

NLWJC - Kagan

DPC - Box 063 - Folder-001

Welfare-Legal Alien Provisions [2]

Wp - legal alien provisions



Cynthia A. Rice

04/16/97 09:35:53 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP

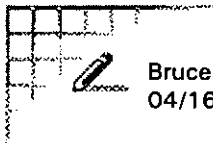
cc:

Subject: Immigration event



imm0409.9 I've alerted Christa. If Elena goes to any scheduling meetings, here's the memo she'll need to push for this.

----- Forwarded by Cynthia A. Rice/OPD/EOP on 04/16/97 09:38 AM -----



Bruce N. Reed

04/16/97 08:49:07 AM

Record Type: Record

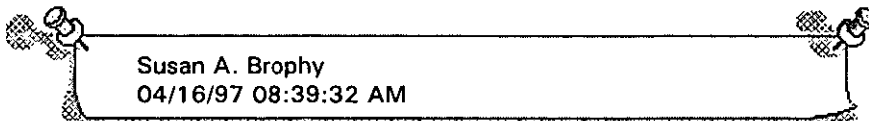
To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Diana Fortuna/OPD/EOP

cc:

Subject: Immigration event

let's push for one.

----- Forwarded by Bruce N. Reed/OPD/EOP on 04/16/97 08:53 AM -----



Susan A. Brophy

04/16/97 08:39:32 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Emily Bromberg/WHO/EOP

Subject: Immigration event

John said that a bipartisan immigration event would be helpful in the budget process because it would put pressure on the Rs.

SCHEDULE PROPOSAL

TODAY'S DATE: 4/7/97

 ACCEPT REGRET PENDING

TO: Stephanie Streett
Director of Scheduling

FROM: Marcia Hale
Assistant to the President for Intergovernmental Affairs

Bruce Reed
Assistant to the President for Domestic Policy

Craig Smith
Assistant to the President for Political Affairs

Emily Bromberg
Special Assistant to the President for Intergovernmental Affairs

REQUEST: For the President to meet with a bipartisan delegation of mayors to highlight the Administration's immigration budget package. On the day of the meeting, OMB will transmit our immigration bill to Congress.

PURPOSE: To demonstrate bipartisan support for the Administration's immigration budget bill; to respond to Mayor Giuliani, Mayor Rice, and Mayor Rendell's request to discuss the effect of welfare reform on legal immigrants.

PREVIOUS PARTICIPATION: The President has met with mayors in large and small forums on several occasions. Most recently, the President met with a group of 12 mayors on December 18, 1996 to discuss urban policy and addressed the Winter Meeting of the U.S. Conference of Mayors on January 17.

DATE: As soon as possible; this event is most newsworthy if it occurs before our entire budget bill is transmitted to Congress.

**SCHEDULING REQUEST
PAGE TWO**

LOCATION: The Roosevelt Room or the Cabinet Room

DURATION: 45 minutes

BRIEFING TIME: 15 minutes before meeting

PROPOSED

PARTICIPANTS: The President
Vice President
Mayor Dennis Archer, Detroit, MI (D)
Mayor Willie Brown, San Francisco, CA (D)
Mayor Martin Chavez, Albuquerque, NM (D)
Mayor Richard Daley, Chicago, IL (D)
Mayor Rudolph Giuliani, New York, NY (R)
Mayor Paul Helmke, Ft. Wayne, IN (R)
Mayor Ronald Kirk, Dallas, TX (NP)
Mayor Tom Menino, Boston, MA (D)
Metro Mayor Alex Penelas, Dade County, FL (includes Miami)

(NP)

Mayor Ed Rendell, Philadelphia, PA (D)
Mayor Norm Rice, Seattle, WA (D)
Mayor Richard Riordan, Los Angeles, CA (R)

MEDIA

COVERAGE: Pool spray at the top

REMARKS: Provided by speechwriters

ORIGIN

OF PROPOSAL: DPC and IGA believe this meeting will help build a bipartisan
consensus for our immigration budget bill.

VPOTUS

ATTENDANCE: Dependent upon his schedule

RECOMMENDED

BY: Marcia Hale, Bruce Reed, Craig Smith, Emily Bromberg

CONTACT: Emily Bromberg (6-2896)

ATTN: Kathy

WR - legal alien priorities

sherman
sklar

Tue Apr 22 14:40 page 1

SLUG	WRITER	DAY	DATE	TIME	REV. BY	ON	STATUS	TIME
Florida To Sue U.S.	nealp	Tue	Apr 22	08:08	schechte	Apr 22 13:15	READY	2:14

cleared/dms

Florida to sue U.S. government over welfare reform impact on legal immigrants
From CNN's Pat Neal

Tallahassee, FL (CNN) -- Claiming that the federal government is unfairly targeting legal immigrants and burdening its taxpayers, the state of Florida Wednesday will become the first in the nation to sue the federal government over changes in the welfare system affecting elderly, poor and disabled legal immigrants, CNN has learned.

Florida will claim, in the suit to be filed Wednesday in Federal court in Miami, that the U.S. government is disproportionately shifting the cost of balancing the federal budget to the states, April Herrle, a spokeswoman for Gov. Lawton Chiles, D, tells CNN.

The state wants changes in those portions of the federal welfare reform act that affect legal immigrants. More than 100,000 legal non-citizens in Florida will lose one or more federal benefits on August 22 this year.

