

National Immigration Forum

To: Irene Bueno
Company : DOMESTIC POLICY COUNCIL
Fax Number : 202-456-5581
Phone Number : 202-456-6558

From : Qamar Abdi
Fax Number : 202-544-1905
Phone Number 202-544-0004 x43

Time Sent : Wednesday, May 26, 1999 05:34PM

Pages : 5

Description :

The National Immigration Forum's

Benefits Bulletin

Fairness For All Legal Immigrants

May 26, 1999

- Contents**
- Editorial: *Los Angeles Times*, "Doing Right by Immigrants"
 - Editorial: *New York Times*, "Fair Treatment for Legal Immigrants"
 - Editorial: *The Miami Herald*, "A Benefit to Society, Assistance for Immigrants"

Contact Lisa Shuger, (202) 544-0004, ext. 41

4 pages total

Restoring Benefits to Legal Immigrants Is the Right Thing to Do

Not long after the introduction of the **Fairness for Legal Immigrants Act of 1999** (Moynihan, D-NY and Levin, D-MI), legislation that would restore basic safety net benefits to legal immigrants, the *Los Angeles Times*, *New York Times*, and *Miami Herald* published editorials (see attached) which support this legislation and call for swift passage by Congress.

- The *Los Angeles Times* underscores the need to ease the fiscal burden – currently being borne by state and local governments – of providing critical services that were denied to legal immigrants in the 1996 welfare law. **"This bill, by restoring federal cost-sharing, would lift a huge and unfair financial burden" from states.**
- The *Miami Herald* urges Congress to restore equity for tax-paying immigrants, who should be eligible for the same public assistance as native-born Americans. **"We as a nation don't hesitate to levy all manner of taxes on legal immigrants when they are prospering... We must then be willing to provide them help in the bad times."**
- The *New York Times* characterizes the treatment of legal immigrants under the 1996 welfare law as unfair. **"The welfare law was primarily intended to move welfare recipients to work. But it exacted a much harsher, unjust toll on legal immigrants."**

16 WK

THE NEW YORK TIMES EDITORIALS/LETTERS

The New York Times

Founded in 1851

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ARTHUR HAYS SULZBERGER, Publisher 1935-1961
OWEN R. BRYPOOL, Publisher 1961-1963
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SUNDAY, MAY 9, 1999

Fair Treatment for Legal Immigrants

When Congress makes a mistake that inflicts undue hurt on individuals and their families, it has a duty to correct the injustice.

Harsh deportation rules adopted in 1996 condemn many productive legal residents to automatic expulsion based on low-level offenses they committed long ago, and for which they have paid their debt to society. The problem arises because Congress failed to draw a distinction between immigrants who committed murder, rape and other serious crimes worthy of deportation and those who committed a minor theft or were found in possession of a small quantity of drugs. Hundreds of longtime legal residents with minor offenses have been abruptly wrenched from their families and sent back to their birth countries.

A corrective measure sponsored by Representatives Barney Frank of Massachusetts and Martin Frost of Texas, both Democrats, and Lincoln Diaz-Balart of Florida, a Republican, would restore judicial discretion and due process rights that Congress unwisely obliterated three years ago. Meanwhile, Attorney General Janet Reno should provide some immediate relief by allowing waivers in cases already pending when the law went into effect.

On a related issue, Congress has not fully corrected the unfair treatment of legal immigrants under the 1996 welfare reform law. The welfare law was primarily intended to move welfare recipients to work. But it exacted a much harsher, unjust toll on legal immigrants. It declared them ineligible for many kinds of cash and nutritional aid, even though legal immigrants pay taxes to support safety-net programs like everyone else.

Since then Congress has scaled back some of the most drastic cuts to immigrant children and the disabled, but not enough. A new bill sponsored by Senator Daniel Patrick Moynihan would fully restore Supplemental Security Income assistance and food stamp benefits to all eligible immigrants who were in this country legally prior to welfare reform, and would restore S.S.I. eligibility to those who have come after 1996 if they become disabled. It would also allow states to enroll immigrant children in the new Child Health Insurance Program and provide Medicaid coverage to pregnant women and children whenever they arrive. The cost of the Moynihan proposal would be about \$2.7 billion over five years. That is a small price to restore basic fairness to immigrants who are a vital part of this society.

A16

MONDAY, APRIL 26, 1999/NA

LOS ANGELES TIMES

Doing Right by Immigrants

When the federal welfare reform law was enacted in 1996, legal immigrants were deprived of public health care benefits and other services. Despite his opposition to those portions of the bill, President Clinton signed it into law, vowing to restore many of those benefits later.

In 1997 and 1998, Congress did restore some benefits to immigrants who were in the most desperate need but excluded those entering the United States after August 1996 following passage of the welfare reform bill. Now, Sen. Daniel Patrick Moynihan (D-N.Y.) has introduced a bill that adds greatly to restoration of services for legal immigrants who entered the U.S. after the welfare law was passed, including certain Medicaid, food stamp and Supplemental Security Income benefits.

Moynihan's bill, at a cost between \$3 billion and \$4 billion over five years, would be an enormous boon to California, which has the largest number of immigrants in the nation.

Sacramento has been paying on its own for many of the denied benefits. This bill, by restoring federal cost-sharing, would lift a huge and unfair financial burden from the state.

"Many Americans may not realize this," Moynihan said in introducing his bill, "but legal immigrants pay income taxes and payroll taxes. And without continued legal immigration, the financial condition of Social Security and Medicare would be worsened. It is in our interest to see that these immigrant families have healthy children, enough to eat and support if they become disabled." A companion bill was introduced in the House by Rep. Sander M. Levin (D-Mich.). California Democratic Sen. Dianne Feinstein, who is keenly aware of the importance of this legislation for the state, has agreed to co-sponsor Moynihan's bill.

For California and for the legal immigrants who played by the rules, the sooner Congress passes this measure, the better.

Florida GiftExpress

Burdines

EDITORIALS

Published Monday, May 17, 1999, in the Miami Herald

A BENEFIT TO SOCIETY ASSISTANCE FOR IMMIGRANTS

The legislation to restore benefits is worthy of support.

Hopeful signs that anti-immigrant fever is cooling: Sen. Daniel Patrick Moynihan, D-N.Y., and Rep. Sander M. Levin, D-Mich., have commendably introduced legislation to repair gaps in the safety net that was unnecessarily torn in the name of welfare reform.

Called the Fairness for Legal Immigrants Act, bills in both House and Senate would restore eligibility for critical federal benefits to the most vulnerable legal immigrants, many of whom arrived or turned 65 after Aug. 22, 1996 -- the arbitrary cutoff date set by welfare-reform legislation.

Advocates of the benefit cuts painted a false picture of freeloading immigrants who came to America to take more than to contribute. Yet study after study has shown that over the long haul, considering all aid given and paybacks, immigrants are a net plus.

Truth is that we as a nation don't hesitate to levy all manner of taxes on legal immigrants when they are prospering, including income taxes, Social Security contributions and other payments. We must then be willing to provide them help in the bad times. The general public recognizes the fundamental equity here. In a recent W.K. Kellogg Foundation survey, an overwhelming number of those polled -- 77 percent nationwide and 78 percent in Florida -- agreed with the statement "Since legal immigrants must pay the same taxes as the native born, they should have the same access to the public assistance."

The Moynihan-Levin bill would permit states to offer Medicaid coverage to legal immigrant children and pregnant women, and to restore Social Security disability benefits for poor, elderly residents -- regardless of when they came to our shores. It also would expand benefits for elderly and disabled immigrants in nursing homes, for victims of domestic abuse and for immigrants in need of food stamps.

This follows other successful immigrant-benefit restoration measures in 1997 and 1998, alleviating some of the mean-spirited harm done in the law.

Sponsors estimate that the current package would cost some \$3 billion across five years -- a good investment in preventative health and fair public policy. To their credit, South Florida's U. S. Sen. Bob Graham, a Democrat, and Reps. Lincoln Diaz-Balart and Ileana Ros-Lehtinen, both Republicans, are co-sponsoring this legislation. That's what the rest of Florida's congressional delegate should do, too.

As an immigrant-rich state, we bear the burden when a disabled senior, a pregnant woman or a poor child must go to the emergency room when they should have had access to earlier care.

Florida GiftExpress

Burdines

Irene Bueno



05/06/99 08:58:37 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc: J. Eric Gould/OPD/EOP, Eugenia Chough/OPD/EOP
bcc: Irene Bueno/OPD/EOP
Subject: Re: Immigrant Benefits REVISIONS 

I think that our immigrant benefit proposal should be based on the principle that immigrants who were eligible for benefits prior to welfare reform should be included in our expanded definition of qualified alien with the exception of the addition of the Native Americans.

HHS is working on a chart that lays out clearly which groups we are referencing. I expect we will get the chart on Friday. Let's discuss after we get the chart but I think that we could get both INS and HHS to agree. We will need to explain this to the groups but we can make an argument that we expanded the definition of qualified alien but could not go as far as lawfully present for policy reasons (can't cover tourist and students).

Let me know what you think.

Cynthia A. Rice



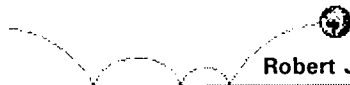
Cynthia A. Rice

05/05/99 11:23:01 AM

Record Type: Record

To: J. Eric Gould/OPD/EOP, Irene Bueno/OPD/EOP, Eugenia Chough/OPD/EOP
cc:
bcc:
Subject: Re: Immigrant Benefits REVISIONS 

Can we all talk about these before we reply? How about tomorrow after the staff meeting?
Robert J. Pellicci



Robert J. Pellicci

05/05/99 09:15:22 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Janet R. Forsgren/OMB/EOP, Melinda D. Haskins/OMB/EOP

Subject: Immigrant Benefits REVISIONS

Attached is a revised draft bill incorporating the INS changes discussed at yeaterday's conference call. The changes are noted in bold and strikeouts.

Please give me your comments on these changes as well as any other changes you may have by 5:00 p.m. tomorrow -- May 6th.



alienbl.50

Message Sent To:

Cynthia A. Rice/OPD/EOP
J. Eric Gould/OPD/EOP
Irene Bueno/OPD/EOP
Eugenia Chough/OPD/EOP
Diana L. Meredith/OMB/EOP
Jeffrey A. Farkas/OMB/EOP
swallace @ os.dhhs.gov @inet
tnelson @ os.dhhs.gov @inet

► **Jeffrey A. Farkas**
05/03/99 01:48:24 PM
.....

Record Type: Record

To: Irene Bueno/OPD/EOP

cc:

Subject: Re: HHS Medicaid Lawfully Residing Definition 

Per my voice mail, the one area that I will need to follow up on is the extent to which the groups proposed by HHS exceed the pre-welfare reform definition of PRUCOL (as stated by HHS in the cover letter to OMB).

