

Health Care Providers and Immigration Enforcement

Senior Lobby
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The Information contained in this presentation is
intended for general information only
and does not constitute legal advice.

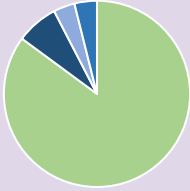
For individual legal advice on your particular situation,
contact an attorney.

This information is current as of 16 July 2025.

Please check for updates as policies can change.

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How many Washingtonians are Immigrants?



More than 1 of every 7 Washingtonians are immigrants

23.6% of Washington immigrants lack federal status

90.2% of undocumented Washingtonians are working age

Washingtonians without federal status paid **\$1.1 billion** state & local taxes



Additionally, **228,400** US citizens in WA live in a mixed status family

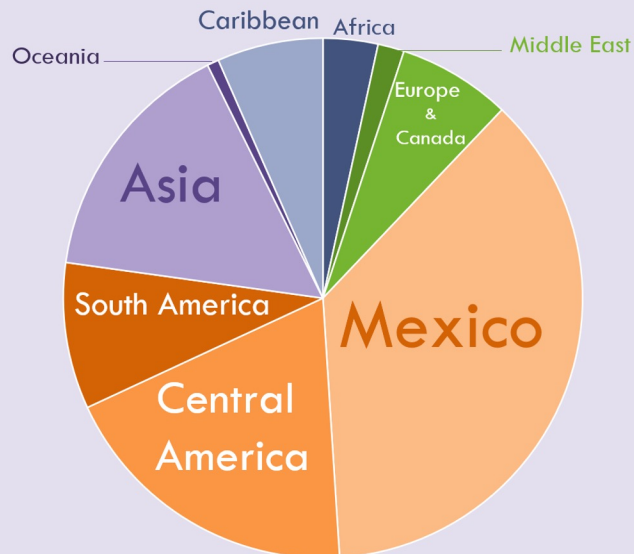
Including **144,700** US citizen WA **children**

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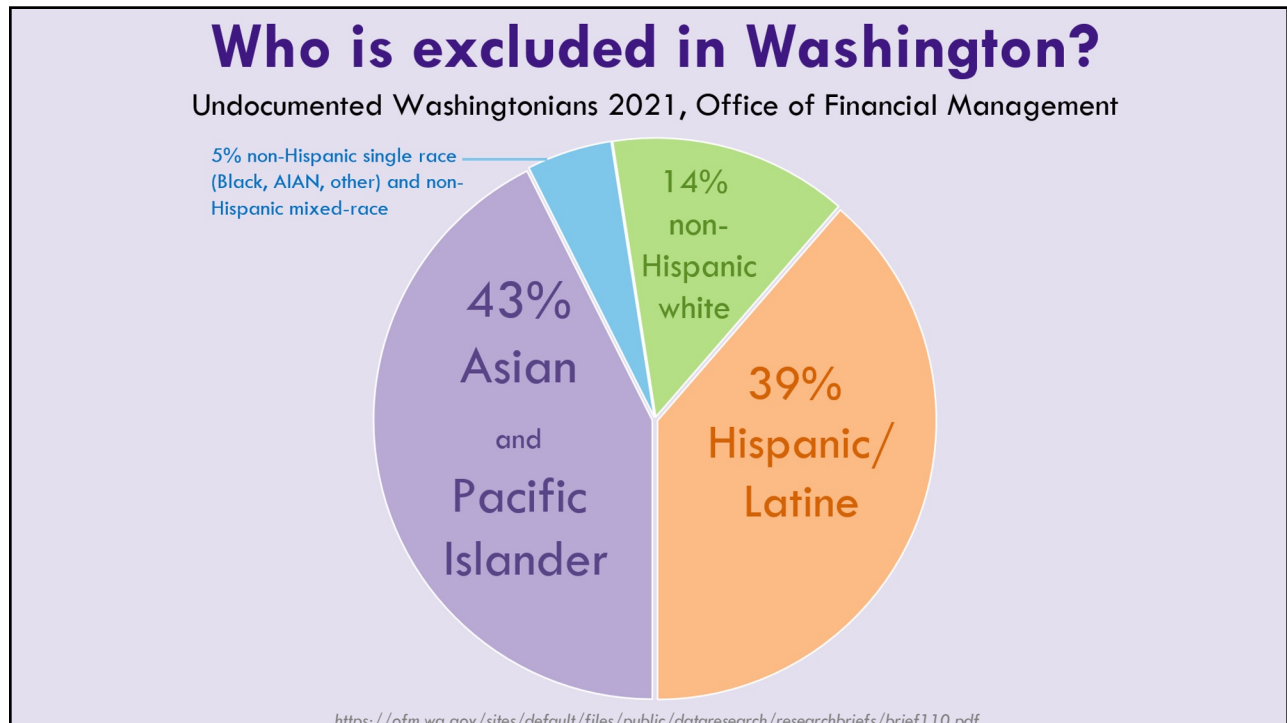
Who is excluded by immigration law in the United States?

