

NONCITIZENS AND THE FOOD STAMP PROGRAM

The Personal Responsibility and Work Opportunity Act Reconciliation Act of 1996 (PRWORA), enacted August 22, 1996, made most noncitizens ineligible to participate in the Food Stamp Program. It was effective immediately for new applicants and at the next recertification for already participating noncitizens.

Concerned about the impact of PROWRA on legal immigrants, who are in the country legally and, in many cases, work and pay taxes, the President and the Department of Agriculture (USDA) have worked aggressively since passage of PROWRA to insure the fairest treatment for all participating noncitizens. *has directed*

- As an immediate first step, on the day he signed PROWRA President Clinton also signed a directive instructing USDA to extend the certification periods (the time during which people are authorized to receive benefits) of currently participating noncitizens in order to ensure that their recertifications be made fairly and accurately. USDA responded by issuing a memorandum to all State agencies on August 26, 1996 that waived Food Stamp regulations to allow State agencies to extend the certification periods of all households containing participating alien 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 (OCAA) on September 30, 1996, which delayed implementation of the PROWRA provisions for participating noncitizens until April 1, 1997. Under OCAA, State agencies must redetermine the eligibility of all noncitizen 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 in implementing the PROWRA provision allowing legal immigrants who have worked or can be credited with 40 quarters of qualified work in a job covered by Social Security 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 USA to have acquired 40 quarters of coverage. These individuals need only 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, especially California, to develop ways to manage certification periods to ensure that noncitizens 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.
- The President's budget proposal includes a provision that would extend participation of certified noncitizens 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.

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IS THERE A TANF SURPLUS?

work
QUESTION: Will projected TANF surpluses be sufficient to allow states to provide benefits to immigrants denied assistance pursuant to P.L. 104-193 (or, for any other need for which additional funds may be necessary, such as work, child care, case management, etc)?

ANSWER:

- held flat*
 O It's not a surplus. State TANF block grant levels are flat-lined based on state AFDC, JOBS, and Emergency Assistance spending during 1992-1995. Because AFDC caseloads have gone down, we can expect that the cost to states of AFDC-type benefit payments over the next few years should be lower than they were in 1992-1995. However, the funds are needed to support the transition from welfare to work.

When TANF was established, the states and the Congress realized that, as compared to the AFDC system, more funds would be needed in the early years to move families from welfare to work. Because of the recent decline in AFDC caseloads, states are in an especially good position to begin the historic transformation from the welfare program to a jobs program.

meet cr + nds
 This is because any decrease in the total amounts states spend on direct benefits will help states afford increased costs in providing training, child care, creating jobs in high-unemployment areas, and other assistance needed to support the transition from welfare to work. Therefore, moving recipients into the workforce will not produce short-term savings.

- O This is only the beginning of welfare reform. To fulfill the central goal of welfare reform -- moving people from welfare to work -- we must make sure that the tools to achieve it are available to States and communities. States will have to use their financial resources to provide supports like job training and child care necessary to move large numbers of single parents from welfare to work. And it will require unprecedented commitment from business, non-profit organizations, and religious institutions. That's why the President's budget includes \$3.6 billion for grants, as well as expanded tax incentives, to support states, cities, and the private sector in creating job opportunities for the hardest to employ welfare recipients. In fact, Republicans and Democrats in Congress have agreed that one of the five priority areas of bipartisan discussion in the budget will be incentives for business to hire welfare recipients.
- O Cuts in assistance to legal immigrants is a cost-shift to states. Many categories of legal immigrants are now denied benefits under TANF, SSI, Medicaid, Food Stamps and other Federal means-tested programs. As the National Governors Association has said, the welfare reform restrictions on Federal assistance to legal immigrants is a significant cost-shift to states. If states divert financial resources to legal immigrants, they may not have sufficient resources for job training and child care necessary to move large numbers of parents from welfare to work.
- O Even under the old system, benefits are only part of the equation. The TANF block

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grant combined funds for AFDC benefits with JOBS funds, Emergency Assistance funds, and funds for administration. Although AFDC benefit expenditures have declined, funds for other activities, such as Emergency Assistance, have increased substantially. Therefore, the effect of flat-funding TANF at 92-95 levels only provides unanticipated funds under one part of the equation - benefit payments.

- **Different states are in very different situations.** Some states have especially great needs for services, or smaller reductions in caseloads, or other special circumstances like areas of rural poverty which might need greater investments in economic development or transportation. Similarly, about 80 percent of all legal immigrants reside in only six states -- CA, NY, TX, FL, NJ, and IL. That's why some Governors like Governors Pataki, Bush, and Chiles have been so clear about the need for additional resources. In addition, because the decline in AFDC caseloads since 1995 has not been uniform across states, the financial impact of TANF will vary dramatically across states.
- **After caseload decline, many hard-to-place recipients remain on the rolls.** Now that caseloads are down, states are likely to find that they are now reaching the harder to place people, which will lead to increased costs. The legislation says this is a critical investment for us to make -- we need to expect work, and we need to provide the supports necessary for families to move from welfare to work.

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BACKGROUND:

Why there are unanticipated funds from benefit payments: Each state's TANF block grant level is based on its AFDC, JOBS, Emergency Assistance (EA) and administrative expenditures in FY 1992-1995. The block grant levels remain constant over FY's 1997-2002. Because AFDC caseloads in most states have declined recently, many states will receive larger TANF grants for the next few years as compared to what we estimate they would have received in Federal funds under the old AFDC program.

Because TANF could cost more than the old AFDC system, these are not "surplus" funds: The so-called "surplus" refers to funds available for TANF that would not have been available under AFDC. It is important to note that TANF contains many new requirements that will have costs for states to implement. These costs include: supports and subsidies for work; increased child care; expanded job training and job search programs; funds for second chance homes; and expanded case management.

Costs for Emergency Assistance, JOBS, have not declined: It is important to note that TANF combines funding for programs in addition to AFDC-type benefits, specifically EA, JOBS, and administration. The TANF block grant may be used for activities that would have been allowable under all of the combined programs. Since costs for many of the related programs have not been declining (and in the case of EA, have actually expanded rapidly), some of the unanticipated caseload reduction/AFDC benefit funds will be canceled out by increased costs for EA, JOBS, and administration activities.

The TANF block grant is flat-funded: Any additional resources should be regarded as potentially available only in the first few years. The block grant levels for each state do not increase from FY 1997 through FY 2000. However, over that period, required work participation rates increase from 25 to 50 percent, and required hours of work per week increase from 20 to 30. There will be increased child care costs associated with these requirements. In addition, inflation will raise costs for services and may lead to increased nominal per-capita benefit costs. Finally, if there is a recession, we can expect that the pool of families needing TANF assistance will increase.

Tradeoff in use of unanticipated funds: The TANF block grant provides states with flexibility to use innovative approaches to move parents from welfare to work. Many of these approaches have additional costs. If states use any unanticipated funds for basic support for immigrants denied assistance under SSI, this will reduce states' flexibility in implementing welfare reform, and potentially reduce the number of welfare recipients that can move to self-sufficiency.

COST OF IMMIGRANT PROPOSALS

QUESTION:

How much does your Budget spend on giving immigrants welfare benefits?

ANSWER:

- ▶ The President's Budget assists those legal immigrants who, through no fault of their own, are unable to work: children and individuals who are disabled.
- ▶ The President's immigrant proposals total \$14.6 billion over five years FY 1998-2002, \$4.9 billion are Medicaid costs (see attached table). The President's budget seeks to:
- ▶ **Restore SSI and Medicaid eligibility for the disabled immigrants (\$13.7 billion SSI and Medicaid costs).** The Welfare law would discontinue SSI and restrict Medicaid benefits for legal immigrants including the disabled and children. The President's budget would continue to provide SSI and Medicaid for 320,000 legal immigrants who become disabled after they enter the country and exempt them from the deeming rules.
- ▶ **Restore Medicaid eligibility for non-SSI immigrant children (\$.2 billion Medicaid costs only).** The Administration's budget would continue Medicaid for approximately 30,000 immigrant children, if they are otherwise eligible, and exempt them from the deeming rules.
- ▶ **Extend the refugee assistance exemption period from 5 to 7 years (\$0.7 billion SSI and Medicaid costs).** The President's budget would lengthen the exemption period for refugees and asylees from 5 to 7 years. The 5 year exemption in the welfare law does not provide enough time for refugees and asylees to become citizens.
- ▶ **Delay the Food Stamp ban until the end of FY 1997 (\$0.2 billion - the cost of this proposal is not included in the overall immigrant proposal cost since the costs are incurred in FY 1997) .** The Welfare law denies Food Stamps to most legal immigrants currently receiving benefits and future applicants, affecting a million immigrants. Last year's Omnibus Consolidated Appropriations Act delayed the ban from January 1, 1997 to April 1, 1997 to give immigrants in the process of naturalizing time to complete the process prior to having their benefits eliminated. Recognizing the effort that many are making to become citizens, this proposal would extend the delay to the end of FY 1997.

IMPLEMENTATION OF IMMIGRANT PROVISIONS

QUESTION:

What is the status of the Administration's implementation of the immigrant provisions of the new welfare law?

ANSWER:

- ▶ This Administration has been working since the statute was passed to implement the immigrant provisions in a fair and nondiscriminatory manner.
- ▶ The immigration provisions of the new welfare law present a number of complex issues. We are interpreting many of the terms found in the statute and we will issue guidance shortly.
- ▶ Within my Department, we have been in close communication with our state partners to develop Medicaid guidance; to date we have already issued an update to the Medicaid Manual, as well as new regulations and policy letters to state Medicaid directors.
- ▶ In addition, the Administration on Children and Families has also issued interim guidance to help states implement some of the new requirements.
- ▶ We are working with the INS and DOJ to promulgate identity verification rules and the new affidavit of support so that we can properly enforce the new eligibility requirements (see the "Verification" question and answer for more details).

IMMIGRANTS WHO LOSE SSI--EFFECT ON MEDICAID ELIGIBILITY

QUESTION:

Do immigrants who lose SSI lose Medicaid as well?

ANSWER:

- ▶ Not necessarily. The question of which immigrants retain Medicaid eligibility is a complicated one. The welfare bill specifically cuts off SSI cash assistance to qualified immigrants.
- ▶ Previously, receipt of SSI automatically made one eligible for Medicaid in most states. Therefore immigrants who lose their SSI and are not otherwise eligible for Medicaid, may well lose this coverage.
- ▶ In states that continue to cover immigrants in their Medicaid programs, some immigrants who lose SSI may fit into another Medicaid state optional eligibility group and therefore retain Medicaid. Specifically, states which cover individuals who meet SSI criteria but are not receiving the assistance may cover immigrants in this category.
- ▶ However, in the 14 states which do not currently offer this category of Medicaid assistance, immigrants who lose SSI will also lose Medicaid (see attachment). [As always, states could amend their plan to include this option, but coverage would be expanded to all individuals meeting the criteria, not just legal immigrants.]
- ▶ While some of these states have a medically needy category, under current rules this category alone does not allow states to cover legal immigrants who will lose SSI under welfare reform.
- ▶ We realized that these current medically needy rules pose a problem for some states and are exploring both administrative and legislative possibilities to give states the most flexibility to cover immigrants.
- ▶ Of course, all states have the option to decide not to offer Medicaid to qualified immigrants.

14 STATES¹

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Arkansas
California
Delaware
Georgia
Kansas
Kentucky
Louisiana
Nevada
New Mexico
North Carolina
Texas
Wisconsin
Wyoming

7 STATES²

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1. These are states that do not currently cover the optional group of “non-cash, SSI-like” individuals.

2. These are states that would require a legislative solution (i.e., they do not currently cover either the optional group of “non-cash, SSI-like” individuals, or the medically needy).

STATE AND LOCAL IMPACTS OF NEW IMMIGRANT RESTRICTIONS

QUESTION:

What is the impact of the new immigrant eligibility restrictions on state and local governments and other service providers?

