

The President is today issuing two directives to mitigate the unwarranted effects of the welfare bill on legal aliens and their children.

The first directs the Secretary of Agriculture to grant a blanket waiver allowing any state, subject to certain legal restrictions, to extend the certification periods -- that is, the time elapsing between certifications of eligibility for food stamps -- that currently apply to legal aliens receiving food stamp assistance. The effect of this directive will be to allow states to continue providing food stamp benefits to legal aliens and their children; this is because, under the terms of the statute, benefits to such individuals are cut off only at the time of recertification of their eligibility for food stamps. When a state extends the certification period, it effectively pushes back the date on which a legal alien will be deprived of food stamp benefits.

Extension of the certification period will allow those who have applied for citizenship to continue to receive food stamp assistance while the INS reviews their applications. More generally, extension of the certification periods of legal aliens will give states the time to develop the procedures necessary to make accurate determinations as to the many factual matters -- such as immigration classification, veteran status, or work history -- that the new law makes relevant to eligibility. In this way, the directive will decrease inaccurate or inequitable decisions to cut off food stamp benefits.

This waiver, however, will have certain limits. Under current law, the Department of Agriculture cannot allow states to extend certification periods beyond one year for most aliens or two years for certain elderly or disabled aliens. Neither can the Department allow states to extend certification periods beyond August 22, 1997, even when a two-year period would extend beyond that date.

The second directive instructs the Attorney General and other heads of agencies to make continued efforts to remove bureaucratic obstacles to naturalization. The Immigration and Naturalization Service already has made giant steps in this area, devoting more resources to processing naturalization applications and reducing long waiting lists. This directive instructs the Attorney General to continue to increase staff and facilities used to review citizenship applications and to develop novel and effective means, including joint efforts with community groups, of assisting potential and current applicants for naturalization.

In addition, the directive instructs the heads of all relevant agencies, working with White House staff, to develop public/private partnerships devoted to providing English-language training to applicants for citizenship; make outreach efforts to those wishing to become citizens; and provide special assistance to refugees and asylees.

These directives mitigate the harshest effects of the welfare bill on legal aliens and their children. The President will continue to look, and has instructed relevant agencies to look, for any possible additional ways of accomplishing this object.

February 28, 1996

BENEFITS FOR IMMIGRANTS
(savings in billions, CBO estimates unless indicated)

OPTIONS THAT STRENGTHEN DEEMING OF SPONSOR'S INCOME	7-Year Savings
Daschle/Coalition/Administration Endorsed Plan deems sponsor's income until citizenship for SSI, Food Stamps and AFDC for those not on the rolls with exemption for disabled, those who have worked 20 quarters and the elderly over 75.	5.4
Option 1. Decm until citizenship as in Daschle/Coalition Plan but only current law exemptions (i.e., disabled oxemption) -- no exemption for elderly over 75.	7.5
<ul style="list-style-type: none"> • Strengthened deeming rules would only apply to new awards. • Protecting elderly over 75 from deeming until citizenship option shown above costs \$1.9 billion over 7 years. • Maintains current law exemption for the disabled. • Children and families with children fare better under dooming options because deeming targets the elderly. Under deeming, sponsors are expected to support the immigrant children. 	
Option 2. Option 1 and adopt a uniform definition of eligibility across the AFDC, SSI and Medicaid programs, consistent with Work and Responsibility Act.	8.0
OPTIONS THAT INCLUDE BANS FOR LEGAL IMMIGRANTS	
Option 3. Ban legal immigrants from SSI with an exemption for the disabled. For Food Stamps and AFDC, the deeming policy in option 1.	11.5
<ul style="list-style-type: none"> • Bans would apply to those on the rolls and new awards. Bans that only apply to new awards produce no more savings than proposals that strengthen deeming, given CBO scoring. • The current law exemption for the disabled includes virtually all families with children that would be affected by the SSI ban. • Under a ban, exemptions are more important because the policy effects immigrants without sponsors. 	
Option 4. SSI ban with exemption for disabled as in option 2 and Food Stamps ban with exemption for families with children and the disabled. For AFDC and groups exempt from Food Stamps ban, the deeming policy in option 1 (only partially CBO estimate).	12.5
<ul style="list-style-type: none"> • To best protect children, it is important to excmpt households with children, not just children. 	
Option 5. SSI ban without an exemption for disabled and a Food Stamps ban with an exemption for families with children (only partially CBO estimate).	15.5
H.R. 4 bans legal immigrants from SSI and Food Stamps, including those on the rolls (other H.R. 4 provisions are discussed below). No exemption for disabled or elderly over 75.	19.1

MEDICAID OPTIONS7-Year
Savings

Deem sponsor's income for first five year for Medicaid for new awards (rough estimate). 1.3 to 1.5

Deem sponsor's income until citizenship for Medicaid for new awards. 2.0 to 2.2

Deny new entrants Medicaid for five years. 2.1

- The first two Medicaid options above effect new awards for legal immigrants in the country and those entering the country. By limiting the restriction to deeming, immigrants without sponsors are protected. In contrast, the final Medicaid affects immigrants with and without sponsors but only new entrants.

H.R. 4 requires states to deem sponsor's income until citizenship, denies new entrants Medicaid for five years and gives states the option to deny benefits (Savings estimate assumes no block grant and no states exercise option to deny benefits). 3.4

OTHER RESTRICTIONS THAT IMPACT CHILDREN

H.R. 4 requires most programs, including school lunch, migrant health centers and WIC, to verify citizenship and report illegal immigrants. This is a significant administrative burden for state and local service providers. The loss of these benefits and services could have a big impact on families with children. 0.4

Summary. H.R. 4 achieves savings by:

- Banning immigrants from SSI and Food Stamps with limited exceptions (savings from stronger deeming policy are included in savings from ban) 19.1
 - Restricting Medicaid through deeming till citizenship and denying new entrants Medicaid for five years. 3.4
 - Requiring now citizenship verification checks for school lunch (requirements on other programs do not save money). 0.4
- Total 22.9

Summary of Savings from Benefit to Immigrants Restrictions
 (7 year totals, dollars in billions, CBO estimates unless indicated)

	Deeming until Citizenship	H.R. 4 Benefit Ban	Administration	House Coalition	Senate Moderates
SSI (no new exemptions)	6.6	15.0			
Current law disabled exemption	6.6	10.7			
Exempt those over 75	4.4	11.6		11.6	
Exempt the disabled and over 75	4.4	7.3	4.4	7.3	7.3 ¹
Food Stamps (no new exemptions)	0.6	4.1	0.6		0.7
Exempt for households with children (OMB estimate)	NA	1.0		1.0	
Medicaid (no new exemptions)	2.0 to 2.2				
HR4 --5 year ban on new entrants, deem until C thereafter with a state option to ban permanently	NA	4.1		4.1	4.1
Child Nutrition (ban on illegals)		0.4			
Other (Uniform definition of eligibility and Medicaid interactions)	0.9	(included above)	0.9	(included above)	(included above)
Summary	9.5 to 10	23 to 23.6	5.9	12.4 16.7	12.1

¹ Senate moderates are considering exempting only those disabled and over 75 currently in the country. This would only slightly increase savings over the level shown.
 CBO estimates are from multiple bills. Program interactions and different enactment dates may complicate comparisons.

WR Jennings

June 13, 1996

TO: SSA - Jack Camilleri
DOL - Mike Taylor
Ken Apfel
John Angell
John Hilley
Tracey Thornton
Peter Jacoby
Rahm Emanuel

WR - Images

FROM: Ingrid Schroeder
395-3883

RE: HHS/SSA/DOL H.R. 2202 Conferee
Letter on Benefits

Please provide comments or your signoff on the attached revised HHS/SSA/DOL letter regarding the benefits issues in H.R. 2202 by 3pm, today, June 13th.

cc: Jack Smalligan
Keith Fontenot
Barry White
Mary Cassell
Bruce Reed
Jim Jukes
Jim Murr

Revised
Draft

The Honorable ~~Bob Dole~~ (Trent Lott?)
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Senator Dole:

We wish to take this opportunity to advise you of our views on certain provisions in H.R. 2202, currently in conference. This letter expands on the letter you received from the Department of Justice on H.R. 2202 dated May 31, 1996. In this letter, we address only those provisions that would create a number of new eligibility restrictions for legal and illegal aliens under a wide variety of assistance programs.

The Administration believes strongly in the need for bipartisan legislation to deter illegal immigration, but we continue to have major concerns with specific provisions in the House and Senate versions that would restrict the eligibility of *legal immigrants* for certain benefits and services. The Administration's views on the final legislation adopted by the Congress will ultimately depend on whether it maintains an adequate and fair safety net for legal immigrants and does not impose massive new costs and mandates on State and local governments.

I. Extending Deeming To Other Programs And Services

While we support strengthening the deeming rules under the major cash and food welfare programs, we oppose the broad application of deeming to numerous and varied programs, and oppose the repeal of current exemptions from deeming, such as those provided to aliens who become severely disabled after entry. We support a balanced approach that reduces welfare utilization by sponsored immigrants without turning our back on the goal of family reunification that has been a cornerstone of our modern immigration policies, and without imposing substantial administrative costs and burdens on State and local governments, and other entities.

(A) Medicaid And Other Public Health Programs

We continue to strongly oppose broadening the application of deeming rules from a well-defined set of cash and food assistance programs to nearly all Federal means-tested programs, including Medicaid and (under the Senate version) emergency medical services under Medicaid and other public health programs. Denying legal aliens access to Medicaid, emergency services under Medicaid, and preventive and primary care services could endanger the overall public health. Without early detection and intervention, many preventable diseases could spread to the community as a whole.

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Also, denying legal aliens (primarily women and children) routine and relatively inexpensive preventive and primary care could increase utilization of emergency care services and could result in more expensive medical treatment. Hospitals and other providers, including State and local governments, are likely to be burdened with these increased costs.

In addition--unlike cash, food, or shelter--medical services cannot be easily shared by a sponsor with an alien. Furthermore, the current, employment-based market for individual and group health insurance does not provide access to all consumers. This reality could make it difficult to obtain health insurance for some sponsored legal aliens, even when their sponsors are financially able and willing to purchase health insurance for them.

At a minimum, the programs or organizations exempted from deeming should include all of those listed in both the House and Senate versions of H.R. 2202. In particular, the House version includes exemptions for emergency medical services under Medicaid and other public health programs, while the Senate version exempts nonprofit charitable organizations and certain community-based providers. We believe that all of these exemptions should be included in the conference report. Similarly, new deeming rules should apply only to sponsors and aliens who sign new, legally binding affidavits of support, as called for in the House version.

(B) Protecting Aliens Who Become Severely Disabled After Entry Into The U.S.

Current deeming rules exempt legal aliens who become severely disabled after entry into the United States. This policy recognizes that while sponsors should be held responsible for supporting the aliens they sponsor, they cannot possibly foresee circumstances that result in legal aliens becoming severely disabled. For example, a sponsored legal alien child or adult may suffer severe disabilities as a result of a car accident. Current law recognizes that this exemption is reasonable and necessary to support our policy of family reunification.

Both the Senate and House versions of H.R. 2202 would repeal this exemption from deeming for aliens who become disabled after entry. Thus, H.R. 2202 would essentially require U.S. citizen and legal immigrant sponsors to become completely impoverished before the aliens they have sponsored would be eligible for any financial or medical assistance, even though the sponsors could not possibly have foreseen or expected the disabling condition that may affect the alien after entering the U.S. We strongly oppose applying deeming to legal aliens who become severely disabled after entry, and strongly recommend that this current exemption from deeming be maintained in H.R. 2202.

At a minimum, H.R. 2202 should allow for some portion of a sponsor's income and resources to be disregarded in the deeming calculation. Thus, in the situation in which the sponsored alien becomes disabled after entry or otherwise needs assistance from sponsors, we should ensure that the sponsor and his or her family is allowed to retain enough income and resources so that they

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themselves do not become dependent on welfare. It simply does not make sense to impose new rules that may result in increasing poverty and welfare dependence among hard-working U.S. citizens and legal immigrants, and undermine our policy of family reunification.

(C) Other Social Investment Programs

In addition to applying deeming to health programs for the first time, both versions would also introduce deeming to a number of social investment programs, such as child care, job training and postsecondary student aid. The Senate version would also apply deeming to many Head Start programs. Head Start centers are operated by local governments, such as New York City, as well as by nonprofit charitable organizations.

Both versions would apply deeming to means-tested job training programs. Legal immigrants are currently eligible for means-tested employment and training services under JTPA Title II (including year-round programs for disadvantaged adults and the summer youth employment and training program), JTPA Title IV (Job Corps, Migrant and Seasonal Farmworker, and Indian and Native American programs) and Title V of the Older Americans Act (Senior Community Service Employment program). Studies have demonstrated that Job Corps and JTPA training for disadvantaged adults are particularly wise investments, boosting the earnings and employment of participants. The ability of workers to build and deploy skills is essential to the health of our economy. It is in no one's interest to deny legal immigrants services that will help them become more productive members of our society.

Similar to our position on Medicaid and other public health programs, we strongly oppose the application of new deeming rules to these social investment programs. Programs such as child care, job training and postsecondary student aid are aimed at *reducing* welfare dependency of legal immigrants and integrating them more quickly into the economic and social mainstream. Preventing legal immigrants from obtaining such services due to deeming goes against a long and admirable tradition in this country of welcoming legal immigrants and ensuring they receive a hand-up to attain self-sufficiency, rather than a hand-out.

At a minimum, the programs and organizations exempted from deeming should include all of those listed in the House and Senate versions of H.R. 2202. The House version includes an exemption for Head Start and other education programs. These provisions should be retained, and means-tested job training and employment programs should be added to the list of programs exempted from deeming in the conference report. In addition, the conference report should include the Senate provision relieving nonprofit charitable organizations of the burden of determining eligibility under these social investment programs.

(D) Protecting Children And Victims Of Domestic Violence

It is our fundamental responsibility to ensure that victims of physical and/or mental abuse, particularly children, are protected from such abuse or neglect regardless of immigration status. We strongly oppose provisions in the Senate bill that would apply deeming to a

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variety of child protective services. We support provisions in the House bill that exempt from deeming those services directly related to assisting the victims of domestic violence or child abuse.

In addition, assistance for which a U.S. citizen child is eligible should not be denied based on the immigration status of the parent. The House bill includes a provision that would prohibit payment of assistance to individuals who were determined to be not lawfully present. Thus, a parent who was not lawfully present would not be able to receive assistance on behalf of a U.S. citizen child who was eligible for such assistance. Instead, some other lawfully present adult would be required to step forward to act as a third party representative on behalf of the eligible child. We oppose this provision, since it would likely harm a number of innocent children who are U.S. citizens or legal immigrants. In selecting payees on behalf of children, the experience of the AFDC and SSI programs is that the parent with whom the child lives is the preferred choice in virtually all cases. Very few noncustodians ever step forward to act as payees, due to the time commitments involved in making daily living decisions and the conflicts with parents that often result from such cases. Ultimately, this provision is likely to delay necessary assistance for U.S. citizen and legal immigrant children. While this issue is difficult, we strongly believe that the goal of reducing illegal immigration should not be achieved by harming U.S. citizen and legal immigrant children.

(E) Imposing New Burdens And Costs On State And Local Governments, And Other Entities

The broad application of new deeming rules to a number of Federal means-tested programs would impose significant new administrative costs and burdens on State and local governments, and other entities such as hospitals. For example, both versions would require applicants for child care under the Child Care and Development Block Grant to have their alien eligibility determined and to have deeming calculations performed for sponsored aliens. This would require States and localities to dedicate additional personnel, training, and other resources to carry out these new requirements.

Denying Federal Medicaid reimbursement for health services to legal immigrants could likely increase the utilization of emergency medical services and could lead to increased medical costs in the future. Hospitals, particularly public hospitals, and State and local governments that help fund public hospitals, would have to absorb such increased costs, since hospitals cannot deny treatment for emergency medical conditions. Localities with high immigrant populations, which are often localities where public hospitals face precarious financial condition, could also confront increased health care costs due to the deeming provisions in H.R. 2202. Although hospitals may be given authority to recoup payment from an immigrant's sponsor, such actions may not fully compensate hospitals, since recoupment is costly.

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(F) Termination Of Deeming (And Affidavit Of Support) Based On Work

The provision that terminates deeming and the support agreement when the alien acquires 40 qualifying quarters is technically and administratively problematic. We believe that this requirement should be modified to be quarters of coverage as defined in section 213 of the Social Security Act. In addition, the Administration supports a termination of deeming and the support agreement after 20 quarters instead of 40 quarters.

II. New Sponsor Requirements

Both versions would impose new income requirements on U.S. citizens and legal immigrants who wished to sponsor close family members. The House bill would require sponsors to demonstrate an annual income of 200 percent of poverty; the Senate would require an annual income of 125 percent of poverty. We oppose these provisions, since they would effectively limit family reunification to relatively wealthy families. Ninety million Americans have income below 200 percent of poverty and would be denied the opportunity to be reunited with close family members. In addition, enhanced deeming and other eligibility restrictions are sufficient to limit the use of the major cash and food welfare programs by sponsored immigrants. If new requirements on sponsors are adopted, it should reflect the lower income threshold as provided for in the Senate bill.

III. Deportation As Public Charge

Both versions would define as a "public charge" any legal alien who received certain benefits for an aggregate period of 12 months within either 5 years (Senate) or 7 years (House) of entry. The Senate version would treat receipt of virtually any Federal, State, or local needs-based assistance as applicable to the determination of whether an alien was a public charge. Similar to our opposition to the deeming provisions, we oppose such a broad and sweeping approach. The House version is preferable, since it limits the number of programs for which receipt of assistance would render an alien deportable to SSI, AFDC, Medicaid, Food Stamps, housing assistance, and State general cash assistance. However, the Senate bill contains a desirable provision that would limit the time period in which an alien could be deported to 5 years after the alien last received a benefit during the public charge period. We also prefer the Senate provision which exempts refugees from deportation on public charge grounds.

We also have serious concerns about implementation difficulties of both the House and Senate public charge deportation provisions. For example, it is not clear how information from the various State and local agencies administering most of these assistance programs would be transmitted to the Federal government for purposes of determining whether an alien was a public charge. These provisions could potentially add to the increased State and local administrative costs already described above.

IV. Cuban and Haitian Entrants

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We oppose the Senate provision that would make Cuban and Haitian entrants ineligible for means-tested assistance. This would place an undue burden on State and local governments, and we strongly recommend that Cuban and Haitian entrants remain eligible for assistance.

V. Effective Date Provisions

The deeming provisions in both versions would require careful coordination among Executive branch agencies and State agencies responsible for program administration, and require the establishment of new standards for the affidavits of support executed by sponsors of family-based visa applicants. The House version would require that a new affidavit form be promulgated within ninety days of enactment and that an alien applicant's income and resources be deemed to include the assets of the sponsor no later than ninety days thereafter. The Senate provisions for deeming would take effect on the date of enactment, leaving no time for coordination among the Federal and State agencies prior to implementation.

If sufficient lead time is not provided, the burdens of administering the new provisions while guidance is being developed would be felt most severely by state and local governments. We strongly urge the conferees to adopt an effective date of one year after enactment. This would

permit the development of a functional and enduring system for sponsorship requirements and attribution of resources, and allow full Federal and State coordination and public input. A one-year period for implementation of the deeming requirements would obviate the necessity for separate deadlines for the development of an affidavit of support form and for the use of such form.

Similarly, the House version would require the Attorney General to publish regulations within sixty days of enactment to implement provisions that limit the availability of benefits to aliens who are lawfully present in the United States. As with the deeming provisions, the need for coordination among Federal, State and local agencies regarding this important regulation warrants a six-month effective date.

V. Summary

We look forward to Congress enacting bipartisan legislation that attacks illegal immigration and reduces the utilization of welfare by sponsored legal immigrants. However, we are committed to achieving these goals in a manner that also protects the fundamental values of allowing American families to reunite; protecting public health and safety; providing legal immigrants with a hand-up, rather than a hand-out; protecting children; and limiting costly new mandates on State and local governments. A bill that honors these values will be acceptable; one that threatens public health and goes too far in denying a wide range of services to legal immigrants will not be acceptable. The Administration calls on the conferees to enact legislation that takes action against illegal immigrants but honors our tradition of treating legal immigrants fairly.

