



Memo: Recent Federal Agency Actions Restricting Non-Citizens' Access to Federal Programs and Services

July 31, 2025

During the week of July 7, 2025, the [U.S. Department of Health and Human Services \(HHS\)](#), [U.S. Department of Agriculture](#), [Department of Labor \(DOL\)](#), [Department of Education \(ED\)](#) and [Department of Justice \(DOJ\)](#) added new citizenship and immigration status requirements to a range of federal programs and services that, for the past three decades, have been available to broader categories of non-citizens, including undocumented immigrants. This memo provides an overview of the agency actions and their implications for programs administered by county governments and community partners. **Without further federal guidance, which should be forthcoming, it is imperative for counties to consult with county counsel and state agencies about expectations for implementation.**

Background: The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)

The new restrictions on non-citizen access to a variety of federal programs and services stems from newly updated agency interpretations of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which makes “federal public benefits” available only to a very narrow list of “qualified” immigrants along with U.S. citizens.¹

PRWORA applies to programs such as Medicaid, the Supplemental Nutrition Assistance Program (SNAP)², Temporary Assistance for Needy Families (TANF), Housing and Urban Development (HUD) rental assistance programs, and Supplemental Security Income (SSI). The Act generally bars non-citizens from these programs and even requires green card holders to live in the United States for five years prior to being eligible, with some small exceptions, such as refugees, asylees and victims of domestic violence.

Federal agencies have, however, generally had discretion over whether to categorize some smaller programs as federal public benefits. Additionally, by statute, PRWORA does not apply to the treatment of emergency medical conditions, short-term non-cash disaster relief, immunizations, testing and treatment of communicable disease symptoms, and certain in-kind programs necessary to protect life or safety. PRWORA also specifically **exempts non-profit**

¹ This [Congressional Research Service report specifies](#), in detail, how PRWORA had been interpreted prior to last week’s new agency guidance.

² Note that the recently enacted reconciliation package ([PL 119-21](#)) added eligibility restrictions above and beyond PRWORA to the SNAP and Medicaid programs. Under the new law, even most “qualified aliens” will no longer be able to access these supports.

organizations from verifying the immigration status of individuals when providing Federal public benefits.

HHS, ED, DOL and USDA and DOJ will now restrict access to several additional programs and funding streams by redefining them as “federal public benefits” and, in some cases, requiring certain grantees to verify the immigration status of those receiving services.

Impacted Immigrants

Immigrants currently allowed to access programs being redefined as a “federal public benefit” and who will now be deemed ineligible include (but are not limited to) those with Temporary Protected Status (TPS) holders, Deferred Action for Childhood Arrivals (DACA) recipients, individuals granted employment authorization, individuals with nonimmigrant visas, and undocumented citizens. Additionally, the administrative burden associated with verifying immigration status will impact all program participants regardless of their citizenship status.

Guidance and Impacted Programs by Agency

U.S. Department of Health and Human Services (HHS)

Behavioral Health

- Certified Community Behavioral Health Clinics
- Community Mental Health Services Block Grant
- Mental Health and Substance Use Disorder Treatment, Prevention, and Recovery Support Services Programs under the Substance Abuse and Mental Health Services Administration

Health Care Providers

- Community Health Center Program
- Title X Family Planning Program

Children and Families/Human Services Programs

- Title IV-E Educational and Training Voucher Program
- Title IV-E Kinship Guardianship Assistance Program
- Title IV-E Prevention Services Program
- Head Start
- The Community Services Block Grant (CSBG) (*CSBG provides funding to local community action agencies*)

The HHS notice specifically acknowledges that nonprofits that receive and administer these programs are not required to verify immigrant eligibility. **However, without additional guidance, even nonprofits are uncertain about how to proceed, fearing the loss of federal funds.**

The [HHS notice](#) took effect immediately upon its publication in the Federal Register on July 14, 2025, though there is a [30-day comment period](#). HHS has indicated further guidance will be forthcoming to ensure full implementation.

U.S. Department of Agriculture (USDA)

The USDA [notice](#) appears, for the most part, to keep current policy in effect. It does not impact the Special Supplemental Nutrition Program for Women, Children and Infants (WIC), the Emergency Food Assistance Program (TEFAP), and several other child nutrition programs, which already give states the option of verifying citizenship but cannot mandate the practice. Meanwhile, under federal law, the school breakfast and lunch programs must remain available to all eligible children regardless of their immigration status.

