

Welfare - Illegal Immigrants

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W. B. Jones

Ed M. ...

Q&A: Legal Immigrant Benefits/City of Chicago v. Shalala
March 28, 2000
Draft

Q: What is the Administration's response to the Supreme Court's deciding yesterday not to review a Federal Appeals Court decision that upheld provisions from the Welfare Reform bill that denied legal immigrants certain federal benefits like TANF, SSI and Food Stamps?

A: Specific questions about the case should be referred to the Justice Department. However, the President and Vice President have been very clear 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.

In the Balanced Budget Act of 1997 and the Agricultural Research Act of 1998, the President fought for and succeeded in reversing unfair cuts in benefits to legal immigrants. The FY 2001 budget builds on the Administration's progress of restoring these important benefits by providing \$2.5 billion over five years to restore important nutrition, disability and health benefits to certain groups of legal immigrants.

Q: Isn't it inconsistent for the Administration on one hand to defend the provisions of welfare reform that cut these benefits but on the hand propose to restore many of them?

A: The Justice Department only defended the point that Congress's decision to limit the availability of federal benefits to certain groups of legal immigrants was a permissible exercise of its constitutional authority. The decision only underscores the need for Congress to take action now and pass the proposals included in the President's budget to restore these important benefits to legal immigrants.



● J. Eric Gould

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Subject: Draft q&a on Chicago v. Shalala

Justice needs to clear this in the morning and I'll fax you a little background on the decision itself. I thought you might want to take a look at a way we could respond to this if asked tomorrow or if it comes up in the morning meeting.



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City of Chicago v. Shalala

Q: What is the case about?

A: The case involves a challenge to the constitutionality of provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. 1612 and 1613 ("Welfare Reform Act"). Through those provisions, Congress restricted the eligibility of certain noncitizens for federal public assistance programs, including the Supplemental Security Income (SSI) program, the food stamp program, the Temporary Assistance to Needy Families (TANF) program, and Medicaid.

Q: Who filed the lawsuit?

A: Plaintiffs in this case are the City of Chicago and a class of legal permanent resident aliens residing in Illinois who have been rendered ineligible for various federal welfare benefits by the Welfare Reform Act.

Q: What did plaintiffs argue?

A: Plaintiffs alleged that provisions of the Act that condition eligibility for benefits on citizenship violate the equal protection component of the Fifth Amendment.

Q: What was the government's position?

A: The government argued that Congress's decision to limit the availability of federal benefits to certain subgroups of legal aliens was a permissible exercise of its constitutional authority. We noted that the Supreme Court has emphasized that Congress has broad power to draw distinctions on the basis of alienage, and the Court has upheld congressional classifications affecting aliens as long as they are not "wholly irrational."

Here, the classifications are consistent with equal-protection principles because they rationally further several legitimate governmental interests: (1) encouraging aliens to rely on their own resources and those of their families, sponsors and private organizations; (2) reducing the costs of federal welfare programs; (3) providing an incentive for aliens to become citizens; and (4) removing a possible incentive to immigrate to the United States in order to obtain welfare benefits.

Q: What did the Seventh Circuit hold?

A: The court agreed with the government, and held that the challenged provisions of the Welfare Reform Act were constitutional because they are rationally related to legitimate governmental purposes.

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Q: What did the Supreme Court do today?

A: The Court denied plaintiffs' petition for certiorari, which means the Court decided not to review the Seventh Circuit's decision.