

## Know Your Rights to Health Care and Health Insurance

Last updated November 2024

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Families that include people who are not authorized to be in the U.S. may have questions about whether they can safely apply for health coverage through the Affordable Care Act (ACA) Marketplaces, Medicaid, and CHIP (Children’s Health Insurance Program).<sup>1</sup> Some people may be worried about seeking health care because they fear that their or their family member’s immigration status might be discovered or shared with immigration enforcement agents. This KYR resource provides information that all immigrant families should know when deciding to get health care or apply for health insurance programs.

► **You have a right to health care regardless of your immigration status.**

You are not required to have U.S. citizenship, lawful immigration status, or a Social Security number (SSN) to receive health care services under federal law. Doctors, hospitals, clinics, health centers, or other medical providers may ask for this information to find out if you may be eligible for public health insurance, like Medicaid. But they cannot deny medical treatment based solely on your immigration status—or based on assumptions they make about your immigration status because of the language you speak, your accent, what you look like, or whether you have an SSN. In fact, doing so may violate federal civil rights laws.

Under federal law, if you need emergency medical services, hospitals with emergency rooms must screen and treat you regardless of your immigration status, how much money you have, or whether you have insurance. Similarly, you can seek primary and preventive health care at community health centers regardless of your immigration status, your ability to pay, or whether you are insured.

Some states require hospitals to ask patients about their immigration status. If you are asked for your immigration status, you do not have to provide it, and a health

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<sup>1</sup> The names for Medicaid, CHIP and the Marketplace often vary from state to state.

care provider cannot refuse to treat you because you declined to share your immigration status information.

▶ **You should not be refused health care because you don't have identification.**

Hospitals and health care providers may ask for photo identification, but not for purposes of immigration enforcement. Health care providers ask for identification to make sure that the person getting care is the same person whose name is on the medical record or prescription. You should not be refused health care because you do not have a photo ID.

▶ **You should be safe from immigration enforcement at hospitals and health care facilities.**

Existing policy keeps officials from enforcing immigration laws at hospitals and medical facilities. The current and longstanding policy of U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) is to prohibit most immigration enforcement in health care settings, hospitals, doctors' offices, health clinics, emergency departments and urgent care facilities.<sup>2</sup>

While this policy is currently in force, it could change under a future presidential administration.

▶ **If you apply for health insurance for yourself or a family member, your information may be used only for health insurance purposes.**

Federal privacy rules protect families applying for health insurance, including families whose members have different immigration statuses. The information you provide to apply for Medicaid, CHIP, or an ACA Marketplace plan may be used only for the operation of that program—not for immigration enforcement purposes.<sup>3</sup> Government workers, enrollment assisters, and people who help with insurance applications are required by law to keep your information private and secure.

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<sup>2</sup> More information about this policy is available at: <https://www.cbp.gov/border-security/dhs-protected-areas-faqs>.

<sup>3</sup> See Privacy Protections in Selected Federal Benefits Programs, (National Immigration Law Center, 2018 <https://www.nilc.org/issues/economic-support/privacy-protections-in-selected-federal-benefits-programs>, Affordable Care Act Section 1411(g), Section 1902(a)(7) of the Medicaid Act.

- ▶ **You do not have to provide your immigration status if you are applying for insurance for someone else, such as your child.**

By law, applications for Medicaid, CHIP, and Marketplace plans can require your citizenship or immigration status information *only* if you are applying for coverage for yourself. The applications may *not* ask for your citizenship or immigration status information if you are applying to enroll another person, like your child, and are not applying for yourself. If you are asked about your immigration status but you are applying for coverage for someone else you can say, ***“I am not applying for health insurance for myself.”***

- ▶ **You don’t have to provide a Social Security number (SSN) if you don’t have one.**

Whether you are applying for health insurance for yourself or on behalf of another person, your health insurance application may not be delayed or denied because you don’t have an SSN. Only people who have a valid SSN issued by the Social Security Administration are required to provide one.

- ▶ **You have a right to receive services in your language when you apply for health insurance and obtain health care.**

You have a right to receive language assistance services at no cost when you seek health care at a hospital or community health center or are applying for Medicaid, CHIP, or a Marketplace plan. Hospitals, community health centers and government offices may use bilingual staff, telephone interpretation services, or qualified in-person interpreters to provide language assistance services. Children should not be asked to interpret for their family members, especially in health care settings.

- ▶ **You have the following health care options regardless of your immigration status or whether you have health insurance:**

- ▶ Basic emergency room treatment for serious medical emergencies, including labor and delivery.
- ▶ Health care services from community health centers, migrant health centers, and free clinics.

- ▶ Services from state or local departments of public health (including immunization, screening and treatment for communicable diseases).
- ▶ Programs providing health services necessary to protect life or safety: including emergency medical, food or shelter programs; mental health crisis services; assistance for people experiencing domestic violence; crime victim assistance services and disaster relief.
- ▶ Financial assistance or “charity care” programs at community health centers and most public and safety-net hospitals.

Note that some states provide free or low-cost public health insurance to children, pregnant individuals or other low-income residents regardless of their immigration status. More information is available at

<https://www.nilc.org/resources/healthcoveragemaps/> and  
<https://www.nilc.org/resources/medical-assistance-various-states/>.

Additional options may be available in your state. Check with a trusted health care provider or with a local immigrants’ rights or health advocacy group.

## IMPORTANT RESOURCES

- ▶ **To find a health center**, go to: <https://findahealthcenter.hrsa.gov>
- ▶ **To find a free or charitable clinic**, go to: <https://nafclinics.org/find-clinic/>
- ▶ **Suicide and Crisis Lifeline** (English & Spanish; interpretation available in other languages): 988, [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)
- ▶ **Know the Signs: Suicide Is Preventable**: [www.suicideispreventable.org](http://www.suicideispreventable.org)
- ▶ **Mental Health and Substance Abuse National Helpline** (English & Spanish): 1-800-662-HELP (4357), [www.samhsa.gov/find-help/national-helpline](http://www.samhsa.gov/find-help/national-helpline)
- ▶ **Behavioral Health Treatment Services Locator**:  
<https://findtreatment.samhsa.gov/>
- ▶ **NILC’s Know Your Rights Under the U.S. Constitution – No Matter Who Is President**: <https://www.nilc.org/resources/everyone-has-certain-basic-rights/>
- ▶ **NILC’s Resources for DACA recipients**: <https://www.nilc.org/work/daca/>