



Alert

On Nov. 2, 2020, the U.S. District Court for the Northern District of Illinois vacated the Inadmissibility on Public Charge Grounds final rule, 84 Fed. Reg. 41,292 (Aug. 14, 2019), as amended by Inadmissibility on Public Charge Grounds; Correction, 84 Fed. Reg. 52,357 (Oct. 2, 2019) (“Public Charge Final Rule”) nationwide. That decision was stayed by the U.S. Court of Appeals for the Seventh Circuit. On Mar. 9, 2021, the Seventh Circuit lifted its stay and the U.S. District Court for the Northern District of Illinois’ order vacating the Public Charge Final Rule went into effect.

USCIS immediately stopped applying the Public Charge Final Rule to all pending applications and petitions that would have been subject to the rule. USCIS continues to apply the public charge inadmissibility statute, including consideration of the statutory minimum factors in the totality of the circumstances, in accordance with the 1999 [Interim Field Guidance](#) that was in place before the Public Charge Final Rule was implemented on Feb. 24, 2020, to the adjudication of any application for adjustment of status. In addition, USCIS will no longer apply the separate, but related, “public benefits condition” to applications or petitions for extension of nonimmigrant stay and change of nonimmigrant status.

On or after Mar. 9, 2021, applicants and petitioners should not provide information required solely by the Public Charge Final Rule. That means that applicants for adjustment of status should not provide the Form I-944, Declaration of Self-Sufficiency, or any evidence or documentation required on that form with their Form I-485. Applicants and petitioners for extension of nonimmigrant stay and change of nonimmigrant status should not provide information related to the receipt of public benefits on Form I-129 (Part 6), Form I-129CW (Part 6), Form I-539 (Part 5), and Form I-539A (Part 3).

If an applicant or petitioner has already provided such information, and USCIS adjudicates the application or petition on or after Mar. 9, 2021, USCIS will not consider any information provided that relates solely to the Public Charge Final Rule, including, for example, information provided on the Form I-944, evidence or documentation submitted with Form I-944, or information on the receipt of public benefits on Form I-129 (Part 6), Form I-129CW (Part 6), Form I-539 (Part 5), and Form I-539A (Part 3).

If you received a Request for Evidence (RFE) or Notice of Intent to Deny (NOID) requesting information that is solely required by the Public Charge Final Rule, including but not limited to Form I-944, and your response is due on or after Mar. 9, 2021, you need not provide the information solely required by the Public Charge Final Rule. You do, however, need to respond to the aspects of the RFE or NOID that otherwise pertain to the eligibility for the immigration benefit sought. If USCIS requires additional information or evidence to make a public charge inadmissibility determination under the statute and consistent with the 1999 [Interim Field Guidance](#), it will issue a subsequent RFE or NOID. or information about the relevant court decisions, please see the [litigation summary](#).

USCIS will issue additional guidance regarding the use of affected forms. In the interim, USCIS will not reject any Form I-485 on the basis of the inclusion or exclusion of Form I-944, and will not reject Form I-129, Form I-129CW, Form I-539, or Form I-539A based on whether the public benefits questions (Form I-129 (Part 6), Form I-129CW (Part 6), Form I-539 (Part 5), and Form I-539A (Part 3) have been completed or left blank.



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Chapter 10 - Public Benefits

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On Sept. 11, 2020, the U.S. Court of Appeals for the Second Circuit issued a decision that allows DHS to resume implementing the [Public Charge Ground of Inadmissibility final rule](#) nationwide, including in New York, Connecticut and Vermont. The decision stays the July 29, 2020, [injunction](#), issued during the coronavirus (COVID-19) pandemic, that prevented DHS from enforcing the public charge final rule during a national health emergency.

Therefore, we will apply the public charge final rule and [related guidance](#) in the USCIS Policy Manual, Volumes [2](#), [8](#) and [12](#), to all applications and petitions postmarked (or submitted electronically) on or after Feb. 24, 2020. If you send your application or petition by commercial courier (for example, UPS, FedEx, or DHL), we will use the date on the courier receipt as the postmark date.