I had a conversation with David Nielsen and he thought the eligibility changes would be a wash relative to pre-welfare reform because while some groups are added (i.e., asylum applicants) others are dropped ("in-status" aliens). INS confirmation/clarification would be useful, if possible.

David also noted that the inclusion of "temporary protected status" individuals -- a group that was not covered under PRUCOL -- was counter to the statute that created this status in the first place (it specifically prohibited individuals in this status from getting benefits). I'd be interested in your thoughts (and INS's) about including this group in the restoration.

It might be useful for us to have a conversation about this before the conference call. Thanks.

Irene Bueno



05/05/99 11:02:31 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc: J. Eric Gould/OPD/EOP, Eugenia Chough/OPD/EOP
bcc:
Subject: Re: Immigrant Benefits REVISIONS 

My proposal is that we go with language along the lines of:

"Qualified aliens and certain categories of lawfully present aliens as determined by the Secretary of Health and Human Services in consultation with the Attorney General"

This would allow for the Administration to try to get some policy consensus among the agencies on which immigrants should receive health benefits.

Second, this solution avoids the inclusion of a long intimidating list of immigrant categories in our legislation.

We can discuss further in the morning but these are my thoughts based on my informal discussion with INS and Jeff Farkas.

Cynthia A. Rice



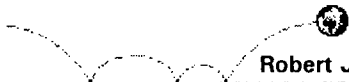
Cynthia A. Rice

05/05/99 11:23:01 AM

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Robert J. Pellicci



Robert J. Pellicci

05/05/99 09:15:22 AM

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To: See the distribution list at the bottom of this message
cc: Janet R. Forsgren/OMB/EOP, Melinda D. Haskins/OMB/EOP
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alienbl.50

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Irene Bueno/OPD/EOP
Eugenia Chough/OPD/EOP
Diana L. Meredith/OMB/EOP
Jeffrey A. Farkas/OMB/EOP
swallace @ os.dhhs.gov @inet
tnelson @ os.dhhs.gov @inet



Irene Bueno

04/26/99 12:41:22 PM

.....

Record Type: Record

To: Robert J. Pellicci/OMB/EOP

cc: See the distribution list at the bottom of this message

Subject: HHS Medicaid/Immigrant restoration proposal

Here are my comments on the DOJ/INS comments on the HHS draft Medicaid/immigration restoration legislation:

1. Amending PRWORA - I believe a decision was made to amend the Social Security Act rather than PRWORA for Committee jurisdiction reasons and do not think we should amend PRWORA as suggested by DOJ for that reason.

2. Lawfully residing issue - I believe we have agreement with INS and HHS to the following language:

The Secretary of the Department of Health and Human Services in consultation with the Attorney General will clarify the groups that are to be covered by the term "lawfully residing."

This language would replace the parenthetical that currently states "(as determined pursuant to the rules of the Immigration and Naturalization Service)" - on page 2 line 4- 5; and on page 5 lines 2-3.

3. PRUCOL/sect. 2(a)(3) - HHS thinks they need a conforming amendment to ensure that formerly PRUCOL immigrants who are found to be lawfully residing are eligible for Medicaid & CHIP. INS believes this section is unnecessary and does not think this section does what HHS intends. I think this is a technical matter that should be worked out between HHS and DOJ/INS and have no view except that they work out this issue.

4. Section 2(f) - INS is concerned that this section directs state agencies to "disregard" immigration laws. I agree that language as suggested by DOJ/INS should be included to clarify that the sponsor reimbursement requirements under the INA would not apply in cases where lawfully residing children and pregnant women receive Medicaid or CHIP.

Please let me know if you have any further questions or comments. Thanks.

Message Copied To: _____

Cynthia A. Rice/OPD/EOP
Jeffrey A. Farkas/OMB/EOP
Jack A. Smalligan/OMB/EOP
J. Eric Gould/OPD/EOP
Devorah R. Adler/OPD/EOP
Jeanne Lambrew/OPD/EOP

SPECIAL

April 19, 1999

Note for Bob Pellicci, OMB

From: Greg Jones, DOJ

Re: HHS draft bill on noncitizen children & pregnant women benefits

We have no objection to this proposal in concept, as it is apparently part of the President's FY 2000 budget. We do question whether, in order to achieve the goal of restoring Medicaid eligibility to children & pregnant women, the proposed bill would also need to refer to section 402(b) of PRWORA, in proposed section 2(a)(1). *no view*

In particular, Section 2(a)(1) would create new subsection 42 U.S.C. § 1396d(v)(3)(C). Should that subsection state: "For purposes of paragraphs (1) and (2), an individual is described in this paragraph if the individual -- . . .

(C) would be eligible for medical assistance (or for a greater amount of medical assistance) under the State plan under this title but for any or all of the provisions of section 401(a), 402(b), 403, or 421 of Public Law 104-193."?

By including a specific reference to 402(b), the law would make clear its intention to preempt any state law that might be passed pursuant to 402(b) that further limits Medicaid eligibility for aliens, if that indeed is its intention.

See also staff comments from the INS, which appear to raise a couple of very good points.

OFFICE OF MANAGEMENT AND BUDGET**Legislative Reference Division
Labor-Welfare-Personnel Branch****Telecopier Transmittal Sheet****SPECIAL****FROM: Bob Pellicci -- 395-4871****DATE:** 4/20**TIME:** 4 35 PM**Pages sent (including transmittal sheet):** 4**COMMENTS:** Justice (INS) response/Views
Re: HHS' immigrant legislation.**TO:** Cynthia Rice
Janne Cambrew
Eric Gould
Deborah Adler
Irene Bueno**PLEASE CALL THE PERSON(S) NAMED ABOVE FOR IMMEDIATE PICK-UP.**

APR-19-1999 11:37

Comments on Noncitizen Children & Pregnant Women Health Benefits Act

The bill inadequately defines which aliens it makes eligible for medical and child health assistance. As written, it applies to "lawfully residing" alien pregnant women or children, which is further defined as otherwise qualifying aliens who entered the United States on or after August 22, 1996 who are aliens "lawfully residing in the United States (as determined pursuant to the rules of the Immigration and Naturalization Service)." This definition delegates the entire authority to define the terms of Medicaid and CHIP eligibility to the INS by rulemaking. At present, the INS has no regulatory definition of lawful residence. One has been proposed in an August 4, 1998 proposed rule on verifying eligibility for public benefits, but that rule has not been finalized, and has a two year statutory implementation period following final promulgation. That approach defines lawful residence for the purpose of verification as combining lawful presence as provided in 8 CFR 103.12 with "residence" as defined by section 101 of the Immigration and Nationality Act (INA) ("the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent").

At the present time, the regulatory definition of lawful presence is limited to Title II Social Security benefits, and is an extremely broad definition tailored to that specific purpose. It includes, for example, nonimmigrants, who may have qualified for such benefits through their work history in the United States. For the limited purposes to which "lawful residence" has so far been put for purposes of welfare reform (certain military veterans only), a definition that couples a very broad definition of lawful presence with a definition of residence is acceptable pending further rulemaking defining lawful presence for purposes other than Title II Social Security, but it is a questionable basis upon which to base major changes to a program such as Medicaid. For example, it is conceivable that students or other nonimmigrants could be considered eligible, despite a nonimmigrant status, on the basis of their lawful presence plus a showing that their "principal, actual dwelling place in fact, without regard to intent" is in the United States. INS and other agencies look at "lawful presence" differently depending on the circumstances; for example, different definitions pertain under section 212 of the INA for the purpose of admissibility to the United States, under INS regulations for Title II Social Security purposes as discussed above (very broad definition), and under Bureau of Alcohol Tobacco and Firearms regulations (27 CFR 178) for firearms possession (narrower definition). Because there are so many different immigration statuses under the INA, and so many gray areas in terms of "lawful" presence that arise as a result of applications for, and consideration of eligibility for, immigration benefits under the INA, the INS did not before September of 1996 either have to, or find it helpful to define "lawful presence" as a bright-line divider of aliens into two groups, and as a result the INS does not have regulations in place that clearly and satisfactorily define "lawful residence" for purposes of substantive health benefit eligibility.

In short, this bill does not provide clear guidance on the intended group of eligible aliens. Who, exactly, is this bill intended to benefit? Nonimmigrants? "Qualified aliens"? PRUCOL aliens? Rather, it simply defers the question to INS rulemaking. In addition,

APR-19-1999 11:38

the bill, by not basing alien eligibility on recognized immigration statuses under the INA, places a significant verification burden on both the INS and the benefit-granting agency.

The purpose of section 2(a)(3) is unclear. It appears on its face to remove even the pre-welfare reform PRUCOL limitation on Medicaid eligibility for certain aliens. Who is intended to benefit from this provision? It would only seem necessary if there are child or pregnant aliens who are "lawfully residing," but not PRUCOL, and to whom the Administration wishes to provide Medicaid. Are there? If so, who are they? Why, in a bill pitched as removing a welfare reform limitation on eligibility, is there a clause that appears to expand eligibility beyond what it was even before welfare reform?

The phrasing of section 2(f) and similar clauses with respect to sponsor reimbursement requirements is unacceptable. A federal law should not direct a state to "disregard" the INA, or any other federal statute. This creates conflicting obligations of federal law. The intention of these provisions is fine, but the drafting is not. If the Administration and Congress want to make an exception to section 213A(b) of the INA with respect to these benefits, they should do so directly, rather than leaving them in place but directing states not to obey them. The following language would correct this problem: "The requirements of section 213A(b) of the Immigration and Nationality Act shall not apply with respect to benefits under this title provided to a child who is eligible for such benefits because of the provisions of section 2110(b)(3)(B), and a State child health plan shall so provide."

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The Honorable J. Dennis Hastert
Speaker of the House
of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed for the consideration of the Congress is the Administration's draft bill, the "Noncitizen Children and Pregnant Women Health Benefits Act of 1999". The bill supports the President's Budget for FY 2000.

The bill would amend titles XIX and XXI of the Social Security Act to give States the option to extend benefits under Medicaid and the Children's Health Insurance Program (CHIP) to certain lawfully residing noncitizens. The bill would permit States to provide benefits under Medicaid, or under Medicaid and the Children's Health Insurance Program (CHIP), to children who entered the United States on or after August 22, 1996 and are lawfully residing in the United States. States would also be permitted to provide pregnancy-related Medicaid benefits to lawfully residing pregnant aliens who entered the U.S. on or after such date. This proposal would fill a significant gap in health care coverage for low-income working noncitizen families who are now denied Medicaid and CHIP eligibility under welfare reform rules.