There are more than 1 million legal non-citizens living in Florida, making it one of the four most populous states in this category, the others being California, Texas and New York. About 175,000 receive one or more benefits, according to the state, and more than 100,000 of these legal non-citizens will be affected by cuts mandated by the federal welfare reform act.

The benefits received by the elderly, poor or disabled legal immigrants include Medicaid, Social Security supplemental income and food stamps. The state says these benefits are worth more than \$300 million/year to the affected recipients.

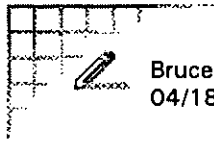
Chiles' staff says state aid already has been extended where possible and adds that the governor considered all options before deciding to sue. The governor believes that what the federal government has done "is not true welfare reform, but balancing the budget on the backs of Florida taxpayers," a staff official said.

The lawsuit will claim the changes violate both the due process and equal protection clauses of the U.S. Constitution. The local Metro Dade County government and individual recipients also will be parties in the state suit.

This would be the first suit filed by a state government against the federal government over the welfare reform act's impact on legal immigrants. The City of New York, along with other immigrant advocates previously have filed suit.

Florida previously sued the federal government - unsuccessfully - to recover the costs of dealing with ILLEGAL immigration - which Florida says amounts to more than 1 BILLION dollars/year.

Wp - legal alien provisions



Bruce N. Reed
04/18/97 05:06:05 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: Elena Kagan/OPD/EOP, Paul J. Weinstein Jr./OPD/EOP, Christa Robinson/OPD/EOP, Diana Fortuna/OPD/EOP

Subject: Re: Legal Immigrant Event/POTUS promise to Hispanic Caucus 

That's great. Make sure it's bipartisan.

Wp - legal alien promises



Cynthia A. Rice

04/18/97 04:42:39 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Paul J. Weinstein Jr./OPD/EOP, Christa Robinson/OPD/EOP

cc: Diana Fortuna/OPD/EOP

Subject: Legal Immigrant Event/POTUS promise to Hispanic Caucus

It turns out that the President agreed on Wednesday in a meeting with the Hispanic Caucus to have an event at the White House that would include legal immigrants about to lose benefits. We are going to try to work with Intergovernmental/~~Leg/Political Affairs~~ to possibly combine this idea with the mayors event idea. After speaking to Emily Bromberg et. al. we'll come back to you with a more specific proposal.



LAWTON CHILES
GOVERNOR

STATE OF FLORIDA
Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

APR 22 97 14:04 107012 1102
Wp - legal alien provisions

MEDIA ADVISORY
April 22, 1997

CONTACT: Edie Ousley
(904) 488-5394

**GOVERNOR SUES FEDERAL GOVERNMENT TO SEEK RELIEF OVER
WELFARE REFORM RESTRICTIONS ON LEGAL IMMIGRANTS**

Governor Lawton Chiles on Wednesday will announce the filing of a lawsuit against the United States Government seeking relief from changes in federal welfare laws that end critical federal benefits for legal immigrants in Florida. More than 100,000 legal immigrants in Florida -- many of whom are elderly or disabled -- will lose one or more federal benefits that help pay for food and other basic living expenses. Florida is the first state in the nation to sue the federal government over this issue.

Governor Chiles will be joined by Lt. Governor Buddy MacKay, Attorney General Bob Butterworth, Dade County Mayor Alex Penelas, state and local officials and individuals directly affected by the welfare law changes.

The press conference will take place at:

10:00 a.m.
April 23, 1997
Capitol Courtyard
(Near back steps of Old Capitol)
Tallahassee

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WR - legal alien provisions

LEGAL IMMIGRANTS AND WELFARE REFORM

4/29/97

Q: This morning, the Senate Appropriations Committee **will take up a supplemental appropriations bill that includes \$125 million for benefits for legal immigrants. Does the President support this?**

A: The President is glad that members of Congress and Governors and state legislators and county officials and mayors -- both Republicans and Democrats -- are gaining a new realization of the impact of the cuts to legal immigrants that were wrongly included in last year's welfare reform bill. Many state and local officials are now looking more carefully at their budgets and the potential costs of assisting disabled legal immigrants, many in nursing homes, without federal help. There are now less than 100 days before August 1st, when many disabled individuals will lose their SSI and Medicaid benefits.

Needless to say, a \$125 million appropriation is a band-aid approach. Such a small sum would meet only a fraction of the need. Most states don't have a mechanism in place to distribute the funds to those in need -- it would make more sense to restore SSI benefits than ask states to create new bureaucracies.

The President has put a comprehensive \$14.6 billion proposal on the table that restores the worst cuts to legal immigrants enacted last year. We encourage the Republican leadership to work with us in the context of budget negotiations to provide medical and other vital assistance to legal immigrants who work hard, pay taxes and contribute to American society and fall on hard times through no fault of their own.

Wp-legal alien provisions



Cynthia A. Rice

04/28/97 10:44:49 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Diana Fortuna/OPD/EOP

cc:

Subject: Q&A re: \$125 million for legal immigrants in Tuesday's Senate Approps markup



q&a0428.9

The Supplemental Appropriations bill that Senate Appropriations Committee is marking up Tuesday at 10:00 includes a \$125 million block grant for legal immigrants. The fund is a pure block grant -- states decide who will be helped and what benefits they'll get. Although the committee language claims this would provide another two months of benefits, CBO says one month of SSI and Medicaid would cost nearly twice as much (\$240 million).

Anyway, attached is a revised version of a previous Q&A that I expect press may need.

