



March 2, 2025

Chair Nash and Members of the House State and Local Government Finance Committee:

We write to express our opposition to Sections 1 and 3 of H.F. 10 (Schultz). The Catholic Church includes as its members those who are undocumented, as well as serves those who are undocumented in its educational, charitable, and healthcare programs. We serve people because we are Catholic, not because they are.

Section 1 is written so broadly as to deny any “service” to an undocumented person. “Service” is not defined. An undocumented person may seek assistance or services of various forms, including from programs subsidized by state funds. Those could include basic humanitarian assistance such as emergency shelters or food banks. It could also include services provided by law enforcement or emergency medical services. “Service” could also be read to include public schools.

The intent of the scope of the prohibition is unclear, but it could be read so broadly as to make inaccessible any program or service—even if performed by a non-governmental provider—as illegal if it has any nexus to state funds.

The MinnesotaCare prohibition in Section 3 is equally concerning, because could inhibits access to basic healthcare. In general, undocumented immigrants are ineligible for Medicaid and cannot access the ACA’s insurance marketplace. So, unless an undocumented immigrant has the means for very expensive commercial insurance, MinnesotaCare is the only option for him or her. Because immigrants have a right to treatment, they can access emergency services, which ends up being extremely costly to both the insurance pool and the taxpayer. It is for those reasons, and others, that many healthcare provider organizations supported the immigrant inclusion act in 2023.

Refusing to provide access to health insurance or other services solely ton the basis of one’s legal status is a simplistic and blunt approach to a more complex problem. Our immigration system is broken and needs to be fixed at the federal level. Until then, as Minnesotans we can take steps to ensure the basic dignity and needs of our immigrant brothers and sisters, such as offering the opportunity to provide basic services to people when needed.

We recognize the long-term budget numbers are cloudy, but we also encourage you to prioritize basic human needs over other items that might be considered amenities. Thank you for your consideration.

Respectfully yours,

Jason Adkins  
Executive Director  
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## **Letter of Opposition: HF 10**

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**Dear Members of State Government Finance and Policy Committee,**

**The American Civil Liberties Union of Minnesota is an organization devoted to preserving the rights and liberties enshrined in our constitution and laws.**

We are writing to express concern over HF 10 due to its broad nature and potentially far reaching effects. This bill aims to stop undocumented immigrants and noncitizens from accessing state funded services as well as scholarships and medical care programs. The language of the bill is both all encompassing and unclear.

It states an undocumented person “must not receive from any person or entity any service, payment, grant, loan, subsidy, or other form of financial aid or assistance funded by state tax revenue”. The effects of enforcing this would likely violate both the U.S. and Minnesota Constitutions. For example if enacted this bill could cut funding for public defenders representing noncitizens thereby infringing on their constitutional right to have legal counsel. It would also deny education for undocumented immigrant students, thereby violating the Minnesota Constitution, and the U.S. Supreme Court’s decision in *Plyler v. Doe*.

The implications of HF 10 are almost too vast to properly grasp. Just how many services and programs would be affected? Would police and fire departments that receive state funding be required to check immigration status and deny services to undocumented families? Will nonprofit service organizations that receive state funding have to navigate complex immigration laws to determine if a person is lawfully present before providing services? How will this be enforced by the state? What are the consequences to providers and state employees administering these services?

The ACLU-MN is dedicated to protecting Minnesotans constitutional rights and HF 10 places these rights in jeopardy. It’s important to remember that the constitutional guarantees of due process and equal protection apply to all persons in this country.

We strongly urge the Committee to oppose this bill.

Thank you,

**Munira Mohamed**

**Policy Associate**

## **Testimony in Opposition to HF 10**

**Submitted by:**

**North STAR Alliance**

**Sarah Silva, Executive Director**

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**(612) 721-0122**

The North STAR (Safety, Trust and Respect) Alliance respectfully submits these comments to the Minnesota House State Government Finance and Policy Committee in opposition to HF 10.

The North STAR Alliance includes dozens of community based and faith-based social justice organizations who believe in the dignity of every human being, without exception.<sup>1</sup> In the last legislative session, the North STAR Alliance supported, and continues to support, legislation to ensure the appropriate use of state and local resources by limiting state and local government participation in Federal civil immigration enforcement efforts. The mission of the North STAR Alliance is to ensure that all Minnesotans can live their lives with the dignity, safety, and respect we all deserve through supporting legislation that protects immigrant communities from unrestricted Federal overreach of local and state government.