The bill would also permit States to disregard provisions of the Immigration and Nationality Act that would require States to seek reimbursement from sponsors for Medicaid or CHIP benefits provided to sponsored aliens.

We urge the Congress to give the draft bill its prompt and favorable consideration.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

Donna E. Shalala

Enclosure

A BILL

To amend titles XIX and XXI of the Social Security Act to give States the option of providing medical assistance and child health assistance to certain aliens lawfully residing in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Noncitizen Children and Pregnant Women Health Benefits Act of 1999".

SEC. 2. STATE OPTIONS FOR COVERAGE OF LAWFULLY RESIDENT CHILDREN AND PREGNANT WOMEN.

(a) MEDICAID ELIGIBILITY OF CHILDREN AND PREGNANT WOMEN.❖

(1) DEFINITION OF LAWFULLY RESIDING CHILDREN AND PREGNANT WOMEN.❖Section 1905 (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(v)(1) The term 'lawfully residing alien child' means an individual who❖

"(A) is described in subsection (a)(1); and

"(B) is described in paragraph (3).

"(2) The term 'lawfully residing alien pregnant woman' means an individual who❖

"(A) is described in section 1902(1)(1)(A) or subsection (n); and

"(B) is described in paragraph (3).

"(3) For purposes of paragraphs (1) and (2), an individual is described in this paragraph if the individual❖

"(A) entered the United States on or after August 22, 1996;

"(B) is an alien lawfully residing in the United States (as determined pursuant to the rules of the Immigration and Naturalization Service); and ✓

"(C) would be eligible for medical assistance (or for a greater amount of medical assistance) under the State plan under this title but for any or all of the provisions of section 401(a), 403, or 421 of Public Law 104-193.".

(2) STATE OPTION TO PROVIDE MEDICAID.❖

(A) CHILDREN.❖

(i) CATEGORICALLY NEEDY.❖Section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended❖

(I) by striking "or" at the end of subclause (XIII); and

(II) by adding after subclause (XIV) the following new subclause:

"(XV) who is a lawfully residing alien child (as defined in section 1905(v)(1)) but the State may not exercise such option with respect to a subcategory of such individuals.".

(ii) MEDICALLY NEEDY.❖Section 1902(a)(10)(C) (42 U.S.C. 1396a(a)(10)(C)) is amended by inserting before the comma in clause (i)(I) "(and

1 such criteria may provide for eligibility of
2 individuals described in section 1905(v) who are
3 not described in subparagraph (A)(ii)(XV))".

4 (B) PREGNANT WOMEN.❖

5 (i) CATEGORICALLY NEEDY.❖Section
6 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii))
7 is further amended❖

8 (I) by inserting "or" at the end of
9 subclause (XV); and

10 (II) by adding after subclause (XV) the
11 following new subclause:

12 "(XVI) who is a lawfully residing alien
13 pregnant woman (as defined in section
14 1905(v)(2)) but medical assistance for such
15 an individual shall be limited to the same
16 amount, duration, and scope as the medical
17 assistance for any other individual described
18 in such subsection (1)(1)(A) or section
19 1905(n));".

20 (ii) MEDICALLY NEEDY.❖Section 1902(a)(10)(C)
21 (42 U.S.C. 1396a(a)(10)(C)) is further amended by
22 inserting "or (XVI)" after "subparagraph
23 (A)(ii)(XV)".

24 (3) ELIMINATION OF PRUCOL RESTRICTION WITH RESPECT TO
25 LAWFULLY RESIDING CHILDREN AND PREGNANT WOMEN.❖Section
26 1903(v)(1) (42 U.S.C. 1396b(v)(1)) is amended by inserting

1 "and except with respect to individuals described in section
2 1905(v) who receive medical assistance pursuant to section
3 1902(a)(10)(A)(ii)(XV), 1902(a)(10)(A)(ii)(XVI), or
4 1902(a)(10)(C)" after "paragraph (2)".

5 (b) CHIP ELIGIBILITY OF CHILDREN. Section 2110(b) (42 U.S.C.
6 1397jj(b)) is amended

7 (1) in paragraph (1)(A), by inserting before the
8 semicolon "(including, at the option of the State, a child
9 described in paragraph (3)(B))"; and

10 (2) in paragraph (3)

11 (A) by striking "SPECIAL RULE." and inserting
12 "SPECIAL RULES."

13 (B) by designating the remainder of the text as
14 subparagraph (A) and indenting accordingly below the
15 paragraph heading;

16 (C) by adding the following after the subparagraph
17 designation "(A)": "HEALTH INSURANCE COVERAGE"; and

18 (D) by adding at the end the following new
19 subparagraph:

20 "(B) ELIGIBILITY FOR CHILDREN WHO ARE ALIENS
21 LAWFULLY RESIDING IN THE UNITED STATES. For purposes of
22 paragraph (1)(A), a child is described in this
23 subparagraph if

24 "(i) the child

25 "(I) entered the United States on or
26 after August 22, 1996;

1 "(II) is an alien lawfully residing in
2 the United States (as determined pursuant to
3 the rules of the Immigration and
4 Naturalization Service); and

5 "(III) would be determined eligible for
6 child health assistance under this title but
7 for any or all of the provisions of section
8 401(a), 403, or 421 of Public Law 104-193;
9 and

10 "(ii) the State exercises the option to
11 provide medical assistance to the category of
12 individuals described in section
13 1902(a)(10)(A)(ii)(XV).".

14 (c) PROHIBITION ON SEEKING SUPPORT FROM SPONSOR.❖

15 (1) MEDICAID.❖

16 (A) CHILDREN.❖Section 1902(a)(25) (42 U.S.C.
17 1396a(a)(25)) is amended❖

18 (i) by striking "and" at the end of
19 subparagraph (G);

20 (ii) by adding "and" at the end of
21 subparagraph (H); and

22 (iii) by adding after subparagraph (H) the
23 following new subparagraph:

24 "(I) that the State will disregard the
25 requirements of section 213A(b) of the Immigration and
26 Nationality Act with respect to medical assistance

1 furnished on behalf of an individual who is eligible
2 for such assistance under the State plan because of the
3 provisions of clause (XV) of paragraph (10) (A) (ii) or
4 because of the reference to such clause in paragraph
5 (10) (C) .".

6 (B) PREGNANT WOMEN.❖Section 1902(a) (25) (I) (42
7 U.S.C. 1396a(a) (25) (I)) is amended by inserting "or
8 (XVI)" after "clause (XV)".

9 (2) CHIP.❖Section 2107 (42 U.S.C. 1397gg) is amended by
10 adding after subsection (e) the following new subsection:

11 "(f) DISREGARD OF SPONSOR REIMBURSEMENT REQUIREMENT.❖A State
12 child health plan shall provide that the State will disregard the
13 requirements of section 213A(b) of the Immigration and
14 Nationality Act with respect to benefits under this title
15 provided to a child who is eligible for such benefits because of
16 the provisions of section 2110(b) (3) (B) .".

17 (d) EFFECTIVE DATES.❖

18 (1) IN GENERAL.❖Except as otherwise provided, the
19 amendments made by this section shall become effective with
20 respect to calendar quarters beginning on and after October
21 1, 1999.

22 (2) PREGNANT WOMEN.❖The amendments made by subsections
23 (a) (2) (B) and (c) (1) (B) of this section shall become
24 effective with respect to calendar quarters beginning on and
25 after October 1, 2000.

OFFICE OF MANAGEMENT AND BUDGET**Legislative Reference Division
Labor-Welfare-Personnel Branch****Telecopier Transmittal Sheet****SPECIAL****FROM: Bob Pellicci -- 395-4871****DATE:** 4/20**TIME:** 4 35 PM**Pages sent (including transmittal sheet):** 4**COMMENTS:** Justice (INS) response/Views
Re: HHS' immigrant legislation.**TO:** Cynthia Rice
Janne Cambrew
Eric Gould
Deborah Adler
Irene Bueno**PLEASE CALL THE PERSON(S) NAMED ABOVE FOR IMMEDIATE PICK-UP.**

Comparison of Administration and Moynihan-Levin Immigrant Benefit Restoration Packages

<i>Proposal</i>	<i>Moynihan-Levin (Fairness for Legal Immigrants Act of 1999) S. 792/H.R. 1399</i>	<i>Administration Budget</i>
SSI and Related Medicaid	<u>Elderly</u> . Restores SSI eligibility for qualified immigrants who were lawfully residing in the U.S. on 8/22/96 who subsequently reach age 65.	No provision.
	<u>Disabled</u> . Provides SSI and related Medicaid to qualified immigrants who enter after 8/22/96 and subsequently become blind or disabled. • Exemption from 5-year ban. • Exemption from deeming. • Sponsors are liable for reimbursement.	Provides SSI and related Medicaid to qualified immigrants who enter after 8/22/96 and subsequently become blind or disabled. • 5-year ban remains in place. • Exemption from deeming. • Sponsors are liable for reimbursement unless they experience financial hardship.
Health Care for Children	State option to provide Medicaid and CHIP to lawfully residing children regardless of date of entry (pre- & post-8/22/96). • No 5-year ban, no deeming. • Sponsors are NOT liable for reimbursement.	State option to provide Medicaid and CHIP to lawfully residing children who enter after 8/22/96. • Ban, deeming, and sponsor-reimbursement provisions same as Moynihan-Levin.
Health Care for Pregnant Women	State option to provide Medicaid to lawfully residing pregnant women regardless of date of entry (pre- & post-8/22/96). • No 5-year bar, no deeming. • Sponsors are NOT liable for reimbursement.	State option to provide Medicaid to lawfully residing pregnant women who enter after 8/22/96. • Ban, deeming, and sponsor-reimbursement provisions same as Moynihan-Levin.
Health Care for Medically Needy	State option to provide Medicaid to aliens who are low-income and blind or disabled but are not receiving SSI.	No provision.
Food Stamps	Restores eligibility to all qualified immigrants who were lawfully residing in the U.S. on 8/22/96.	Restores eligibility to qualified immigrants lawfully residing in the U.S. on 8/22/96 who subsequently reach age 65.
Victims of Domestic Violence	Exempts legal immigrants suffering from domestic abuse from the 5-year ban on means-tested benefits, and would restore their eligibility for SSI and Food Stamps. Retains deeming.	No provision.



Irene Bueno

04/19/99 10:00:14 PM

.....

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Medicaid/Immigrant Restoration language

I spoke with Barbara Strack of INS about their concern with the immigrant Medicaid language and they are concerned that INS is being asked to clarify the meaning of "alien who are lawfully residing in the US" in the latest draft of the proposal.

