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## LEGISLATURE CONSIDERS BILLS TO HELP TEXAS IMMIGRANT FAMILIES

Texas is home to more than 1.6 million residents who are not U.S. citizens, of whom roughly 55% are lawfully present, according to U.S. Census and Immigration and Naturalization Service estimates. But many more Texans are affected by policies limiting immigrant access to public programs, because so many immigrants live in families that include citizens. Recent Urban Institute analysis of U.S. Census data sheds light on just how significant mixed-immigration families are in Texas. Some 18% of all Texas children — and 27% of Texas children families with incomes below 200% of the poverty income —live in a "mixed family": one in which one or more of the parents is a non-citizen. Research in recent years has found that immigrants' participation in benefit programs for which they qualify has dropped at a much sharper rate than for U.S. citizens. Experts attribute much of the decline to the mistaken belief among immigrants that use of hunger and health benefits may jeopardize the immigration status of a family member. The great majority of children affected are U.S. citizens: 78% of the children of immigrants were born in the U.S. and are themselves citizens. Even though these U.S. citizen children are eligible for all benefits, the evidence shows they are not accessing these benefits at the same rate as children of native-born parents.

A new report from the Urban Institute finds that children of immigrants in Texas suffer significantly higher levels of hardship in the areas of food, health care, and housing compared to those in other states. The study of data from the 1999 National Survey of American Families in 8 states with high immigrant populations (CA, CO, FL, MA, NJ, NY, TX, WA) examined several indicators of well-being for children of immigrants. In general, Texas fares far worse in key areas of nutrition, health insurance, housing, and poverty. For example, more than 1/3 of the Texas children of immigrants live in poverty, compared to less than 1/4 of immigrant children nationwide. *To view the entire report, visit [www.urban.org](http://www.urban.org).*

Well-Being of Children of Immigrants		
INDICATOR	TX %	US%
Poverty rate	36	24
Food concerns	49	37
Uninsured	40	22

Urban Institute, data from the 1999 National Survey of American Families

The Texas Legislature is considering several bills, which could improve the prospects for these children, by improving legal immigrants' access to safety net benefits. A brief description of the bills is provided below. For more detailed information, see [www.cppp.org](http://www.cppp.org) or contact Celia Hagert or Anne Dunkelberg at the Center.

**WHAT YOU CAN DO:** You can check on the latest status of bills and get information on legislators at [www.capitol.state.tx.us](http://www.capitol.state.tx.us). To support a bill:

- If the bill has not had (or been scheduled for) a hearing in a committee, you can contact members of that committee and urge them to schedule the bill for a hearing (and a favorable vote) as soon as possible.
- If a bill has had a committee hearing, but the committee has not yet voted on it, you can contact members of that committee and urge them to vote favorably on the bill as soon as possible.
- If voted ("reported") favorably out of committee, and/or referred to the House Calendars Committee, you can contact members of that committee and urge them to schedule the bill for a floor vote as soon as possible. In the Senate, the Lt. Governor controls scheduling of bills for floor votes. You can also contact your local Representative or Senator to ask them to support the bill on the floor.

### LEGISLATION

#### HUNGER

**HB 1959:** Would increase the limited Food Stamp benefit for children of legal immigrant parents by not penalizing children for having ineligible parents when determining

the size of the children's Food Stamp benefit. This would be done by exercising the state option to NOT count the income of the ineligible parent when calculating the allotment for the eligible members of the family. Six states, including California and Massachusetts have exercised this option. **Note:** This bill is a less costly alternative to HB 1218, which would fund benefits for ineligible legal immigrants with state dollars. Instead, HB 1959 increases the *federal* benefit for eligible children. This policy change is estimated to bring \$8-10 million more federal Food Stamp dollars to the state of Texas.

**Status:** HB 1959 was voted favorably from the House Human Services Committee on March 19. It must now be scheduled for a vote by the full House by the House Calendars Committee. The Senate companion bill to HB 1959 is SB 1448, by Sen. Shapleigh. (Author: Rep. Naishtat)

**HB 1218:** Establishes a state-funded replacement program to provide food benefits to legal immigrant kids and persons with disabilities who are not eligible for Food Stamps because they arrived in the United States after the passage of the welfare act (8/2/96), and to immigrant seniors aged 60 and older who were legally present before the passage of the Act, but who had not already turned 65 by that date. Thirteen (13) states provide state-funded replacement benefits to immigrants who are ineligible for Food Stamps under the welfare act.

**Status:** HB 1218 also is waiting to be scheduled for a full House vote by the House Calendars Committee. (Author: Rep. Chavez)

## HEALTH CARE

**HB 1422:** This bill has 2 components:

**Medicaid for Recent Legal Immigrants, after a 5-Year Bar.** Directs the Texas Medicaid program to exercise the option under federal law to allow otherwise-eligible LEGAL immigrants who entered the U.S. on or after 8/22/96, AND who have completed a 5-year federal bar on use of Medicaid, to enroll in Medicaid.

**Pregnancy Medicaid Benefits for Recent Legal Immigrants.** In the event that Congress creates such an option, directs the Texas Medicaid program to exercise any federal law option to allow otherwise-eligible pregnant LEGAL immigrants who entered the U.S. on or after 8/22/96 to access Medicaid Maternity benefits, without imposing a 5-year waiting period.