For information about the relevant court decisions, please see the public charge injunction [webpage](#).

i Alert

USCIS encourages all those, including aliens, with symptoms that resemble Coronavirus 2019 (COVID-19) (fever, cough, shortness of breath) to seek necessary medical treatment or preventive services. Such treatment or preventive services will not negatively affect any alien as part of a future Public Charge analysis.

The Inadmissibility on Public Charge Grounds final rule is critical to defending and protecting Americans' health and its health care resources. The Public Charge rule does not restrict access to testing, screening, or treatment of communicable diseases, including COVID-19. In addition, the rule does not restrict access to vaccines for children or adults to prevent vaccine-preventable diseases. Importantly, for purposes of a public charge inadmissibility determination, USCIS considers the receipt of public benefits as only one consideration among a number of factors and considerations in the totality of the alien's circumstances over a period of time with no single factor being outcome determinative. To address the possibility that some aliens impacted by COVID-19 may be hesitant to seek necessary medical treatment or preventive services, USCIS will neither consider testing, treatment, nor preventative care (including vaccines, if a vaccine becomes available) related to COVID-19 as part of a public charge inadmissibility determination, nor as related to the public benefit condition applicable to certain nonimmigrants seeking an extension of stay or change of status, even if such treatment is provided or paid for by one or more public benefits, as defined in the rule (e.g. federally funded Medicaid).

The rule requires USCIS to consider the receipt of certain cash and non-cash public benefits, including those that may be used to obtain testing or treatment for COVID-19 in a public charge inadmissibility determination, and for purposes of a public benefit condition applicable to certain nonimmigrants seeking an extension of stay or change of status. The list of public benefits considered for this purpose includes most forms of federally funded Medicaid (for those over 21), but does not include CHIP, or State, local, or tribal public health care services/assistance that are not funded by federal Medicaid. In addition, if an alien subject to the public charge ground of inadmissibility lives and works in a jurisdiction where disease prevention methods such as social distancing or quarantine are in place, or where the alien's employer, school, or university voluntarily shuts down operations to prevent the spread of COVID-19, the alien may submit a statement with his or her application for adjustment of status to explain how such methods or policies have affected the alien as relevant to the factors USCIS must consider in a public charge inadmissibility determination. For example, if the alien is prevented from working or attending school, and must rely on public benefits for the duration of the COVID-19 outbreak and recovery phase, the alien can provide an explanation and relevant supporting documentation. To the extent relevant and credible, USCIS will take all such evidence into consideration in the totality of the alien's circumstances.

As part of the assets, resources, and financial status factor, public benefits are considered in the following ways:

- Whether the applicant has applied for public benefits;
- Whether the applicant has been certified or approved to receive public benefits;
- Whether the applicant has received public benefits; and
- If the applicant submits relevant evidence, whether he or she is eligible for the public benefits based on income or immigration status.

A. Public Benefits Considered

1. Enumerated Public Benefits

As part of the public charge inadmissibility determination, USCIS considers both cash and noncash benefits including:

- Any federal, state, local, or tribal cash assistance for income maintenance such as:^[1]
 - Supplemental Security Income (SSI);^[2]
 - Temporary Assistance for Needy Families (TANF)^[3] which may be provided under another [TANF-Program state name](#);
 - Federal, state, or local cash benefit programs for income maintenance (often called “General Assistance” in the state context, but which may exist under other names);
- Supplemental Nutrition Assistance Program (SNAP);^[4]
- Medicaid (with some exceptions);^[5] federally funded Medicaid may also be provided under a [Medicaid Program state name](#);
- Section 8 Housing Assistance under the Housing Choice Voucher Program;^[6]
- Section 8 Project-Based Rental Assistance (including Moderate Rehabilitation);^[7] and
- Housing under the Housing Act of 1937.^[8]

Federal Public Benefits Used Under other Names

Some federal public benefits, as listed above, may be listed under other names depending on the state. These federal public benefits are considered in the public charge inadmissibility determination.

For example:

- [Cal-Fresh](#) is the federally funded SNAP program under the State of California.
- [Medi-Cal](#) is how the State of California delivers Medicaid to its residents.