INS does not have a definition of lawfully residing. There is guidance on lawfully present but it is much broader than I believe we want to go because it includes non-immigrants (ie tourist, etc). In addition, INS believes that HHS rather than INS should decide the list of groups of immigrants who we want to make eligible for Medicaid and CHIP under this provision and include this list in the proposal. I think it makes some sense that we would want the Medicaid statute to be clear who is eligible rather than referring to the INS rules.

I also have a couple of questions and recommendations as to next steps:

- 1- Has a decision been made which immigrants should be eligible for Medicaid and CHIP?
- 2 - If not, we should ask HHS to develop the list and have a discussion about the list.
- 3 - After we have a list, figure out the best way to add this list to the Medicaid proposal (ie - add the categories of the immigrants who would be covered).

Please let me know what you think are our next steps.

Thanks.

Message Sent To:

Jeffrey A. Farkas/OMB/EOP
Cynthia A. Rice/OPD/EOP
Jeanne Lambrew/OPD/EOP
Devorah R. Adler/OPD/EOP
J. Eric Gould/OPD/EOP

Paper - Summary - hand-out
Q & A (individual)
chart - only if needed
medicaid language - lawfully residing vs. past issue - David (appears elsewhere) - Jeff Fink's
Hill Visits / Legal Immigrant Benefit Restorations - 4/11/99

Initial Meetings - meet w/ SSA, ask them for suggestions
Senate: Daschle [*Kennedy, *Schumer, *Lautenberg, etc. and ranking authorizers (Moynihan and Harkin)] - HHS, SSA, USDA - soon after or same time.

Roth → ***Graham - HHS, SSA - likely to attract bipartisan support (Graham should speak to Chafee/Mack/Jeffords first)**

****Chafee - HHS, SSA, USDA**

****Jeffords - HHS, SSA**

House: Gephardt [Levin, Hispanic Caucus, Meek, etc] - HHS, SSA, USDA

Ways & Means **Rangel - HHS, SSA, USDA**

***Nancy Johnson - HHS, SSA**

***Cardin - HHS, SSA**

Commerce **Dingell - HHS, SSA**

***Waxman - HHS, SSA**

****Greenwood - HHS, SSA**

Follow-Up Meetings

Senate

Finance Committee Democrats (if necessary) - HHS, SSA, USDA - SSA

Roth - HHS, SSA, USDA

Agriculture Committee Democrats (if necessary) - HHS, SSA, USDA - USDA

Lugar - USDA

House

Ways and Means Democrats (if necessary) - HHS, SSA, USDA - SSA

Shaw - SSA

*Houghton - SSA

Foley - SSA

Commerce Democrats (if necessary) - HHS, SSA, USDA - HHS

Bilirakis - HHS, SSA

Stearns - ~~HHS~~

Agriculture Democrats (Clayton) - USDA

RS Ros-Lehtinen

Diaz-Balart

* Possible sponsors of the Administration's proposal

** Specific interest in the Medicaid restorations

Bold indicates primary meetings

Moynihan - 6 corporations - Graham, Fink, Leach, Whitehouse, Perlman
Levin - 24 - 2 re. R-L + D-B

with schedule meetings, talk w/ Senet.
Commerce HHS
Finance - SSA

① Leadership - with Gephardt, Daschle, Caucus

NGA -

~~REGIONS~~ -

meetings

DPC lead - Overview

agreed ~~add~~ + answers ~~eg~~ questions

Parallel Paths - ^{upstream} legislation -

Sponsors - no decision - anyone notes.



● J. Eric Gould

04/16/99 04:31:07 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: Irene Bueno/OPD/EOP, Jeanne Lambrew/OPD/EOP, Eugenia Chough/OPD/EOP

Subject: Legal immigrant benefits: Hill meetings

Spoke to Janet Murgia and she agreed with our idea of trying to combine meetings. Have Daschle put together the people he thinks need to be there and have the principal authorizers (Moynihan and Harkin), then go to the other appropriate authorizers (Finance and Ag). On the House side, have Gephardt put together a meeting with interested parties and meet with the authorizers separately in groups. Possible sponsorship teams include: Cardin/Johnson or Waxman/Greenwood. Janet said that she would come to Monday's meeting at 3:00 to help parcel out assignments to the agencies. She will also go up to the Hill for the important meetings.

Benefit Mtg / 3/24/99

Strategy

Cleaned final language

Summary materials

List of key Hill people

met w/ Hill staff - shop for sponsors

Link w/ maybe ~~at~~ P.C. event

Language

F.S.

SSI

Medicaid

Paper

-- Summaries - circulate in group.

-- Transmittal letters - circulate ~~the~~ and

Options

- 3 letters that cross referenced 3 bills - ex. agency
do letters

Surviving

4/1 - meet w/ groups - only give hand-outs

Week 84/1 - meet w/ staff

transmittal letters sent to the Hill

Don't need transmittal letters to ~~get~~ share w/ Hill

- COB - ~~the~~ Monday - draft transmitted letter + Melinda Gorman
HHS - all orally

- Who should meet w/ -

Health - meet w/ all staff

• H. Commerce < P. Greenwood, Lopez.

• S. Finance < R. Chafetz

Track

- Date of info

Moynihan/Klein - introduce them till week of 4/12 - ok if ~~they~~
we introduced after
all publicans - interested in Medicaid.

- Qs + As on ~~the~~ D. H.

- Target Rep. → get bipartisan support

- Food Stamps

next steps - Review Committee - noon on Thur
- min. res. letter - 3/29
- List of members + prioritize
- Paper sent 4/1

Meeting Agenda

- Public Chase

IMMIGRANT MEDICAID/CHIP PROPOSALS IN THE PRESIDENT'S FY 2000 BUDGET

The President's FY 2000 Budget restores Medicaid, CHIP, SSI and Food Stamps to certain legal immigrants.

Prenatal Care for Immigrants

This proposal gives States the option to extend Medicaid to pregnant legal immigrants who entered the country after August 22, 1996. Such coverage would help reduce the number of high-risk pregnancies, ensure healthier children, and lower the cost of emergency Medicaid deliveries. An estimated 23,000 legal immigrant women will be insured under this proposal by FY 2004.

State Option to Cover Legal Immigrant Children under Medicaid and/or CHIP:

This proposal provides States the option to extend Medicaid and the Children's Health Insurance Program (CHIP) coverage to legal immigrant children who entered the country after August 22, 1996. These children lost eligibility for coverage due to changes in Federal law under welfare reform. An estimated 55,000 legal immigrant children will be insured under this proposal by FY 2004.

Medicaid For Immigrants with Restored SSI:

This proposal would restore SSI for qualified legal immigrants, regardless of age, who entered the country after August 22, 1996, and who become disabled at any time after they entered. Under current law, these individuals are barred from SSI under restrictions imposed by the welfare reform law enacted in 1996. Restoration of SSI would mean restoration of Medicaid because their Medicaid eligibility was based on receipt of SSI. These Medicaid costs are \$344 million through FY 2004.

CURRENT CHIP/MA COVERAGE FOR LEGAL IMMIGRANT CHILDREN & PREGNANT WOMEN

QUESTION:

Under current law, does Medicaid or CHIP provide any coverage for legal immigrant children and citizen children born to immigrant parents? What about pregnant women?

ANSWER:

- ▶ Any child or pregnant woman born in the US, or naturalized, is a US citizen and is eligible for public programs, the same as any other citizen.
- With respect to legal immigrants, including children, current law provides Medicaid or CHIP coverage for the following categories:
 - ▶ Legal immigrants who were in the US *before* August 22, 1996 (*most at state option*);
 - ▶ Legal immigrants arriving on or after August 22, 1996 after continuous residence for 5 years (*most at state option*).
- States must provide coverage to:*

 - ▶ Refugees, asylees, and certain Cuban, Haitian and Amerasian immigrants, for their first 7 years;
 - ▶ Unmarried, dependent children of veterans and active duty military.
- ▶ Because MA and CHIP are *federal means-tested public benefits*, they cannot be provided to immigrant children or pregnant women who entered the US after August 22, 1996, during their first 5 years here (with certain exceptions). Because of *sponsor deeming*, most are likely to remain ineligible until they become citizens. **As more legal immigrants arrive every year, the numbers of uninsured children and pregnant women will continue to grow.**
- ▶ States may use their own state funding to provide medical services to legal immigrant children who arrived after August 22, 1996.

KEY INFORMATION:

- ▶ Undocumented immigrants are only eligible for emergency Medicaid

CHIP/MA COVERAGE FOR IMMIGRANT CHILDREN and PREGNANT WOMEN IN THE BUDGET

QUESTION:

How does the budget propose to expand health coverage to legal immigrant children and pregnant women through Medicaid and Children's Health Insurance Program (CHIP) Assistance?

ANSWER:

- ▶ The budget gives States the option to provide Medicaid and CHIP assistance to legal immigrant children who enter the US after August 22, 1996, during their first five years here. This proposal will help achieve the goal of providing access to comprehensive health care for all vulnerable children.
- ▶ In addition, it would give States the option to provide Medicaid coverage to pregnant legal immigrants who enter the US after August 22, 1996, during their first five years here. This would help us provide access to important prenatal and delivery services and therefore ensure the health of all children born in the United States.
- ▶ Because these proposals are at state option, states retain flexibility in Medicaid and CHIP program design.

KEY INFORMATION:

The proposals would eliminate:

- The "five year ban" on receipt of means-tested public benefits for CHIP and Medicaid for "qualified alien" children and pregnant women;
- The requirement that States request reimbursement from the immigrant's sponsor for the cost of benefits provided; and
- The requirement to deem a sponsor's income and assets as available to the child or immigrant mother, thus limiting eligibility.

COST AND EXTENT OF CHIP/MA COVERAGE FOR IMMIGRANT CHILDREN AND PREGNANT WOMEN IN THE BUDGET

QUESTION:

How much will this proposal cost? How many additional kids will it cover? How many pregnant women?

ANSWER:

- ▶ Medicaid and CHIP coverage for children is estimated to cost \$220 million for FY00 through FY04 and is expected to provide coverage for up to 55,000 additional children.
- ▶ The Medicaid proposal for pregnant women would serve 23,000 by FY04 and cost \$105 million.
- ▶ Because the proposals are structured as state options, we can not reliably estimate the specific impacts on states. However, the attached figures show the state-by-state population distribution of immigrant children and women of child-bearing age (based on March, 1998 CPS estimates).

STATE IMPACTS OF EXPANDING CHIP/MA COVERAGE FOR IMMIGRANT CHILDREN AND PREGNANT WOMEN IN THE BUDGET

QUESTION:

What are the state impacts of the proposals? How many additional kids will it cover in my state? How many pregnant women?

