



**NATIONAL
IMMIGRATION
LAW CENTER**

Medicaid and SNAP Data Sharing: What Advocates Need to Know ***Revised January 26, 2026***

Toplines

- The Trump administration is attempting to use data on people who are receiving government services—both state and federal—with DHS for immigration enforcement purposes.
- This approach to gathering data is part of the Trump administration's efforts to make immigrants and their family members afraid to participate in programs that they or their children are eligible for, and to encourage them to leave the US.
- Federal laws and policies generally prohibit the use or disclosure of a benefit recipient's information for purposes other than administering the program. **However, we can no longer state with confidence that information provided to benefit-granting agencies will never be shared with immigration enforcement.**
- Key messages for families* include:
 - When applying for Medicaid or SNAP, you are not required to provide the social security number or immigration status of family members who are not seeking benefits for themselves, and should not do so.
 - Families should weigh the value of receiving health care and nutrition assistance against the possible risk that their information may be shared.
 - If DHS already is aware of your presence and has your address (e.g. from an immigration-related process), there may be no additional risk to applying for or receiving benefits.
 - If you are already receiving benefits and have not moved, there is no reason to withdraw from those benefits at this point. Withdrawing will not erase your data.

*Note: We will be revising and translating these messages soon, please check back!

- Read on for a more detailed state of play, suggested actions for your Medicaid and SNAP agencies, and an appendix that provides more detail on federal privacy protections and protections for non-applicants.

State of Play

- A June 11, 2025, New York Times article indicates that the Trump administration is building an app that will help DHS carry out its immigration enforcement goals.¹ It contains information about more than 700,000 people, drawn not only from ICE data, but from other federal agencies including the Social Security Administration. The article reports that the app will “eventually allow for the centralized management of all interior enforcement priorities.” That would include data from the Housing and Urban Development Department, the Labor Department, the Health and Human Services Department and the Internal Revenue Service, according to documents shared with the New York Times.

Medicaid

- On May 27, 2025, the Centers for Medicare & Medicaid Services (CMS) published a notice to states to announce increased federal oversight of states use of Medicaid funds for immigrants.² The next day, CMS issued a State Health Official Letter to emphasize requirements regarding data quality for Medicaid and CHIP data in the Transformed Medicaid Statistical Information System (T-MSIS).³ Required data elements include name, date of birth, address, phone number as well as citizenship or immigration status. T-MSIS does not record an individual's precise immigration status, only whether they are eligible for full-scope Medicaid or more limited coverage categories.
- On June 13, 2025, the Associated Press reported that the U.S. Department of Health and Human Services (HHS) shared the personal data of Medicaid enrollees in California, Illinois, Washington and the District of Columbia with the Department of Homeland Security (DHS) for immigration enforcement purposes.⁴

Plaintiff States

- On July 1, 2025, the California Attorney General filed a lawsuit with 19 other states that asked the court to stop immigration enforcement from using the private Medicaid data. Two more states joined the case later, bringing the total number of suing states to

¹ Hamed Aleaziz, Under Pressure From the White House, ICE Seeks New Ways to Ramp Up Arrests, New York Times, June 11, 2025, Updated June 13, 2025, <https://www.nytimes.com/2025/06/11/us/politics/ice-la-protest-arrests.html?smid=nytcore-ios-share&referringSource=articleShare>.

² Centers for Medicare & Medicaid Services, CMS Increasing Oversight on States Illegally Using Federal Medicaid Funding for Health Care for Illegal Immigrants, May 27, 2025, <https://www.cms.gov/newsroom/press-releases/cms-increasing-oversight-states-illegally-using-federal-medicaid-funding-health-care-illegal>.

³ Centers for Medicare & Medicaid Services, Data Reporting Compliance for the Transformed-Medicaid Statistical Information System (T-MSIS), May 27, 2025, updated June 14, 2025, <https://www.medicaid.gov/federal-policy-guidance/downloads/sho25002.pdf>.

⁴ Kimberly Kindy and Amanda Seitz, Trump administration gives personal data of immigrant Medicaid enrollees to deportation officials, Associated Press, <https://apnews.com/article/medicaid-deportation-immigrants-trump-4e0f979e4290a4d10a067da0acca8e22>.

22. The suing states are: CA, AZ, CO, CT, DE, HI, IL, KY, ME, MD, MA, MI, MN, NV, NJ, NM, NY, OR, RI, VT, WA, WI.⁵

- All data sharing from the plaintiff states was initially blocked by the court, but on December 29, 2025, the court entered an order that permits limited sharing of Medicaid data from the Plaintiff states. Specifically, DHS may request and CMS may share Medicaid data:
 - (1) Pertaining to individuals who are not lawfully residing in the United States.
 - (2) Showing the individual's "citizenship and immigration status, address, phone number, date of birth, and Medicaid ID."
- Other data is protected, including information about U.S. citizens, lawful permanent residents, or other noncitizens who are lawfully present in the U.S. Data from CHIP or the Marketplace is also protected. Moreover, if shareable data cannot be severed from non-shareable data, then the data cannot be shared.