ANSWER:

- ▶ Similar to other estimates in this area, it is difficult to predict with any precision.
- ▶ However, CBO estimated total federal budget savings (through FY 2002) of nearly \$24 billion, and state and local governments will now have to decide how much of their own assistance they will provide to legal immigrants in order to replace this huge withdrawal of federal assistance.
- ▶ Even though states and localities are provided options to deny various assistance to legal immigrants similar to that enacted for federal programs, it is unclear whether they will take such a course. Many of the legal immigrants are likely to remain residents of the state and denying them fundamental safety net assistance will merely result in other costs such as increased public health threats, increased homelessness and hunger, etc.
- ▶ States (and localities) with large immigrant populations will be affected disproportionately by the new restrictions (e.g., California, New York, Texas, Florida, Illinois, New Jersey, and Massachusetts). See the attached state-by-state breakdowns of SSI recipients.
- ▶ Therefore, these provisions represent a significant cost-shift from the federal government to state and local governments.
- ▶ The Medicaid restrictions in particular, but also the SSI restrictions, will affect adversely the revenues of hospitals and other health providers (such as nursing homes and doctors) in high-immigrant communities.

UNDERMINING WELFARE REFORM -- PROTECTING LEGAL IMMIGRANTS

QUESTION:

Aren't you opening up the welfare reform bill with your immigrant proposals?

ANSWER:

- ▶ The President and I remain firmly committed to implementing the welfare reforms enacted last year.
- ▶ But the immigrant restrictions of the new welfare law had nothing to do with the central goal of welfare reform --moving welfare recipients from welfare to work. This is **not** an effort to "open up" welfare reform, it is an effort to restore benefits cuts that were attached to welfare reform and shouldn't have been part of the bill to begin with.
- ▶ Legal immigrants work hard, pay taxes and contribute to American society. Immigrant children and disabled immigrants who fall on hard times through no fault of their own should get medical and other vital assistance when they need it.

REFUGEE ELIGIBILITY EXTENSION

QUESTION:

What accounts for the high welfare utilization rates among refugees?

ANSWER:

- ▶ By definition, refugees and asylees are individuals who come to our country to escape persecution in their country of origin. These individuals have generally experienced war or other violent trauma and often need more time to put their lives together and become self-supporting than other legal immigrants.
- ▶ About one-half of refugees speak little or no English at arrival; only about one-tenth speak English fluently.
- ▶ Therefore, we believe refugees and asylees need a longer eligibility period for assistance than other qualified aliens because of the unique circumstances that bring refugees and asylees to the U.S.
- ▶ Specifically, refugees and asylees need an additional two years to address their special needs and to provide sufficient time to enable them to achieve stable self-support. The President's Budget proposal would extend refugees' eligibility for SSI and Medicaid benefits from 5 to 7 years.
- ▶ The longer time period is particularly important because more recent refugee populations have included larger numbers of older and elderly individuals who require a longer time to adjust.

NGA PROPOSALS AND IMMIGRANTS

QUESTION:

The Governors asked the Administration to work with them and the Congress to “meet the needs of aged and disabled legal immigrants who cannot naturalize,” but specifically stated we did not need to reopen welfare reform to do it. Why then does the Administration propose to reopen welfare reform and make costly changes that would give welfare to immigrants?

ANSWER:

- ▶ The Administration is committed firmly to the major reform of the AFDC program enacted last year.
- ▶ But the immigrant restrictions of the new welfare law had nothing to do with the central goal of welfare reform --moving welfare recipients from welfare to work. This is **not** an effort to “open up” welfare reform, it is an effort to restore benefits cuts that shouldn’t have been in the welfare bill to begin with.
- ▶ Legal immigrants work hard, pay taxes and contribute to American society. Immigrant children and disabled immigrants who fall on hard times through no fault of their own should get medical and other vital assistance when they need it.
- ▶ The Administration’s immigrant proposals are responsive to the concerns noted by the Governors and we welcome the opportunity to work with them and the Congress to rectify some of the unfair burdens placed on immigrants.
- ▶ Our budget addresses the needs of immigrants disabled after entry by reinstating their eligibility for SSI and Medicaid; exempts all legal immigrant children from eligibility restrictions; extends SSI and Medicaid eligibility for refugees from 5 to 7 years; and delays the Food Stamps cut-off until the end of the FY 1997.
- ▶ These proposals would restore aide to these most vulnerable people who need assistance through no fault of their own.
- ▶ In addition, our proposal is responsive to the NGA statement that the immigrant provisions represent a significant cost shift to state and local governments. These provisions reduce the burden on states and local governments.

CUBAN/HAITIAN ENTRANTS

QUESTION:

Are Cuban/Haitian entrants eligible for assistance under the new welfare reform rules?

ANSWER:

- They are specifically eligible for the special refugee assistance programs under the Office of Refugee Resettlement.
- Even though Cuban/Haitian entrant status is not specifically included in the list of immigration categories which define who is a “qualified alien”, most entrants have been given parole status for a period of at least 1 year or legal permanent resident status which does make them qualified aliens.
- If entrants are qualified aliens, they would be treated the same as other qualified aliens under the state eligibility options in TANF and Medicaid (if they entered the U.S. before enactment of the welfare law in August 1996), or denied TANF and Medicaid for 5 years after entry (if they entered after enactment in August 1996).
- Under welfare reform, Cuban/Haitian entrants are not specifically exempted from eligibility restrictions as refugees are

Background

Under bilateral agreement between U.S. and Cuba it is estimated that about 20,000 Cubans will be allowed to enter the U.S., the majority of whom will be parolees or legal permanent residents (i.e., qualified aliens), with an estimated 6,000-7,000 likely to be refugees.

MAKING SPONSORS RESPONSIBLE

QUESTION: Why shouldn't these immigrants -- disabled and children -- be taken care of by the sponsors who agreed to take care of them?

ANSWER:

- We agree that sponsors need to be held responsible and accountable.
- However, welfare reform makes most legal immigrants ineligible for [SSI and Food Stamp] assistance, even those who have never had sponsors or whose sponsors have died.
- In fact, recent INS estimates of all FY 1994 non-refugee immigrants found that nearly half--or 44 percent--did not have sponsors.
- Also, sponsors of immigrants who arrived before welfare reform signed affidavits of support that are not legally binding and therefore do not obligate them to provide support or to reimburse for public assistance.
- The new law requires all family-based, and some employment-based, immigrants to have legally binding affidavits of support (which will be available in May 1997).
- Our proposal would exempt from these harsh new rules only those legal immigrants who become disabled after entry into the U.S. or legal immigrant children.
- Sponsors of legal immigrants who become disabled after entry have no possible way of planning for the costly care that results from a severe disability.
- We think it is unfair to impoverish such sponsors beyond regular program requirements for family income, or to withdraw assistance from disabled immigrants who have never had sponsors.
- Under the new deeming rules, not only must sponsors impoverish themselves so that immigrant family members are eligible for SSI and Medicaid assistance, but they are also liable to repay the amount of assistance received by such family members when these rules have made them least able to make repayments.
- Similarly, sponsors of immigrant children--like many working parents both citizens and legal immigrants--have difficulty maintaining affordable health insurance and will be overwhelmed by health care expenses arising from severe illnesses or injuries suffered by their children (for example, children who suffer from leukemia or serious head injuries).
- Denying Medicaid to legal immigrant children whose families have fallen on hard times threatens the health and well-being of an extremely vulnerable population, and likely leads to more costly health care in the future.

INCREASE IN NONCITIZENS ON ROLLS

What explains the increase in the number of noncitizens on the SSI rolls?

The number of immigrants admitted into the United States has increased. Prior to 1970 there were fewer than 5 million foreign born residents in the U.S. In 1980 there were 9.5 million foreign born living in the U.S.—slightly less than 4 percent of the U.S. population. Since then, the number has increased by 15 million so today we have 24.5 million foreign born residents in the U.S.—almost 9.5 percent of the U.S. population according to the Bureau of the Census.

Given the increase in immigration it is not surprising that there has been an increase in the numbers of noncitizens on the SSI rolls over the past 13 years. However, the number remains a small percentage of the total SSI rolls, rising from 3 percent in 1982 to a little over 12 percent in 1995. The number of sponsored noncitizens receiving SSI has risen more slowly from about 2 percent to only about 8 percent over the same period.

Statistically, the largest increase in noncitizen participation has been seen in the aged recipient population. But this increase should be viewed in context. Over this same 13-year period, the number of aged citizens recipients has been declining because most citizens aged 65 and older now receive social security benefits that are large enough to preclude SSI eligibility. Participation of aged citizens has dropped from almost 1.5 million in 1982 to a little over 987,000 in 1995, a decline of 32 percent. In addition, the number of aged noncitizens newly awarded benefits has declined from about 73,000 in 1993 to just a little over 46,000 in 1995, a decline of 37 percent.

WHY NOT BLOCK GRANT?

Why not just establish a block grant to the States to assist them in providing services to those noncitizens who lose SSI?

- There is no infrastructure in place at the state or local level to deliver income support to the disabled population effected whereas in many states, local governments may be the level of government that directly provides health care to the indigent.
- Charity organizations may become these immigrants' only source of income support for these immigrants. Under a block grant that provides funds to State governments, it is not clear how the funds would reach those private organizations that actually provide the services.
- There is discouraging history when block grants have been used to provide services to immigrants. This has been attempted before without good results. Block grants created in the 1986 immigration reforms, the State Legalization Impact Assistance Grants (SLIAG) program, proved to be an inefficient method of assisting the States and very difficult for them to manage. In addition, although SLIAG was federally funded, its appropriation in the third year was reduced by almost two-thirds to support discretionary spending elsewhere. By the fifth year, SLIAG funding was reduced to zero.
- The best solution is to retain eligibility for the most vulnerable immigrants-- those who become disabled after getting to the United States, refugees, and immigrants--within the existing Federal social safety net

WHY NOT
ALL ELDERLY

Why didn't the Administration request reinstatement of eligibility for all elderly noncitizens?

- The Administration proposal targets the most vulnerable legal immigrants affected by welfare reform—disabled adults and children—and reinstates their SSI and Medicaid eligibility.
- These two vulnerable groups are unable to work through no fault of their own.
- The welfare reform provisions denying assistance to legal immigrant children and those who became disabled after their entry into the U.S. were never part of the real goal of welfare reform, which is to move people from welfare to work.
- Within the context of balancing the federal budget by FY 2002, the Administration is seeking to restore assistance only for the most vulnerable legal immigrants.

ADDITIONAL INFORMATION

- The Administration did not propose to ban SSI eligibility for all aged noncitizens as part of welfare reform. Originally, the Administration proposed to exempt from the general ban on SSI eligibility those noncitizens who were over age 75. However, because of budget concerns, the first priority became protecting noncitizen disabled adults and children.
- The Administration's proposal does not include SSI eligibility for all elderly noncitizens because it is the general view that individuals who decide to sponsor aged immigrants know that, when they sign the affidavit of support, it is unlikely that these noncitizens will be able to support themselves and that there may be age-related health expenses that they will be responsible for. The sponsor should not be relieved of this responsibility simply because the immigrant is age 65 or older.
- It is estimated that approximately two-third of the noncitizens who are receiving SSI benefits because they are aged 65 can qualify on the basis of disability.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of Deputy Assistant
Secretary for Legislation
(Congressional Liaison)

Washington, D.C. 20201

3/12/97
Diana -
Enclosed is the
updated disks w/ all
HTS Qs + As but the
only change that was
made was on the
Medicaid/SSI Q + A (see attached).

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- ▶ Previously, receipt of SSI automatically made one eligible for Medicaid in most states. Therefore immigrants who lose their SSI and are not otherwise eligible for Medicaid, may well lose this coverage.
- ▶ In states that continue to cover immigrants in their Medicaid programs, some immigrants who lose SSI may fit into another Medicaid state optional eligibility group and therefore retain Medicaid. Specifically, states which cover individuals who meet SSI criteria but are not receiving the assistance may cover immigrants in this category.
- ▶ However, in the 14 states which do not currently offer this category of Medicaid assistance, immigrants who lose SSI will also lose Medicaid (see attachment). [As always, states could amend their plan to include this option, but coverage would be expanded to all individuals meeting the criteria, not just legal immigrants.]
- ▶ While some of these states have a medically needy category, under current rules this category alone does not allow states to cover legal immigrants who will lose SSI under welfare reform.
- ▶ We realized that these current medically needy rules pose a problem for some states and are exploring both administrative and legislative possibilities to give states the most flexibility to cover immigrants.
- ▶ Of course, all states have the option to decide not to offer Medicaid to qualified immigrants.