If enacted, HF10 would prohibit the provision of State-funded services to undocumented noncitizens and would remove from eligibility the right of undocumented noncitizens to enroll in MinnesotaCare and participate in the North Star Promise scholarship program.

The North STAR Alliance's testimony will address (1) the portion of the bill that would deny undocumented persons State-funded services; (2) the provision denying or limiting the eligibility to MinnesotaCare and Medical Assistance for undocumented persons; and (3) the constitutionality of HF 10, which would violate Federal and State constitutional rights to counsel for criminal defendants.

### **1. Denying undocumented persons State-funded services**

The precise language of Section 1 of HF 10 reads:

Notwithstanding any law to the contrary, noncitizens of the United States who are undocumented or otherwise not lawfully present in the United States must not receive from any person or entity any service, payment, grant, loan, subsidy, or other form of financial aid or assistance funded by state tax revenue.

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<sup>1</sup> <https://northstaract.org/about/>

This language is extraordinarily broad and it is unclear the full range of services, payments, grants, etc., that are covered by this provision and the administrative costs associated with enforcing it. In evaluating this provision, it is important to consider the large range of services provided by Minnesota. The Minnesota Department of Management and Budget [website](#) states:

Revenue collected by the Department is allocated through the budget process to fund education, health care, roads and bridges, transit, parks and trails, prisons, public safety, job training, economic development, local government services, and other programs.

Thus, Minnesota funds a very broad range of services that affect Minnesotans day-to-day lives. If enacted, to effectuate this bill, for example, the State would be compelled to deny undocumented persons the right to participate in state-funded education programs and the right to drive on roads and use bridges supported by state funding. Further, the law would be required to deny undocumented persons the benefits of public safety programs. The North STAR Alliance asserts that denying undocumented persons these services would be impossible to administer. In addition, consideration of this bill should not occur until there is a comprehensive analysis of its full implications, including clear violations of Federal law.

**2. Removing or reducing MinnesotaCare and Medical Assistance eligibility will have an adverse effect on the health of Minnesota residents, will undermine the financial stability of health care institutions that serve as safety net providers, and is in violation of Federal law**

Under current law, Minnesota residents who are undocumented are eligible for MinnesotaCare or Medical Assistance. Notably, even before the recent expansion of MinnesotaCare to cover all Minnesota residents, undocumented persons and some persons who had applied for asylum prior to attaining lawfully present status were eligible for either MinnesotaCare or Medical Assistance in particular circumstances.

As permitted under Federal Law, Minnesota is one of 23 States that has elected to expand its CHIP program to cover pregnant women regardless of immigration status. In addition, by state statute, Minnesota is providing through State funds coverage of Medical Assistance to clients of the Center For Victims of Torture. Thus, HF 10 not only takes away MinnesotaCare eligibility for those residents who first became eligible on January 1, 2025, but HF 10 also takes away either Medical Assistance or MinnesotaCare eligibility from a large number of Minnesota residents who were previously eligible for such coverage.

In addition, HF 10 would deny undocumented persons coverage for emergency Medicaid (Medical Assistance) services in violation of Federal law. The Congressional Research Service published a [paper](#) entitled “Noncitizen Eligibility for Medicaid and CHIP.” In this paper, the Congressional Research Service states:

“Emergency Medicaid. Under emergency Medicaid (§1903(v)(3) [42 U.S.C. §1396b(v)(3) and 8 U.S.C. §1611(b)(1)(A)], states are required to provide limited Medicaid services for the treatment of an emergency medical condition to otherwise eligible aliens, regardless of immigration status or lack of immigration status. For pregnant women, emergency Medicaid includes services covered under the state plan (e.g., routine prenatal care, labor and delivery, and routine postpartum care)(42 C.F.R. §440.255(b)(2)).”

Thus, HF10, if enacted, would violate Federal Medicaid law.