Other States

- In states that are not part of the lawsuit, HHS and CMS's [Notice of Information Sharing](#) sets forth the current policy on sharing data with DHS and ICE. That notice states that CMS will share certain information with DHS upon request. They state that they are "at this time" focusing on sharing "biographical, contact, and location information." They also "reserve the right" to collect "other information on a case-by-case basis." There is no additional explanation of what circumstances would lead to collecting "other information" (or what that other information might include).
- ICE's memo asserts broad authority to collect information from other HHS health programs and to collect information "about household members." We do not know whether ICE has requested any information beyond the address and demographic information described in the HHS Notice.

What Data Does CMS Have?

- All states, including California, are required to submit beneficiary eligibility information to CMS every month as part of the state's obligation to administer the Medicaid/Medi-Cal program. They submit this to a database called T-MSIS.
- T-MSIS only includes records regarding individuals who are enrolled in Medicaid. It does not include demographic information of non-applicant household members. TMSIS does not ask states to share data about people enrolled in state-funded only health programs, but if they are automatically enrolled in emergency Medicaid, their data is shared.
- For Medicaid enrollees, T-MSIS includes personal information such as names, addresses, date of birth, Social Security number (if provided), and Medicaid identification numbers.

⁵ Virginia's Attorney General, Jay Jones, indicated that he plans to join the lawsuit. Commonwealth of Virginia, Office of the Attorney General, "Attorney General Jones Announces Day One Actions to Keep Virginians Safe, Lower Costs, and Protect Fundamental Rights," January 17, 2026. <https://www.oag.state.va.us/media-center/news-releases/2948-january-17th-2026-attorney-general-jones-announces-day-one-actions-to-keep-virginians-safe-lower-costs-and-protect-fundamental-rights>

- T-MSIS does have a field labeled “immigration status” but it does **not** list an individual’s particular immigration status. Instead, it only indicates whether someone is a “qualified” immigrant eligible for full-scope Medicaid, eligible for “lawfully residing” coverage of children and pregnancy, or eligible for emergency Medicaid. Critically, eligibility for emergency Medicaid does **not** mean someone is undocumented. Many LPRs and lawfully present immigrants are eligible for emergency Medicaid only.
- CMS maintains T-MSIS records for 10 years after the final determination for which the data was required (e.g. enrollment, eligibility or claim repayment) or through any document preservation order if the records are subject to ongoing litigation.

Supplemental Nutrition Assistance Program (SNAP)

- On May 6, 2025, the U.S. Department of Agriculture’s (USDA) Food & Nutrition Service (FNS) sent a letter to all state agencies asking them to provide personally identifiable information on all applicants and recipients going back to Jan 1, 2020.⁶ The request includes names, dates of birth, social security numbers and addresses. FNS claimed the data collection was for program integrity purposes, but there are already a lot of state and federal procedures set in place for program integrity.
- The letter included a request for information from the processors (e.g. FIS) that issue SNAP benefits on Electronic Benefit Transfer (EBT) cards that recipients use to purchase food. The letter also threatens states, saying that failure to comply “may trigger failure of compliance” procedures.
- Press accounts indicated that Iowa, Ohio, and Indiana were planning to provide this data, and that Arkansas and Alaska had already provided the data.
- On May 22, 2025, SNAP recipients filed suit asking the judge to halt data collection until USDA complies with federal procedures for this type of data collection effort.
- On June 2, 2025, the judge converted a motion⁷ for a temporary restraining order to a motion for a preliminary injunction, and denied the preliminary injunction based on USDA’s declaration⁸ that no data had been collected, and that the agency planned to take the required process steps before collecting any data from states.
- In response, FNS posted a notice clarifying that EBT Processors have been instructed not to provide the data transfer outlined in the letter until procedural safeguards have been met.⁹ However, the notice indicates that EBT Processors may be contacting and working with state agencies to *prepare for the eventual transfer of the data discussed in the letter*.
- On June 23, 2025, FNS published for inspection [a notice of a new System of Records \(SOR\)](#) under the Privacy Act. The new system will include the name, Social Security Number (SSN), date of birth (DOB), residential address, and Electronic Benefit

⁶ USDA, Data Sharing Guidance, May 6, 2020, <https://www.fns.usda.gov/snap/data-sharing-guidance>.