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Identical letters have been sent to Senator Daschle, the Speaker of the House, and the Honorable Richard Gephardt.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Donna E. Shalala, Secretary

(Robert Reich, Secretary ?)

(Shirley Chater, Commissioner ?)

In Budget Bill, President Wins Welfare Battle

By PETER T. KILBORN

WASHINGTON, July 31 — When President Clinton signed the welfare bill last year, he said it was “far from perfect,” and pledged to “change what is wrong.”

Slim as the odds seemed then, Mr. Clinton largely got his way in the budget agreement that both chambers of Congress have just approved. He paid a price in acquiescing to tax cuts for wealthier Americans, analysts on the left and right say, but he won major concessions in blunting some of the welfare law's toughest provisions.

The President also lost some battles. For example, he was unable to raise food stamp allotments to families living in high-cost areas like New York City, where the rent can consume more than half their income, and he won only \$1.5 billion of the \$4.8 billion he sought for all food stamp spending.

Moreover, nothing changes the basic objective of the welfare law that both Mr. Clinton and Congress endorse. It turns over most of the control of the welfare system to the states, ends the old system's womb-to-tomb entitlement to cash assistance, limits welfare payments to families to a maximum of five years and requires that welfare recipients be engaged in work or work-related activity within two years.

Besides the concessions in the budget bill, Mr. Clinton has won important battles over how the regulations implementing the 1996 welfare law are applied. For example, the Labor Department recently ruled that welfare recipients who take state jobs must be paid the \$5.15-an-

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hour minimum wage, a ruling that has Southern states bristling, and that the budget bill lets stand.

Elaine Ryan, director of government affairs for the American Public Welfare Association, said Mr. Clinton “certainly got what he wanted” for the welfare law in the budget deal.

Douglas J. Besharov, resident scholar at the American Enterprise Institute, said, “The President succeeded in moving the bill much closer to his own priorities.”

Wendell E. Primus, who helped write Mr. Clinton's original welfare legislation and resigned in protest over the compromises worked out with Congress, said the economy must weather a recession before the impact of the welfare law can be fairly assessed. “But,” Mr. Primus added, “there's no doubt that this budget bill, in terms of what it does for immigrants, welfare-to-work and food stamps, reverses some of the worst aspects of the welfare law.”

Under the 1996 welfare law, noncitizens, including many who had worked in the United States and paid taxes for up to 10 years, lost Supplemental Security Income, the welfare program for the aged and disabled poor, and Medicaid, the health insurance program for the poor.

Now, legal immigrants who resided in the United States last Aug. 22, when the President signed the welfare bill into law, remain eligible for the programs, whether they were covered by them then or will need them in the future. Only those arriving in this country after that date remain excluded.

The budget bill gives the President another provision that he stressed in his re-election campaign last fall: a welfare-to-work tax credit.

To encourage more employers to hire and retain welfare recipients, Congress approved paying employers a 35 percent credit on wages up to \$10,000, or \$3,500, in the first year that those who had been on welfare remain on the job, and even more — 50 percent on the first \$10,000 of their second year's wages. The Department of Health and Human Services said the plan would cost only \$600 million over six years.

Congress also approved \$3 billion over two years in job-hunting assistance for mostly single, able-bodied adults. Under the welfare law, this group is treated more harshly than most. They are allowed food stamps only for three months every three years unless they are working.

But the budget bill permits states to exempt 15 percent of the adults from this requirement, and it allocates the \$3 billion for job-hunting assistance and training, which critics say violates the welfare law's overriding objective of requiring all recipients to go to work.

“The welfare bill had an operating paradigm — work, not job training,” Mr. Besharov said. “This is a \$3 billion boondoggle, hush money, for big-city mayors to quiet them down on welfare reform.”

Able-bodied adults have also profited from the way the Administration is enforcing the three-month, three-year provision. The law permits states to exempt communities with unemployment above 10 percent or with shortages of jobs.

But the law does not establish cri-

teria for such job-shortage areas, so the Department of Agriculture, which enforces food stamp regulations, has been using a Labor Department criteria to define such areas. So far, said a department spokesman, Phil Shanholtzer, “hundreds and hundreds of communities in at least 41 states” have been exempted.

The Administration's biggest coup may be in the \$24 billion that Congress granted over five years to extend Medicaid to half the nation's 10 million children who lack health-care coverage. Part of the cost would be paid with increases in the cigarette tax, from 24 cents a pack now to 34 cents by 2000 and 39 cents by 2002.

That and the restoration of Medicaid for legal immigrants and for some disabled children who lost it under the welfare law mark a big change in the fortunes of the working poor and of indigent families, Administration officials said.

“With Medicaid,” said Melissa T. Skolfield, the spokeswoman for the Department of Health and Human Services, “we were able to achieve everything we wanted.”

The Children's Defense Fund, one of the 1996 welfare law's harshest critics, remains opposed to the welfare-to-work time limits, but is pleased with the Medicaid changes. “The child health provision is a very big victory,” said Deborah Weinstein, director of the fund's family income division.

Across the political spectrum, analysts say Mr. Clinton won much more than he lost. Isabel V. Sawhill, a senior fellow at the Urban Institute and for two years an associate director of the White House Office of Management and Budget, urges a wholly different overhaul of the welfare system, one that focuses much more on school systems and ailing cities.

“But from a political perspective,” she added, “you have to call this a real win for the President and a partial win for the poor.”

Michael Tanner, director of health and welfare studies at the conservative Cato Institute, was most critical of the Labor Department's requirement that people on workfare receive the minimum wage. “We are rapidly undoing the welfare reform law even before we've seen if it works,” he said.

But he agreed with Ms. Sawhill on another point. “The President got everything he wanted,” he said, “and then some.”

The New York Times

FRIDAY, AUGUST 1, 1997

Defense Chief Details Faults Of General in Saudi Bombing

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By ERIC SCHMITT

WASHINGTON, July 31 — Defense Secretary William S. Cohen said today that the Air Force general in charge of the housing complex in Saudi Arabia where 19 airmen were killed in a terrorist blast last year had sufficient warning of a possible attack but failed to safeguard his troops.

Despite the warnings, the officer, Brig. Gen. Terry J. Schwalier, did not take such basic steps as establishing an effective alarm system and regularly practicing a plan to evacuate troops from the Khobar Towers buildings, Secretary Cohen said in explaining his decision to hold General Schwalier accountable and block his scheduled promotion.

"Brigadier General Schwalier recognized that a car or truck bomb parked on the edge of the Khobar complex posed a serious threat to his personnel," Mr. Cohen told reporters, "but he did not take adequate account of the implications of this terrorist threat to develop an effective response plan. It seems to me that's elemental."

When asked whether lives would have been saved had General Schwalier taken the extra precautions, Mr. Cohen said: "I believe they would have been helpful. Whether or not they would, in fact, have saved all of the lives and the hundreds of people who were injured is an open question."

Mr. Cohen's decision to hold General Schwalier responsible ends a 14-month investigation into the peacetime military disaster. The bombing underscored the increasing vulnerability of American troops to terrorists even in the most secure allied countries. It also opened an angry interservice debate over how accountable commanders should be for calamities on their watch.

After reviewing three voluminous but sharply conflicting military inquiries into the June 1996 bombing, Mr. Cohen said today that General Schwalier did take actions to protect his troops against the threat of a suicide bomb penetrating the complex, but did not do enough against the prospect of a bomb parked out-

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side the perimeter fence, 80 feet from the apartment building.

The siren warning system, called Big Voice, had not been tested since 1994 and could not be heard by most people inside the buildings. The only way to alert troops inside was to knock on every door in the eight-building complex. Commanders assumed that in an emergency, a door-to-door evacuation would take no more than five minutes; investigators found it would actually take 10 to 15 minutes.

Gen. John M. Shalikashvili, the Chairman of the Joint Chiefs of Staff, concurred with Mr. Cohen's position, saying, "It is reasonable to expect that a commander of his rank and his experience would not have had those lapses."

As a result, Mr. Cohen said President Clinton today accepted his recommendation that General Schwalier's promotion to major general, a two-star rank, be withdrawn.

General Schwalier, a 28-year veteran who held an operations job at the Pentagon pending Mr. Cohen's decision, said in a statement that he would retire early.

"My intense hope is that commanders in the field will not be unduly criticized every time something bad happens," the general said.

Mr. Cohen said he was not advocating a "zero defect" mentality, which he conceded would have a chilling effect on commanders' initiative and morale.

"I know that perfection is impossible," he said, "and I also know that a zero-defect attitude can make commanders very cautious and timid, jeopardizing success in battle."

"What we have to insist upon is that our commanders take all reasonable measures to protect their troops. Not that it take every conceivable measure, but what is reasonable under the circumstances. That's not zero defect; that's a test of reasonableness."

Lawmakers generally praised the decision of Mr. Cohen, a former Republican Senator from Maine.

"He followed correct procedures and reached the correct decision," said Senator John W. Warner, the Virginia Republican who heads the Senate Armed Services Committee.

But other legislators said the Secretary should also have disciplined General Schwalier's superiors. "That would be my judgment," said Senator Arlen Specter, the Pennsylvania Republican who heads the Veterans' Affairs Committee.

That was a conclusion of the first Pentagon investigation, headed by a retired four-star Army general, Wayne A. Downing. General Down-

ing criticized General Schwalier for failing to protect his troops, but he also said the Air Force commander's headquarters "did not provide sufficient guidance, assistance and oversight to avert or mitigate the attack on Khobar Towers."

Mr. Cohen rejected that finding, saying that in the months before the bombing, with intelligence reports identifying the housing complex as a prime target and American security officials thwarting at least one bombing attempt, General Schwalier "never referred any protection problems up the chain of his command."

"His chain of command kept him apprised of the threat that he faced and offered support on force protection," Mr. Cohen said, and therefore was not culpable. "Under those circumstances, it seems to me that we put the accountability exactly where it belongs, and that is with the person who is in charge of force protection. He is not being made a scapegoat; he is being held accountable."

The Air Force collectively disagreed. Two Air Force inquiries absolved General Schwalier of any blame, citing more than 130 security measures he took.

Feelings ran so high that on Monday, the top general in the Air Force, Gen. Ronald R. Fogleman, abruptly resigned a year before his four-year term as Air Force Chief of Staff was up largely because of the decision he expected Mr. Cohen would make. Mr. Cohen said he had not told the general of his decision before he resigned, but General Shalikashvili said he had shared his own recommendation with General Fogleman before he stepped down.

General Fogleman had been threatening for weeks to quit if Mr. Cohen disciplined General Schwalier, a measure the Air Force Chief of Staff had said would be unfair. This challenge seemed only to irritate Secretary Cohen, who quietly began interviewing candidates to take the angry general's job.

Mr. Cohen said today he had picked Gen. Michael E. Ryan, the head of United States Air Forces in Europe and a former commander of NATO air forces over Bosnia, to succeed General Fogleman. The appointment requires Senate confirmation.

General Ryan, 55, is a Vietnam-era fighter pilot and former top aide to General Shalikashvili. He is the first son of a military service chief to follow in his father's footsteps. General Ryan's father, John, was the Air Force Chief of Staff from 1969 to 1973.

SECRETARY OF COMMERCE

U.S. Department of Commerce

facsimile coversheet



Date: 8-2-96 Fax #: _____

To: Rahn/Bruce Phone: (202) 482-2112

From: Mickey Fax: (202) 482-3109

Number of pages including coversheet: 2

Subject: _____

Message: _____

DRAFT

August 1, 1996

MEMORANDUM FOR: Secretary Kantor

FROM: Lewis Alexander

SUBJECT: U.S. immigrant population

WR-
Immigs

The table below presents estimates of the number of foreign-born residents of the United States in 1994 that were not U.S. citizens. The estimates were made by the Bureau of the Census based on the responses to the Current Population Survey (CPS) for March 1994.¹ As you can see in the upper left corner of the table, the Census Bureau estimates that there were 15.6 million foreign-born non-citizens in the United States in 1994.

This estimate is probably an upper bound for the number of legal immigrants (who had not yet received U.S. citizenship) in the U.S. in 1994. Census estimates that of the 15.6 million U.S. residents that were foreign-born non-citizens in 1994 between 3.5 and 4 million were illegal immigrants.

The second row of the table shows that only 676,000 foreign-born non-citizens are estimated to have received government assistance in 1994.² A substantial number of these foreign-born non-citizens who receive assistance, however, have lived in the U.S. for five years or more and so are eligible for U.S. citizenship. If access to such programs were cut-off for legal immigrants, these non-citizens would have a strong incentive to become U.S. citizens. Thus such a cut-off is likely to affect only those legal immigrant who are not eligible to become U.S. citizens, i.e., those that have been in the U.S. for less than five years.

The right-hand column of the table shows the comparable figures for foreign-born non-citizens that entered the U.S. after 1989. Of this group only 198,000 received assistance.

¹ The CPS is a monthly survey of approximately 60,000 households. One of its principal functions is to provide monthly estimates of unemployment and the labor force. Every March, however, the CPS panel is asked a set of supplemental questions. Information is collected on income as well as social and demographic characteristics of the panel. In the March CPS—and other Census surveys including the Decennial Census—individuals are asked whether or not they were born in the United States. Those who say that they were born outside of the U.S. are also asked whether or not they are U.S. citizens. Answers to these two questions make it possible to identify survey response from foreign-born non-citizens. The Census Bureau does not try to collect information on the immigration status of foreign-born non-citizens. Clearly the accuracy of these data depend on the degree to which individuals answer the survey questions truthfully. In this context it is important to note that responses to census surveys are strictly confidential and are never used to enforce U.S. immigration or other laws. Consequently, respondents have no real incentive to lie.

² These estimates cover only AFDC and general assistance provided by states.

DRAFT

U.S. Immigrant Population in 1994

	Foreign-born non-citizens*	
	Total	Arrived After 1989
	(thousands)	
Total	15,593	4,380
of which:		
Received Public Assistance**	676	198
Addenda:		
17 and under	2,214	1,136

* U.S. residents who were born outside of the United States and are not U.S. citizens.

** Covers only AFDC and general assistance provided by states.

Source: Bureau of the Census, Current Population Reports, Number P20-486, "The Foreign-Born Population: 1994."

Deliver HSTH

July 17, 1996

MEMORANDUM

Post-it® Fax Note 7671		Date 7/17	# of pages 8
To Barbara Wooley	From Lynne Fagnani		
Co./Dept.	Co.		
Phone #	Phone #		
Fax # 456 6218	Fax #		

TO: Barbara Wooley

FROM: Lynne Fagnani *LF*
 NAPH

RE: Welfare Reform Legislation

WR-Immigs

I wanted to let you know why I was calling this morning. Senator D'Amato's office has told us that they would try to get a 2-year delay in implementation of the bar and deeming for Medicaid for legal immigrants as part of the manager's amendments to the welfare reform bill, IF the Administration would ask for it as part of what the Administration wants fixed. He is willing to try to help us behind the scenes, but doesn't want to be "out front" on it, i.e., he won't offer it as an amendment on the floor and doesn't want to look like he is pushing it with the leadership. Do you think that this is possible?

I spoke with Mary Cassell from Ken Apfel's staff about this earlier this afternoon, but was not sure who else to try to contact within the Administration. Attached is a copy of the language (which was drafted by leg counsel at Senator Kennedy's request). Also attached is a provider letter sent to the House and Senate today.

Please call me to discuss.

Bruce J. I

O:\GOE\GORMS.255

H.I.I.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To delay for a 2-year period the implementation of the attribution of sponsor's income, the 5-year ban, the deeming procedures, and the public charge deportation provisions.

IN THE SENATE OF THE UNITED STATES—104th Cong., 2d Sess.

S. _____

To provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KENNEDY

Viz:

- 1 At the end of section 2403(c)(2), add the following:
- 2 (J) For the 2-year period beginning on the
- 3 date of the enactment of this Act, any item or
- 4 service provided under a State plan under title
- 5 XIX (or title XV, if applicable) of the Social
- 6 Security Act (other than emergency medical
- 7 services described in subparagraph (A)).

- 8 At the end of section 2421, add the following:

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S.L.C.

2

1 (e) EXCEPTION.—For the 2-year period beginning on
2 the date of the enactment of this Act, subsection (a) shall
3 not apply to medical assistance provided under a State
4 plan under title XIX (or title XV, if applicable) of the So-
5 cial Security Act.

6 At the end of section 2422(b), add the following:

7 (8) For the 2-year period beginning on the date
8 of the enactment of this Act, benefits and services
9 comparable to benefits and services provided under
10 a State plan under title XIX (or title XV, if applica-
11 ble) of the Social Security Act (other than emer-
12 gency medical services described in paragraph (1)).

13 At the end of section 2423(d), add the following:

14 (9) For the 2-year period beginning on the date
15 of the enactment of this Act, any item or service
16 provided under a State plan under title XIX (or title
17 XV, if applicable) of the Social Security Act (other
18 than emergency medical services described in para-
19 graph (1)).

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S.I.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To delay for 24 months any requirement that an entity verify the eligibility of a qualified alien.

IN THE SENATE OF THE UNITED STATES—104th Cong., 2d Sess.

S. _____

To provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KENNEDY

Viz:

- 1 At the end of section 2432, add the following:
- 2 (d) TRANSITION RULE.—No entity shall be required
- 3 to verify the eligibility of a qualified alien (as defined in
- 4 section 2431(b)) for medical assistance under a State plan
- 5 under title XIX (or title XV, if applicable) of the Social
- 6 Security Act, or make any determinations required under
- 7 section 2402, 2421, 2422, or any other section of this title
- 8 with respect to such alien, until 24 months after the date
- 9 of the enactment of this Act.

O:\GOE\GOB96.257

S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the Comptroller General of the United States to report on the effects of the implementation of the provisions relating to banning aliens from receiving assistance under the medicaid program and the implementation of the deeming requirements for such aliens under such program.

IN THE SENATE OF THE UNITED STATES—104th Cong., 2d Sess.

S.

To provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KENNEDY

Viz:

- 1 At the end of subchapter D, of chapter 4, of subtitle
- 2 A, add the following:
- 3 SEC. ____ GAO REPORT.
- 4 (a) REPORT.—Not later than 1 year after the date
- 5 of the enactment of this Act, the Comptroller General of
- 6 the United States shall submit a report to the President,
- 7 and the Congress on the effects of the implementation of
- 8 the provisions of this chapter relating to banning aliens
- 9 from receiving assistance under the medicaid program and

O:\GOE\GOE96.257

R.L.C.

2

1 the implementation of the deeming requirements imposed
2 under this chapter for such aliens under such program.

3 (b) CONTENTS OF REPORT.—The report described in
4 subsection (a), shall include an analysis of—

5 (1) the fiscal impact of the ban and the deem-
6 ing requirements described in subsection (a) on pro-
7 viders under the medical program and taxpayers;
8 and

9 (2) the public health impact of applying the
10 provisions of this chapter relating to such ban and
11 such deeming requirements.

**American Association of Eye and Ear Hospitals
American Hospital Association
Association of American Medical Colleges
American Osteopathic Healthcare Association
Federation of American Health Systems
InterHealth
National Association of Children's Hospitals
National Association of Community Health Centers
National Association of Psychiatric Health Systems
National Association of Public Hospitals & Health Systems
Premier, Inc.
The Catholic Health Association of the United States**

July 17, 1996

Dear Senator:

As health care providers caring for millions of Americans in rural and urban areas, we are writing to express our concern about certain provisions in the welfare reform legislation that the House and Senate are scheduled to consider this week. The provisions concerning legal immigrants, coupled with more restrictive state welfare eligibility rules that could affect Medicaid eligibility, may potentially result in millions of U.S. citizens and legal immigrants losing Medicaid coverage.

1. *Millions of Children and Parents On AFDC Could Lose Their Medicaid Coverage*

Under current law, low income families which receive welfare are automatically eligible for Medicaid. The proposed welfare reform legislation would give states two options for reducing Medicaid coverage:

- (1) by limiting Medicaid to only those individuals eligible for the state's new block grant program (for which eligibility criteria is likely to be more restrictive than the current AFDC program); and
- (2) for those states with AFDC income limits which are above the national average as of March 1, 1996 (the national average AFDC income limit for a family of three is just 39 percent of the federal poverty level), by requiring Medicaid eligibility only for those individuals meeting the national average income and resource criteria.

