Judge allows HHS to share basic info with ICE for immigration enforcement

The agencies will be allowed to share basic biographical, location and contact information, but are prohibited from sharing any additional information.

MARGARET ATTRIDGE / December 29, 2025

Medical staff in an operating room. (sasint/Pixabay via Courthouse News)

SAN FRANCISCO (CN) — A federal judge on Monday allowed the Trump administration to move forward with a new Immigration and Customs Enforcement policy permitting the agency to obtain basic information of certain Medicaid patients for immigration enforcement purposes.

U.S. District Judge Vince Chhabria ruled that the sharing of Medicaid data that is "the primary focus of the new policies" — including basic biographical, location and contact information — is "clearly authorized by law and the agencies have adequately explained their decisions."

However, the Barack Obama appointee blocked the agencies from sharing any information beyond the specified categories.

"The new policies are totally unclear about what that information would be, why it would be needed for immigration enforcement purposes, and what the risks of sharing it with DHS would be," he said in the seven-page order released Monday.

Twenty-one states asked the court to block enforcement of an October ICE policy memo that rescinded a 2019 rule barring the use of health care information for immigration enforcement.

The new policy allows ICE to request and use data from the Department of Health and Human Services for "any and all law enforcement activities that ICE is authorized to pursue as a matter of federal law."

Chhabria rejected many of the states' arguments against the data-sharing policies, ruling that the Department of Homeland Security has broad statutory authority to obtain data from other agencies to "pursue legitimate law enforcement objectives, like immigration enforcement," and that Congress requires agencies to comply with legitimate data requests from DHS.

The judge also rejected the states' claims that the data-sharing policies violate the Health Insurance Portability and Accountability Act (HIPAA), the Privacy Act, the Affordable Care Act and the Social Security Act, finding the policies "do not restrict ICE from obtaining Medicaid data pertaining to the basic biographical, contact and location data of unlawfully present aliens."

However, Chhabria sided with the states regarding data beyond basic information, echoing concerns raised at the Dec. 9 preliminary injunction hearing about what additional information DHS could request on a "case-by-case basis," whether data about citizens or lawful permanent residents could be sought, and whether the policies would allow HHS to share sensitive medical information about Medicaid patients with DHS.

"Beyond the basic information discussed above, the policies are totally unclear and do not appear to be the product of a coherent decision-making process," Chhabria said, adding that the "government failed to provide satisfactory answers to these and other questions based on the contemporaneous record" at the Dec. 9 hearing.

The new preliminary injunction temporarily bars HHS and the Centers for Medicare & Medicaid Services from sharing information received from the plaintiff states with DHS or ICE, unless it is limited to the citizenship and immigration status, address, phone number, date of birth and Medicaid ID of individuals who are not in the country legally.

Chhabria added that if such basic information is "not severable" from data the agencies are prohibited from obtaining, including information about U.S. citizens or sensitive medical records, it may not be disclosed.

Representatives for either party did not respond to a request for comment.

The states sued the Trump administration in July, claiming that the health information of millions of individuals — including their immigration status — was shared with DHS, which oversees ICE, without their consent and in violation of federal law.

On Aug. 12, Chhabria granted the plaintiff states' initial request for a preliminary injunction, temporarily blocking DHS from using Medicaid data obtained from the plaintiff states for immigration enforcement purposes, including data they already acquired.

The previous preliminary injunction will remain in effect until Jan. 5, 2026.

The California Attorney General's Office told Courthouse News it is disappointed in the judge's decision to allow the sharing of some Medicaid data with ICE.

"When individuals signed up for Medi-Cal, they did so with the understanding that their data would not be used for purposes unrelated to administering the program," a spokesperson said. "The Trump administration's effort to use Medicaid data for immigration enforcement is a violation of their trust and will lead to fewer people seeking vital health care, harming the overall health of our communities and increasing public health costs to the state."

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