⁷ *Pallek v Rollins*, Order, Case No. 1:25-cv-01650-JMC, D.C. 5/30/25, <https://storage.courtlistener.com/recap/gov.uscourts.dcd.280863/gov.uscourts.dcd.280863.11.2.pdf>

⁸ *Pallek v Rollins*, Declaration of Shiela Corley, Civil Action No. 1:25-cv-01650-JMC, 5/30/25, D.C. <https://storage.courtlistener.com/recap/gov.uscourts.dcd.280863/gov.uscourts.dcd.280863.11.1.pdf>.

⁹ USDA, Notice, <https://www.fns.usda.gov/snap/data-sharing-guidance>.

Transaction (EBT) card number, case record and potentially other identifiers of current and past SNAP recipients and applicants. Among the many permitted reasons, FNS can share information that on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order. USDA/FNS may disclose the information to a Federal, foreign, State, local, or tribal, or other public agency or authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity. The new system goes into effect on June 23, 2025. FNS will accept public comments until July 23, 2025. The new system goes into effect on June 23, 2025 and FNS will accept public comments until July 23, 2025.

- On July 28, 2025, the California Attorney General filed a lawsuit with 22 other states and the District of Columbia that asked the court to stop immigration enforcement from using the private data. The suing states are: CA, AZ, CO, CT, DE, HI, IL, KY, ME, MD, MA, MI, MN, NV, NJ, NM, NY, OR, PA, RI, WA, WI and the District of Columbia.
- On October 15, 2025, The U.S. District Court in the Northern District of California, in *California v. USDA* issued a [preliminary injunction](#) to stop USDA from imposing fiscal penalties on the 22 states and DC that filed the lawsuit (other than Nevada, which had already shared the data). In the non plaintiff states, USDA is not barred from imposing federal penalties on states that do not share data.
- But, despite the preliminary injunction, on November 24, 2025, USDA sent a new [letter to the Plaintiff states](#) threatening to cut funding from states that do not comply with the data request by providing six years of SNAP applicant and recipient records. In response, on January 9, states filed a [motion to enforce the court's preliminary injunction](#).

Suggested Actions for Medicaid and SNAP Agencies

Here are some suggestions for what you can ask your Medicaid and SNAP agencies to do:

- Review your applications and enrollment systems, reporting systems, and guidance for eligibility and enrollment workers, to ensure that they comply with applicable state and federal privacy laws and rules. Consult with your General Counsel or Attorney General on how to proceed if a federal agency makes an unlawful request.
- Train your agency staff and any state or local counterparts about these important privacy protections. Partners may be available to provide such training.
- Share information about how an authorized representative can apply for or recertify SNAP or Medicaid on behalf of applicants.¹⁰ Communicate that the authorized

¹⁰ Authorized representative rules in SNAP: 7 CFR 273.2 (b)(1)(v) and Medicaid: 42 CFR § 435.923.

representative can make a request by providing the name, date of birth and relationship to the applicant. Be flexible in accepting various forms of addresses for the applicant, such as an option to provide an “in care of” or “c/o” address on both the authorized representative form and the application form.

- Provide easy-to-understand information in multiple languages that can be used to notify community members about existing confidentiality protections and the changing landscape of data sharing.
- Do not authorize your EBT payment provider to share data directly with FNS when the procedural hurdles are cleared.
- Share this information with your staff and any local counterparts, such as county eligibility workers, school administrators, enrollment partners and contractors, direct service providers, and other partners.

Appendix A: Statutory Privacy Protections

Federal Medicaid and SNAP law generally prohibits the use or disclosure of information obtained from applicants.

Medicaid

- Medicaid law requires states to provide safeguards that restrict the use or disclosure of information about program applicants and recipients to purposes directly connected with administration of the Medicaid program.¹¹ Purposes directly related to Medicaid administration 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 These federal laws are still in place.
- HHS has previously determined that releasing information to a federal immigration agency regarding receipt of Medicaid benefits is *not* connected to the administration of the state plan.¹³ Thus, states were instructed not to release information to the federal immigration agency (now DHS) directly.
- Information that states *must* 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 Social Security number.¹⁴
- If the Medicaid agency receives a request for information about an applicant or recipient for some reason not directly connected to administration of Medicaid, the agency generally may not release the information without first obtaining permission from the affected individual.¹⁵ Information must be stored and processed in a way that protects it against unauthorized disclosure for other purposes.¹⁶
- 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.

SNAP

- Federal SNAP law generally prohibits the use or disclosure of information obtained from applicants.¹⁷ There are some exceptions, but none of these exceptions are for civil immigration enforcement. Exceptions allow disclosures to: (1) people directly involved in

¹¹ 42 U.S.C. § 1396a(a)(7) and 42 U.S.C. § 1320b7(a)(5). It provides an exception for enrollment in other related programs, such as to verify children's eligibility for school breakfast and lunch.

¹² 42 C.F.R. § 431.302.

¹³ 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).

¹⁴ 42 C.F.R. § 431.305.