However, USDA's notice indicates that recipients of certain USDA licensing, grants, payments and loan programs are receiving a "federal public benefit" and must be qualified immigrants. While USDA has suggested that its notice might apply to food banks that receive commodities through the Commodity Credit Corporation (CCC) program, it is unclear how this would interact with PROWRA's statutory exemption for non-profit organizations. USDA has also indicated that the notice may impact retailers authorized to engage in the commercial activity of accepting SNAP benefits for certain commercial goods but does not expand on how this would work. Further guidance from USDA is needed to clarify these matters.

The [USDA notice](#) took effect on July 10, 2025 and does not have a public comment period.

U.S. Department of Labor

The DOL [guidance](#) indicates that participant-level services provided under the Workforce Innovation and Opportunity Act (WIOA) program are considered "federal public benefits." Because of the nature of WIOA programs, the notice instructs grantees to verify valid work authorization for all recipients of participant-level services in WIOA programs no less than every three months. State and local workforce agencies are encouraged to utilize the U.S. Citizenship and Immigration Services' Systematic Alien Verification for Entitlements (SAVE) system for this process. Indian and Native American Program grantees are exempt.

The [DOL guidance](#) went to public workforce development system agencies on July 10, 2025.

U.S. Department of Education (ED)

The [ED notice](#) makes certain post-secondary career, technical, and adult education programs administered subject to PRWORA's restrictions. The notice acknowledges that nonprofit organizations are exempt from the requirement to verify immigration status but instructs states or other governmental entities involved in the administration of these programs to ensure that all relevant programs are in compliance with PRWORA, even when some or all educational services are ultimately provided by a nonprofit charitable organization. The ED notice acknowledges that this guidance is non-binding and **does not** change existing Supreme Court

precedent prohibiting states from discriminating against undocumented children by denying them access to a state's system of free public K-12 education.

The [ED notice](#) was posted on July 11, 2025 and does not have a public comment period. The notice states that ED does not have any plans to take enforcement actions against any grantee or subgrantees under PRWORA prior to August 9, 2025 and that the department plans to send letters to impacted grantees regarding eligibility verification.

U.S. Department of Justice (DOJ)

The [DOJ Notice](#) withdraws a 2001 order that described certain programs exempted from PRWORA at the discretion of the Attorney General because they are "necessary to protect life or safety." Services listed under the original order include those for survivors of violence and abuse, child protection, mental health and substance use treatment, and meal deliveries for people who are homebound. The new DOJ notice chooses not to identify any such exemptions from PRWORA's immigrant eligibility restrictions beyond those "set forth in the statute." Notably, the statute includes soup kitchens, crisis counseling and intervention, and short-term shelter as examples of the types of programs the Attorney General might exempt.

PRWORA also allows the Attorney General to authorize exemptions for in-kind services at the community level (including through public or private nonprofit agencies) as well as assistance that is not means-tested, along with those necessary to protect life or safety. It is unclear whether the services enumerated in the now-withdrawn 2001 order may remain legally available due to other exceptions or agency interpretations.

The [DOJ notice](#) was posted on July 11, 2025 and takes effect on August 15, 2025. There is no option for public comment.

Legal Action

On July 21, 20 states and the District of Columbia filed a [lawsuit](#) against four of the federal agencies – DOJ, HHS, ED and DOL – claiming that the notices violate the required procedures under the Administrative Procedure Act as well as the Constitution's spending clause, while pointing to the practical difficulty associated with verifying immigration status across a variety of the impacted programs and services. In response, the **federal government [has agreed to temporarily pause implementation of the guidance at the agencies in question until at least September 3, 2025.](#)**

Additionally, parent advocacy groups and a coalition of Head Start providers — plaintiffs in an ongoing [lawsuit](#) related to a variety of administration actions impacting Head Start program — have [requested](#) to amend their complaint to challenge the HHS PRWORA directive.

Next Steps for Counties

Additional federal guidance is needed for grantees to implement the new interpretation of PRWORA, particularly with respect to which entities will be required to verify citizenship status,

how that verification should be carried out, and penalties for non-compliance. While awaiting further guidance, county governments are encouraged to consult with state agency partners and county counsel to prepare for implementation within impacted programs and develop appropriate outreach to community partners and program participants.