

Yes as they are



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DATE: 3/31/97

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Attached is some additional information you may consider including in the package:

1. Cleared Summary of the immigration provisions of the welfare law.
2. Effective Dates - this was cleared as part of the package we sent Levin earlier this year.

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

Thank you.

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Immigrant Provisions of Welfare Reform

Summary of Immigrant Provisions

(*Personal Responsibility and Work Opportunity Reconciliation Act*, Title IV, ["Welfare Reform" P.L. 104-193], as amended by the *Illegal Immigration Reform and Immigrant Responsibility Act* ["Immigration Law" P.L. 104-208])

General: The new welfare reform statute seeks to restrict access to certain programs by legal immigrants and deny access by undocumented immigrants to many government funded programs.

I. "Qualified Aliens" - immigrants defined as "qualified aliens" are eligible for certain federal public benefits (see below).

A. Qualified aliens include (sec 431):

- Legal Permanent Residents
- Asylees
- Refugees
- Aliens paroled into the U.S. for at least one year
- Aliens whose deportations are being withheld¹
- Aliens granted conditional entry²
- Battered alien spouses, battered alien children, and the alien parents of battered children who fit certain criteria. (Added by Immigration Law)

B. "Federal Public Benefit" (sec 401) - The statute defines a "federal public benefit" as:

1. Any federally provided or funded grant, contract, loan, professional or commercial license and
2. Any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by a federal agency or by federally appropriated funds.

II. "Qualified Aliens" - are *ineligible* for specified federal programs.

A. *SSI and Food Stamps* - Regardless of when they entered the country, most "qualified aliens" are banned from receiving SSI & Food Stamps (Sec 402 (a)) - (see exceptions below)

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SSI: Current recipients will have their eligibility redetermined and if so determined, & ended within year of enactment. New applicants are ineligible.

Food Stamps: Current recipients, eligibility redetermination to happen at recertification, not before April 1, 1997 but within year of enactment. New applicants are ineligible.

B. *Qualified aliens who entered the country prior to enactment - 8/22/96*

States can decide the eligibility for TANF, the Social Services Block Grant (Title XX), and Medicaid of most "qualified aliens" who arrived in this country prior to August 22, 1996 (Sec 402 (b)) (*see exceptions in II.C. below*).

C. *Qualified aliens who entered the country on or after 8/22/96*

1. **Five-year ban** - Most "Qualified aliens" entering the country on or after enactment are banned from receiving assistance from federal means-tested programs for five years (Sec 403) (*see exceptions below*). States have the option to decide the eligibility of these aliens for TANF, Title XX and Medicaid unless these programs are subject to the ban.

2. **"Federal means-tested public benefits"** - guidance on the definition of "federal means-tested public benefits" is pending. The statute includes a list of the programs that are *not* covered by the 5-year ban. All qualified aliens are eligible for the listed programs regardless of their date of entry (*see below*):

- Emergency Medical assistance under Medicaid, if would otherwise qualify
- Short term, non-cash, in-kind emergency disaster relief
- Public health assistance for immunizations, testing and treatment of symptoms of communicable diseases, but not to include Title XIX
- Programs, services, assistance as specified by the Attorney General, which
 - deliver in kind services at the community level
 - do not condition the provision of assistance, the amount of assistance, or the cost of assistance provided on the recipient's income or resources
 - are necessary for the protection of life or safety
- Housing, other HUD assistance if alien is already receiving on date of enactment
- School lunch
- Child nutrition programs
- Payments for foster care and adoption assistance
- Student assistance
- Means-tested Elementary and Secondary Education Assistance (ESEA) programs

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- Head Start
- Job Training
- Refugee and entrant assistance activities for Cuban and Haitian entrants³/parolees (parolees are qualified aliens but otherwise subject to the five-year ban).

D. Exceptions to SSI/Food Stamp bans, the 5-year ban on new entrants, and to the state options to set eligibility for aliens: the following groups are allowed access to federal and state benefit programs;

1. Refugees for 5 years from date of entry only, and asylees and aliens whose deportation has been withheld under sec 243(n) of the INA, for 5 years from date status received.
2. Veterans, members of the military on active duty, and their spouses and unmarried dependent children.
3. Those who have worked 40 qualifying quarters without receiving federal means-tested public benefit during any such quarter beginning after 12/31/96. Quarters worked by parents when the alien was a child, or by a spouse while married, may be counted towards the 40 (*NOTE: This exception does not apply to the 5-year ban*).

III. Aliens who are "not qualified" aliens are ineligible for "federal public benefits"

A. Examples of aliens who are not qualified are:

1. **Non-immigrants (temporary residents)** – Individuals here on time-limited visas to work, study, or travel.
2. **Undocumented immigrants**—Individuals who entered as temporary residents and overstayed their visas, or are engaged in activities forbidden by their visa, or who entered without a visa.
3. **Others**—Individuals who are given temporary administrative statuses (e.g. stay of deportation, voluntary departure) until they can formalize permanent status, or individuals paroled for less than one year.

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B. Exceptions - All aliens, including those who are "Non-qualified" are eligible for certain excepted programs (Sec 401(b), Sec 411(b)) such as:

- Emergency Medical assistance under Medicaid, if would otherwise qualify
- Short term, non-cash, in-kind emergency disaster relief.
- Public health assistance for immunizations, testing and treatment of symptoms of communicable diseases, but not to include Title XIX.
- Programs, services, assistance as specified by the Attorney General, which
 - deliver in kind services at the community level
 - do not condition the provision of assistance, the amount of assistance, or the cost of assistance provided on the recipient's income or resources
 - are necessary for the protection of life or safety.
- Housing, other HUD assistance if alien is already receiving on date of enactment. *(This provision is in 401(b) only; non-qualified aliens are not made eligible for state housing assistance in 411(b)).*

IV. Access to state and local programs for aliens (Sec 411, 412) - States have authority to determine immigrants' eligibility for state and local programs, with some conditions.

- A. Undocumented immigrants are not eligible for state/local benefits unless the state passes a new law after 8/22/96 affirmatively making them eligible. No legislation is required to retain access for non-immigrants to state and local benefits (Sec 411(a)).**
- B. States may restrict the eligibility of qualified aliens, non-immigrants and certain parolees. They may not restrict eligibility for refugees during their first five years from entry, veterans, and those who have earned 40 qualifying quarters (Sec 412) (see II.D., above for complete listing). States may not deny access by any alien to state or local benefits that meet the definition of excepted services described in Sec 411(b) (see exceptions listed above, III.B).**

V. Verification - Within 18 months from the date of enactment, the Attorney General, in consultation with the Secretary of Health and Human Services, must promulgate regulations requiring verification that a person applying for a Federal public benefit is a qualified alien and is eligible to receive such benefit. States must have a verification system in place 24 months after the regulations are promulgated for the federal public benefits they administer (Sec. 432(b)). In addition, the Attorney General, in consultation with DHHS, must issue procedures for applicants to provide proof of citizenship in a fair and nondiscriminatory manner (Sec 432(a)(2)).

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Exemption - *Nonprofit charitable organizations* are specifically exempt from any requirement to determine, verify or otherwise require proof of alien eligibility or status (Sec 432(d)).

VI. Affidavits of Support and Attribution of Income (Deeming) - Prior to the new welfare statute, affidavits of support signed for sponsored immigrants were not legally enforceable and time-limited "deeming" of sponsor income occurred in only three programs: SSI, Food Stamps, and AFDC. The new welfare statute requires a legally binding affidavit of support to establish that an alien is not excludable as a public charge, and extends deeming to "federal means-tested benefits" until the immigrant with the new affidavit becomes a citizen or has worked 40 qualifying quarters.

A. Affidavit of support - The new affidavit is legally enforceable against the sponsor by the alien and by federal and state governments which provide any means-tested benefits, but not later than 10 years after an alien last receives any such benefit. The affidavit is enforceable with respect to means-tested benefits until citizenship or until 40 qualifying quarters are earned.

1. The Attorney General must develop in consultation with DHHS the new affidavit within 90 days of enactment of the Immigration law. The requirements for a sponsor's affidavit of support shall apply to affidavits executed beginning 60-90 days after the form is formulated by the Attorney General (Sec. 423(a)).

2. "Nongovernmental" entities, Federal, state or local governments "shall request" reimbursement from the sponsor for amount of any non-exempted means-tested public assistance a sponsored alien has received. Action may be brought for non-payment anytime within 10 years from receipt of any such benefit. No reimbursement is required for the excepted services listed in 403(c).

3. Sponsors must notify the Attorney General and the state of residence of the sponsored immigrant of any address changes of the sponsor (Sec 423(a)).

B. Sponsorship Requirements - With some exceptions, sponsors must now have an income of at least 125 percent of federal poverty to sponsor an immigrant (previously 100 percent). All family-based immigrants must be "sponsored," meaning that a family member must have signed an affidavit stating that they will provide the assistance necessary to maintain the immigrant at an annual income at least 125 percent of the federal poverty line.

C. Deeming - Under welfare reform, when determining eligibility for federal means-tested public benefits (e.g., Medicaid and TANF), the income and resources of the sponsor and sponsor's spouse who executed a new affidavit of support shall be "deemed"

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available to the sponsored immigrant (Sec 421). Programs specifically not included in the five year ban (Sec 403(c)) are also not subject to deeming and reimbursement by the sponsor.

1. These new deeming rules only apply to immigrants who have executed the new, legally binding affidavits. The new deeming period extends until citizenship, or until an immigrant has earned the 40 qualifying quarters. However, most aliens will be barred from eligibility during their first 5 years due to the 5-year ban on receipt of federal means-tested public benefits. Over the next 5 years, deeming may apply only to aliens who have executed the new affidavits of support and who are exempt from the 5-year bar, such as veterans, active military and their families.

2. New indigency and battered spouse and children exceptions to deeming requirement. Under the Immigration law amendments, deeming does not apply to certain battered immigrants; furthermore, if an alien would be unable to obtain food and shelter without assistance, then only the amount of income and resources of the sponsor or the sponsor's spouse actually provided will be attributed to the sponsored alien (Sec. 421 (e),(f)).

3. States are authorized to deem for their public benefits. Some programs are exempted from the new state deeming authority: certain emergency medical, emergency disaster, programs comparable to assistance provided under the school lunch act and the child nutrition act, public health assistance for immunizations, testing and treatment of symptoms of communicable diseases, foster care and adoption, other programs as specified by the Attorney General of a state (Sec. 422).

VII. Other Provisions

- A. **Communication between state and local agencies and the INS:** no prohibitions are allowed on states or local governments regarding their ability to send or receive information with the INS regarding immigration status of an alien (Sec.434).
- B. **Reporting of Illegal Immigrants:** States receiving TANF block grants, the Social Security Administration, the Department of Housing and Urban Development, and public housing agencies must report 4 times a years to INS aliens they know are "unlawfully" in the U.S. (Sec 404).

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Notes

- 1. Under section 243(b) of the Immigration and Nationality Act (INA).
- 2. Pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- 3. As defined in section 501(e)(2) of the Refugee Education Assistance Act of 1980.