TREATING LEGAL IMMIGRANTS FAIRLY: SUMMARY

"We must join together to do something else, too, something both Republican and Democratic Governors have asked us to do: to restore basic health and disability benefits when misfortune strikes immigrants who came to this country legally, who work hard, pay taxes and obey the law. To do otherwise is simply unworthy of a great nation of immigrants."

-President Clinton, 1997 State of the Union.

Restoring fair treatment for legal immigrants is a key part of the President's agenda this year.

The President's budget proposal makes good on his promise to correct the welfare law's harsh provisions on legal immigrants -- provisions that punish children and legal immigrants with severe disabilities, and burden State and local governments. The welfare law denies most legal immigrants access to fundamental safety net programs unless they become citizens -- even though they are in the U.S. legally, are responsible members of our communities, and in many cases have worked and paid taxes. These provisions have nothing to do with the real goal of welfare reform, which is to move people from welfare to work.

- The President's budget proposes to restore Supplemental Security Income (SSI) and Medicaid to legal immigrants who become disabled after they entered the country and to legal immigrant children. This country should protect legal immigrants and their families -- people admitted as permanent members of the American community -- when they suffer accidents or illnesses that prevent them from earning a living. Similarly, the country should provide Medicaid to legal immigrant children if their families are impoverished.
- The President proposes to extend the SSI and Medicaid eligibility period for refugees and asylees from 5 to 7 years, to give that vulnerable group additional time to naturalize.
- Finally, the budget proposes to delay the ban on Food Stamps for legal immigrants from April to September 1997 to provide more time for immigrants who are in the process of naturalizing to complete the process.

The President's proposal would reinstate SSI eligibility for approximately 320,000 severely disabled legal immigrants. Of these 320,000 immigrants, the budget restores Medicaid coverage to 195,000 disabled legal immigrants. In addition, the proposal restores Medicaid coverage to about 30,000 non-disabled legal immigrant children. The cost of these immigrant proposals is \$14.6 billion over 5 years -- \$9.7 billion in SSI costs, and \$4.9 billion in Medicaid costs.

In January, the National Governors' Association agreed that the legal immigrant provisions of the welfare law will cause a considerable cost shift to some states and expressed concerns about the effect of the law on aged and disabled legal immigrants. Providing state-funded benefits to this needy population will divert resources from job training and child care -- which are critical to moving people from welfare to work. The NGA passed a resolution asking Congress and the President to work together to find an equitable solution for states and vulnerable legal immigrants without reopening the welfare reform debate. The President's proposal would do just that.

**TREATING LEGAL IMMIGRANTS FAIRLY:
RESTORING BENEFITS FOR LEGAL IMMIGRANTS WITH SEVERE DISABILITIES**

The President's budget would restore SSI benefits for 312,000 legal immigrant adults who become disabled after their entry into the U.S., in recognition of the fact that they cannot provide for their own support through work. Of those 312,000 legal immigrant adults, approximately 195,000 adults would have Medicaid coverage restored.

Denying SSI eligibility to aged and disabled legal immigrants has nothing to do with welfare reform. Barring legal immigrants who played by the rules and entered the country according to our laws from programs available to all other taxpayers is unfair and shortsighted.

- Approximately 900,000 SSI recipients are now receiving notices that they are at risk of losing their benefits, unless than can show that they are citizens or are in one of a narrow group of exceptions. Under current law, over 400,000 legal immigrants will lose their SSI benefits in August and September of this year.
- Disabled legal immigrants who have sponsors can turn to them for assistance, but many sponsors can't afford the extra costs associated with a disability. In addition, an estimated 44% of legal immigrants, such as refugees, never had sponsors in the first place. Others had sponsors who have died or ceased to support them.
- Many disabled legal immigrants are elderly and reside in nursing homes or assisted living facilities. Without SSI cash assistance, they may face eviction from assisted living arrangements. About 39,000 legal immigrants are in nursing homes and a large number have difficulties with the activities of daily living.
- Nearly 70% of legal immigrants on SSI are over age 65; nearly 30% are over 75 years of age.
- Without SSI payments, state and local governments and private charities will become the prime source of assistance to legal immigrants with severe disabilities.
- In addition, under current state Medicaid plans, it appears that some states may have no provision to continue Medicaid coverage for legal immigrants who lose their SSI. In some states, disabled recipients who lose their SSI may also be without any help for medical expenses.

TREATING LEGAL IMMIGRANTS FAIRLY: PROTECTION FOR LEGAL IMMIGRANT CHILDREN

The President proposes to restore SSI and Medicaid for legal immigrant children.