However, a state medical insurance program, funded exclusively by the state, is not included in the definition of public benefit and is not considered as a public benefit in the public charge inadmissibility determination.

For example, some Medi-Cal services are provided to aliens under a state-only authority at no expense to the federal government.

If Medi-Cal is provided to the alien under a state-only authority at no expense to the federal government, it is not considered in the public charge inadmissibility determination.

To the extent that states give the same name to their Federal Medicaid program and the state-only funded health insurance program, aliens are not required to report the receipt of the state-only funded health

insurance. However, if Medicaid is listed on the Form I-944 as a received public benefit receipt, it is the burden of the applicant to provide information and documentation that the health insurance is state funded only. USCIS assumes that any Medicaid identified on the Form I-944 is federally-funded Medicaid.

2. Federal, State, Local, and Tribal Cash Benefits

In addition to the cash benefits for income maintenance identified in the rule (SSI, TANF and GA), USCIS considers any other federal, state, and local tribal cash assistance for income maintenance (other than tax credits).

In order to be considered a cash assistance for income maintenance, it must be:

- Cash or cash equivalent (such as a debit card or check);
- For a non-specific purpose in which the cash or cash equivalent may be used for food and nutrition, housing, or healthcare;
- Means-tested (requirement based on income threshold); and
- Not otherwise excluded under the rule or this chapter.

The cash benefit is considered even if the public benefit was only state-funded.

Cash assistance for income maintenance is considered a public benefit for purposes of the public charge inadmissibility determination even if the funding is provided by the state unless it is provided to persons not subject to public charge.

Examples of state, local, and tribal cash assistance that are considered for income maintenance for purposes of the public charge inadmissibility determination include, but are not limited to:

- [CA Cash Assistance Program for Immigrants \(CAPI\)](#); ^[9]
- [NY Temporary Assistance \(including Family Assistance \(FA\) and Safety Net Assistance \(SNA\)\)](#); ^[10]
- [FL Temporary Cash Assistance \(TCA\)](#); ^[11]
- [LA Family Independence Temporary Assistance \(FITAP\)](#); ^[12]
- [MA Economic Assistance including Transitional Aid to Families with Dependent Children \(TAFDC\), Emergency Aid to the Elderly, Disabled, and Children \(EAEDC\), and the State Supplement Program \(SSP\) \(cash benefits\)](#); ^[13]
- [IL Aid to Aged, Blind and Disabled \(AABD\)](#), [IL Cash Assistance](#); ^[14] and
- [WA Aged, Blind or Disabled Cash Assistance Program](#); ^[15] [WA Consolidated Emergency Assistance Program](#); ^[16] [WA Pregnant Women Assistance](#); [WA Diversion Cash Assistance](#); and [WA State Supplemental Payment](#).

Examples of federal, state, local, and tribal provided cash or cash equivalent benefits that are not considered cash assistance for income maintenance include, but are not limited to:

- Cash benefits provided to persons not subject to the public charge ground of inadmissibility such as Refugee Cash Assistance;
- Low Income Home Energy Assistance Program (LIHEAP) and other energy assistance programs that are directly paid to the creditor;
- Weatherization Assistance Program (WAP);
- CNMI Nutrition Assistance Program (NAP);^[17]
- Transportation related assistance that is directly paid to the creditor;
- Cash emergency disaster relief - Stafford Act disaster assistance including financial assistance provided to persons and households under the Federal Emergency Management Agency's Individuals and Households Program and any comparable disaster assistance provided by State, local, or tribal governments;^[18] and
- Any cash benefit provided by the Department of Veteran's Affairs or other federal or state, local, or tribal benefit provided based on veteran status.^[19]

In addition, USCIS does not consider any tax-related cash benefit including:

- Earned Income Tax Credit (EITC);
- Additional Child Tax Credit (ACTC);
- Premium Tax Credit (PTC);
- Advance Payment of Premium Tax Credit (APTC); and
- State, local, or tribal tax credits.