WELFARE REFORM IMMIGRANT PROVISIONS IMPLEMENTATION EFFECTIVE DATES

August 22, 1996	P.L. 104-193 passed; Qualified Aliens entering on or after 8/22/96 are: ineligible for federal means-tested benefits for five years after entry (except for refugees, asylees, and aliens whose deportation has been withheld for 5 years after date such status is received; and veterans/active duty military and dependents); and ineligible for SSI and Food Stamps until citizenship (except for above exceptions, plus an exception for legal permanent residents who have earned 40 qualifying quarters of covered employment).
January 1, 1997	States have the option to deny Medicaid, TANF, and Title XX Social Services Block Grant benefits to pre-August 1996 qualified aliens. Three states currently plan to deny TANF coverage to qualified aliens (Alabama, Wyoming, and South Carolina beginning March 31, 1997). No states have reported that they plan to deny Medicaid or SSBG.
January 13, 1996	HCFA issued a regulation giving states extra time to redetermine Medicaid eligibility for immigrants losing SSI. Medicaid continues until this redetermination takes place.
January 22, 1996	HCFA transmitted to the states a state Medicaid Manual providing policy guidance on issues relating to Medicaid coverage for immigrants, among other issues. HCFA also sent state Medicaid directors letters regarding waivers on February 5, 1997.
February 1 - March 31, 1997	First notices of SSI ineligibility were sent to approximately 900,000 current noncitizen SSI recipients the first week of February 1997; first notices will continue to be sent on staggered basis of 112,500 per week over 8 weeks. SSI recipients must then establish that they are either citizens or otherwise exempt before August. All notices will be sent by March 31, 1997.
Late March	New legally binding affidavits of support promulgated; all family-based and some employment-based legal immigrants required to submit affidavits as condition of entry. These immigrants will be subject to new deeming until citizenship rules under federal means-tested programs after the 5-year ban on eligibility (unless they have 40 quarters of covered employment).
April 1 - August 22, 1997	Current Food Stamps recipients who are qualified aliens become ineligible for Food Stamps upon redetermination. Most states have already notified current recipients of changes, although they are not required to by statute.

July-August 1997 Notices of Planned Action (NPAs) informing immigrant recipients of SSI benefit termination in 30 days will be sent. Those receiving first notices in February will receive NPAs in July; those receiving first notices in March will receive NPAs in August.

August 22, 1997 All Qualified Aliens become ineligible for SSI and Food Stamps until citizenship unless they meet one of the exemptions (refugees, asylees, and aliens whose deportation has been withheld for 5 years after date such status is received; legal permanent residents who have earned 40 qualifying quarters; and veterans/active duty military and dependents).



CENTER ON BUDGET AND POLICY PRIORITIES

March 10, 1997

CAN A BLOCK GRANT TO STATES EFFECTIVELY ADDRESS THE PROBLEMS OF LEGAL IMMIGRANTS?

Some Members of Congress reportedly have proposed that states be given a block grant of money to ease the financial burden that results from denying Supplemental Security Income (SSI), Medicaid and food stamps to legal immigrants. This block grant is intended as a substitute for making specific changes in the rules that disqualify most immigrants from these federal programs. The details of how such a block grant might work are sketchy at this point. Even without those details, however, some basic problems with this approach are clear.

Adequacy of funding levels

Published accounts have suggested that the block grants might total two to three billion dollars over six years. The restrictions on immigrants' eligibility for SSI, Medicaid and food stamps reduced spending by more than \$22 billion over six years. The President's budget would provide targeted restorations of benefits worth about \$16 billion over the period to legal immigrants who would be denied assistance under the welfare bill. A block grant of the size being discussed would meet only a small fraction of the increased need resulting from denying federal benefits to legal immigrants.

Historical evidence suggests that funding for a block grant could rapidly shrink

Whatever initial level is set for the block grant, it is likely to erode rapidly over time. A similar block grant, the State Legalization Impact Assistance Grant (SLIAG) program, was established under the Immigration Reform and Control Act of 1986 (IRCA) to compensate states for the costs of public services used by immigrants legalizing under IRCA's amnesty provisions. SLIAG was a capped entitlement to states with an advance appropriation. Nonetheless, in SLIAG's third year the appropriations committees reduced the funding IRCA provided by almost two-thirds to support discretionary programs in the Labor-HHS-Education appropriations bill. In the fifth year, SLIAG's funding reached zero. The cause of SLIAG's weakness is not difficult to see: the great majority of SLIAG funds went to a handful of states. With only a handful of Members to champion it, SLIAG regularly lost out in competitions with attractive health, education and other programs in the Labor-HHS-Education bill that benefit a wider range of states.

Any new block grant likely would have a similarly narrow base of support and would likely suffer the same fate. Even if it is established as an entitlement, appropriators nonetheless can receive credit for savings when they cancel planned spending on the program. And with the caps on discretionary spending much tighter over the next several years than they were when SLIAG was being dismembered, the appropriations

committees will be under additional pressure to divert block grant funds to other priorities.

Allocations of block grant funds likely would not go to the areas of greatest need

- Once established, the formula for allocating a block grant will be almost impossible to change. Yet the impact of the denial of federal benefits is likely to vary among the states over time. When Castro falls, the pressure on Florida may be significantly reduced; if he orchestrates another mass migration to the United States, Florida may suddenly have a much more serious problem. Similarly, if the new regime in Hong Kong becomes highly repressive, West Coast states may see an influx of immigrants.¹ States where INS offices have large backlogs of naturalization applicants will have more immigrants ineligible for federal benefits; states where INS operates particularly efficient offices will face reduced burdens. A block grant cannot readily address any of these differences. By contrast, changes in the eligibility rules for federal benefits will have the greatest impact wherever the largest numbers of poor legal immigrants are at any given time.
- In designing the block grant, there will be a temptation to target funds on the five to seven states with the largest immigrant populations. If so, smaller states, in which immigrants are relatively few in numbers but form a significant share of the low-income population, may be neglected. Restorations of the eligibility of certain immigrants for federal benefits, such as those who become disabled after entering the United States, will ease the burden on large and small states alike.
- Much of the impact of the new restrictions on immigrants' eligibility will be felt on the local, rather than state, level. City clinics and county hospitals will bear increased uncompensated care burdens; county general assistance and township relief programs may be called upon to assist destitute disabled immigrants. Yet there can be no assurance that block grant funds provided to states will be passed on to the local governments most in need. Since states will also suffer additional burdens and the block grants will be insufficient to offset both state and local burdens, states could decide to retain block grant funds to meet their expenses and leave local governments to their own devices. Public services in areas with large concentrations of immigrants could be hit hard. Targeted

¹Even if these new immigrants are classified as refugees or asylees, they will become ineligible for federal benefits after five years in this country. And many legal immigrants admitted because of persecution overseas have been admitted in categories other than the refugee and asylee categories and hence would be immediately subject to the welfare law's restrictions.

restorations of immigrants' eligibility for federal benefits, by contrast, will reduce the increased demand on state and local services alike.

A block grant would abdicate basic federal responsibilities

- The last Congress considered and rejected proposals to convert part or all of each of these three programs — Medicaid, food stamps, and most of the children's portion of SSI — into block grants to states. If funding these programs for U.S. citizens is to remain a federal responsibility, it would be highly inappropriate to convert them to block grants *solely for immigrants*. Under the Constitution, control of immigration policy is an exclusively federal prerogative. States have no control over immigrants' entry into this country; they should not be left with responsibility for fashioning programs to assist those immigrants who cannot support themselves.
- A block grant would create large state-to-state differences in immigrants' eligibility for assistance. States that want to provide services to legal immigrants might fear that doing so could attract immigrants from less generous states. This competition could degenerate into a "race to the bottom," particularly where expensive services such as nursing home care are at issue. Immigrants who become disabled after entering the United States — the primary group of immigrants helped by the President's proposals — are likely to need long-term assistance. If several states deny these immigrants assistance, states that want to provide such assistance could conclude they cannot do so because they otherwise would risk becoming "magnets" for disabled immigrants. The selective restorations of legal immigrants' eligibility in the President's budget would maintain nationally uniform eligibility rules for key federal benefits in the cases of greatest need.
- Creating a block grant in lieu of adopting the President's proposal to restore SSI and Medicaid eligibility for legal immigrants who become disabled after entry would lead to destitution among immigrants who came to this country to work but who, through circumstances they could not have anticipated, became disabled once they were here. Some states might choose to help these people, but an immigrant's fate should not depend on whether he or she fell from a ladder or was paralyzed in a car accident in Texas, in California, or in a smaller state that receives no block grant funds.
- Similarly, failing to adopt the President's proposal to preserve immigrant children's Medicaid eligibility would create a class of poor uninsured children in the United States. Most immigrant children will eventually become U.S. citizens. The failure to provide preventive health care when they are young could lead to life-long medical problems that will affect their earning capacity. Assuring the availability of basic health care to

poor children is a federal responsibility, particularly when those children are in this country as a result of federal immigration policy.

The TANF “Windfall” Is Not Adequate To Meet The Needs Of Legal Immigrants Denied Basic Assistance

Because of caseload declines, many states will receive more federal money under the new TANF block grant than they would have received under the former AFDC-related programs. AFDC caseloads have declined by 16 percent since 1994. Some have suggested that states in which large numbers of legal immigrants will lose SSI, food stamps, and in some cases Medicaid should use their so-called TANF “windfall” if they wish to help meet these needs of these immigrants. Proponents of this view argue that states’ TANF “windfalls” make any changes in the treatment of legal immigrants in programs such as SSI and Medicaid unnecessary. The argument, however, is flawed.

- *The so-called “windfall” is needed to fund expanded work programs for welfare recipients.* The new welfare law requires states to increase substantially the proportion of parents participating in work activities. Last year, the Congressional Budget Office estimated that the cost of meeting the new law’s work participation rates was \$12 billion more than the amount of money included in the block grant based on past spending on the JOBS program. Thus if states are to increase the number of parents participating in work activities in accordance with the new law, they will need to use whatever “windfall” they receive to fund expanded work programs.
- *Any “windfall” is likely to be short-lived.* The new TANF block grant provides states with fixed federal funding. Over time, the inflation-adjusted value of that block grant will fall. In addition, if need increases due to a recession or population growth, the “windfall” states receive will diminish. In fact, during a recession, states’ block grants are likely to fall well short of need. In addition, the work participation rates increase — and become more costly — each year. As the work participation rates increase, additional resources for work programs will be needed.
- *Even if states do not use the “windfall” to expand work programs, the amount by which the new TANF block grant exceeds what states would have received under the prior law is substantially smaller than the cuts in benefits to legal immigrants.* In 1998 alone, cuts in benefits to legal immigrants total \$3.7 billion. Over five years, the cuts total more than \$22 billion, or 27 percent of the total TANF allocation to the states between 1998 and 2002.

While the immigrant cuts remain substantial over the entire five year period — and will continue to affect immigrants and states for the foreseeable future — the “windfall” is likely to be short-lived.

- While the total cuts in benefits to legal immigrants represents more than one-quarter of the total TANF allocation over five years, particular states will face immigrant cuts

that total an even larger share of their block grant allocation because the immigrant population is not evenly distributed across the country.