- The welfare reform law denies SSI and Medicaid to many legal immigrant children who become seriously ill, or have an accident and become disabled, and whose families fall on hard times. It also denies preventive services under Medicaid to legal immigrant children, likely leading to more costly health problems in the future. This policy threatens the health and well-being of a very vulnerable population -- legal immigrant children of low-income parents who need medical services or cash assistance (if disabled), and cannot work their way out of need. We all lose if we deny future citizens the care and support that all children need.
- Under the President's proposal, legal immigrant children would continue to be eligible for SSI and Medicaid. In FY 1998, this proposal would protect SSI and Medicaid eligibility for about 8,000 disabled legal immigrant children, and ensure medical care for about another 30,000 non-disabled children. Existing program income eligibility rules are not affected; only legal immigrant children who are members of low-income families would be eligible for the restored SSI and Medicaid.
- The President's proposal does not undermine or "reopen" welfare reform. The welfare reform provisions denying assistance to legal immigrant children have nothing to do with the central goal of welfare reform: moving people from welfare to work. Instead, the President's proposal protects access to health care for vulnerable low-income children who are permanent members of this nation's communities, cannot work, and do not have any other means of health care. It also protects cash assistance for low-income immigrant children with severe disabilities.
- It is important to note that legal immigrant children cannot become naturalized citizens unless both parents are citizens, or the surviving or custodial parent is a citizen. Therefore, unlike adult legal immigrants, children immigrants do not have an independent avenue to naturalization. For example, orphaned immigrant children must be adopted by a U.S. citizen in order to be classified as a citizen.
- The SSI and Medicaid costs associated with these immigrant children are about \$400 million over 5 years. This policy will ensure that low-income immigrant families with severely disabled immigrant children continue to have a safety net of SSI and Medicaid. It also guarantees that non-disabled legal immigrant children are protected by the Medicaid benefit package, which provides on-going assistance for children suffering from chronic asthma, screening for developmental disabilities, and well-child and preventive care to prevent the need for intensive and costly care in the future.

TREATING LEGAL IMMIGRANTS FAIRLY: EXTENDING ELIGIBILITY FOR REFUGEES

- As a nation of immigrants, this country has a long-standing policy of welcoming to this country refugees and asylees who are fleeing persecution in their home country, and helping them resettle in their new home.
- Under the welfare law, refugees and asylees are exempt from SSI and Medicaid eligibility restrictions for the first 5 years that they are in the U.S. However, after 5 years, needy refugees and asylees would be denied SSI benefits, and Medicaid coverage is a state option rather than guaranteed.
- The President's proposal would extend from 5 to 7 years the period of SSI and Medicaid eligibility for refugees and asylees. This extension would alleviate current hardships while providing elderly refugees an extra 2 years to learn English well enough to naturalize. This policy would cost about \$700 million over 5 years, and protect eligibility for about 17,000 refugees and asylees in FY 1998.
- Few refugees arrive with any financial assets that can be used for self-support. In addition, refugees do not have sponsors.
- Refugees and asylees need a longer eligibility period for assistance than other legal immigrants because of the circumstances that bring them to this country in the first place. Refugees and asylees come to the U.S. with a history of persecution in their country of origin. These individuals frequently experience greater difficulties putting their lives together and becoming self-supporting than other legal immigrants. About one-half of refugees speak little or no English when they arrive here; only about one-tenth speak English fluently.
- Elderly refugees are a particularly vulnerable group. SSA data indicate that of the estimated 58,000 elderly refugees who will lose their SSI eligibility in August/September 1997, 24,000 are aged 75 or older. An estimated two-thirds (38,000) of the 58,000 are severely disabled.
- Generally, refugees and asylees may apply for citizenship after residing in the United States for 5 years. However, the naturalization process can take up to a year, or more. Therefore, individuals who entered the U.S. as refugees or asylees will lose their SSI -- and potentially their Medicaid -- before completing the application process for citizenship, even if they apply for citizenship as soon as they meet the 5 year residency requirement. Also, many elderly refugees are not able to acquire sufficient English language skills in this period of time to pass the citizenship test.
- In refugee communities, the pending loss of SSI and Medicaid and the inability to become naturalized citizens is a major concern. Elderly refugees are understandably terrified that they will be left destitute and homeless.

TREATING LEGAL IMMIGRANTS FAIRLY: THE FOOD STAMP PROGRAM

The welfare reform law made most legal immigrants ineligible to participate in the Food Stamp Program. It was effective immediately for new applicants and at the next recertification for already participating non-citizens.

Concerned about the impact of the law on legal immigrants, who are in the country legally and, in many cases, work and pay taxes, the Administration has worked since the passage of the law to ensure fairer treatment for legal immigrants.

- **As an immediate first step, on the day he signed the law the President signed a directive instructing USDA to allow states to extend the certification periods (the time during which people are authorized to receive benefits) of currently participating non-citizens in order to ensure that their recertification be made fairly and accurately. USDA responded by issuing a memorandum to all state agencies on August 26, 1996 that waived Food Stamp regulations and allowed state agencies to extend the certification periods of all households containing participating noncitizen members up to the maximum time permitted by law -- 12 months (24 months in the cases of households with all elderly or disabled adult members), though not beyond August 22, 1997.**
- **The President then signed the Omnibus Consolidated Appropriations Act on September 30, 1996, which delayed implementation of the welfare law's provisions for participating legal immigrants until April 1, 1997. As a result, state agencies must redetermine the eligibility of all legal immigrant recipients between April 1, 1997 and August 22, 1997. USDA provided written guidance on implementing the new law to State agencies on October 2, 1996.**
- **On October 18, 1996, USDA provided written guidance to State agencies on how to implement the provision allowing legal immigrants who have worked or can be credited with 40 quarters of qualified work to receive food stamps. USDA authorized certification pending verification for immigrants who, alone or in combination with parents and/or spouse, have spent sufficient time in the U.S. to have acquired 40 quarters of coverage. These individuals need only to attest to 40 quarters of qualifying work at the time of application to meet the 40 quarters test, with subsequent verification by SSA.**
- **USDA has been working closely with states to develop ways to manage certification periods to ensure that legal immigrants can continue to participate in the Food Stamp Program through August 1997. Thirty-eight states continue to use the certification period waiver to extend benefits.**
- **Finally, the President's budget includes a provision that would extend participation of certified legal immigrants through the end of fiscal year 1997, thus providing them more time to naturalize or to achieve the needed 40 quarters of work to qualify for the program.**

COST OF IMMIGRANT PROPOSALS

QUESTION:

How much does your Budget spend on restoring welfare benefits to legal immigrants?