Places of origin for undocumented immigrants in the United States in 2022



https://www.pewresearch.org/short-reads/2024/07/22/what-we-know-about-unauthorized-immigrants-living-in-the-us/sr_24-07-22_unauthorizedimmigrants_4/

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All immigrants have legal rights, even if they do not have legal immigration status.



NATIONAL
IMMIGRATION
LAW CENTER

<https://www.nilc.org/resources/know-your-rights-what-to-do-if-arrested-detained-immigration/>

Available in [Arabic](#) / [Chinese – Simplified](#) / [Chinese – Traditional](#) / [Haitian Creole](#) / [Haga Clic para la Versión en Español](#) / [Korean](#) / [Tagalog](#) / [Vietnamese](#)

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Patients' Rights and Protections

Right to Emergency Care: The Emergency Medical Treatment and Labor Act (EMTALA) ensures that everyone, regardless of immigration status or ability to pay, is entitled to receive emergency medical care.

Right to Privacy: Patient information is protected under HIPAA (Health Insurance Portability and Accountability Act), which limits disclosure without patient consent.

Right to Equal Protection: The Constitution's equal protection provisions apply to all persons in the United States, regardless of immigration status.



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Know Your Rights as Health Care Providers

Immigration Enforcement Power is **Limited by the Fourth Amendment.**

Health care providers have **no affirmative legal obligation to inquire into or report** to federal immigration authorities about a patient's immigration status.

Currently immigration agents may enter a public area of a health care facility without a warrant or the facility's consent and may question any person present. However, anyone questioned by agents under these circumstances has **a right to remain silent.**



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Know Your Rights as Health Care Providers

Officers may also look at anything that is in **“plain view”** in a public area.

To enter a **private area** of a health care facility, enforcement officers must have either a warrant or consent from an authorized person.



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Health care providers may refuse to provide information about patients to law enforcement officials unless the request for information is pursuant to a **warrant issued by a judge or magistrate** for a specifically identified individual or another order issued by a court.

JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

Judicial Warrant (Left):

- Is this the right address?** (Annotation pointing to the address field)
- Is it still current?** (Annotation pointing to the date field)
- Note: only the person, property, & areas specified may be searched** (Annotation pointing to the search area field)
- Is it actually signed by a judge?** (Annotation pointing to the signature field)
- IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT** (Annotation pointing to the bottom of the warrant)

Immigration Warrant (Right):

- THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT** (Annotation pointing to the title and subject lines)

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How You Can Help as a Health Care Provider

Proactively Reassure Patients

Monitor and Address Rumors in the Community

Share Know-Your-Rights Information:
display or distribute [Know-Your-Rights resources](#)

Ensure Institutional Preparedness and Protections
Against Immigration Enforcement



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Protect Your Patients' Rights and Your Rights as a Health Care Provider

1. Establish a [written policy](#) designating private areas.
2. Beware of what is in “public view.”
3. Avoid collecting immigration status information.
4. Provide educational materials *including* [Know Your Rights](#) cards.
5. Be ready to consult a lawyer.
6. Designate an authorized staff person.
7. Review the warrant carefully.
8. Don't consent; document.
9. Practice.



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Immigrant Health: Privacy Considerations



WAs health benefit exchange (HBE) shares **aggregate information** for qualified health plans/HealthPlanFinder via the 1332 waiver: that information on individual market customers, including 1332 waiver enrollees, is not included in Medicaid data.