**Background:** PRWORA (the 1996 federal welfare act), allowed states to choose whether or not to continue Medicaid and TANF for legal immigrants ("qualified aliens" in federal terminology). States are allowed to make distinct decisions regarding the pre-PRWORA immigrants, and those arriving on/after 8/22/96 (the date PRWORA was signed). The "after" 8/22/96 immigrants are subject to a mandatory 5-year bar on Medicaid participation; full, federally-funded Medicaid may only be granted after that bar is exhausted. Thirty-seven states

have chosen to provide Medicaid after the five-year bar. Six states (VA, OR, OH, ID, MS, WY) have indicated they will not provide the benefits, and seven states are undecided (TX, WA, OK, AL, DC, IN, SC, SD)<sup>1</sup>. Current federal law requires all states to pay for emergency care for these immigrants under the "Emergency Medicaid" program; so opting to provide full benefits allows the states to draw federal funds to cover prevention, primary care, and chronic care.

**Status:** Voted favorably from House Public Health; HB 1422 is waiting to be scheduled for a full House vote by the House Calendars Committee. (Author: Rep. Oliveira)

## BASIC NEEDS AND DOMESTIC VIOLENCE

**HB 2395:** Would allow Texas to provide federally-funded Temporary Assistance for Needy Families (TANF) cash assistance benefits to legal immigrants who came to the U.S. after August 1996, and whose sponsors are no longer providing financial support, such as victims of domestic violence, and immigrants whose sponsors have died or become disabled, etc. As described above (see HB 1422), states must choose whether or not to use federal TANF funds to serve these legal immigrants. As of 8/99, 37 states plus D.C. had decided to exercise this option to include recent legal immigrants in TANF; another 6 (Texas included) were undecided.

**Status:** Voted favorably from House Human Services and waiting to be scheduled for a full House vote by the House Calendars Committee. (Author: Rep. Chavez)

**HB 3210:** Would create a small state-funded program to provide limited benefits to legal immigrants fleeing domestic violence, during their first 5 years in the U.S., a period when federal Food Stamp and TANF benefits are not available. Federal law creates special provisions for victims of domestic violence who have left their abusers, but a "Catch-22" prevents states from granting federal assistance during an immigrant victim's first 5 years in the U.S. This bill would create a small pool of grant funds which domestic violence agencies and refugee assistance providers could use to help clients in this gap group.

**Status:** Pending in House Human Services, but expected to be voted out favorably soon. (Author: Rep. Naishtat)

## PUBLIC SAFETY

**HB 396/SB 1252:** Would allow non-U.S. citizens to get a Texas driver's license (TDL) with specified forms of identification; also provides specified alternatives to a Social Security Number for obtaining a TDL. This bill allows Texas to comply with recent federal guidelines for use of Social Security Numbers in state drivers' license programs, which are related to creation of a national database to track down parents delinquent in child support. At the same time, it ensures that persons working and driving in Texas can be properly tested and licensed, a prerequisite for obtaining auto liability insurance. **Status:**

Hearing set for House Public Safety Committee, Mon. 4/9/01. (Authors: Rep. Wise, Sen. Gallegos)

## HIGHER EDUCATION

**HB 1403:** Allows certain immigrant children attending Texas colleges and universities to qualify for in-state tuition, by removing federal immigration status as a factor for determining eligibility to pay in-state tuition at Texas public colleges and universities for a student that graduates from a Texas high school or has attended school and received a GED, and who meets the minimum residency and academic criteria.

**Background:** Many well-qualified non-citizens graduate from Texas high schools, many of whom are somewhere in the long INS process of obtaining citizenship or legal permanent resident status. Because many of these immigrants do not currently qualify for in-state tuition, they must pay international tuition, which is three times the in-state rate. This makes college unattainable for many immigrant youth, which creates a disincentive for graduation, aggravating Texas' already-high school drop-out rates.

**Status:** A committee substitute was voted favorably out of House Committee on Higher Education. (Author: Rep. Noriega)

## CONGRESSIONAL ACTIVITY.

In Congress, several pieces of legislation have been filed which would increase federal funding available to states for serving legal immigrants, largely by restoring cuts imposed by the 1996 federal welfare reform act. If enacted, these bills would allow Texas to replace some state funding with federal dollars, for example, to provide health benefits for legal immigrant children in their first 5 years in the U.S. Bills filed or anticipated soon include: Immigrant Children's Health Improvement Act of 2001 (Sen. Graham and Sen. McCain), Nutrition Assistance for Working Families and Seniors Act (Sen. Chaffee, Sen. Jeffords, Sen. Kennedy), and the Women Immigrant's Safe Harbor Act (Rep. Morella, Rep. Levin). For more information on these bills, see the national Immigration Law Center's web page at [www.nilc.org](http://www.nilc.org).

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<sup>i</sup> According to latest available 50-state survey, *State Snapshots of Public Benefits for Immigrants: Supplemental Report to "Patchwork Policies,"* Urban Institute, August 1999.

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