¹⁵ Id. § 431.306 (d).

¹⁶ Id. § 431.300(c)(2).

¹⁷ 7 U.S.C. § 2020(e)(8).

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 violations of SNAP laws or regulations; (4) the federal government for purposes of collecting the amount of an over-issuance of benefits.¹⁸

- SNAP law also allows the disclosure of an address, social security number, 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.¹⁹

Appendix B: Non-Applicants

Medicaid

The state may require an *applicant* to provide only the information necessary to make an eligibility determination or for a purpose directly connected to administering the state plan.²⁰ SSNs are generally required of Medicaid applicants.²¹ However, if an applicant cannot recall their SSN or has not been issued an SSN, the agency must assist the applicant in applying for an SSN.²² 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.²³ And individuals seeking Medicaid for emergency services only do not need to provide an SSN, nor are they required to provide information about their immigration status or have their citizenship or immigration status verified.²⁴

Medicaid is also required to accept applications filed by *nonapplicant* adults: household or family members who are not seeking benefits for themselves.²⁵ 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 the 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.²⁶ In addition, states may *not* require applicants to provide information about the citizenship or immigration status of any nonapplicant household member or deny benefits to applicants

¹⁸ 7 CFR § 272.1(c).

¹⁹ 7 U.S.C. § 2020(e)(8). NOTE: In New Jersey, the term “felony” is not used. The state uses “high misdemeanor” instead. <https://law.justia.com/codes/new-jersey/title-2c/section-2c-1-4/>.

²⁰ 42 C.F.R. § 435.907(e)(1).

²¹ Id. § 435.910.

²² Additionally, Medicaid applicants must be notified why they are asked for an SSN and what it will be used for, and Medicaid agencies must help an individual apply for one if the individual is eligible for one but either doesn’t have one or doesn’t know their SSN. However, the individual’s coverage may not be denied or delayed pending issuance or verification of an SSN by the Social Security Administration (SSA). Id. § 435.910 (e).

²³ Id. § 435.910 (h).

²⁴ 42 U.S.C. § 3230b-7(f).

²⁵ 42 C.F.R. § 435.907(a); 42 C.F.R. § 435.4.

²⁶ Id. § 435.907(e)(2); § 435.907(e)(3); and § 435.910.

because any nonapplicant household members have not disclosed their citizenship or immigration status.²⁷

SNAP

Applications for SNAP - whether online, on paper, or by phone - do not require people who are applying on behalf of household members but are not seeking SNAP for themselves, to provide their social security number or immigration status.²⁸

When applying for SNAP, if a household member indicates an inability or unwillingness to provide documentation of immigration status, the state agency must classify that person as ineligible and the state agency must *not* continue efforts to obtain documentation.²⁹

While states are generally required to verify the immigration status of any applicants, if any household members do not wish to have their status verified, the state agency must give the household the option to withdraw its application or to participate without those household members.³⁰

Similarly, if a SNAP household member does not provide a social security number (SSN) (and does not wish to apply for one), the state agency will determine the person ineligible for benefits unless they can show a good cause exception.³¹

However, state agencies may not deny benefits to otherwise-eligible household members simply because other household members fail to provide or apply for an SSN.³²

²⁷ 42 C.F.R. § 435.907(e)(1). See also “Policy Guidance: Questions and Answers,” *supra* note 6. 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, 77 Fed. Reg. 17144–17217 (Mar. 23, 2012).

²⁸ If the person filling out the application is a parent, and is not seeking SNAP for themselves, the parent’s earned or unearned income would need to be counted in determining benefits for the eligible dependents. In the case of group homes, a licensed substance use disorder program receives and administers SNAP for residents, but the program staff would not need to provide their social security number or immigration status.

²⁹ 7 C.F.R. § 273.4(b)(2).

³⁰ 7 C.F.R. § 273.2(f)(1)(ii)(A).

³¹ 7 C.F.R. § 273.6. A good cause exception includes applying for an SSN and making every effort to supply SSA with the necessary information. 7 C.F.R. § 273.6(d).

³² Memorandum from Food and Nutrition Service, U.S. Dept. of Agriculture, to all Supplemental Nutrition Assistance Program (SNAP) regional directors, Re: “SNAP – Conforming to the Tri-Agency Guidance through Online Applications” (Feb. 18, 2011), www.fns.usda.gov/sites/default/files/TriAgency_Guidance_Memo-021811.pdf; Eligibility Manual for School Meals: Determining and Verifying Eligibility, Child Nutrition Programs, USDA Food and Nutrition Services, U.S. Dept. of Agriculture (July 18, 2017), https://fns-prod.azureedge.us/sites/default/files/cn/SP36_CACFP15_SFSP11-2017a1.pdf; and “Policy Guidance: Questions and Answers,” *supra* note 6.