B. Public Benefits Not Considered

1. Unenumerated Public Benefits

The following is a non-exhaustive list of public benefits that USCIS does not consider in the public charge inadmissibility determination as they are considered earned benefits:^[20]

- Federal Old-Age, Survivors, and Disability Insurance Social Security benefits (SSDI);
- Social Security;
- Veteran's benefits including but not limited to [HUD-VASH](#), and medical treatment through the [Veteran's Health Administration](#);
- Government (including federal and state) pension benefits and healthcare;
- Unemployment benefits;
- Worker's compensation;

- Medicare; or
- Federal and state disability insurance.

Other benefits not considered public benefits in the public charge inadmissibility determination include, but are not limited to:

- Any services provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act);^[21]
- Benefits under the Emergency Food Assistance Act (TEFAP);^[22]
- Child and Adult Care Food Program (CACFP);
- Food Distribution Program on Indian Reservations (FDPIR);
- Short-term, non-cash, in-kind emergency disaster relief;
- Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) provided by local communities or through public or private nonprofit organizations;
- Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;
- Attending public school;
- Benefits through school lunch or other supplemental nutrition programs including:
 - Benefits through the Child Nutrition Act;^[23]
 - Benefits from the National School Lunch Act;^[24]
- Summer Food Service program;
- Child care related services including the Child Care and Development Block Grant Program (CCDBGP);^[25]
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);^[26]
- Children's Health Insurance Program (CHIP) and State Children's Health Insurance Program (SCHIP);^[27]
- Health Insurance through the Affordable Care Act;
- Tax Credits;
- Transportation vouchers or other non-cash transportation services;
- Housing assistance under the McKinney-Vento Homeless Assistance Act;^[28]
- Energy benefits such as the Low Income Home Energy Assistance Program (LIHEAP);^[29]

- Educational benefits, including, but not limited to, benefits under the Head Start Act;^[30]
- Student loans and home mortgage loan programs; and
- Foster care and adoption benefits.

As there are multiple federal and state public benefits programs, USCIS is unable to list all programs not included within the public charge inadmissibility determination.

2. Medicaid Exclusion

USCIS does not consider the following Medicaid^[31] benefits for purposes of the public charge inadmissibility determination:

- Benefits paid for an emergency medical condition;^[32]
- Services or benefits funded by Medicaid but provided under the Individuals with Disabilities Education Act (IDEA);^[33]
- School-based benefits provided to children who are at or below the oldest age of children eligible for secondary education as determined under State law;
- Benefits received by an applicant under the age of 21; and
- Benefits received by a pregnant applicant, including the period during the pregnancy and 60 days after the end of the pregnancy.

Emergency Medical Condition

"Emergency medical condition means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part."^[34] States determine whether an illness or injury is an "emergency medical condition" and provide payment to the healthcare provider as appropriate. "Emergency medical services" are often involuntary and must be provided by doctors and hospitals regardless of the ability to pay,^[35] such as medical services at a hospital after a car accident.

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) sets apart treatment for emergency medical conditions and makes funds available for the reimbursement of states regardless of an alien's immigration status, and regardless of whether or not an alien would be subject to public charge ground of inadmissibility^[36] or other grounds of inadmissibility.^[37] Congress intended that PRWORA exceptions be applied generally, and treatment of emergency medical conditions in particular, be narrowly construed. To qualify for emergency medical condition exclusion, medical conditions must be of an emergency nature, such as:

- Medical treatment administered in an emergency room;
- Critical care unit or intensive care unit;
- Pre-natal or delivery care assistance; or

- Treatment for mental health in which the alien's condition is such that he is a danger to himself or to others and has therefore been judged incompetent by a court of appropriate jurisdiction.^[38]

Depending on the state, and the medical condition, categorization as an "emergency medical condition" for purposes of Medicaid reimbursement may not be limited to hospital emergency room visits as defined by state case law. This may depend on the state which provided the emergency medical care. The applicants must provide information from the state indicating that the medical condition and use of the public benefit was for an emergency medical condition. The following are examples of how states have categorized conditions as emergency medical condition.