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Pages:

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Fax to:

Diana Fortuna

Fax number:

Phone number:

From:

Judy Chesson

Phone number:

(202) 358-6030

Fax number:

(202) 358-6074

Please contact Paulette Anderson or Regina Williams (202) 358-6030 if transmission is incomplete.

Message:

PROTECTION OF DISABLED IMMIGRANTS

Without changes in the recently enacted welfare reform law, no other means of income support will be available to:

- legal immigrants who become blind or disabled after entry.
- disabled legal immigrants whose sponsors have died or ceased to support them, or
- disabled noncitizens for whom a sponsor was not required; and
- federally funded health care assistance would become unavailable for many.
 - Seven states have no provisions in their State plans for continued Medicaid coverage for noncitizens who lose their SSI. In these states, disabled recipients who lose their SSI will also be without any help for medical expenses.

The proposal in the President's FY 1998 budget would

- make exceptions to the restrictions in the SSI and Medicaid programs for certain noncitizens who become blind or disabled after their entry into the United States and
- allow SSI and Medicaid eligibility for immigrant children on the same basis as citizen children.

The welfare reform provisions will affect large numbers of noncitizens currently receiving benefits. The President's proposal will permit reinstatement of many of those adversely affected.

- The Congressional Budget Office estimated that the welfare reform changes will reduce the numbers of legal immigrants who receive SSI benefits by about 500,000.
- The Social Security Administration has estimated that those changes will result in a loss of benefits to approximately 434,000 immigrants.
- The President's proposals would reinstate SSI eligibility for approximately 312,000 disabled adult immigrants.

Between February 1 and March 31, approximately 900,000 SSI recipients will receive notices that they are at risk of losing their benefits unless they can show that they are citizens or that one of the narrow exceptions apply.

434 → 415

If the President's proposals are not adopted all legal immigrants determined to be no longer eligible will lose their SSI benefits in August and September of this year.

Denying SSI eligibility to aged and disabled legal immigrants has nothing to do with welfare reform. Barring from programs available to all other taxpayers those immigrants who played by the rules and entered the country according to our laws is unfair and shortsighted. The bar on cash assistance to legal residents is too harsh on those legal immigrants who can no longer support themselves because of disabilities.

Background--

The Supplemental Security Income program (SSI) is a federal cash assistance program. The average SSI grant of \$432 per month to non citizens is approximately 70% of the poverty level. These benefits are to provide basic needs such as food, shelter, and clothing to poor disabled, blind, and elderly individuals.

- The welfare reform bill banned from SSI individuals admitted for lawful permanent residence with two exceptions:
 1. military service personnel, veterans, and their spouses and dependent children; and
 2. individuals who can be credited with forty quarters of work.

The welfare reform bill denied Medicaid to immigrants for their first five years in the country and after the ban would deem the sponsor's income to the immigrant.

The Problem--

- Without SSI, those immigrants who become disabled or blind after entry into the United States may not have sufficient resources to meet even their basic needs.
- Forty-four percent of immigrants entering the country are not required to have individual sponsors. This includes refugees, asylees, and individuals brought in under employment-based preferences by corporations. For those who do have a sponsor that sponsor promises to take financial responsibility for the noncitizen. The sponsor typically makes a commitment of financial support for the immigrant based on the expectation that the noncitizen will eventually become self-supporting through his/her own work efforts (in the case of children, after they reach adulthood). However, if the noncitizen is unable to work after an accident or serious illness, the sponsor's financial obligation greatly increases, not only to include the costs of food, shelter, and clothing but also any additional costs relating to the disability.
- For some of those disabled who will lose SSI this summer, their sponsor may have died or may no longer be able to support them. These disabled will have no other means of support. Those disabled noncitizens for whom a sponsor was not required would also find themselves with no other means of support.

- Many of these noncitizens are now elderly and reside in nursing homes or board-and-care facilities. Without SSI cash assistance these disabled and blind noncitizens may face eviction from their assisted living arrangements. About 39,000 noncitizens are in nursing homes and about 209,000 have difficulties with the activities of daily living.
- Of the 803,000 noncitizens receiving SSI in October 1996, about 69 percent or 548,290 were over 65. About 28 percent or 227,360 were over 75 years old. About 7,750 were children.
- Without SSI these legal immigrants have received from the Federal government, State and local jurisdictions and private charities will become the prime source of assistance to ensure they are able to meet their most basic needs.

The Solution--

The Administration's proposal would remove the barrier to SSI eligibility for legal immigrants, who became blind or disabled after entry, in recognition of the fact that they cannot provide for their own support through work.

EXTENDING ELIGIBILITY FOR REFUGEES

- As a nation immigrants, this country has a long-standing policy to welcome to this country refugees and asylees who are fleeing persecution in their home countries and to help them resettle in their new homes.
- The welfare reform law undermines this policy by denying SSI benefits and allowing eligibility for Medicaid to be optional rather than guaranteed to needy refugees and asylees after the five year exemption period has expired. Under the welfare reform law, refugees and asylees are exempt from the immigrant restrictions for the first 5 years that they are in the U.S.
- Refugees and asylees need a longer eligibility period for assistance than other legal immigrants because of the circumstances that bring refugees and asylees to this country. Refugees and asylees come to the U.S. with a history of persecution in their countries 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 at arrival; only about one-tenth speak English fluently.
- Few refugees arrive with any financial assets that can be used for self-support. Refugees also do not have sponsors who have agreed to take care of them.
- Elderly refugees are a particularly vulnerable group. During the past 5 years from FY 1992 through FY 1996, 51,865 refugees aged 65 or older have resettled in the U.S.¹ Further, an estimated 88 percent of these refugees receive SSI.² Of these, approximately 11,200 will complete their fifth year of residence in the U.S. over the next 12 months and no longer will be eligible for SSI and, in some States, for Medicaid. The problems are especially acute in New York and California which together represent 56 percent of the "over 5-year" population of elderly refugees.
- Of the estimated 11,200 elderly refugees who will lose their SSI eligibility in the next 12 months, 6,600 are aged 65-74, and 4,600 are aged 75 or older. An estimated two-thirds (7,400) of the 11,200 are severely disabled.
- Although naturalization is an option for these refugees after 5 years in the U.S., most elderly are not able to acquire sufficient English language capability in this period of time to pass the tests for citizenship.
- In refugee communities, the pending loss of SSI and Medicaid and the inability to become naturalized citizens is a major concern. Elderly refugees are terrified that they will be left destitute and homeless. There have been already some instances of suicide among elderly refugees due to the prospect of loss of benefits. The proposed extension of eligibility from 5 to 7 years would alleviate current hardships while providing elderly refugees an extra 2 years to learn English well enough to naturalize

¹ Refugee Arrival Data: source Office of Refugee Resettlement (ORR).

² Annual Refugee Household Survey: source ORR.

EXTENDING SSI ELIGIBILITY FOR CERTAIN LEGAL IMMIGRANTS

When President Clinton signed the welfare reform legislation into law, he said—

"We should not be punishing people who are working for a living already; we should do everything we can do to lift them up and keep them at work and help them support their children. We also believe that the Congressional leadership insisted on cuts in programs for legal immigrants that are far too deep."

He continued that message in the State of the Union saying—

"...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."

The National Governors Association's position is that--

cuts in benefits to legal immigrants are too harsh and need to be addressed, and

it agrees with the Administration's proposal to exempt disabled immigrants, including the elderly disabled, from the SSI and Medicaid bans established in welfare reform.

Denying SSI eligibility to aged and disabled legal immigrants has nothing to do with welfare reform. Barring from programs available to all other taxpayers those immigrants who played by the rules and entered the country according to our laws is unfair and shortsighted. The bar on cash assistance to legal residents is too harsh on those legal immigrants who can no longer support themselves because of disabilities.

The President's proposal addresses these concerns by--

making exceptions to the restrictions in the SSI and Medicaid programs for certain noncitizens who become blind or disabled after their entry into the United States and allow SSI and Medicaid eligibility for immigrant children on the same basis as citizen children.

extending the 5-year eligibility limit to 7 years for refugees, asylees, and noncitizens who have had their deportation withheld.

If the President's proposals are not adopted all legal immigrants determined to be no longer eligible will lose their SSI benefits in August and September of this year. This means that no other means of support will be available to

legal immigrants who become blind or disabled after entry,

disabled legal immigrants whose sponsors have died or ceased to support them, or

disabled noncitizens for whom a sponsor was not required.

Health Care Implications:

Currently, seven states have no provisions in their State plans for continued Medicaid coverage for noncitizens who lose their SSI. In those states, disabled recipients who lose their SSI will also be without any help for medical expenses.

Numbers of Noncitizens Affected:

The Congressional Budget Office estimates that the welfare reform changes will remove about 500,000 noncitizens from the SSI rolls. The Social Security Administration estimates that approximately 430,000 noncitizens will lose eligibility.

The President's proposal would permit reinstatement of approximately 320,000 of these noncitizens to the SSI rolls.

Between February 1 and March 31, approximately 900,000 SSI recipients will receive notices that they are at risk of losing their benefits unless they can show that they are citizens or that one of the narrow exceptions apply.

Summary of Paper:

One-pagers:

1. Treating Legal Immigrants Fairly -- HHS
2. Medicaid Protection for Immigrants: Children and Disabled -- HHS
3. Extending Eligibility for Refugees -- HHS
4. Fact Sheet: Proposals in President's Budget Affecting SSI for Certain Legal Immigrants -- SSA

5. Fact Sheet: President's Budget Proposal: SSI Eligibility for Disabled Noncitizen Children -- go to #2

SSA

Food Stamp - Stacy

Q & A's:

1. Holding sponsors responsible -- SSA
2. Why not all elderly -- SSA
3. Increase in non-citizens on rolls -- SSA
4. Determine aged disabled -- SSA
5. Why not block grant -- SSA
6. Cost of Immigration Proposals -- HHS
7. Implementation of Immigrant Provisions -- HHS
8. Immigrants who lose SSI -- Effect on Medicaid -- HHS
9. Budget Proposal to Mitigate Immigrant Restrictions -- HHS
10. Number of Immigrants Losing Benefits -- Current Law -- HHS
11. State and Local Impacts of New Immigrant Restrictions -- HHS
12. Undermining Welfare Reform - Protecting Legal Immigrants -- HHS
13. Verification Requirements -- HHS
14. Reporting Illegal Aliens to INS -- HHS
15. Refugee Eligibility Extension -- HHS
16. NGA Proposal -- HHS
17. Making Sponsors Responsible -- HHS
18. Cuban/Haitians -- HHS

Disables < entry
Stories of Legal Immigrants at Risk of Losing SSI -- SSA

Levin Package

Missing:

1. TANF surplus Q&A - HHS
2. Disability naturalization reg Q&A - how good + how bad
3. Calendar Levin →

lost of legis proposals connected

Do 1pg summary

children SSI/MA

Dis SSI + MA

Look at

Judy

Irene + David

Jack + Stacey

Bonnie or Miki

HHS ①

DRAFT**TREATING LEGAL IMMIGRANTS FAIRLY**

- 91
- Restoring fair treatment of legal immigrants is a priority of this Administration. The welfare reform law drastically cuts benefits to low-income legal immigrants--many of them children, elderly, and people with disabilities who are unable to work through no fault of their own. These provisions have nothing to do with the real goal of welfare reform, which is to move people from welfare to work. Rather, they were cuts in Federal support to vulnerable populations that were added to welfare reform to save money. The immigrant cuts represented nearly one-half of the budget savings under welfare reform. why?

The President's budget proposal makes good on his promise to correct the harsh immigrant provisions that burden State and local governments and punish children and the disabled who cannot work. Legal immigrants bear the same responsibilities and should have the same opportunities as other members of our society. 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 working and paying taxes, and are responsible members of our communities.

