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001. fax	To Barbara Wooley from Angela Kelley re: Stories (partial, DOB, SSN) (1 page)	06/18/1997	b(6)
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FOLDER TITLE:

VP Legal Immigrant Event 6/96 [2]

2018-0525-S

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Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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RR. Document will be reviewed upon request.

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b(1) National security classified information [(b)(1) of the FOIA]
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b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

National Immigration Forum

FAX MEMORANDUM
JUNE 18, 1997

URGENT

To: Barbara Wooley, White House Public Liaison Office
Fr: Angela Kelley, National Immigration Forum
Re: Quick summaries of the people who may be available for Thursday's event

Carro-OK

Sorry this did not reach you last night. My husband's expensive computer malfunctioned! I am making frantic calls this morning to get more details on the people below and Amanda. Let's talk soon.

1) Shane Nemrod is a native of Lebanon who entered the U.S. legally on a tourist visa in 1989. He married a U.S. citizen (not sure the year) and as a result of that marriage acquired his legal residency. He is now divorced (not sure of the year again). According to his lawyers, he never fell out of legal status.

He worked from 1990 to 1994 at the Waldorf Astoria in NYC. In September 1994 he sustained severe injuries to his head, back and neck on the job due to an elevator accident. In January, 1995 he applied for SSI. He had a long drawn out battle with the SSI and was finally found disabled in April, 1997. On May 2, 1997 his application for benefits was denied because of his alienage and the changes to the law due to the welfare bill.

pro ALJ

He has applied for citizenship in April 1996. Not until early this year was he told that his fingerprints submitted to the FBI were not clear and he needed to submit another set. He has sent the FBI another set over three months ago and still has heard nothing.

He speaks English fluently and is willing to come from New York. The lawyer is available and he is available to answer more questions.

2) The details on this woman are still not clear. She is a client of a lawyer who was contacted by a lawyer I know, so my contact to her is somewhat removed. Teresa is a Nigerian woman who is elderly and nearly blind. She has a similar situation of applying for SSI before the welfare law passed and not being approved until after the law was in effect, therefore disqualifying her. She is a legal resident who resides in Philadelphia with at least one adult son. I believe she speaks English. She is being contacted today about her availability. I will call this morning and get more information.

OK - but no dates

3) Martina is a 39 year old Hispanic woman who is a legal resident with four children (I am not sure of the kids' status). She is disabled due to a severe back condition. She applied for SSI in November, 1995 and has only just had her hearing. Her lawyer is certain she will be denied any day now because of the welfare law and her alienage.

Don't know

4) Last night I learned of another lead. A 65-year old Soviet Jewish gentleman who is a legal resident who came to the U.S. on a family visa. He is sick and disabled with a variety of ailments (I need details on what they are). He and his wife barely get by on her salary as a teacher's assistant and desperately need more income. He has not yet applied for SSI but will be denied if he does, because of the welfare law. Together, the husband and wife speak some English but a translator is probably still needed.

Don't know much



Raul Yzaguirre, President

National Office

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Washington, DC 20036
Phone: (202) 785-1670
Fax: (202) 776-1792

MEMORANDUM

TO: Barbara Wooley
FROM: Cecilia Muñoz
RE: Thursday Briefing
DATE: 6/17/97

Below are a couple of thoughts that you might want to consider incorporating into the Vice President's comments on Thursday:

- We have been successful at showing the faces of the many hardworking immigrants who will be hurt by the changes in last year's welfare bill -- this success has opened the door to a budget agreement which makes significant progress in restoring benefits to the most vulnerable legal immigrants.
- But we must continue to press for protection for those immigrants who will be in great need, but whose faces we can't see because they have not yet become disabled. We must preserve the flexibility to provide SSI to immigrants who were in the country when the law was passed, but who will have accidents or illnesses next month or next year. Their needs will be as great as the many people whose stories have been told in the media; we must have the foresight to protect them as well.
- If we do not provide this flexibility, we will be handing the states a ticking time bomb. Each year there will be a larger number of immigrants with critical needs. If we do not preserve their access to federal services, the states will bear the cost of providing services. This is a federal responsibility; we will stand firm to our commitment to maximize protection for legal immigrants.
- Advocates for older Americans are not fooled by Congressional Republicans who argue that they are standing up for the elderly. Indeed, more than a dozen major organizations representing American seniors have signed a letter asking Congress to abide by the budget agreement and provide SSI eligibility to immigrants who become disabled. Why? Because ultimately, we serve elderly immigrants better by providing this flexibility.



SUN 11 1997 13:12 NLEC-D.C. 202 778 0474 P.02/02

June 5, 1997

Hon. Bill Archer
Chairman, Committee on Ways and Means
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Archer:

The undersigned represent a broad segment of the U.S. population which is deeply concerned about the extent to which legal immigrants will be harmed under the welfare reform law enacted in August of last year. The law cut \$22 billion in services to immigrants legally here who played by the rules -- a full 44% of the cuts in the overall legislation. We believe that these benefits should be restored, and will continue to urge the Congress to act as swiftly as possible to reinstate them.

We believe that the budget agreement between Congress and the White House, which proposes to reinstate \$9.7 billion in Supplemental Security Income (SSI) to immigrants with disabilities, represents significant progress. By aiding immigrants with disabilities who were in the U.S. at the time of the law's enactment, including those who were in the country on that date and who become disabled in the future, this agreement will at least serve those with the most severe needs whose lives literally depend on SSI. This is an important step; at a minimum, final action by the Committee must preserve access to SSI for all of these individuals. Any further restrictions to SSI or Medicaid or the inclusion of extraneous provisions related to immigrants are inappropriate, and we will oppose them vigorously.

We also remain concerned about the fate of elderly immigrants who rely on SSI for their survival, and immigrants who will come in the future and will face extraordinary hardship due to a crisis in their own -- or their sponsors' -- lives. As the Committee continues the budget reconciliation process, we strongly urge that you identify additional resources to preserve SSI eligibility for all legal immigrants. We will not, however, support any reductions in benefits to immigrants with disabilities in order to provide them to other groups of immigrants.

Sincerely,

Alzheimer's Association
American Immigration Lawyers Association
American Network of Community Options and Resources
The ARC of the United States
Asian American Health Forum
Council of Jewish Federations
Disability Rights Education and Defense Fund
Food Research and Action Center
Hebrew Immigrant Aid Society
Jesuit Social Ministries
Lutheran Immigration and Refugee Services
Mennonite Central Committee (DC Office)
National Asian Pacific American Legal Consortium

National Immigration Forum
Service Employees International Union
United Methodist General Board of Church and Society
United States Catholic Conference, Migration and Refugee Services
Union of Needle Trade Industrial and Textile Employees
World Relief Corporation

National Association for Bilingual Education
National Association of Protection and Advocacy Systems
National Association of Public Hospitals & Health Systems
National Council of La Raza
National Health Law Program

MAY 27 '97 04:55PM

Angie
Alida Barlett
Frank Sharry

P.1/2

The National Immigration Forum's

Benefits Bulletin

A Look At How the Welfare Law Will Affect Legal Immigrants

May 27, 1997

Contents

➤ WHAT THE BUDGET DEAL MEANS FOR LEGAL IMMIGRANTS

pages total 3

After much debate, the president and Congressional leadership have agreed to a budget deal. The deal includes \$ 9.7 billion dollars over 5-years to restore SSI and Medicaid benefits to some legal immigrants and refugees. While the budget deal does restore benefits to some, there are still many legal immigrants who will be left out. Today's *Benefits Bulletin* describes how the budget deal addresses legal immigrants, considers possible efforts to change the deal, and brief stories of immigrants who will be affected by the deal.

Legal Immigrants Covered by the Budget Deal

- ◆ All legal immigrants who were in the country **before August 23, 1996** who are currently disabled will be eligible to continue receiving SSI and Medicaid. In addition, all legal immigrants who were in the U.S. by **August 23, 1996**, and become disabled in the future will be eligible for SSI and Medicaid.
- ◆ **Refugees and asylees** will be eligible for SSI and Medicaid benefits for **seven years after their arrival** in the U.S. instead of the just five years as originally set forth in the welfare reform bill.

Many Legal Immigrants are not Covered Despite the positive press, there are many legal immigrants who the budget agreement does not reach.

- ◆ Legal immigrants who entered the U.S. after August 23, 1996.
- ◆ As many as **100,000 elderly legal immigrants** who are currently receiving SSI on the basis of their age only (according to the Congressional Budget Office).

MAY 27 '97 04:56PM

P.2/2

- ◆ Any other benefits program that was affected by the welfare reform bill including Food Stamps.

Immigrants Arriving after August 23, 1996 are Left Out The second sentence of the budget agreement states: "Those disabled legal immigrants who entered the U.S. after August 22, 1996, and are on the rolls before June 1, 1997, Shall not be removed." Though this seems to continue benefits for people who got on the rolls between August 22, 1996, and June 1, 1997, according to the Social Security Administration virtually no one has been placed on the rolls in that time period. This section of the budget deal is essentially meaningless.

The Tide Could Still Turn Despite the clear language of the agreement, there may be attempts to limit the scope of the agreement and not restore benefits to as many legal immigrants as are currently covered in the agreement. For example, some may try to interpret the agreement to not extend benefits to those who were in the U.S. by August 23, 1996 but who were not yet using benefits. If this happens, who will be hurt?

- ◆ Samuel, 6-years old, and his mother were reunited with the child's father, a U.S. citizen, in March 1996. Shortly thereafter, Samuel was rendered a quadriplegic when he was hit by a speeding car on his way home from a playground with his mother. His father is a U.S. citizen who has worked for 25 years in the U.S. The child and mother are permanent residents. After exhausting the family's and the driver's insurance, they applied for SSI. The child was denied because the quarters the father worked prior to the child's birth do not count toward the 40 required quarters under the new law. If the current budget agreement becomes law, Samuel will be eligible for SSI immediately.

Up to 100,000 Elderly Legal Immigrants Face Being Cutoff The CBO estimates that as many as 100,000 elderly legal immigrants will not be considered disabled and therefore will lose SSI. These are individuals like:

- ◆ Stella, 68-year old widow, recently lost her only child to cancer. Though Stella is in good health, she receives SSI because she is elderly. SSI provides her needed assistance in caring for her basic living expenses. She has not worked in five years as she has been taking care of her daughter during her prolonged illness. Under the budget agreement, Stella will lose her SSI benefits. Because of her age and limited language ability, she has little hope of finding employment.

Also, immigrants who entered after August 23, 1996, are not covered by the agreement. These legal immigrants have played by the rules, will pay taxes, and work hard like generations of immigrants before them. The agreement denies them any relief if they suffer a personal tragedy that leaves them disabled. For example:

- ◆ Edward, 27-years old, came to the U.S. in October 1996. Beginning in November, 1996 he worked as an engineer and soon thereafter bought his first home. Suppose he and his sponsor, his wife are in an accident. His wife is killed. As a result of his severe injuries, Edward is hospitalized for several months. He is bound to a wheel chair and though he needs rehabilitation he has nowhere to go. Edward exhausts his insurance, is unemployed, and is without any family to help support him. Since he entered the U.S. after August 23, 1996, he will not qualify for SSI disability benefits.