Further, from a public policy perspective, HR 10 would be very detrimental to the State because it would increase the number of Minnesota residents who are uninsured. This action would have substantial adverse effects on the health of Minnesota residents and the financial stability of the health care system that serves as the safety net for persons who are uninsured. More specifically, HF 10 would have the following adverse consequences:

- **Inappropriate use of costly emergency care causing hospital costs to increase.** This results in a greater reliance on costly emergency room and hospital services. It would also likely force providers to deliver more uncompensated care, weakening doctors and hospitals, which are essential to the health of every community in Minnesota, particularly in our State’s rural areas. With respect to differences in the costs of care delivered in different settings, one study found that up to 27 percent of emergency room visits could be handled in primary care settings, with a potential cost savings of more than \$4 billion annually.<sup>5</sup> [Weinick, RM, et al; “Many emergency department visits could be managed at urgent care centers and retail clinics”; See Health Affairs, Sep 2010; (accessed 03/02/2025) at <https://www.ncbi.nlm.nih.gov/pubmed/20820018/>]
- **Postponement of necessary health care.** In addition to the cost implications, enactment of HF 10 would impair the health of Minnesota residents. The enactment of HF 10 would likely result in undocumented persons postponing necessary health care resulting in sicker babies and children, and more people experiencing a worsening of their health conditions. This will lead to more people seeking far more expensive care in emergency rooms and hospitals. Also, undocumented persons would avoid seeking preventive care for their children, resulting in fewer receiving necessary vaccinations, well-child checkups, and primary care for minor illnesses and infections. The value of pediatric

health coverage by Medical Assistance or CHIP is clear and compelling – children with public health coverage are more likely to have a usual source of care (97% vs. 73%), receive well-child check-ups (85% vs. 56%), and see a doctor for specialty care (13% vs. 7%) over a 12-month period, as compared with children without health coverage.<sup>2</sup> The same analysis found that children with CHIP or Medical Assistance coverage are less likely to delay or forego medical care due to cost concerns, less likely to go more than two years without seeing a doctor, and less likely to have dental needs that are not addressed due to cost concerns. This chilling effect extends to children who are U.S. children whose parents may not have legal status and therefore would be unwilling to engage with benefits systems to which their children are entitled.

- **Undiagnosed or untreated conditions may harm educational achievement.** Inadequate use of available health care resources would have other collateral impacts beyond health. For example, undiagnosed/untreated learning disabilities would stifle educational achievement, harm job prospects, and potentially increase crime. These consequences affect the stability of families, communities, and businesses. School performance is improved when children enroll in Medical Assistance and Children’s Health Insurance Programs. Improved health among children enrolled in CHIP and Medical Assistance programs “translates into gains in school performance and educational attainment over the longer term, with potentially positive implications for both individual economic well-being and productivity in the overall economy”.<sup>3</sup>

**3. Constitutional right to representation: HF 10 is facially unconstitutional and in violation of the Minnesota Constitution and the 6th Amendment to the United States Constitution, both of which provide for the right to counsel to all criminal defendants.**

The United States Constitution guarantees the right to legal counsel during criminal prosecutions regardless of socio-economic class. The Supreme Court of the United States in *Gideon v. Wainwright* held that everyone has the constitutional right to counsel. This case was decided unanimously, emphasizing the fundamental importance of this right. The 6th Amendment does not equivocate “In *all* criminal prosecutions, the accused shall enjoy the right... to have the assistance of counsel for his defense.”<sup>4</sup> This constitutional principle could not be more clear, it does not distinguish between people based on socioeconomic class, by age, by race, by immigration status, it is the right of “all.” As the Court in *Gideon* said “The right

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<sup>2</sup> Kaiser Commission on Medicaid and the Uninsured, “Children’s Health Coverage: The Role of Medicaid and CHIP and Issues for the Future,” June 2016.

<sup>3</sup> Kaiser Commission on Medicaid and the Uninsured, “The Impact of the Children’s Health Insurance Program (CHIP): What Does the Research Tell Us?” June 2014.

<sup>4</sup> U.S. Const. Amend. XI

of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours”<sup>5</sup>

HF 10’s broad and encompassing language would prohibit state funds from paying for or being used by the public defenders who handle tens-of-thousands of cases yearly.<sup>6</sup> This would deny the rights of undocumented persons, who are found to be indigent, from legal counsel if they are charged with any level of criminal offense. HF10 is unconstitutional in that it would prohibit state funds from paying for public defenders. In the strongest of terms, this bill would violate the 6th and 14th Amendments to the United States Constitution. It also would violate Art. I, sec. 6 of the Minnesota Constitution.

