
DOJ Notice on Federal Public Benefits ***Updated September 12, 2025***

Update

On September 10, 2025, a U.S. District Court issued a preliminary injunction, blocking the immigrant eligibility restriction in the U.S. Department of Justice (DOJ) Notice in the 20 plaintiff states and Washington, DC.¹ In other words, the notice does not apply in the following states: Arizona, California, Colorado, Connecticut, District of Columbia, Hawaii, Illinois, Maine, Michigan, Massachusetts, Maryland, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Wisconsin, and Washington. Learn more about the notice in our explainer below.

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On July 16, 2025, the U.S. Department of Justice (DOJ) posted an [order](#) withdrawing a [2001 DOJ order](#) that described the types of programs that are exempt from the 1996 welfare law's eligibility restrictions for immigrants because, among other things, they are "necessary to protect life or safety." The order is not entirely clear, but it could affect eligibility for critical services that have been available without regard to immigration status. 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. Some of these services, however, may remain available under another exception from the law's restrictions. It takes effect on August 15, 2025.

More Details

The 1996 welfare law (the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)) provided a general definition of the "Federal public benefits" that are

¹ *State of New York v. U.S. Department of Justice*, on [Court Listener](#). The decision also blocked notices issued by the Department of Labor and U.S. Department of Health and Human Services.

subject to its “qualified immigrant” eligibility restrictions.² With some important exceptions, PRWORA allowed Federal agencies to determine which of their programs were restricted by the law and which were exempt from restriction.

On July 16, 2025, almost thirty years after passage of the 1996 welfare law, and nearly 25 years since its initial order,³ **DOJ published an [order](#) withdrawing the agency’s [2001 order](#) on the “life or safety” exemption, and choosing not to identify any such exemptions from PRWORA’s immigrant eligibility restrictions beyond those “set forth in the statute.”**⁴ The order takes effect on August 15, 2025.

The order is not entirely clear, but depending on how it is implemented, could restrict access to some critical services that have been available without regard to immigration status. Services listed in 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. Some of these services may meet another exemption to the law’s restrictions, or may fall within the statutory text of this exemption.

Programs that May Remain Available

The order limits this exemption to what is “set forth in the statute” which is not entirely clear. Under the statute, the “life or safety” exemption applies to in-kind programs, delivered locally which are not conditioned on a person’s income or resources, and are necessary to protect life or safety. It lists as examples, soup kitchens, crisis counseling and intervention, and short term shelter. Also in the statute are exemptions for short-term non-cash disaster assistance, emergency medical services and certain

² Qualified immigrants under the welfare law –the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) – include lawful permanent residents (LPRs) or people with green card; refugees, people granted asylum or withholding of deportation/removal, and conditional entrants; people granted parole by the U.S. Department of Homeland Security (DHS) for a period of at least one year; Cuban and Haitian entrants; certain abused immigrants, their children and/or their parents; certain survivors of trafficking; and individuals residing in the U.S. pursuant to a compact of free association (COFA). Many lawfully residing immigrants, who are not listed as “qualified immigrants,” are ineligible for “Federal public benefits” programs. These immigrants include people with Temporary Protected Status; applicants for adjustment to LPR status with approved visa petitions; applicants for asylum or withholding of deportation/removal; people paroled for less than one year, granted deferred enforced departure, or deferred action; special immigrant juveniles; U Visa Holders, people with valid nonimmigrant visas, and more.

³ Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation, 66 FR 3613 (Jan. 16, 2001), <https://www.federalregister.gov/documents/2001/01/16/01-1158/final-specification-of-community-programs-necessary-for-protection-of-life-or-safety-under-welfare>.

⁴ 8 USC § 1611.

public health services (immunizations and testing and treatment for communicable disease symptoms).⁵

We do not know how this exception or other exceptions in the statute will be interpreted, and which services critical to life and safety may be newly limited to people who are “qualified” immigrants. The statute also exempts non-profit charitable organizations from verifying immigration status.⁶ Depending on how this order and other federal agency notices are implemented, some - or many - of the critical services that appear in the original order could remain available, regardless of immigration status.

Services Listed as Exempt from PRWORA's Immigrant Eligibility Restrictions by Statute

- Medical assistance to treat emergency medical conditions provided by Medicaid;
- Short-term, non-cash, in-kind emergency disaster relief;
- Public health assistance - not including assistance under Medicaid - 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;
- Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (i) deliver in-kind services at the community level, including through public or private nonprofit agencies; (ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (iii) are necessary for the protection of life or safety; and
- Programs for housing or community development assistance or financial assistance administered by the Secretary of Housing and Urban Development, any program under title V of the [Housing Act of 1949](#) (Housing Programs for farms provided by USDA), or any assistance under [section 1926c of title 7](#) (water and waste facility loans and grants to alleviate health risks), to the extent that the noncitizen is receiving such a benefit on August 22, 1996.

Source: 8 USC § 1611.

⁵ *ibid.*

⁶ 8 USC § 1642(d)).