Up to 1.5 million children and four million parents could lose their Medicaid coverage.

Lack of health insurance coverage is a barrier to moving low income individuals from welfare to work. Studies show that 75 to 80 percent of the low wage jobs likely to be held by individuals on welfare do not provide health insurance. During the welfare reform debate this past Fall, members of Congress stated that they did not want people to lose health insurance as a result of welfare reform. ***We urge Congress to include a streamlined hold harmless provision which would require states to continue Medicaid eligibility for individuals who would have qualified for AFDC under the eligibility rules in effect in 1995.***

2. Legal Immigrant Provisions Are an Unfunded Mandate on Providers and Could Harm U.S. Citizens

The legal immigrant provisions in both the House and Senate bills would bar legal immigrants from eligibility for Medicaid for five years. After five years, the legislation would require deeming until citizenship. If a low income legal immigrant is barred from Medicaid or deemed out of the program, he or she may have no other means to pay for health care. Most low income immigrants cannot afford private health insurance. ***This is a cost shift from the federal government to state and local entities and providers of care***, because providers will still treat legal immigrants, but in most cases may receive no reimbursement from the sponsor or Medicaid reimbursement. And this cost shift will disproportionately fall on providers in states with large numbers of legal immigrants--states such as California, Texas, Florida, New York, New Jersey, Massachusetts, Pennsylvania, and Illinois.

These provisions will force hundreds of thousands of legal immigrants off of Medicaid, creating a new population of uninsured low income patients. Furthermore, the loss of Medicaid coverage means that the amount of preventive care provided to legal immigrants will be drastically reduced, thereby exposing entire communities to communicable diseases while increasing the overall cost of providing necessary care.

The dramatic financial impact of the legal immigrant provisions has yet to be evaluated by the Congress. For instance, providers could be forced to cut back essential services or close units that serve their entire communities--both U.S. citizens and legal immigrants. Immigrants constitute 30 to 60 percent of the patient population of some providers. Therefore, ***we urge the Congress to delay implementation of the five year bar for two years after the bill is enacted, and direct the General Accounting Office to study and report on the impact of these provisions on local governments and health care providers.***

In conclusion, these provisions would potentially add millions of people to the ranks of the 40 million uninsured Americans, which is why we strongly oppose including them in the welfare reform legislation. We urge the Congress to modify the legislation to avoid eliminating Medicaid coverage for many U.S. citizens and legal immigrants, and substantially increasing the burden of uncompensated care we provide.

Sincerely,

The Above-Signed Organizations

WR - Jim's

**PROPOSAL TO EXTEND CERTIFICATION PERIODS
FOR FOOD STAMP HOUSEHOLDS CONTAINING NONCITIZENS**

Background: The new welfare bill would require States to remove almost all legal immigrants currently receiving food stamps from the program. The bill is very explicit about which immigrants should and should not be receiving benefits. One year from the date of enactment, all current recipients are required to be off the program unless they meet one of the exemption criteria or have become a naturalized citizen. The new rules would apply to new applicants immediately.

Under the new legislation, those immigrants currently on the program should be judged against the new stricter criteria at their next "recertification" with the mandate of removing all current recipients by one year from the date of enactment. When food stamp households first apply for benefits, they are allowed to participate for a fixed number of months, not to exceed 12 months in most cases.

Issue: Should USDA grant an automatic waiver to allow State agencies to delay a legal immigrant's recertification? States could be given a waiver to extend certification periods of households containing noncitizens, provided no certification period is extended beyond August 22, 1997 and no certification period is longer than 12 months.

Pro:

Equity - This proposal might grant additional time to those legal immigrants who have applied for citizenship and others who intend to naturalize without losing benefits. The bill delayed implementation of the new alien eligibility criteria until January 1, 1997 for other programs.

Difficulty of verification - Households which meet the exemption criteria may be unfairly terminated because Federal and State systems for verifying eligibility under the new criteria are inadequate. By delaying implementation, States would be providing themselves with the opportunity to ensure more responsible implementation of this provision. The Federal and State agencies will have to work together to develop verification requirements and procedures.

Con:

Limitations - Many immigrants will not be assisted by this proposal. Very preliminary estimates indicate that about half (or 580,000) of the affected individuals would not have their certification extended by this proposal. The effect of the waiver would depend on the length of certification periods in various States. The average certification period is 10 months. In California, for example, most households are certified for either 6 or 12 months. In the other States most affected (New York, Texas, New Jersey, Illinois, and Arizona) households are more likely to have shorter certification periods. Moreover, if the State does not opt to avail itself of the waiver, there would be no benefit.

Appearance - This would be seen as a clear attempt to circumvent the legislation. It would appear that aliens were getting better treatment than citizens who would be adversely affected by other provisions of the law.

Cost - Preliminary estimates indicate that savings could be reduced by \$320 million in FY97. The original estimate for this provision was \$365 million in savings for FY97.

Social Security Administration Office of Policy

FAX

Name WELFARE REFORM STAFF	ADDRESSEE	Name RON SRIBNIK	FROM
Location Organization: DOMESTIC POLICY COUNCIL		Location Organization: SOCIAL SECURITY ADMINISTRATION	
Telephone Number: —		Telephone Number: 410 965 2865	
Facsimile Telephone No.: 202 4567431		Total Number of Pages: Cover + 1	Date 8/22/96

OP Facsimile Machine Number: (410) 966-2935

MISC:

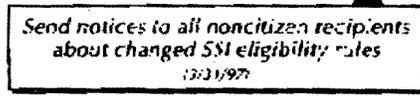
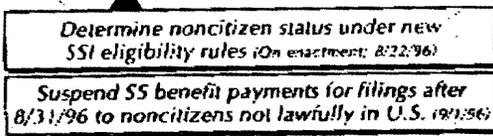
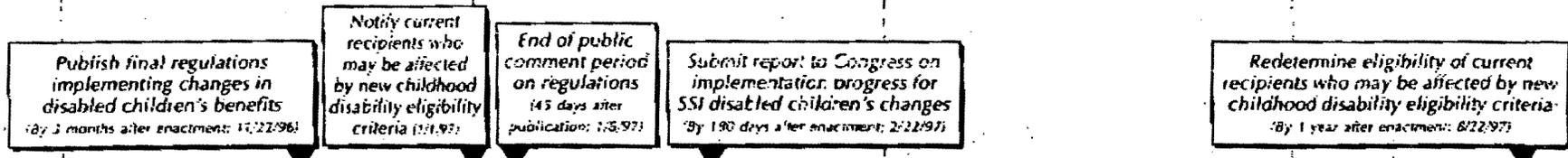
CAROLYN COLVIN, THE SOCIAL SECURITY ADMINISTRATION'S LIAISON ON WELFARE REFORM IMPLEMENTATION ASKED ME TO SEND THE ATTACHED CHART, PER INSTRUCTIONS AT THE AUGUST 19 MEETING.

IT IS SSA'S UPDATE, DUE CLOSE OF BUSINESS 8/22.

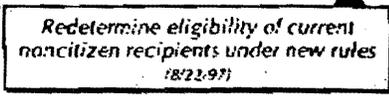
Legislative Implementation Timeline

(Key Provisions: Childhood/Aliens)

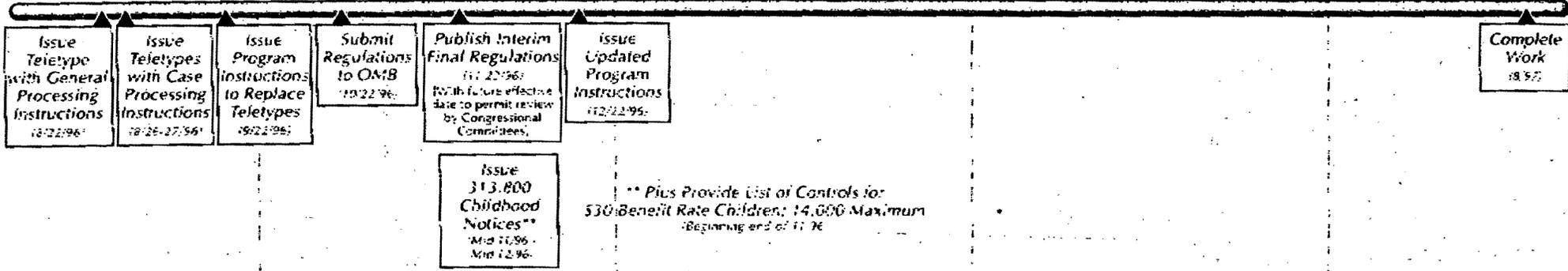
WR - Innings



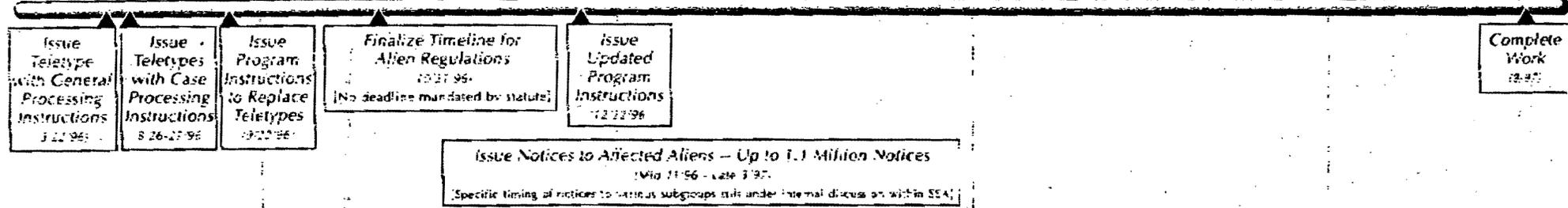
* Assumes 8/22/96 Enactment



Childhood Provisions Timeline



Aliens Provisions Timeline



WR-Immigs

Continued from Page A1

California Governor Acts to End State Aid for Illegal Immigrants

Moves Rapidly Under New Federal Welfare Law

By TIM GOLDEN

AT

SAN FRANCISCO, Aug. 27 — Moving aggressively under the new Federal welfare law to cut off state services to illegal immigrants, Gov. Pete Wilson today signed an executive order ending those immigrants' access to benefits ranging from public housing to prenatal care and child abuse prevention programs.

State officials said the Federal legislation, which President Clinton signed into law last Thursday, had won them a partial but important triumph in their struggle to enforce the provisions of Proposition 187. That ballot initiative, denying state services to people who enter the United States illegally, was approved overwhelmingly by California voters in 1994 but has been enjoined by court order since then.

Neither the new Federal welfare act nor the Governor's order, the first of its kind in the nation to result from the law, bars illegal immigrants from public primary or secondary schools, as the ballot initiative was supposed to. Nor does it keep them from emergency health care.

But officials said the new restrictions would cover hundreds of other state services and programs, including many, like the issuance of licenses, that were not contemplated under the initiative.

"Today's executive order, I think, is a vindication, as is the act itself," Mr. Wilson said in a signing ceremony

at the State Capitol in Sacramento. Both steps, he said, answer Californians' demand "that the Federal Government end the magnetic lure of public services and benefits that have substantially spawned our national crisis of illegal immigration."

But like Proposition 187, the Governor's order was immediately met by the threat of challenges in the courts.

Civil rights advocates argued that the state government had jumped the gun by failing to wait for regulations that, under the new Federal statute, the Justice Department must issue within the next 18 months on how the immigration status of people applying for services should be verified. Mr. Wilson, these opponents said, has in effect usurped Federal jurisdiction over the country's immigration laws by authorizing almost any state employee to begin asking the people they serve whether they entered the United States legally.

"If they try to implement any part of this tomorrow, we will be in court at 12:01," said Mark Rosenbaum, the legal director of the American Civil Liberties Union of Southern California, one of the lawyers who won a Federal injunction against Proposition 187 last November.

Opponents of the Governor's order maintained that it would promote

Continued on Page A16, Column 6

discrimination against anyone who might appear to be an immigrant to inquiring state employees. And, they said by restricting access to primary health care it would send illegal immigrants flooding into hospital emergency rooms, thus raising taxpayers' health costs rather than reducing them, and might ultimately pose a public health emergency.

Mr. Wilson, an ardent supporter of Proposition 187, has led a small but influential group of governors in demanding both Federal compensation for the cost incurred by states in helping illegal immigrants and the right to cut off services to them.

In issuing his order today, he acted under a provision of the new Federal law that makes illegal immigrants ineligible for all state and Federal benefits except a few specific services like emergency medical care, immunization programs and emergency disaster relief. The Federal law allows the states to extend assistance to illegal immigrants only by enacting a new state law "which affirmatively provides for such eligibility."

The Governor's order does not affect legal immigrants. Most of them are to lose their eligibility for food stamps, disability assistance and other benefits under the new law. In addition, the law gives states the option to cut off Medicaid to most legal immigrants, and Mr. Wilson said before its passage that he supported that provision.

As for illegal immigrants, they are already barred from access to most benefit programs, including cash assistance, food stamps and nonemergency Medicaid care.

Mr. Wilson's order goes much further. Although state officials said today that they did not yet have a full listing of the programs affected or how much money the new restrictions might save, the Governor's chief spokesman, Sean T. Walsh, said the order would bar illegal immigrants from long-term health care and all professional and commercial licenses. In addition, it would bar them from admission to state colleges and universities unless they paid the full cost of their education.

One other set of state programs covered is prenatal care, run by the state's Health and Welfare Agency. A spokeswoman there, Lisa Kalustian, said the prenatal care programs alone served more than 70,000 illegal immigrants a year, at a cost of \$69.3 million.

Mr. Walsh said that under the Governor's order, some of the assistance now available to illegal immigrants "could be cut off tomorrow, or within a week." He said it was more realistic, however, to expect any cutoff to become effective within 30 to 60 days.

Some immigrants-rights advocates said they agreed that most of the restrictions expected to result from Mr. Wilson's order would eventually be allowed under the Federal legislation in any case.

"The welfare bill does explicitly give the states the right to do almost anything they want on this, and Wilson is doing it in a very political way," said Cecilia Muñoz, an official of the National Council of La Raza, an umbrella organization of Hispanic groups. But she cautioned that the move would carry high costs, in more than one way.

"These kinds of things cost much more to implement than they save," Ms. Muñoz said. "And anybody with the wrong last name is immediately suspect. If somebody like me applies for a cosmetology license, I could be denied access to things I have a right to, because of my ethnicity. And I am a U.S. citizen."

Lawyers involved in the battle to keep Proposition 187 from taking effect said they believed that the injunction against it, issued last year by a Federal district judge, Mariana R. Pfaelzer, would at least hinder implementation of those parts of the new welfare law dealing with illegal immigrants. The lawyers noted that the injunction specifically barred state employees from asking the immigration status of people they suspect of having entered the country illegally.

The welfare law stipulates that the Attorney General will issue regulations within 18 months about how Government agencies may screen applicants for Federal benefits, and that states should issue their own, complementary rules within 24 months after that.

"In order to deny anybody anything, you have to make a determination about someone's legal status, and under the welfare bill there is an elaborate process set up for the development of a reliable verification process by Federal personnel," Mr. Rosenbaum said. "The cornerstone of the 187 injunction is that state personnel cannot act as immigration agents."

N.Y. Times
8-28-96

22



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

WR - Immigs.

August 12, 1996

MEMORANDUM FOR JACK QUINN

FROM: Ken Apfel 
SUBJECT: Food Stamp Eligibility

We had a conversation about whether children of noncitizen parents are eligible to participate in the Food Stamp Program if the children are United States citizens. I asked my staff to research this issue. This memo outlines how citizen children are treated under current law and how this would differ under enacted welfare reform legislation.

Under current law, only citizens and legal immigrants are eligible to receive food stamps. For households that meet the Program's income eligibility criteria, the amount of food stamps provided is based on household size and household income. A household without any income would receive the maximum benefit established for a household of that size. As household income increases, the size of the food stamp benefit declines.

Under current law, an income eligible household composed of a legal immigrant parent and a citizen child is eligible to receive food stamp benefits for a household of two persons. If the parent is an illegal alien, the citizen child is eligible to receive food stamps for a household of one person. The size of the food stamp benefit would be calculated using a prorated portion of the parent's income. In other words, a proportion of the ineligible person's income is included in the determination of eligibility, but the ineligible person is not counted as part of the household in calculating the size of the benefit.

The welfare reform legislation passed by Congress would ban most legal immigrants from receiving food stamps until citizenship. Citizen children would continue to be eligible for food stamps and the size of the benefit would be determined based on procedures similar to those outlined above for households with some eligible and some ineligible members. The one difference is that the welfare reform legislation would give States the option to include all of the income from ineligible household member when calculating benefits, rather than a prorated share. Although it is questionable whether many States would exercise this option because food stamp benefits are 100% Federally funded, it would simplify State administration.

cc: Elena Kagan
Bruce Reed

BENEFITS FOR IMMIGRANTS

WR Immigs

Administration Position

- Legal immigrants are admitted into this country with the understanding that they will be fully integrated into society -- this includes paying taxes, military service, and having a safety net available to them when they are in need.
- The Administration supports deeming sponsors' incomes as a condition of public assistance and proposed strengthened deeming (until citizenship) in the Food Stamps, SSI and AFDC programs with exemptions for the disabled and those over age 75. The Administration exempts Medicaid from deeming in the interest of public health and protects the access of illegal aliens to public schools. The Administration has consistently opposed legal alien benefit bans.
- The Administration supports family reunification and has opposed Congressional attempts to restrict sponsorship to households with incomes above 200 percent of the poverty level.

Congressional Welfare Reform

- Both the House and Senate welfare reform bills ban legal immigrants from SSI and Food Stamps. The Senate bill bans future immigrants from Medicaid for 5 years, the House bans both current and future immigrants from Medicaid until citizenship. The House bill would cut benefits to legal aliens by \$29 billion over 7 years, the Senate cuts \$23 billion.
- Under the House bill, over 1 million legal immigrants will be denied safety net assistance, including 300,000 children on Food Stamps and about 200,000 children on Medicaid. Elderly immigrants in nursing homes who became disabled after coming to our country will lose Medicaid benefits. The SSI and Food Stamps restrictions will begin to be felt shortly after enactment.
- States and local governments will experience significant new financial pressures as demands on state and local assistance programs grow. About 40% of the cuts will occur in California and another 30% in New York, Florida and Texas. Many public and nonprofit hospitals service large numbers of immigrants and will lose hundreds of millions in revenue.

Congressional Immigration Reform

- The House and Senate have already passed bi-partisan restrictions on benefits to immigrants in separate immigration reform legislation. The immigration reform bills would deem sponsor's income to immigrants in a manner much closer to Administration policy.
- The House bill would give States the option to ban illegal aliens from elementary and secondary education (Gallegly amendment). The Administration opposes this provision.

ALIEN ELIGIBILITY FOR HHS ENTITLEMENT PROGRAMS

BACKGROUND: The treatment of aliens under HHS' entitlement programs has tended to evolve in an ad hoc manner and has consequently become somewhat complicated. This is due to a number of factors, including--

- ▶ The complexity of immigration law and the number of different immigration statuses;
- ▶ The lack of uniform definitions and treatment of aliens in the Social Security Act that would apply to all of our major entitlement programs;
- ▶ Litigation that is rooted in the specific facts of various individual cases;
- ▶ The differences in the goals, purposes, and structures of the entitlement programs themselves which can lead to different eligibility standards for aliens (e.g., providing emergency medical services, but not welfare support payments, to illegal aliens); and
- ▶ Changing political and economic realities that may affect perceptions about social/health policy directed towards aliens (e.g., the congruence between California's recent recession and state budget problems and public concern over the costs associated with illegal aliens--such as emergency medical services).