ANSWER:

- ▶ The President's Budget assists those legal immigrants who, through no fault of their own, are unable to work: children and individuals who are disabled.
- ▶ The President's immigrant proposals total \$14.6 billion over five years FY 1998-2002, \$4.9 billion are Medicaid costs. The President's budget seeks to:
 - ▶ **Restore SSI and Medicaid eligibility for disabled immigrants (\$13.7 billion SSI and Medicaid costs).** The welfare law would discontinue SSI and restrict Medicaid benefits for legal immigrants, including the disabled and children. The President's budget would continue to provide SSI and Medicaid for 320,000 legal immigrants who become disabled after they enter the country and exempt them from the new deeming rules.
 - ▶ **Restore Medicaid eligibility for non-SSI immigrant children (\$.2 billion Medicaid costs only).** The Administration's budget would restore Medicaid eligibility to approximately 30,000 immigrant children, if they are otherwise eligible, and exempt them from the new deeming rules.
 - ▶ **Extend the refugee exemption period from 5 to 7 years (\$0.7 billion SSI and Medicaid costs).** The President's budget would lengthen the exemption period for refugees and asylees from 5 to 7 years. The 5 year exemption in the welfare law does not provide enough time for refugees and asylees to become citizens.
 - ▶ **Delay the Food Stamp ban until the end of FY 1997 (\$0.2 billion - these costs are incurred in FY 1997) .** The welfare law denies Food Stamps to most legal immigrants currently receiving benefits and future applicants, affecting a million immigrants. Last year's Omnibus Consolidated Appropriations Act delayed the ban from January 1, 1997 to April 1, 1997 to give immigrants in the process of naturalizing more time to complete the process prior to having their benefits eliminated. Recognizing the effort that many are making to become citizens, this proposal would further extend the delay to the end of FY 1997.

STATE AND LOCAL IMPACTS OF NEW IMMIGRANT RESTRICTIONS

QUESTION:

What is the impact of the new immigrant eligibility restrictions on state and local governments and other service providers?

ANSWER:

- ▶ It is difficult to predict with any precision. However, CBO estimated total federal budget savings (through FY 2002) of nearly \$24 billion from the passage of these provisions of welfare reform, and state and local governments will now have to decide how much of their own assistance they will provide to legal immigrants in order to replace this huge withdrawal of federal assistance.
- ▶ Even though states and localities are provided options to deny various assistance to legal immigrants similar to that enacted for federal programs, it is unclear whether they will take such a course. Many of the legal immigrants are likely to remain residents of the state and denying them fundamental safety net assistance will merely result in other costs such as increased public health threats, increased homelessness and hunger, etc. Some states have constitutions that would require state and local governments to provide assistance.
- ▶ The Medicaid restrictions in particular, but also the SSI restrictions, could adversely affect the revenues of hospitals and other health providers (such as nursing homes and doctors) in high-immigrant communities.
- ▶ Therefore, these provisions represent a significant cost-shift from the federal government to state and local governments.
- ▶ States (and localities) with large immigrant populations will be affected disproportionately by the new restrictions (e.g., California, New York, Texas, Florida, Illinois, New Jersey, and Massachusetts).

OPENING UP WELFARE REFORM?

QUESTION:

Aren't you opening up the welfare reform bill with your immigrant proposals?

ANSWER:

- ▶ No. The President remains firmly committed to implementing the welfare reforms he signed into law last year.
- ▶ But the immigrant restrictions of the new welfare law never had anything to do with the central goal of welfare reform -- moving welfare recipients from welfare to work. This is **not** an effort to "open up" welfare reform, but an effort to restore benefit cuts that were attached to welfare reform for budgetary reasons and shouldn't have been part of the bill to begin with.
- ▶ Legal immigrants work hard, pay taxes and contribute to American society. Immigrant children and disabled immigrants who fall on hard times through no fault of their own should get medical and other vital assistance when they need it.

NGA PROPOSAL AND IMMIGRANTS

QUESTION:

The Governors asked the Administration to work with them and the Congress to “meet the needs of aged and disabled legal immigrants who cannot naturalize,” but specifically stated we did not need to reopen welfare reform to do it. Why then does the Administration propose to reopen welfare reform and make costly changes that would give welfare to immigrants?

ANSWER:

- ▶ The Administration is firmly committed to the major reform of welfare the President signed into law last year. However, the Administration’s proposals do not reopen welfare reform.
- ▶ But the immigrant restrictions of the new welfare law had nothing to do with the central goal of welfare reform -- moving welfare recipients from welfare to work. This is **not** an effort to “open up” welfare reform, it is an effort to restore benefit cuts that should not have been in the welfare bill to begin with.
- ▶ Legal immigrants work hard, pay taxes and contribute to American society. Immigrant children and disabled immigrants who fall on hard times through no fault of their own should get medical and other vital assistance when they need it.
- ▶ The Administration’s immigrant proposals are responsive to the concerns noted by the Governors and we welcome the opportunity to work with them and the Congress to rectify some of the unfair burdens placed on immigrants and the communities they live in.
- ▶ Our budget addresses the needs of immigrants disabled after entry by reinstating their eligibility for SSI and Medicaid; exempts all legal immigrant children from SSI and Medicaid eligibility restrictions; extends SSI and Medicaid eligibility for refugees from 5 to 7 years; and delays the Food Stamps cut-off until the end of the FY 1997.
- ▶ These proposals would restore aid to these most vulnerable people who need assistance through no fault of their own.
- ▶ In addition, our proposal is responsive to the NGA statement that the immigrant provisions represent a considerable cost shift to state and local governments. The Administration’s proposals significantly reduce the burden on state and local governments.