LUIS V. GUTIERREZ
MEMBER OF CONGRESS
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2438 RAYBURN BUILDING
WASHINGTON, D.C. 20515
(202) 225-0200

Congress of the United States
House of Representatives
Washington, DC 20515-1304

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SUBCOMMITTEES:
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CAPITAL MARKETS, SECURITIES AND
GOVERNMENT SPONSORED ENTERPRISES
VETERANS' AFFAIRS
SUBCOMMITTEE:
HEALTH
RANKING DEMOCRAT

DATE: April 28, 1997

TO: Ms. Janet Murguia
Deputy Assistant to the President
for Legislative Affairs

FROM: Rep. Luis V. Gutierrez

FAX NUMBER: 456-2604

NUMBER OF PAGES (INCLUDING COVER SHEET): 4

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HEALTH
RANKING DEMOCRAT

MEMORANDUM / April 28, 1997

TO: Ms. Janet Murguia
Deputy Assistant to the President for Legislative Affairs

FR: Congressman Luis V. Gutierrez

RE: Legal immigrants / welfare reform

VIA FAX: 202-456-2604

Thank you for taking the time to speak with me in order to reiterate President Clinton's commitment to conduct an event at the White House designed to highlight the urgency of restoring benefits to legal immigrants whose access to such assistance is eliminated under P.L. 104-193.

As per your suggestion, I have compiled a list profiling several individuals from my district who are threatened by the consequences of the new law. This memorandum is intended to provide you with a summary of the most compelling examples of such cases.

I am awaiting similar submissions from my colleagues on the Hispanic Caucus. As soon as I receive those, I will be sure to forward them onto you.

I should point out that the following list represents merely a handful of dozens of equally effective stories that have been presented to me by my constituents in Chicago. If necessary, and if applicable to the preparation for this event, I would gladly provide you with a more extensive list than the one found below.

In the meantime, I hope that you will find the following summaries worthwhile and informative:

1.) ADELA KURBOWNIC

Adela is a Polish immigrant, age 74. After arriving in the United States, she worked for 8 years in a factory on Chicago's Northwest side. After the company moved out of town, Adela was left without a job. Despite her impressive wage-earning history, she falls eight quarters shy of qualifying for an exemption from the cuts in the new law.

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Adela has applied for citizenship and has been scheduled for an examination with the INS several times. On one such occasion last year, she had to cancel her appointment because of emergency surgery.

She receives food stamps and SSI, and has already received notice that such benefits will be cut off. Her state-paid Medicaid is also in jeopardy pending Illinois' announcement of its intention to extend or deny coverage for immigrants.

(Because of her lack of comfort speaking English, Adela's story would best be articulated through her adult daughter, Janet.)

2.) ZOFIA KUKLO

Zofia, a 91 year old Polish immigrant, applied for citizenship this March. She suffers from diabetes, and has had a limb amputated because of her condition.

While many of her age cohorts face the same threat from the pending denial of benefits, Zofia's story is perhaps unmatched when one takes into account her earlier personal history.

During World War II, Zofia-- then still in Poland-- hid as many as a dozen Jews from certain death at the hands of the Nazis. Of course, such an act was more than compassionate-- it was courageous and presented a tremendous risk to her and her own family.

One day during that period, as her grandson Andrzej Dajnowski told me, Zofia was confronted by a pair of German soldiers who suspected her of harboring Jews. At the time, two Jewish women were in fact taking refuge in Zofia's attic. Fortunately, the soldiers were unable to find them and Zofia, who would have likely been executed for such an act, was spared.

In short, Zofia's case illustrates this disturbing reality:

Because of her bravery, Zofia received a unique distinction from the Yad Vashem memorial in Israel as she was recognized as a "righteous" person for her efforts to help others survive. On the other hand, because of the new welfare law, Zofia has received notice from our government that she is no longer eligible for benefits that will allow her to survive.

3.) GLORIA BEDALLO

The consequences of the new law actually confront her son, a 22 year old who suffers from cereberal palsy.

The Bedallo family, we are told, have very few resources. Much of what they have been able to save has been used to care for the young man's condition. He receives SSI and because of his immigration status-- he is a legal permanent resident of this country but not a citizen-- he will lose access to that benefit.

4.) DORIS BEY

Again, the individual in direct jeopardy is another family member, Doris' mother. The woman is in her 70s and suffers from Alzhemier's disease. She resides in a nursing home.

Due to her condition, she is impaired to such a degree that she is unable to successfully complete the citizenship examination. The termination of benefits will likely leave her without proper medical care and supervision.

Please feel free to contact me at 225-8203 at your earliest convenience to share any questions or concerns that you may have regarding these cases or on this issue in general.

Thank you, Janet, for your time and attention to this matter.

SIDE-BY-SIDE COMPARISON: IMMIGRANT PROVISIONS HOUSE/SENATE BUDGET RECONCILIATION BILLS (as of June 16, 1997)

Bi-Partisan Budget Deal	House Ways & Means	Senate Finance
<u>Covered:</u> All disabled recipients receiving SSI as of 8/22/96; Elderly recipients receiving SSI as of 8/22/96 who requalify as disabled; Legal immigrants who were in the U.S. as of 8/22/96, and become disabled in the future; and For seven years after entry into the U.S.: welfare benefits for refugee, asylees and others withheld deportation for fear of persecution in their home country.	<u>Covered:</u> Disabled and elderly recipients receiving SSI as of 8/22/96; Disabled and elderly recipients receiving Medicaid as of 8/22/96; ((STILL UNCONFIRMED)) and For seven years after entry into the U.S.: welfare benefits for refugee, asylees and others withheld deportation for fear of persecution in their home country. Amerasians & Cuban/Haitians are defined as "qualified aliens.	<u>Covered:</u> Disabled and elderly recipients receiving SSI as of 8/22/96; Limited numbers of recipients receiving SSI as of 8/22/96 who become disabled in the future; and <i>apply by 9/30/97.</i> For seven years after entry into the U.S.: welfare benefits for refugee, asylees, Cuban/Haitians and others withheld deportation for fear of persecution in their home country for seven years. Amerasians not covered.

DRAFT, 6/17/97

SUMMARY OF IMMIGRANT PROVISIONS IN THE HOUSE BUDGET RECONCILIATION BILL

The Ways and Means Committee budget reconciliation bill continues SSI and Medicaid benefits for immigrants receiving benefits as of August 22, 1996, and extends from five to seven years after arrival in the U.S. eligibility for SSI, Food Stamps, Medicaid and Social Services Block Grant for refugees, asylees and those granted withholding of deportation.

Remaining problems with the bill include:

- **SSI and Medicaid eligibility is restricted to those immigrants receiving such benefits as of August 22, 1996.** This deviates from the bipartisan budget agreement by denying SSI benefits to immigrants who were in the country as of August 22, 1996, and who become disabled after that date. An amendment allocating \$2.3 billion in unspent funds towards restoring coverage to these immigrants was offered in Ways and Means Committee and was narrowly defeated by a vote of 19-20. We expect the provision to be included in the bill when it is taken up at Rules Committee.
- **Clarification regarding Cuban and Haitian entrants and Amerasian noncitizens.** The Archer/Shaw Substitute specifies that Cuban and Haitian entrants and Amerasian permanent resident aliens are "qualified aliens" thereby continuing the SSI and Medicaid eligibility of those who were receiving SSI benefits on August 22, 1996. Under current law, Amerasians and Cuban/Haitians entrants are "qualified aliens." Therefore, the provisions clarifying their status does not help them. As a result, those entering after August 22, 1996 are ineligible for SSI, Medicaid and means-tested benefits. A provision treating Cuban/Haitians entrants and Amerasians similar to refugees would resolve this problem. The Senate Finance Committee Mark includes such a provision.

There may be additional legal immigrant provisions offered when the bill is taken up at the Rules Committee that the Administration strongly opposes.

- **Immigrants would be excluded from treatment for HIV/AIDS from the communicable disease exemption.** Last year, this provision was dropped from the final Illegal Immigration Reform Act of 1996; Congress recognized that withholding HIV/AIDS services from immigrants poses a significant threat to public health. In addition, this provision would place an unfunded mandate on the states, local governments and communities to care for immigrants who require these vital services.
- **Legal immigrants who receive 12 months of means-tested public benefits will be subject to deportation as a "public charge."** Again, this provision was dropped in the Illegal Immigration bill that passed at the end of last year. Under this provision, immigrants would be required to pay back any costs of services before being allowed to naturalize. Legal immigrants would be subject to deportation even if they qualified for assistance through one of the exemptions (i.e., indigence).
- **Expanding the definition of means-tested benefit.** This provision would broadly define means tested benefits for the purpose of implementing immigrant restrictions in last year's Welfare Reform legislation. A similar provision was deleted from the Senate Welfare Reform legislation last year. Under this definition, legal immigrants would be denied access to a large number of vital public health

DRAFT, 6/17/97

services that assist vulnerable populations. Legal immigrants would be denied access to these programs for their first five years in the country and thereafter would have their sponsor's income deemed for purposes of eligibility until citizenship. Such restrictions would be harmful to the health and well being of the legal immigrants and would be burdensome on the state and local agencies who administer the programs. In addition, the provision would generate no savings for the purpose of budget reconciliation.

- **Limiting an immigrant's eligibility for benefits based on a measure of his or her sponsor's income.** Provisions denying eligibility for benefits to immigrants whose sponsor has an income of \$40,000 or more was added at subcommittee but taken out by the Archer/Shaw substitute at Full Committee. A similar provision may be offered in the Rules Committee. A sponsor income limit would increase administrative burden within the SSI program by requiring retroactively locating sponsors, determining income if they can be found, and redetermining the immigrant's eligibility on this basis.

DRAFT, 6/17/97

SUMMARY OF IMMIGRANT PROVISIONS IN THE SENATE FINANCE COMMITTEE BUDGET RECONCILIATION BILL

The following are the immigrant provisions included in the Roth Chairman's Mark released on Friday, June 13. **The Committee is expected to mark up the reconciliation bill on Tuesday, June 17 in SH-216, beginning at 10AM.**

- **Mark grandfathers current recipients of SSI as of August 22, 1996.** This provision would allow those currently on the SSI rolls to continue to receive benefits. This deviates from the bipartisan budget agreement which provided for restoration of SSI benefits to immigrants who were in the country as of August 22, 1996, and who become disabled after that date. The provision is similar to that in the House version.
- **The Mark does not ensure the restoration of Medicaid benefits to SSI recipients.** Legal immigrants are unprotected in States in which SSI eligibility is not automatically linked to Medicaid coverage or States that elect not to provide coverage to legal immigrants. The bill must clearly restore the previous Medicaid relationship to SSI, and repeal for SSI recipients the welfare reform provision that allowed states the option to discontinue Medicaid services.
- **Limit future SSI eligibility to disabled immigrants in the country as of August 22, 1996 who apply for SSI by September 30, 1997.** There is no provision that provide eligibility for future applicant in the budget reconciliation bill approved by the Ways and Means Committee. The Senate provision is limited to September 30, 1997 since there was a limited amount of funds (\$700 million) and the Committee was awaiting CBO scoring of this provision. According to SSA, the cost of this proposal is \$1.4 billion.
- **Welfare eligibility is extended from five to seven years after arrival in the United States for refugees, asylees, Cuban/Haitians, and others whose deportations are withheld due to fear of persecution in their home country.** This provision is similar to the budget agreement but adds that Cuban/Haitians are deemed qualified aliens and are to be treated similar to refugees. However, there is not a similar provision for Amerasians in either the House or Senate bills. In the Ways and Means bill, the bill clarifies that Amerasians are qualified aliens but does not provide, as the President's budget proposes, to treat Amerasians similar to refugees. The Senate Finance Committee bill does not address Amerasians.