It is useful to establish some basic definitions of terms. The word "alien" is a technical, legal term for a person who is not a citizen or national of the United States. There are "legal" and "illegal" aliens. In general, a legal alien is an individual who is not a U.S. citizen but has been provided by the INS a document that authorizes his/her presence in the U.S., and the document has not expired. A legal alien must be in possession of such document at all times. There are permanent and temporary legal aliens. Temporary legal aliens include groups such as students and tourists that receive non-immigrant visas and are generally not eligible for entitlement benefits (however, non-immigrants can receive emergency medical services). For purposes of understanding alien eligibility for entitlements, permanent legal aliens comprise basically two groups--

- ▶ Lawful permanent resident aliens, or "regular immigrants" (those possessing valid "green cards").¹ An alien who wants to become a lawful permanent resident of the United States must show that he or she is eligible for classification under one

¹. This includes persons whose "green cards" show they have conditional resident status. Conditional resident status is based upon a relationship created by a recent marriage, and should not be confused with "conditional entrant" status, which was formerly granted to certain refugees.

of the immigrant categories provided in the Immigration and Nationality Act (INA). The most common way to meet this requirement is for a United States citizen or lawful permanent resident relative, or a current or prospective employer, to file a petition on behalf of the alien. The petition--which is the employer's, citizen's, or resident's request that the United States government allow the alien to live permanently in this country--is an initial step towards lawful permanent resident status. If the petition is approved, and the alien meets certain other requirements, he or she may apply for immigrant visa issuance or adjustment of status.

One of the additional requirements which must usually be met during the immigrant visa or adjustment of status application process is that the alien show that he or she is not likely to become a public charge in the U.S. A person seeking lawful permanent resident status based upon a petition filed by a relative or a prospective employer must satisfy this requirement.

An alien may use various means to show that he or she is not likely to become a public charge. A common method is to have a relative or friend in the United States submit an "Affidavit of Support" that establishes the relative or friend as the alien's "sponsor" for purposes of AFDC and SSI eligibility (i.e., agrees to have his/her income and resources deemed as available to the immigrant for purposes of determining program eligibility). Frequently, although not always, the relative who filed the petition also files the "Affidavit of Support".² Enforcement of the public charge provisions by the State Department and INS is generally limited to excluding potential immigrants who can not satisfy the admitting officer that they are not likely to become "public charges". Once the sponsored immigrant is residing in the U.S., enforcement of the public charge provision is essentially carried out through the "sponsor-to-alien deeming" provisions that are used in three Federal benefit programs--SSI, AFDC, and food stamps (see "Alien Deeming" section below).

An alien who has an offer of employment in the U.S. may submit evidence of the proposed employment (such as a letter or other documentation stating that a job will be provided to the alien) to show that he or she is not likely to become a public charge. In most cases where a petition is filed by an employer, evidence of the proposed employment will satisfy the public charge question and an "Affidavit of Support" is not needed. A petition submitted by an employer is not a "sponsorship" for purposes of AFDC and SSI eligibility. The employer is not

². INS does not have data that indicate the number of Affidavits of Support filed, nor the number of aliens who have sponsors.

obligated to continue the employment, nor is the employer's income deemed available to the alien.³

An alien who is independently wealthy may provide evidence of financial resources which establishes that he or she is not likely to become a public charge. In these very rare cases, neither an "Affidavit of Support" nor an employment letter is needed, and there is no "sponsor" for purposes of AFDC and SSI eligibility.

- ▶ Aliens "permanently residing in the U.S. under color of law" (PRUCOL). While this is not a formal status *per se* granted by the INS, it is a term used by four Federal benefit programs to determine alien eligibility for benefits (AFDC, SSI, Medicaid, and unemployment insurance).⁴ This category of legal aliens covers a wide variety of statuses, such as refugee, asylee, parolee, conditional entrant, etc. Refugees represent the largest group of individuals under PRUCOL. In addition, an individual who is residing in the U.S. with the knowledge and permission of the INS, and whose departure the INS does not contemplate enforcing, is PRUCOL (see "Definition of PRUCOL" section below).

An illegal alien is an individual who is residing in the U.S., is not a U.S. citizen, and does not possess a valid INS document.

In general, subject to certain restrictions, permanent legal aliens are eligible for benefits under the major HHS entitlement programs (AFDC, SSI, Medicaid, Medicare, and social security insurance) if they meet program eligibility requirements. However, regular immigrants face more restrictions on entitlement eligibility than individuals that fall under PRUCOL. For the most part, PRUCOL aliens are eligible for entitlements on the same

³. It is also possible for a relative to submit a petition on behalf of a potential immigrant, and for a visa to be issued to the immigrant without having the relative sign an Affidavit of Support. For example, subsequent to the petition being filed, the potential immigrant can produce a letter or other documentation from a U.S. employer stating that a job will be provided to the immigrant, thus establishing that the immigrant will not become a "public charge". In such cases, even though the relative submitted the petition to INS on behalf of the immigrant, the relative will not be considered a "sponsor" of the immigrant for program eligibility purposes since an Affidavit of Support was not signed.

⁴ The Food Stamp program does not make statutory reference to PRUCOL for eligibility purposes. Regulations governing the program specify precise categories of aliens eligible for Food Stamps, thus avoiding the vague "color of law" language.

basis as citizens immediately upon arrival. On the other hand, regular immigrants who have sponsors must have their sponsor's income and resources deemed as available to them for three years--or in some cases five years--after entry for purposes of AFDC and SSI eligibility (see "Current Status" and "Alien Deeming" sections below).

The different treatment of refugees and immigrants under HHS entitlement programs can be viewed as a reflection of overall, post-World War II immigration policy. The distinction between refugees and immigrants became firmly established during the period following World War II, and has continued until the present time. The Refugee Act of 1980 largely codified this different treatment of refugees/asylees and immigrants. The Refugee Act replaced the relatively ad hoc refugee admission and resettlement mechanisms with a more coherent and equitable process for determining the number and types of refugees allowed admittance into the U.S. each year. The law also authorized Federal assistance for the resettlement of refugees (see discussion of PRUCOL individuals in the "Current Status" section below). Defined broadly, refugees flee, generally in large groups, from political or religious persecution; immigrants come voluntarily, generally on an individual basis and in an orderly fashion. A third group, illegal or undocumented aliens, come outside the law, generally for economic reasons.

In addition to the Refugee Act of 1980, other reforms in immigration law instituted since 1965 have expanded both the numbers and diversity of immigrants and refugees entering the U.S. Because of this, the percentage of the population that is foreign-born has grown sharply in the last 20 years, from an all-time low of 4.9 percent in 1970 to over 7 percent today. Congress' most recent overhaul of immigration law, the Immigration Act of 1990, allows for a substantial increase in immigration.⁵

CURRENT STATUS: The following is a summary of the restrictions on program eligibility that apply to permanent legal aliens under the Department's major entitlement programs.

- ▶ Each of our major entitlement programs (AFDC, SSI, Medicaid, Medicare, and social security insurance programs) are available to lawful permanent resident aliens who meet the program eligibility requirements, subject to the following conditions--
 - o OASDI -- Except for the following exceptions, OASDI extends retirement and disability benefits to all individuals, regardless of alien status, who

⁵ For example, excluding immigrants who were legalized under the Immigration Reform and Control Act of 1986 (IRCA--see description below), there was an increase in total immigration from 612,000 in 1989 to 810,000 in 1992.

work long enough in covered employment. Benefits are not payable to an alien worker who has been deported nor is a lump sum benefit payable on the alien's death, unless the alien has been readmitted to the U.S. as a permanent resident. (However, benefits are payable to a deported worker's dependents unless they are also aliens who are outside the United States.) Payments to an otherwise eligible alien who has been outside the United States for longer than 6 months may be suspended unless the alien qualifies under an exception to the nonpayment rule. Generally, alien dependents and survivors outside the U.S. cannot receive benefits for more than 6 months unless the relationship upon which the claim is based existed for at least 5 years during which time the dependent or survivor lived in the U.S.

- o **AFDC and SSI** -- a sponsored lawful permanent resident alien who applies for benefits is evaluated by having the sponsor's income and resources deemed available to the alien for three years from the alien's date of entry. A provision in P.L. 103-152 (the Emergency Unemployment Compensation bill--HR. 3167) extends the period of sponsor-to-alien deeming in the SSI program from 3 to 5 years for those applying for benefits beginning January 1, 1994 and ending October 1, 1996. This provision also affects sponsored aliens who are currently eligible for benefits and where the three-year deeming period has not ended by January 1, 1994.
- o **Medicaid** -- eligibility standards vary among states. However, generally states provide Medicaid to persons receiving cash assistance under AFDC, as well as to AFDC-related groups who do not actually receive cash assistance; SSI recipients; and pregnant women and infants with family incomes below the Federal Poverty Level.
- o **Medicare** -- a lawful permanent resident alien must meet the age requirement and be entitled to Social Security or Railroad Retirement benefits, or entitled to disability benefits under the Social Security or Railroad Retirement Acts for more than 24 consecutive months. Given these requirements, an alien generally must be a relatively long-term resident of the U.S. before becoming entitled to Medicare Part A.

Individuals over age 65 but otherwise ineligible for Medicare Part A benefits may purchase Part A benefits at cost. To be eligible to purchase Part A, the individual must be a U.S. resident, and either a U.S. citizen or an alien lawfully admitted for permanent residence who has resided in the U.S. for five consecutive years. Such individuals must also purchase Part B benefits for a monthly premium. Approximately 75% of the cost of basic Part B coverage is subsidized by general revenues, with enrollees paying

the remaining 25% of costs.

- o **The Immigration Reform and Control Act of 1986 (IRCA)**, which created a process whereby previously illegal aliens could become legal residents, prohibits such individuals from being eligible for Medicaid (with exceptions) and AFDC for five years from the date of their legalized status.
- ▶ PRUCOL individuals are eligible for entitlement benefits on the same basis as citizens. They do not face the same restriction as sponsored lawful permanent residents because PRUCOL individuals are not required to have a sponsor whose income is deemed.⁶ For example, refugees--subject to meeting eligibility requirements--are eligible for AFDC, Medicaid, and/or SSI upon arrival (or after 30 days of residence).
- o In addition, refugees who do not qualify for assistance under our entitlement programs--due primarily to the fact that they do not fall into a category eligible for benefits, such as a single parent with dependent--may receive special medical and cash assistance through the discretionary Refugee Resettlement program. Eligible refugees must meet certain income and resource criteria to receive such assistance, similar to those under entitlement programs. Currently, discretionary appropriations for this program allow for 8 months of assistance.

Illegal aliens are not eligible for entitlement benefits, subject to the following two exceptions--

- ▶ An individual need not be a lawful resident to be eligible for Medicaid benefits for emergency medical services including labor and delivery services for pregnant women. All aliens who, except for their alien status, are qualified to receive Medicaid benefits may receive emergency care. The Federal government reimburses states for these benefits.
- ▶ An individual need not be a lawful resident to be eligible for benefits under the social security insurance programs. In general, benefits are provided to any individual who has worked long enough under the program and otherwise meets program eligibility requirements. However, the ability of certain aliens to receive benefits outside the United States is limited (see discussion in "OASDI" subsection above).

⁶ Refugees are typically "sponsored" by various voluntary organizations or agencies, but are exempt from the deeming provisions applied to legal immigrants.

While the potential exists for illegal aliens to obtain benefits through fraudulent means, the states' experience with the Systematic Alien Verification for Entitlements (SAVE) program indicates that very few illegal aliens even apply for entitlement benefits. Whenever it is a condition of eligibility, including issuing a Social Security number, the Federal Government or states routinely verify applicants' immigration documents and alien status. While document fraud is an important problem, solutions and/or initiatives addressing this problem will clearly require the involvement of other agencies besides HHS, such as the Departments of Justice, Labor, and State--not to mention various state and local agencies (such as Departments of Motor Vehicles, Bureaus of Vital Statistics or other agencies that provide Birth Certificates, etc.).

DISCUSSION/ISSUES: The coverage of aliens under the various HHS entitlement programs, and Federal policy towards aliens in general, has recently received increased attention by the Congress and media. Two prominent issues are addressed here: the definition of PRUCOL eligibility, and sponsor-to-alien deeming.

Definition of PRUCOL

There are many gray areas in trying to define which aliens fall under the definition of "permanently residing in the United States under color of law" (PRUCOL). Four Federal benefit programs--three of which are managed by HHS--use this term in defining alien eligibility (AFDC, SSI, Medicaid, and unemployment insurance). The PRUCOL category was first adopted for SSI in 1972; then for AFDC, by regulation in 1973 and by statute in 1981; for unemployment insurance in 1978; and for Medicaid, by regulation in 1982 and by statute in 1986. None of these statutes clearly defines the term PRUCOL, nor is the term defined in the Immigration and Nationality Act (the INA) or in INS' regulations. Consequently, specific regulations governing eligibility for each of these benefit programs have set distinct and separate guidelines for determining PRUCOL status and for defining this term. PRUCOL status has also been an issue that has been subject to, and defined by, various litigation.

Given the lack of a fixed meaning, only seven categories of aliens are currently universally accepted by Federal agencies as PRUCOL. These are refugees, asylees, conditional entrants, aliens paroled into the U.S., aliens granted suspension of deportation, Cuban-Haitian entrants, and applicants for registry.

Other categories of aliens may or may not be eligible for public benefits, depending upon agency interpretation of the term PRUCOL and litigation that determines whether particular aliens or classes of aliens are eligible for benefits from particular programs. Such categories include aliens granted indefinite, extended, or renewable voluntary departure; aliens on whose behalf an immediate relative petition has been filed or

approved; aliens who have filed for adjustment of status; aliens granted voluntary departure because they have a visa priority date within 60 days of being current; aliens granted a stay of deportation; aliens granted deferred action status; and aliens with pending applications for suspension of deportation or asylum.

The lack of a common definition for PRUCOL in the Act has spawned much litigation, which in turn has contributed to the different definitions of PRUCOL applied by the three programs. For example, in a 1977 case *Holley v. Lavine*, a Federal appeals court held that deportable aliens who resided in the U.S. with the continuing knowledge of the INS can qualify as PRUCOL for AFDC purposes. In this case, the INS had stated in writing that it would not deport an alien who had overstayed her visa, as long as her U.S. citizen children were financially dependent upon her. Under the facts in *Holley*, the possibility of future deportation did not prevent the alien from establishing that she was "permanently" residing in the U.S. *Holley* was the first major case to define the term "color of law" for public benefits eligibility.⁷

In another case, however, asylum applicants were found ineligible for AFDC benefits. A Federal court of appeals determined that although asylum applicants were residing "under color of law," their residence was temporary rather than permanent, because it was "solely dependent upon the possibility of having [their] application acted upon favorably." HHS subsequently promulgated a transmittal applying that decision on a national level. The court's holding, however, has been limited to eligibility for AFDC. For example, later courts have not relied on this reasoning when considering asylum applicants' eligibility for unemployment benefits. And for the SSI program, an asylee applicant will be determined eligible only if INS does not contemplate enforcing the aliens departure, which requires SSA to contact INS and receive notification regarding the status of each asylee applicant applying for benefits.

The broader PRUCOL category used by the SSI program is substantially the result of litigation. In 1985 the parties in a Federal appeals court case, *Berger v. Secretary of HEW*, entered into a consent decree specifying certain categories of aliens who qualify as

⁷ In this particular case, the citizenship of the children was based on their being born in the U.S. to the illegal woman. AFDC policy will provide benefits to eligible citizens. In such cases the eligible children can receive benefits but the ineligible mother cannot, thus leading to reduced benefits. The importance of this particular case was in beginning to define what it meant to "permanently reside" in the U.S. By virtue of the INS letter stating that it would not deport her--a rare circumstance since most illegal aliens do not obtain such a letter--the court determined that the mother fell under PRUCOL, thereby making her (as well as the children) eligible for benefits.

PRUCOL. The *Berger* case also included the category of "any other alien residing in the U.S. with the knowledge and permission of the INS and whose departure...the [INS] does not contemplate enforcing." SSI regulations were issued in 1987 implementing the *Berger* decision and specifying the multiple categories of aliens considered to be PRUCOL, as described above.

The fact that there is no common definition of PRUCOL in the Social Security Act (the Act) that would apply to the AFDC, SSI, and Medicaid programs has led to different eligibility requirements for PRUCOL aliens for these programs. In general, AFDC has a more restrictive, or narrow definition of which aliens can qualify for benefits under PRUCOL, while SSI and Medicaid use a less restrictive definition. For example, AFDC statute and regulations define PRUCOL to include refugees, asylees, conditional entrants, and parolees. SSI regulations--on the other hand--define PRUCOL broadly to include some seventeen different alien statuses, including the "catch-all" category of aliens residing in the U.S. with INS knowledge and permission, or whose departure the agency does not contemplate enforcing. SSI regulations have defined this last category by stating that the INS "does not contemplate enforcing your departure if it is the policy or practice of that agency not to enforce the departure of aliens in the same category or if from all the facts and circumstances in your case it appears that the [INS] is otherwise permitting you to reside in the United States indefinitely."

A difficulty with the current situation of using PRUCOL to determine benefit eligibility is that many of the immigration statuses that are included in PRUCOL are temporary statuses provided by INS. Thus, there are a number of individuals who have either entered illegally or overstayed their visa that end up being eligible for SSI benefits once INS becomes aware of their presence but does not immediately deport them. Ironically, an alien's situation in terms of benefit eligibility can improve by being caught. INS may allow the individual to remain temporarily in the U.S. for a number of reasons. For example, an illegal alien who has been identified by the INS may claim that s/he would be persecuted if returned to his/her home country and may be allowed to apply for asylum which would prevent deportation as long as the application was pending. Or the INS may allow an alien to remain temporarily in order to earn enough money to finance the return to his/her home country (if the INS deports an alien it must finance and ensure that the individual is returned safely to the country). Other cases may occur where the INS will provide an alien with temporary status if the alien can establish that s/he has an immediate relative who is either a citizen or a legal permanent resident of the U.S. and that deportation would be "inhumane" and "not in the public interest". A multitude of other scenarios are possible whereby an alien who has not arrived in the U.S. under permanent resident status or other "permanent" statuses (e.g., refugee) is allowed to stay temporarily and thus falls under the category of PRUCOL for benefit eligibility.

There have been cases publicized where a previously "illegal alien" has been granted

temporary status and thus has become eligible for--and receives--SSI benefits. Often, the publicity has portrayed the case as welfare benefits being provided to "illegal aliens", even though technically since INS has provided the individual with a temporary document--or status--then the individual is a "legal alien", and a PRUCOL alien for benefit eligibility purposes.

Refugees and asylees are the only two PRUCOL categories that are clearly recognized by the INA as leading to permanent resident status. Both refugees and asylees are eligible to adjust their immigrant status to legal permanent resident after 1 year of residing in the U.S. as a refugee or asylee.

Alien Deeming

For purposes of benefit eligibility for three Federal programs (AFDC, SSI, and food stamps), the income and resources of an alien's sponsor are "deemed" attributable to the alien for three years--or, for some immigrants applying for or receiving SSI, five-years if they are affected by the recent change in law (P.L. 103-152) discussed more fully below. This three-year (or five-year) period begins from the date the alien adjusts status or first enters the U.S. as a lawful permanent resident. A sponsor is a person who has signed an affidavit of support on behalf of an alien seeking permanent residence. Affidavits of support are used by INS to satisfy the provisions of the Immigration and Nationality Act that require an assurance that immigrants will not become a "public charge". However, an affidavit by itself is not legally binding on the sponsoring citizen/resident (i.e., it does not require the sponsor to provide the alien with a specific amount of income and/or resources). Instead, Congress enacted sponsor-to-alien deeming provisions in statutes governing the three Federal programs to limit sponsors' shifting their responsibilities to the programs. The alien and sponsor are jointly and severally liable for any benefit overpayment. This provision prevents sponsored legal aliens from being eligible for entitlement benefits for three (or five) years, unless the sponsor's income and resources do not preclude the alien's SSI eligibility and the legal alien also meets eligibility requirements. Deeming requirements do not apply to PRUCOL aliens. Also, there is no sponsor deeming requirement in Medicaid.

In general, deeming applies even if the sponsor is not actually supporting the alien. To receive benefits, a sponsored alien must provide information and documentation on the sponsor's income and resources, even if the sponsor refuses to cooperate. Income and resources of both the sponsor and the sponsor's spouse (if living with the sponsor) is deemed to the sponsored alien. An application for benefits may be denied if the required information is not reported to the agency.