To get federal match for health costs, **personally identifying information including names, address,** and claims information is sent to CMS. Federal law limits the use of information to eligibility determination however we know CMS has sent information to DHS


Washington's 1332 Privacy Provision

*"Information shared with the Departments for the purposes of eligibility for coverage, including financial assistance for such coverage, will remain protected under applicable data protection standards. Any additional information or data on persons newly eligible for Exchange coverage under the waiver will be provided to the Departments in the aggregate and will be used **only** for the purposes of oversight of the waiver. None of this information or data will be used for immigration enforcement."*

footnote 12, pg 7

[1332-wa-approval-letter-stcs.pdf \(cms.gov\)](#)

Emphasis in original.



hca.wa.gov/about-hca/news/announcements/hca-statement-use

HCA

Home > About the Health Care Authority (HCA) > News > Announcements

HCA statement on use of Apple Health (Medicaid) client data

Fri, 06/13/2025

The Health Care Authority (HCA) is required by federal law to submit certain data to the Centers for Medicare & Medicaid Services (CMS) for all individuals enrolled in Apple Health (Medicaid). HCA is required to do this in order to continue to receive federal Medicaid funding for our program. For some of our state-only funded health programs, HCA has been able to receive some federal funding to administer these programs. This includes the Apple Health Expansion program created in July of last year. HCA had been submitting required data to CMS in relation to these programs since August 2024. HCA was not consulted by CMS about the sharing of this information with other federal agencies, including those involved in immigration enforcement, and we were not given an opportunity to review or object.

The data that was turned over to the Department of Homeland Security includes protected health information of every Apple Health enrollee. For our state, that's 1.7 million people. Washingtonians who receive a wide spectrum of services in every corner of our state. This is an unethical use of protected health information. There is a reason why we have clear federal and state laws protecting the transmission and use of health information. Anyone seeking health services are in a vulnerable state and their access deserves to be protected. We would never support the use of data submitted for health care purposes being repurposed by federal agencies seeking to unjustly target specific groups of individuals. Protecting the privacy of all of our Apple Health clients, regardless of their immigration status, is central to our mission, and we take these concerns extremely seriously.

HCA is reviewing whether we have any recourse related to this gross misuse of our data.

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5 things to know in Washington

Also in Español / [Spanish](#)

Additional translations in process

National resources available in

- / [العَرَبِيَّةُ](#) / [Arabic](#)
- 汉语 / [Chinese](#)
- Français / [French](#)
- Kreyòl ayisyen / [Haitian Creole](#)
- 한국어 / [Korean](#)
- [Tagalog](#)
- Tiếng Việt / [Vietnamese](#)

NoHLA DATA PRIVACY AND PUBLIC PROGRAMS
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5 THINGS YOU NEED TO KNOW
JULY 2025

The law prohibits sharing personal information with immigration officials about people who use government-funded health or social services. But under the Trump administration, that information may sometimes be shared with immigration enforcement, even if that's against the law.

Here are 5 things you should know:

- 1 Public programs like Apple Health/Medicaid and Basic Food/Food Assistance Program/SNAP can be very helpful, and **you should balance the benefits with the risks of sharing information.** Only you can decide what's best for your family.
- 2 If the Department of Homeland Security already knows your current address, **applying for benefits does not increase your risk.**
- 3 **We are not aware of added risk in continuing programs if you are already getting services and you have not moved.** Dropping out of vital support programs won't erase the data you have already provided, and keeping Medicaid or SNAP will help your family.
- 4 **You do not have to share everything:** When applying for Apple Health/Medicaid and Basic Food/Food Assistance Program/SNAP, **you do not need to share the immigration status or Social Security**

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What should I know if ICE tries to use my info?

Northwest Immigrant Rights Project has a landing page with resources: nwirp.org/resources/kyr/

Asian Americans Advancing Justice Atlanta has Know Your Rights resources in **up to 23 languages**: <https://www.advancingjustice-atlanta.org/know-your-rights>

Legal Counsel for Youth and Children has **safety plan templates** in English, Spanish, Arabic, Mam and French: <https://lcycwa.org/isp>

NoHLA analysis as of 16 June 2025

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Resources

NW Immigrant Rights Project

[Advisory for Nonprofits & Social Service Providers](#)

National Immigration Law Center

- [Healthcare providers: Know Your Rights, Know Your Patients' Rights](#)
- [What to do if you're arrested or detained by immigration enforcement](#)
- [How employers can prepare if ICE comes to their business](#)

Updated WA [Immigrant health explainers](#)

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