⁸ 7 CFR § 246.26(d)(1)(i).

⁴⁹ 7 CFR § 246.26(d).

⁵⁰ 7 CFR § 246.26(d)(4).

⁵¹ 42 USC § 1758(b)(9).

⁵² 42 USC § 1758(d)(1); 7 CFR § 245.6(a)(6).

⁵³ 42 USC § 1758(b)(9).

⁵⁴ 42 USC § 1758(b)(3)(F); 42 USC § 1758(b)(6); 7 CFR § 245.6(f). The specific rules about disclosures, what information may be shared, and whether consent is needed can be

found at U.S. Dept. of Agriculture, “Food and Nutrition Services Eligibility Manual for School Meals: Determining and Verifying Eligibility: School Year 2016-2017,” at p.71.

⁵⁵ 7 CFR § 245.6(f).

⁵⁶ 42 USC § 1758(b)(6)(C).

⁵⁷ Tri-Agency Letter: “Policy Guidance Regarding Inquiries into Citizenship, Immigration Status and Social Security Numbers in State Applications for Medicaid, State Children’s Health Insurance Program (SCHIP), Temporary Assistance for Needy Families (TANF) and Food Stamp Benefits,” <https://www.hhs.gov/civil-rights/for-individuals/special-topics/needly-families/triagency-letter/index.html>; U.S. Dept. of Health & Human Service, “Policy Guidance, Questions and Answers,” www.hhs.gov/sites/default/files/triagencyq%26as.pdf.

⁵⁸ U.S. Dept. of Health & Human Service, “Policy Guidance, Questions and Answers” www.hhs.gov/sites/default/files/triagencyq%26as.pdf. Wisconsin is the only state that requires adults to have an eligible immigration status for a child to receive TANF. See Welfare Info, “Wisconsin Works (W-2) Benefits,” <http://www.welfareinfo.org/benefits/wisconsin-works-w-2-1684>.

⁵⁹ 45 CFR § 205.52(a) and (b).

⁶⁰ 45 CFR § 205.52(c).

⁶¹ 42 USC § 602(a)(1)(iv).

⁶² 42 USC § 608(g). “Knowing” is defined as a person seeking TANF for the person’s own use; there is a formal finding of fact or conclusion of law that the immigrant is unlawfully present (a SAVE response showing no record of an individual does *not* meet this standard of “knowing”); and a DHS determination of unlawful presence (such as a final order of deportation). 65 Fed. Reg. 58301 (Sep. 28, 2000).

⁶³ Hannah Matthews, “Immigrant Eligibility for Federal Child Care and Early Education Programs” (Center for Law and Social Policy, April 2017), <http://www.clasp.org/resources-and-publications/publication-1/Immigrant-Eligibility-for-ECE-Programs.pdf>.

⁶⁴ 45 CFR § 98.20(c); U.S. Dept. of Health and Human Services, “Clarification of Interpretation of ‘Federal Public Benefit’ Regarding CCDF Services, Office of Child Care,” www.acf.hhs.gov/sites/default/files/occ/pi9808.pdf.

⁶⁵ U.S. Department of Health and Human Services, Clarification of Interpretation of “Federal Public Benefit” Regarding CCDF Services, Program Instruction: ACYF-PI-CC-98-08, <https://www.acf.hhs.gov/occ/resource/pi-cc-98-08>.

⁶⁶ U.S. Dept. of Health and Human Services, “Clarification of Interpretation of ‘Federal Public Benefit’ Regarding CCDF Services, Office of Child Care,” <https://www.acf.hhs.gov/sites/default/files/occ/pi9808.pdf>.

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⁶⁷ U.S. Dept. of Health and Human Services, Program Instruction” ACYF=PI-CC-00-04, “Clarifying Policy Regarding Limits on Use of Social Security Numbers under the CCDF” (Office of Child Care, Administration for Children and Families, Oct. 27, 2000), <https://www.acf.hhs.gov/occ/resource/pi-cc-00-04>. The preamble to the final rule on Child Care and Development Fund Programs, at page 67532, states that it has amended language at section 98.71(a)(14) by deleting the requirement to provide Social Security numbers (SSNs) and instead requiring a unique identifying number that will allow Lead Agencies and ACF to identify unique families over time in the absence of the SSN. The preamble states, “Pursuant to the Privacy Act (5 USC § 552a note), Lead Agencies may not require families to disclose SSNs as a condition of receiving CCDF services.” Child Care and Development Fund Program, Final Rule, Federal Register, Vol. 81, No 190 (Sep. 30, 2016), <https://www.gpo.gov/fdsys/pkg/FR-2016-09-30/pdf/2016-22986.pdf>. See also U.S. Dept. of Health and Human Services, Program Instruction,” ACYF=PI-CC-00-04, “Clarifying Policy Regarding Limits on Use of Social Security Numbers under the CCDF” (Office of Child Care, Administration for Children and Families, Oct. 27, 2000), <https://www.acf.hhs.gov/occ/resource/pi-cc-00-04>. This guidance was incorporated by

reference into final rule at page 67452. Child Care and Development Fund Program, Final Rule, Federal Register, Vol. 81, No 190 (Sep. 30, 2016), <https://www.gpo.gov/fdsys/pkg/FR-2016-09-30/pdf/2016-22986.pdf>.

⁶⁸ U.S. Department of Health and Human Services, Clarification of Interpretation of “Federal Public Benefit” Regarding CCDF Services, Program Instruction: ACYF-PI-CC-98-08, <https://www.acf.hhs.gov/occ/resource/pi-cc-98-08>.

⁶⁹ Child Care and Development Fund Program, Final Rule, Federal Register, Vol. 81, No. 190 § 98.15(b)(13), Sep. 30, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-09-30/pdf/2016-22986.pdf>. See also preamble to the final rule at page 67452 (Sept. 30, 2016), <https://www.gpo.gov/fdsys/pkg/FR-2016-09-30/pdf/2016-22986.pdf>.

⁷⁰ U.S. Dept. of Health and Human Services, “Clarification of Interpretation of ‘Federal Public Benefit’ Regarding CCDF Services, Office of Child Care,” <https://www.acf.hhs.gov/sites/default/files/occ/pi9808.pdf>.