For the AFDC program, the three-year deeming provisions may also apply to immigrants who were sponsored by a public or private agency or organization, unless the agency no

longer exists or is no longer able to meet the alien's needs. Also for AFDC, if a sponsor is not actually supporting the sponsored alien, the sponsor's income and resources will not be counted when determining whether un-sponsored members of the alien's family--such as U.S. citizen children--are eligible for AFDC. There are no comparable provisions for SSI or food stamps.

For the SSI program, if the alien is the sponsor's child or spouse, the regular SSI parent-to-child or spouse-to-spouse deeming rules are applied instead of the three-year (or five-year) alien deeming rules. Also, deeming does not apply to aliens who become blind or disabled after admission to the U.S. as permanent residents.

Not all legal permanent resident aliens have a sponsor who signs an affidavit of support. For example, in 1992 a little over 20% of non-PRUCOL, permanent legal aliens were issued visas based on an employer submitted petition. This type of petition signed by an employer does not designate the employer or any other individual as the alien's sponsor for the purpose of alien deeming rules. Also, some aliens may become eligible for immigration due to an individual petitioning INS, but may subsequently have a visa issued on a basis other than a signed affidavit of support (e.g., based on a letter from a U.S. employer). This is generally more likely in cases of working-age sibling immigrants, or parents sponsoring working-age children. In sum, INS does not compile the necessary data to determine the number of legal permanent residents who have had an affidavit of support signed by a sponsor.

There is an issue that has gained some prominence and is related to the alien deeming provisions under the SSI program. There have been cases publicized recently of legal naturalized citizens sponsoring their older parents for immigration into the U.S., and after the three-year deeming period the parents immediately apply for SSI benefits on the basis of age. The perception exists that these families are abusing the system since it has been asserted that the children sponsors often have sufficient income and resources to continue to support their immigrant parents, but instead take advantage of the current rules to gain access to entitlement benefits after the three-year period. This is the same type of perception that led to implementation of the original sponsor-to-alien deeming rules in 1980. SSI program data can not confirm the income/resources of sponsors, but does indicate that many elderly immigrants apply for and receive SSI benefits in their fourth year of residence in the U.S. For example, of all current alien SSI recipients who have been--or are--potentially subject to the alien deeming rules (308,160), fully 30 percent--or 103,270 individuals--applied for benefits in their fourth year of residency in the U.S. Another 15 percent apply for benefits in their fifth and sixth years of residency. The remaining recipients applied for benefits in a relatively evenly dispersed pattern among the remaining one-year increments, although 20 percent did not apply for benefits until after 12 years of residence (see Attachment 1--aliens "Lawfully admitted" between 36 and 47 months applying on the basis of age). Further, of the 124,860 legal permanent

residents who applied for SSI in their fourth year of residency, almost 85 percent applied for benefits based on age (Attachment 1).

As mentioned earlier, a recently enacted law (P.L. 103-152) that extended Emergency Unemployment Compensation benefits included a provision that extends the period of sponsor-to-alien deeming in the SSI program from 3 to 5 years, beginning January 1, 1994 and ending October 1, 1996. The law does not affect the sponsor-to-alien deeming requirements in the AFDC program. The SSI provision is "prospective", mostly affecting immigrants who apply for benefits after January 1, 1994. If no further changes to current law are enacted, this provision will have the effect of creating a cohort of sponsored immigrants for whom the deeming provisions will be different than for other sponsored immigrants (i.e., sponsored immigrants applying after October 1, 1996 will once again have the three-year--rather than five-year--period of deeming applied).

ATTACHMENT 1

Table 8. Number of current alien recipients who applied since September 1980; by legal status, program category, length of time between residency and SSI application: December 1993

<u>Aged</u> Months	All persons	Color of Law	Lawfully Admitted
<u>Total</u>	<u>385,240</u>	<u>77,080</u>	<u>308,160</u>
0-11 months	61,080	50,960	10,120
12-23 months	14,200	5,750	8,450
24-35 months	13,910	3,920	9,990
36-47 months	105,640	2,370	103,270
48-59 months	27,210	1,700	25,510
60-71 months	20,300	1,240	19,060
72-83 months	15,150	740	14,410
84-95 months	13,930	570	13,360
96-107 months	13,130	580	12,550
108-119 months	11,440	530	10,910
120-131 months	11,140	360	10,780
132-143 months	9,780	300	9,480
144+ months	61,320	1,050	60,270
unknown residence	7,010	7,010	0

<u>Disabled</u> Months	All persons	Color of Law	Lawfully Admitted
<u>Total</u>	<u>249,570</u>	<u>73,480</u>	<u>176,090</u>
0-11 months	35,530	26,860	8,670
12-23 months	18,520	10,370	8,150
24-35 months	17,000	6,610	10,390
36-47 months	25,910	4,320	21,590
48-59 months	17,700	3,860	13,840
60-71 months	14,300	3,170	11,130
72-83 months	12,120	2,710	9,410
84-95 months	12,240	2,440	9,800
96-107 months	10,980	2,070	8,910
108-119 months	11,750	2,010	9,740
120-131 months	10,870	1,860	9,010
132-143 months	10,350	1,560	8,790
144+ months	48,910	2,280	46,630
unknown residence	3,390	3,360	30

Deep cuts in assistance to children and disabled who are immigrants. All children -- including legal immigrants -- are an important part of our future. And when those who come here legally and work to expand our economy become severely disabled, they should be given a helping hand.

- 300,000 children are now getting assistance would be thrown off the Food Stamps and SSI rolls over the next year. These kids are legal permanent members of our community. Under this bill legal immigrant children would have no access to core safety net protection.
- 150,000 immigrants who became severely disabled after entering our country would be cut off SSI and Food Stamps.
- The absence of exemptions for both children and the disabled means that a immigrant worker and his children who has worked less than 10 years and became paralyzed in a car accident would be abandoned by our government, even if the immigrant's sponsor had died.

Concentrated effects in California and New York. California will experience 40% of the \$23 billion in reductions to immigrants -- about \$9 billion. Half of that reduction -- \$4 billion to \$5 billion -- will be concentrated in LA County. New York absorbs another 17% of the reductions.

Families lose 20% of Food Stamps. The conference bill slashes food stamp benefits by \$23 billion over 7 years, only \$1 billion less than the vetoed bill. An average household would get a 20% cut in benefits by FY 2002. Half the food stamp cuts hit households with incomes below one-half the poverty line.

- Capping the excess shelter deduction cuts benefits to 7 million households. These people will literally face the choice of paying rent or putting food on the table. Over 90% of the \$3 billion cut would be come from households with children.
- Unemployed childless families could get only 3 months of Food Stamps in a three year period -- without any additional provisions to help them find work. CBO estimates one million people would be cut off Food Stamps because jobs or work slots will not be available. Approximately 40 percent of these are women, and one-third are over the age of forty -- it will be difficult for them to find employment quickly. These households are very poor -- their average income when looking for a job is 28% of the poverty level.

UP Immig

Bruce -
Here is my
first stab
at this. Steve

[ROUGH DRAFT -- numbers need to be updated.]

MEMORANDUM FOR THE ATTORNEY GENERAL
[Commissioner of INS? Heads of Executive Departments?]

SUBJECT: Naturalization

Citizenship is the cornerstone of full participation in our democracy. To become a United States citizen through naturalization represents a pledge to undertake the responsibilities of being a full member of our national community.

1.4m in '96
26m in LA
Waive language
for new SS.

discrimination
Stat of intent to
become citizen > bill

Naturalization is the best example of our legal immigration system working. It reflects our society's recognition of those who came to this country to work hard, play by the rules and pursue shared ideals of freedom, opportunity and responsibility.

CR \$?
expand
disability
waivers

Hundreds of thousands of eligible individuals are now waiting to become citizens. In some parts of the country, these individuals have had to wait well over a year after filing their application to realize their dream of United States citizenship.

- notices from
SSA

Redetermination
&

This Administration is committed to eliminating the waiting lists of those eligible for citizenship. To accomplish this, we launched Citizenship U.S.A., the most ambitious citizenship effort in history. In FY 1996, the first year of this multiyear process, the INS will spend more than \$165 million for naturalization.

INS priority
for kids
(Bob Bork)

Citizenship U.S.A. combines three broad strategies: hiring more people to handle applications, improving the naturalization process, and expanding partnerships with local officials and community organizations.

We are already making progress. We have increased the staff 235% in the five districts with 75% of the pending applications: Los Angeles, New York, Miami, San Francisco and Chicago. In Los Angeles, where one-fourth of all new applications are filed, we have opened three new processing centers and have more than quadrupled the number of INS officers handling citizenship applications. After we become fully staffed at these centers, we will be able to increase citizenship interviews from 650 to more than 2,500 a day. And we have doubled the number of interviews that we are conducting at community sites to make the process more accessible.

But this is just the beginning. This Administration's target is one million new citizens and the elimination of the waiting lists this year. In addition, by the end of this year, individuals meeting all requirements for citizenship shall be processed and

sworn-in within six months of application. After that, INS shall maintain those reforms necessary to stay current with the demand of new citizen applicants.

Using all of the tools at your disposal, I ask you to ensure that policies and practices necessary to accomplish these targets are implemented. This includes continuing, expanding or accelerating, as appropriate and practicable, the following:

1) New Hires. Hiring, training and deployment of full staffing to assist naturalization efforts should proceed as quickly as possible.

In addition, I request that agencies cooperate with the INS to offer temporary positions for their eligible workers facing layoffs or reductions in force.

2) Cutting Red Tape. This includes: establishing electronic filing and mailing-in of citizenship applications, extended weekday hours and Saturday interviews, further expansion of processing facilities, and improvements to make it easier for people to obtain forms and get immigration information by telephone or computer.

3) Working with Local Officials and Community-Based Groups.

[To be inserted]

4) English Training. To assist legal immigrants move toward citizenship and new citizens expand job skills and maintain self-sufficiency, I request relevant agencies to work with the Domestic Policy Council, the National Economic Council and other White House offices to present to me by December 30, 1996 a report describing opportunities to establish public/private cooperative efforts to teach English to the many individuals waiting to learn or improve their English-language skills. This report should consider possible roles by private companies, unions, community organizations, and the Americorp program.

In taking these steps, we shall maintain the standards and requirements, such as English language proficiency and the personal interview, that demonstrate an individual's readiness to accept the responsibilities of citizenship and full participation in our National community. You are directed to continue vigilant oversight to preserve these standards.

Finally, I plan to participate in a naturalization ceremony soon. Some members of my Cabinet have already participated in these celebrations of citizenship and I encourage others in the Cabinet to work with the Immigration and Naturalization Service to participate as well.

COPY FOR
ELEVA'S
RETURN

CURRENT RECIPIENTS	First notice that benefits may be cut off	Process	Benefit Terminations or Reductions	Number of People affected	Appeals --Benefit Continuation
SSI for children	No later than January 1, 1997	Notice begins redetermination process; redeterminations will average roughly 90 days	Benefit termination on July 1, 1997, or month following redetermination, whichever comes later; redeterminations must be completed within one year of enactment	285,000 notices and 190,000 children coming off the rolls	Benefits continue if recipient appeals within 10 days of notice of cut-off
SSI for immigrants	No later than March 31, 1997	First notice will give recipient a certain number of days to respond; if no response, second notice will serve as redetermination of eligibility	Benefit termination in month following redetermination; redeterminations must be completed within one year of enactment	1.1 million notices and 400,000 to 500,000 people coming off the rolls	Benefits continue if recipient appeals within 10 days of notice of cut-off
Food Stamps for immigrants	N.A.	Households are recertified on a three-to-twelve month cycle; at time of recertification, immigrants will no longer be eligible.	Benefit termination in month following determination of ineligibility; redeterminations must be completed within one year of enactment	900,000 participants (including 300,000 children) in first year. 250,000 lose benefits in first three months.	checking?
Food Stamps -- unemployed non-disabled childless adults aged 18 to 50	No later than three months after enactment, each State starts three-month clock	Recipients eligible for benefits for three months after notification	Benefit termination as of beginning of fourth month after notification (i.e., no later than six months after enactment)	in excess of one million	checking?

LAW SUIT?
CR

NBA conf. Sept 9-10

CURRENT RECIPIENTS	First notice that benefits may be cut off	Process	Benefit Terminations or Reductions	Number of People affected	Appeals -- Benefit Continuation
Food Stamp benefit levels	N.A.	Maximum benefits reduced. Standard Deduction and Excess Shelter Deduction frozen.	Reductions relative to current law -- Maximum benefit reduction and Standard Deduction freeze effective 10-1-96; Excess Shelter Deduction freeze effective 1-1-97	Nearly all of the 25 million monthly participants	N.A.
Child Nutrition -- Family Day Care Homes	N.A.	Homes not in low-income area must apply for means-tested benefits or receive lower reimbursements.	Reductions effective 7-1-97	about 700,000 children -- costs to families unlikely to change, but rate of program growth may slow	N.A.
AFDC/TANF	N.A.	States must implement the block grant program by July 1, 1997, but may start immediately on submission of a State plan to HHS.	States have discretion to establish time limits shorter than the 5-year Federal limit and discretion to increase or decrease benefit size.	AFDC caseload totals 12.5 million individuals (including 8.6 million children).	Minimal Federal standards. States can set requirements. No Federal authority for benefit continuation.
Child Support Enforcement	Under current law, States pass first \$50 of monthly support collections to family receiving assistance; under new law, States are no longer required to pass through any collections as of 10-1-96. Over 600,000 families may be affected.				

DRAFT/IMB/8-6-96

Based on Conference Report language; not reviewed by agencies

NEW APPLICANTS	Benefit Cut-Offs	Number of People affected
SSI for children	New rules effective upon enactment	200,000 future applicants who would be eligible in 2002. 10,000 to 15,000 in first three months.
SSI for immigrants	New rules effective upon enactment	20,000 to 50,000 in first three months
Food Stamps for immigrants	New rules effective upon enactment	N.A.
Medicaid, AFDC/TANF, and other non-exempt means-tested programs -- immigrants	New rules effective upon enactment for new immigrants entering the country. (State option to deny benefits to current immigrant recipients and immigrants currently in the country, beginning January 1, 1997.)	N.A.

DRAFT/IMB/8-6-96

Based on Conference Report language; not reviewed by agencies

IMMIGRATION RELATED IMPLEMENTATION ISSUES

Administrative Actions

- Speed up naturalization process.
- For SSI, extend timing of notices requesting proof of citizenship.
- Have INS give priority for households with children and disabled.
- Waivers for people with certain disabilities (e.g. mental impairments) that make them unable to naturalize under current rules.

Legislative Modifications to Welfare Reform

- Exemptions -- Conference failed to exempt children or those who become disabled after entering the U.S. About 300,000 children and 150,000 disabled adults would lose benefits.
- Medicaid -- The Conference bill includes a five year prospective ban on Medicaid for new immigrants, and a state optional ban on current immigrants. The mandatory prospective ban and the state optional retrospective ban should be removed to maintain critical health coverage for legal immigrants.
- Effective Date and Naturalization Policy -- A six month delay in the effective date would provide a uniform policy for all immigrants and would give current recipients time to adjust and naturalize. In addition, immigrants who apply to naturalize should not be subject to the ban. Immigrants eligible to become citizens should not be denied benefits because of administrative factors beyond their control. | *

Other Legislative Proposals

- Grants to heavily impacted areas for health and other assistance.
- Grants to community and migrant health centers in heavily impacted areas.
- Resources for INS to speed processing naturalization claims.

Emergency Fund
CR Deal
Medicaid waivers

FAX COVER

WBR
Immigs.

Date/Time:



Income Maintenance Branch



Executive Office of the President
Office of Management and Budget
Washington, DC 20503

TO: Bruce Reed

FROM: Ken Appel

Fax Destination

Organization:

Fax Number:

Number of Attached Pages: Cover +

Notes:

Summary of IWS req for special requirements for naturalization of disabled immigrants, as ~~discussed in~~

~~Wed. meeting (HW DRAFT)~~

Income Maintenance Fax Number:
Voice Confirmation:

202/395-0851
202/395-4686

BILLING CODE: 4410-10

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 312

[INS No. 1702-96]

RIN 1115-AE02

**Waiver of Educational Requirements for Naturalization
for Certain Applicants**

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The Immigration and Naturalization Service (the Service) is amending its regulation relating to the educational requirements for naturalization of eligible applicants. This is necessary to implement changes to section 312 of the Immigration and Nationality Act (the Act) as amended by the Technical Corrections Act of 1994. The amendment provides an exemption from the requirements of demonstrating an understanding of the English language, including an ability to read, write, and speak words in ordinary usage, and of demonstrating a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States, for certain applicants who are unable to comply with both requirements because they possess a "physical or developmental disability" or a "mental impairment."

DATES: Written comments must be submitted on or before [Insert date 60 days from the date of publication in the FEDERAL REGISTER].

ADDRESSES: Please submit written comments in triplicate to the Director, Policy Directives and

Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW, Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS number 1702-96 on your correspondence. Comments are available for public inspection at the above-noted address by calling (202) 514-3048 to arrange an appointment.

FOR FURTHER INFORMATION CONTACT: Craig S. Howie, Adjudications Officer, Adjudications and Nationality Division, Immigration and Naturalization Service, 425 I Street NW., Room 3214, Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION:

Background

Section 312 of the Act requires a person seeking naturalization as a citizen of the United States to demonstrate an understanding of the English language and a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States. On October 25, 1994, Congress amended section 312 of the Act, through the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Technical Corrections Act), Public Law 103-416, 108 Stat. 4309, section 108(a)(4).

Under the new subsection (b) of section 312 of the Act, certain persons are exempt from the English proficiency and history and government requirements of section 312(a) if they possess a "physical or developmental disability" or a "mental impairment."

Congress did not specifically define the phrases "physical and developmental disability" or "mental impairment" in the Technical Corrections Act. However, Congress did provide limited guidance for defining these terms in the Report of the House of Representatives Committee on the Judiciary, H.R. No. 103-387, November 20, 1993. The relevant comments, found on pages 5 and

6 of the report, read:

The bill also provides a general waiver of all testing requirements for persons of any age who, because of "physical or developmental disability or mental impairment," could not reasonably be expected to pass the test. This is not intended to include conditions that are either temporary or that have resulted from an individual's illegal use of drugs.

An individual who is developmentally disabled is one who shows delayed development of a specific cognitive area of maturation, i.e., reading, language, or speech, resulting in intellectual functioning so impaired as to render the individual unable to participate in the normal testing procedures for naturalization. This is not an acquired disability, but one whose onset occurred prior to the 18th birthday. An individual who is mentally disabled is one for whom there is a primary impairment of brain function, generally associated with an organic basis upon which diagnosis is based, resulting in an impairment of intellectual functions, including memory, orientation or judgment. This definition does not include individuals whose mental disability is not the result of a physical disorder. An individual who is physically disabled is one who has a physical impairment that substantially limits a major life activity.

It is clear that the amendment to section 312 is intended to exempt only those individuals who,

because of their disability, cannot demonstrate the requisite literacy and knowledge as required under section 312 of the Act.

On November 21, 1995, the Service provided policy guidance to its field offices with preliminary instructions for adjudication of naturalization applications based on the expanded exemptions provided under the Technical Corrections Act. The Service also provided preliminary definitions of the terms "developmental disability," "physical disability," and "mental impairment" following the language in H.R. No. 103-387. Applicants seeking disability waivers were required to submit medical evidence (e.g., a one-page certification from a designated civil surgeon) with their N-400, Application for Naturalization, supporting their claim of disability. The Service reminded field offices that the disability waiver applied only to the provisions of section 312 and that applicants must still satisfy all other requirements for naturalization, including the ability to take an oath of allegiance.

Amendment of existing regulation.

In order to implement the changes to section 312 of the Act as mandated by the Technical Corrections Act, the Service is proposing to amend 8 CFR parts 312.1 and 312.2 to provide definitions of the terms "developmental disability," "physical disability," and "mental impairment," and to outline procedures for individuals who seek disability waivers pursuant to section 312(b)(1) of the Act.

This proposed rule not only modifies the Service's current preliminary guidance to the field but also comports with existing federal policies and regulations for implementing nondiscriminatory disability based programs as required under section 504 of the Rehabilitation Act of 1973, as amended by section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978, and 28 CFR part 39. This proposed rule also provides that a waiver will be granted only to

those individuals with disabilities who, because of the nature of their disability, cannot demonstrate the required understanding of the English language and knowledge of American history and government.