ANSWER:

- ▶ Because the proposals are structured as state options, and because of limitations in the data, we can not reliably estimate the specific impacts on states.
- ▶ We estimate that a total of 55,000 immigrant children, and 23,000 immigrant women, will be insured across the country under this proposal by FY 2004.
- ▶ However, the attached figures show how many immigrant children and women of child-bearing age are living in each state (based on March, 1998 CPS estimates).
- ▶ State-specific impact will depend on which states exercise their option to cover under their CHIP and Medicaid programs those immigrant children and women entering the country after 8/22/96.
- ▶ In addition, the number of immigrants who become eligible in a state electing the new option will depend on state-established income and resource eligibility criteria under their CHIP and Medicaid programs.

RELATED BUDGET PROPOSALS TO EXPAND ACCESS TO LEGAL IMMIGRANTS

The President's Budget extends eligibility for other vital programs, SSI and Food Stamps, to certain legal immigrants. Since these programs are not administered by this Department I cannot speak to these proposals in detail, but I can describe them briefly.

- **SSI (and associated Medicaid):** The budget would restore eligibility for SSI to legal immigrants who have been here at least 5 years and who arrived after welfare reform was enacted and then became disabled after entry. Through their SSI eligibility, in most states these immigrants will also be eligible for Medicaid, like others who receive SSI. Associated Medicaid costs are \$344 million through FY 04.
- **Food Stamps:** The proposal would allow immigrants who were already in this country when welfare reform was enacted (8/22/96) to be eligible for Food Stamps when they become elderly. This proposal has no affect on the Medicaid budget.

Current law:

- ▶ Most legal immigrants who entered after August 22, 1996 are denied SSI and Food Stamps until citizenship--with important exceptions for refugees, asylees, persons whose deportation has been withheld, veterans and active duty military, and permanent residents who have earned 40 quarters of coverage under social security (with the further provision that any quarter after December 31, 1996 cannot be counted if the immigrant receives any Federal means-tested public benefit in that quarter).
- ▶ The BBA restored SSI and Medicaid benefits to those legal immigrants who were receiving SSI on August 22, 1996, and to legal immigrants who were in the country as of that date and subsequently became disabled.

PUBLIC CHARGE CLARIFICATION

QUESTION:

What is HHS doing about the "public charge" issue and why?

ANSWER:

- ▶ The President has made very clear his commitment to ensuring access to vital programs for all eligible individuals, including immigrants. We are concerned that apprehensions about "public charge" may be impeding access to public health and social services and programs such as Medicaid, CHIP and child care.
- ▶ My staff have been working closely with the INS and other agencies to clarify these critical issues and develop guidance that meets our diverse policy objectives.
- ▶ The INS *has* confirmed through several letters that use of Medicaid and CHIP by the U.S. citizen children of immigrants will *not* have any effect on the public charge status of their immigrant family members.

KEY INFORMATION:

- ▶ Numerous groups, including the State of California, have contacted the Department to contend that immigrant fears of possible "public charge" determinations have hurt CHIP and Medicaid enrollment.
- ▶ The INS is drafting a proposed rule that explains the public charge ground of deportation. They also plan to issue a "guidance" on the related issue of public charge in admission and adjustment. We have been closely involved and are hopeful the issues can be resolved in the next few months.
- ▶ Immigration law allows for persons to be denied visas if they are determined likely to become a "public charge." The State Department and INS have been using past receipt of Medicaid or AFDC as indicators of this likelihood. On their own initiative, certain officials were suggesting that, to avoid such a visa denial, individuals repay States for past legitimate Medicaid or AFDC receipt, including for benefits received by their citizen children. In turn, certain state agencies were making information about such spending available to federal immigration officers in an inappropriate manner.
- ▶ INS has informed its field offices that they may not condition a person's visa on repayment of past benefits.

Benefit Mtg. 3/19

~~Intro~~

What we know?

TA request on drafting
Commerce Cmte - Medicaid - kids + preg women + broader
Public - ~~illegal~~ in institutions
Amended PROWOLA

SSA
lunch
w/ Advocate
broader group
+ health mtg

4/1 Bring language to mtg
Lunchroom - 500 E St W 8th Floor - HHS/~~Medicaid~~ HCFA
Call Frank Jormine 354-4030 Walk through.
Meet w/ ~~potential~~ folks on Hill
Bring up to Hill, + drafts to Hill

Who
~~introduce~~
+
meet?

Commerce
Lazio
Greenwood
Should Brown*
Ways + Means
Cardin*
Levin*
Nancy Johnson*
Finance ← Matheson* Sub G. Lom*
Chollet* Mark*
Approps
meets*
CBO*

- Split up package ~~3~~ - to do a legal 'ing package.
- Official Package - who side letter - ~~people~~ people who signs
- Informal package
- Crib ~~at~~ Call This.

Substantive
Issues

Lawfully present < 4/96 pre
4/96 - post

work
w/ Barbara

Groups - Public Health
Nat'l County Health Centers

Stats - Food Stamps attraction more mobility
- aggregate map.
~~the~~
Health - Put Frac on it

Q's & A's - Update them

1 page
to each
proposals

Next Mtg 3/24 3pm mtg

3pm mtg

RESTORING SSI ELIGIBILITY FOR RECENTLY ARRIVED IMMIGRANTS WHO BECOME BLIND OR DISABLED

Summary

The President's proposal continues the effort to reduce the unfair effects of welfare reform restrictions on noncitizens by providing Supplemental Security Income (SSI) eligibility to legal immigrants who are lawfully admitted to the United States after August 22, 1996, and who are blind or disabled. Sponsor-to-immigrant deeming would be modified to allow benefits after the immigrants have been in the United States for 5 years. To the extent that the States provide Medicaid to SSI beneficiaries, Medicaid also would be restored to such disabled immigrants.

Background

- The 1996 welfare reform legislation placed severe restrictions on noncitizens' eligibility for SSI benefits. Under provisions in the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," virtually all newly arrived legal immigrants would not have been eligible for SSI, and an estimated 400,000 noncitizens who had been receiving SSI benefits would have had their benefits stopped.
- The President viewed these cuts in immigrant eligibility as far too deep and vowed to change them. As a result of the Administration's efforts, subsequent legislation enacted in 1997 and 1998 restored SSI eligibility to many blind and disabled noncitizens.
- The "Balanced Budget Act of 1997" included a provision--similar to a proposal in the President's fiscal year 1998 budget--that continued SSI benefits for nearly 300,000 "qualified" noncitizens who were receiving SSI as of August 22, 1996 (the date of enactment of welfare reform), and restored SSI eligibility for an estimated 75,000 individuals who were lawfully residing in the United States on that date.
- The "Noncitizens Benefit Clarification and Other Technical Amendments Act of 1998," continued the SSI eligibility of all other noncitizens who were receiving SSI benefits on August 22, 1996, who otherwise would have lost benefits under welfare reform. An estimated 3,400 noncitizens had their SSI benefits continued under this 1998 law.

President's 1999 Proposal

The President's proposal would restore SSI benefits for immigrants who are lawfully admitted or paroled to the United States after August 22, 1996, become blind or disabled after their entry, and live in the United States for 5 years. Immigrant children who enter the country with a disability would be eligible for SSI if they apply for benefits within a specified period after their entry.

In addition, the current-law deeming of sponsors' income and resources generally applicable until the immigrant becomes a citizen would be reduced to the 5-year period after their admission. This 5-year deeming period would run concurrently with the general, current-law 5-year bar on immigrant eligibility for Federal benefits.

As a result of the proposal, Medicaid eligibility would be extended to immigrants made eligible for SSI if they live in a State that provides Medicaid to SSI beneficiaries.

The proposal also would modify the affidavit-of-support requirement under which a sponsor is liable for reimbursement of any SSI or Medicaid assistance provided an immigrant before he or she accumulates 40 quarters of coverage or becomes a U.S. citizen. For disabled immigrants made eligible under the proposal, sponsors would not be liable for reimbursement of Medicaid assistance provided the immigrants but would remain liable for SSI benefits provided unless the sponsor experiences financial hardship and is unable to make reimbursement as determined by the Commissioner.

An estimated 54,000 disabled legal immigrants would become eligible for SSI by fiscal year 2004 under the proposal.

Rationale

Immigrants play by the rules and enter the country legally. Such individuals come to the United States with the expectation of becoming self-sufficient through work. Under the President's proposal, SSI benefits would be provided to such immigrants if they become blind or disabled after they enter the country in recognition of the fact that after a serious accident or debilitating illness immigrants are no longer able to provide for their most basic needs through work.

SSI benefits also would be provided to severely disabled children who are admitted into the United States to be reunited with family members or, in some instances, to receive medical treatment not available in their home countries. Under the proposal,

for example, a child with mental retardation would be eligible for SSI when he and his mother rejoined his father who had earlier immigrated to the United States. Likewise, a child who suffered severe injuries from a land mine or other military weapon could become eligible for SSI after she has been in the United States for 5 years. SSI benefits would be provided in recognition that these children may never be able to work at a level allowing them to be self-sufficient.

Most of the individuals who would be covered by the proposal have sponsors who signed legally binding affidavits of support. The proposed modification in the deeming provision would hold the sponsor responsible for the immigrant's support during his or her first 5 years in the country at least, while being fair to the sponsor by recognizing that his or her financial obligation for an immigrant's basic needs and medical care may greatly increase (and even exceed the sponsor's means) after an immigrant becomes disabled.

The modification to the affidavit-of-support requirement for reimbursement of assistance received would remove a potential disincentive for immigrants' seeking SSI benefits. Immigrants may be dissuaded from filing for SSI if their sponsors would be held liable for reimbursement for both the SSI and Medicaid benefits that they may receive. The proposal would remove the reimbursement requirement with regard to medical services provided under Medicaid that the immigrant is eligible for as a result of SSI eligibility, but would hold the sponsor liable for reimbursement of cash SSI benefits unless the sponsor suffers a hardship. That is, those sponsors who are financially able to repay will continue to be held liable for monthly SSI cash assistance provided sponsored immigrants under the proposal.

