



★ ★ ★ THE POLICY PAGE ★ ★ ★

An update on state and federal action from

The Center for Public Policy Priorities

900 Lydia Street • Austin, Texas 78702 • 512-320-0222 voice • 512-320-0227 fax

September 26, 1996

No. 32

**Congress Votes This Week On “Illegal Immigration Reform Act” (HR 2202):
This Bill Cuts Access to Health and Human Services for Both Legal and Undocumented
Immigrants Even Deeper than Welfare Act**

When an alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself, for you were aliens in the land of Egypt.

- Leviticus 19:33

Though both houses of Congress passed immigration bills back in May, a conference committee (to negotiate a compromise bill between the two versions) was not appointed until this week. **(A comparison of the two bills can be found in *Washington Watch* #23 of May 10, 1996.)** The committee was not formally named until Republicans had negotiated agreement within their party ranks on the bill. According to the *New York Times*, when Rep. Lamar Smith of Texas, the conference chair, submitted the bill to the full committee for consideration, he announced that no amendments, debate, or questions about the “compromise” bill would be allowed. The House passed the conference bill Wednesday, September 25, by a vote of 305-123. It is not clear today if the bill will continue to stand alone, or will be attached to a larger budget bill. If the latter occurs, there may be opportunities for improvements to the bill through bipartisan compromise and it would be voted on early next week. If the bill goes to the Senate in its current form it is expected to be voted on as early as Friday and is expected to pass. Then, only a presidential veto will prevent it from becoming law.

As has been widely reported in the press, Republicans agreed to remove a provision that would give states the option to ban undocumented children from public schools. This provision will move forward as a separate bill which has already passed the House, though by a narrower margin. Still, many provisions remain in the bill that severely limit -- *above and beyond the severe limits already imposed by the federal Welfare Act signed into law last month* -- the access of both legal **and** undocumented immigrants to public health and human service programs.

Selected provisions of greatest concern are summarized below. We also indicate how the provisions of this bill are related to the immigration provisions of the Welfare Act. (A summary of the immigration-related provisions of the federal Welfare Act can be found in the full version of *Policy Page* #30.)

VETO VETO VETO VETO VETO VETO VETO

Only Your Calls Will Stop this Bill

The time is now for you to make your voice heard.
Call the President’s comment line at: 202-456-1111,
Fax him at 202-456-6218 and/or
email the President at president@whitehouse.gov.

Call White House Chief of Staff Leon Panetta at: 202-456-6796 or 456-6797 or
Fax him at 202-456-2883.

Immigrants Who Use Public Benefits May Be Deported

Immigrants who receive 12 cumulative months of **federal** need-based assistance (including subsidized child care, Head Start, housing, pre-natal care, job training, and energy assistance) within 7 years would be subject to deportation. **This provision applies to children as well as adults. It also applies to legal immigrants who are military veterans and to those who have worked and paid into the Social Security system for 10 years or more - even though these immigrants were exempted from the bans on public assistance included in the Welfare Act.** An immigrant who used 12 months of assistance would be considered “deportable” for 7 years after the last use of a benefit, and the immigrant would be denied citizenship until the end of that period.

“Ineligible Aliens” Denied Public Benefits

Like the Welfare Act, the Immigration bill defines certain categories of **legally present immigrants** to be ineligible for federally-funded need-based benefits. Categories of legal immigrants who would **no longer** be able to receive public benefits would include:

- Persons granted Temporary Protective Status
- Persons granted Family Unity Status
- Certain employment-related categories, including temporary agricultural workers
- Non-immigrants, e.g., persons in the U.S. under student or travel visas.

The Immigration bill goes further than the Welfare Act by limiting access to a longer list of benefits, and not allowing exceptions (e.g., Head Start, foster care, JTPA, higher education) that are in the Welfare Act.

No Treatment for HIV/AIDS for Legal or Undocumented Immigrants

Neither legal nor undocumented immigrants would be eligible for any publicly financed **treatment** for HIV/AIDS. Legal immigrants could still access **testing** for HIV/AIDS, but undocumented persons would be denied even testing.

Sponsor “Deeming” Would Make Fewer Immigrants Eligible For Assistance

Under current law, legal-status aliens are often required to have a citizen sponsor. The income of the sponsor is currently counted as if it were the immigrant’s income in calculating the immigrant’s eligibility for AFDC, Food Stamps, and SSI; this is called “deeming” of sponsor income. Naturally, this policy means that many immigrants whose personal income is very low may nevertheless be found ineligible for public programs. The Welfare Act signed in August already will extend the required deeming of sponsor income for all **future** immigrants in calculating eligibility for Medicaid, JTPA, Head Start, and other federal need-based programs. The Immigration bill would go beyond this, to also require that a 5-year deeming period will be applied to immigrants who have entered the U.S. within the last 5 years. Exceptions are possible for battered spouses and children.

The Welfare Act created new requirements for sponsors in cases of immigration for family reunification. The Immigration bill would go further, increasing the minimum family income required of the petitioning relative from the current 100% of the federal poverty income level to 125% FPL. **A relative unable to meet this income requirement could never petition for a relative’s immigration, even if the wealthiest sponsor were available.** There are **no** exceptions -- not for the recently widowed, not for those with disabilities, nor for the elderly whose relatives could keep them out of nursing homes.

In addition to meeting this minimum income standard, the petitioning relative must either: (1) have an income of at least 140% FPL to sponsor a spouse or child, or 200% FPL to sponsor a parent or sibling, or (2) must find someone else who can meet these income standards to serve as sponsor.

Sponsors Liable for Cost of Immigrants’ Benefits

Under current law, sponsors sign affidavits of support stating that they will help provide for the immigrant’s needs. Under the Welfare Act, sponsors **who sign these affidavits after the enactment of that law (8/22/96)** will for the first time be held **legally liable** under these affidavits. The cost of many federal public benefits used by the immigrant would be legal debts of the sponsor, and the government could collect those debts. State and local programs would be allowed to adopt similar policies. The Immigration bill would deny citizenship to any immigrant whose sponsor failed to repay any such costs.

You are encouraged to copy and distribute this edition of
★ **The Policy Page** ★