The following are examples of states determining whether the Medicaid is provided for an emergency medical condition:

- Connecticut included leukemia that had "reached a crisis stage" and required "immediate medical treatment, without which the patient's physical well-being would likely be put in jeopardy or serious physical impairment or dysfunction would result."^[39] However, permanent dialysis treatment was not an "emergency medical condition."^[40]
- North Carolina indicated that acute lymphocytic leukemia was not an "emergency medical condition" where there was nothing to indicate that the prolonged chemotherapy treatments must have been "immediate" to prevent placing the alien's health in serious jeopardy, or causing serious impairment or dysfunction.^[41]
- North Carolina included continued medical services for a cancer patient who underwent surgery after presenting at a hospital's emergency room with weakness and numbness in the lower extremities.^[42]
- In the Second Circuit, aliens who suffered serious traumatic head injuries initially satisfied the definition of emergency medical treatment, but the subsequent continuous and regimented care did not constitute emergency medical treatment pursuant to the statute.^[43]
- Arizona included rehabilitative type ward after initial injury as an emergency medical condition.^[44]
- Pennsylvania excluded care from rehabilitation and health care centers from being considered as part of emergency medical condition treatment even though the alien could eventually suffer another stroke or other medical problem; coverage was not being sought for an acute condition, but for long term or open-ended nursing care.^[45]

Individuals with Disabilities Education Act^[46] and School-Based Benefits

USCIS does not consider the Individuals with Disabilities Education Act (IDEA)^[47] and school-based benefits provided to children who are at or below the oldest age of children eligible for secondary education as determined under state law as public benefits in the public charge inadmissibility determination. Parents provide consent for school districts to release personally identifiable information to a state public insurance program (for example, Medicaid) for billing purposes. The applicant would submit such consent document or documentation from the school to identify the Medicaid benefit as provided under the IDEA or other school-based benefit.

Aliens under the Age of 21 and Pregnant Women

Congress, through Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA),^[48] expanded the Medicaid coverage for children and pregnant women who are lawfully residing in the United

States, including those within their first 5 years of having certain legal status.

For public charge inadmissibility purposes, USCIS does not consider receipt of Medicaid by children under 21 and pregnant women during pregnancy and 60 days following pregnancy.

3. Children Acquiring Citizenship

For public charge inadmissibility purposes, USCIS does not consider any public benefits received by:

- Children of U.S. citizens whose lawful admission for permanent residence and subsequent residence in the legal and physical custody of their U.S. citizen parent will result automatically in the child's acquisition of citizenship, upon meeting the eligibility criteria for acquisition of citizenship,^[49] or
- Children of U.S. citizens whose lawful admission for permanent residence will result automatically in the child's acquisition of citizenship upon finalization of adoption (if the child satisfies the requirements applicable to adopted children)^[50] in the United States by the U.S. citizen parent(s), upon meeting the eligibility criteria for acquisition of citizenship,^[51] or
- Children, residing outside the United States, of U.S. citizens who are entering the United States for the purpose of attending an interview.^[52]

4. Benefits Received by Members of the U.S. Armed Forces and their Spouses and Children

Alien military service members and their families are subject to the public charge inadmissibility determination. However, USCIS does not consider any public benefit received by a person enlisted in the U.S. armed forces,^[53] or serving in active duty or in the Ready Reserve component of the U.S. armed forces in the public charge inadmissibility determination. In addition, public benefits received by the spouse or child of a service member^[54] are not considered a public benefit in the public charge inadmissibility determination. This is applicable regardless of the service member's immigration status.

5. State Non-Cash Benefits

USCIS does not consider any state funded non-cash benefit which may include health insurance, or social services programs as public benefits to be considered within the public charge inadmissibility determination. For example, the following public benefit would not be considered in the public charge inadmissibility determination:

- [Washington State Alien Emergency Medical Program](#)

Footnotes

[^1] See Subsection 2, Federal, State, Local, and Tribal Cash Benefits [[8 USCIS-PM G.10\(A\)\(2\)](#)].

[^2] See [42 U.S.C. 1381](#) et seq.