Examples from several states with large immigrant populations indicate that even if states do not use their "windfalls" to increase participation in work programs and the windfall was not short-lived, the additional funds states are receiving through TANF are not adequate to meet the needs of immigrants:

The California Legislative Analyst's Office has estimated that California will receive some \$1 billion more under the TANF block grant than it would have received under the prior AFDC program between 1998 and 2002. Over that period, however, the denial of SSI and food stamps to legal immigrants are projected to result in a total of \$6.2 billion in cuts.¹

The state of Illinois does not think it will receive more funds under TANF than it would have received under the AFDC program, despite a modest reduction in its AFDC caseload. In 1998, the cuts in SSI and food stamps for Illinois legal immigrants are projected to total \$96 million. Between 1998 and 2002, the cuts in SSI and food stamps for legal immigrants are projected to be \$503 million.

In fiscal year 1998, the state of Texas projects that it will receive \$136 million more in federal TANF funds than it would have received under the prior AFDC program. Cuts in SSI and food stamp benefits for legal immigrants in Texas are projected to total \$313 million in 1998. Over five years, the cuts in benefits to legal immigrants in these two programs are projected to total \$1.6 billion.²

Since 1994, Florida's AFDC caseload has fallen 19 percent. If this 19 percent caseload reduction translates into a 19 percent reduction in costs, Florida will receive approximately \$109 million more under the TANF block grant than it would have under the former AFDC program. The cuts

¹This estimate of the cuts in benefits to legal immigrants in California is somewhat higher than that projected by the Legislative Analysts Office. The figures used here are based on Congressional Budget Office projects of the total level of cuts and the distribution of legal immigrants receiving SSI and food stamps among the states. Estimates of cuts in benefits to legal immigrants are somewhat speculative and require assumptions on the rate of naturalization to be made.

²Texas projects a substantially larger "windfall" than would be suggested by its caseload declines. Assuming that state costs fell by the same proportion as the caseload fell since the year or years on which the TANF block grant is based, Texas would be projected to receive \$61 million dollars more under TANF than under the prior AFDC-related programs.

in SSI and food stamps for Florida legal immigrants, however, are projected to total \$315 million in 1998.³

³We were not able to obtain an estimate from the state of Florida of the additional funding they will receive under TANF as compared to the former AFDC program.

IMPLEMENTATION OF CERTIFICATION PERIOD WAIVER FOR NONCITIZENS RECEIVING FOOD STAMPS ON AUGUST 22, 1996

When the President signed the welfare reform legislation on August 22, 1996, he also ordered the Department of Agriculture to allow State agencies to extend the certification periods of noncitizens who were receiving food stamps on that date. The periods can be extended up to 1 year (or 2 years for households in which all members are elderly or disabled). States that use the waiver can continue to provide benefits to most noncitizens through August 1997.

The following 34 States have implemented the certification period waiver in all or part of the State:

Alabama	Nebraska
California	North Carolina
Colorado	Nevada
District of Columbia	New Hampshire
Florida	New York
Georgia	North Dakota
Illinois	Ohio
Indiana	Oklahoma
Iowa	Rhode Island
Kansas	South Carolina
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Minnesota	Washington
Mississippi	Wisconsin
Montana	Wyoming

**Excerpts from “Characteristics of Childless Unemployed Adults and
Legal Immigrant Food Stamp Participants: Fiscal Year 1995,”
Mathematica Policy Research, Inc., February 13, 1997**

C. THE NUMBER OF PERMANENT RESIDENT ALIENS AND THEIR UNITS

The aliens made ineligible through PRWORA--permanent resident aliens--are currently the largest class of alien FSP participants (Table III.1). The 1.4 million permanent resident aliens make up 77 percent of current alien FSP participants and 5 percent of total FSP participants. The 958,000 units with at least one permanent resident alien make up 83 percent of current FSP units with any aliens and 9 percent of total FSP units. The non-permanent resident aliens--those that will not be affected by PRWORA--represent 1.6 percent of total participants and 1.9 percent of total units.

Units with permanent resident aliens receive an average of \$188 million per month in FSP benefits, accounting for 83 percent of all benefits to units with any aliens, and 10 percent of total FSP benefits (Table III.2). Units with at least one non-permanent resident alien receive an average of \$39 million per month, or 2 percent of all FSP benefits.

Some units contain a mix of permanent resident aliens and other participants. As a result, some of the \$188 million in benefits going to units with at least one permanent resident alien are intended for non-permanent resident aliens or U.S. citizens. To estimate how much in benefits goes to just permanent resident aliens, we pro-rated benefits by household composition. Pro-rated benefits are determined by multiplying each unit's benefit level by the ratio of the number of unit members with a specific citizenship status to the total unit size. For example, the pro-rated benefits estimate for permanent resident aliens is derived by multiplying the benefits received in a given unit by the ratio of the number of permanent resident alien unit members to the total number of unit members. Although 10 percent of all benefits go to units with permanent resident aliens, only 5.2 percent of all

⁴(...continued)
have affected FSP eligibility. The existence of such errors would understate the true number of permanent resident aliens subject to the restrictions.

pro-rated benefits go to permanent resident aliens. This is because many units have both permanent resident aliens and members with other citizenship statuses.

Alien FSP participants are concentrated in a small number of states. Approximately 70 percent of the aliens can be found in four states: California, Florida, New York, and Texas (Table III.3). Within each of these states, aliens make up a relatively high proportion of total FSP participants. The distribution of FSP benefits to aliens reflects the distribution of alien participants, with the bulk of benefits to units with aliens going to the same four states (Table III.4). California, Florida, New York, and Texas account for 72 percent of all benefits to aliens.

The distribution of permanent resident aliens by state (Table III.5) follows a similar pattern to the distribution of total aliens. The four states of California, Florida, New York, and Texas account for 74 percent of all permanent resident aliens in the program (these states account for 75 percent of all units with permanent resident aliens).

Benefits to permanent resident aliens in the four states of California, Florida, New York and Texas account for 76 percent of all benefits to permanent resident aliens (Table III.6). Within each of these states, permanent resident aliens account for relatively high proportions of all food stamp benefits (more than 20 percent in New York and California). Benefits to permanent resident aliens account for more than 10 percent of the state's food stamp benefits in 12 states: Arizona, California, Florida, Hawaii, Massachusetts, New Jersey, New York, New Mexico, Rhode Island, Texas, Guam and the Virgin Islands.

The average benefit to a food stamp unit with a permanent resident alien is \$196 per month (Table III.7). In California, the state with the most permanent resident aliens, the average benefit to permanent resident alien units is \$200 per month. Texas, with the second-largest number of permanent resident aliens, has an average food stamp benefit to permanent resident alien units of \$228 per month. New York and Florida have average benefits of \$179 and \$166 respectively.

TABLE III.3

DISTRIBUTION OF ALL ALIEN FSP PARTICIPANTS, UNITS BY STATE

	All Units (000s)	All Participants (000s)	Units with Aliens			Alien Participants		
			Number (000s)	Percent of All State Units	Percent of National Alien Units	Number (000s)	Percent of All State Participants	Percent of National Alien Participants
Alabama	209	542	0.6	0.3	0.1	1.9	0.3	0.1
Alaska	15	45	0.5	3.2	0.0	0.7	1.6	0.0
Arizona	178	508	24.5	13.7	2.1	36.3	7.1	2.0
Arkansas	107	271	0.8	0.7	0.1	1.4	0.5	0.1
California	1,176	3,266	331.2	28.2	28.5	554.3	17.0	30.1
Colorado	103	248	8.0	7.8	0.7	13.4	5.4	0.7
Connecticut	100	238	7.2	7.2	0.6	11.7	4.9	0.6
Delaware	21	52	0.5	2.4	0.0	1.0	1.9	0.1
Dist. of Col.	43	98	1.8	4.1	0.2	2.2	2.2	0.1
Florida	588	1,425	107.9	18.3	9.3	147.5	10.3	8.0
Georgia	329	809	6.1	1.9	0.5	8.8	1.1	0.5
Hawaii	55	130	8.3	15.1	0.7	12.9	9.9	0.7
Idaho	30	79	1.9	6.2	0.2	3.2	4.1	0.2
Illinois	488	1,130	32.9	6.8	2.8	49.6	4.4	2.7
Indiana	183	464	3.6	2.0	0.3	4.2	0.9	0.2
Iowa	75	187	1.2	1.6	0.1	3.1	1.7	0.2
Kansas	75	192	3.3	4.5	0.3	6.7	3.5	0.4
Kentucky	187	488	0.9	0.5	0.1	1.2	0.2	0.1
Louisiana	267	724	4.4	1.7	0.4	6.4	0.9	0.3
Maine	60	129	0.8	1.3	0.1	0.9	0.7	0.0
Maryland	169	410	9.9	5.8	0.9	16.8	4.1	0.9
Massachusetts	178	429	23.8	13.4	2.1	38.7	9.0	2.1
Michigan	418	985	12.6	3.0	1.1	22.6	2.3	1.2
Minnesota	131	316	12.2	9.3	1.0	30.1	9.5	1.6
Mississippi	185	489	0.6	0.3	0.1	0.9	0.2	0.1
Missouri	237	592	2.8	1.2	0.2	5.4	0.9	0.3
Montana	28	71	0.3	1.1	0.0	0.6	0.9	0.0
Nebraska	43	106	1.5	3.4	0.1	3.1	2.9	0.2
Nevada	46	109	3.3	7.2	0.3	4.7	4.3	0.3
New Hampshire	25	58	0.7	2.6	0.1	0.8	1.3	0.0
New Jersey	234	557	30.3	12.9	2.6	48.4	8.7	2.6
New Mexico	87	241	11.0	12.7	0.9	17.4	7.2	0.9
New York	1,027	2,137	243.7	23.7	21.0	336.9	15.8	18.3
North Carolina	258	614	3.5	1.4	0.3	4.8	0.8	0.3
North Dakota	17	41	0.4	2.1	0.0	0.6	1.4	0.0
Ohio	506	1,170	8.7	1.7	0.7	15.4	1.3	0.8
Oklahoma	153	384	3.0	2.0	0.3	4.5	1.2	0.2
Oregon	132	298	10.4	7.9	0.9	19.3	6.5	1.0
Pennsylvania	516	1,172	18.6	3.6	1.6	37.1	3.2	2.0
Rhode Island	40	94	5.3	13.1	0.5	8.1	8.6	0.4
South Carolina	140	376	0.5	0.4	0.0	1.1	0.3	0.1
South Dakota	19	52	0.2	0.8	0.0	0.3	0.6	0.0
Tennessee	281	669	1.8	0.6	0.2	3.6	0.5	0.2
Texas	948	2,610	162.6	17.2	14.0	256.6	9.8	13.9
Utah	44	122	2.4	5.4	0.2	3.3	2.7	0.2
Vermont	27	63	0.3	1.2	0.0	0.3	0.5	0.0
Virginia	235	562	8.1	3.4	0.7	13.9	2.5	0.8
Washington	204	497	27.3	13.4	2.4	58.2	11.7	3.2
West Virginia	123	302	0.6	0.5	0.1	0.7	0.2	0.0
Wisconsin	119	329	5.5	4.7	0.5	18.1	5.5	1.0
Wyoming	13	35	0.3	2.5	0.0	0.4	1.2	0.0
Guam	5	16	0.7	13.7	0.1	0.8	5.2	0.0
Virgin Islands	7	24	2.2	30.1	0.2	3.5	14.5	0.2
Total	10,883	26,955	1,161	-	100.0	1,844	-	100.0

Average Permanent Resident Unit Size = 3.0

Average FSP Unit Size = 2.5

SOURCE: Fiscal Year 1995 QC Database

NOTE: All estimates reflect an average month in 1995.