The section 312(b) disability-waiver is not a blanket exemption from the testing requirements to be granted based solely on evidence of a disability. To interpret section 312(b) as a blanket exemption not only would have the tacit effect of perpetuating the negative stereotype that people with disabilities are unable to participate fully in mainstream activities, but also would be contrary to the requirements of section 504 of the Rehabilitation Act.

All waiver-eligibility determinations will be based on evidence of a cognitive impairment, resulting in an inability to learn the required language and history and government material. Therefore, the disabled applicant must show that his or her disability actually interferes with the ability to learn the required language and knowledge skills. Those individuals with disabilities who cannot demonstrate a cognitive impairment will not receive waivers but will be provided with any reasonable modification in the test administration process necessary to comply with section 504 of the Rehabilitation Act.

It will be the responsibility of the disabled person applying for naturalization to provide the documentation necessary to substantiate the claim for a disability-based exception. The Service has no desire for applicants with disabilities to submit extensive medical reports or medical background information regarding their condition. Since Service officers are not physicians and should not be placed in the position of making a medical determination, the Service will use designated civil surgeons to confirm the existence of a particular disability. The civil surgeons will review the necessary background medical reports, submitted by the applicant or the applicant's medical specialist.

Civil surgeons not experienced in diagnosing developmental disabilities or other cognitive impairments shall be required to consult with professionals who are experienced in diagnosing cognitive impairments prior to making an eligibility determination. If the surgeon is in agreement with the background information and has consulted with the necessary specialist, he or she will issue a one-page certification, verifying the existence of a disability as defined under 8 CFR part 312.2(b)(1), and attesting to the applicant's inability to participate in the normal testing procedures required under section 312. The Service fully intends to work with the civil surgeons in developing guidance and procedures for the preparation of the certification needed by the disabled for this particular exception. The Service is also considering creating a special form for use by the civil surgeons in lieu of the certification previously noted.

Request for comments

The Service is seeking public comments regarding this proposed rule. It should also be noted that the Service is engaged in a complete revision of 8 CFR part 312. The complete 8 CFR part 312 revision will be issued as a proposed rule, also with a request for public comments. The provisions noted within this proposed rule will be incorporated into the overall 8 CFR part 312 revision. In addition, any comments made in response to this proposed rule will be incorporated with other comments received on the overall 8 CFR part 312 revision.

Paperwork Reduction Act

The information collection requirement contained in this proposed rule at 8 CFR 312.2 has been submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the Paperwork Reduction Act. Comments on this information collection requirement should be sent directly to the following two addresses:

Office of Information and Regulatory Affairs (OMB)
725 17th Street, NW
Washington, DC 20503
Attn: DOJ/INS Desk Officer
Room 10235

Immigration and Naturalization Service
Policy Directives and Instructions Branch
425 I Street, NW
Washington, DC 20536
Attn: INS No. 1702-96
Room 5307

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605 (b)), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule has been drafted in a way to minimize the economic impact that it has on small business while meeting its intended objectives.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. Under Executive Order 12866, section 6(a)(3)(B)-(D), this proposed rule has been submitted to the Office of Management and Budget for review. This rule is mandated by the 1994 Technical Corrections Act in order to afford certain disabled naturalization applicants an exemption from the educational requirements outlined in section 312 of the Immigration and Nationality Act.

Executive Order 12612

The regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 8 CFR Part 312

Citizenship and naturalization, Education.

Accordingly, part 312 of chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 312—EDUCATIONAL REQUIREMENTS FOR NATURALIZATION

1. The authority citation for part 312 continues to read as follows:

Authority: 5 U.S.C. 1103, 1423, 1443, 1447, 1448.

2. Section 312.1, paragraph (b)(3) is revised to read as follows:

§ 312.1 Literacy requirements.

(b) ***

(3) The requirements of paragraph (a) of this section shall not apply to any person who is unable because of physical or developmental disability or mental impairment to demonstrate an understanding of the English language, as noted in paragraph (a) of this section. Physical disability, developmental disability, and mental impairment do not include conditions that are temporary or that have resulted from an individual's illegal drug use. For the purposes of this paragraph, the term:

Developmental disability means an impairment, the onset of which precedes an individual's

18th birthday, that causes an individual to show delayed development of a specific cognitive area of maturation, i.e., reading, language or speech), resulting in intellectual functioning so impaired as to cause an individual to be unable to demonstrate an understanding of the English language as required by this section.

Mental impairment means a primary impairment of brain function, generally associated with an organic basis upon which the diagnosis is based, resulting in an impairment of intellectual functions such as memory, orientation, or judgement that causes an individual to be unable to demonstrate an understanding of the English language required by this section. This definition does not include a mental impairment that is not the result of a physical disorder.

Physical disability means a physical impairment that substantially limits an individual's major life activities in a way that causes that individual to be unable to demonstrate an understanding of the English language required by this section.

* * * * *

3. Section 312.2 is amended by:

- a. Revising the last sentence of paragraph (a);
- b. Redesignating paragraph (b) as paragraph (c) and by
- c. Adding a new paragraph (b), to read as follows:

§ 312.2 Knowledge of history and government of the United States.

(a) * * * A person who is exempt from the literacy requirements under § 312.1(b)(1) and (2) must still satisfy this requirement.

* * * * *

(b) Exceptions. (1) The requirements of paragraph (a) of this section shall not apply to any

person who is unable because of physical or developmental disability or mental impairment to demonstrate a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States. Physical disability, developmental disability, and mental impairment do not include conditions that are temporary, or that have resulted from an individual's illegal drug use. For the purposes of this paragraph, the term:

Developmental disability means an impairment, the onset of which precedes an individual's 18th birthday, that causes an individual to show delayed development of a specific cognitive area of maturation, i.e., reading, language or speech, resulting in intellectual functioning so impaired as to cause an individual to be unable to demonstrate the knowledge required by this section.

Mental impairment means a primary impairment of brain function, generally associated with an organic basis upon which the diagnosis is based, resulting in an impairment of intellectual functions such as memory, orientation, or judgement that causes an individual to be unable to demonstrate the knowledge required by this section. This definition does not include a mental impairment that is not the result of a physical disorder.

Physical disability means a physical impairment that substantially limits an individual's major life activities in a way that causes that individual to be unable to demonstrate the knowledge required by this section.

(2) Medical certification. All persons applying for naturalization and seeking an exemption from the requirements of paragraph (u) of 8 CFR part 312.1 and paragraph (a) of this section based on one of the enumerated disability exceptions must submit a certification from a designated civil surgeon (as defined in 42 CFR 34.2), attesting to the origin, nature, and extent of the person's medical condition as it relates to the disability exceptions noted under paragraph (b)(3) of 8 CFR part 312.1

and paragraph (b)(1) of this section. The certification shall be a letter-sized one-page document, signed and dated by the civil surgeon. The civil surgeon, in particular those not experts in diagnosing developmental disabilities or other cognitive impairments, shall consult with other qualified physicians and psychologists prior to providing a certification, and may require the person seeking a disability-based exception to furnish evidence from a medical specialist or psychologist to support the person's claim of a qualifying disability. Any additional medical evidence required by a civil surgeon to assist in the evaluation shall only be for the use of the civil surgeon. The additional evidence shall not be attached to the civil surgeon's certification or filed with the applicant's application for naturalization as background or supporting documentation. An affidavit or attestation by the person, his or her relatives, or guardian on his or her medical condition is not a sufficient medical attestation for purposes of satisfying this requirement.

Dated:

Doris Meissner,

Commissioner,

Immigration and Naturalization Service.

WR Immigs

'Chilling Effects' Seen From Welfare Reform

Caseload Drop Sharper Among Immigrants

By WILLIAM BRANIGIN
Washington Post Staff Writer

The use of public benefits has declined more sharply among immigrants than U.S. citizens, largely because welfare reform legislation has had "chilling effects" on many noncitizens who were actually eligible to apply for such assistance, according to a new study.

In an analysis of Census Bureau survey data, Urban Institute researchers Michael Fix and Jeffrey S. Passel concluded that "noncitizens accounted for a disproportionately large share of the overall decline in welfare caseloads that occurred between 1994 and 1997." The use of cash welfare benefits by noncitizen households fell 35 percent during that period, compared with a 15 percent decline among citizen households, they said. The same patterns held true for food stamps and Medicaid.

But the study showed that, although their welfare usage rates dropped faster, a larger percentage of immigrants received cash assistance, food stamps and Medicaid than citizens—both before and after the 1996 welfare reform law was passed. In 1997, for example, 9 percent of noncitizens used cash welfare and 10.8 percent used food stamps, while citizens had usage rates of 6.7 percent and 6.8 percent, respectively, in the same categories.

The 1996 law imposed restrictions on legal immigrants' access to welfare, set time limits on the eligibility of refugees and placed bars on access to services by "unqualified immigrants." The study said that the law's "chilling effects" on applicants might have been more consequential by discouraging "immigrants from using health, nutrition or other types of benefits, despite the fact that many remain eligible." The study attributed these effects in part to confusion among immigrants and providers about who remains eligible and to fears that receiving welfare could lead to deportation or other penalties under laws intended to bar immigrants from becoming "public charges."

The Clinton administration is likely to use the study to buttress arguments for budget requests

aimed at further restoring health, nutrition and cash benefits to vulnerable legal immigrants, including children, pregnant women and newcomers who are disabled, researchers said.

The Center for Immigration Studies, a Washington think tank that supports reducing immigration, said it does not dispute that fewer immigrants are seeking benefits for which they are eligible. But the problem is that, in tinkering with welfare eligibility, Congress failed to limit the admission of those likely to need welfare in the first place, said Steven Camarota, a resident scholar at the center.

"Instead of fixing immigration policy, [Congress] tried to micro-manage immigrant policy, with perhaps some unintended effects," he said.

Fix, the Urban Institute's director of immigration studies, said the reform law's unintended effects have included discouraging welfare usage by refugees and the U.S.-born children of immigrants, as well as slowing enrollment in new health insurance programs for the working poor.

Refugees had substantially higher usage rates of cash welfare, food stamps and Medicaid than noncitizens in general, the study showed. In 1997, nearly a quarter used welfare—down from a third in 1994, but still far above the 9 percent figure for all noncitizens.

The higher usage rates among noncitizens generally "are due to the fact that immigrant households are poorer and more likely to contain children, not because noncitizens have a greater disposition toward receiving benefits," the study said. When the researchers compared only poor households with children, they found that the welfare usage rates of noncitizens fell below those of citizens.

Fix said it was impossible to tell how much of the decline in welfare use among noncitizens was attributable to the law's effects in weeding out illegal immigrants who had been receiving benefits improperly. The institute received suggestions that this was one of the factors behind an earlier finding of a 71 percent drop in noncitizens' welfare use in Los Angeles from 1995 to 1998, Fix said.

people like to think of themselves as progressive, but they don't want the poor in their backyards."

In interviews in Andover, residents were careful to point out that they have nothing against poor people. But few seemed eager to see more of them in a neatly manicured town with one-tenth the poverty rate and one-eighteenth the violent crime rate of Lawrence.

"Andover is not really a place for, as they call it, 'low-income housing,'" said Ken Barry, a restoration contractor and father of three who was sipping latte in the Starbucks on Main Street. "This is an affluent community. It's terrible what's happened to Lawrence, but why should their people benefit from our progress? Why should their kids go to our schools?"

What's happened to Lawrence is a half-century of rot, as a city that helped lead America into the Industrial Revolution has watched its suburbs lead the way to the digital age.

While the Andovers have lured white-collar employers such as Hewlett-Packard Co., Digital Equipment Corp., Raytheon Co. and even the IRS, Lawrence has been economically notable mainly as an East Coast distribution hub for illegal drugs from Puerto Rico and the Dominican Republic. Its main drag, Essex Street—once lined with banks, theaters, an opera house and upscale shops such as Royal Jewelers and Kaps clothiers—became a sad mix of boarded-up stores, fast-food joints and check cashers. Royal Jewelers and Kaps now do business on Main Street in Andover.

"There's not much opportunity in Lawrence," said Juana Montero, 21, a Lawrence public housing resident and part-time community college student whose brother is in prison for shooting a local basketball star. "You look around, there just isn't much here."

Lawrence's public housing projects have improved over the last decade—HUD just gave the city's housing authority a perfect management score—but much of its private housing looks like it has just come through a bombing raid. Lawrence officials assign much of the blame to suburban exploitation of federal Section 8 vouchers, which in theory can be used in any

private apartment, but in practice are rarely seen in suburbia. The culprits, they say, are suburban landlords who let their Lawrence properties go to ruin, and suburban housing authorities who earn administrative fees for every voucher they distribute.

"The people in the suburbs are total hypocrites," said Lawrence Housing Authority Chairman David DiFilipo, the son of a Lawrence millworker. "They influence our housing every day, and now they're outraged because we might influence theirs."

The city owns land in North Andover, but Downs pointed out with a grin that even vacant lots in Andover sell for \$200,000 these days. Some observers believe O'Neill's plan is really an effort to shame suburbs into building affordable housing on their own, or a smoke screen designed to bury a plan to replace one of Lawrence's older projects with a high school.

In any case, state officials say Lawrence's suburbs may be getting a bum rap. The Lawrence Housing Authority manages 10

times more apartments than its counterpart in Andover, where most of the subsidies are reserved for the elderly, but Andover is not far from the statewide goal of 10 percent affordable housing. North Andover and the more blue-collar Methuen are not far behind. Other swank suburbs in Massachusetts, notably Dover (1 percent) and Sherborn (0 percent), provide far less assisted housing for the poor.

"Affordable housing is always a problem, but it's not as black-and-white as people see it," said Tara Frier, chief of staff for the state Division of Community and Housing Development. "Low-income people often prefer urban living. They get easier access to transportation. They have an easier time going to the doctor. They can go shopping."

Then again, there isn't much shopping left in Lawrence, except for drugs. Aida Hernandez, a 27-year resident of the Lawrence projects, says that just about the only time wealthy Andover residents visit is when they want to buy heroin or maybe visit a prostitute.

The Washington Post

TUESDAY, MARCH 9, 1999

2/2

Carroll's
Work
Innings

GA

Record #'s leaving W, record #'s going to work

Case load gets all atten, but
Work - Expression of work

More people on w. are working, &
more people are leaving W for work.

- # of people → tripled

- # of people on welfare one year who are working the next has doubled

State
rates

Do MORE: - 50% increase in WTH vouchers
- 100% increase in Transport
- \$1B → 209,000

Innings

Keeping both promises

- ① Restore Medicaid + SSI disabled after coming
- ② State option to cover legitimacy children after
- ③ State option to provide Medicaid for pregnant &

WR - Immigs.

ADMINISTRATION POLICY

Deem until citizenship under SSI, AFDC, and Food Stamps; apply to new applicants. Establish tighter definition of alien eligibility. Seven-year savings: \$5-6 billion (not an official CBO estimate).

RETROACTIVE DEEMING

Deem until citizenship under SSI, AFDC, and Food Stamps; apply to new applicants and current recipients. Establish tighter definition of alien eligibility. Seven-year savings: \$8-10 billion (not an official CBO estimate).

SSI BAN--WITH EXEMPTIONS

SSI ban with exemptions for refugees/asylees (5 years), veterans, elderly over 75 and disabled; apply to new applicants and current recipients. Deeming until citizenship under AFDC and Food Stamps; apply to new applicants. Establish tighter definition of alien eligibility. Seven-year savings: \$8-10 billion (not an official CBO estimate).

SSI BAN--LIMITED EXEMPTIONS (SENATE BILL)

SSI ban with limited exemptions (refugees, veterans, title II eligibles); apply to new applicants and current recipients. Seven-year savings: \$15.8 billion. 5-year ban on future immigrants under all other federal programs--including Medicaid-- and deeming for 40 qualifying quarters (even if beyond citizenship). Seven-year savings: \$4.1 billion Medicaid. Total: \$19.5 billion (Net number including \$400 million add-back on for Food Stamps for those eliminated from SSI rolls).

SSI AND FOOD STAMP BAN (CONFERENCE)

SSI and Food Stamp ban with limited exemptions; apply to new applicants and current recipients. Child nutrition (school lunch) cut-off for illegals. Seven-year savings: SSI-\$15.8; Food Stamps-\$4.7; Child nutrition \$.5. Total: \$21.0 billion.

Options

News Release

Pete V. Domenici

United States Senator

FOR IMMEDIATE RELEASE
June 16, 1995

CONTACT: CERIS GALLAGHER
(202) 224-7082

DOMENICI OPPOSES EFFORT TO DENY SCHOOL LUNCHES TO UNDOCUMENTED STUDENTS

SENATOR AIMS THAT PROVISION BE DROPPED FROM WELFARE REFORM PLAN

*WR
Immig's*

WASHINGTON -- New Mexico Senator Pete Domenici today asked that provisions to deny school lunches to undocumented students be dropped from what the Senator otherwise considers a strong welfare reform bill.

Domenici today sent a letter to two Senate committee chairmen expressing his opposition to provisions to refuse school lunch benefits to noncitizen students. He said the provision would be very problematic for New Mexico if it became law.

"The welfare bill's provision to deny school lunch benefits to noncitizen children is very troubling to me and I urge that it be dropped from the bill," Domenici said. "I believe this provision would unfairly and unduly restrict children from important nutritional programs."

The Domenici letter was sent to Indiana Senator Richard Lugar, chairman of the Senate Agriculture Committee, and Delaware Senator Bill Roth, chairman of the Senate Finance Committee.

Based on the Supreme Court decision in *Plyer v. Doe*, states may not deny the same free public education to undocumented children that it provides to other children who reside in the state. Domenici said he doubts school districts could fully comply with the ban if it became law.

"School districts, which must accept noncitizen children, would respond to this requirement either by instituting costly practices that do not fulfill the intent of law or incur the substantial cost and administrative burden of enforcing immigration law," he said.

Domenici said New Mexico has a state policy of providing educational and related services to all students who present themselves, which includes school-based feeding programs.

"Gaining undocumented children from receiving school lunch would result in an unfunded mandate to the state, since New Mexico public schools may not discriminate among children," Domenici said. "This requirement would remain even if *Plyer* was overturned."

Domenici, chairman of the Senate Budget Committee, said the Congress could find the funding to pay for the lunch ban, which would save about \$50 million annually over the next six years.

"There are many other fair and administratively simple ways of generating these savings," Domenici said.

"I believe this is, overall, a strong welfare reform bill that scores a long way in addressing the explosive growth in welfare use by immigrants. This bill would build upon the provisions in the immigration bill that would enforce the responsibility of sponsors to prevent immigrants from becoming public charges. However, I believe it would be wise to drop the provision to deny noncitizen children school lunch benefits."

U.S. Department of LaborAssistant Secretary for Policy
Washington, D.C. 20210*WR-Immigs*

June 19, 1996

MEMORANDUM FOR RAHM I. EMANUEL

Assistant to the President and Director of Special Projects

CAROL H. RASCO

Assistant to the President for Domestic Policy

JOHN L. HILLEY

Assistant to the President for Legislative Affairs

KEN S. APFEL

Associate Director for Human Resources, OMB

FROM:**ANNE H. LEWIS** *AHL*
Assistant Secretary for Policy, DOL**SUBJECT:**

Job Training, Legal Aliens and Welfare Reform

I am writing to express our view, consistent with long-standing Administration policy, that we should strenuously oppose efforts to deny legal immigrants access to means-tested job training and employment services. I believe a strong case can be made that job training and employment programs should be treated differently than other means-tested Federal assistance.

Five-Year Ban

As you know, the welfare proposals currently under consideration in Congress impose stringent restrictions on assistance to legal immigrants. The House Republican welfare proposal, the Castle-Tanner welfare bill and the Breaux-Chafee welfare legislation each includes a five-year ban on means-tested Federal assistance to immigrants. The provisions in the bills are virtually identical--legal immigrants would (with limited exemptions) be prohibited, for five years after entry, from participating in means-tested Federal programs, including not only entitlement programs (such as food stamps and Supplemental Security Income) but also discretionary programs, including means-tested job training.

