



Guidance for providers on immigrant patients' access to health care

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As a health care provider or patient in New York, you may have concerns about how federal immigration policy affects providers' delivery of health care and patients' access to health care. Recent executive orders, for instance, threaten funding to providers who serve immigrant patients (for example, Executive Order 14218, February 19, 2025:

<https://www.whitehouse.gov/presidential-actions/2025/02/ending-taxpayer-subsidization-of-open-borders>).

New York law:

- » protects a patient's access to health care, no matter their immigration status
- » requires providers to take certain steps to protect patient confidentiality

We have developed this guidance to clarify your rights and obligations, whether you are a provider or a patient.

As a health care provider, must I verify a patient's immigration or citizenship status?

No.

Healthcare providers in New York are not legally required to collect or report information about a patient's immigration or citizenship status.

Providers can not deny care based on immigration or citizenship status.

A patient may be required to disclose their immigration status to apply for certain benefits, including government-funded health insurance. But applying to these programs is **voluntary**.

If you are a provider, collect and maintain only the immigration or citizenship information that you need to treat the patient. Consult your organization's policies and procedures about the collection and release of any patient information.

Are healthcare providers required to provide information about a patient to law enforcement?

Any protected health information (PHI) that you hold as a healthcare provider is protected by federal and state privacy laws, including the Health Insurance Portability and Accountability Act (HIPAA). As a provider, you:

- » must protect PHI regardless of a patient's immigration, visa, or residency status.
- » may not provide PHI to law enforcement officials, including ICE, except under certain limited circumstances.

If you as a provider must release a patient's PHI, you must first comply with the federal and state privacy requirements that apply in your specific situation. Consult your organization's internal policies and procedures. These may include requiring law enforcement to obtain a court order, warrant, subpoena, or summons. Such requirements may help protect patient privacy.

Note: Best practice is not to ask a patient about their immigration status, unless you are required by law to get this information. Even if your organization requires you to ask, avoid listing patients' immigration status in medical and billing records.

As a health care provider, can I discuss rights of immigrants with patients to educate them?

Yes. As a health care provider, you are permitted to educate patients about their legal rights. You can, for example, post information about rights, distribute information, and hold educational sessions. But, before you engage in or fund this type of activity, consider whether there might be any limitations on the funds you can use for this purpose. For example, there could be restrictions on grants that fund certain projects or programs. Consult legal counsel before you provide any of this type of education and ensure you are not providing legal advice.

How should my health care facility prepare for dealing with ICE?

Consider adopting comprehensive policies and procedures that apply to law enforcement activity. These policies and procedures should include immigration enforcement activity by ICE or other federal agencies.

As a start, ensure that:

- » No sensitive information in writing is openly in **plain view** in public spaces.
- » No conversations about such information can be **easily overheard**.

What should I do if I have observed a denial of the rights described on this webpage?

File a complaint in either of the following ways:

- » Call the New York Health Care Helpline at 1-800-428-9071.
- » File a complaint with Office of the New York State Attorney General (<https://ag.ny.gov/file-complaint/health-care>).

For more information, refer to our Joint Office of the Governor and Office of the New York State Attorney General Guidance to Private and Nonprofit Organizations and Entities (<https://ag.ny.gov/resources/individuals/immigrants-rights/private-non-profit-organization-guidance>).