TABLE III.4
DISTRIBUTION OF BENEFITS TO ALL ALIEN FSP UNITS BY STATE

	Total Benefits (\$000s)	Benefits to Alien Units			Pro-Rated* Benefits		
		Dollars (000s)	Percent of State Benefits	Percent of National Alien Benefits	Dollars (000s)	Percent of State Benefits	Percent of National Alien Benefits
Alabama	38,480	222	0.6	0.1	102	0.3	0.1
Alaska	3,997	100	2.5	0.0	39	1.0	0.0
Arizona	35,932	5,198	14.5	2.3	2,385	6.6	1.9
Arkansas	17,338	166	1.0	0.1	106	0.6	0.1
California	206,736	66,917	32.4	29.7	34,920	16.9	27.6
Colorado	17,652	1,577	8.9	0.7	835	4.7	0.7
Connecticut	14,033	1,070	7.6	0.5	667	4.8	0.5
Delaware	3,947	85	2.2	0.0	70	1.8	0.1
Dist. of Col.	7,348	278	3.8	0.1	180	2.5	0.1
Florida	104,830	18,148	17.3	8.1	10,794	10.3	8.5
Georgia	57,299	1,145	2.0	0.5	618	1.1	0.5
Hawaii	15,540	2,477	15.9	1.1	1,540	9.9	1.2
Idaho	5,068	386	7.6	0.2	192	3.8	0.2
Illinois	83,980	5,938	7.1	2.6	3,809	4.5	3.0
Indiana	31,310	630	2.0	0.3	298	1.0	0.2
Iowa	11,627	215	1.8	0.1	187	1.6	0.1
Kansas	12,526	724	5.8	0.3	463	3.7	0.4
Kentucky	31,222	138	0.4	0.1	77	0.2	0.1
Louisiana	50,854	798	1.6	0.4	474	0.9	0.4
Maine	9,144	119	1.3	0.1	50	0.5	0.0
Maryland	31,776	1,578	5.0	0.7	1,185	3.7	0.9
Massachusetts	27,171	4,066	15.0	1.8	2,329	8.6	1.8
Michigan	68,868	2,896	4.2	1.3	1,590	2.3	1.3
Minnesota	19,557	2,570	13.1	1.1	1,854	9.5	1.5
Mississippi	32,204	110	0.3	0.0	52	0.2	0.0
Missouri	40,836	575	1.4	0.3	375	0.9	0.3
Montana	4,553	79	1.7	0.0	43	0.9	0.0
Nebraska	6,499	321	4.9	0.1	209	3.2	0.2
Nevada	8,191	644	7.9	0.3	331	4.0	0.3
New Hampshi	3,191	53	1.7	0.0	24	0.8	0.0
New Jersey	42,054	5,812	13.8	2.6	3,776	9.0	3.0
New Mexico	15,712	2,458	15.6	1.1	1,099	7.0	0.9
New York	159,169	40,526	25.5	18.0	25,974	16.3	20.5
North Carolin	41,011	716	1.7	0.3	329	0.8	0.3
North Dakota	2,525	76	3.0	0.0	39	1.6	0.0
Ohio	78,172	1,124	1.4	0.5	867	1.1	0.7
Oklahoma	26,001	592	2.3	0.3	292	1.1	0.2
Oregon	20,384	2,162	10.6	1.0	1,213	5.9	1.0
Pennsylvania	81,916	3,541	4.3	1.6	2,656	3.2	2.1
Rhode Island	6,385	1,055	16.5	0.5	552	8.7	0.4
South Carolin	25,277	230	0.9	0.1	93	0.4	0.1
South Dakota	3,387	48	1.4	0.0	26	0.8	0.0
Tennessee	45,105	299	0.7	0.1	226	0.5	0.2
Texas	190,602	37,054	19.4	16.4	16,952	8.9	13.4
Utah	7,646	407	5.3	0.2	223	2.9	0.2
Vermont	3,891	57	1.5	0.0	21	0.5	0.0
Virginia	38,193	1,487	3.9	0.7	1,120	2.9	0.9
Washington	35,232	5,650	16.0	2.5	3,668	10.4	2.9
West Virginia	19,958	140	0.7	0.1	57	0.3	0.0
Wisconsin	19,065	1,648	8.6	0.7	1,011	5.3	0.8
Wyoming	2,313	50	2.1	0.0	22	0.9	0.0
Guam	1,930	214	11.1	0.1	119	6.2	0.1
Virgin Islands	2,402	687	28.6	0.3	340	14.2	0.3
Total	1,870,039	225,257	-	100.0	126,473	-	100.0

Average Permanent Resident Unit Size = 3.0
Average FSP Unit Size = 2.5

SOURCE: Fiscal Year 1995 QC Database

NOTE: All estimates reflect an average month in 1995.

* Pro-rated benefits paid to persons in a given FSP unit equals the unit's total FSP benefits multiplied by the ratio of the number of aliens to total unit size.

TABLE III.5

DISTRIBUTION OF PERMANENT RESIDENT ALIEN FSP PARTICIPANTS, UNITS BY STATE

	All Units (000s)	All Participants (000s)	Units with Aliens			Alien Participants		
			Number (000s)	Percent of All State Units	Percent of National Alien Units	Number (000s)	Percent of All State Participants	Percent of National Alien Participants
Alabama	209	542	0.4	0.2	0.0	0.8	0.1	0.1
Alaska	15	45	0.4	2.6	0.0	0.5	1.1	0.0
Arizona	178	508	23.7	13.3	2.5	34.7	6.8	2.5
Arkansas	107	271	0.5	0.5	0.1	0.7	0.3	0.1
California	1,176	3,266	284.0	24.2	29.6	426.9	13.1	30.2
Colorado	103	248	6.6	6.4	0.7	10.5	4.3	0.7
Connecticut	100	238	5.8	5.8	0.6	8.7	3.7	0.6
Delaware	21	52	0.3	1.6	0.0	0.5	1.0	0.0
Dist. of Col.	43	98	1.5	3.5	0.2	1.9	2.0	0.1
Florida	588	1,425	94.0	16.0	9.8	125.6	8.8	8.9
Georgia	329	809	4.3	1.3	0.4	5.6	0.7	0.4
Hawaii	55	130	7.1	12.9	0.7	10.6	8.1	0.7
Idaho	30	79	1.6	5.2	0.2	2.3	2.9	0.2
Illinois	488	1,130	26.2	5.4	2.7	38.0	3.4	2.7
Indiana	183	464	2.0	1.1	0.2	2.2	0.5	0.2
Iowa	75	187	0.7	1.0	0.1	1.5	0.8	0.1
Kansas	75	192	2.2	3.0	0.2	3.9	2.0	0.3
Kentucky	187	488	0.6	0.3	0.1	0.8	0.2	0.1
Louisiana	267	724	3.3	1.3	0.3	5.4	0.7	0.4
Maine	60	129	0.5	0.9	0.1	0.6	0.4	0.0
Maryland	169	410	8.0	4.7	0.8	12.8	3.1	0.9
Massachusetts	178	429	19.5	10.9	2.0	29.9	7.0	2.1
Michigan	418	985	8.6	2.1	0.9	13.4	1.4	1.0
Minnesota	131	316	3.5	2.7	0.4	5.3	1.7	0.4
Mississippi	185	489	0.3	0.2	0.0	0.3	0.1	0.0
Missouri	237	592	2.6	1.1	0.3	4.6	0.8	0.3
Montana	28	71	0.3	0.9	0.0	0.4	0.5	0.0
Nebraska	43	106	0.6	1.4	0.1	0.9	0.8	0.1
Nevada	46	109	3.0	6.4	0.3	3.9	3.5	0.3
New Hampshire	25	58	0.5	1.8	0.0	0.6	1.0	0.0
New Jersey	234	557	26.5	11.3	2.8	41.4	7.4	2.9
New Mexico	87	241	9.8	11.3	1.0	15.2	6.3	1.1
New York	1,027	2,137	188.1	18.3	19.6	251.0	11.7	17.8
North Carolina	258	614	2.5	1.0	0.3	3.8	0.6	0.3
North Dakota	17	41	0.1	0.9	0.0	0.2	0.5	0.0
Ohio	506	1,170	6.7	1.3	0.7	11.9	1.0	0.8
Oklahoma	153	384	2.4	1.6	0.2	3.6	0.9	0.3
Oregon	132	298	7.1	5.4	0.7	11.7	3.9	0.8
Pennsylvania	516	1,172	10.4	2.0	1.1	22.9	2.0	1.6
Rhode Island	40	94	4.6	11.4	0.5	6.9	7.3	0.5
South Carolina	140	376	0.4	0.3	0.0	0.6	0.2	0.0
South Dakota	19	52	0.1	0.5	0.0	0.3	0.5	0.0
Tennessee	281	669	0.9	0.3	0.1	1.5	0.2	0.1
Texas	948	2,610	156.9	16.6	16.4	245.2	9.4	17.3
Utah	44	122	1.9	4.2	0.2	2.4	2.0	0.2
Vermont	27	63	0.2	0.8	0.0	0.2	0.4	0.0
Virginia	235	562	6.4	2.7	0.7	9.2	1.6	0.7
Washington	204	497	13.5	6.6	1.4	19.0	3.8	1.3
West Virginia	123	302	0.5	0.4	0.0	0.6	0.2	0.0
Wisconsin	119	329	2.9	2.4	0.3	7.4	2.3	0.5
Wyoming	13	35	0.3	2.3	0.0	0.4	1.1	0.0
Guam	5	16	0.7	13.7	0.1	0.8	5.2	0.1
Virgin Islands	7	24	2.2	30.1	0.2	3.5	14.6	0.2
Total	10,883	26,955	958	-	100.0	1,414	-	100.0

Average Permanent Resident Unit Size = 3.0

Average FSP Unit Size = 2.5

SOURCE: Fiscal Year 1995 QC Database

NOTE: All estimates reflect an average month in 1995.