WHY NOT A BLOCK GRANT?

QUESTION:

Why not just establish a block grant to the States to assist them in providing services to those legal immigrants who lose SSI?

ANSWER:

- There is no infrastructure in place at the state level to deliver income support to the disabled population. In many states, it is local government that directly provides health care to the indigent.
- Charity organizations may become these immigrants' only source of income support. Under a block grant that provides funds to State governments, it is not clear how the funds would reach those private organizations that actually provide the services.
- The history of using block grants to provide services to immigrants is discouraging. It has been attempted before without good results. The block grant created by the 1986 immigration reform law was the State Legalization Impact Assistance Grants (SLIAG) program, and it proved to be an inefficient method of assisting the States and very difficult for them to manage. In addition, although SLIAG was federally funded, its appropriation in the third year was reduced by almost two-thirds to support discretionary spending elsewhere. By the fifth year, SLIAG funding was reduced to zero.
- A block grant of the size being discussed (\$2-3 billion) would meet only a small fraction of the need. Such a small block grant would either be concentrated in a few areas, leaving many communities unassisted, or it would be spread so thin that heavily affected areas would receive only a tiny fraction of the help they need.
- It appears that any new block grant would be only temporary, i.e., for two or three years. This will just leave those legal immigrants that a block grant is able to reach without support two years from now.
- The best solution is to retain eligibility for the most vulnerable immigrants -- those legal immigrants who become disabled after entering the United States, refugees, and immigrant children -- within the existing Federal social safety net.

MAKING SPONSORS RESPONSIBLE

QUESTION: Why shouldn't immigrants be taken care of by the sponsors who agreed to take care of them?

ANSWER:

- We agree that sponsors need to be held responsible and accountable. That's why we support the new law requiring all family-based and some employment-based immigrants to have legally binding affidavits of support.
- However, nearly all legal immigrants now in the U.S. either have sponsors who are not legally obliged to support them or have no sponsors at all.
- Sponsors of immigrants who arrived before welfare reform signed affidavits of support that are not legally binding and therefore do not obligate them to provide support or to reimburse for public assistance.
- And recent INS estimates of all FY 1994 non-refugee immigrants found that nearly half--or 44 percent--did not have sponsors.
- Our proposal would exempt from these harsh new rules only those legal immigrants who become disabled after entry into the U.S. or legal immigrant children. Sponsors of legal immigrants who become disabled after entry have no possible way of planning for the costly care that results from an unforeseen severe disability.
- We think it is unfair to impoverish such sponsors beyond regular program requirements for family income, or to withdraw assistance from disabled immigrants who have never had sponsors.
- Under the new deeming rules, not only must sponsors impoverish themselves so that immigrant family members are eligible for SSI and Medicaid assistance, but they are also liable to repay the amount of assistance received by such family members when these rules have made them least able to make repayments.
- Similarly, sponsors of immigrant children--like many working parents, both citizens and legal immigrants--have difficulty affording health insurance and would be overwhelmed by health care expenses arising from severe illnesses or injuries suffered by their children (for example, children who suffer from leukemia or serious head injuries).
- Denying Medicaid to legal immigrant children whose families have fallen on hard times threatens the health and well-being of an extremely vulnerable population, and likely leads to more costly health care in the future.

IS THERE A TANF SURPLUS?

QUESTION: Won't the surplus from TANF be sufficient to allow states to provide benefits to legal immigrants?

ANSWER:

- **No.**
- **It's not a surplus.** TANF block grant levels are held flat based on state AFDC, JOBS, and Emergency Assistance spending during 1992-1995. Because AFDC caseloads have gone down, we can expect that the cost to states of AFDC-type *benefit* payments over the next few years should be lower than they were in 1992-1995. However, the funds are needed to support the transition from welfare to work.

When TANF was established, the states and the Congress realized that, as compared to the AFDC system, more funds would be needed in the early years to move families from welfare to work. Because of the recent decline in AFDC caseloads, states are in an especially good position to begin the historic transformation from a welfare program to a jobs program.

This is because any decrease in the total amounts states spend on direct benefits will help states meet critical needs and afford the increased costs of providing training, child care, creating jobs in high-unemployment areas, and other assistance needed to support the transition from welfare to work. Therefore, moving recipients into the workforce will not produce short-term savings.

While the block grant levels for each state do not increase from FY1997 through FY2000, required work participation rates increase from 25 to 50 percent, and required hours of work per week increase from 20 to 30 over that time period. There will be increased child care costs associated with these requirements. In addition, inflation will raise costs for services and may lead to increased nominal per-capita benefit costs. Finally, if there is a recession, we can expect that the pool of families needing TANF assistance will increase.

- **This is only the beginning of welfare reform.** To fulfill the central goal of welfare reform -- moving people from welfare to work -- we must make sure that the tools to achieve it are available to states and communities. States will have to use their financial resources to provide supports like job training and child care necessary to move large numbers of single parents from welfare to work. And it will require an unprecedented commitment from business, non-profit organizations, and religious institutions. That's why the President's budget includes over \$3 billion for grants, as well as expanded tax incentives, to support states, cities, and the private sector in creating job opportunities for the hardest to employ welfare recipients. In fact, Republicans and Democrats in Congress have made this a priority area for bipartisan discussion on the budget.