June 16, 1997 (10:30 p.m.)

MODIFICATIONS TO THE CHAIRMAN'S MARK (*Spate Finance*)

INCOME SECURITY

Page 89, Under CONTINUE ELIGIBILITY FOR CERTAIN NONCITIZENS RECEIVING SSI ON AUGUST 22, 1996, New Committee provision: SSI restrictions shall not apply to an alien who is lawfully residing in any state on August 22, 1996 and who is disabled, but only if the alien applies for benefits on or before September 30, 1997.

Page 89, "SSI eligibility": New Committee Provision-- SSI restrictions shall not apply to permanent resident aliens who are members of an Indian tribe.

Page 89, "SSI eligibility": New Committee Provision-- SSI restrictions shall not apply to certain recipients eligible on the basis of very old applications.

H.L.C.

F:\YSH\IMM5\BECERRA.001

this lost 19-20.

**AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. BECERRA OF CALIFORNIA**

Strike subtitle D of title IX (relating to restricting welfare and public benefits for aliens) and insert the following new subtitle:

**1 Subtitle D—Restoring Welfare and
2 Public Benefits for Aliens**

**3 SEC. 9301. REPEAL OF TITLE IV OF THE PERSONAL RE-
4 SPONSIBILITY AND WORK OPPORTUNITY
5 RECONCILIATION ACT OF 1996.**

**6 Notwithstanding any other provision of law, on the
7 date of the enactment of this Act the provisions of title
8 IV of the Personal Responsibility and Work Opportunity
9 Reconciliation Act of 1996 (Public Law 104-193) shall
10 cease to be effective and the amendments made by that
11 title shall be repealed.**

w/Drawn - Becerra offered but w/drew this amendment.

**AMENDMENT
OFFERED BY REP. XAVIER BECERRA**

June 10, 1997

Description

Restore All Legal Immigrant Benefit Cuts

This amendment would eliminate all the cuts in Federal public assistance for legal immigrants included in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193).

The Congressional Budget Office has scored this amendment as costing \$23.6 billion for the years 1997-2002. The cost of this amendment would be offset by striking the provisions in the Tax Markup document lowering the corporate capital gains rate and eliminating the corporate Alternative Minimum Tax.

RESTRICTING ACCESS TO HIV/AIDS SERVICES

An amendment that denies treatment for HIV/AIDS from many immigrants may be proposed in the House. The provision would specifically exclude HIV treatment from the communicable disease exemption to the welfare reform restrictions on services to immigrants.

- **ACCESS TO SERVICES PROTECTS PUBLIC HEALTH:** Last year Congress debated whether or not to exclude treatment of HIV/AIDS from the services available to all immigrants under the communicable disease exemption. Congress recognized that withholding HIV/AIDS services from immigrants endangers public health and decided against such a policy. Individuals who are HIV positive need to be encouraged to receive medical assistance as quickly as possible, whether they are citizens, legal permanent residents, children of migrant workers or low-income employees with worker visas. Denying access to care for immigrants with communicable diseases is against our country's best interests.
- **RESTRICTION ENCOURAGES SPREAD OF AIDS IN GENERAL POPULATION:** The fear of discovery or eventual deportation will likely prevent both legal and illegal immigrants from seeking care for HIV/AIDS, thereby endangering the health of the general population. Because any treatment will be limited, health care providers will not have opportunities to educate HIV-positive immigrants on how to prevent transmission of the disease, or to offer support critical to maintaining their health and well-being. Medical studies indicate that denying treatment to HIV positive individuals *increases* the risk of HIV transmission to others, immigrants and citizens alike.
- **ENCOURAGES SPREAD OF TB AND OTHER COMMUNICABLE DISEASES IN GENERAL POPULATION:** Tuberculosis, especially multiple drug resistant TB, is much more common in people with HIV and AIDS. As their immune system weakens, they also become more active transmitters of TB and other infectious diseases to others. We can *prevent* the spread of these diseases by treating people with HIV, but this proposal would instead deny treatment until immigrants are already highly contagious. Driving immigrant health problems underground in this way will fuel the spread of TB, infectious pneumonia, hepatitis, measles and other diseases that endanger the health of the general population.
- **UNFUNDED MANDATE TO STATES AND LOCAL GOVERNMENTS AND FALSE SAVINGS:** This provision would generate no savings for the purpose of budget reconciliation. Denying outpatient care to AIDS patients can result in increased acute emergency hospitalizations for pneumonia and other infections--with increased costs to the U.S. health system and suffering for people with the disease. Individuals who could have worked productively and functioned normally for years will instead suffer painful and preventable diseases before a premature death. The responsibility for shouldering this increased financial burden will shift to the states and local agencies providing care to these individuals.

Draft 6/17/97

Talking Points on the Cuban/Haitian provision in the Ways and Means bill:

- o Under the Ways and Means Committee bill, Cuban/Haitian entrants would be considered "qualified aliens". They are already considered qualified aliens under current law (section 431 of PROWRA). Therefore, there is no difference or particular advantage to have them considered a "qualified alien".
- o It is more beneficial to consider as "refugees". A provision that treats Cuban/Haitian entrants similar to "refugees" is included in the Senate Finance Committee mark.
- o Under the Bilateral Agreement between the U.S. and Cuba, 20,000 Cubans are slated to enter the U.S. each year during the 5-year period from FY 1995 through FY 1999. Most of these Cubans enter as aliens paroled in under section 212(d)(5) of the INA for a period of at least one year and are therefore already considered qualified aliens.
- o The advantages of Cuban/Haitian being considered the similar to "refugees" for purposes of the welfare reform law are the following:
 - In a status similar to "refugees," Cuban/Haitian entrants who were not receiving SSI on August 22, 1996, could continue to be eligible for SSI and therefore would be eligible to receive SSI recipient after August 22, 1996 if they are elderly or become disabled during the first 7 years they are in the U.S. If they were only considered only a "qualified alien", they would not be eligible.
 - In a status similar to "refugees," Cuban/Haitian entrants who entered the U.S. prior to August 22, 1996, would continue to be eligible for Food Stamps during their first 7 years in the U.S. If they were only considered a "qualified alien", they would lose Food Stamp eligibility on August 22, 1997.
 - In a status similar to "refugees," Cuban/Haitian entrants who enter the U.S. after August 22, 1996 would not be banned from Federal means-tested public benefits during their first 7 years in the U.S. As "qualified aliens", they would be banned from eligibility for Federal means-tested benefits.
 - In a status similar to "refugees," Cuban/Haitian entrants who entered the U.S. prior to August 22, 1996 would continue to be eligible for state public benefits, Medicaid and Social Services Block Grant during their first 7 years in the U.S. If they were only considered "qualified aliens," their eligibility would be at state option.

Fax to:
Brian Coyne

fax 358-6076
1 Diane Garro 410-966-3168
418-382-7765
Garro carphone

THE ELDERLY AND DISABLED LEGAL IMMIGRANTS THE HOUSE WAYS AND MEANS BUDGET PROPOSAL LEAVES BEHIND

Ivo Sutich

all you sure -558-6076

Mr. Sutich fled communist Yugoslavia in 1954, at the age of 24, and two years later came to the United States legally through the Department of State's Escapee Program. Because of the Welfare Reform bill passed last August, his application for SSI was recently denied. Mr. Sutich worked in the U.S. for eight years before being diagnosed with chronic paranoid schizophrenia and being involuntarily committed to a mental hospital. He is now 67 years old and nearly blind. He was recently discharged from a nursing facility and for the first time in several years, he is living in the community with the help of caseworkers. Unless Mr. Sutich's reapplication for SSI is approved, he will be evicted from the board-and-care facility where he is permitted to reside pending his application's approval.

For more information, please contact:
Melinda Bird
Protection and Advocacy
(213) 427-8747

"Lisa"

After a two year courtship, "Lisa", a native of the Philippines, married an American serviceman in 1965. Shortly thereafter, they moved to the U.S. "Lisa" began working as soon as she became eligible. She gave birth to her first and only child in 1968. She continued working until she was laidoff. She and her husband decided it best that she devote herself to being a mom and a homemaker. Her son is now a sergeant with the U.S. Army Airborne Rangers. The 21-year marriage ended in divorce and "Lisa" returned to factory work. She moved to Maine and later remarried. Shortly thereafter, her second husband was diagnosed with AIDS. "Lisa" was tested and was found to have the virus as well. Lisa began showing symptoms of her HIV, especially chronic fatigue. In 1996, she and her husband were divorced.

400's

She was granted a fully favorable decision for SSI benefits on March 13, 1997 by the Administrative Law Court. On March 17, 1997, "Lisa" received notice that, despite her disability, she would not receive any benefits because she is a resident alien with only 31 working quarters. The reason she lacks the required 40 is that she spent time raising her American-born son, and the Social Security Administration does not credit quarters of a spouse if the marriage ends in divorce. Without SSI benefits that she would be entitled to under the terms of the budget deal, "Lisa" will be without critical care.

For more information, please contact:
Samuel Mathis, Esq.
(207) 799-9291

*Jack - I feel and
lets divorced*

Piedad Altagracia Gonzalez

Piedad Altagracia Gonzalez, born in Colombia, entered the U.S. as a lawful permanent resident in 1986, then a healthy woman with no history of any physical or mental illness. She is single and has no children. She soon found employment, and had worked for four years when she began experiencing severe debilitating arthritis in her back as well as was diagnosed with major depression and an anxiety disorder. She became too disabled to continue working.

In 1994, Ms. Gonzalez applied for SSI benefits. She received a favorable decision from the Social Security Administration in November, 1996. However, SSA issued a subsequent decision in December, 1996 denying her SSI benefits due to the restrictions imposed by the Welfare Bill. Not only does this denial prevent her from current receipt of SSI but also from the benefits to which she was entitled for November, 1994 through August, 1996 while her case was pending.

For more information, please contact:
Froska Alfonso, Counsel
New York Legal Assistance Group
(212) 750-0880

ALT

"Mrs. Sang"

Mrs. Sang is a 50 year old Cambodian woman who fled war-torn Cambodia in 1979 after losing four of her five children in the war. Mrs. Sang came to the U.S. in 1984 as a political refugee with the hope of starting a new life. After entering the U.S., her husband who had been kidnapped and imprisoned by the Khmer Rouge while in Cambodia, became physically and emotionally abusive, and abandoned her. She has been medically diagnosed as suffering from major depressions. As a result of her mental disability, doctors have found that she is unable to work and support herself. Mrs. Sang applied for SSI on April 26, 1995. In August of 1996, she received a letter from the Social Security Administration advising her that she qualified for SSI based on her disability. When she went to the SSA office on August 30, 1996, eight days after the welfare reform law passed, she was told she was no longer eligible because she was a legal immigrant.

For more information, please contact:

Victor Hwang
Asian Law Caucus
(415) 391-1655 #31

by tomorrow
will call

to do inc & res.

shld hv been help - med dec as of law
concerned - want to know more

"Amanda"

"Amanda," her husband, and child immigrated from Poland on a diversity visa in 1993. The family moved to the U.S. in hopes of a better life. Both "Amanda" and her husband immediately began working. After working for about 2 1/2 months "Amanda" had an attack which was eventually diagnosed as multiple sclerosis. Her SSI onset date is fall, 1995. She applied for SSI and though she was initially approved in February 1997, she was then denied five days later due to her immigration status. Although "Amanda's" husband has recently obtained a new job with family insurance she will not be covered because her MS is considered a pre-existing condition.