TABLE III.6

DISTRIBUTION OF BENEFITS TO PERMANENT RESIDENT ALIEN UNITS BY STATE

	Total Benefits (\$000s)	Benefits to Alien Units			Pro-Rated* Benefits		
		Dollars (000s)	Percent of State Benefits	Percent of National Alien Benefits	Dollars (000s)	Percent of State Benefits	Percent of National Alien Benefits
Alabama	38,480	159	0.4	0.1	49	0.1	0.1
Alaska	3,997	84	2.1	0.0	29	0.7	0.0
Arizona	35,932	5,081	14.1	2.7	2,303	6.4	2.4
Arkansas	17,338	100	0.6	0.1	57	0.3	0.1
California	206,736	56,685	27.4	30.2	26,718	12.9	27.7
Colorado	17,652	1,320	7.5	0.7	665	3.8	0.7
Connecticut	14,033	910	6.5	0.5	519	3.7	0.5
Delaware	3,947	52	1.3	0.0	37	0.9	0.0
Dist. of Col.	7,348	237	3.2	0.1	153	2.1	0.2
Florida	104,830	15,605	14.9	8.3	8,983	8.6	9.3
Georgia	57,299	813	1.4	0.4	424	0.7	0.4
Hawaii	15,540	1,922	12.4	1.0	1,260	8.1	1.3
Idaho	5,068	308	6.1	0.2	116	2.3	0.1
Illinois	83,980	4,695	5.6	2.5	2,822	3.4	2.9
Indiana	31,310	479	1.5	0.3	188	0.6	0.2
Iowa	11,627	93	0.8	0.0	75	0.6	0.1
Kansas	12,526	503	4.0	0.3	245	2.0	0.3
Kentucky	31,222	85	0.3	0.0	37	0.1	0.0
Louisiana	50,854	646	1.3	0.3	377	0.7	0.4
Maine	9,144	66	0.7	0.0	28	0.3	0.0
Maryland	31,776	1,207	3.8	0.6	895	2.8	0.9
Massachusetts	27,171	3,327	12.2	1.8	1,800	6.6	1.9
Michigan	68,868	2,097	3.0	1.1	905	1.3	0.9
Minnesota	19,557	551	2.8	0.3	332	1.7	0.3
Mississippi	32,204	60	0.2	0.0	29	0.1	0.0
Missouri	40,836	531	1.3	0.3	331	0.8	0.3
Montana	4,553	44	1.0	0.0	21	0.5	0.0
Nebraska	6,499	140	2.2	0.1	64	1.0	0.1
Nevada	8,191	576	7.0	0.3	264	3.2	0.3
New Hampshi	3,191	30	1.0	0.0	17	0.5	0.0
New Jersey	42,054	5,048	12.0	2.7	3,208	7.6	3.3
New Mexico	15,712	2,218	14.1	1.2	923	5.9	1.0
New York	159,169	33,662	21.1	17.9	19,590	12.3	20.3
North Carolin	41,011	504	1.2	0.3	246	0.6	0.3
North Dakota	2,525	39	1.6	0.0	16	0.6	0.0
Ohio	78,172	916	1.2	0.5	659	0.8	0.7
Oklahoma	26,001	436	1.7	0.2	225	0.9	0.2
Oregon	20,384	1,414	6.9	0.8	683	3.3	0.7
Pennsylvania	81,916	2,214	2.7	1.2	1,654	2.0	1.7
Rhode Island	6,385	942	14.8	0.5	467	7.3	0.5
South Carolin	25,277	191	0.8	0.1	55	0.2	0.1
South Dakota	3,387	30	0.9	0.0	21	0.6	0.0
Tennessee	45,105	111	0.2	0.1	104	0.2	0.1
Texas	190,602	35,840	18.8	19.1	15,983	8.4	16.5
Utah	7,646	335	4.4	0.2	160	2.1	0.2
Vermont	3,891	39	1.0	0.0	11	0.3	0.0
Virginia	38,193	993	2.6	0.5	734	1.9	0.8
Washington	35,232	2,534	7.2	1.4	1,208	3.4	1.3
West Virginia	19,958	92	0.5	0.0	45	0.2	0.0
Wisconsin	19,065	714	3.7	0.4	385	2.0	0.4
Wyoming	2,313	46	2.0	0.0	20	0.9	0.0
Guam	1,930	214	11.1	0.1	119	6.2	0.1
Virgin Islands	2,402	687	28.6	0.4	340	14.2	0.4
Total	1,870,039	187,626	-	100.0	96,600	-	100.0

Average Permanent Resident Unit Size = 3.0

Average FSP Unit Size = 2.5

SOURCE: Fiscal Year 1995 QC Database

NOTE: All estimates reflect an average month in 1995.

* Pro-rated benefits paid to persons in a given FSP unit equals the unit's total FSP benefits multiplied by the ratio of the number of permanent resident aliens to total unit size.

TABLE III.7

AVERAGE BENEFITS AND CERTIFICATION PERIOD FOR UNITS WITH
PERMANENT RESIDENT ALIENS FOR SELECTED STATES

State	Average Benefit Per Unit (\$)	Average Certification Period (Months)
California	200	12
Florida	166	8
New York	179	10
Texas	228	7
All Other States	195	10
Total, All States	196	10
Average Permanent Resident Unit Size = 3.0		

SOURCE: Fiscal Year 1995 QC Database

NOTE: All estimates reflect an average month in 1995.

Committees of Jurisdiction

Budget -

Senate - Domenici & Lautenberg

House - Kasich & Spratt

Finance - Roth & Moynihan

Ways and Means - Archer & Rangel

Commerce - Bliley & Dingell

Judiciary

Hatch & Leahy

Abraham & Kennedy

Hyde & Conyers

Lamar Smith & Mel Watt

Supporters

Senate Republicans

- Chafee
- Jeffords
- Specter
- Abraham - to some extent
- Hatch (?)
- DeWine (?)

House Republicans

- Ros-Lehtinen
- Diaz-Balart
- Livingston (limited)

Senate Democrats

- Kennedy
- Graham
- Feinstein

House Democrats

- Becerra
- Berman
- Rangel

Caucuses

- Congressional Hispanic Caucus
- Congressional Asian Pacific American Caucus
- Congressional Urban Caucus

NATIONAL COUNCIL OF LA RAZA
WELFARE/IMMIGRATION MEETING
SIGN-IN SHEET
FEBRUARY 25, 1997

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SALLY SHAKE	EDUCATION LEGISLATIVE SERVICES, INC.	202-544-7364		

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JENNIFER ZEITZER	ALZHEIMER'S ASSOCIATION	202-393-7737	202-393-2109	jennifer.zeit ser@alz.or g

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BYRON CHARLTON	AFLCIO		202-637-5058	
MARSHALL MATZ/COLLEEN KAVANAGH	ASFSA		202-234-3550	
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SHARON DALEY/LISA CARR	CATHOLIC CHARITIES		703-549-6280	
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HELEN BLANK	CDF		202-662-3560	
ELLEN WITMAN	CJF		202-232-4963	
LISA ZACHARY	CJF/WAO		202-785-4937	
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DEBBIE MARK/MICHAEL SENDEL			202-212-967-4483	
ELLEN TELLER	FRAC		202-986-2525	
FRANKLIN LOGAN	LA COUNTY		202-737-2832	
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DAVID KAMER	MALDEF		202-393-4206	
MICHAEL MYERS/PATTY FIRST	MICHAEL MYERS/PATTY		202-224-5128	
JAMES ZAPATA	NABE		202-789-2866	

MARILENA SANZ			202-942-4281	
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CAROLYN HENRICH	NAT'L PTA		202-331-1406	
ANN MORSE/SHERI STEISEL	NCSL		202-737-1069	
DIANE SCHUST	NEA		202-822-7741	
SUSAN GOLANKA	NGA		202-624-5313	
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LEGAL IMMIGRATION STRATEGY GROUP

March 24, 1997

*Need Communications
*Packet

*Event
*Regular mtg Mon @ 4

- Feedback from meeting with groups ~~Feedback~~
- Resolution of date of onset/disability issue
- Comments on Levin process - also gps process
- Other upcoming intergovernmental group opportunities
- How bucket will be rolled out
- Next steps on strategy:

- Congressional - targeting - Admin activity in their district
 - Groups
 - Media/events - radio address? Magw/advocacy gps; Rally - LA, CA
 - Q&A
 - Spec att'n to both
- DLC packet of info

- Icy commo
- moderates
- HHS has a list
- Chris, Lubans

Wed - press being briefed

3/31 - Conf call w/ State legislators
Mayors - wait till targeting
LA County - Emily will call

Bill - w/in next wk

Secy events

3/31
- BI mayor STR
- Giuliani w/ Mayors - conf
- SA Workshops
- US - Due Wed @ noon
- 4/16 - Hispanic w/ P (Becerra rep)

TO: Bruce Reed

FROM: Diana Fortuna *DF*

CC: Elena Kagan
Cynthia Rice
Steve Warnath

RE: Materials for Legal Immigration Briefing Friday at 11

DATE: March 20, 1997

Thanks for agreeing to do a quick drop-by at the mass briefing of advocacy groups on our legal immigration proposals. We will have a crowd of over 100. It would be ideal if you could come at the beginning, and stay for 5 minutes. Q&A will be after you depart.

Attached are:

- talking points for you
- a list of the groups attending
- the packet that the groups will get (agenda, a 5-page summary of our proposals, and some recent quotes from the President and Vice President)
- a set of internal Q&A's
- an HHS summary of related bills on the Hill

The order of speakers is supposed to be:

- Maria Echaveste -- Welcome
- You -- Overview
- Jack Lew -- Budget/Hill perspective
- John Callahan (Acting SSA Commissioner) -- SSA perspective and summary of our plan
- Donna Shalala -- general rallying cry; effect on state/local governments, providers
- Janet Murguia -- more Hill perspective
- SSA will distribute state-by-state estimates of the number of people who will lose SSI
- Comments/questions -- *help w/ Q&A's = block grant, TANF, vsp, m2, disab reg, sponsors, heavy vltie.*

Since you, Jack Lew, and Shalala are all just dropping by, we may have to do some shuffling of the agenda if people are early or late.

Sorry if I'm stating the obvious, but these groups will be particularly interested to hear whether you are interested in this issue, as opposed to welfare to work -- so it would probably be best not to talk about welfare to work except in passing. *- delay*

Draft Talking Points
Briefing on Administration's Legal Immigration Proposals

- Restoring benefits to legal immigrants is an absolutely critical part of the Administration's agenda for this year.
- These cuts have nothing to do with welfare reform's goal of returning people to work.
- Our budget follows through on the commitment the President made when he signed the bill.
- The President is talking about this issue as he travels the country -- even though the press isn't always picking it up. For example, when he visited the state legislatures in Maryland and Michigan to discuss education reform, he also spoke about the need for restoring benefits to legal immigrants.
- We must keep building momentum to change the law. The NGA resolution was helpful, but we must keep pushing.
- It is unfortunate but true that we will gain momentum and allies during the spring and summer, as the SSI and food stamp cut-offs draw near. Media stories about people whose lives will be devastated by these changes will help us make our case.
- The Congressional leadership's preferred approach of a temporary block grant to states is not acceptable to the Administration.
- The Administration is reaching out to members of Congress and affected groups. The President is going to keep talking about it.

