



# THE POLICY PAGE

An update on state and federal action from

## The Center for Public Policy Priorities

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### Many Federal Programs May be Forced to Verify Citizenship, Exclude Undocumented for First Time: Public Health, Child Care, Head Start, Aging Programs Possible Targets

**Welfare "Reform" Changes.** The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), included language directing that "unqualified" immigrants would no longer be eligible for "federal public benefits."<sup>i</sup> ("Unqualified" immigrants are defined as including all undocumented persons, as well as several categories of persons who are legally present but have an immigration status that is time-limited.) While undocumented immigrants have **always** been barred from Food Stamps, Medicaid, SSI, and AFDC/TANF, many other federal programs like Head Start, Child Care, and the Title V Maternal and Child Health Block Grant have historically been required only to establish residency, income and other indicators of need.

"Federal public benefits" were defined in the Act as including "any grant, loan, professional license, or commercial license provided by an agency of the U.S. or by appropriated funds of the U.S., and any retirement, welfare, health, disability, public or assisted housing, post-secondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the U.S. or by appropriated funds of the U.S." The bill listed specific **exceptions** to this ban including: emergency Medicaid services, diagnosis and treatment of communicable disease, and short-term, in-kind emergency or disaster relief, and other non-cash assistance to protect life and safety (benefits in this last category must not be income-conditional).

**New Guidance.** On November 17, the U.S. Department of Justice issued "Interim Guidance on Verification Of Citizenship, Qualified Alien Status, and Eligibility Under Title IV of PRWORA." (See Federal Register: November 17, 1997 pp. 61344. The guidelines describe how agencies must conduct the verification process **if** they are required to exclude unqualified immigrants. They do **not** provide any guidance as to which federal programs are included under the "federal public benefit" definition, and thus it is not clear what programs will have to comply with the rules, or who should therefore be commenting on the interim guidance. However, the Administration has indicated plans to release guidance on the "federal public benefit" definition soon. National advocates fear that the Administration is considering a very broad interpretation of the term which would include Head Start, the Maternal and Child Health Block Grant (Title V), Community and Migrant Health Centers, federally-subsidized Child Care,

the Community Development Block Grant, the Community Services Block Grant, the Low Income Home Energy Assistance Program (LIHEAP), programs funded through the Older Americans Act (except for Senior Food Programs), and possibly others.

**What Would This Mean for Providers and Agencies?** If the above-listed programs are defined as "federal public benefits," there will be a number of practical consequences.

- All providers of services funded through those programs **except non-profit charitable organizations** would have to begin screening **all** of their clients for citizenship status.
- Providers and agencies that are required to screen for citizenship must treat all clients alike as they request documentation of citizenship status. The November 17th guidance specifically forbids the discriminatory treatment of persons based on their race, color, or national origin, or the singling out of individuals for closer scrutiny (or requiring a higher level of documentation) because they "look or sound foreign." Thus, **all** clients must be asked to document their citizenship.
- The screening process would be expected to result in higher administrative costs for programs, and thus a reduction in funding available for direct services. The administrative burden may be prohibitive for smaller agencies and organizations.

The inability of undocumented residents (there are estimated to be between 500,000 and 900,000 such persons in Texas) to access federally-supported basic public health services, child care, etc., will shift the demand for services to agencies and organizations funded by local taxpayers and private charities.

**National advocates recommend making comments IMMEDIATELY to the Office of Management and Budget — The Administration may be planning to release this guidance before January 1! Comments may be directed to:**

**Mr. Franklin Raines  
Director, Office of Management and Budget  
Old Executive Office Building  
Washington, D.C.**

**For more information, contact Anne Dunkelberg at the Center.**

<sup>i</sup>Not to be confused with "federal means-tested public benefits," the group of benefits from which QUALIFIED immigrants are now excluded for 5 years from their date of entry into the U.S.

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