In country -

For more information, please contact:

Ray Cebula
Disability Law Center
(617) 723-8455

yes Dorota Kiedas
Maria Kazimierczak

husband?
no English

"Ellie"

when
"Ellie" immigrated from India and began working immediately. She was injured at work and became disabled. After resolving her workers' compensation claim, she visited the SSA office in an effort to apply for SSI. She *✓* was told that because of her immigration status she did not qualify for SSI.

I have a call in for more information on this individual's case.

For more information, please contact:

Ray Cebula
Disability Law Center
(617) 723-8455

↓
*not clear if
severe enough*

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	To Barbara Wooley from Angela kelley re: Stories (partial, DOB, SSN) (1 page)	06/18/1997	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Diana Fortuna
OA/Box Number: 12022

FOLDER TITLE:

VP Legal Immigrant Event 6/96 [2]

2018-0525-S

ry2243

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

National Immigration Forum

FAX MEMORANDUM
JUNE 18, 1997

To: Barbara Wooley, White House Public Liaison Office
Diana Fortuna

Fr: Angela Kelley, National Immigration Forum *X19*

Re: Stories of people who are not protected under the House Ways and Means Committee "grandfathering" proposal, but are covered by the terms of the budget deal for use by the Vice President and members of Congress

Attached are the stories we have of people who will not be covered by the House Ways and Means proposal that would be covered by the budget agreement. We are in contact the individuals' attorneys and other representatives in an effort to get more personal details. Please review these and call us ASAP with your questions so that we can quickly get responses.

Below is the information for the security clearance for the translator, Maria, the immigrant, Dorota, their attorney Ethel, and colleagues of mine, Laura and Maurice. Please call me if there is anything else you need for their admittance.

DOROTA KIEDOS (Immigrant/speaker)
23 Lawe St.
Indian Orchard, MA 01151
DOB (b)(6)
SS# (b)(6)

ETHEL ZELENSKE (Attorney)
National Senior Citizens Law Center
1815 H.St., N.W. #700
Washington, D.C. 20006
HOME - 3701 Rexmere Road
Baltimore, MD 21218
DOB (b)(6)
SS# (b)(6)

MARIA KAZIMIERCZAK (Translator)
10 Nadeau Drive
Chicopee, MA 01013
DOB (b)(6)
SS# (b)(6)

Two additional colleagues, if it's o-k!
Laura Garcia Melendez
National Immigration Forum
220 I. St., N.E. #220
Washington, D.C. 20002

HOME-7117 Reservoir Road
Springfield, VA 22150
DOB (b)(6)
SS# (b)(6)

Maurice Belanger
National Immigration Forum
220 I. St., N.E. #220
Washington, D.C. 20002

HOME- 7421 Cedar Ave.
Takoma Park, MD 20912
DOB (b)(6)
SS# (b)(6)

[001]

MY NAME IS DOROTA KIEDOS. I AM HONORED TO BE HERE TODAY TO TELL MY STORY AND THE STORY OF COUNTLESS OTHER LEGAL IMMIGRANTS WHO, LIKE ME, CAME TO THIS COUNTRY TO WORK HARD AND BUILD A BETTER LIFE FOR OUR FAMILY, ONLY TO FIND OURSELVES SUFFERING AN UNEXPECTED TRAGEDY.

I AM A TWENTY-SEVEN YEAR OLD LEGAL PERMANENT RESIDENT OF THE UNITED STATES. I CAME TO THIS COUNTRY IN 1993 FROM POLAND WITH MY HUSBAND, AND MY THEN TWO YEAR OLD SON, LUCAS. WE CAME TO THIS COUNTRY, LIKE COUNTLESS OTHER IMMIGRANTS, WILLING TO WORK HARD, CONTRIBUTE TO THIS GREAT NATION AND WHEN POSSIBLE, BECOME AMERICAN CITIZENS.

SOON AFTER WE ARRIVED IN MASSACHUSETTS, MY HUSBAND AND I BOTH FOUND WORK. I BEGAN WORKING IN A FACTORY PRODUCING SHOE INSERTS. IT WAS HARD WORK, BUT I WAS GRATEFUL TO HAVE A JOB.

I WOULD HAVE NEVER EXPECTED THAT I, AS A YOUNG WIFE AND MOTHER, WOULD SUFFER THE TRAGEDY OF BEING DIAGNOSED WITH MULTIPLE SCLEROSIS. M.S. IS A DEGENERATIVE DISEASE THAT ATTACKS MY CENTRAL NERVOUS SYSTEM. I WAS DIAGNOSED WITH M.S. IN 1994 AFTER SUFFERING A HORRIBLE ATTACK AT WORK.

SINCE THAT TIME MY CONDITION HAS DETERIORATED AND MY DOCTOR HAS TOLD ME THAT I UNABLE TO WORK DUE TO THE EFFECTS OF MY DISEASE. MY DISABILITY AFFECTS MY BALANCE AND COORDINATION. I HAVE DIFFICULTY PERFORMING SIMPLE HOUSEHOLD CHORES SUCH AS CLEANING AND LAUNDERING. AT TIMES, WITHOUT WARNING I CANNOT STAND OR WALK WITHOUT ASSISTANCE. WHAT BREAKS MY HEART THE MOST IS THAT, AT TIMES, I CAN NOT LIFT MY SON, OR HOLD HIM FOR FEAR OF LOSING MY BALANCE. I ALSO FEAR THAT I CAN NOT HAVE MORE CHILDREN.

I APPLIED FOR SUPPLEMENTAL SECURITY INCOME IN MAY, 1996. I WISH THAT MY FAMILY HAD THE RESOURCES TO NOT NEED THIS BENEFIT, BUT MY HUSBAND HAS ONLY RECENTLY STARTED A NEW JOB AND HIS INSURANCE WILL NOT COVER ME BECAUSE MY CONDITION IS A PREEXISTING ONE. WE LIVE ON HIS SALARY ALONE WHICH IS ONLY \$1, 200 A MONTH. WE BARELY MEET OUR BASIC NEEDS. I RECEIVE NO FOOD STAMPS OR OTHER PUBLIC BENEFITS EXCEPT MEDICAID FOR MYSELF.

ON FEBRUARY 7, 1997 I RECEIVED A LETTER FROM THE SOCIAL SECURITY ADMINISTRATION INFORMING ME THAT I MET THE MEDICAL QUALIFICATION FOR RECEIVING SSI. ON FEBRUARY 12, 1997 I RECEIVED ANOTHER LETTER FROM THE SOCIAL SECURITY ADMINISTRATION TELLING ME THAT BECAUSE I AM NOT A U.S. CITIZEN I CAN NOT RECEIVE SSI.

MY FAMILY AND I WERE VERY UPSET TO LEARN THIS. BECAUSE OF MY ILLNESS, WE NEED THIS ASSISTANCE NOW AND IN THE FUTURE I WILL NEED NURSING HOME CARE.

I DID NOT COME TO THIS COUNTRY TO RECEIVE CHARITY AND I AM ASHAMED THAT I MUST ASK FOR HELP. I DID NOT KNOW THAT I WOULD BECOME ILL AND WISH THAT I WAS HEALTHY AND ABLE TO WORK. I ASK OF THIS GREAT COUNTRY UNDERSTANDING AND COMPASSION FOR MYSELF, MY FAMILY AND THE MANY OTHER IMMIGRANTS LIKE ME.

THANK YOU FOR LETTING ME SHARE MY STORY.

IT IS WITH GREAT HONOR THAT I WOULD LIKE TO INTRODUCE THE VICE-PRESIDENT OF THE UNITED STATES, ALBERT GORE.

Diana

The National Immigration Forum's

Benefits Bulletin

A Look At How the Welfare Law Will Affect Legal Immigrants

June 5, 1997

SHAW'S "DEAL-BREAKER" BUDGET PROPOSAL LEAVES BEHIND TENS OF THOUSANDS OF ELDERLY AND DISABLED LEGAL IMMIGRANTS

Contact: Angela Kelley (202) 544-0004 ext. #19

3 pages

"The proponents of this change should be ashamed of themselves for trying to play off the elderly against the disabled." **New York City Mayor Giuliani**, "GOP Backing Off a Deal to Restore Aid to Immigrants" *New York Times*, June 5, 1997

"Harsh, unfair and unnecessary" "they violate the terms of the bipartisan budget agreement by failing to restore a minimal safety net" [for legal immigrants] **Vice President Al Gore**, "GOP Proposes Welfare Changes; Gore Sees need for Safety Net", *Washington Times*, June 5, 1997

Rep. Clay Shaw's (R-FL), Chairman of the House Ways and Means Human Resources Subcommittee, proposal for restoring benefits to legal immigrants breaks the terms of the bipartisan budget agreement. Rep. Shaw claims to be protecting the elderly by "grandfathering" all those elderly and disabled receiving SSI as of August 23, 1996. In fact, the Social Security Administration estimates, by FY 2002, at least 75,000 fewer legal immigrants would be covered by the Shaw proposal than under the budget agreement. (see attached)

Below is a snapshot of just some of the people who will be shut out from receiving benefits under Mr. Shaw's proposal.

Ivo Sutich

Mr. Sutich fled communist Yugoslavia in 1954, at the age of 24, and two years later came to the United States legally through the Department of State's Escapee Program. Because of the Welfare Reform bill passed last August, his application for SSI was recently denied. Mr. Sutich worked in the U.S. for eight years before being diagnosed with chronic paranoid schizophrenia and being involuntarily committed to a mental hospital. He is now 67 years old and nearly blind. He was recently discharged from a nursing facility and for the first time in several years, he is living in the community with the help of caseworkers. Unless Mr. Sutich's reapplication for SSI is

approved, he will be evicted from the board-and-care facility where he is permitted to reside pending his application's approval.

"Lisa"

After a two year courtship, "Lisa" (asked that her name be changed), a native of the Philippines, married an American serviceman in 1965. Shortly thereafter, they moved to the U.S. "Lisa" began working as soon as she became eligible. She gave birth to her first and only child in 1968. She continued working until she was laidoff. She and her husband decided it best that she devote herself to being a mom and a homemaker. Her son is now a sergeant with the U.S. Army Airborne Rangers. The 21-year marriage ended in divorce and "Lisa" returned to factory work. She moved to Maine and later remarried. Shortly thereafter, her second husband was diagnosed with AIDS. "Lisa" was tested and was found to have the virus as well. Lisa began showing symptoms of her HIV, especially chronic fatigue. In 1996, she and her husband were divorced.

Though "Lisa" was granted a fully favorable decision for SSI benefits on March 13, 1997, four days later "Lisa" received notice that, despite her disability, she would not receive any benefits because she is a resident alien with only 31 working quarters. The reason she lacks the required 40 is that she spent time raising her American-born son, and the Social Security Administration does not credit quarters of a spouse if the marriage ends in divorce. Without SSI benefits that she would be entitled to under the terms of the budget deal, "Lisa" will be without critical care.

Piedad Altagracia Gonzalez

Piedad Altagracia Gonzalez, born in Colombia, entered the U.S. as a lawful permanent resident in 1986, then a healthy woman with no history of any physical or mental illness. She is single and has no children. She soon found employment, and had worked for four years when she began experiencing severe debilitating arthritis in her back as well as was diagnosed with major depression and an anxiety disorder. She became too disabled to continue working.