Note: there is no need for you to summarize our budget proposal, since others will do so and most of the people in the room are familiar with it, but here it is in case you want it:

Basic description of proposals:

- Restore SSI and Medicaid to legal immigrants who are disabled after entry, and to immigrant children
- Extend the eligibility period for refugees and asylees for SSI and Medicaid from 5 to 7 years
- Delay the ban on food stamps for legal immigrants from April to September 1997
- Cost: \$14.6 billion over 5 years

Legal Immigration Briefing
Friday March 21, 1997 Room 450

Participants

Eileen M. Collins
Jack Bresch
Suzanne Hansen
Lynne Patricia Fagnani
Sherry Hayes
Jack Bresch
Colleen Courteny Bloom
Barbara Louise Gay
Leslie C. Cobb
Jeff Sanders
Kate Kellenberg
Eileen McGrath
Bruce Yarwood
Cheryl Peterson
Kathy Bryant
Cynthia Woodside
Lawrence Moore, III

Eve Brooks
Karabelle Pissigati
Lauri Lipper
Jim Weill
Ed Kealy/Catherine Ghram
Anne Bryant
Mike Casserly

Daphne Kwok
Bob Sakaniwa
Jayne Parks
Matthew Finucane

Jennifer Vasilof
Cecilia Nunoz
Pat Reuss
Ann Hoffman
Ileann Jimenez

Organization

Provider Organizations

American Hospital Association
Catholic Health Alliance
NACH
National Assn Public Hospitals & Health Systems
Protestant Health Alliance
Catholic Health Association
American Assn. for Homes & Services for Aging
American Assn. for Homes & Services for Aging
American Academy of Pediatrics
Association of American Medical Colleges
Nat. Assn of Community Health Centers
American Medical Womens' Association
American Health Care Association
American Nurses Association
American College of OBGYNs
National Assn of Social Workers
National Assn of Social Workers

Children's Organizations

Association of Child Advocates
Child Welfare League of America
The Children's Partnership
Children's Defense Fund
Committee for Educational Funding
National School Boards Association
Council of Great City Schools

Asian American Organizations

Organization for Chinese Americans
Japanese American Citizen's League
Asian Pacific American Legal Consortium
Asian Pacific American Labor Alliance

Women's Organizations

Coalition on Human Needs
La Raza
NOW/LDEF
UNITE
MANA

Deborah Weinstein
Evangelina Frescas Dobbs
Lesley Orloff

Marty Ford
Justin Dart
Pat Wright
Billie Jean Keith
Speeve David

Elizabeth Birch
Luis Buitrago
Kerry Lobel
Martin Ornelas-Quintero
Keith Boykin
Sandra Gillis
Elizabeth McGrail
Andrew Greenfield
Michael Maggio
Lavi Soloway
Wing Ng

Vicki Mongiardo
Houeida Saad
Maher Hanania
May Berry
Zanku Armenian
Christopher Hekimian
Martins Zvaners
Russell Zavistovich
Abdurahman Alamoudi
Rita Mullan
Robert W. Tobin
John Kromkowski
Nancy Huber
Christine Bageac
Armand A. Scala
Lindita Imami
Reverend Imre A. Bertalan
Laszlo Pasztor
Frank Koszorus
Dale Denda

Children's Defense Fund
Wider Opportunities for Women
AYUDA

Disability Organizations

Consortium of Citizens with Disabilities/The Arc
Justice For All
Disability Rights Education and Defense Fund
National Council on Disability
National Council on Disability

Gay/Lesbian Organizations

Human Rights Campaign
National Latino Lesbian & Gay Organization
NGLTF
LLEGO
BGLLF
PFLAG
Lesbian & Gay Immigration Rights Task Force
Immigration lawyer
Immigration lawyer
Lesbian & Gay Immigration Rights Task Force
Gay Mens Health Crisis

Ethnic Organizations

American Arab Anti-Discrimination Committee
American Federation of Ramallah, Palestine
Arab American Institute
Armenian National Committee of America
Armenian National Committee of America
American Latvian Association
Belarusian Congress Committee of America
American Muslim Council
Americans for a New Irish Agenda
Ancient Order of Hibernians
Catholic University of America
Central Coordinating Committee
Congress of Romanian Americans, Inc.
Congress of Romanian Americans, Inc.
National Albanian American Council
Hungarian American Coalition
National Federation of American Hungarians
Hungarian American Federation of Metropolitan DC
National Federation of Polish Americans

Ms. Nuala F. Moore
Ms. Dayle Spinelli Lewis
Father Sean McManus
Monica Amarelo
Robert Blancato
Sophia Miskiewicz
Vello Ederma
Nancy Donahue
Ihor Gawdiak
Eugene Iwanciw

Jaydee Hanson
Bronwyn Lance
Father Robert Brooks
Jaydee Hanson
Nicola Jefferson
Richard Parkins
Tom Hart
Kara Morrow
Cynthia Philips
Jennifer Consilvio

David Harris
Ellen Whitman
Richard Foltin
Brittanie Zelkind
Deena Margolis
Lisa Zachary
Mark Levin
Stephen Silberfarb
Abba Cohen
Murray Tenenbaum
Tami Schultz
Elaine Senter
Reva Price
Mark Hetfield
Shara Abraham
Susan Silverman

Ana Maria Rivas-Beck
Marisa Demeo
Jaime Zapata

Irish American Unity Conference
Order Sons of Italy
Irish National Caucus
PALCUS
Italian American Democratic Leadership Council
Polish American Congress
Joint Baltic American National Committee
Rosapepe and Spanos
Ukrainian American Coordinating Council
Ukrainian National Association

Religious Organizations

United Methodist Church
Lutheran Immigration & Refugee Service
The Episcopal Church
The United Methodist Church
NCC/CWS--Immigration & Refugee Program
Episcopal Parkins
Immigration Coalition Committee
Jesuit Social Ministries
United States Catholic Conference
The Jesuit Conference

Jewish Organizations

American Jewish Congress
American Jewish Congress
American Jewish Committee
American Jewish Committee
National Council of Jewish Women
Council of Jewish Federations
National Conference on Soviet Jewry
National Jewish Democratic Council
Agudath Israel of America
Jewish Comm. Council of Greater Washington
Jewish Community Council of Greater Washington
Hadassah
Jewish Council for Public Affairs
Hebrew Immigrant Aid
Religious Action Center of Reform Judaism
Anti-Defamation League

Hispanic Organizations

Coalition of Hispanic Health & Human Services Org.
MALDEF
National Assn. For Bilingual Education

Tomasa Gonzalez
Ralph Del Aguia

Karabelle Pizzigati
Thomas R. Brooks
Gabriela Uro
Tanya Oubrey
Ashley Giglio
Sally Shake
Brian Koman

Elizabeth Quinn
Dale Frederick Swartz, III
Andrew B. Greenfield
Wendy Zimmerman
Judith E. Golub
Gayle R. Nathanson
Chai Feldblum
Eula Tate
Suzanne Ramos
Kevin Layton
Seth Kilbourne
Jeremy Meadows
Joshua Bernstein
Deborah Sanders
David Super
Karen Lightfoot

Gregory Thomas Nojeim
Jeanne Butterfield
Berta Romero
Francis Peter Sharry Jr.

National Hispanic Council on Aging
Natl. Assn. of Latino Elected & Appointed Officials

Education Organizations

Child Welfare League of America
Child Welfare League of America
Council of City Schools
DOE
American Association of Community Colleges
Education Legislative Services
Leadership Conference Education Fund

Immigration Organizations

Maggio & Kattar
Rick Swartz & Associates
Freilicher & Hoffman, P.C.
Urban Institute
American Immigration Lawyers Assn.
American Immigration Lawyers Assn.
Georgetown Univ. Law Center
United Auto Workers
Wilmer, Cutler & Pickering
Human Rights Campaign
Human Rights Campaign
National Conference of State Legislators
NILC
Washington Lawyers Committee
Center on Budget & Policy Priorities
Center on Budget & Policy Priorities

American Civil Liberties Union
American Lawyers Assn.
Interaction
National Immigration Forum

**WHITE HOUSE BRIEFING
ON
LEGAL IMMIGRATION**

Friday, March 21, 1997
Room 450
11:00 am

WELCOME AND INTRODUCTION

Maria Echaveste
Assistant to the President and
Director, Office of Public Liaison

REMARKS

Secretary Donna Shalala

Bruce Reed
Assistant to the President for Domestic Policy
Domestic Policy Council

*

Jack Lew
Deputy Director, Office of Management and Budget

*

John J. Callahan
Acting Commissioner, Social Security Administration

*

Janet Murguia
Deputy Assistant to the President for Legislative Affairs

QUESTIONS AND COMMENTS

**RECENT STATEMENTS BY
PRESIDENT CLINTON AND VICE PRESIDENT GORE
Regarding Benefits for Legal Immigrants**

"I signed the welfare reform bill, but I said when I signed it I thought we made a mistake to eliminate all aid to legal immigrants. Now, when an immigrant comes to America... they have to promise that they won't try to get on welfare and they won't take any public money. That is true. But it's also true it takes five years to become a citizen, meanwhile you work and you pay taxes. And in a country like ours that lets in a significant number of immigrants -- in your largest county now, you have people from over 140 different racial and ethnic groups. Bad things are going to happen to good people just when they show up every day. There will be car wrecks, there will be serious illnesses, there will be crime victims, and I personally think it's wrong to either dump that problem on the door of the state legislature or, in the alternative, just tell them to do without.

"This is a great nation of immigrants. I think this is unworthy of us and I'm going to try to change it, and I hope that you will support that."

President Clinton, Remarks to the Joint Session of the Michigan Legislature, March 6, 1997

"...last year when Congress passed legislation to reform America's welfare system, they included one provision that did not respect diversity and had absolutely nothing to do with moving Americans from welfare to work. The bill I refer to singled out legal immigrants -- legal immigrants -- for the harsh and unfair treatment spelled out in that provision.

"Let me state it plainly: It is wrong to tell four million people in California who work here, pay taxes here, maybe even serve in the military here in many cases, that if somebody mugs you in a dark alley or if your child suddenly falls seriously ill, or you or your spouse are injured at work, that you're not going to receive the helping hand that everyone else who is legally living here is entitled to. That is wrong, it must change. If I can use a sometimes explosive term, in my opinion it is un-American. These provisions are unworthy of a nation of immigrants. We must change them, and I ask for your help in changing them.

"These provisions will cause pain and rip away at California's budget. So we're going to do our very best to change these provisions and I appreciate the support you've indicated for this effort."

Vice President Gore, Remarks to the California Legislature, March 13, 1997

IMMIGRATION BILLS INTRODUCED RELATING TO IMMIGRANT'S ELIGIBILITY FOR BENEFITS

H.R. 601

SPONSOR: Rep Frank, (introduced 02/05/97)

TITLE: A bill to amend the Immigration and Nationality Act to permit local educational agencies to waive the reimbursement of the agency otherwise required for an alien to be accorded nonimmigrant status to study at a public secondary school administered by the agency.

H.R. 663

SPONSOR: Rep Meek, (introduced 02/10/97)

TITLE: A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an exception to limited eligibility for the supplemental security income program for permanent resident aliens .

DIGEST: Legal Immigrants' Fairness Act of 1997 - Amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to permit legally admitted permanent resident aliens to receive Federal Supplemental Security Income (SSI) (and Medicaid) payments.

H.R. 666

SPONSOR: Rep Ros-Lehtinen, (introduced 02/11/97)

TITLE: A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 relating to welfare and public benefits for aliens.

DIGEST: Provides for an exception to limited eligibility for SSI and Food stamps for permanent resident aliens who are unable to naturalize because of a disability and for aliens who have an application pending for naturalization.

H.R. 667

SPONSOR: Rep Diaz-Balart, (introduced 02/11/97)

TITLE: A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an exception to limited eligibility for SSI and Food Stamps for totally and permanently disabled permanent resident aliens.

The Coalition's Common Sense Balanced Budget for FY98

SPONSOR: Rep. David Minge for The Coalition, (*released 02/26/97*)

DIGEST: Reserves funding to allow vulnerable immigrants who were legally residing in the United States prior to the enactment of the welfare reform bill to continue to receive SSI and food stamps for two years before losing benefits to provide time for state and local governments to prepare for the impact of this provision, reducing savings from the denial of benefits by \$3.5-4 billion.

