



Bird's Eye View: Issues Impacting Older Immigrants in 2025 Part 2

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December 16, 2025

Webinar Logistics

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JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ+ individuals, and people with limited English proficiency.



NATIONAL IMMIGRATION LAW CENTER

Established in 1979, the National Immigration Law Center (NILC) is one of the leading advocacy organizations in the U.S. dedicated to advancing and defending the rights and opportunities of low-income immigrants and their loved ones.

Working at the intersection of immigrant, economic, and racial justice, NILC deploys a multi-pronged strategy to secure lasting, transformational change. We are building an inclusive future for low-income immigrants through impact litigation, policy advocacy, movement-building, and narrative and culture change.

Our work draws strength from the partnerships we build, the power of the people we mobilize, and the lived experience and expertise of the communities we serve.

Our Commitment to Justice

- We believe that to advance justice in aging, we must ensure that everyone has access to what they need as they age, without discrimination and regardless of race, gender, gender identity, sexual orientation, ability, language or country of origin.
- We push for policies that will ensure that those experiencing the greatest barriers to economic security, health care, and housing can exercise their rights and fully access the services and programs they need.

Want to receive Justice in Aging trainings and materials?

Join Our Network!

Go to justiceinaging.org and click “**Sign up**” or send an email to info@justiceinaging.org.



Introduction/Agenda



Who Are Older Immigrants?

Older Immigrants

- There are more than 8.5 million immigrants age 65 and older in the U.S.
 - This makes up 14.4% of the overall older adult population
 - Older immigrants are diverse in their backgrounds, immigration status, and time of immigration
- They experience inequities
 - High rates of poverty
 - Barriers to accessing public benefits
 - Discrimination and targeting under Trump administration



PRWORA Notices

What is PRWORA?

- The **Personal Responsibility and Work Opportunity Act (PRWORA)** governs aspects of public benefits, including restricting immigrants' access to them
 - “Unqualified immigrants” were already unable to access benefits like Medicaid and SNAP
- For years, PRWORA rules were clear: Vital services are available to everyone, regardless of immigration status
- Now, 6 federal agencies issued notices reinterpreting PRWORA and restricting access

What Happened?

- If the notices were implemented, unqualified immigrants would lose access to:
 - Federally qualified health centers
 - Shelters
 - Mental health and behavioral health services
 - And so much more
 - Older Americans Act services is not currently included
- The notices also require recipients of federal funds to implement **immigration verification** procedures

What Comes Next?

- In July 2025, 22 states filed a lawsuit against the government, arguing that the PRWORA notices violate the Constitution and federal law
 - Preliminary injunction in place
- States that are not party to the lawsuit may be required to implement the new immigration verification requirements



Medicare and Temporary Protected Status

Temporary Protected Status (TPS)

- Temporary humanitarian visa given to citizens of certain countries experiencing natural disasters, dangerous conditions, war, etc.
 - Examples: El Salvador, Ukraine
 - Provides temporary legal status, work authorization in the U.S.
- Temporary Protected Status (TPS) holders must renew/re-register status
- Federal government can terminate a country's TPS designation
 - Impacts eligibility for Medicare benefits

Medicare and TPS issues

- Case trends for TPS holders:
 1. Backlog of applications to re-register for TPS leads to problems with Medicare payment on claims
 - Applications taking 6 – 9 months for some countries
 2. Termination of TPS designation can lead to ineligibility for Medicare and Social Security Administration benefits
 - 60-day period before termination is effective
 - Benefits should not end prematurely

Advocacy

- Pay attention to notice dates and appeal timelines
- Premature ending of Social Security benefits can be appealed
- TPS holders newly enrolling in Medicare after H.R.1 (July 2025)

If you are seeing these cases, [contact us!](#)



State of Play

Overview

- Immigrants are experiencing lawless and chaotic immigration raids, detention, and deportation
 - \$150 billion in additional funds will only ramp this up over time
- Detention centers are holding pregnant women and children, with reports of inadequate medical care
- While there have not been reported raids at health care sites, people are afraid to go to the doctor or leave their house at all. There have been raids at sensitive locations like churches and schools.



Language Access

Law of the Land

- Title VI of the Civil Rights Act of 1964
 - Prohibits recipients of federal funding from discriminating against someone due to national origin
- This has long been held to require meaningful access to federally funded programs for people with limited English proficiency (LEP), including older adults

Trump's Executive Order

“Designating English as the official language of the United States”

- Declares English as the national language
- Repeals previous EO that required federal agencies to follow Title VI
- Led to DOJ repealing all resulting language access guidance and resources
- Allows agency heads to make decisions based on the need to fulfill their missions and efficiently provide services

What's True in Language Access Now?

- Sec. 1557 requirements are still in effect. People with LEP must have an interpreter at no cost and be provided with important information in their language.
- No sense of timing from HHS on response or clear examples of what they will do
- Other agencies (IRS, HUD, DHS) have rolled back language access

Title VI Still Applies

- Executive Order & DOJ Memo curtailing language access **CONDUCTED** by federal agencies
- BUT, Executive Order and Memo do **not** apply outside federal agencies
- AND, Executive Order and Memo can **not** overrule existing law



Public Charge

What is Public Charge?

- **Legally** – Public charge is part of the Immigration and Nationality Act. It allows someone to be denied entry to the U.S. or a green card if, using a number of factors, they might be a public charge.
- Applies to:
 - People applying for entry from outside of the U.S.
 - People applying for a green card from within the U.S. (with exemptions)

How does it work now?

- *Totality of Circumstances Test* – Officers must review a person’s whole circumstances:
 - Education, income, health, and use of specific benefits
- Only included today:
 - Federal cash assistance (TANF/SSI)
 - Long term institutionalization under Medicaid (nursing home care)

New DHS Notice of Proposed Rulemaking (NPRM)

- Essentially eliminates the 2022 Biden rule and does not replace it with a new regulation
- The proposed rule:
 - Deletes limitation on which program would be included in a determination
 - Deletes clarifications on family members' use of benefits
 - Deletes clarification that receipt of benefits while in an exempt status is not considered
 - Indicates that any past or potential future use of a benefit for any length of time could be counted

DHS NPRM

- Key Concerns:
 - Suggests officers would be able to consider virtually any benefit used (past or future), which conflicts with the statute
 - Lack of any guidelines create potential for arbitrary and discriminatory decisions
 - Will lead to chaos and confusion for the public, without an intent to provide adequate clarity
 - Is contradictory to longstanding practices and law

Resources

- H.R.1 Resources:
 - **National:** [H.R.1 and State Budget Impacts](#)
 - **California:** [H.R.1 and State Budget Impacts](#)
- [NILC Health Resources](#) (including public charge and eligibility explainers)
- [NILC Health Newsletter Sign-up](#)
- [PIF Public Charge Campaign](#) (includes template comment and sign on)



Questions?

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