Talking Points

SSI for Disabled Immigrants

- The President's proposal would restore SSI eligibility for immigrants who enter the United States after August 22, 1996, and become blind or disabled and for disabled immigrant children who enter the country after that date. SSI eligibility for such disabled individuals was eliminated in 1996 by welfare reform legislation.
- SSI eligibility would be provided with the recognition that most immigrants intend to work and become self-sufficient when they enter the United States, but a disabling disease or injury can leave them unable to work and without sufficient means of support. Benefits also would be provided to severely disabled children whose eventual prospects for work and self-sufficiency would be minimal.
- The proposal also would revise the sponsor-to-immigrant deeming provisions, which generally require the deeming of a sponsor's income and resources until the immigrant earns 40 quarters or becomes a U.S. citizen. Sponsor-to-immigrant deeming would be modified so that the deeming period would be the same as the general 5-year ban on immigrant eligibility for public assistance benefits.
- Modifying deeming recognizes that sponsors may not have the means to support a severely disabled individual over a period of many years, while still holding sponsors responsible for at least the immigrants' first 5 years in the United States. The 5-year period is more restrictive than pre-welfare reform rules, when an individual could become eligible for SSI after 3 years without consideration of their sponsors incomes and resources.
- To the extent that States provide Medicaid eligibility to SSI beneficiaries, the proposal would restore Medicaid eligibility in those States to disabled immigrants made eligible for SSI under the proposal.
- Under the proposal, sponsors would not be held liable for the cost of Medicaid services provided disabled immigrants, but would be held liable for reimbursement of SSI cash assistance, except in cases in which the sponsors suffer financial hardships.
- The modification of the affidavit-of-support requirement regarding reimbursement would remove a disincentive for potentially eligible disabled immigrants to file for SSI benefits for fear that their impoverished sponsors could be sued for support.
- An estimated 54,000 immigrants would become eligible for SSI under the proposal. The 5-year cost of the proposal to the SSI program is estimated at \$585 million.

State	Individuals
Total	54,000
Alabama	41
Alaska	54
Arizona	614
Arkansas	21
California	21,030
Colorado	427
Connecticut	327
Delaware	28
District of Columbia	63
Florida	5,124
Georgia	397
Hawaii	236
Idaho	40
Illinois	1,746
Indiana	78
Iowa	85
Kansas	123
Kentucky	63
Louisiana	177
Maine	45
Maryland	532
Massachusetts	1,971
Michigan	616
Minnesota	592
Mississippi	38
Missouri	150
Montana	11
Nebraska	60
Nevada	198
New Hampshire	27
New Jersey	1,643
New Mexico	269
New York	8,698
North Carolina	231
North Dakota	14
Ohio	385
Oklahoma	106
Oregon	344
Pennsylvania	846
Rhode Island	263
South Carolina	43
South Dakota	14
Tennessee	108
Texas	4,065
Utah	106
Vermont	16
Virginia	496
Washington	1,036
West Virginia	12
Wisconsin	389
Wyoming	2

Proportional distribution based on noncitizen SSI recipients in 12/98

Which immigrants would be helped by the SSI proposal in the draft bill?

- Under the proposal in the draft bill, eligibility for SSI would be restored to legal immigrants who enter the country after August 22, 1996, become blind or disabled after the date of their entry, and have lived in the United States for 5 years. An exception to the disabled-after-entry provision would be made for children who file for SSI benefits before age 18, or if they have turned 18 since their entry, file for benefits within 6 months after the expiration of the 5-year period.
- Benefits would be paid to individuals aged 65 or older if they also were blind or disabled. Immigrants could not become eligible for SSI under the proposal solely based on their being aged 65.
- Many immigrants enter the country legally and play by the rules. Sometimes they suffer unforeseen, disabling illnesses or accidents. Generally no assistance would be available to them under current law until they become U.S. citizens or have 10 years of work history.
- These individuals and their families should not be left without a safety net solely because they entered the country after a specified date. This proposal would provide these immigrants with a safety net if they become victims of an unforeseen calamity and are unable to provide for their own support.
- An estimated 54,000 legal immigrants would receive benefits under this proposal by 2004. About half of them would be aged 65 or older.

Each year since 1996, Congress has enacted exceptions to the noncitizen restrictions on SSI eligibility originally enacted as part of welfare reform. Why is the Administration requesting yet another exception?

- Upon signing the 1996 welfare reform legislation, President Clinton pledged to reverse the unnecessary cuts in benefits to legal immigrants--cuts that had nothing to do with the goal of moving people from welfare to work. Those benefits have not yet been fully restored.
- For the most part, the legislative changes that were made to welfare reform in 1997 and 1998 regarding SSI eligibility for noncitizens had to do with continuing SSI benefits for noncitizens already on the SSI rolls and protecting the potential SSI eligibility of noncitizens who were in the United States before the enactment of welfare reform.
- Now we are able to turn to restoring SSI eligibility for the recently arrived immigrants and for those who arrive in the future, who become disabled after their entry into the United States.
- It is also appropriate now to provide SSI eligibility to immigrant children with congenital disabilities and those who may have been injured or overcome by illness at a young age. Such children generally immigrate to the United States under family unification provisions of immigration law. The argument for restricting SSI benefits so that they do not act as a magnet for immigration is not persuasive in the context of a severely disabled child being reunited with his or her mother, father, or siblings.

U.S. citizens may be eligible for SSI at age 65. Why doesn't the proposal in the draft bill provide SSI eligibility to immigrants based on their being aged 65 or older?

- Providing SSI eligibility on the basis of age alone was one of many proposals considered during development of the draft bill. It was not included for a number of reasons, including program cost. The proposal limiting SSI benefits to disabled or blind immigrants of any age was decided upon because it better targeted those who would be most in need because they would be unable to work.
- Many individuals aged 65 or older could become eligible for SSI based on disability. Current law provides SSI for individuals who were in the country prior to August 22, 1996, if they are blind or disabled. Approximately two-thirds of the noncitizens aged 65 or older who file for disability benefits are found to be disabled. It is expected that this percentage of disability allowances would be about the same for aged individuals who enter the country after August 22, 1996.

Why does the Administration's proposal modify sponsor-to-immigrant deeming but retain the general 5-year ban on noncitizen eligibility for SSI benefits?

- During the debate on welfare reform, the Administration supported provisions for holding sponsors more responsible for the immigrants that they sponsor and the requirement that they sign legally enforceable affidavits of support.
- However, we recognize that in some cases, individuals who sponsor healthy individuals with the expectation that the immigrants would be able to provide for themselves through work, may not be able to afford supporting immigrants who become disabled and are no longer able to work.
- The proposal would revise the sponsor-to-immigrant deeming provisions, which generally require the deeming of a sponsor's income and resources until the immigrant earns 40 quarters or becomes a U.S. citizen. Sponsor-to-immigrant deeming would be modified so that the deeming period would be the same as the general 5-year ban on immigrant eligibility for public assistance benefits.
- Modifying deeming recognizes that sponsors may not have the means to support a severely disabled individual over a period of many years, while still holding sponsors responsible for at least the immigrants' first 5 years in the United States. The 5-year period is more restrictive than pre-welfare reform rules, when an individual could become eligible for SSI after 3 years without consideration of their sponsors incomes and resources.
- Requiring sponsors to provide support for at least the first 5 years after the immigrants' entry into the United States in the case of immigrants who become disabled, recognizes the sponsors' obligation while protecting the sponsor from possible impoverishment because of medical and other increased costs associated with supporting an individual with a disability.
- Retaining the 5-year ban and modifying the deeming requirement would allow individuals to become eligible for SSI after they have been in the United States for at least 5 years. Without a deeming modification, many disabled immigrants likely would never be eligible for SSI because they would not be able to earn 40 quarters and might not be able to pass the naturalization test. The modification to deeming creates a safety net for disabled individuals.
- Deeming requires an administrative determination of the sponsor's income and resources. The 5-year ban applies regardless of the amount of the sponsor's income or resources. In this regard it is simpler to administer the 5-year ban than deeming.

Why doesn't the Administration completely exempt sponsors from the requirement for reimbursing the Agency for SSI benefits the immigrant received during the period the affidavit of support is in effect?

- Except in certain specified situations, current law requires SSA to seek reimbursement from a sponsor for any SSI benefits provided to the immigrant he or she sponsored during the period in which the affidavit of support is in effect (which is generally until the immigrant earns 40 quarters or becomes a U.S. citizen).
- The proposal would exempt sponsors from the reimbursement requirement with regard to Medicaid assistance provided to the immigrant as a result of his or her SSI eligibility, but does not exempt the sponsor from the reimbursement requirement with regard to the SSI benefits provided unless the sponsor has a financial hardship. (The Commissioner of Social Security will develop policy concerning what constitutes a "financial hardship.")
- Many sponsors would not be able to afford to reimburse for expensive medical services, but may be able to afford to reimburse, for example, the \$500 a month in SSI benefits the immigrant received.
- The proposal strikes a fair balance between requiring sponsors to completely live up to their obligations and the recognition that expenses associated with disability may strain the finances of even well-to-do sponsors.
- The modification of the affidavit-of-support requirement regarding reimbursement would remove a disincentive for potentially eligible disabled immigrants to file for SSI benefits for fear that their impoverished sponsors could be sued for support.

DRAFT

The Honorable Dennis J. Hastert
Speaker of the House
United States House of Representatives
Washington, DC 20515

Dear Mr Speaker;

Enclosed for the consideration of Congress is a draft bill "To provide assistance under the Supplemental Security Income, Medicaid, and food stamp programs to certain qualified noncitizens who enter the United States after August 22, 1996, and for other purposes." Upon enactment, the bill would be cited as "[Suggestions?]"

When President Clinton signed the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)," he stated that the cuts in benefits to legal immigrants went too deep and subsequently vowed to restore basic disability and health benefits to "immigrants who came to this country legally, who work hard, pay taxes, and obey the law." With the help of Congress, cash benefits under the Supplemental Security Income (SSI) program, food stamp benefits, and medical assistance under Medicaid have been restored to virtually all noncitizens who were receiving such benefits on August 22, 1996, the date of enactment of PRWORA. Provisions in the "Balanced Budget Act of 1997," the "Agricultural Research, Extension, and Education Reform Act of 1998," and the "Noncitizens Benefit Clarification and Other Technical Amendment Act of 1998" provided protection for vulnerable noncitizens who were lawfully residing in the country on August 22, 1996.

The draft bill would continue the President's effort of restoring basic benefits by providing assistance to immigrants who lawfully enter the United States after August 22, 1996, and who become blind or disabled or who otherwise need assistance.

With regard to the SSI program, the bill provides SSI benefits to needy immigrants who become blind or disabled after they enter the country. SSI benefits also would be provided to children who enter with a disability. The immigrants' sponsors would be held responsible for the first 5 years the immigrants are in the United States, and after the 5 year period would continue to be liable for reimbursement of SSI benefits provided the immigrants unless the sponsors suffer financial hardship. The proposal recognizes that most immigrants enter the United States with the expectation of becoming self-sufficient but that a debilitating accident or injury that prevents continued work could leave them with no means of support. Similarly the proposal recognizes the many children with congenital disabilities or injuries or diseases that occurred before they turned age 18 may never be able to work at a level allowing them to be self-sufficient. For these children, SSI benefits would not be an incentive to immigrate to the United States. In most cases, they would be rejoining their

parents or siblings. The proposal would provide SSI benefits to an estimated 54,000 immigrants by FY 2004.