IMMIGRATION BILLS INTRODUCED RELATING TO EXEMPTION FROM NATURALIZATION REQUIREMENTS OR EXPEDITED NATURALIZATION

S.118

SPONSOR: Sen Inouye, (introduced 01/21/97)

TITLE: A bill to provide for the completion of the naturalization process for certain nationals of the Philippines.

DIGEST: Amends the Immigration and Nationality Act of 1990 with respect to the naturalization of certain Philippine World War II veterans.

H.R.371

SPONSOR: Rep Vento, (introduced 01/07/97)

TITLE: A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos.

DIGEST: Hmong Veterans' Naturalization Act of 1997 - Waives the English language naturalization requirement for certain aliens (or their spouses or widows) who served with special guerilla units in Laos. Provides for naturalization under the Immigration and Nationality Act through such service.

H.R.574

SPONSOR: Rep Mink, (introduced 02/04/97)

TITLE: A bill to amend the Immigration and Nationality Act to provide for less restrictive standards for naturalization as a citizen of the United States for certain categories of persons.

DIGEST: Amends the Immigration and Nationality Act to exempt from certain naturalization requirements persons who: (1) have lived in the United States for at least 20 years; (2) are eligible for Social Security benefits; (3) are U.S. veterans; or (4) are at least 70 years old.

H.R.602

SPONSOR: Rep Frank, (introduced 02/05/97)

TITLE: A bill to amend the Immigration and Nationality Act to require the Attorney General to provide for special consideration concerning the English language requirements with respect to the naturalization of individuals over 65 years of age.

H.R.662

SPONSOR: Rep Meek, (introduced 02/10/97)

TITLE: A bill to amend the Immigration and Nationality Act relating to fulfillment by elderly persons of the requirements for naturalization.

DIGEST: Naturalization of Older Persons Act of 1997 - Amends the Immigration and Nationality Act to exempt certain older persons from the U.S. knowledge naturalization requirement, and to permit certain other older persons to fulfill such requirement in another language.

Cynthia These are the dates

**WELFARE REFORM IMMIGRANT PROVISIONS
IMPLEMENTATION EFFECTIVE DATES**

DRAFT

- August 22, 1996 P.L. 104-193 passed; Qualified Aliens entering on or after 8/22/96 are: ineligible for federal means-tested benefits for five years after entry (except for refugees, asylees, and aliens whose deportation has been withheld for 5 years after date such status is received; and veterans/active duty military and dependents); and ineligible for SSI and Food Stamps until citizenship (except for above exceptions, plus an exception for legal permanent residents who have earned 40 qualifying quarters of covered employment).
- January 1, 1997 States have the option to deny Medicaid, TANF, and Title XX Social Services Block Grant benefits to pre-August 1996 qualified aliens. Three states currently plan to deny TANF coverage to qualified aliens (Alabama, Wyoming, and South Carolina beginning March 31, 1997). No states have reported that they plan to deny Medicaid or SSBG.
- January 13, 1996 HCFA issued a regulation giving states extra time to redetermine Medicaid eligibility for immigrants losing SSI. Medicaid continues until this redetermination takes place.
- January 22, 1996 HCFA transmitted to the states a state Medicaid Manual providing policy guidance on issues relating to Medicaid coverage for immigrants, among other issues. HCFA also sent state Medicaid directors letters regarding waivers on February 5, 1997.
- February 1 -
March 31, 1997 First notices of SSI ineligibility were sent to approximately 900,000 current noncitizen SSI recipients the first week of February 1997; first notices will continue to be sent on staggered basis of 112,500 per week over 8 weeks. SSI recipients must then establish that they are either citizens or otherwise exempt before August. All notices will be sent by March 31, 1997.
- Late March New legally binding affidavits of support promulgated; all family-based and some employment-based legal immigrants required to submit affidavits as condition of entry. These immigrants will be subject to new deeming until citizenship rules under federal means-tested programs after the 5-year ban on eligibility (unless they have 40 quarters of covered employment).
- April 1 - August
22, 1997 Current Food Stamps recipients who are qualified aliens become ineligible for Food Stamps upon redetermination. Most states have already notified current recipients of changes, although they are not required to by statute.

DRAFT**July-August 1997**

Notices of Planned Action (NPAs) informing immigrant recipients of SSI benefit termination in 30 days will be sent. Those receiving first notices in February will receive NPAs in July; those receiving first notices in March will receive NPAs in August.

August 22, 1997

All Qualified Aliens become ineligible for SSI and Food Stamps until citizenship unless they meet one of the exemptions (refugees, asylees, and aliens whose deportation has been withheld for 5 years after date such status is received; legal permanent residents who have earned 40 qualifying quarters; and veterans/active duty military and dependents).

TREATING LEGAL IMMIGRANTS FAIRLY: SUMMARY

"We must join together to do something else, too, something both Republican and Democratic Governors have asked us to do: to restore basic health and disability benefits when misfortune strikes immigrants who came to this country legally, who work hard, pay taxes and obey the law. To do otherwise is simply unworthy of a great nation of immigrants."

-President Clinton, 1997 State of the Union.

Restoring fair treatment for legal immigrants is a key part of the President's agenda this year.

The President's budget proposal makes good on his promise to correct the welfare law's harsh provisions on legal immigrants -- provisions that punish children and legal immigrants with severe disabilities, and burden State and local governments. The welfare law denies most legal immigrants access to fundamental safety net programs unless they become citizens -- even though they are in the U.S. legally, are responsible members of our communities, and in many cases have worked and paid taxes. These provisions have nothing to do with the real goal of welfare reform, which is to move people from welfare to work.

- The President's budget proposes to restore Supplemental Security Income (SSI) and Medicaid to legal immigrants who become disabled after they entered the country and to legal immigrant children. This country should protect legal immigrants and their families -- people admitted as permanent members of the American community -- when they suffer accidents or illnesses that prevent them from earning a living. Similarly, the country should provide Medicaid to legal immigrant children if their families are impoverished.
- The President proposes to extend the SSI and Medicaid eligibility period for refugees and asylees from 5 to 7 years, to give that vulnerable group additional time to naturalize.
- Finally, the budget proposes to delay the ban on Food Stamps for legal immigrants from April to September 1997 to provide more time for immigrants who are in the process of naturalizing to complete the process.

The President's proposal would reinstate SSI eligibility for approximately 320,000 severely disabled legal immigrants. Of these 320,000 immigrants, the budget restores Medicaid coverage to 195,000 disabled legal immigrants. In addition, the proposal restores Medicaid coverage to about 30,000 non-disabled legal immigrant children. The cost of these immigrant proposals is \$14.6 billion over 5 years -- \$9.7 billion in SSI costs, and \$4.9 billion in Medicaid costs.

In January, the National Governors' Association agreed that the legal immigrant provisions of the welfare law will cause a considerable cost shift to some states and expressed concerns about the effect of the law on aged and disabled legal immigrants. Providing state-funded benefits to this needy population will divert resources from job training and child care -- which are critical to moving people from welfare to work. The NGA passed a resolution asking Congress and the President to work together to find a equitable solution for states and vulnerable legal immigrants without reopening the welfare reform debate. The President's proposal would do just that.

TREATING LEGAL IMMIGRANTS FAIRLY: RESTORING BENEFITS FOR LEGAL IMMIGRANTS WITH SEVERE DISABILITIES

The President's budget would restore SSI benefits for 312,000 legal immigrant adults who become disabled after their entry into the U.S., in recognition of the fact that they cannot provide for their own support through work. Of those 312,000 legal immigrant adults, approximately 195,000 adults would have Medicaid coverage restored.

Denying SSI eligibility to aged and disabled legal immigrants has nothing to do with welfare reform. Barring legal immigrants who played by the rules and entered the country according to our laws from programs available to all other taxpayers is unfair and shortsighted.

- Approximately 900,000 SSI recipients are now receiving notices that they are at risk of losing their benefits, unless they can show that they are citizens or are in one of a narrow group of exceptions. Under current law, over 400,000 legal immigrants will lose their SSI benefits in August and September of this year.
- Disabled legal immigrants who have sponsors can turn to them for assistance, but many sponsors can't afford the extra costs associated with a disability. In addition, an estimated 44% of legal immigrants, such as refugees, never had sponsors in the first place. Others had sponsors who have died or ceased to support them.
- Many disabled legal immigrants are elderly and reside in nursing homes or assisted living facilities. Without SSI cash assistance, they may face eviction from assisted living arrangements. About 39,000 legal immigrants are in nursing homes and a large number have difficulties with the activities of daily living.
- Nearly 70% of legal immigrants on SSI are over age 65; nearly 30% are over 75 years of age.
- Without SSI payments, state and local governments and private charities will become the prime source of assistance to legal immigrants with severe disabilities.
- In addition, under current state Medicaid plans, it appears that some states may have no provision to continue Medicaid coverage for legal immigrants who lose their SSI. In some states, disabled recipients who lose their SSI may also be without any help for medical expenses.

TREATING LEGAL IMMIGRANTS FAIRLY: PROTECTION FOR LEGAL IMMIGRANT CHILDREN

The President proposes to restore SSI and Medicaid for legal immigrant children.

- The welfare reform law denies SSI and Medicaid to many legal immigrant children who become seriously ill, or have an accident and become disabled, and whose families fall on hard times. It also denies preventive services under Medicaid to legal immigrant children, likely leading to more costly health problems in the future. This policy threatens the health and well-being of a very vulnerable population -- legal immigrant children of low-income parents who need medical services or cash assistance (if disabled), and cannot work their way out of need. We all lose if we deny future citizens the care and support that all children need.
- Under the President's proposal, legal immigrant children would continue to be eligible for SSI and Medicaid. In FY 1998, this proposal would protect SSI and Medicaid eligibility for about 8,000 disabled legal immigrant children, and ensure medical care for about another 30,000 non-disabled children. Existing program income eligibility rules are not affected; only legal immigrant children who are members of low-income families would be eligible for the restored SSI and Medicaid.
- The President's proposal does not undermine or "reopen" welfare reform. The welfare reform provisions denying assistance to legal immigrant children have nothing to do with the central goal of welfare reform: moving people from welfare to work. Instead, the President's proposal protects access to health care for vulnerable low-income children who are permanent members of this nation's communities, cannot work, and do not have any other means of health care. It also protects cash assistance for low-income immigrant children with severe disabilities.
- It is important to note that legal immigrant children cannot become naturalized citizens unless both parents are citizens, or the surviving or custodial parent is a citizen. Therefore, unlike adult legal immigrants, children immigrants do not have an independent avenue to naturalization. For example, orphaned immigrant children must be adopted by a U.S. citizen in order to be classified as a citizen.
- The SSI and Medicaid costs associated with these immigrant children are about \$400 million over 5 years. This policy will ensure that low-income immigrant families with severely disabled immigrant children continue to have a safety net of SSI and Medicaid. It also guarantees that non-disabled legal immigrant children are protected by the Medicaid benefit package, which provides on-going assistance for children suffering from chronic asthma, screening for developmental disabilities, and well-child and preventive care to prevent the need for intensive and costly care in the future.