- bad word
- The President's budget proposes to restore Medicaid and Supplemental Security Income (SSI) to legal immigrants who are either children or have become disabled after they entered the country. This country should support and protect legal immigrants and their families--people admitted as permanent members of the American community--when they suffer accidents or crippling illnesses that prevent them from earning a living. Similarly, the country should provide Medicaid to legal immigrant children if their families are impoverished. The Administration also proposes to delay the ban on Food Stamps for legal immigrants from April 1997 until the end of September 1997 to provide time for immigrants who are in the process of naturalizing to complete the process. bullets

- Finally, the budget proposes to extend the SSI and Medicaid eligibility period for refugees and asylees from 5 to 7 years. These are people who come to this country because they are fleeing religious, political, or other persecution in their home country. Consequently, these immigrants frequently experience greater difficulties becoming fully self-sufficient and U.S. policy should be sensitive to their special needs. The longer exemption period would also provide refugees a more reasonable period in which to become naturalized citizens.

- Did NGA say this
- In January 1997, the National Governors Association, a bipartisan group of Governors, agreed that the legal immigrant provisions of the welfare law represent a substantial cost shift to states and unfair treatment of vulnerable legal immigrants, and will divert financial resources from job training and child care services which are necessary to move people from welfare to work. The NGA passed a resolution asking Congress and the President to work together to find a fair solution for both states and vulnerable legal immigrants without reopening the welfare reform debate.

- The President's proposal addresses the concerns of Governors and local government officials by restoring benefits to those who cannot work--particularly the children and the disabled -- without reopening the welfare reform law.

HHS ②

DRAFT**MEDICAID PROTECTION FOR IMMIGRANTS: CHILDREN AND DISABLED**

- The welfare reform law denies Medicaid to nearly all legal immigrants who enter the country after August 22, 1996 for a period of 5 years, and allows states to deny Medicaid to immigrants already in the country. States can continue denying assistance to legal immigrants who enter the country after August 22, 1996 after the 5 year ban has expired, and they must implement new sponsor-to-alien deeming rules for immigrants entering under new, legally binding affidavits of support which are expected to be announced in March 1997. In addition, non-citizen SSI recipients are at risk of losing not only their SSI but also Medicaid benefits in some states. } *ie, already in US?*
- As a result, the current welfare reform law denies Medicaid services to legal immigrants who fall on hard times, become seriously ill, or have an accident and become disabled. It also denies preventive services under Medicaid to legal immigrant children, potentially leading to more costly health problems in the future. This policy threatens the health and well-being of the most vulnerable populations—children and the disabled.
- The President proposes to amend these overly broad restrictions to protect Medicaid coverage of immigrants who become disabled after entry and immigrant children. The President's budget would ensure that immigrant children and immigrants who become disabled after they enter the country—two groups of legal immigrants who are the most vulnerable and who cannot work their way out of need—retain access to vital assistance. These two groups would be exempt from the Medicaid eligibility ban, the state option to deny coverage, and the new deeming and sponsor liability rules.
- These proposals do not undermine or “reopen” welfare reform. These provisions have nothing to do with the central goal of welfare reform: moving people from welfare to work. Instead these proposals protect access to health care for vulnerable individuals who are permanent members of this nation's communities, and many of whom do not have sponsors and cannot work.
- Recent sponsorship data indicate that 44 percent of legal immigrants in 1994 did not have sponsors at all, and therefore have no one to turn to for private assistance.
- Even when an immigrant has a sponsor, these sponsors are like other American families and cannot possibly absorb the costly medical expenses facing their relatives and dependents who become disabled or seriously ill. Indeed, for precisely this reason, the SSI program long exempted immigrants who became disabled after their entry into the U.S. from sponsor deeming requirements (The Medicaid program has never before deemed sponsor income in determining eligibility).
- Under the President's proposal, approximately 195,000 individuals will have their Medicaid eligibility restored in FY 1998 at a (federal) Medicaid cost of \$4.7 billion over 5 years.
- In addition, approximately 30,000 non-disabled children will receive vital health care through Medicaid in FY 1998, at an estimated federal cost of \$160 million over 5 years. These funds will cover the Medicaid benefit package, including ongoing 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.

HHS (3)

EXTENDING ELIGIBILITY FOR REFUGEES

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- for proposal*
- As a nation of immigrants, this country has a long-standing policy to welcome to this country refugees and asylees who are fleeing persecution in their home country and to help them resettle in their new home.
 - The welfare reform law undermines this policy by denying SSI benefits and allowing eligibility for Medicaid to be optional rather than guaranteed to needy refugees and asylees after the five year exemption period has expired. Under the welfare reform law, refugee and asylees are exempt from the immigrant restrictions for the first five years that they are in the U.S.
 - Refugees and asylees need a longer eligibility period for assistance than other legal immigrants because of the circumstances that bring refugees and asylees to this country. 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 at arrival; only about one-tenth speak English fluently.
 - Few refugees arrive with any financial assets that can be used for self-support. Refugees also do not have sponsors who have agreed to take care of them.
 - Elderly refugees are a particularly vulnerable group. During the past 5 years from FY 1992 - FY 1996, 51,865 refugees over 65 years of age have resettled in the U.S. (ORR Refugee Arrival Data). An estimated 88 percent of these refugees receive SSI (ORR Annual Refugee Household Survey). Of these, approximately 11,020 will complete their fifth year of residence in the U.S. over the next 12 months and will no longer be eligible for SSI and, in some states, Medicaid. The problems are especially acute in New York and California, which together represent 54 percent of the "over 5-year" population of refugee elderly.
 - Although naturalization is an option for these refugees after 5 years in the U.S., most elderly are not able to acquire sufficient English language capability in this period of time to pass the tests for citizenship.
 - In refugee communities, the pending loss of SSI and Medicaid and the inability to become naturalized citizens is a major concern. Elderly refugees are terrified that they will be left destitute and homeless. There have already been some instances of suicide among elderly refugees due to the prospect of loss of benefits. The proposed extension of eligibility from 5 to 7 years would alleviate current hardships while providing elderly refugees an extra 2 years to learn English well enough to naturalize.
- SSA #5*

DRAFT**SOCIAL SECURITY****Fact Sheet****Proposals in the President's FY 1998 Budget
Affecting Supplemental Security Income (SSI) Eligibility Rules for
Certain Legal Immigrants***4*
2 better title

When President Clinton signed the welfare reform legislation into law, he said that, "We should not be punishing people who are working for a living already; we should do everything we can do to lift them up and keep them at work and help them support their children. We also believe that the Congressional leadership insisted on cuts in programs for legal immigrants that are far too deep."

He continued that message in the State of the Union where he said, "...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."

The Governors are on record as recognizing that the cuts in benefits to legal immigrants are too harsh and need to be addressed. Their final position is in agreement with the Administration's proposal to exempt disabled immigrants, including the elderly disabled, from the SSI and Medicaid bans established in welfare reform.

Without a change in the law, no other means of support will be available to: legal immigrants who become blind or disabled after entry, disabled legal immigrants whose sponsors have died or ceased to support them or disabled noncitizens for whom a sponsor was not required. Currently, nine states have no provisions in their State plans for continued Medicaid coverage for noncitizens who lose their SSI. In those states, disabled recipients who lose their SSI will also be without any help for medical expenses.

*HHS?
OMB?*

The proposal in the President's FY 1998 budget would make exceptions to the restrictions in the SSI and Medicaid programs for certain noncitizens who become blind or disabled after their entry into the United States and allow SSI and Medicaid eligibility for immigrant children on the same basis as citizen children. The proposal also would extend the 5-year eligibility limit to 7 years for refugees, asylees, and noncitizens who have had their deportation withheld.

The Congressional Budget Office estimated that the welfare reform changes will reduce the numbers of legal immigrants who receive SSI benefits by about 500,000. The Social Security Administration has estimated that those changes will result in a loss of benefits to approximately 434,000 immigrants. The President's proposals would reinstate SSI eligibility for approximately 320,000 of these immigrants. Between February 1 and March 31, approximately 900,000 SSI

*move
OMB
to #1**make punchier/bullets*

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recipients will receive notices that they are at risk of losing their benefits unless they can show that they are citizens or that one of the narrow exceptions apply. If the President's proposals are not adopted all legal immigrants determined to be no longer eligible will lose their SSI benefits in August and September of this year.

Denying SSI eligibility to aged and disabled legal immigrants has nothing to do with welfare reform. Barring from programs available to all other taxpayers those immigrants who played by the rules and entered the country according to our laws is unfair and shortsighted. The bar on cash assistance to legal residents is too harsh on those legal immigrants who can no longer support themselves because of disabilities.

Background--

The Supplemental Security Income program (SSI) is a federal cash assistance program. The average SSI grant of \$366 per month is less than 60% of the poverty level. These benefits are to provide basic needs such as food, shelter, and clothing to poor disabled, blind, and elderly individuals.

- The welfare reform bill banned from SSI individuals admitted for lawful permanent residence with two exceptions:
 1. military service personnel, veterans, and their spouses and dependent children; and
 2. individuals who can be credited with forty quarters of work.
- Under welfare reform, refugees, asylees, and individuals whose deportation has been withheld may be eligible for SSI, but only for the first five years after admission into the United States.

The welfare reform bill denied Medicaid to immigrants for their first five years in the country and after the ban would deem the sponsor's income to the immigrant.

The Problem--

- Without SSI, those immigrants who become disabled or blind after entry into the United States may not have sufficient resources to meet even their basic needs.
- 44% of immigrants entering the country are not required to have sponsors. This includes refugees, asylees, and individuals brought in by corporations (*Get INS correct name for this group*). For those who do have a sponsor that sponsor promises to take financial responsibility for the noncitizen. The sponsor typically makes a commitment of financial support for the immigrant based on the expectation that the noncitizen will eventually become self-supporting through his/her own work efforts (in the case of children, after they reach adulthood). However, if the noncitizen is unable to work after an accident or serious illness, the sponsor's

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financial obligation greatly increases, not only to include the costs of food, shelter, and clothing but also any additional costs relating to the disability.

- For some of those disabled who will lose SSI this summer, their sponsor may have died or may no longer be able to support them. These disabled will have no other means of support. Those disabled noncitizens for whom a sponsor was not required would also find themselves with no other means of support.
- Many of these noncitizens are now elderly and reside in nursing homes or board-and-care facilities. Without SSI cash assistance these disabled and blind noncitizens may face eviction from their assisted living arrangements. About 39,000 noncitizens are in nursing homes and about 209,000 have difficulties with the activities of daily living.
- Of the 803,000 noncitizens receiving SSI in October 1996, about 69 percent or 548,290 were over 65. About 28 percent or 227,360 were over 75 years old. About 7,750 were children.
- Disabled refugees, asylees, and those whose deportation is withheld who can be eligible for SSI for up to five years may not be able to meet the requirements for citizenship or obtain the required forty quarters of work. They, too, would be faced with severe hardship.
- Without SSI these legal immigrants have received from the Federal government, State and local jurisdictions and private charities will become the prime source of assistance to ensure they are able to meet their most basic needs.

The Solution--

The Administration's proposal would remove the barrier to SSI eligibility for legal immigrants, who became blind or disabled after entry, in recognition of the fact that they cannot provide for their own support through work.

SSI eligibility would not be reinstated for immigrants who were blind or disabled prior to entering the United States. In such situations, the sponsors were aware of the continuing inability of the immigrants to be able to support themselves financially.

The Extension of Eligibility Period for Refugees, Asylees, and Deportation Withheld

Background --

Individuals from various parts of the world subject to persecution in their homelands because of race, religion, nationality, membership in a particular social group, or political opinions may be admitted into the United States as refugees. Individuals already in the United States and subject to persecution in their homeland for these same reasons are allowed to remain in the United States under a grant of asylum or may have had their deportations withheld for humanitarian reasons.

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Individuals in these three categories generally are in the United States after much hardship: they have little or no resources. After being granted refugee, asylee, or deportation withheld status, those individuals who are aged, blind, or disabled, may be eligible for SSI for a period of five years after entry.

The Problem--

Generally, a noncitizen may apply for citizenship after he or she has been lawfully in the United States for five years. The naturalization process takes up to a year. Thus, individuals who entered the U.S. as refugees, asylees, or who have had their deportations withheld would lose their SSI eligibility before completing the application process for citizenship, even if they apply for citizenship immediately after they meet the five year residency requirement.

The Solution--

The proposal, by permitting SSI benefits to be paid for an additional two years, would allow sufficient time for noncitizens in these specific categories to become citizens without an interruption of the needed support their SSI benefits provide.

Cost and Number of Noncitizens Affected

The cumulative six year cost (FY 1997-2002) of these proposals is estimated at \$9.9 billion.