Other provisions in the bill address the need for medical assistance for immigrants. A provision in the bill provides Medicaid coverage to individuals made eligible for SSI under the bill in those States in which SSI beneficiaries are categorically eligible for Medicaid. Another provision would give States the option to extend Medicaid coverage to pregnant legal immigrants who enter the country after August 22, 1996, in order to help reduce the number of high-risk pregnancies, ensure healthier children, and lower the cost of emergency Medicaid deliveries. An estimated 23,000 legal immigrant women would be protected under this proposal by FY 2004. States also would be given the option to extend Medicaid and the Children's Health insurance Program (CHIP) coverage to legal immigrant children who enter the country after August 22, 1996. An estimated 55,000 legal immigrant children would be covered under this proposal by FY 2004.

[Description of food stamp proposals.]

The legislation would affect direct spending and receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The pay-as-you-go effect of this draft bill would be to [OMB to complete.]

An enclosure to this letter discusses the proposals in more detail.

We urge the Congress to give the enclosed draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

Sec'y of Agriculture

Sec'y of Health and
Human Services

Commissioner of
Social Security

Enclosures

Supplemental Security Income for Certain Disabled Aliens

Section _ would provide SSI and related Medicaid eligibility for two groups of qualified aliens who are lawfully admitted to the United States after August 22, 1996, and live in the United States for 5 years: children who become disabled and apply for benefits before age 18 or within 6 months after their 5-year bar elapses; and all other individuals who become disabled after their entry. While the current-law 5-year bar on immigrant eligibility for Federal means-tested benefits would remain in effect, the current-law provisions requiring deeming of sponsor's income and resources, and sponsor reimbursement of benefits provided to immigrants, would be modified under the proposal for sponsors of immigrants made eligible by the proposal.

Restoring Eligibility For Food Stamp Benefits To Legal Immigrants

- **President's FY 2000 Budget** requests \$10 million for FY 2000 to restore eligibility to 15,000 legal immigrants who were here on 8-22-96, and who subsequently reach the age of 65.
 - ⇒ The President pledged to reverse the unnecessary cuts in benefits to legal immigrants that had nothing to do with the goal of moving people from welfare to work when he signed the welfare reform law.
 - ⇒ This proposal is part of the ongoing commitment to make good on that promise.
 - ⇒ Restoring eligibility to immigrants who were here legally at the time welfare reform became law and who become elderly is just, and reduces the potential for this vulnerable population of becoming nutritionally at-risk.
- **PRWORA** exempted only three categories of legal immigrants from the ban on food stamp benefits:
 - ⇒ lawful permanent residents who could be credited with 40 qualifying quarters of work and did not receive any Federal means-tested benefits during any of those quarters after 12-31-96
 - ⇒ veterans, aliens on active duty in the Armed Forces, their spouses and unmarried dependent children
 - ⇒ refugees, asylees, and those with their deportation withheld for 5 years
- **Ag Research**, at a cost of \$818 million over five years, restored eligibility for 225,000 legal immigrants. Effective 11-1-98, the following categories became eligibility:
 - ⇒ those under 18 who were here on 8-22-96
 - ⇒ blind or disabled individuals who were here on 8-22-96 or who became disabled after that date
 - ⇒ those who were here and were 65 or older on 8-22-96
 - ⇒ Hmong refugees who were tribal members at the time they assisted our military during the Vietnam conflict
 - ⇒ certain Native Americans living along the Canadian and Mexican borders
 - ⇒ refugees and asylees had their eligibility extended from 5 to 7 years

**President's FY 2000 Budget
Restoring Eligibility For Food Stamp Benefits For Legal Immigrants
Questions And Answers**

Question: Who would have eligibility restored?

Answer: Legal immigrants who were in the U.S. on August 22, 1996, who later reached age 65 would be eligible for food stamp benefits.

Question: How many legal immigrants would be affected?

Answer: 15,000.

Question: How much does the President's budget seek to restore eligibility?

Answer: \$10 million for FY 2000.

Question: With this enactment of this proposal, will all categories of legal immigrants who were made ineligible by PRWORA have their eligibility restored?

Answer: No. The President's budget builds on the restoration made in last year's Agriculture Research law; however, legal immigrants over 18 remain ineligible, including parents in households with children under 18.

Question: Does the President's budget restore other Federal benefits to legal immigrants?

Answer: Yes. The food stamp proposal is part of a \$1.3 billion package that restores SSI to those who entered the U.S. after PRWORA was enacted, if they have been in the country for 5 years and became disabled after entering. States would also have the option to provide health coverage to legal immigrant children who entered after the enactment of PRWORA. In addition, the President proposes to give States the option of providing Medicaid coverage for pre-natal care to legal immigrant women who entered after PRWORA was enacted.

Question: Does the President's budget request support his Initiative For One America?

Answer: Yes. Restoring eligibility for Federal benefits is in keeping with the "coordinated and focused strategy to advance the policies that will close the opportunity gaps that exist for minorities in this country, and build the One America we want for all of our nation's children".

COMPARISON OF LEGAL IMMIGRANT PROPOSALS

	<i>President's Proposal</i>	<i>Moynihan/Levin Bill</i>	<i>Current Law</i>
Medicaid	Would cover all legal immigrant women and children even if arrived in US after 8/22/96	Same benefits as President's proposal <i>plus</i> coverage extended to medically needy disabled legal immigrants	Prohibits coverage for most legal immigrants who arrived after 8/22/96 until 5 year residency requirement met
Children's Health Insurance Program (CHIP)	Would permit states to cover legal immigrant children under CHIP if they choose Medicaid option	Same as President's proposal	Because CHIP is a "federal means-tested benefit," 5 years of US residency is currently required for benefits
Food Stamps	Would restore food stamp eligibility to all pre-8/22/96 legal immigrants once they reach the age of 65	Would restore food stamp eligibility to all qualified pre-8/22/96 immigrants	Provides benefits for those with 40 quarters of work, refugees, veterans, and children pre-8/22/96 <i>Ineligible</i> : Parents of children receiving food stamps and residents who turned 65 after 8/22/96
SSI	Would restore eligibility for benefits to immigrants who became disability after 5 years of US residency	Would restore eligibility for benefits to disabled immigrants without 5 year waiting period <i>and</i> would restore benefits for elderly who met income and resource standards (grants pre-8/22/96 elderly immigrants same status as US citizens)	Current law provides eligibility for pre-8/22/96 immigrants only if they were either 1) receiving benefits as of 8/22/96 or 2) disabled after 8/22/96 Elderly immigrants are not eligible
Other Provisions		Exempts immigrants suffering from domestic or elder abuse from 5 year residency requirement for Medicaid and TANF benefits and restores their eligibility for SSI and food stamps	Illegal immigrants suffering from domestic abuse are currently treated the same as legal immigrants and are still subject to residency requirements
Costs	1.3 over 5 years	Not scored	N/A

President Clinton and Vice President Gore: A Record of Restoring Benefits to Legal Immigrants

Upon signing the 1996 welfare law, President Clinton vowed to reverse some of the unnecessary cuts in benefits to legal immigrants. The President and Vice President fought for three laws continuing or restoring SSI, Medicaid, and Food Stamps to certain groups of legal immigrants. The Balanced Budget Act (BBA) "grandfathered" eligibility for SSI and Medicaid for legal immigrants, while the Agricultural Research Act addressed eligibility for Food Stamps. In addition, legislation making technical corrections to benefits for legal immigrants restored SSI and Medicaid eligibility of certain recipients not covered under the BBA.

Balanced Budget Act of 1997 Restored Disability and Health Benefits

The BBA restored SSI and Medicaid eligibility to some legal immigrants. CBO estimated the cost of these provisions at \$11.5 billion over five years (\$9.5 billion for SSI, \$2 billion for Medicaid). Briefly, the BBA:

- Continued SSI and related Medicaid for legal immigrants ^{quality} receiving benefits on August 22, 1996;
- Allowed SSI and Medicaid benefits for legal immigrants who were here on August 22, 1996 and who later become disabled;
- Extended the exemption from SSI and Medicaid restrictions for refugees and asylees from five to seven years after entry;
- Classified Cuban/Haitians and Amerasians as refugees, as they were prior to 1996;
- Exempted certain native Americans living along the Canadian and Mexican borders from SSI and Medicaid restrictions.

Agricultural Research Act of 1998 Restored Food Stamp Eligibility

The Agricultural Research, Extension, and Education Reform Act of 1998 restored Food Stamp eligibility to approximately 225,000 legal immigrants at a cost of \$818 million over five years. Under the Act, the following groups became eligible for Food Stamps:

- Noncitizen children under age 18 who entered by August 22, 1996;
- Legal immigrants here by August 22, 1996, who were age 65 and over or disabled on that date, or who become disabled after that date;
- Refugees and asylees for seven years after entry as refugees or obtaining asylum status in the U.S., as opposed to five years under the welfare law;
- Hmong refugees; and
- Certain Native Americans living along the Canadian and Mexican borders.

Technical Amendments Act of 1998 Protected Those Receiving Assistance

The Noncitizen Technical Amendments Act of 1998 ensured that individuals who were receiving disability and health benefits when welfare reform became law were able to continue receiving assistance, even if they were too disabled to prove their date of entry into the U.S. This change protected an estimated 3,400 elderly and severely disabled recipients at a cost of \$41 million over five years.

President Clinton and Vice President Gore: Fighting for Fairness for Legal Immigrants

New Proposals in the Administration's FY 2000 Budget

President Clinton and Vice President Gore believe that legal immigrants should have the same opportunity, and bear the same responsibility, as other members of society. Upon signing the 1996 welfare law, the President vowed to reverse unnecessary cuts in benefits to legal immigrants that had nothing to do with the goal of moving people from welfare to work. Because of the Administration's leadership, the Balanced Budget Act and the Agricultural Research Act restored eligibility for Medicaid, SSI, and Food Stamps to hundreds of thousands of legal immigrants. The Administration's new FY 2000 budget would build on this progress by restoring important disability, health, and nutrition benefits to additional categories of legal immigrants, at a cost of \$1.3 billion over five years. Vice President Gore will announce this budget proposal at a community center in San Francisco on Monday.

Disability and Health

The Balanced Budget Act of 1997 restored disability and health benefits to 420,000 legal immigrants who were in this country before welfare reform became law (August 22, 1996), at an estimated cost of \$11.5 billion. The Administration's new budget would restore eligibility for SSI and Medicaid to legal immigrants who enter the country after that date if they have been in the U.S. for five years and become disabled after entering the United States. This proposal would cost approximately \$930 million and assist an estimated 54,000 legal immigrants by 2004, about half of whom would be elderly.