[^3] See [42 U.S.C. 601](#) et seq.

[^4] Formerly called “Food Stamps.” See [7 U.S.C. 2011-2036c](#).

[^5] See [42 U.S.C. 1396](#) et seq. For information on state Medicaid services, see [CMS State Resource Map](#).

[^6] As administered by HUD under [24 CFR 984](#). See [42 U.S.C. 1437f and 1437u](#).

[^7] See [24 CFR 5](#), [24 CFR 402](#), [24 CFR 880-884](#), and [24 CFR 886](#).

[^8] See [42 U.S.C. 1437](#) et seq.

[^9] CAPI is designed to provide monthly cash benefits to aged, blind, and disabled non-citizens who are ineligible for SSI/SSA solely due to their immigrant status.

[^10] FA provides cash assistance, under TANF, to eligible needy families that include a minor child living with a parent (including families where both parents are in the household) or a caretaker relative. SNA provides cash assistance to eligible needy persons and families who are not eligible for FA.

[^11] Cash assistance is limited to a lifetime total of 48 months for adults.

[^12] FITAP provides cash assistance to families with children when the financial resources of the family are insufficient to meet subsistence needs.

[^13] The benefits include 2 monthly payments, health insurance, and employment support.

[^14] This program is for people who are elderly, blind, or have a disability and need money, and the use of the cash assistance is not restricted. This program may also provide medical assistance, but only the cash assistance would be considered in the public charge inadmissibility determination.

[^15] ABD is a state funded program that provides cash assistance and a referral to the Housing and Essential Needs (HEN) program to eligible low-income persons who are age 65 or older, blind, or determined likely to meet Supplemental Security Income (SSI) disability criteria based on an impairment(s) expected to last at least 12 consecutive months. The use of the cash assistance is not restricted.

[^16] This is a cash program available to families or pregnant women who face an emergency and do not have the money to meet their basic needs, including families whose TANF cash assistance has been terminated. The use of the benefit is not restricted.

[^17] Although [NAP](#) is a means-tested benefit for food, its use is limited through the use of coupons.

[^18] See [42 U.S.C. 5174](#).

[^19] See [83 FR 51114, 51174 \(PDF\)](#) (Oct. 10, 2018) (proposed rule). See [84 FR 41292, 41379 \(PDF\)](#) (Aug. 14, 2019) (final rule), as amended by [84 FR 52357 \(PDF\)](#) (Oct. 2, 2019) (final rule; correction) (“Likewise, under this rule, DHS would consider such benefits as part of long-term institutionalization at Government expense and did not intend to consider other benefits that may be used such as Social Security retirement benefits, SSDI, Medicare or veteran’s benefits. Social Security retirement benefits, SSDI, Medicare and veteran’s benefits are considered earned benefits in that individuals pay into the programs as part of their employment and must work for a certain period of time before being eligible.”).

[^20] See [83 FR 51114, 51189 \(PDF\)](#) (Oct. 10, 2018) (proposed rule).

[²¹] See [Pub. L. 100-707 \(PDF\)](#) (November 23, 1988).

[²²] See [7 U.S.C. 7501-7517](#).

[²³] See [42 U.S.C. 1771-1793](#).

[²⁴] See [42 U.S.C. 1751-1769j](#).

[²⁵] See [42 U.S.C. 9858-9858q](#).

[²⁶] See [42 U.S.C. 1786](#).

[²⁷] See [42 U.S.C. 1397aa-1397mm](#).

[²⁸] See [42 U.S.C. 11431](#).

[²⁹] See [42 U.S.C. 8621-8630](#).

[³⁰] See [Pub. L. 110-134 \(PDF\)](#) (December 12, 2007).

[³¹] Medicaid received by members of the U.S. armed forces and their spouses and children is also not considered. See Subsection 4, Benefits Received by Member of the U.S. Armed Forces and their Spouses and Children [[8 USCIS-PM G.10\(B\)\(4\)](#)].

[³²] As described in Section 1903(v) of Title XIX of the Social Security Act, [42 U.S.C. 1396b\(v\)](#). See [42 CFR 440.255\(c\)](#).