During the six year period, between 320,000 and 360,000 additional individuals each year will be protected under the proposals. This includes most of the blind and disabled individuals who will have their SSI benefits stopped late this summer under current law.

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Fact Sheet
President's Budget Proposal
SSI Eligibility for Disabled Noncitizen Children

Current Law

Last year's welfare reform and immigration reform legislation severely restricts the participation of legal immigrants in the Supplemental Security Income (SSI) program. The restrictions apply without regard to whether the noncitizens are adult or children.

Problem

Poor disabled children, whether they be citizens or lawful immigrants, may be the most vulnerable group in the country. Prohibiting SSI eligibility for noncitizen children puts them even at further risk.

Unlike adults who can become U.S. citizens after they have lawfully resided in the country for a specified number of years, children cannot naturalize on their own until they reach age 18. Naturalization of their parents can lead to their derivative naturalization, but if something happens to their noncitizens parents, disabled children not only would have no means of support, they also could not otherwise be eligible for SSI until they become U.S. citizens.

More than half of the current SSI recipients who are children, many of whom will lose their SSI eligibility later this summer, are mentally retarded or suffer other severe psychiatric illnesses. It is likely that they may never be fully self-sufficient.

While some of the disabled children may be covered under a State's Temporary Assistance for Needy Families (TANF) program, some States may opt not to cover all immigrant children. Even in those States whose TANF programs would cover immigrants, disabled immigrant children who arrive in the United States after August 22, 1986, generally would not be eligible for TANF until they have been in the United States for 5 years.

President's Proposal

Under the proposal, disabled individuals who enter the United States as lawful permanent residents before they are aged 18 would be eligible for SSI and Medicaid.

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In a number of cases, disabled children who enter the country would do so accompanying their parents. Thus, even though sponsor-to-immigrant deeming would not apply, the child's parent's income and resources would be taken into account in determining the child's need for benefits.

The proposal creates a safety net for disabled noncitizen children by providing them the same access to SSI and Medicaid as our nation provides citizen children.

How Many Would Be Affected

As of December 1996, there were approximately 7,750 noncitizen disabled children on the SSI rolls. An estimated 75 percent of them could lose eligibility under the welfare reform provisions. The President's proposal would restore SSI and Medicaid eligibility to disabled immigrant children.

Q+AI Ken
merge to 17

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HOLD SPONSORS

RESPONSIBLE

Why shouldn't sponsors be held responsible for immigrants that they bring into the country?

The Administration continues to support holding the sponsors of immigrants responsible for individuals they bring into the country. Sponsors generally sign affidavits of support for those who they sponsor. The Administration supported making these affidavits of support legally enforceable documents. The immigration reform legislation enacted in September last year included this provision. Sponsors should be held responsible for the financial support of immigrants in most situations.

However, the Administration is concerned that when a sponsored immigrant experiences a disability after entry into the United States, the potential financial impact on the sponsor could be devastating. If an illness or accident occurs that makes the immigrant unable to work, the sponsor would be liable not only for the immigrant's basic needs but also for the cost of his or her medical care and other expenses attributable to disability. Such expenses could not have been foreseen by the sponsor. It would be unfair to hold the sponsor responsible for such large and unanticipated expenses.

The President's proposal addresses this problem by allowing SSI and Medicaid eligibility for immigrants who become disabled after entering the country.

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WHY NOT

ALL ELDERLY

Why didn't the Administration request reinstatement of eligibility for all elderly noncitizens?

*didn't propose
oppose*

The Administration's proposal does not include SSI eligibility for all elderly non-citizens because it is the sponsors' responsibility to provide for the immigrant's well-being. Sponsors know the age of the immigrant they are sponsoring when they sign the affidavit of support.

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The sponsor should not be relieved of this responsibility simply because the immigrant is age 65 or older.

aged → disabled

Q+A 3

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4

INCREASE IN
NONCITIZENS ON ROLLS

What explains the increase in the number of noncitizens on the SSI rolls?

The number of immigrants admitted into the United States has increased. Prior to 1970 there were fewer than 5 million foreign born residents in the U.S. In 1980 there were 9.5 million foreign born living in the U.S. Since then the number has increased by 15 million so today we have 24.5 million foreign born residents in the U.S. according to the Bureau of the Census.

It is true that the number of non-citizens on the SSI rolls has increased from 3 percent to 12 percent since 1982. It is important to remember, however, that the number of non-citizens remains a small percentage of the SSI rolls. The largest increase has been experienced in the aged population as compared to those who qualify as disabled. The President's proposal addresses this issue by reinstating eligibility only for those disabled after entry.

33% aged
we had plans, not as harsh;
deeming

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DETERMINE

AGED DISABLED

How will SSA determine whether a person previously on the SSI rolls because of their aged status will now qualify as disabled?

SSA will determine eligibility based on disability the same way the agency does everyday for people under 65, using the same standards and procedures. This determination will be made based on medical evidence.

If an elderly immigrant applies for disability, SSA will help that person gather the necessary information to make a disability determination.

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WHY NOT

BLOCK GRANT?

Why not just establish a block grant to the States to assist them in providing services to those noncitizens who lose SSI?

good arguments; restate

SSI is a federally administered assistance program. There is no infrastructure in place at the state or local level to deliver income support to the disabled population effected. In many states, local governments may be the level of government that directly provides health care to the indigent. Also, charity organizations may be the providers of assistance if these immigrants use their only means of income support. If a block grant went only to the state governments, how would the funds be distributed to those who actually provide the services.

Also, there is discouraging history when block grants have been used to provide services to immigrants. This has been attempted before without good results. Block grants created in the 1986 immigration reforms, the State Legalization Impact Assistance Grants (SLIAG) program, proved to be an inefficient method of assisting the States and very difficult for them to manage.

evidence?

The best solution is to retain eligibility for the most vulnerable immigrants--those who become disabled after getting to the United States, refugees, and immigrants--within the existing Federal social safety net.

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IMMIGRATION QUESTIONS (HHS)

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Q+A6

DRAFT

COST OF IMMIGRANT PROPOSALS

QUESTION:

How much does your Budget spend on giving immigrants welfare benefits?

ANSWER:

- ▶ The President's Budget assists those legal immigrants who, through no fault of their own, are unable to work: children and individuals who are disabled.
- ▶ The President's immigrant proposals total \$14.6 billion over five years FY 1998-2002. \$4.9 billion are Medicaid costs (see attached table). The President's budget seeks to:
- ▶ **Restore SSI and Medicaid eligibility for the disabled immigrants (\$13.7 billion).** The Welfare law would discontinue SSI and restrict Medicaid benefits for legal immigrants including the disabled and children. The President's budget would continue to provide SSI and Medicaid for 320,000 legal immigrants who become disabled after they enter the country and exempt them from the deeming rules.
- ▶ **Restore Medicaid eligibility for non-SSI immigrant children (\$.2 billion).** The Administration's budget would continue Medicaid for approximately 30,000 immigrant children, if they are otherwise eligible, and exempt them from the deeming rules.
- ▶ **Extend the refugee assistance exemption period from 5 to 7 years (\$0.7 billion).** The President's budget would lengthen the exemption period for refugees and asylees from 5 to 7 years. The 5 year exemption in the welfare law does not provide enough time for refugees and asylees to become citizens.
- ▶ **Delay the Food Stamp ban until the end of FY 1997 (\$0.2 billion - the cost of this proposal is not included in the overall immigrant proposal cost since the costs are incurred in FY 1997) .** The Welfare law denies Food Stamps to most legal immigrants currently receiving benefits and future applicants, affecting a million immigrants. Last year's Omnibus Consolidated Reversions and Appropriations Act delayed the ban from January 1, 1997 to April 1, 1997 to give immigrants in the process of naturalizing time to complete the process prior to having their benefits eliminated. Recognizing the effort that many are making to become citizens, this proposal would extend the delay to the end of FY 1997.

DRAFT

President's Welfare to Work Initiative and Proposals to Change Food Stamps and Benefits for Legal Immigrants	FY1998-2002 Outlays in billions of \$
Welfare to Work	
Welfare to Work Jobs Challenge	\$3.0
Enhances and Expands the Work Opportunity Tax Credit	<u>0.6</u>
<i>Welfare to Work</i>	<u>3.6</u>

Changes to Food Stamps and Benefits to Legal Immigrants		
<i>Food Stamps</i>		
Creates and Funds a Real Food Stamp Work Requirement	\$2.2	
Helps Families with High Housing Costs	0.6	
Provides Benefits Which Recognize the Cost of Living		
Reindexes the Standard Deduction	0.1	
Increases and then reindexes the Vehicle Asset Limit	<u>0.2</u>	
<i>Food Stamps</i>	<u>3.1</u>	
<i>Equity for Immigrants</i>		
Protects Immigrants Who Become Disabled	\$13.7	
Provides Targeted Assistance to Immigrant Children	0.2	
Creates an Exemption for Refugees More Sensitive to their Needs	0.7	
Delays the Ban for Immigrants Receiving Food Stamps ¹	<u>0.0</u>	
<i>Equity for Immigrants</i>	<u>14.6</u>	
<i>Changes to Food Stamps and Benefits to Legal Immigrants</i> ²	<u>\$17.9</u>	

Medicaid

4.5

.2

.2

4.9

Health Coverage for SSI Children	
<i>Medicaid</i>	
Continues medical care for low-income disabled children.	
<i>Medicaid</i>	\$0.3

.3

Total
Medicaid 5.2

¹ This proposal has a one time cost of \$165 million in FY97.

² The proposal includes \$200 million in mandatory funding over the FY98-02 period for other technical changes.

Q+A7

IMPLEMENTATION OF IMMIGRANT PROVISIONS

DRAFT**QUESTION:**

What is the status of the Administration's implementation of the immigrant provisions of the new welfare law?

ANSWER:

- ▶ This Administration has been working since the statute was passed to implement the immigrant provisions in a fair and nondiscriminatory manner.
- ▶ The immigration provisions of the new welfare law present a number of complex issues. We are interpreting many of the terms found in the statute and we will issue guidance in a matter of weeks.
- ▶ Within my Department, we have been in close communication with our state partners to develop Medicaid guidance; to date we have already issued an update to the Medicaid Manual, as well as new regulations and policy letters to state Medicaid directors.
- ▶ In addition, the Administration on Children and Families has also issued interim guidance to help states implement the new requirements.
- ▶ We are working with the INS and DOJ to promulgate identity verification rules and the new affidavit of support so that we can properly enforce the new eligibility requirements (see the "Verification" question and answer for more details).

Background

These complex immigration-related implementation issues are handled by an interagency working group, which has been developing policy and guidance for the states and other stakeholders. Policy questions that involve issues of importance to multiple Departments are being coordinated by the White House to ensure consistency.

Title IV of the welfare statute institutes new restrictions on legal and illegal immigrants access to federal, state and local assistance and services. Besides the ACF and HCFA guidance, we are working closely with the DPC and DOJ on Interim Verification Guidance, which may answer our questions as to which of our programs will be required to verify citizenship and immigrant status and therefore refuse service to illegal and some legal immigrants. Until these issues are resolved, we cannot positively determine which programs will be affected by the new restrictions.

Q+A 8

DRAFT

IMMIGRANTS WHO LOSE SSI-EFFECT ON MEDICAID ELIGIBILITY

QUESTION:

Do immigrants who lose SSI lose Medicaid as well?

ANSWER:

- ▶ Not necessarily. The question of which immigrants retain Medicaid eligibility is a complicated one. The welfare bill specifically cuts off SSI cash assistance to qualified immigrants.
- ▶ Previously, receipt of SSI automatically made one eligible for Medicaid in most states. Therefore immigrants who lose their SSI and are not otherwise eligible for Medicaid, may well lose this coverage.
- ▶ In states that continue to cover immigrants in their Medicaid programs, some immigrants who lose SSI may fit into another Medicaid state optional eligibility group and therefore retain Medicaid. Specifically, states which cover individuals who meet SSI criteria but are not receiving the assistance may cover immigrants in this category.
- ▶ However, in the 21 states which do not currently offer this category of Medicaid assistance, immigrants who lose SSI will also lose Medicaid (see attachment). [As always, states could amend their plan to include this option, but coverage would be expanded to all individuals meeting the criteria, not just legal immigrants.]
- ▶ Of course, all states have the option to decide not to offer Medicaid to qualified immigrants.
- ▶ We are exploring both administrative and legislative possibilities to give states the most flexibility to cover immigrants.

