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An update on state and federal action from

## The Center for Public Policy Priorities

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### Immigration Provisions Less Harsh As Bill Combined with Budget Bill

Over the weekend, the President and Democrats in Congress negotiated the removal of several of the harshest provisions included in the Illegal Immigration conference bill approved by the House September 25th. The revised immigration bill has been folded into an Omnibus Continuing Resolution designed to keep the federal government operating as we enter a new federal fiscal year. This spending bill was approved October 1 and will be signed by the President.

#### Deleted or Modified Provisions

Several of the provisions reported in *Policy Page* #32 were deleted from the bill or modified:

- **Deleted** was the provision subjecting legal immigrants to deportation if they used 12 months of publicly-funded benefits within a 7-year period.
- **Deleted** was the provision denying both legal and undocumented immigrants eligibility for any publicly financed **treatment** for HIV/AIDS.
- **Modified** were provisions which would have substantially increased the financial resources required for any person to petition for immediate family members to immigrate. The conference immigration bill would have required the petitioning family to meet a minimum income standard, **and** require an additional higher income standard for sponsorship. Families not meeting the first income standard would not have been able to petition for relatives under any circumstances, regardless of the resources of an outside sponsor. (Immigration experts estimated that over a third of citizens would have been unable to petition for family members under the proposed income requirements.) The final agreement increases the required family income from 100% of the federal poverty income level (FPL) to 125% FPL, but it allows persons and families to combine their income with that of a sponsor to meet the 125% FPL standard.
- **Deleted** was a provision which would have required that a 5-year "deeming" (counting sponsor's income as income available to the immigrant) period be applied to immigrants who have entered the U.S. within the last 5 years. However, the provision in the Welfare Act signed in August that will extend the required deeming of sponsor income for all future immigrants in calculating eligibility for federal need-based programs **remains**.

#### New Provisions of Interest

The budget bill also included several amendments to the Welfare Act which are of note.

An amendment to the Welfare Act allows immigrants who are **domestic violence** victims to petition to be treated as qualified aliens for purposes of public benefit eligibility. Petitioners may not continue to live in the household of the batterer. A separate provision also amends the Welfare Act to exempt immigrants from sponsor deeming if the immigrant has been battered, and requires public benefits as a result. Similar exemptions may be granted to immigrants whose sponsors refuse to assist them in order to avoid **hunger or homelessness**.

The Welfare Act was also amended to guarantee that "qualified" immigrants currently receiving **Food Stamps** will not lose those benefits before April 1, 1997. This does not affect the ban on granting Food Stamp eligibility to most new immigrants.

A summary of the combined immigration policy changes affecting public benefit access in both the Welfare Act and the Budget Continuing Resolution will appear in the *Policy Page* as reliable analysis becomes available.

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