In 1994, Ms. Gonzalez applied for SSI benefits. She received a favorable decision from the Social Security Administration in November, 1996. However, SSA issued a subsequent decision in December, 1996 denying her SSI benefits due to the restrictions imposed by the Welfare Bill. Not only does this denial prevent her from current receipt of SSI but also from the benefits to which she was entitled for November, 1994 through August, 1996 while her case was pending.

She has taken and failed the citizenship exam three times due to her disability. After the third failure—March 1997, she was told to file a disability waiver and has done so.

JUN 05 '97 07:03PM

P.3/3

SOCIAL SECURITY ADMINISTRATION FACT SHEET
Numbers of Disabled Noncitizens Eligible for SSI Under Budget Agreement
But Denied Under Grandfathering

5-Jun-97

State	FY 2002	FY 2007
Total Difference	75,000	125,000
Alabama	50	83
Alaska	78	129
Arizona	791	1,319
Arkansas	35	59
California	30,329	50,549
Colorado	532	886
Connecticut	452	753
Delaware	34	57
District of Columbia	89	148
Florida	7,211	12,019
Georgia	473	788
Hawaii	390	650
Idaho	42	71
Illinois	2,377	3,962
Indiana	112	186
Iowa	121	202
Kansas	155	259
Kentucky	74	124
Louisiana	259	431
Maine	56	93
Maryland	807	1,345
Massachusetts	2,481	4,135
Michigan	760	1,267
Minnesota	687	1,145
Mississippi	46	76
Missouri	186	310
Montana	18	26
Nebraska	74	124
Nevada	245	409
New Hampshire	36	60
New Jersey	2,280	3,817
New Mexico	347	578
New York	11,783	19,638
North Carolina	269	448
North Dakota	19	31
Ohio	552	921
Oklahoma	139	231
Oregon	441	734
Pennsylvania	1,173	1,955
Rhode Island	356	593
South Carolina	60	100
South Dakota	21	34
Tennessee	143	238
Texas	5,665	9,442
Utah	147	245
Vermont	16	26
Virginia	701	1,169
Washington	1,361	2,269
West Virginia	20	33
Wisconsin	496	826
Wyoming		

* Relative sampling error too large for presentation of estimates.

GOOD MORNING. I AM PAUL MARCHAND, AND I AM HERE REPRESENTING THE CONSORTIUM FOR CITIZENS WITH DISABILITIES. CCD IS A COALITION OF APPROXIMATELY 100 NATIONAL DISABILITY ORGANIZATIONS WORKING TOGETHER TO ADVOCATE FOR NATIONAL PUBLIC POLICY THAT ENSURES THE SELF-DETERMINATION, INDEPENDENCE, EMPOWERMENT, INTEGRATION AND INCLUSION OF CHILDREN AND ADULTS WITH DISABILITIES IN ALL ASPECT OF SOCIETY. I AM ALSO REPRESENTING THE ARC OF THE UNITED STATES, THE NATION'S LARGEST VOLUNTEER ORGANIZATION DEDICATED SOLELY TO ISSUES OF MENTAL RETARDATION.

I WANT TO ACKNOWLEDGE THE LEADERSHIP COUNCIL OF AGING ORGANIZATIONS, MANY OF WHOM ARE WITH US THIS AFTERNOON. THE DISABILITY COMMUNITY GREATLY APPRECIATES THE COOPERATION AND COHESION BETWEEN THE ELDERLY AND DISABILITY COMMUNITIES AS SOME FORCES SEEK TO SPLIT US.

I SIMPLY CANNOT OVERSTATE OUR DISMAY AT THE FACT THAT REPRESENTATIVE SHAW, THE HOUSE WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE HAVE DECIDED TO VIOLATE THE BALANCED BUDGET AGREEMENT FRAMED JUST A FEW DAYS AGO AS PART OF THEIR ONGOING EFFORT TO STRIP AWAY ACCESS TO CRITICAL ASSISTANCE FOR PEOPLE WITH DISABILITIES, IN THIS CASE LEGAL IMMIGRANTS WITH SEVERE DISABILITIES. WHAT PERSON WOULD THINK THAT IT IS RIGHT TO GO AFTER

SOME OF THE MOST VULNERABLE PEOPLE IN OUR COUNTRY - LOW INCOME PEOPLE WITH SEVERE DISABILITIES - ALL FOR THE SAKE OF BUDGET CUTS THAT ARE NOT NECESSARY TO ACHIEVE A BALANCED BUDGET? I WISH I COULD BELIEVE THAT COMMITTEE MEMBERS DID NOT UNDERSTAND THE IMPLICATIONS OF THEIR ACTIONS, BUT I CANNOT. THE REALITY IS THAT PEOPLE WHO MEET THE ELIGIBILITY REQUIREMENTS FOR SSI ARE VIRTUALLY DESTITUTE AND ARE EITHER ELDERLY OR HAVE A SEVERE DISABILITY. THEY ARE ALREADY LIVING ON THE EDGE AND JUST GETTING BY. THE HOUSE AND SENATE COMMITTEE PROPOSALS COULD DESTROY THE ALREADY FRAGILE LIVES OF THESE PEOPLE.

LET ME GIVE YOU A REAL LIFE EXAMPLE OF AN SSI RECIPIENT FROM MR. SHAW'S HOME STATE OF FLORIDA. "ALEXIS" IS A 37 YEAR OLD MAN WITH MENTAL RETARDATION. EVEN THOUGH BOTH OF HIS PARENTS ARE NATURALIZED U.S. CITIZENS, HE HAS NOT YET BEEN ABLE TO BECOME A CITIZEN. HE HAS TRIED SEVERAL TIMES, BUT HAS SO FAR BEEN UNSUCCESSFUL. UNDER CURRENT WELFARE LAW, ALEXIS WILL LOSE HIS SSI BECAUSE HE IS NOT A CITIZEN, THUS LOSING HIS HOUSING AND OTHER SUPPORTS AT A COMMUNITY-BASED GROUP HOME. HE WOULD THEN HAVE TO MOVE BACK IN WITH HIS PARENTS, WHO SIMPLY DO NOT HAVE THE RESOURCES TO TAKE CARE OF HIM. HIS PARENTS, WHO ARE BOTH WORKING, TAXPAYING MEMBERS OF THEIR COMMUNITY, WOULD HAVE TO CHOOSE BETWEEN EVENTUAL BANKRUPTCY OR HAVING ALEXIS BECOME A WARD OF

THE STATE, NEITHER OF WHICH WOULD HELP THIS COUNTRY, THE TAXPAYERS, OR MOST OF ALL, ALEXIS.

TO PUT THIS IN PERSPECTIVE, THE MAXIMUM FEDERAL SSI PAYMENT IS 5,808 DOLLARS PER YEAR, WHILE IT WOULD COST THE FEDERAL GOVERNMENT AND THE STATE OF FLORIDA OVER 62,000 DOLLARS ANNUALLY TO INSTITUTIONALIZE AN INDIVIDUAL WITH MENTAL RETARDATION. BECAUSE OF CASES LIKE THIS, CONGRESSIONAL LEADERS AND PRESIDENT CLINTON AGREED TO RESTORE SSI ELIGIBILITY FOR PEOPLE WHO WERE IN THIS COUNTRY PRIOR TO THE WELFARE BILL BECOMING LAW. THEY DID NOT WANT TO STRAND PEOPLE IN SUCH DIRE CIRCUMSTANCES AND LEAVE THEM WITH NO OPTIONS. BUT THE HOUSE AND SENATE PROPOSALS WOULD AFFECT MANY PEOPLE WHO FACE SITUATIONS EQUALLY AS COMPELLING AS "ALEXIS" BY MAKING THEM INELIGIBLE WHEN THEY NEED SSI IN THE FUTURE. CUTTING OFF FUTURE ELIGIBILITY FOR SUCH INDIVIDUALS IS BOTH COLD-HEARTED AND SHORT-SIGHTED POLICY.

THE CUTS PROPOSED IN THE HOUSE ARE ESPECIALLY DISTURBING BECAUSE THE WAYS AND MEANS COMMITTEE HAD THE FINANCES TO FOLLOW THROUGH ON THE BUDGET AGREEMENT AND PRESERVE SSI LIFE-LINE ASSISTANCE FOR THESE PEOPLE. IN FACT, THEY HAD EVERYTHING THEY NEEDED TO DO THE RIGHT THING. THEY HAD THE FUNDS FOR THE PROGRAM AND THE PEOPLE IN NEED. ALL THEY LACKED WAS THE WILL TO FOLLOW

THROUGH ON THE BUDGET AGREEMENT. THE SENATE FINANCE COMMITTEE VERSION WOULD COVER MORE PEOPLE, BUT ALSO WOULD LEAVE MANY MORE UNPROTECTED IN THE FUTURE.

WE HAD HOPED THAT THE BALANCED BUDGET AGREEMENT, WHICH ALREADY DAMAGES MANY KEY PROGRAMS FOR PEOPLE WITH MENTAL RETARDATION AND OTHER DISABILITIES WOULD BE THE OUTER LIMITS FOR PROGRAM CUTS. INSTEAD, WE NOW SEE THE WAYS AND MEANS AND THE FINANCE COMMITTEES DECIDING THAT THOSE CUTS WEREN'T ENOUGH, AND THEY HAVE PROCEEDED IN FURTHER REDUCING PROTECTION FOR LOW INCOME PEOPLE WITH DISABILITIES.

AT THE SAME TIME, LEADERS IN CONGRESS PROPOSE TO PUT THAT MONEY AND MORE INTO THE POCKETS OF THE WEALTHIEST AMERICANS, PEOPLE WHO DO NOT FACE THE CHALLENGES OF SURVIVING DAY TO DAY. THIS IS ALMOST UNTHINKABLE. HERE WE HAVE CONGRESS SQUEEZING EVERY POSSIBLE PENNY FROM PEOPLE WITH DISABILITIES, CUTTING THEM OFF FROM A LIFELINE PROGRAM THAT AT BEST PROVIDES INCOME THAT IS ABOUT 75% OF POVERTY, AND THEN THEY TURN AROUND AND GIVE AN UNNECESSARY WINDFALL TO THE RICHEST OF THE RICH.

WE ARE HERE TODAY TO CALL UPON THE HOUSE AND SENATE TO RESTORE THE INTEGRITY OF THE BUDGET AGREEMENT AND THE PROMISE OF THIS

NATION TO PEOPLE WHO HAVE COME HERE SEEKING A BETTER LIFE AND A FAIRER DEAL.

IT IS MY HOPE THAT THE PRESIDENT AND THE VICE PRESIDENT WILL BE SUCCESSFUL IN WORKING WITH THE CONGRESS TO PROTECT FUTURE SSI ELIGIBILITY FOR ALL LEGAL RESIDENTS OF OUR COUNTRY AS SPECIFIED IN THE BUDGET AGREEMENT. WE GREATLY APPRECIATE THE ADMINISTRATION'S COMMITMENT TO ENSURE FULL COVERAGE FOR THE VULNERABLE IMMIGRANTS WITH DISABILITIES WHO ARE LEFT UNCOVERED BY THE PENDING CONGRESSIONAL PROPOSALS.

Sue-Ellen Gabor-Auer

Charles Plummer - US Catholic Conf.