OMB
SSA

Background

We have proposed the creation of a separate eligibility "bucket" for those states that have not elected the existing state optional coverage category, but this proposal was not included in the Budget because of cost implications. The entire "bucket" proposal has both administrative and legislative components.

In the interim, we are drafting a regulation to expand the definition of "medically needy" to include coverage of individuals who lose SSI. This would reduce the number of states with no option, short of a legislative solution, to cover these immigrants to seven (from twenty-one--see attachment).

Public info??

DRAFT**21 STATES¹**

Alabama
Arkansas
California
Connecticut
Delaware
Georgia
Illinois
Kansas
Kentucky
Louisiana
Missouri
Nevada
New Hampshire
New Mexico
North Carolina
Ohio
Oklahoma
Texas
Virginia
Wisconsin
Wyoming

7 STATES²

Alabama
Delaware
Louisiana
Nevada
New Mexico
Texas
Wyoming

¹. These are states that do not currently cover the optional group of "non-cash, SSI-like" individuals.

². These are states that would require a legislative solution (i.e., they do not currently cover either the optional group of "non-cash, SSI-like" individuals, or the medically needy).

Q+A 9

BUDGET PROPOSALS TO MITIGATE IMMIGRANT RESTRICTIONS

DRAFT

QUESTION:

What is the President proposing to mitigate the harsh immigrant provisions of the new welfare law?

ANSWER:

- ▶ When the President signed the welfare bill, he made clear that he planned to develop proposals to mitigate the parts of the bill that were not really about the central goal of welfare reform, moving people from welfare to work. In particular, he raised concerns about provisions that unfairly target legal immigrant families.
- ▶ The President's budget would ensure that immigrant children and immigrants who become disabled after they enter the country, two groups of legal immigrants who are the most vulnerable and who cannot "work" their way out of their need, retain access to vital assistance.
- ▶ The new welfare law restricts legal immigrants' access to SSI and Medicaid. The President proposes to exempt the disabled and children from these harsh restrictions.
- ▶ Also, the President's proposal would provide refugees adequate time to adjust in the United States and become citizens before ending their eligibility for assistance (7 years).

Background

The welfare bill contains several different types of restrictions or bans on eligibility for federal and state assistance programs, as well as a confusing list of exceptions for specific groups. All immigrants are banned from SSI and Food Stamps with some limited exemptions (refugees and asylees for the first five years; veterans and active military personnel and their spouse and dependent children; and those who have worked 40 quarters). Legal immigrants who have entered after August 22, 1996, are banned from receipt of federal means-tested benefits, including TANF and Medicaid, for 5 years. Immigrants who were already here on the date of enactment, and other immigrants after the 5-year ban is over, are subject to state options as to whether they will be eligible for TANF, Medicaid and SSBG. Immigrants who do have access to means-tested programs are subject to sponsor deeming, which means that all the income and resources of the immigrant's sponsor will be considered as available to the immigrant during eligibility determinations.

The President's plan would exempt children and the disabled from the SSI and Medicaid restrictions (including deeming). We believe that some portion of the elderly will requalify for Medicaid if they are determined to be disabled. However, pregnant women and the non-disabled elderly adults who do not qualify as disabled would still be subject to the restrictions on coverage.

Q+A 10

DRAFT

NUMBER OF IMMIGRANTS LOSING BENEFITS—CURRENT LAW

QUESTION:

How many immigrants will be affected by the new welfare reform law?

ANSWER:

- ▶ Estimates on this subject vary and are relatively imprecise, since many assumptions are made due to the lack of hard data.
- ▶ However, the CBO has estimated that in FY 1998 about 1 million legal immigrants will lose Food Stamps; 300,000 will lose Medicaid; and 500,000 will lose SSI eligibility under the new welfare law--including both disabled and elderly.
- ▶ The comparable estimates for FY 2002 are: nearly 800,000 legal immigrants will be made ineligible for Food Stamps; over 600,000 denied Medicaid; and about 500,000 denied SSI.

Background

The CBO estimates take into account that:

- ▶ certain immigrants are exempt from the new eligibility bans (e.g., refugees and asylees for their first 5 years and immigrants with 40 quarters of Social Security coverage); and
- ▶ that naturalization rates are likely to increase (CBO assumed that about one-third of those whose benefits would otherwise be eliminated will become citizens by the year 2000).

ASPE has previously estimated that an *unduplicated count* of legal immigrants denied assistance due to the new welfare law is about 1.1 million. (This takes into account that many individuals receiving SSI also receive Medicaid, and in some cases (about 40 percent) also receive Food Stamps.

Our estimates?

QTA 11

STATE AND LOCAL IMPACTS OF NEW IMMIGRANT RESTRICTIONS

DRAFT

QUESTION:

What is the impact of the new immigrant eligibility restrictions on state and local governments and other service providers?

ANSWER:

- ▶ Similar to other estimates in this area, it is difficult to predict with any precision.
- ▶ However, CBO estimated total federal budget savings (through FY 2002) of nearly \$24 billion, and state and local governments will now have to decide how much of their own assistance they will provide to legal immigrants in order to replace this huge withdrawal of federal assistance.
- ▶ Even though states and localities are provided options to deny various assistance to legal immigrants similar to that enacted for federal programs, it is unclear whether they will take such a course. Many of the legal immigrants are likely to remain residents of the state and denying them fundamental safety net assistance will merely result in other costs such as increased public health threats, increased homelessness and hunger, etc.
- ▶ States (and localities) with large immigrant populations will be affected disproportionately by the new restrictions (e.g., California, New York, Texas, Florida, Illinois, New Jersey, and Massachusetts).
- ▶ Therefore, these provisions represent a significant cost-shift from the federal government to state and local governments.
- ▶ The Medicaid restrictions in particular, but also the SSI restrictions, will affect adversely the revenues of hospitals and other health providers (such as nursing homes and doctors) in high-immigrant communities.

Background

The \$24 billion dollars of federal savings of the new welfare law consist of:

- ▶ SSI--\$13.3 billion
- ▶ Medicaid--\$5.3 billion
- ▶ Food Stamps--\$3.6 billion
- ▶ EITC--\$1.4 billion

Add NAC

Attach 5 by 2

Q+A12

DRAFT

UNDERMINING WELFARE REFORM -- PROTECTING LEGAL IMMIGRANTS

QUESTION:

Aren't you opening up the welfare reform bill with your immigrant proposals?

ANSWER:

- ▶ The President and I remain firmly committed to implementing the welfare reforms enacted last year.
- ▶ But the immigrant restrictions of the new welfare law had nothing to do with the central goal of welfare reform --moving welfare recipients from welfare to work. This is **not** an effort to "open up" welfare reform, it is an effort to restore benefits cuts that were attached to welfare reform and shouldn't have been part of the bill to begin with.
- ▶ Legal immigrants work hard, pay taxes and contribute to American society. Immigrant children and disabled immigrants who fall on hard times through no fault of their own should get medical and other vital assistance when they need it.

Q+A 13

DRAFT

VERIFICATION REQUIREMENTS

QUESTION:

Which federal benefit programs are undocumented, or "non-qualified" aliens ineligible for, and what type of verification guidance have you given states and providers regarding verifying citizenship and immigration status?

ANSWER:

- ▶ As you know, the new law requires the Attorney General, in consultation with my Department, to provide guidance regarding verification of citizenship or immigration status within 18 months of the date of enactment (end of February/early March of 1998).
- ▶ We have been working with the Department of Justice to issue shortly interim verification guidance that will help state and local governments, and other providers, in deciding not only which programs will be required to verify, but also the non-discriminatory verification procedures such programs should use.

Background

This guidance may not be ready for another 4-8 weeks.

Releasing this guidance has required coordination across the federal government (and with the White House), and required the resolution of a number of difficult legal and policy issues raised by statutory language, including--

- ▶ definition of "Federal means-tested benefits"
- ▶ definition of "Federal public benefit"
- ▶ Attorney General exemption for certain in-kind, community level services that are necessary for the protection of life or safety and do not condition the provision, amount, or cost of assistance provided on an individual's income or resources
- ▶ exemption for nonprofit charitable organizations
- ▶ exemption for certain battered immigrants (adults/children), and
- ▶ other exemptions related to 40 qualifying quarters, veterans, refugees, etc.

The immigration law, passed as part of omnibus appropriations bill, added the requirement to verify citizenship under "Federal public benefit" programs.

Q+A 14

DRAFT

REPORTING ILLEGAL ALIENS TO INS

QUESTION:

Why haven't states implemented the requirement to report to INS four times a year all illegal immigrants they know about?

ANSWER:

- ▶ We are currently working with the Department of Justice and INS on implementation of this provision.
- ▶ A number of issues need to be resolved, the most difficult being determining what the standard will be to establish that a state eligibility worker has positive "knowledge" that an individual is an illegal, or unlawful, alien.

Background: The welfare reform statute requires that certain programs to report Congress four times a year immigrants that they know are "illegal".

Q+A 15

REFUGEE ELIGIBILITY EXTENSION

DRAFT

QUESTION:

Why is the President proposing to extend the refugee and asylee eligibility for an extra two years for a total of 7 years after their entry (e.g., under SSI and Food Stamps)?

ANSWER:

- ▶ We believe refugees and asylees need a longer eligibility period for assistance than other qualified aliens because of the circumstances that bring refugees and asylees to the U.S.
- ▶ By definition, refugees and asylees are individuals who come to our country to escape persecution in their country of origin. These individuals frequently experience greater difficulties putting their lives together and becoming self-supporting than other legal immigrants.
- ▶ We believe refugees and asylees need an additional two years to overcome their unique circumstances and to provide sufficient time to enable these individuals to achieve stable self-support.
- ▶ The longer time period is particularly important because more recent refugee populations have included larger numbers of older and elderly individuals who require a longer time to adjust.

→ why ^{will} so high?
can't in 5 yrs

all on benefits

Q+A 16

DRAFT

NGA PROPOSALS AND IMMIGRANTS

QUESTION:

The Governors asked the Administration to work with them and the Congress to "meet the needs of aged and disabled legal immigrants who cannot naturalize," but specifically stated we did not need to reopen welfare reform to do it. Why then does the Administration propose to reopen welfare reform and make costly changes that would give welfare to immigrants?

ANSWER:

- ▶ The President and I remain firmly committed to the major reform of the AFDC program enacted last year.
- ▶ But the immigrant restrictions of the new welfare law had nothing to do with the central goal of welfare reform --moving welfare recipients from welfare to work. This is **not** an effort to "open up" welfare reform, it is an effort to restore benefits cuts that shouldn't have been in the welfare bill to begin with.
- ▶ Legal immigrants work hard, pay taxes and contribute to American society. Immigrant children and disabled immigrants who fall on hard times through no fault of their own should get medical and other vital assistance when they need it.
- ▶ The Administration's immigrant proposals are responsive to the concerns noted by the Governors and we welcome the opportunity to work with them and the Congress to rectify some of the unfair burdens placed on immigrants.
- ▶ Our budget addresses the needs of immigrants disabled after entry by reinstating their eligibility for SSI and Medicaid. Our proposal exempts all legal immigrant children from eligibility restrictions. And we would allow refugees, whom the governors noted face extreme barriers to citizenship, more time, 7 years instead of 5, to adjust and naturalize.
- ▶ These proposals would restore aid to these most vulnerable people who need assistance through no fault of their own.
- ▶ In addition, our proposal is responsive to the NGA statement that the immigrant provisions represent a significant cost shift to state and local governments. These provisions reduce the burden on states and local governments.

Q+A 17

DRAFT

MAKING SPONSORS RESPONSIBLE

QUESTION: Why shouldn't these immigrants -- disabled and children -- be taken care of by the sponsors who agreed to take care of them?

ANSWER:

- We agree that sponsors need to be held responsible and accountable.
- However, welfare reform makes most legal immigrants ineligible for [SSI and Food Stamp] assistance, even those who have never had sponsors or whose sponsors have died.
- Our proposal would exempt from these harsh new rules only those legal immigrants who become disabled after entry into the U.S.
- Sponsors of these immigrants have no possible way of planning for the costly care that results from a severe disability.
- We think it is unfair to impoverish such sponsors beyond regular program requirements for family income, or to withdraw assistance from disabled immigrants who have never had sponsors. 