Deeming

The House Republican and Breaux-Chafee welfare proposals extend "deeming"--adding the sponsor's income to the immigrant's to determine program eligibility--to all means-tested Federal programs (under current law, deeming applies only to AFDC, food stamps and SSI). The expansion of deeming would have the effect of denying means-tested assistance, even in the absence of the five-year ban, to most sponsored immigrants who would otherwise be eligible.

The House and Senate immigration bills contain similar deeming provisions. The length of the deeming period in the House bill could, however, be shorter in some cases than the deeming period in the welfare bills (i.e., with respect to spouses and minor children of citizens/permanent residents).

Exemption for Higher Education Programs

The House Republican welfare bill and the Castle-Tanner legislation, however, exempt post-secondary student financial assistance (e.g., Pell grants, Stafford and direct loans) from both the five-year ban and the deeming provisions, on the grounds that it makes little sense to deny legal immigrants the education needed to become employable and productive residents (and, eventually, citizens). The House immigration bill exempts student financial aid from both the deeming and public charge provisions; the Senate immigration bill limits the exemption to those receiving financial aid at the time of enactment.

Job Training Services Affected

Legal immigrants are currently eligible for means-tested employment and training services under JTPA Title II (including year-round programs for disadvantaged adults and youth and the summer youth employment and training program), JTPA Title IV (Job Corps, Migrant and Seasonal Farmworker and Indian and Native American programs) and Title V of the Older Americans Act (Senior Community Service Employment program).

Recommendation

The Administration has consistently, and quite correctly, opposed blanket bans on means-tested assistance to legal immigrants and maintained that deeming should be limited to the income support programs to which it now applies. As stated in the views letter on the immigration bills, "the Administration strongly opposes broadening the application of deeming rules and the 'public charge provision' from a well-defined set of cash assistance programs to nearly all means-tested programs..." The welfare legislation included in the Administration's balanced budget package is consistent with this position. It makes affidavits of support legally binding (i.e., enforceable through the courts), but does not extend deeming beyond the income support programs to which it has historically applied.

- 3 -

Should we not prevail on these larger points, the Administration should insist that means-tested job training be exempted from any deeming provisions or ban on assistance in any welfare proposal, for the same reason that exceptions have been made for student financial aid programs.

Studies have demonstrated that Job Corps and JTPA adult training are particularly wise investments, boosting the earnings and employment of participants and yielding returns to society, in the case of Job Corps, for example, of \$1.45 for every dollar invested. It is in no one's interest to exclude immigrants from programs that will help them become more productive members of our society. Access to job training will help immigrants remain self-sufficient.

Each of the welfare and immigration proposals already includes a list of programs exempted from the five-year ban, deeming and public charge provisions, among them school lunch and child nutrition, as well as postsecondary student financial assistance. Adding means-tested job training programs to the list of excepted programs would be good policy, consistent with the Administration principles of work and opportunity, and would have no budget implications--CBO in general attributes no savings to the exclusion of immigrants from discretionary programs. In the event that an immigration bill including deeming provisions similar to those now in the House and Senate bills is enacted, the Administration should nonetheless seek to modify the deeming provisions in any welfare proposal to ensure that they are no worse than those in the immigration legislation (in any respect).

I welcome an opportunity to discuss these issues further. If you need any additional information, please contact Seth Harris, Deputy Assistant Secretary for Policy, at 219-6197.

WR - Immigs.

THE WHITE HOUSE
WASHINGTON, D.C. 20500

DATE: 6/8/96

TO: Leon Panetta
Bruce Reed
Rahm Emanuel
Ken Apfel

FROM: Staff Secretary

FYI.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY
WASHINGTON, D.C. 20410-0001

89 JUN 6 P8: 27

M E M O R A N D U M

FOR: Honorable William J. Clinton

FROM: Secretary Henry G. Cisneros, S

SUBJECT: Adverse Impact of Welfare Reform Bills on Legal Immigrants

This is to inform you of concerns about the serious impact of provisions in current welfare reform proposals that would affect millions of legal immigrants -- and the adult children of legal immigrants -- most significantly in States such as California and New York.

I have been approached by key members of the Congressional Hispanic Caucus i.e., Representatives Roybal-Allard, Becerra, Richardson and Torres, who have strongly expressed their concerns about the welfare reform proposals, and have asked that I convey these concerns to you.

These California Congressmen represent Congressional districts with large populations of legal immigrants that will be severely affected by the proposed changes. But the potential problem in California will not be confined to these Members' districts -- it will affect every district in the State, as well as other States with large legal immigrant populations. Moreover, the impact of these changes affects not only the population of legal immigrants, but also the sons and daughters of legal immigrants who may have to carry the full burden of caring for their elderly parents if access to vital benefit programs are denied as a result of the enactment of these proposals.

For example, the welfare reform proposals, which were included in the welfare reform bill that passed Congress last year and that you vetoed (H.R. 4), would, if enacted into law: (1) bar many legal immigrants from Supplemental Security Income (SSI) and Food Stamps; and (2) make many legal immigrants, for five years after enactment of the legislation, generally ineligible for all government needs-based assistance programs

(through deeming of a sponsor's income), including those involving medical assistance and housing assistance.

The following demonstrates just some of the potential impact of these proposals.

There are almost a half-million elderly and disabled legal immigrants for example who would be terminated from the SSI program if these proposals are passed. In addition, many legal immigrants would be made ineligible for other programs of critical need to the elderly and poor such as Medicaid and Meals-on-Wheels.

Furthermore, denying needed Federal benefits to legal immigrants will not make the governmental burden of meeting that need disappear -- it will only be transferred to the States and to local communities. This will be particularly hard on States and local communities with large legal immigrant populations -- California, Florida, Texas and New York will bear over 76% of the total federal funding loss if these proposals become law.

It is also very difficult to justify targeting legal immigrants by denying them vital safety-net programs, simply on the basis of their immigration status. Legal immigrants pay taxes, and serve in the military, and therefore should be entitled to these critically needed benefits, on the same basis as responsible citizens. In fact, studies show that immigrants generally pay \$25 billion more annually than they receive in benefits, and are significant contributors to the economy -- with total immigrant income reported by the 1990 census to be \$285 billion or 8% of all reported income.

I believe that the potential impact of these proposed welfare reform changes on an important segment of our Nation's population, and the potential impact on States and localities, warrants a full review in any consideration of welfare reform legislation as a whole.

I am looking forward to discussing this important issue with you further at your convenience.

Date: 02/06/96 Time: 17:39

Immigrants Account for Big Part of SSI Growth, Official Says

WR-Immigrants

WASHINGTON (AP) The number of elderly, blind and disabled immigrants receiving cash through one federal welfare program has risen more than 14 percent each year since 1985, a Social Security Administration official said Tuesday.

The growth mirrors recent increases in immigration to the United States, Deputy Commissioner Carolyn Colvin told a Senate panel.

Non-citizens legal immigrants and refugees now make up 12 percent of all recipients in the Supplemental Security Income program, Colvin told members of the Senate Judiciary Committee's immigration subcommittee.

They also tend to be poorer than U.S. citizens on the program's rolls, she said, because non-citizen recipients, particularly the aged, may not receive significant income from other sources, such as Social Security.

Colvin testified as the House and the Senate prepare to vote on two Republican plans that would reduce the number of foreigners allowed to immigrate to the United States. President Clinton has also said he'd like to see legal immigration reduced.

The authors of the bills Sen. Alan Simpson, R-Wyo., and Rep. Lamar Smith, R-Texas say one of their goals is to cut abuse by immigrants who are drawn to this country because of its welfare programs.

Smith and Simpson are meeting opposition from many Democrats who concede something must be done to curb abuse in SSI but say there's no need to cut legal immigration.

In 1988, about 643,000 non-citizens were admitted to the country for permanent residence, the most since 1924, Colvin said. That number rose to 1.8 million in 1991, mostly because of the Immigration Reform and Control Act, which legalized 2.7 million illegal aliens.

In 1994, more than 804,000 immigrants entered the United States.

In general, elderly and disabled immigrants without sponsors and those in the country for more than five years are eligible to apply for SSI, one of the nation's fastest growing entitlement programs. Elderly and disabled refugees many fleeing persecution in their homelands may apply for it immediately upon entry.

Overall, immigrants use all forms of welfare at roughly the same rate as citizens do, according to a study by the Urban Institute.

But non-citizens account for nearly 25 percent of the growth in SSI from 1986 to 1993, according to the General Accounting Office, Congress' investigating arm.

The number of new SSI applications from immigrants has more than tripled since 1982, said Susan Martin, executive director of the U.S. Commission on Immigration Reform, which was appointed by Congress.

The number of aliens receiving SSI payments because of age increased from 92,000 in 1982 to 459,220 in 1995, she said. Blind and disabled aliens on the rolls increased from 36,000 in 1982 to 326,190 in 1995.

Simpson said he wants to tighten rules that support a longstanding U.S. policy of keeping out immigrants likely to become burdens on the public.

'There's nothing ugly or evil about what we're up to,' Simpson said. 'This is not about the ragged, the wretched or the homeless. People who have more are going to pay more.'

Smith, Simpson and the president want to toughen rules that require family members to be financially responsible for immigrants they sponsor into the United States. The courts have ruled that

affidavits of support required in the legal immigration process are not legally enforceable.

Welfare agencies across the country know that many sponsors won't live up to their promises, said Angelo Doti, director of financial assistance for the Orange County, Calif., social service agency.

Currently nationwide, it's a sham. Everybody knows that," Doti said.

APNP-02-06-96 1740EST



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park Center Drive
Alexandria, VA 22302

FOOD STAMP PROGRAM

DATAFAX COVER SHEET

DATE: 2/22/96

TO: Bruce Reed

OFFICE: _____

PHONE: (202) 456-5557

FROM: Yvette Jackson

OFFICE: _____

PHONE: _____

SUBJECT: _____

REMARKS: Per Patty Morris Request!

NO. OF PAGES INCLUDING COVER SHEET: 3

FOR AGENCY USE ONLY
FOOD STAMP PROGRAM
COMPARISON OF FY 1993-1994 OFFICIAL ERROR RATES
WITH PREDICTED FY 1995 ERROR RATES

*WR -
Food Stamp
Block Grant*

STATE	COMBINED OFFICIAL FY 1993	COMBINED OFFICIAL FY 1994	PREDICTED OFFICIAL FY 1995
Connecticut	7.94	7.78	8.54
Maine	7.53	7.50	7.52
Massachusetts	5.96	5.76	6.10
New Hampshire	12.42	14.65	11.67
New York	12.43	10.11	9.05
Rhode Island	5.60	6.99	5.13
Vermont	11.40	6.34	8.26
Delaware	7.57	10.10	9.03
Dist. of Col.	9.03	9.59	3.08
Maryland	10.71	11.24	10.87
New Jersey	8.25	8.75	9.24
Pennsylvania	9.12	8.38	9.44
Virginia	10.77	11.62	13.47
Virgin Islands	5.15	5.88	4.38
West Virginia	13.64	13.92	11.26
Alabama	8.08	5.75	7.37
Florida	16.96	13.59	11.02
Georgia	11.13	11.54	10.72
Kentucky	5.18	5.54	4.74
Mississippi	10.03	9.24	10.31
No. Carolina	9.87	9.54	8.77
So. Carolina	10.88	5.05	6.52
Tennessee	16.71	9.86	10.83
Illinois	10.20	9.47	11.88
Indiana	16.57	17.70	16.23
Michigan	8.64	8.69	9.80
Minnesota	9.46	8.80	7.22
Ohio	14.37	14.52	14.23
Wisconsin	9.51	10.52	12.54
Arkansas	6.44	5.39	5.99
Louisiana	9.34	5.60	7.15
New Mexico	10.53	8.88	7.17
Oklahoma	9.97	10.77	10.55
Texas	11.37	12.45	8.69
Colorado	7.54	7.39	6.00
Iowa	10.22	11.41	11.71
Kansas	7.59	7.55	8.53
Missouri	11.17	11.15	12.52
Montana	7.69	6.94	7.55
Nebraska	11.03	11.95	9.15
North Dakota	8.04	6.03	5.97
South Dakota	3.76	3.23	3.77
Utah	7.16	8.60	8.20
Wyoming	7.04	8.91	8.38
Alaska	4.56	8.99	5.99
Arizona	12.08	15.31	13.49
California	9.06	10.52	9.77
Guam	12.34	9.96	8.41
Hawaii	3.75	4.74	4.27
Idaho	8.47	10.55	7.05
Nevada	9.04	6.85	9.87
Oregon	9.35	9.88	8.00
Washington	9.28	9.71	9.13
National Average	10.81	10.32	9.78

4 (Miss, Ky, S. Dak, Haw) ⁹³/₉₄

*6 states FY93
8 FY94
1 state QC = EBT
5 states EBT*

01/23/96
PAD/QCB/SSS

FOR AGENCY USE ONLY

¹ DC's error rate for FY 1995 is underestimated due to a significant backlog in completing their FY 1995 sample.

² Predicted error rates for FY 1995 are based on data from October through September 1995. The U.S. average may be underestimated due to DC's backlog in completing their FY 1995 sample.

STATES WITH STATEWIDE EBT SYSTEMS

- Maryland
- New Mexico
- Texas
- South Carolina

STATES THAT WILL BE STATEWIDE WITHIN 12 MONTHS

- Utah - (Completion Date 4/96)

8

12-4-96

Welfare-Immigrants

DRAFT

CEP Budget/
Welfare

**Preliminary List of Welfare Reform
Options for Consideration in the FY1998 Budget**
(In billions of dollars. Options are not additive.)

Five Year

LEGISLATIVE OPTIONS

Food Stamps

- A. Repropose the Administration's work requirement legislation. 2.0
- B. Remove the Shelter Deduction Cap in FY1998 2.0
- C. Remove the Shelter Deduction Cap in FY2000. 1.3
- D. Reindex the Standard Deduction in FY1998 3.4
- E. Index the Standard Deduction in FY2002. 0.1

Benefits to Immigrants

- A. Exempt the disabled from SSI, Food Stamp, and Medicaid bans. 8.3
- B. Exempt children from SSI, Food Stamp, and Medicaid bans. 2.9
- (Earlier this year it was estimated that CBO would score options A&B at approximately \$8 billion. This estimate reflects Administration technical assumptions and baseline.)
- C. Repeal Medicaid bans and provide Medicaid to all elderly and disabled. 2.6 to 3.6
- D. Provide Medicaid to all elderly and disabled who lose SSI ("bucket"). 1 - 2
- E. Repeal the Food Stamp ban for all legal immigrants; require deeming until citizenship except for the disabled. 3.5
- F. Exempt children from SSI ban. 0.2
- G. Delay implementation of the SSI and Food Stamp bans for 2 years - allowing immigrants time to naturalize. 4.1
- H. Delay implementation of the SSI, Food Stamps, and Medicaid bans for 1 year. 2.9

Temporary Assistance for Needy Families

- A. Provide more funding during economic downturns by adding a national unemployment trigger to the contingency fund. 0.0
- B. Ensure basic protections are incorporated into State TANF programs. 0.0

Medicaid

- A. Propose legislation to retain Medicaid eligibility for all children now on SSI. 0.3
- B. Legislation to offer national 2 year Transitional Medicaid and extend sunset. 2.0

Child and Dependent Care Tax Credit (DCTC) (Rough, off the shelf estimates)

- A. Make the credit refundable. 3.4
- B. Expand DCTC to give a larger credit with more benefit for working families. 2.9
- C. Expand and make refundable (A&B). 7 to 8?

Welfare to Work (beyond \$3 billion policy already proposed)

- Expand \$3 billion Welfare to Work initiative and/or challenge grants and/or additional performance bonuses. 2.0

Demonstration Projects

- New incentives/pilots for model programs and substance abuse testing and treatment. 1.0

**Preliminary List of Welfare Reform
Options for Consideration in the FY1998 Budget**

(In billions of dollars. Options are not additive.)

Five Year

ADMINISTRATIVE OPTIONS

Supplemental Security Income

- | | |
|--|-----|
| A. Administratively limit the impact of new eligibility criteria for children by assuming a standard that removes 45,000 kids from the rolls. | 6.4 |
| B. Administratively limit the impact of new eligibility criteria for children by assuming a standard that removes 100,000 kids from the rolls. | 3.9 |
| C. Administratively limit the impact of new eligibility criteria for children by assuming a standard that removes 145,000 kids from the rolls. | 2.0 |

OPTIONS WITHOUT COST AGAINST WELFARE REFORM ALLOWANCE

Temporary Assistance for Needy Families

- | | |
|--|-----|
| A. Provide more funding during economic downturns by adding a national unemployment trigger to the contingency fund. | 0.0 |
| B. Ensure basic protections are incorporated into State TANF programs. | 0.0 |

Welfare to Work Initiative

- | | |
|---|-------|
| (Non-add, costs offset outside of Welfare Reform) | [3.0] |
|---|-------|

Preliminary Welfare Reform Options for the FY1998 Budget

	<u>FY2002</u>	<u>Five Year</u>
	(in billions of \$)	
Option 2: Propose Changes that Moderate Overall Impact of Welfare Bill		
<u>Food Stamps</u>		
A. Administratively reduce the number of individuals subject to the time limit exempting those areas defined as labor surplus areas (decision made).	0.1	0.7
B. Repropose the Administration's work requirement legislation.	0.4	2.0
C. Index the standard deduction in FY 2002.	0.1	0.1
D. Remove the shelter cap in FY2002.	<u>0.4</u>	<u>0.4</u>
Food Stamps subtotal	1.0	3.2
<u>Benefits to Immigrants</u>		
A. Repeal the Food Stamp ban for all legal immigrants; require deeming until citizenship except for the disabled.	0.7	3.5
B. Repeal Medicaid bans and provide Medicaid to all elderly and disabled. Welfare Reform policy of deeming sponsor's income would continue in Medicaid.	0.8	2.6
C. Exempt children from SSI ban.	0.0	0.2
D. Delay implementation of the SSI ban for current recipients for 1 year - allowing immigrants time to naturalize.	<u>0.0</u>	<u>1.4</u>
Immigrants subtotal	1.6	7.7
<u>Transitional Medicaid</u>		
Administrative option to allow 26 States to continue waivers for with waivers for Transitional Medicaid (decision made).	0.04	0.2
<u>Supplemental Security Income</u>		
A. Administratively limit the impact of new eligibility to children with multiple physical impairments.	0.5	2.0
B. Propose legislation to retain Medicaid eligibility for all children now on SSI.	0.1	0.4
C. Tighten rules that deem parent's income to children for purposes of determining level of children's benefit.	<u>-0.2</u>	<u>-0.7</u>
SSI subtotal	0.4	1.7
TOTAL COST OF OPTION 2:	3.0	12.8
Options without cost against Welfare Reform Allowance		
<u>Temporary Assistance for Needy Families</u>		
A. Provide more funding during economic downturns by adding a national unemployment trigger to the contingency fund.	0.0	0.0
B. Ensure basic protections are incorporated into State TANF programs.	0.0	0.0
<u>Welfare to Work Initiative</u>		
(Non-add, costs offset outside of Welfare Reform)	[0.0]	[3.0]

Preliminary Welfare Reform Options for the FY1998 Budget

	<u>FY2002</u>	<u>Five Year</u>
	(in billions of \$)	
Option 3: Incentives to Reward Work		
<u>Food Stamps</u>		
A. Administratively reduce the number of individuals subject to the time limit exempting those areas defined as labor surplus areas (decision made).	0.1	0.7
B. Remove the shelter cap in FY2002.	<u>0.4</u>	<u>0.4</u>
Food Stamp subtotal	0.6	1.1
<u>Benefits to Immigrants</u>		
Delay implementation of the SSI, Food Stamp and Medicaid bans for 1 year - allowing immigrants time to naturalize.	0.0	2.9
<u>Transitional Medicaid</u>		
A. Modify Administration policy on budget neutrality policy for the 26 States with waivers for Transitional Medicaid (decision made).	0.04	0.2
<u>Supplemental Security Income</u>		
A. Administratively limit the impact of new eligibility to children with multiple physical impairments.	0.5	2.0
B. Propose legislation to retain Medicaid eligibility for all children now on SSI.	0.1	0.4
C. Tighten rules that deem parent's income to children for purposes of determining level of children's benefit.	<u>-0.2</u>	<u>-0.7</u>
SSI subtotal	0.4	1.7
<u>Child and Dependent Care Tax Credit (DCTC)</u>		
Make the credit refundable in 1998.	0.8	3.4
<u>Welfare to Work</u> (beyond \$3billion policy already proposed)		
Expand \$3 billion Welfare to Work initiative and/or challenge grants and/or additional performance bonuses.	0.0	2.0
<u>Demonstration Projects</u>		
New incentives/pilots for model programs and substance abuse testing and treatment.	<u>0.2</u>	<u>1.0</u>
TOTAL COST OF OPTION 3:	2.0	12.3