**FACT SHEET
SOCIAL SECURITY ADMINISTRATION**

NONCITIZENS AND SSI

1. NONCITIZENS HAVE BEEN SEEKING SSI IN STEADILY DECLINING NUMBERS.

- o Since the peak year of 1993 applications by noncitizens for SSI have steadily declined despite continued high immigration.
- o Between 1993 and 1996 applications by noncitizens *declined by 28 percent*, from 162,000 to 117,000. This is 40 percent greater than the decline in applications by citizens.
- o Awards of benefits to noncitizens have declined even more, by 30 percent between 1993 and 1996, from 115,700 to 81,100.

2. THE AMOUNT OF SSI RECEIVED BY NONCITIZENS IS NO MORE THAN WOULD BE EXPECTED.

- o Most disabled and aged citizens qualify for Social Security and therefore are eligible for no, or only a small, SSI benefit. Many noncitizens do not qualify for Social Security even though they have worked in the U.S.
- o SSI is a program to provide basic subsistence to poor individuals. Immigrants are poorer than native born.
 - Immigrants in general have median incomes only about 70 percent that of native born.
 - Recent (1990 to 1996) immigrants' median incomes are only about 60 percent of the median income of native born.
- o Given their poverty rates, noncitizens use SSI at a much lower rate than native born.
 - Noncitizens receiving SSI are 9 percent of the noncitizens in poverty.
 - Native born receiving SSI are 13 percent of the native born in poverty.
 - Noncitizens have a poverty rate more than twice that of native born.
- o Only 11 percent of SSI recipients are noncitizens.
- o In FY 1996, only 12.5 percent of SSI funds went to noncitizens.

3. NONCITIZENS ARE NOT USING THE U.S. AS THE WORLD'S RETIREMENT HOME.

- o Most immigrants are far too young to consider retirement. The median age of recent immigrants is 27 years old. The median age of native born is 34 years old.

4. INDIVIDUALS ARE NOT SHIRKING THEIR RESPONSIBILITY FOR THE IMMIGRANTS THEY SPONSOR.

- o Prior law required SSA to include (or deem) sponsors' incomes and resources when determining SSI eligibility in certain circumstances.
- o Deeming has proved effective in keeping those subject to the rules off of SSI. Less than 0.05 percent (five hundredths of one percent) of the noncitizens receiving SSI have income deemed from their sponsors. The other 99.95 percent either had no sponsors to turn to or were exempt from deeming under prior law.
- o The Personal Responsibility and Work Opportunity Reconciliation Act greatly strengthened the sponsor deeming requirements by, among other changes, increasing the amount of income deemed and extending deeming until a person becomes a U.S. citizen.
- o However, it is unreasonable and unfair to bar legally admitted noncitizens from eligibility (as Welfare Reform does) if they have no sponsor to turn to.
 - Some sponsors have died and, because of misfortune, some are unable to meet the immigrants' basic needs.
 - Refugees and asylees (who are ineligible after 5 years) and certain others have no sponsors.

5. NONCITIZEN SSI RECIPIENTS DO NOT LIVE IN HIGH INCOME HOUSEHOLDS.

- o The total family income of approximately 75 percent of noncitizen SSI recipients is less than \$25,000.
- o Only 11 percent of noncitizen SSI recipients live in a household where they do not pay their share of expenses. They have their SSI benefits reduced by 1/3 in recognition of the support they receive from this arrangement.

Source: Data from the Social Security Administration and the Department of Commerce.

Social Security Administration
Office of Legislation and Congressional Affairs
(202) 358-6030 5/28/97



SOCIAL SECURITY
Office of the Deputy Commissioner

S-0851
Keith F.
Jack S.

June 6, 1997

TO: John Hilley
Bruce Reed
Jack Lew

FR: Judy Chesser

RE: Immigrant Mark Up - Numbers debate

Last night at the mark up the Republicans made a forceful presentation that the Administration was going to throw 300,000 elderly and disabled off the rolls this fall while disability determinations were made.

Prior to mark up, I spoke with Chairman Shaw, lest any misimpression be left following our meeting, regarding the position I would present at the table. I told him at that time that the Administration's position was that the Bipartisan Budget Agreement did not contemplate taking people off during the determination process.

Congressmen Shaw, Camp and McCrery repeatedly accused the Administration of throwing 300,000 into the streets. When Ranking Minority Levin finally got a turn (all the other Democrats were in a tax caucus at the time), he asked me to comment. The paper that follows contains the arguments that I presented.

Footnote: As you know, there is no administrative money for SSA to do this work.

SOCIAL SECURITY ADMINISTRATION FACTSHEET
PROCESSING LEGAL IMMIGRANT DISABILITY CLAIMS
NO GAP IN BENEFITS

- o The Bipartisan Budget Agreement statutory language would keep those currently on the SSI rolls on the rolls while a disability determination is made. There would be no gap in benefits during the determination process.
- o The legal immigrant provisions of the Bipartisan Budget Agreement was scored by the Congressional Budget Office as costing \$9.7 billion over the five year budget window. To keep legal immigrants on SSI benefits during the process is scored by CBO as costing \$9.8 billion. The minor difference between \$9.8 and \$9.7 billion is not significant and therefore supports keeping these elderly and disabled beneficiaries remain on the rolls while a disability determination is made.

(If the agreement were to take the beneficiaries off the rolls during the disability determination process, CBO would have scored the immigration provisions as costing \$9.5 billion. When compared with the official score of \$9.7 billion, this would produce an error of twice the size of any error in scoring produced by keeping them on during the disability determination.)

- o The Supreme Court in Goldberg v. Kelly held that the due process clause of the Constitution requires that due process rights apply in any termination of welfare (SSI) benefits, therefore, SSA would be required to keep the current SSI beneficiaries on income support while a disability determination is made.
- o Historically, SSA and the Congress have never devised a scheme whereby beneficiaries were taken off the rolls when a new determination was necessitated due to a change in law. Recently, SSA was required to do new determinations under newly enacted standards on those addicted to drugs or alcohol and on children with disabilities. In both instances, benefits were retained during the disability determination process.
- o Under the Section 9305 of the Bipartisan Budget Agreement statutory language, as transmitted by the Administration to Congress on June 5, current beneficiaries benefits would be retained for 8 and one half months in order to give the Social Security Administration sufficient time to determine whether current noncitizens receiving SSI are disabled.
- o SSA has stated that this is enough time for SSA to complete their reevaluation of these cases.

- o If they are found to be disabled, their benefits will continue because they will have been found to meet the eligibility requirements set out in the Bipartisan Budget Agreement.
- o Benefits will end only if SSA determines that an individual is not disabled and has notified the beneficiary of this determination.
- o As with all cases, noncitizens who are notified that they are not disabled will have the right to appeal SSA's decision.

Definition of Disability for SSI:

The person must be determined to have a medically determined disability lasting 12 months or more. SSA looks at whether a person's disability prevents them from performing substantial gainful activity, i.e. work.

For claimants over 65 years old, any evidence demonstrating the general effects of aging would count toward establishing a disability. This process is true today if an applicant over the age of 65 asks for a disability determination. Currently, SSA is sometimes asked to do this because some states provide special supplemental benefits only to those who qualify as disabled.

June 6, 1997

D -
I left there
a note saying this
could be superseded
by Antares substitute
CR

UrgentDATE: 4/10/97

U.S. DEPARTMENT OF HEALTH AND HUMAN
SERVICES
ROOM 406G, HUMPHREY BUILDING
200 INDEPENDENCE AVE, SW
WASHINGTON, D.C. 20201

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OFFICE OF THE DEPUTY ASSISTANT SECRETARY
CONGRESSIONAL LIAISON OFFICE

TO: Diana Fortuna 456-7439
Jack Smalligan 395-0851

OFFICE: _____

ROOM: _____

PHONE: _____

FAX: _____

FROM:

☒ IRENE BUENO☐ GERI GOINS☐ MARK MAGAÑA☐ MARION ROBINSON☐ CYNTHIA JOYCE☐ TIJUANA TRIPPLET☐ STACEYE ARRINGTON☐ BEATRICE BUTLER

TOTAL PAGES
(INCLUDING COVER): 2

REMARKS:

Please review and let me or Mark
Magaña know if you have any
comments 690-6786

DRAFT, 6/10/97

SUMMARY OF IMMIGRANT PROVISIONS IN THE WAYS AND MEANS BILL

The Ways and Means Committee budget reconciliation bill continues SSI benefits for immigrants receiving benefits as of August 22, 1996, and extends refugees' eligibility for SSI, Food Stamps, Medicaid and Social Services Block Grant from five to seven years after arrival in the United States. However, the Administration opposes many of the provisions in the bill including:

- **SSI eligibility is restricted to those immigrants receiving such benefits *as of August 22, 1996*.** This deviates from the bipartisan budget agreement by denying SSI benefits to immigrants who were in the country as of August 22, 1996, and who become disabled after that date.
- **SSI eligibility is denied to immigrants whose sponsor has an income of \$40,000 or more.** Elderly and disabled immigrants with a living sponsor with an income of \$40,000 or more who signed an affidavit of support assuring taxpayers that the immigrant would not become a charge during his or her stay in the U.S. would be denied SSI benefits. (This provision was put in at subcommittee but will likely be taken out by the Archer/Shaw substitute at full Committee).
- **The current bill language fails to guarantee *Medicaid* coverage for immigrants who continue to receive SSI.** Legal immigrants are unprotected in States in which SSI eligibility is not automatically linked to Medicaid coverage or States who elect not to provide coverage to legal immigrants. The bipartisan budget agreement specifically guaranteed both SSI and Medicaid to legal immigrants who were in the country as of August 22, 1996, and either were disabled or become disabled in the future. (This problem is resolved in the Archer/Shaw substitute).
- **Asylees' eligibility for SSI, Food Stamps, Medicaid and Social Services Block Grant is not extended from five years to seven years after arrival in the United States.** The same exemptions for refugees do not apply to asylees. This is in violation of the bipartisan budget agreement, in which asylees and persons whose deportations are withheld due to fear of persecution in their home country are treated in the same manner as refugees. (This problem is resolved in the Archer/Shaw substitute).

There may be additional legal immigrant provisions put back in the bill when the bill is taken up at the Rules committee.

- **Immigrants are excluded from treatment for HIV/AIDS from the communicable disease exemption.** Last year, this provision was dropped from the final immigration legislation; Congress recognized that withholding HIV/AIDS services from immigrants poses a significant threat to public health.
- **Legal immigrants who receive 12 months of means-tested public benefits will be subject to deportation as a "public charge."** Under this provision, immigrants will also be required to pay back any costs of services before being allowed to naturalize. Legal immigrants would be subject to deportation even if they qualified for assistance through one of the exemptions (i.e., indigence).
- **Expanding the definition of means-tested benefit.** This provision would establish language that is harsher than the welfare reform law because it includes an expansive definition of Federal means-tested benefit programs. Immigrants who entered after August 22, 1996, would be banned from Federal means-tested benefits for five years. This provision was stricken from the welfare reform bill under the Byrd rule.

Eric L. Schnure

06/18/97 07:23:15 PM

Record Type: Record

To: Lawrence J. Haas/OVP

cc:

Subject: draft

Larry, please get me your comments between 8:30 and 9:00 am

DRAFT 6/18 7:09PM Remarks

Vice President Al Gore

Legal Immigrant Event

Washington, DC

June 19, 1997

(Acknowledgments from advance)

We are here today to say to those in the Republican majority: we will not let you take the low road of bashing immigrants and trafficking in intolerance.