BACKGROUND:

Both SSI and Medicaid have existing family income and resource requirements that ensure generally that members of wealthy families are not eligible for such assistance. There has always been an issue regarding the spend-down and transfer-of-asset rules related to Medicaid coverage of nursing home expenses (i.e., whether "wealthy" families are receiving Medicaid).

Recent INS estimates of FY 1994 non-refugee immigrants found that nearly half--or 44 percent-- did not have sponsors. These estimates include employment-based legal immigrants.

Q+A18

DRAFT**CUBAN/HAITIAN ENTRANTS**

QUESTION: Are Cuban/Haitian entrants eligible for assistance under the new welfare reform rules?

ANSWER:

- They are specifically eligible for the special refugee assistance programs under the Office of Refugee Resettlement.
- Even though Cuban/Haitian entrant status is not specifically included in the list of immigration categories which define who is a "qualified alien", **most entrants have been given parole status for a period of at least 1 year or legal permanent resident status which does make them qualified aliens.**
- If entrants are qualified aliens, they would be treated the same as other qualified aliens under the state eligibilty options in TANF and Medicaid (if Pre-August 1996), or denied TANF and Medicaid for 5 years after entry (if Post-August 1996).
- Under welfare reform, Cuban/Haitian entrants are not specifically exempted from eligibility restrictions as refugees are

Background

Under bilateral agreement between U.S. and Cuba it is estimated that about 20,000 Cubans will be allowed to enter the U.S., the majority of whom will be parolees or legal permanent residents (i.e., qualified aliens), with an estimated 6,000-7,000 likely to be refugees.

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DRAFT

*check how
our proposals
affect*

February 22, 1997

THE STORIES OF LEGAL IMMIGRANTS AT RISK OF LOSING SSI

SSA began sending informational notices to approximately 900,000 SSI recipients starting on February 3. These will be mailed in eight equal batches until all are sent by the statutory deadline of March 31.

Early reports from the SSA field offices include these anecdotes:

- A wheelchair-bound recipient, aged 91, came into a field office in response to his notice. He is a legal permanent resident with 23 quarters of work. Under the welfare reform legislation, he will lose his SSI.
- Two very elderly, senile women, both over 90 are in a convalescent facility. Both allege US birth, according to the facility records, but neither is capable of providing evidence or information. They must prove citizenship or lose their SSI benefits.
- A woman was born in Ireland over 80 years ago and came to the US when she was two. Her long-deceased parents were naturalized, but she has no proof she was. She has never left the US and believes she is a citizen but has no way to prove her status.

*Citizen
Prospect*

INS?

INS?

DRAFT

The following stories came in from the SSA offices in Miami:

- Jorge, a refugee, has been receiving SSI benefits for more than five years. Because he has AIDS, he cannot be naturalized and does not meet any other exceptions in the welfare reform law. During his interview he said, "I was homeless, you gave me a chance when you told me about SSI. Now you are sending me back to the streets."
- An elderly Cuban mother who believed that her son had died in a Cuban prison for the mentally insane learned that he had been forced to come to the US during the 1980 Mariel boatlift. She was able to reach the US to care for her long lost son. Both are now SSI recipients without chances of becoming naturalized citizens. She came to our center in disbelief of what she was hearing on the radio about "this new law". Both mother and son will be terminated as prescribed by welfare reform. The mother left sobbing uncontrollably; the son did not understand why she was crying."

Many SSA local offices are experiencing similar scenarios to those described above. Many disabled and elderly recipients do not remember where they were born, attended school, or were married. Field office staff frequently help beneficiaries and applicants obtain records but these situations offer little hope.

~~SSA~~ INS?



HR-2. IMMIGRATION AND REFUGEE POLICY

2.1 Immigration Policy

- 2.1.1 **Preamble.** The nation's Governors recognize the important contribution immigrants have made and continue to make to our nation. Although the federal government has the primary role in directing overall policy regarding immigration and refugees, the effects of such policy on local communities present challenges that cannot be ignored by the states. These challenges include demands for education, job training, social and health services, and other assistance designed to promote the integration of immigrants into our communities.

Decisions regarding the admission and placement of legal immigrants and refugees rest solely with the federal government. Similarly, the illegal entry of other individuals also is a direct responsibility of the federal government.

The federal government's unwillingness to provide adequate funding for refugee resettlement and immigrant assistance services has resulted in a dramatic shift of program costs from the federal government to state and local taxpayers. This reduced federal commitment has strained the states' ability to provide the programs and services necessary to promote economic self-sufficiency within the immigrant and refugee community. Governors recognize Congress' well-intentioned efforts and agree that sponsorship requirements can help prevent immigrants from becoming public charges. However, the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that deny certain benefits to this population represent a considerable cost transfer to some state and local governments. The Governors are particularly concerned about the effect of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 on immigrants who were in the United States on the date of enactment, but who cannot meet the citizenship requirements because of age or disability. The nation's Governors urge Congress and the administration to work in partnership with the National Governors' Association to ensure that the immigration system and its requirements are fair to both citizens and noncitizens and meet the needs of aged and disabled legal immigrants who cannot naturalize and whose benefits may be affected. The Governors further believe that an equitable solution to this issue could be achieved without reopening the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. We look forward to working cooperatively with Congress and the administration to decide the appropriate vehicle.

Even though mandates have been terminated and states have been provided the option to establish eligibility for Temporary Assistance for Needy Families (TANF), Medicaid, and the Social Services Block Grant, it is not clear that the judicial system will permit states to bar refugees and other legal immigrants who are in need from critical services provided to other residents of the state. At the least, during an initial period of judicial deliberation, states could be required to sustain benefits.

Further, we call upon Congress and the administration to consider whether those individuals who are receiving federal benefits and who have submitted an application to naturalize should continue to be eligible to receive these benefits while they are participating in the approximate six- to nine-month naturalization process.

Because immigration and refugee policy is under the sole jurisdiction of the federal government, the Governors believe that the federal government must be prepared to bear the costs of such policy.

- 2.1.2 **Principles.** Because immigration decisions have a broad influence upon our society and involve the states, the Governors urge Congress to consider the following principles in the deliberation and formulation of immigration policies

- The decision to admit immigrants is a federal one that carries with it a firm federal commitment to shape immigration policy within the parameters of available resources we as a nation are determined to provide.
- The fiscal impact of immigration decisions must be addressed by the federal government. The states, charged with implementing federal policy, have shared and are sharing in the costs; however, there should be no further shift of costs to the states.
- Immigration policy shall be developed within the context of our national interest, which takes into consideration preservation of the family, demographic trends, economic development, labor market needs, and humanitarian concerns.
- Immigration decisions shall not discriminate against nor give preference to potential immigrants because of their nationality, race, sex, or religion.
- A basic responsibility of the federal government is to collect and disseminate timely and reliable statistical information on immigration and its consequences for the United States.
- Immigration policies and administrative systems should be modernized and reviewed periodically to ensure that they are fair and workable.
- Federal immigration policies should ensure that new immigrants do not become a public charge to federal, state, or local governments.
- A transferred prisoner's early release before the balance of the state-imposed maximum sentence is served should be calculated and governed under the laws of that state and not the prisoner's country of origin.
- The federal government must provide adequate information to and consult with states on issues concerning immigration decisions that affect the states.
- States should not have to incur significant costs in implementing federal laws regarding immigration status as a condition of benefits.

2.1.3 Immigration Ceiling and Preference System. The National Governors' Association supports control of legal immigration at a level consistent with our national interest and resources, under a ceiling adjusted periodically by Congress as conditions warrant. The ceiling should continue to exclude immediate relatives of United States citizens, refugees, asylees, and aliens whose adjustment of status is not subject to immigration quotas under current or future laws.

The ceiling should provide for the separation of the two major types of immigrants—families and independent immigrants—into distinct admission categories. In designing the preference system, the principle of family unity should be preserved and the independent immigration system should reflect economic and labor market needs.

2.1.4 Prohibition on the Hiring of Illegal Immigrants. The Governors agree that to help control illegal immigration, the employment of illegal immigrants should be prohibited. To this end, enforcement mechanisms and verification systems must be enhanced. The appropriate federal agencies selected to enforce this prohibition should have the resources necessary to carry out their task. Employers should have access to a reliable verification system that will assist them in complying with the law. Such a system should minimize the administrative burdens on employers and should not discriminate against the employment of workers and potential workers.

The Governors also support the development of methods to prevent identification document fraud. However, the Governors do not support the development of those methods that unnecessarily invade the privacy of individuals, infringe upon areas that traditionally have been under the scope of state and local authority, or directly or indirectly create unfunded mandates to state and local governments.

2.1.5 Legalization and Naturalization. The Governors urge the following.

- States require maximum flexibility in determining and allocating resources to meet the needs of newly legalized aliens.
- The Immigration and Naturalization Service (INS) must be diligent in its efforts to ensure that felons are not naturalized and being given the benefits of citizenship rather than being deported.
- The naturalization process should be streamlined to be more efficient and accessible to eligible applicants wishing to become citizens, with all the rights and responsibilities thereof. In addition, as Congress allowed exemptions to naturalization tests for physically and mentally

disabled applicants, there should be an exemption for those individuals who are eligible for naturalization except for the incapacity to communicate the desire to naturalize.

- 2.1.6 Supplemental Worker Program.** In implementing any supplemental worker programs, the federal government must conduct timely labor certifications to ensure labor availability in the event of labor shortages. This program should not cause displacement of American workers.
- 2.1.7 Cooperation with Western Hemisphere Countries.** A workable immigration program must recognize and involve the major sending countries. The federal government must work cooperatively with Mexico and other western hemisphere countries in the development of mutually beneficial policies. The Governors believe that trade and investment policies are critical elements to reduce illegal immigration.
- 2.1.8 Research and Data Collection.** Congress should direct the federal government to develop a reliable data system and strengthen the research capacity on migration and its consequences to the United States, especially concerning the immigration flow, estimate of illegal migration, and impact of immigration on states and local communities. To do so, better coordination of federal agencies is needed.

In order to provide the necessary information on immigration flows and secondary migration, alien registration by the federal government must be reinstated. In addition, data collected should be analyzed and disseminated to the states in a timely manner for the purpose of planning, implementing, and evaluating immigration policy.

- 2.1.9 Legal Immigration Law Enforcement.** The federal government should provide sufficient funding to the Immigration and Naturalization Service and other appropriate agencies to enforce the immigration laws, modernize management, and provide for an adequate and reliable data collection system.
- 2.1.10 Exclusion/Asylum Proceedings.** Individual claims for asylum should be handled in a fair and expeditious manner. Prompt efforts should be made to address the current backlog problems.
- 2.1.11 Emergency Authority and Contingency Plan.** As the President has contingency planning authority, the federal government must develop a contingency plan to deal with unanticipated flows of refugees, parolees, or asylum applicants. The states expect an immediate federal government response to such a situation. The Governors must be consulted in determining the role of the states. The states anticipate full federal reimbursement of any state and local costs.
- 2.1.12 Impact Aid.** Special impact aid to state and local governments should be provided to meet unusual burdens on communities. Impact aid should be provided in the event that any of the following occur:
- a refugee flow is unexpectedly large or sudden,
 - the resettlement area is highly concentrated by initial placement of refugees, including secondary migrants,
 - the resettlement area has unfavorable economic conditions; or
 - the refugee population has special needs

2.2 Illegal Immigration

- 2.2.1 Law Enforcement.** Recognizing the need for stronger enforcement against illegal immigration, Congress should continue to provide sufficient funding for the Immigration and Naturalization Service and other appropriate agencies to control our nation's border and to remove criminal aliens from the United States. The Governors strongly support provisions in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 that will double the number of border patrol agents by 2001, enhance investigative and enforcement authority for alien smuggling and document fraud, and streamline the process of removal of criminal aliens and alien terrorists. The Governors call on the federal government to effectively use the resources provided for these purposes.