- **After caseload decline, many hard-to-place recipients remain on the rolls.** Now that caseloads are down, states are likely to find that they are now reaching the harder to place people, which will lead to increased costs. The legislation says this is a critical investment for us to make -- we need to expect work, and we need to provide the supports necessary for families to move from welfare to work.
- **Cuts in assistance to legal immigrants are a cost-shift to states.** As the National Governors Association has said, the welfare reform restrictions on federal assistance to legal immigrants is a considerable cost-shift to states. If states divert financial resources to legal immigrants, they may not have sufficient resources for job training and child care necessary to move large numbers of parents from welfare to work.
- **Even under the old system, benefits are only part of the equation.** The TANF block grant combined funds for AFDC benefits with JOBS funds, Emergency Assistance funds, and funds for administration. Although AFDC benefit expenditures have declined, expenditures for other activities, such as Emergency Assistance, have increased substantially. Therefore, the effect of flat-funding TANF at 92-95 levels only provides unanticipated funds under one part of the equation -- benefit payments. Increased expenditures for other activities have to be paid from the TANF block grant.
- **Different states are in very different situations.** Some states have especially great needs for services, or smaller reductions in caseloads, or other special circumstances like areas of rural poverty which might need greater investments in economic development or transportation. Similarly, about 80 percent of all legal immigrants reside in only six states -- CA, NY, TX, FL, NJ, and IL. That's why some Governors, like Governors Pataki, Bush, and Chiles, have been so clear about the need for additional resources. In addition, because the decline in AFDC caseloads since 1995 has not been uniform across states, the financial impact of TANF will vary considerably across states.

INCREASE OF NON-CITIZENS ON SSI ROLLS

QUESTION:

What explains the increase in the number of non-citizens on the SSI rolls?

ANSWER:

The number of non-citizens on the SSI rolls has increased along with the number of legal immigrants admitted into the United States. Since 1980, the percentage of foreign born persons living in the U.S. has grown from slightly less than 4 percent of the U.S. population to over 9 percent of the U.S. population, according to the Bureau of the Census.

Given the increase in immigration, it is not surprising that there has been an increase in the numbers of non-citizens on the SSI rolls over the past 13 years. However, the number remains a small percentage of the total SSI rolls, rising from 3 percent in 1982 to a little over 12 percent in 1995.

Statistically, the largest increase in noncitizen participation has been seen in the aged recipient population. But this increase should be viewed in the same context. Over this same 13-year period, the number of aged citizen recipients has been declining, because most citizens aged 65 and older now receive Social Security benefits that are large enough to preclude SSI eligibility. Participation of aged citizens has dropped from almost 1.5 million in 1982 to a little over 987,000 in 1995, a decline of 32 percent. Therefore, the increase in the percentage of aged noncitizens on SSI is due both to the decrease in the number of citizen aged, as well as to the increase in the number of noncitizen aged.

In addition, the number of aged non-citizens newly awarded benefits each year has declined from about 73,000 in 1993 to just a little over 46,000 in 1995, a decline of 37 percent.

REFUGEE ELIGIBILITY EXTENSION

QUESTION:

What accounts for the high welfare utilization rates among refugees?

ANSWER:

- ▶ By definition, refugees and asylees are individuals who come to our country to **escape** persecution in their country of origin. These individuals have generally experienced war or other violent trauma requiring medical and income assistance. They often **need more** time to put their lives together and become self-supporting than other legal immigrants.
- ▶ About one-half of refugees speak little or no English at arrival; only about one-tenth speak English fluently.
- ▶ Therefore, we believe refugees and asylees need a longer eligibility period for assistance than other qualified aliens because of the unique circumstances that bring refugees and asylees to the U.S.
- ▶ Under the President's proposal, refugees and asylees would get an additional **two** years of eligibility, to provide additional time to enable them to naturalize or to achieve **stable** self-support. The President's budget proposal would extend refugees' eligibility for SSI and Medicaid benefits from 5 to 7 years.
- ▶ The longer time period is particularly important because more recent refugee populations have included larger numbers of older and elderly individuals who **require** a longer time to adjust.
- ▶ Finally, refugees are not even eligible to **apply** for naturalization until they are **near** the end of their 5 years residence. Since the processing time for naturalization applications is now about 1 year, this extension from 5 to 7 years is necessary to **physically permit** refugees to comply with INS procedures without being denied crucial services **during** the interim.

WHY NOT ALL ELDERLY?

QUESTION:

Why didn't the Administration request reinstatement of eligibility for all elderly non-citizens?

ANSWER:

- Within the context of balancing the federal budget by FY2002, the Administration proposal targets the most vulnerable legal immigrants affected by welfare reform -- disabled adults, including the elderly, and children -- and reinstates their SSI and Medicaid eligibility.
- Under the Administration plan, all legal immigrants over the age of 65 who are disabled will qualify for benefits -- including the majority of the elderly on SSI.