Options without cost against Welfare Reform Allowance

Temporary Assistance for Needy Families

A. Provide more funding during economic downturns by adding a national unemployment trigger to the contingency fund.	0.0	0.0
B. Ensure basic protections are incorporated into State TANF programs.	0.0	0.0

Welfare to Work Initiative

Preliminary Welfare Reform Options for the FY1998 Budget

	<u>FY2002</u>	<u>Five Year</u>
	(in billions of \$)	
Option 4: Target Changes to Protect Children		
<u>Food Stamps</u>		
A. Administratively reduce the number of individuals subject to the time limit exempting those areas defined as labor surplus areas (decision made).	0.1	0.7
B. Allow low income families with high housing costs to deduct the full cost of housing expenses.	0.4	2.0
C. Allow the food stamp benefit structure to keep pace with inflation, starting in 2000.	<u>0.4</u>	<u>0.7</u>
Food Stamps subtotal	0.9	3.4
<u>Benefits to Immigrants</u>		
A. Repeal the Food Stamp ban for households with children; require deeming until citizenship except for the disabled.	0.4	2.3
B. Exempt children from SSI and Medicaid ban.	<u>0.1</u>	<u>0.7</u>
Immigrants subtotal	0.6	2.9
<u>Transitional Medicaid</u>		
Administrative option to allow 26 States to continue waivers for with waivers for Transitional Medicaid (decision made).	0.04	0.2
<u>Supplemental Security Income</u>		
A. Administratively limit the impact of new eligibility on children with multiple physical impairments and children with chronic illnesses.	0.8	3.9
B. Propose legislation to retain Medicaid eligibility for all children now on SSI.	0.1	0.3
C. Tighten rules that deem parent's income to children for purposes of determining level of children's benefit.	<u>-0.2</u>	<u>-0.7</u>
SSI Subtotal	0.8	3.5
<u>Child and Dependent Care Tax Credit (DCTC)</u>		
Make the credit refundable in 1999.	0.8	2.6
TOTAL COST OF OPTION 4:	3.1	12.6

Options without cost against Welfare Reform Allowance

Temporary Assistance for Needy Families

A. Provide more funding during economic downturns by adding a national unemployment trigger to the contingency fund.	0.0	0.0
B. Ensure basic protections are incorporated into State TANF programs.	0.0	0.0

Welfare to Work Initiative

(Non-add, costs offset outside of Welfare Reform)	[0.0]	[3.0]
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Preliminary Welfare Reform Options for the FY1998 Budget

	<u>FY2002</u>	<u>Five Year</u>
	(in billions of \$)	
Option 5: Give Priority to Benefits for Immigrants		
<u>Food Stamps</u>		
A. Administratively reduce the number of individuals subject to the time limit exempting those areas defined as labor surplus areas (decision made).	0.1	0.7
B. Propose legislation to limit benefits to 6 months in 12.	0.2	1.1
C. Remove the shelter cap in FY2002.	<u>0.4</u>	<u>0.4</u>
Food Stamps subtotal	0.8	2.3
<u>Benefits to Immigrants</u>		
A. Exempt children from SSI, Food Stamp, and Medicaid bans.	0.6	2.9
B. Exempt the disabled from SSI, Food Stamp, and Medicaid bans.	<u>2.0</u>	<u>8.3</u>
Immigrants subtotal	2.5	11.3
<u>Transitional Medicaid</u>		
A. Modify Administration policy on budget neutrality policy for the 26 States with waivers for Transitional Medicaid (decision made).	<u>0.04</u>	<u>0.2</u>
<u>Supplemental Security Income</u>		
Continue current policy as scored in Welfare Reform for eligibility standards for children.	0.0	0.0
Tighten rules that deem parent's income to children for purposes of determining level of children's benefit.	<u>-0.2</u>	<u>-0.7</u>
	-0.2	-0.7
TOTAL COST OF OPTION 5:	3.2	13.0
Options without cost against Welfare Reform Allowance		
<u>Temporary Assistance for Needy Families</u>		
A. Provide more funding during economic downturns by adding a national unemployment trigger to the contingency fund.	0.0	0.0
B. Ensure basic protections are incorporated into State TANF programs.	0.0	0.0
<u>Welfare to Work Initiative</u>		
(Non-add, costs offset outside of Welfare Reform)	[0.0]	[3.0]

Preliminary Welfare Reform Options for the FY1998 Budget

	<u>FY2002</u>	<u>Five Year</u>
	(in billions of \$)	
Option 6: Reverse Benefit Bans		
<u>Food Stamps</u>		
A. Administratively reduce the number of individuals subject to the time limit exempting those areas defined as labor surplus areas (decision made) .	0.1	0.7
B. Repropose the Administration's work requirement legislation, thereby restoring benefits for 18 to 50s.	<u>0.5</u>	<u>2.0</u>
Food Stamps Subtotal	0.6	2.7
<u>Benefits to Immigrants</u>		
A. Repeal the Food Stamp ban for all legal immigrants; require deeming until citizenship except for the disabled.	0.7	3.5
B. Repeal Medicaid bans and provide Medicaid to all elderly and disabled. Welfare Reform policy of deeming sponsor's income would continue in Medicaid.	0.8	2.6
C. Delay implementation of the SSI ban for current recipients for 1 year - allowing immigrants time to naturalize.	<u>0.0</u>	<u>1.4</u>
Immigrants subtotal	1.5	7.5
<u>Transitional Medicaid</u>		
Administrative option to allow 26 States to continue waivers for with waivers for Transitional Medicaid (decision made) .	0.04	0.2
<u>Supplemental Security Income</u>		
A. Administratively limit the impact of new eligibility to children with multiple physical impairments.	0.5	2.0
B. Propose legislation to retain Medicaid eligibility for all children now on SSI.	<u>0.1</u>	<u>0.4</u>
SSI subtotal	0.5	2.4
TOTAL COST OF OPTION 6:	2.7	12.8

Options without cost against Welfare Reform Allowance

Temporary Assistance for Needy Families

A. Provide more funding during economic downturns by adding a national unemployment trigger to the contingency fund.	0.0	0.0
B. Ensure basic protections are incorporated into State TANF programs.	0.0	0.0

Welfare to Work Initiative

(Non-add, costs offset outside of Welfare Reform)	[0.0]	[3.0]
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News

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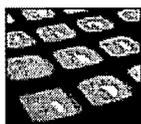
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Los Angeles Times

STATE & LOCAL

HELP?



GTE knows
sometimes...



GTE

WR -
Immigrants

Wednesday, August 5, 1998

Far Fewer Immigrants Seeking Welfare

By *VIRGINIA ELLIS*, Times Staff Writer

SACRAMENTO--A steep drop in the number of immigrants seeking public aid in Los Angeles County has sent welfare applications plunging 23%, a new federal study shows.

The study, commissioned by the U.S. Department of Health and Human Services and obtained by The Times, found that since 1996, thousands of poor, legal immigrants have decided to eschew government assistance, although in California the vast majority remain eligible for a variety of welfare programs.

In contrast, researchers at the Washington-based Urban Institute, which conducted the study for the federal government, said that in the two-year period of the survey, welfare applications from U.S. citizens remained constant.

Completed last week, the study provides the first documentation of the effect of welfare reform on immigrant families, and suggests that a main reason they shy away is fear of a negative effect on their immigration status.

In January 1996, 21% of all families applying for welfare in Los Angeles County were legal noncitizens, the study said, but by January of this year that number had dwindled to 8%, underscoring what advocates say is the fear and misinformation affecting immigrant communities.

At the beginning of the study, poor noncitizen families were applying for aid in Los Angeles County at a rate of about 1,500 a month. By the end of the survey, the number had fallen to 450 a month.

"We were surprised by this outcome," said Judy Weddle, director of strategic planning for the county Department of Public Social Services. "We had an indication that there has been some confusion in the immigrant community, but obviously this is a very significant number."

Also surprising, the researchers said, was the comparison with undocumented immigrants who applied for welfare for their children. There was a drop in their number, but it was not nearly as large as that for legal immigrants. Although undocumented immigrants are not eligible for aid, any of their children born in the United States are citizens and therefore entitled to government benefits.

"One of the most far-reaching effects of welfare reform to date in Los Angeles County has got to be this decline in applications among [legal] noncitizens," said Michael Fix, one of the authors of the report. "It appears that one of the legacies of this period of welfare reform is . . . the chilling effect it has

on legal immigrants' willingness to apply for and receive public benefits."

He said the researchers concluded that misconceptions about welfare reform and mistaken fears that accepting public benefits could affect immigration status may have been key factors.

A spokesman for Gov. Pete Wilson, who was a strong advocate for welfare reform, said the study shows that the governor's efforts to discourage welfare are working.

"When you put restrictions on welfare, take away the entitlement and put in hard time limits, then you take away the incentive to use welfare as the avenue of first resort," said spokesman Sean Walsh. "The message is getting out: 'Don't bring your family over here and go right to public assistance.'"

Federal officials said the study is the first piece in a multiyear report on the overall health and economic status of immigrants in Los Angeles County and New York City.

Michael Kharfen, a spokesman for the U.S. Department of Health and Human Services, said the two urban areas were selected for close examination because they have huge numbers of noncitizens and highly varied immigrant populations.

The initial report, which focused exclusively on Los Angeles County because it had the most readily available data, examined immigrant applications for three public assistance programs: Medi-Cal, which provides medical care for the poor; CalWorks, which assists poor families with children; and General Relief, which provides cash aid for poor adults.

It covered January 1996 to January 1998, a period during which welfare reform was debated, passed by Congress and ultimately implemented by the state and county.

Although acknowledging that the numbers are much bigger than they expected, advocacy groups said the study confirms what they have observed for months.

Karin Wang, director of the Immigrant Welfare Project at the Asian Pacific American Legal Center, said the combination of confusing information about welfare reform and a perceived anti-immigrant sentiment prompted many families to avoid seeking any kind of public assistance.

"We're talking about eligible children not getting health care because their parents are afraid," she said. "Parents have been scared so much by all this talk about deportation, about new rules for naturalization, that they're not willing to risk coming forward."

She criticized the county for being too slow to train welfare workers in the complexities of the new laws, especially as they relate to immigrants.

She said many noncitizen families were turned away at welfare offices by workers who mistakenly believed that their immigration status made them ineligible for assistance.

But county officials insisted that they have taken steps to correct misconceptions, including establishing a help line that immigrants can call for information about welfare and putting special liaison staff in welfare offices to help with immigrant issues.

"Certainly I would not agree that we have been slow," said Jacob Aguilar, who is in charge of community relations for the social services department. "On the other hand, this study shows we need to continue to work in this area."

Julia Takeda, director of the Child Medi-Cal enrollment project for the department, said immigrants will be a major focus of a county campaign to enroll 100,000 poor children in Medi-Cal by September 1999.

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News

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THE WHITE HOUSE
WASHINGTON

25 Aug 97

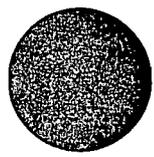
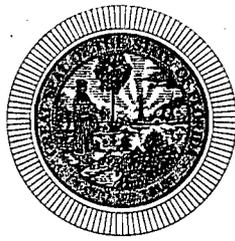
Bruce -

I thought you would
like to see this nice
letter from Gov. Chiles.

- Diane Ikenyashiro
Pres. Letters

231054

W.A. Mahoney



THE GOVERNOR OF THE STATE OF FLORIDA

LAWTON CHILES

August 6, 1997

The Honorable Bill Clinton
President of the United States
The White House
Washington, D.C. 20500

Wk - Immigrants

Dear Mr. President:

I want to thank you for your many considerations to Florida's interests in the comprehensive reconciliation package which will bring critical assistance to thousands of Florida's children, disabled and legal immigrant residents.

Your personal willingness to listen and understand our needs has always been the key to the many successes we in Florida have shared with the Clinton/Gore Administration. For that, I am sincerely grateful.

In addition, I want to commend you on the caliber of folks you have in the White House who continue to interface with our state officials and me in a most cooperative and knowledgeable fashion. Specifically, Emily Bromberg and Fred Duval, Bruce Reed and Chris Jennings have given us time, consideration and counsel which has proven invaluable to the many challenges we continue to throw at them.

I am hopeful that Florida will be the first State to turn their share of the new \$24 billion for health insurance for kids into actual coverage for more children. This could not have been done without your recognition of the need and push for health insurance for children. I look forward to reaching your goal of expanded coverage so that "healthy kids" are a fact in every state and not just a program in one.

With warmest regards,

Sincerely,
Lawton
LAWTON CHILES

AUG 11 1997

National Immigration Forum

WR - Immigrants

August 22, 1997

Mr. Bruce N. Reed
Assistant to the President for
Domestic Policy
White House
West Wing, 2nd Floor
Washington, DC 20502

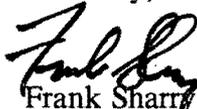
Dear Mr. Reed,

We are writing to thank you for your leadership in the fight to ensure that the balanced budget bill, recently signed into law, restores a measure of fairness to our most vulnerable legal immigrants.

In less than one year, thanks in large part to your hard work, the sweeping cuts to the safety net made by the welfare bill have been partially reversed. Hundreds of thousands of elderly and disabled legal immigrants, on the verge of losing their only means of survival, can now rest assured that the modest Supplemental Security Income checks on which they have come to depend will not be abruptly cut off. Immigrants who were in the country prior to enactment of the welfare bill will also be able to rely on the SSI safety net if they become disabled and needy.

Your leadership in this effort has had a tremendous impact on the lives of hundreds of thousands of people in communities all over the country. We thank you, and we look forward to working with you in the future in the ongoing effort to restore the safety net—including food stamps and disability assistance for future legal immigrants—to all those legal immigrants who deserve to be treated as future citizens of this great nation of immigrants.

Sincerely,


Frank Sharry
Executive Director

July 25, 1997

Mr. Bruce N. Reed
Assistant to the President for
Domestic Policy
White House
West Wing, 2nd Floor
Washington, DC 20502

Dear Mr. Reed,

The undersigned organizations are writing to commend you on your ongoing effort to restore some fairness in the way this country treats its most vulnerable legal immigrants.

Less than a year ago, the sweeping welfare law cut the social safety net from under legal immigrants who have fallen on hard times. Most dramatically effected were immigrants who, having developed a disability or having become too aged to work and earn a living, have relied on government assistance in the form of Supplemental Security Income (SSI) to pay for basic human necessities, including shelter. Many of these immigrants have no other means of support, and their very survival was placed into doubt. With the rules having been changed arbitrarily and in midstream on these immigrants, there was really no way for them--or the communities in which they live--to prepare for the impact of the new law.

Today, thanks in large part to your hard work, the congressional conference committee that is reconciling the House and Senate budget bills has before it a proposal, advanced by the Senate, that would restore SSI to those who currently depend on it for survival. In addition, immigrants who came to this country prior to the passage of the welfare law, and who develop a disability, will have the safety net available to them, should they need it. The Senate's budget bill also extends eligibility to certain legal immigrants who are here or who come in the future should they develop a disability so severe that they are unable to meet all of the requirements of U.S. citizenship. Another important provision contained in the Senate bill will exempt children from the five-year ban on Medicaid eligibility, and give governors the option of serving legal immigrant children with the new child health block grant money.

All of these measures are critical if we are to restore a measure of fairness for the most vulnerable of legal immigrants. We look forward to working with you in the coming weeks, in order to ensure that the budget bill contains the Senate's proposals for restoring benefits to immigrants. Beyond the budget bill, we hope to work with you further in order to ensure that legal immigrants, who are susceptible to the same sort of misfortunes as citizens, are treated fairly in a manner befitting our nation's traditions.

Sincerely,

NATIONAL ORGANIZATIONS

American Psychological Association

DF, EK, CR -
We shall frame this
-BR
(com-keep a copy)

American Jewish Committee
American Immigration Law Foundation
American Association of Jews from the Former USSR
Association of Jewish Family and Children Agencies
Catholic Charities USA
Church World Service Immigrant and Refugee Program
Council of Jewish Federations
Immigrant and Refugee Services of America
Immigration Project of the United Methodist General Board of Church and Society
International Rescue Committee
Jesuit Conference USA, Office of Social Ministries
Jewish Council for Public Affairs
Mexican American Legal Defense and Educational Fund (MALDEF)
Migrant Legal Action Program
National Health Law Program
National Association for Bilingual Education
National Korean American Service and Education Consortium
National Association of Public Hospitals and Health Systems
National Immigration Forum
National Asian Pacific American Legal Consortium
National Association of Korean Americans
National Ministries, American Baptist Churches USA
Presbyterian Church USA, Washington Office
Union of Needletrade, Industrial and Textile Employees (UNITE)
United Methodist Committee on Relief
United States Catholic Conference Office of Migration and Refugee Services
Women's Commission for Refugee Women and Children
World Relief

LOCAL ORGANZATIONS

American Association of Jews from the Former USSR, California Chapter
American Association of Jews from the Former USSR, Florida Chapter
American Association of Jews from the Former USSR, Georgia Chapter
American Association of Jews from the Former USSR, Massachusetts Chapter
American Association of Jews from the Former USSR, New York Chapter
American Association of Jews from the Former USSR, Ohio Chapter
American Association of Jews from the Former USSR, Texas Chapter
American Association of Jews from the Former USSR, Wisconsin Chapter
Albuquerque Border City Project, Albuquerque, NM
American Network of Community Options and Resources, Annandale, VA
American Friends Service Committee, Miami, FL
Archdiocese of Detroit, MI
Asian Law Alliance, San Jose, CA
AYUDA, Inc., Washington, DC

Catholic Charities Immigrant Services, Honolulu, HI
Catholic Charities Archdiocese of New Orleans, LA
Catholic Charities Immigration Legal Service, San Jose, CA
Catholic Charities Immigrant Counseling Services, Dallas, TX
Catholic Charities Los Angeles, CA
Coalition on Human Needs, Washington, DC
Coalition for Humane Immigrant Rights of Los Angeles, CA
Councilman Lloyd Henry, New York City Council, NY
El Centro Hispano Americano, Plainfield, NJ
Gay and Lesbian Latino AIDS Education Initiative, Philadelphia, PA
Heartland Alliance for Human Needs and Human Rights, Chicago, IL
Hebrew Immigrant Aid Society, New York, NY
Hebrew Immigrant Aid Society of Chicago, IL
Illinois Coalition for Immigrant and Refugee Protection, Chicago, IL
Immigrant Legal Resource Center, San Francisco, CA
International Institute of Boston, MA
International Institute of Los Angeles, CA
International Center of the Capital Region, Albany, NY
Jewish Vocational Service, Boston, MA
Las Americas Refugee Asylum Project, El Paso, TX
Liberty Immigration and Citizenship Service, Inc., Brooklyn, NY
Lutheran Social Services of Michigan, Southfield, MI
Lutheran Social Services of New England, West Springfield, MA
Massachusetts Office for Refugees and Immigrants, Boston, MA
New Jersey Immigrant Policy Network, Inc., Newark, NJ
New York Association for New Americans, Inc., New York, NY
New York Immigration Coalition, New York, NY
Northwest Immigrant Rights Project, Seattle, WA
Office of Immigrant and Refugee Service, Diocese of Providence, RI
Proyecto San Pablo, Yuma, AZ
Riverside Language Program, New York, NY
Somerville Human Rights Commission, Somerville, MA
Texas Immigrant and Refugee Coalition, Dallas, TX
The Immigrant Assistant Center, Newbedford, MA
Travelers Aid Services, New York, NY
United Jewish Appeal/Federation of Jewish Philanthropy of New York, Inc., NY
VIVE, Buffalo, NY
Washington Association of Churches, Seattle, WA
World Relief Midwest Area, Chicago, IL