The Governors also are concerned about the increase in drug trafficking by illegal immigrants along the borders of the states and territories. Control of the flow of drugs across our borders is a federal responsibility, and smuggling drugs into the United States is a federal felony. The Governors are concerned that the federal government's current drug-smuggling policy is allowing a large number of people caught smuggling illegal drugs into the United States to be returned to Mexico without prosecution. The Governors urge the federal government to reverse this policy and to vigorously enforce our drug control laws.

2.2.2

Prosecution and Removal of Undocumented Felons. According to a recent study published by the Urban Institute, the seven states most impacted by illegal immigration housed more than 21,000 adult criminal aliens in their state prisons in March 1994, at an annual cost of nearly \$500 million. These figures do not include the cost of incarcerating criminal aliens in youth facilities or supervising paroled criminal aliens.

The Governors are concerned about the lack of resources in the Immigration and Naturalization Service devoted to the early identification of criminal aliens in state criminal justice systems. Currently, a large number of convicted undocumented felons do not come to the attention of the INS and escape formal deportation because of a lack of presence of INS officials in local facilities. The Governors believe that programs like the early identification pilot programs currently operating in several states should be expanded significantly to ensure that undocumented felons are formally deported.

In addition, the Governors believe that greater efforts should be made by the federal government to facilitate the transfer of criminal alien felons to their home countries to serve their sentences. Current transfer treaties are unworkable because they require the consent of the prisoner and they provide little incentive for the country of origin to cooperate with the United States in the enforcement of transfer treaties. Although the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 echoes these concerns, current federal action in this area continues to be lacking.

For this reason, the Governors continue to call on the federal government to negotiate and renegotiate prisoner transfer treaties to expedite the transfer of criminal aliens in the United States who are subject to deportation or removal. The negotiations for such agreements should focus on:

- ensuring that the transferred prisoners serve the balance of their state-imposed prison sentence;
- removing any requirement that the prisoners consent to be transferred to their countries of origin;
- structuring the process to require that the prisoners serve the remainder of their original prison sentence if they return to the United States; and
- considering economic incentives to encourage countries of origin to take back their criminal citizens.

Additionally, the Governors believe the federal government should:

- increase the use of interior repatriation with countries contiguous to the United States;
- place INS officials in state and local facilities for early identification of potentially deportable aliens—nearer the point of their illegal entry—to ensure formal deportation prior to release; and
- upon the request of a state Governor, place INS officers in state courts to assist in the identification of criminal aliens pending criminal prosecution.

Finally, the Governors are concerned about the large number of deported felons that are returning to the United States. A significant number of the criminal alien felons housed in state prisons and local jails are previously convicted felons who reentered the United States after they were deported. In California, for example, reports indicate that more than 300 previously deported parolees are illegally reentering the country each month and coming into contact with law enforcement officials. Criminal alien reentry is a violation of federal law punishable by up to twenty years in federal prison and should be enforced for all states.

The Governors urge the federal government to provide sufficient funds for proven positive identification systems, like California's Criminal Alien Flagging Project and the Automated Fingerprinting Identification System (AFIS), to allow for the expanded use of these systems in the rest of the nation.

2.2.3

Education Costs of Undocumented Aliens. The Governors are concerned about the costs associated with ever-larger numbers of undocumented children in our school systems. In a number of states, this has led to classroom overcrowding and has seriously exacerbated the funding crunch faced by public school systems. Because of the federal government's failure to provide funding for the education of undocumented children, Governors have had to cut back on other vital public services.

In the case of *Plyler v. Doe*, the U.S. Supreme Court upheld a lower court ruling striking down as unconstitutional a state law that denied educational services to undocumented children. The Court's narrow 5-4 decision was based in part on the absence of any "identifiable congressional policy" on the subject and "absent any contrary indication fairly discernible in the legislative record," the Court could "perceive no national policy that supports the state." The Court's dissenting opinion noted that the

majority was "making no attempt to disguise that it is acting to make up for Congress' lack of effective leadership in dealing with the serious national problems caused by the influx of uncountable millions of illegal aliens across the border."

The Governors believe the *Plyler* decision was in fact a call for Congress to legislate in this area. Yet, since that ruling, the federal government has done nothing to set a national policy regarding the education of undocumented children. Instead, the federal government disingenuously cites *Plyler* as the final word. Meanwhile, state and local governments are forced to devote scarce resources to comply with a constitutional mandate born of federal inaction and irresponsibility.

The Governors are not advocating the denial of educational services to undocumented persons. However, some Governors believe that each state should have the right to decide whether it will provide free educational services to undocumented persons, while some Governors believe that all children are granted this right under the U.S. Constitution. The Governors oppose being a captive source of funding for the costs of educating millions of undocumented children. Therefore, the Governors call on the federal government to recognize its exclusive responsibility for costs associated with the unfunded mandate that is the result of failed immigration policies by establishing a direct billing mechanism to ensure that any educational services provided to undocumented children are financed entirely by the federal government.

- 2.2.4 Study of Costs of Citizen Children.** Governors across the country are providing education, health, and social services to citizen children of undocumented immigrants at extremely high costs. However, the true costs are not known, as no systematic survey has been undertaken to examine these costs and the fiscal impacts on states of providing services to citizen children of undocumented immigrants. The Governors call upon Congress and the administration, working jointly with state budget officers, to undertake a study of these costs and to report back within one year, so that an accurate assessment can be made.

2.3 Refugee Policy

- 2.3.1 Preamble.** International political conditions over the past two decades have forced numbers of people to leave their homes and seek refuge in other countries. The United States has provided leadership to the world community in addressing the needs of refugees and displaced persons. The nation's Governors are supportive of this effort to assist those individuals who have been displaced because of their beliefs and support of U.S. policy.

We believe that refugee issues are an international responsibility and that resettlement must be shared as equitably as possible. Further, there must be a genuine effort to protect refugees worldwide.

States play a major role in refugee resettlement. They must work with the refugees to assist in their adjustments to American life and to expedite their economic self-sufficiency. Effective resettlement of refugees requires the development of systems that provide culturally appropriate services to meet the needs of ethnically diverse communities, as well as extensive networking with existing human service systems.

The Governors recognize that resettlement is not a one-time event, but a process of adjustment that may take months or years. In order for this process to be successful, federal, state, and local officials must work together with the private sector and local voluntary agencies to build a seamless continuum of services from initial reception through longer term needs, leading the way to self-sufficiency.

- 2.3.2 Federal Responsibility.** The states are committed to working toward the rapid integration of refugees into our communities. However, the federal government has the total responsibility to meet the basic needs of refugees and entrants (e.g., cash, medical, social services, and special educational costs) for the initial three years. The federal government also has the total responsibility for determining and accounting for secondary migration to areas of saturation.

If the federal government is unwilling to sufficiently fund the necessary services, then it is incumbent upon the federal government to decrease the flow of refugee admissions. Under no circumstances should there be any further shift of costs to state and local governments.

In recent years, there have been significant funding reductions in refugee programs. These budget reductions represent a major federal policy change that shifts fiscal responsibility for meeting the basic needs of refugees and entrants from the federal government to states and localities. This fiscal policy change occurs at a time when state and local resources have experienced significant cuts in human service programs because of federal budget balancing. Because the states do not have the authority to set

immigration quotas or limit secondary migration, they are unable to effectively control the additional costs incurred because of this change in policy.

Governors, Congress, and the administration should work together to identify the appropriate mechanism to address those aged and disabled refugees who are unable to become citizens. The new welfare law no longer provides federal benefits to this population after five years, and shifts the responsibility to states to decide whether to provide state benefits to these refugees admitted to the U.S. by federal policy. The aged refugees, in particular, confront extraordinary difficulties in becoming naturalized citizens (e.g. inability to pass the tests or loss of documents). Unlike legal immigrants, refugees do not have sponsors. Even those refugees able to naturalize would be in jeopardy for a six- to nine-month period during the process of applying for citizenship.

Recently, efforts to privatize refugee resettlement have been under discussion. Under the Wilson-Fish Amendment to the Refugee Act, states have the option of implementing privatized resettlement programs. The Governors support maintaining the current premise that the decision to privatize should be left up to each individual state.

2.3.3

Principles. In keeping with the above precepts, Governors support the reauthorization of the Refugee Act of 1980, with the following principles as guidance for developing new legislation.

- The goal of resettlement assistance efforts is to help refugees achieve self-sufficiency as quickly as possible. The key to economic self-sufficiency is entry into unsubsidized employment at a living wage at the earliest possible time with concurrent removal from dependency on public aid.
- Social services are vital to reaching the goal of self-sufficiency, and federal funding should not be decreased as a means of reducing the federal refugee or entrant budget.
- Under the Fascell/Stone Amendment (Section 501 of the Refugee Education Assistance Act of 1980), Congress intended for Cuban and Haitian entrants to be treated as refugees for the purposes of federal benefits. Cuban and Haitian entrants should continue to receive similar "refugee" status as a temporary means to self-sufficiency.
- The federal government has reduced the period of eligibility for refugee services from thirty-six months to eight months. At least twelve months are required to assist refugees in acquiring basic language skills, housing, and work to achieve rudimentary self-sufficiency. The federal government should provide adequate resources to ensure a full twelve months of access to refugee benefits.
- Stability of federal funding is crucial if states are to implement an effective resettlement program. In addition, the timely provision of funding is essential to enable states to discharge their administrative responsibilities in an expeditious manner, relative to funding decisions and program planning.
- States must be consulted in a timely manner when changes in the current program are being considered. A process for ongoing state participation in program review should be incorporated into the federal administrative structure.
- The federal government should synchronize admissions and appropriation cycles to allow for more effective management of the program.
- Because the refugee program is state-administered, it is essential that all funding should flow to the states to allow for centralized program planning, administration, accountability, and coordination of local planning efforts.
- Although the states are willing to consider changes in the current program that would improve the efficiency or effectiveness of the program, the Governors would oppose any attempt to convert funding for the program to a block grant.

2.3.4

Coordination and Consultation. The Governors continue to be concerned about the lack of adequate consultation on the part of the voluntary agencies (VOLAGs) and their local affiliates in the initial placement of refugees and on the part of the federal government in the equitable distribution of refugees and entrants.

States have continually urged the federal government to establish a mechanism to ensure appropriate coordination and consultation. However, significant progress has not been made and the following mechanisms need to be considered to address this problem.

- There should be a requirement in the State Department/VOLAG contract to limit placement to areas conducive to resettlement. In addition, VOLAGs and their local affiliates should be required to have a letter of agreement that specifies that there has been consultation and planning for the initial placement of refugees and sets forth the continuing process of consultation. The requirement in the State Department/VOLAG contract to limit placement to areas conducive to resettlement should include concurrence by the state.
- INS, the U.S. Department of State (DOS), and the Office of Refugee Resettlement (ORR) should coordinate with states receiving entrants and refugees. Entrants should be made eligible for DOS assistance for thirty days, or another mechanism should be developed to allow for a smooth transition of entrants into a community. The current system, in which an entrant simply arrives in the United States without any knowledge of the state, creates a tremendous burden on the community, leaves gaps in the provision of services, and provides no foundation for planning purposes.
- There should be a continued requirement that sponsors not be on welfare. The sponsorship program should be modified, and existing sponsorship obligations should be more strictly enforced.

An advisory committee should be established, representing state and local government officials, VOLAGs, and the refugee community, to examine and advise Congress and federal agencies on a full range of refugee resettlement issues.

The Governors should be closely involved in the congressional consultation process through which new refugee admissions levels are determined to ensure that program funding is provided to support the level of refugee admissions.

2.3.5 Impact Aid. Special impact aid to state and local governments should be provided to meet unusual burdens on communities. Impact aid should be provided in the event that any of the following occur:

- a refugee flow is unexpectedly large or sudden;
- the resettlement area is highly concentrated by initial placement of refugees, including secondary migrants;
- the resettlement area has unfavorable economic conditions;
- the refugee population has special needs; or
- there is a continuing stream of refugees to one geographic area.

2.4 Habitual Residents

For clarification purposes, the immigration and refugee policy provisions also pertain to habitual residents, as defined in the compacts of free association.

Time limited (effective Winter Meeting 1997-Winter Meeting 1999).

Adopted Winter Meeting 1988, revised Winter Meeting 1992, Winter Meeting 1993, Winter Meeting 1994, Winter Meeting 1995, and Winter Meeting 1997 (formerly Policy C-14).