Nutritional Assistance

The Agricultural Research Act of 1998 provided Food Stamps for 225,000 legal immigrant children, senior citizens, and people with disabilities who came to the United States by August 22, 1996. The Administration's budget would extend this provision by allowing legal immigrants in the United States on August 22, 1996 who subsequently reach age 65 to be eligible for Food Stamps at cost of \$60 million.

Childrens' Health Care and Maternal Care for Pregnant Women

States currently can provide health coverage to immigrant children who entered the country before August 22, 1996. The President's FY 2000 budget would give states the option to provide health coverage to legal immigrant children who entered the country after August 22, 1996. Under this proposal, states could provide health coverage to those children through Medicaid or their CHIP allotment. The proposal would cost \$220 million and serve approximately 55,000 children by FY 2004. Furthermore, the budget proposes to give states the option to provide Medicaid coverage to legal immigrant women who entered the country after August 22, 1996 and subsequently became pregnant. Such coverage would help reduce the number of high-risk pregnancies, ensure healthier children, and lower the cost of emergency Medicaid deliveries. This proposal would cost \$105 million and serve approximately 23,000 women by FY 2004.

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ESL/Carlos Lopez

Naturalization

22, 1996 and subsequently became pregnant. Such coverage would help reduce the number of high-risk pregnancies, ensure healthier children, and lower the cost of emergency Medicaid deliveries. This proposal would cost \$105 million and serve approximately 23,000 women by FY 2004.

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Cynthia A. Rice

03/02/99 08:00:59 PM

Record Type: Record

To: Irene Bueno/OPD/EOP
cc: J. Eric Gould/OPD/EOP
bcc:
Subject: Re: REMINDER: Long-term Project

Yes -- here's what we submitted

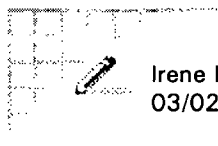
B. Restoring Benefits to Legal Immigrants: Build on the progress already made in 1997 and 1998 by restoring additional SSI, Medicaid and Food Stamp benefits to vulnerable categories of legal immigrants, at a cost of \$1.3 billion over five years.

I. Legislative Status: Legislation similar to the Administration may be introduced by Sen. Moynihan and Rep. Levin. No hearings pertaining to this issue are scheduled. In the House, the Agriculture, Commerce and Ways and Means Committees will have jurisdiction. In the Senate both the Finance and Agriculture Committees have jurisdiction.

II. Presidential Actions: The importance of this initiative can be mentioned in speeches concerning: welfare, legal immigration, nutritional assistance programs, kids' health care, and disability assistance, particularly in states with large immigrant populations (the proposal was announced by the Vice President in California). It is important that both the immigrant groups, the public-health community, and local elected officials are periodically reminded of the Administration's commitment to this issue.

III. Republican Agenda: The tide has turned on anti-immigrant sentiment and the usual strong opposition from Republicans on this issue seems to have been replaced by muted restraint. They are unlikely to openly oppose the package in fear of offending Latinos and other minorities -- groups they believe they must reach out to.

Irene Bueno



Irene Bueno
03/02/99 04:15:17 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, J. Eric Gould/OPD/EOP

\$1,500-a-month apartment rent, not a lot in a town where studio apartments go for \$1,000 a month.

The demand for free food in Greenwich grew so much last year that when Neighbor to Neighbor's roster of certified clients hit 85, Greenwich opened its own food pantry in an unmarked walk-in closet in Town Hall.

Many of those seeking food have moved from public assistance to low paying jobs, said Elisabeth Steinberg, director of adult and family services for Greenwich. And while Connecticut has a relatively high cost of living, the jobs obtained by people leaving welfare are mostly part time, often lack benefits and average \$6.12 an hour, she said.

To accommodate people whose work schedules conflict with the pantry hours, two town social workers have begun making food deliveries on their own time.

One of them, Cynthia Bowser, piled plastic bags of groceries into the back seat of her car on a recent morning, then circled a parking lot in the center of town until she spotted a faded black Oldsmobile parked amid the Explorers and Lexuses. The car belonged to Traci Camacho, 32, a mother of three who makes \$8 an hour as a baby sitter at the Greenwich Y.M.C.A. Her husband, Erik, fixes elevators in New York City, but it costs him \$280 a month just to commute.

The family missed qualifying for food stamps by a few dollars, Ms. Bowser said. So once a week, Ms. Camacho leaves the right front door of her car unlocked when she goes to work, and Ms. Bowser discreetly leaves the groceries inside.

Perhaps the most comprehensive statistical sign of this shifting clientele came in a survey of tens of thousands of food pantries and soup kitchens released last year by Second Harvest, the nation's largest private network of food charities and the source of much of the food at the Greenwich pantries. The survey found that 60 percent of the 21 million recipients of Second Harvest food in 1997 said they had sought handouts because of a chronic food gap, and nearly 40 percent of the households had at least one person employed.

In contrast, when Second Harvest was created 20 years ago, most of those seeking food were at charity's door for a one-time handout, after their lives had been disrupted by a layoff or some other emergency.

In Homestead, Fla., on the fringe of the Everglades southwest of Miami, crowds gather once or twice a month when a local group, Farm Share, hands out canned goods and unsold produce collected from nearby farms. On a hot Wednesday morning, drawn by fliers and newspaper ads, dozens, then

hundreds, of people gathered at a public park, towing collapsible shopping carts or children's toy wagons, many bringing folding chairs to endure the long wait in 90 degree heat. Some arrived hours before dawn to claim slips of paper with numbers marking their places in line.

Volunteers and a work crew from a nearby prison set out half-ton bins of tomatoes and sweet potatoes, stacks of boxed papayas, and cases of frozen turkey breasts that steamed in the humid air.

Kimberly Johnson, 29, a mother of three and the wife of a cook earning \$19,000 a year, said a friend had told her about the handouts last spring. Ms. Johnson, who recently returned to college, said she was reluctant to go, never having relied on charity or public aid. But after exhausting every other option, she said, she began making the 40-minute drive to Homestead.

"I make my own bread, I buy dry beans, I stretch the budget every way I can, but I still have to come," she said. "I'm embarrassed and shocked," she added, scanning the ranks around her. "People I know volunteer here."

Food Stamp Drop-Off

Issues of Access And Eligibility

At 10:30 on a recent weekday morning, a caseworker began her standard speech to several dozen jobless men and women at the Hamilton Job Center, a former welfare office in upper Manhattan.

She gave a grim description of the city's workfare program and the relative benefits of even a minimum-wage job. Anyone looking for immediate help with food, she told them, was basically in the wrong place:

"This is a job center," she said. "If you need food, we have lots of pantries that give good meat, good food."

One who was turned away was 25-year-old Lakisha Reynolds, who had sought food stamps and public assistance for herself and her 3-year-old son in December, seven months after losing a full-time job and then a series of temporary jobs. In an affidavit filed as part of the Federal court suit against the city, she described the contents of her kitchen when she applied for help: "a piece of meat, two cans of vegetables, three tangerines, some hot cereal, a little rice, and some carrots." By the time she arrived at the food pantry that she was sent to, it had run out of food, she said.

The city is now formulating new procedures for the job centers, in an effort to meet the objections the judge made as a result of the suit. In the interim, it has changed the morning routine at the Hamilton center, trading the staff speech for a videotape that makes no mention of emergency food stamps. Jobless people who ask for immediate food aid are directed to the line for welfare benefits, where they must demonstrate their eligibility for food stamps.

New York City's welfare authorities have

The New York Times

FRIDAY, FEBRUARY 26, 1999

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The Hunt for Meals Full Refrigerators Turn Empty Again

sought an extraordinarily hard line. But across the nation, there is growing evidence linking the huge drop in the food stamp rolls and the growing lines at the food-charity doors.

Part of that drop can be attributed to the cutoff of food stamps to legal immigrants that went into effect in the summer of 1997. Surging lines at food charities through the following winter eventually prompted Congress to restore food stamps for immigrant children, the disabled and the elderly, but hundreds of thousands of immigrants remain without food stamps altogether.

Many other people, like Ann McGinniss, have lost food stamps because they now make too much money; the limit is \$1,138 in monthly net income for a family of three. But often, what with today's anti-welfare climate, the deterrent is simply an unwillingness to deal with the hassle or stigma, or a lack of understanding on eligibility.

In Wisconsin's recent welfare study, for example, a third of former welfare recipients incorrectly believed that having a job automatically disqualified them from food stamps. Altogether, 49 percent stopped receiving food stamps after leaving the welfare rolls, many more than could be accounted for simply by a higher income, according to the study. And in Wisconsin, as in New York City, people without enough food are often told to head to a food pantry or soup kitchen.

In the wake of the study, officials in Wisconsin say they are planning to intensify their efforts to improve food stamp access.

Perhaps the clearest statistical line away from government aid to private charity comes from Arizona, where the drop in food stamp use has almost precisely paralleled the rise in demand on the state's food charities: From March 1994 to July 1998, participation in the food stamp program declined more than 50 percent, according to studies by state and Federal poverty groups. In roughly the same period of time, there was a 50 percent increase in meals distributed through the state's charity network.

The statistics translate into a subculture in which households float between work and welfare, food stamps and food pantries. Sometimes, the hunt for food can seem like a second job.

In Newburgh, N.Y., Yolanda Baptist and her boyfriend, Lawrence McGriff, both 30, have a strict routine to feed themselves and Ms. Baptist's three children. Following a guide distributed by a local ministry, they walk around town for handouts or hot meals, visiting different charities on different days.

Mr. McGriff's last job was at a Burger King, but he stopped working after he broke his ankle. Ms. Baptist has been selling Avon products, but still manages to receive welfare benefits.

On the eighth day of every month, Ms. Baptist picks up and spends her food stamps. Recently, after a \$130 shopping trip, she filled the refrigerator, which the day before contained nothing except a few leftovers and a small hunk of ham. Then she began filling a separate freezer the family had found on the street; they use it as a kind of savings account, for food instead of money. By the end of the month, the account would be drawn down nearly to zero again.

In Peekskill, Ann McGinniss's life got more difficult this month when her family lost its Medicaid benefits because of her income, adding medical bills to an already tight budget. To get a little extra food, she continues to tell the volunteers at some food pantries that she has four children, even though her two oldest no longer live at home.

With just \$50 or \$100 a month in food stamps, she said, "I could make it." Still, if a life of handouts is the price of staying employed, it is worth it; anything, she added, is better than the years she lost on welfare — a stream of soap operas watched from the couch, punctuated by fights with her long-time boyfriend, who has since fled to Florida without paying child support.

"One way or the other," she said, "I'm not going back."

NEXT: As demand for donated food rises, supplies are lagging.