For the foregoing reasons, the North STAR Alliance opposes HF 10.

Sincerely,

Sarah Silva  
Executive Director

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<sup>5</sup> *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963).

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<https://mn.gov/mmb-stat/documents/budget/2024-25-biennial-budget-books/governors-revised-march/public-defense-board.pdf>

## Testimony

My name is Sarah Silva and I am executive Director of the north star alliance. We are a coalition of more than 50 organizations including immigrant led, immigrant serving, social justice, labor, and faith-based allies, Committed to the well-being of Minnesota immigrants.

As a Christian, President Jimmy Carter quoted Micah 6:8, referencing a moral imperative: "what doth the Lord require of thee, but to do justly, and to love mercy." No matter our faith or country of origin, his words hold true, that "our commitment to human rights must be absolute, our laws fair... The powerful must not persecute the weak."

Minnesota immigrant communities and our allies claim human rights and fairness, and face persecution with courage. But we are not alone, and we are not weak.

We are an economic engine in this state. Nearly one million Minnesota families include someone born abroad, and the citizens within those families vote.

Over one-third of workers in certain professions, including healthcare and hospitality, are immigrants. Some crossed the Canadian or Mexican border decades ago, but have not yet been able to secure authorization to reside in Minnesota permanently. Nevertheless, immigrants make Minnesota work, and contribute a net gain to the economy of our state.

This ill-advised bill, House file 10, constitutes not only a moral injury to the dignity of Minnesota residents and families, but also an economic injury to everyone in our state. Denying healthcare to the very people who care for our frail elders and people with disabilities, who staff our hotels and restaurants, and who pay taxes in this state;

denying tuition access to our future doctors and lawyers, people in the citizenship pipeline despite all its obstacles and heavy expenses;

Denying these investments in Minnesota and in basic human dignity, means cheating ourselves out of the chance to remain a state which values the health and education of every child, adult, and elder in our Minnesota communities. Thank you for your time. Additionally thank you to our legal team and the committee.



Re: Opposition to HF10

March 3, 2025

Dear Chair Nash and committee members,

We are writing today to express our strong opposition to HF10 that would prohibit undocumented Minnesotans who meet income eligibility requirements from enrolling in MinnesotaCare.

In Minnesota, we believe everyone needs and deserves access to health care regardless of race, age, income, or zip code. In 2023, the Minnesota Legislature passed the MinnesotaCare Immigrant Inclusion Act, landmark legislation that recognizes the importance of healthcare and the deep contributions undocumented immigrants who live, work, and pay taxes in Minnesota make to our state. This bill repeals this progress and does not reflect the values we share as Minnesotans.

HF10 does not do anything to improve health care for Minnesotans. It undermines durable progress our state has made to achieve universal health care coverage, and harms working families who have contributed tirelessly to our state.

We urge you to oppose HF10.

Signed,

Asylum Coalition for Transition-Twin Cities

Autism Society of Minnesota

Catholic Health Association of Minnesota

City of Minneapolis

Epilepsy Foundation of Minnesota

Health Care for All MN

Immigrant Law Center of Minnesota

Indivisible South Metro MN

ISAIAH

James H. Binger Center for New Americans

Jewish Community Action

Mental Health Minnesota

Mid Minnesota Legal Aid

Minnesota AFL-CIO

Minnesota Budget Project

Minnesota Catholic Conference

Minnesota Council on Latino Affairs

Minnesota Doctors for Health Equity

Minnesota Farmers Union

Minnesota Interfaith Coalition on  
Immigration

Minnesota Prenatal to Three Coalition

Minnesota Psychiatric Society

Minnesota Society of Child and Adolescent  
Psychiatry

Mitchell Hamline Health Law Clinic

MN8

MUUSJA, MN Unitarian Universalist Social  
Justice Alliance

NAMI Minnesota

National Association of Social Workers, MN  
Chapter (NASW-MN)

Neighbors Together in Solidarity -  
Bloomington, MN

Our Justice

OutFront Minnesota

Planned Parenthood North Central States

Plymouth Congregational Church of  
Minneapolis

Portico Healthnet

Professor Emeritus Psychiatry University of  
Minnesota Medical School

Rural Organizing Project

SEIU Healthcare MN & IA

SHINE Together, LLC

TakeAction Minnesota

The Advocates for Human Rights

Voices for Racial Justice