TREATING LEGAL IMMIGRANTS FAIRLY: EXTENDING ELIGIBILITY FOR REFUGEES

- As a nation of immigrants, this country has a long-standing policy of welcoming to this country refugees and asylees who are fleeing persecution in their home country, and helping them resettle in their new home.
- Under the welfare law, refugees and asylees are exempt from SSI and Medicaid eligibility restrictions for the first 5 years that they are in the U.S. However, after 5 years, needy refugees and asylees would be denied SSI benefits, and Medicaid coverage is a state option rather than guaranteed.
- The President's proposal would extend from 5 to 7 years the period of SSI and Medicaid eligibility for refugees and asylees. This extension would alleviate current hardships while providing elderly refugees an extra 2 years to learn English well enough to naturalize. This policy would cost about \$700 million over 5 years, and protect eligibility for about 17,000 refugees and asylees in FY 1998.
- Few refugees arrive with any financial assets that can be used for self-support. In addition, refugees do not have sponsors.
- Refugees and asylees need a longer eligibility period for assistance than other legal immigrants because of the circumstances that bring them to this country in the first place. Refugees and asylees come to the U.S. with a history of persecution in their country of origin. These individuals frequently experience greater difficulties putting their lives together and becoming self-supporting than other legal immigrants. About one-half of refugees speak little or no English when they arrive here; only about one-tenth speak English fluently.
- Elderly refugees are a particularly vulnerable group. SSA data indicate that of the estimated 58,000 elderly refugees who will lose their SSI eligibility in August/September 1997, 24,000 are aged 75 or older. An estimated two-thirds (38,000) of the 58,000 are severely disabled.
- Generally, refugees and asylees may apply for citizenship after residing in the United States for 5 years. However, the naturalization process can take up to a year, or more. Therefore, individuals who entered the U.S. as refugees or asylees will lose their SSI -- and potentially their Medicaid -- before completing the application process for citizenship, even if they apply for citizenship as soon as they meet the 5 year residency requirement. Also, many elderly refugees are not able to acquire sufficient English language skills in this period of time to pass the citizenship test.
- In refugee communities, the pending loss of SSI and Medicaid and the inability to become naturalized citizens is a major concern. Elderly refugees are understandably terrified that they will be left destitute and homeless.

TREATING LEGAL IMMIGRANTS FAIRLY: THE FOOD STAMP PROGRAM

The welfare reform law made most legal immigrants ineligible to participate in the Food Stamp Program. It was effective immediately for new applicants and at the next recertification for already participating non-citizens.

Concerned about the impact of the law on legal immigrants, who are in the country legally and, in many cases, work and pay taxes, the Administration has worked since the passage of the law to ensure fairer treatment for legal immigrants.

- As an immediate first step, on the day he signed the law the President signed a directive instructing USDA to allow states to extend the certification periods (the time during which people are authorized to receive benefits) of currently participating non-citizens in order to ensure that their recertification be made fairly and accurately. USDA responded by issuing a memorandum to all state agencies on August 26, 1996 that waived Food Stamp regulations and allowed state agencies to extend the certification periods of all households containing participating noncitizen members up to the maximum time permitted by law -- 12 months (24 months in the cases of households with all elderly or disabled adult members), though not beyond August 22, 1997.
- The President then signed the Omnibus Consolidated Appropriations Act on September 30, 1996, which delayed implementation of the welfare law's provisions for participating legal immigrants until April 1, 1997. As a result, state agencies must redetermine the eligibility of all legal immigrant recipients between April 1, 1997 and August 22, 1997. USDA provided written guidance on implementing the new law to State agencies on October 2, 1996.
- On October 18, 1996, USDA provided written guidance to State agencies on how to implement the provision allowing legal immigrants who have worked or can be credited with 40 quarters of qualified work to receive food stamps. USDA authorized certification pending verification for immigrants who, alone or in combination with parents and/or spouse, have spent sufficient time in the U.S. to have acquired 40 quarters of coverage. These individuals need only to attest to 40 quarters of qualifying work at the time of application to meet the 40 quarters test, with subsequent verification by SSA.
- USDA has been working closely with states to develop ways to manage certification periods to ensure that legal immigrants can continue to participate in the Food Stamp Program through August 1997. Thirty-two states continue to use the certification period waiver to extend benefits.
- Finally, the President's budget includes a provision that would extend participation of certified legal immigrants through the end of fiscal year 1997, thus providing them more time to naturalize or to achieve the needed 40 quarters of work to qualify for the program.

An Official Promise of Help For Area's Older Immigrants

U.S. Agency Lobbying to Restore Some Welfare Benefits

By Pamela Constable
Washington Post Staff Writer

Inez Munoz's voice and hands trembled yesterday as she tried to explain her situation in Spanish to the federal official in the gray suit. Like thousands of other elderly immigrants in the Washington area, she recently received a letter saying that her Supplemental Security Income check will stop coming this fall—and she has barely slept a night since.

"I am very nervous and worried. I love this country, and I worked here for 12 years, but I am too old to work now," the 69-year-old Chilean woman told John J. Callahan, the acting federal commissioner of the Social Security Administration, who was visiting the Latin American senior citizens center in Adams-Morgan.

Callahan also met yesterday with elderly immigrants from China and Ethiopia at two other community centers in the District. His tour was part of a lobbying campaign by the Baltimore-based agency to soften parts of the welfare reform act passed by Congress last year.

Lawmakers who enacted the legislation were concerned by the number of immigrants among recipients of Supplemental Security Income (SSI), a benefit for poor elderly and disabled people. Of 6.5 million current recipients nationwide, about 900,000 are immigrants.

Under the new law, as many as 500,000 of those immigrants could lose their SSI benefits, and in many cases their

Medicaid benefits as well, unless they become U.S. citizens, prove they have worked here for 10 years, or entered the country as refugees in the last five years.

"We know these are troubled times for you, but keep your chins up," Callahan told about 100 elderly Latinos. He said his agency would fight for legislation proposed by President Clinton in his 1997-98 budget that would restore the benefits to immigrants who became disabled after arriving here and to refugees who entered the country up to seven years ago.

During all three stops, Callahan heard tales of elderly immigrants who came to the United States a decade or more ago, worked until they were no longer able, or tried to apply for U.S. citizenship but couldn't master enough English to pass the test.

Many told him that SSI, which averages \$425 a month, is their sole income.

At the Ethiopian Community Center, white-haired women wearing head shawls murmured in Amharic while staff members translated their concerns. Some touched their eyes or legs as they explained their ailments, and fingered their shawls worriedly as they listened to the visitors.

"My mother never spoke English and she doesn't know the alphabet, so it is impossible for her to learn now," said Sehait Beresu, an Ethiopian immigrant who accompanied her mother. "I have three chil-

See BENEFITS, D5, Col. 3



BY DAYNA SMITH — THE WASHINGTON POST

Yaltashework Shlbru, left, and Atsedewyn Wondafirash listen at the Ethiopian Community Center as Social Security official John J. Callahan explains benefit cuts.



Ankese Sahle is among older immigrants who may lose their monthly Supplemental Security Income checks because of welfare reform.

Social Security Lobbies to Soften Benefit Cuts for Older Immigrants

BENEFITS, From D1

dren to support, and I cannot help her. I know there are illegal people who abuse the system, but these are legal grandmothers who deserve to be respected."

In Adams-Morgan, a Cuban refugee named Amable Hidalgo told Callahan he was just a few work credits short of qualifying

to keep his benefits. The 75-year-old said that he fled Cuba in 1980 and worked as a waiter but that his eyesight and legs had deteriorated too much to keep going.

"I never wanted the government to support me, but I have no choice," Hidalgo said. "If they take this away, how do I feed and dress myself? How do I pay the rent? This is making me sick and crazy."



PHOTOS BY DAYNA SMITH—THE WASHINGTON POST

Atsedewyn Wondafirash waits to discuss her financial situation.

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Giuliani Calls For Changing Welfare Law

By DAVID FIRESTONE

WASHINGTON, March 20. — Faced with the impending cutoff of Federal benefits for 200,000 legal immigrants in New York City, Mayor Rudolph W. Giuliani came here today to lobby Senate Republicans for a change in the new welfare law that would minimize the effect on immigrants already in the country.

The Mayor met with his on-and-off rival, Senator Alfonse M. D'Amato of New York, who said he agreed with Mr. Giuliani on the need for a "grandfather" provision that would allow legal immigrants already in the United States to retain the right to receive food stamps and Supplemental Security Income, which provides benefits to the elderly and disabled. Under the current law, legal immigrants who are not citizens will lose these benefits on Aug. 22.

The two officials spoke to Senator Trent Lott, the Republican majority leader, and said he was noncommittal but willing to consider the idea. A telephone message to Mr. Lott seeking comment was not returned.

Mr. Giuliani and other like-minded governors and mayors face an uphill battle in persuading Congress to consider such a major change to the welfare law, which was signed by President Clinton last fall. Not only are many conservative legislators opposed to the idea but also it could cost more than \$2 billion a year and would complicate budget negotiations now taking place. Removal of benefits from immigrants represents about 44 percent of the \$54.6 billion savings in the welfare law.

Mr. D'Amato, who voted for the welfare bill, said that passage of a grandfather provision would be "tough," because of the budget impact but that he was more optimistic that the Aug. 22 date could be delayed by as much as a year to cushion the impact on immigrants, and on the cities and states likely to pick up much of the cost. The four states most affected by the cutoff are New York, California, Florida and Texas.

In a speech to an immigration conference today, Mr. Giuliani asserted that preserving basic benefits for immigrants who pay taxes represents the most elemental level of governmental fairness. "You don't treat people unfairly like that," he said in an address to the Center for Migration Studies at Georgetown University, which gave him an award for his immigration positions.

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PHOTOCOPY
PRESERVATION



SOCIAL SECURITY

Office of the Commissioner

March 17, 1997

cc Cynthia

*SSA wakes up -
has ideas -*

- Diana

MEMORANDUM FOR KITTY HIGGINS

FROM:

John J. Callahan
Acting Commissioner

SUBJECT:

Presidential Event for Welfare Reform

As you know, The President in his State of the Union Address called for the restoration of benefits to immigrants who have been disabled after legally entering the United States. The Social Security Administration is planning to develop media events over the coming months to amplify this message. The target areas for the events are the States with dense immigrant populations, primarily California, New York, Texas, Florida, and Illinois.

I believe the President should consider doing an event during his March 24th trip to San Francisco. California has approximately 326,000 non-citizens receiving SSI benefits. In the immediate San Francisco area, it is estimated that there are approximately 15,000 non-citizens receiving SSI benefits. I would recommend an event in an ethnic neighborhood community center or nursing home. My recommendation would be to focus on either Vietnamese or Hispanic communities. The backdrop of a community center or nursing home would provide a good setting to highlight the problems with the current law. In the City of San Francisco, the 30th Street Senior Center serves primarily an Hispanic community. The area is represented by Congresswoman Nancy Pelosi (D-CA). In San Jose, the Vietnamese America Cultural and Social Council might be a possible sight for an event. This area is represented by Zoe Lofgren (D-CA).

Please let me know if you would like additional information, or would be interested in seeing this idea further developed.