[³³] See [20 U.S.C. 1400](#) et seq.

[³⁴] See [42 U.S.C. 1396b\(v\)](#). See [42 CFR 440.255\(c\)](#).

[³⁵] See Emergency Medical Treatment & Labor Act (EMTALA), [42 U.S.C. 1395dd](#).

[³⁶] See [INA 212\(a\)\(4\)](#).

[³⁷] H.R. Rep. No. 104-469 (VI), at 263-64 (1996) (“This section provides that sections 601 and 602 shall not apply to the provision of emergency medical services, public health immunizations, short-term emergency relief, school lunch programs, child nutrition programs, and family violence services. Section 601 restricted unauthorized aliens from receiving public assistance, contracts, and licenses, and section 602 made unauthorized aliens ineligible for employment benefits.”)

[³⁸] H.R. Rept. 104-469 (VI), at 264-65 (1996). This report also discusses treatment of communicable diseases and indicates that such treatment is intended “to only apply where absolutely necessary to prevent the spread of such diseases. This is only a short term measure until the deportation of an alien who is unlawfully present in the U.S. It is not intended to provide authority for continued long-term treatment of such diseases as a means for illegal aliens to delay their removal from the country.”

[³⁹] See *Szewczyk v. Department of Social Services*, 881 A.2d 259, 273 (Conn. 2005) (quoting *Greenery Rehab. Grp., Inc. v. Hammon*, 150 F.3d 226, 233 (2nd Cir. 1998)).

[⁴⁰] See *Quiceno v. Dep't of Soc. Servs.*, 728 A.2d 553, 554 (Conn. Super. Ct. 1999).

[^41] See *Diaz v. Division of Social Services and Div. of Medical Assistance*, North Carolina Dept. of Health and Human Services 628 S.E.2d 1, 5 (N.C. 2006).

[^42] See *Luna ex rel. Johnson v. Div. of Soc. Servs.*, 589 S.E.2d 917, 920 (N.C. 2004)

[^43] See *Greenery Rehab. Grp., Inc. v. Hammon*, 150 F.3d 226, 233 (2nd Cir. 1998).

[^44] See *Scottsdale Healthcare, Inc. v. Ariz. Health Care Cost Containment Sys. Admin.*, 75 P.3d 91, 98 (Ariz. 2003).

[^45] See *Spring Creek Mgmt., L.P. v. Dep't of Pub. Welfare*, 45 A.3d 474, 483-84 (Pa. Commw. Ct. 2012).

[^46] See [20 U.S.C. 1400-1482](#).

[^47] IDEA protects educational opportunities for all students with disabilities and requires schools to provide certain services to all children with disabilities. States and school districts may bill and receive reimbursement for the cost of providing special education and health care related services from a State's public insurance program (for example, Medicaid). Benefits or services under these laws generally are not based on income eligibility, and where a reimbursement is available, it is provided to the school or eligible entity.

[^48] See [Pub. L. 111-3 \(PDF\)](#) (February 4, 2009).

[^49] See [INA 320\(a\)-\(b\)](#), [8 CFR 320](#). See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 3, U.S. Citizens at Birth (INA 301 and 309) [[12 USCIS-PM H.3](#)] and Chapter 4, Automatic Acquisition of Citizenship after Birth (INA 320) [[12 USCIS-PM H.4](#)].

[^50] See [INA 101\(b\)\(1\)](#).

[^51] See [INA 320\(a\)-\(b\)](#), [8 CFR 320](#).

[^52] See [INA 322](#) and [8 CFR 322](#). See Volume 12, Citizenship and Naturalization, Part H, Children of U.S. Citizens, Chapter 5, Child Residing Outside of the United States (INA 322) [[12 USCIS-PM H.5](#)].

[^53] Enlisted under [10 U.S.C. 504\(b\)\(1\)\(B\)](#) or [10 U.S.C. 504\(b\)\(2\)](#).

[^54] The service member may be a U.S. citizen or national. See [INA 101\(b\)](#).

Current as of February 10, 2021