Last year, when Congress passed legislation to reform America's welfare system, they included provisions that did not respect the diversity that defined this nation of immigrants, and it had absolutely nothing to do with moving Americans from welfare to work.

Those provisions singled out legal immigrants -- legal immigrants -- for harsh and unfair treatment.

From day one, President Clinton and I -- and many Members of both the House and the Senate said plainly: It is wrong to tell millions of people who work here, pay taxes here, ~~maybe even serve in the military here~~, that if somebody mugs you in a dark alley or if your child suddenly falls seriously ill, or you or your spouse are injured at work, that you're not

exempt?

To Jack Smalligan
Fr Diana
Let's talk
DRAFT

going to receive the helping hand that everyone else who is legally living here is entitled to.

That's why we fought so hard for a bipartisan balanced budget agreement that honored our moral obligation and to protect the most vulnerable in our society.

a significant portion sheet
And that's why we were so pleased that the bipartisan balanced budget -- as agreed to by both the President and the bipartisan Congressional leadership -- restored the vast majority of the unwise and unfair cuts in aid to legal immigrants made in last year's welfare bill.

who were
It restored disability and health benefits for legal immigrants ~~and Medicaid coverage for poor legal immigrant children.~~ *No* It said we will balance the budget . . . but not on the backs of the very poor, the very sick, and the very old.

That was the agreement. Both sides signed on. But now, after signing their name, the Republican majority is writing off their commitment.

House
~~Their proposal~~ fails to restore a safety net for disabled legal immigrants by abandoning the people who were in the United States when the welfare bill was signed, but had the unexpected misfortune of falling ill and becoming disabled after that date.

Their proposal leaves behind people like Dorota Kiedos and 75,000 other legal immigrants by the year 2002. These people work hard. They love their family . . . and this country.

It's a shame, really. Rather than "Give me your tired, your poor, your huddled masses, yearning to be free" . . . the Republican majority would post a sign next to the Statue of Liberty that said: "Enter at Your Own Risk."

we don't do -> 8/96

Because it doesn't matter if you work hard, pay taxes and play by the rules . . . if you get sick, we're not going to help you.

The Republican plan, as it currently stands in the House of Representatives, breaks faith with the bipartisan balanced budget agreement. And because it treats immigrants who are in this country legally in the most harsh and unfair of ways . . . it fails to realize that America is a strong nation because we are a diverse nation.

America's racial and ethnic diversity give us an advantage unmatched in the world. Our diversity is crucial for the health of our economy . . . but also for the vitality of our democracy.

That is why the Republican plan, as it currently stands, is wrong. If I can use a sometimes explosive term, in my opinion it is un-American . . . unworthy of a nation of immigrants. And it must be changed.

As the legislative process continues -- I hope the Republican majority will honor the bipartisan balanced budget plan they agreed to earlier. Let's reach out to those who want to reach up and do right by the legal immigrants in America.

###

Chronology of welfare reform cuts affecting legal immigrants:

Welfare Law: The welfare reform law included \$21.3 billion in savings for legal immigrants. Legal immigrants were banned from getting SSI and food stamps. States were given the option of denying Medicaid to those who were here when the law signed, while future immigrants are banned from Medicaid for five years.

- \$12.9 billion in SSI savings
- \$5.2 billion in Medicaid savings
- \$3.2 billion in food stamp savings

President's Budget: The President's budget proposed to restore SSI and Medicaid for legal immigrants who became disabled after they entered the U.S., regardless of the date they entered. It also restored Medicaid to legal immigrant children.

It did not restore SSI and Medicaid for the elderly who are not disabled. It did not propose food stamp restorations beyond a ~~six month~~ ^{an} implementation delay.

- \$9.1 billion in SSI restorations
- \$5.8 billion in Medicaid restorations (would have been \$3.7 billion if budget had not also assumed Medicaid per capita cap policy)

Final Budget Agreement: The final agreement restores SSI and Medicaid for legal immigrants in the U.S. when the welfare law was signed who are or become disabled after coming to the U.S.

It does not help legal immigrants who arrived after August 23, 1996.

- \$8.0 billion in SSI restorations
- \$1.7 billion in Medicaid restorations

Legal Immigrant Savings/ Restorations (\$ in billions)	SSI	Medicaid	Food Stamps	Total
Welfare Reform	\$12.9 savings	\$5.2 savings	\$3.2 savings	\$21.3 savings
President's Budget	\$ 9.1 restored	\$3.7 restored (\$5.8 with per capita cap)	-0-	\$12.8 restored (\$14.9 with per capita cap)
	\$ 3.8 unrestored (elderly who are not disabled)	\$1.5 unrestored (elderly who are not disabled)	\$3.2 unrestored (all cuts)	\$8.5 unrestored
Budget Agreement	\$ 8.0 restored	\$1.7 restored	-0-	\$ 9.7 restored
	\$ 4.9 unrestored (future entrants, elderly who are not disabled)	\$3.5 unrestored (future entrants, elderly who are not disabled)	\$3.2 unrestored (all cuts)	\$11.6 unrestored

SUMMARY OF MAJOR BENEFITS FOR IMMIGRANTS PROVISION

Provision	SSI and Medicaid cuts for immigrants in WR	President's FY 98 Budget Proposal	Final Budget Agreement
SSI and Medicaid	<i>Most current recipients -- banned from receiving SSI. State option to deny Medicaid.</i> <i>Most future immigrants -- banned from receiving SSI. In Medicaid, 5 year ban and thereafter, deeming until citizenship</i>	<i>Restore SSI and Medicaid eligibility for disabled immigrants -- exempt current and future immigrants from the ban if they are or become disabled after entry into the U.S.</i>	<i>Restore SSI and Medicaid eligibility for disabled immigrants who entered the country prior to August 23, 1996 -- exempt current and future immigrants from the ban if they are or become disabled and are in the country before August 23, 1996</i>
SSI and Medicaid for children	same policy as above	<i>Restore Medicaid eligibility for non-SSI immigrant children -- to ensure Medicaid eligibility for current and future immigrant children</i>	same policy as above
SSI and Medicaid for refugees and asylees	<i>Refugee exemption -- refugees and asylees are exempt from the SSI and Medicaid bans for their first five years</i>	<i>Extend the refugee exemption period from 5 to 7 years -- to provide enough time to naturalize</i>	same as budget proposal -- extend the refugee exemption period from 5 to 7 years
CBO 98-02 Cost Estimate	\$21.3 billion in savings -- (\$12.9 billion in SSI, \$3.2 billion in Food Stamps, \$5.2 billion in Medicaid savings). WR also included \$1.2 billion in EITC savings from illegal immigrants	\$14.9 billion (5 year cost) -- (\$9.1 billion in SSI cost and \$5.8 billion in Medicaid cost)	\$9.7 billion (5 year cost) -- (\$8.0 billion in SSI cost and \$1.7 billion in Medicaid cost) . The cost changed due to 1) change in policy for future immigrants and 2) dropping of Medicaid per capita cap policy. See below for discussion.

Final Agreement -- Why did the cost estimates change?

- SSI costs decreased from \$9.1 billion to \$8.0 billion due to change in policy to cover current but not future immigrants.
- Medicaid costs decreased from \$5.8 billion to \$3.7 billion due to change in policy to cover current but not future immigrants. Without the cap, Medicaid costs decreased from \$3.7 billion to \$1.7 billion to cover current immigrants. This proposal would have cost more with the cap because CBO assumes leakage factors to account for states gaming off the cap.

21.3
3.2

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SUMMARY OF MAJOR BENEFITS FOR IMMIGRANTS PROVISION

Provision	SSI and Medicaid cuts for immigrants in WR	Final Budget Agreement	H.R. Subcommittee Markup
SSI and Medicaid	<i>Most current recipients</i> -- banned from receiving SSI. State option to deny Medicaid <i>Most future immigrants</i> -- banned from receiving SSI. In Medicaid, 5 year ban and thereafter, deeming until citizenship	<i>Restore SSI and Medicaid eligibility for disabled immigrants who entered the country prior to August 23, 1996</i> -- exempt current and future immigrants from the ban if they are or become disabled and are in the country before August 23, 1996	Restore SSI and Medicaid eligibility for legal immigrants who were receiving SSI benefits on August 22, 1996. This "grandfathering" is <u>restricted to</u>: (a) those without sponsors; (b) those whose sponsors have died; or (c) those whose sponsors have incomes below 150% of poverty level
SSI and Medicaid for refugees and asylees	<i>Refugee exemption</i> -- refugees and asylees are exempt from the SSI and Medicaid bans for their first five years	same as budget proposal -- extend the refugee exemption period from 5 to 7 years <i>and asylees</i>	Extending the exemption period from 5 to 7 years <u>would only apply to refugees</u>.
CBO 98-02 Cost Estimate	\$21.3 billion in savings -- (\$12.9 billion in SSI, \$3.2 billion in Food Stamps, \$5.2 billion in Medicaid savings). WR also included \$1.2 billion in EITC savings from illegal immigrants	\$9.7 billion (5 year cost) -- (\$8.0 billion in SSI cost and \$1.7 billion in Medicaid cost).	
Number of immigrants affected	Over 415,000 legal immigrants who are currently on the rolls will lose their SSI benefits in August, 1997	In FY 98, would restore SSI benefits for 320,000 legal immigrants currently on the rolls and approximately 195,000 adults would have Medicaid coverage restored In addition, offers a safety net for future <u>applicants</u> (those who entered the U.S. prior to August 23, 1996)	In FY 98, would restore SSI benefits for 220,000 legal immigrants currently on the rolls. There is no policy for future applicants

6,000 / 26

inconsistent w/ b.a.

DF-W/OMB

WELFARE REFORM AND THE BIPARTISAN BUDGET AGREEMENT

- The Administration strongly opposes the House Ways and Means Subcommittee proposal, which violates the bipartisan budget agreement, treats disabled legal immigrants unfairly, and prevents working welfare recipients from getting a minimum wage.
- The Administration is pleased that the Ways and Means Subcommittee \$3 billion welfare-to-work proposal meets many of the Administration's priorities. These include: targeting funds to areas and individuals with high needs, directing funds to cities and local governments, awarding some funds competitively, and allowing communities to create successful job placement and creation programs.
- But the provisions of the Subcommittee proposal addressing legal immigrants and the minimum wage are clearly unacceptable.

Legal Immigrants

- The Ways and Means Subcommittee's proposed amendment to the welfare law clearly violates the negotiated, bipartisan budget agreement policy to restore a minimal safety net for disabled legal immigrants. The Subcommittee's proposal would restore SSI and Medicaid benefits only to immigrants *already receiving* benefits prior to August 23, 1996; by contrast, the bipartisan budget agreement policy restores SSI and Medicaid benefits to *any immigrant in the country* as of that date who is or becomes disabled.
- The Ways and Means Subcommittee proposal would protect 75,000 fewer immigrants than the budget agreement by the year 2002. And in leaving unprotected any person who becomes disabled after August 22, 1996, it fails to target assistance to the most vulnerable individuals.

Minimum Wage

- The Administration also strongly opposes the Ways and Means Subcommittee's provision on the minimum wage, which undermines the fundamental goals of welfare reform.
- The Administration believes strongly that everyone who can work must work -- and that those who work should earn the minimum wage, whether they are coming off of welfare or not.
- The House Ways and Means Subcommittee proposal does not meet this test. It effectively creates a subminimum wage for welfare participants. And it weakens the welfare law's work requirements.

LEGAL IMMIGRANTS AND THE BIPARTISAN BUDGET AGREEMENT

How
The Ways and Means Subcommittee's proposed amendment to the welfare law clearly violates the negotiated, bipartisan budget agreement policy to restore a minimal safety net for disabled legal immigrants. The Subcommittee's proposal would restore SSI and Medicaid benefits only to immigrants (both the disabled and non-disabled elderly) *already receiving* benefits prior to August 23, 1996; by contrast, the bipartisan budget agreement policy restores SSI and Medicaid benefits to *any* immigrant *in the country* as of that date who is or becomes disabled. The budget agreement targets assistance to the most vulnerable individuals. ?

- **THE WAYS AND MEANS SUBCOMMITTEE PROPOSAL IGNORES VULNERABLE IMMIGRANTS WHO BECOME DISABLED AFTER AUGUST 22, 1996:** This proposal abandons many legal immigrants who were in the U.S. when the welfare law was signed but become severely disabled after that date. In contrast, the bipartisan budget agreement protects these immigrants.
- **BY THE YEAR 2002, THE WAYS AND MEANS SUBCOMMITTEE PROPOSAL WOULD PROTECT 75,000 FEWER IMMIGRANTS THAN THE BUDGET AGREEMENT.** This number grows to 125,000 by the year 2007.

Example: A legal immigrant family entered the country 3 years ago. Both the father and mother have worked full-time since then, and have an annual income of about \$25,000, but neither job provides health insurance for themselves or the family. Their 5 year-old son becomes severely disabled in a car accident next year. Under the budget agreement, he would be eligible for SSI and Medicaid; under the Ways and Means Subcommittee's proposal he would be denied SSI -- and potentially denied Medicaid.

Question: Doesn't the Ways and Means Subcommittee proposal treat the elderly better than the Administration's proposal, while the Administration's policy favors the disabled? Isn't this really a wash?

Answer: The parties to the budget agreement already made the decision about where to target limited resources. The agreement explicitly states the policy of restoring SSI and Medicaid eligibility to immigrants who are or become disabled and who are in the U.S. as of August 22, 1996. This is one of the specific policies agreed to by the President and the Congressional leadership. Furthermore, the Leadership Council of Aging Organizations and the Consortium of Citizens with Disabilities state that they will not support "any reductions in benefits to immigrants with disabilities in order to provide them to other groups of immigrants."

brfg

The Administration believes that the budget agreement appropriately targets the most vulnerable individuals. It provides for all immigrants in the country when the welfare law was signed who have suffered -- or may suffer in the future -- a disabling accident or illness. At the same time, the agreement will result in restoring benefits to a full 80% of the caseload as of August 22, 1996 -- all of those now classified as disabled plus approximately two-thirds of the elderly caseload who can be reclassified as disabled.

WELFARE TO WORK

We are pleased that the Ways and Means subcommittee has included in its mark a \$3 billion welfare-to-work proposal that meets many of the Administration's priorities:

- It directs funds where they're needed most: to help long term recipients in cities and other communities with large numbers of poor people;
- It awards some funds on a competitive basis, assuring the best use of scarce resources;
- It provides communities with appropriate flexibility to use the funds to create successful job placement and creation programs.

perf fund?

We are pleased that Congressman Shaw was willing to work in a bipartisan basis to incorporate many of the Administration's priorities.

We are, however, deeply disappointed at the subcommittee draft's lack of adequate worker protections and non-displacement provisions, and urge the subcommittee to add language that will better protect against worker displacement.

HR 1385?

The President proposed a \$3 billion welfare to work program last fall and fought to have it included in the bipartisan balanced budget agreement. A centerpiece of the President's second-term agenda, the proposal will help move one million adults from welfare to work by the year 2000.

in his FY1998 budget

MINIMUM WAGE AND WORKFARE

Background: The Labor Department has concluded that the Fair Labor Standards Act (FLSA) applies to welfare recipients in workfare or other subsidized employment programs in the same way as that law applies to all other employees. This means that most welfare recipients in these programs will receive at least the minimum wage.

The House Ways and Means Subcommittee on Human Resources proposes to amend the welfare law so that welfare recipients engaged in workfare would not be employees for the purposes of the Fair Labor Standards Act or any other federal law. *non-c bens such as* Although requiring the minimum wage for hours worked, the proposal would permit states to count child care, Medicaid, and housing benefits in their calculation of the minimum wage. It would also allow states to count additional hours of job search, education, and training toward the welfare law's work requirements.

The Administration strongly opposes the Ways and Means Subcommittee's provision on the minimum wage and welfare work requirements.

- This Ways and Means Subcommittee proposal would undermine the fundamental goals of welfare reform. The Administration believes strongly that everyone who can work must work -- and that those who work should earn the minimum wage, whether they are coming off of welfare or not.
- The House Ways and Means Subcommittee proposal does not meet this test. It effectively creates a subminimum wage for workfare participants. And it weakens the welfare law's work requirements.
- This Subcommittee proposal also was not addressed in the budget agreement between the White House and Congress and should therefore not be included in the reconciliation bill.

Stephen C. Warnath

04/24/97 06:01:30 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: Re: possible legal immigrant for WH event



Yes, please give Sharon a call to see if this will work. Her number is 703 - 549-1390 x39, if you don't have it. They have a client who she think would be a very good illustration of what is going on. He is AmerAsian who lost his legs and an arm in the Viet Nam war because of land mines.

She also may raise their recommendation that an event should emphasize the effect on people rather than the cost shift to state and local governments. They feel that the former is the best way to marshal sufficient public support.

thanks. Let me know how it goes.

Day - in - life

*Joan Wainwright
410, 965-1720*

The National Immigration Forum's

Benefits Bulletin

A Look At How the Welfare Law Will Affect Legal Immigrants

June 11, 1997

REPUBLICANS BREAK RANKS AND NEARLY ADOPT BUDGET AGREEMENT AND SHAW PROPOSAL

AMENDMENT FAILS BY JUST ONE VOTE AND NOW THE ONLY QUESTION IS: WHY NOT COVER EVERYONE?

Last night, the House Ways and Means Committee nearly failed to adopt Rep. Shaw's scaled-back proposal for restoring benefits to some legal immigrants. In a remarkable vote, the Committee narrowly voted down an amendment to restore benefits *beyond* the Shaw proposal.

In a razor-thin vote of 20 to 19, all the Committee's Democrats and three Republicans, Bill Thomas (R-CA), Nancy Johnson (R-CT) and Mac Collins (R-GA), voted in support of Rep. Becerra's (D-CA) amendment that would have covered legal immigrants in **both** the Shaw proposal and the bipartisan budget agreement. The vote nearly swung the other way as three other Republicans, Rob Portman (R-OH), Gerald Weller (R-IL) and Kenney Hulshof (R-MO), abstained through one or two rounds of voting before reluctantly caving in to pressure from Rep. Shaw.

Why did Mr. Shaw suffer nearly six defections from fellow Republicans? A couple of reasons.

- ◆ **The money is there to cover everyone under both proposals.** In the course of the debate, it was revealed that the Committee has \$2.3 billion in spending authority that has not been spent. The Becerra amendment would cost \$2.4 billion. This means that nearly all the funds exist to cover all elderly and disabled on SSI as of last August (Shaw's proposal) and all who become disabled in the future but who were here last August (the bipartisan budget agreement).
- ◆ **Bashing immigrants, especially the elderly and disabled, is not good politics.** Republicans are learning that it's better to reach out to the fastest growing group of new voters rather than alienating immigrants by picking on them. The strategy of the anti-immigrant wing of the GOP of targeting immigrants has backfired politically and hurt the party at the polls last November. Blindly following the Shaw proposal will merely reinforce the feeling in immigrant communities that the Republican Party is hostile to their interests, even though many new Americans are sympathetic to the GOP's other positions.

The only question left for Republicans now is, why not cover everyone?

**Statement of Paul Marchand,
Chairman of the Consortium for Citizens with Disabilities
and Director of Governmental Affairs for
The Arc of the United States**

June 16, 1997

Good morning. I am Paul Marchand, and I am here representing the Consortium for Citizens with Disabilities. CCD is a coalition of approximately 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. I am also representing The Arc of the United States, the nation's largest volunteer organization dedicated solely to issues of mental retardation.

I simply cannot overstate our dismay at the fact that Representative Shaw and the House Ways and Means Committee have decided to violate the balanced budget agreement as part of their ongoing effort to strip away access to critical assistance for people with disabilities. What person would think that it is right to go after some of the most vulnerable people in our country - low income people with severe disabilities - all for the sake of budget cuts that are not even necessary to achieve a balanced budget? I wish I could believe that Mr. Shaw did not understand the implications of his efforts, but I cannot. The reality is that people who meet the eligibility requirements for SSI are virtually destitute and are either elderly or have a severe disability. They are already living on the edge and just getting by. Mr. Shaw's proposal could destroy the already fragile lives of these people.

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Let me give you a real life example of an SSI recipient from Mr. Shaw's home state of Florida. "Alexis" is a 37 year old man with mental retardation. Even though both of his parents are naturalized U.S. citizens, he has not yet been able to become a citizen. He has tried several times, but has so far been unsuccessful. Under current welfare law, Alexis will lose his SSI because he is not a citizen, thus losing his housing and other supports at a community-based group home. He would then have to move back in with his parents, who simply do not have the resources to take care of him. His parents, who are both working, taxpaying members of their community, would have to choose between eventual bankruptcy or having Alexis become a ward of the state, neither of which would help this country, the taxpayers, or most of all, Alexis.

To put this in perspective, the maximum federal SSI payment is \$5,808 per year, while it would cost the federal government and the state of Florida over \$62,000 annually to institutionalize an individual with mental retardation.

Because of cases like this, Congressional leaders and the White House agreed to restore SSI eligibility for people who were in this country prior to the welfare bill becoming law. They did not want to strand people in such dire circumstances and leave them with no options. But Mr.

Shaw's proposal would affect many people who face situations equally as compelling as "Alexis" by making them ineligible when they need SSI in the future. Cutting off future eligibility for such individuals is both cold-hearted and short-sighted policy.

The cuts proposed by Mr. Shaw are especially disturbing because Congress had the finances to follow through on the budget agreement and preserve SSI life-line assistance for these people. In fact, they had everything they needed to do the right thing. They had the funds for the program and the people in need. All they lacked was the will to follow through on the budget agreement.

We had hoped that the balanced budget agreement, which already damages many key programs for people with mental retardation and other disabilities, would be the baseline, the bottom line for program cuts. Instead, we now see Rep. Shaw and the Ways and Means Committee deciding that those cuts weren't enough, and they have to proceed on their never-ending quest to cut funding whenever they can for low income people with disabilities.

And at the same time, they propose to put that money and more into the pockets of the wealthiest Americans, people who do not face the challenges of surviving day to day. This is almost unthinkable. Here we have Congress squeezing every possible penny from people with disabilities, cutting them off from a lifeline program that at best provides income that is about 75% of poverty, and then they turn around and give an unnecessary windfall to the richest of the rich.

We are here today to call upon the House and Senate to restore the integrity of the budget agreement and the promise of this nation to people who have come here seeking a better life and a fairer deal. It is incumbent upon America's elected officials to stand by their word and their values by rejecting this extremist anti-immigrant, anti-disability effort by the Ways and Means Committee.