Wp - legal immigrant
provinces

From: Kenneth S. Apfel on 04/14/97 02:07:59 PM

Record Type: Record

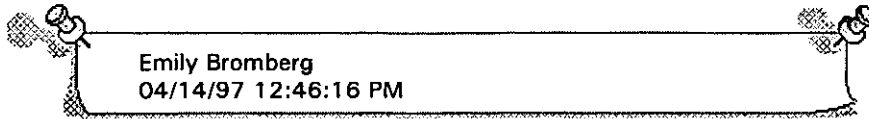
To: Emily Bromberg/WHO/EOP

cc: Cynthia A. Rice/OPD/EOP, Bruce N. Reed/OPD/EOP, Diana Fortuna/OPD/EOP, Elena Kagan/OPD/EOP

Subject: Re: Hispanic Caucus meeting Wednesday 

Not now on the delay - - it would really hurt us given the state of the discussions. Currently, we're making some progress on our ssi disabled stuff. Who knows where its headed, but signals on a delay now wouldn't be helpful.


WZ - legal immersion



Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: Bruce N. Reed/OPD/EOP, Diana Fortuna/OPD/EOP, Elena Kagan/OPD/EOP, Kenneth S. Apfel/OMB/EOP

Subject: Re: Hispanic Caucus meeting Wednesday 

fyi, gov chiles is wondering when the right time is to start talking about delaying implementation (he supports our position but assumes we won't get it). i told his office to keep the pressure on and to still take our position. he obviously prefers delay to block grant. as we move toward a deal, we should keep this in mind.

*WR - legal alien
provisions*



Cynthia A. Rice

04/11/97 02:32:13 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: I was faxed a letter to POTUS from 7 Democratic Senators re: legal immigrants

The letter says in part "We are writing to commend your ongoing commitment to restore SSI, Medicaid and other benefits to legal immigrants, which were cut or eliminated through enactment of the 104th Congress' welfare reform initiative. As budget negotiations with Congress proceed, we are prepared to stand firmly with you to demand that key federal benefits to legal immigrants be restored." Signed by Senators Wellstone, Durbin, Kennedy, John Kerry, Bob Graham, Boxer, and Lautenberg.

If you don't already have a copy and want one, respond with your fax number.

Message Sent To:

Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Susan A. Brophy/WHO/EOP
Janet Murguia/WHO/EOP
Diana Fortuna/OPD/EOP
Emily Bromberg/WHO/EOP
Kenneth S. Apfel/OMB/EOP

Wk - legal alien provisions



Cynthia A. Rice

04/07/97 11:28:40 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: Legal Immigrants

FYI --

----- Forwarded by Cynthia A. Rice/OPD/EOP on 04/07/97 11:31 AM -----

From: Kenneth S. Apfel on 04/07/97 10:05:55 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: Diana Fortuna/OPD/EOP, Stephen C. Warnath/OPD/EOP, Emily Bromberg/WHO/EOP, Janet Murguia/WHO/EOP

Subject: Re: Legal Immigrants

OMB is fine to send up a separate immigration bill. I will ask to get one ready to go so that we will be ready when a decision is made to send one.]



Cynthia A. Rice

03/19/97 03:45:01 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc: Diana Fortuna/OPD/EOP, Lyn A. Hogan/OPD/EOP

Subject: Immigration Strategy

To build serious momentum for our legal immigrants proposal, I think we need to strategize and coordinate message/events with the Hill and outside advocates. Others seem to agree because Sandy Levin is organizing a strategy group to meet about every three weeks, comprised of:

About 5 House members (Levin, Becerra, Spratt, Kennedy, Gephardt)

About 5 Senators (Kennedy, Daschle, others)

About 10 key advocacy groups (counties, public hospitals, state legislatures, Catholic Bishops, National Council of La Raza, etc.)

and they want us also. Eric Gould called me and Janet Murguia from Leg Affairs. The first meeting, for staff, is scheduled for this Friday at 9:30 but later meetings will probably include members. Coincidentally, this Friday's meeting clashes with our 10:00 bifucation meeting with HHS and is right before our 11:00 meeting with a large group of immigration advocates.

Questions:

1) Do you think the Administration should attend these meetings?

2) Who should represent the Administration?

a) White House (i.e. me, Diana, leg affairs)

b) White House and OMB

c) White House, OMB, and agencies? (HHS, SSA, USDA)

Coincidentally, I'd like to have a similar type of group for our welfare to work legislative proposal. I'm sure if we ask the Blue Dogs would organize. What do you think?

Wk - legal immigr. provisions

Stephen C. Warnath

03/24/97 05:47:13

PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, Diana Fortuna/OPD/EOP

cc: Elena Kagan/OPD/EOP

Subject: POTUS welfare & immigrants event(s)

A follow-up on our meeting: I heard that the President might be going to New York in April. If he is, I would recommend that we use that opportunity to propose that he do something with the disabled elderly (or children) that will put a human face on the impending hardship many will face and give him a platform for a clear statement advocating his legislative proposal. I also don't think he needs to strain to issue a directive or other "action hook" to do the event. The situation is compelling enough on its own to warrant the event and to get coverage. Moreover, it seems unlikely that there is a directive that he could sign right now that would address enough of the problem not to seem trivial. If he is going to New York, that would be a good spot for such an event for the reasons we have discussed before: it has a sympathetic Republican mayor and governor. That doesn't mean that they necessarily need to be involved in the event -- others can make that assessment better than I can -- but whether or not they are involved, being in such a state would provide some cover so that the story doesn't become simply a debate between the President and state or local officials .

To reinforce the message of such an event, we could consider following this up with a radio address a week later or when Congress comes back in session or whenever is appropriate where he says something like . . . "Last week, I visited _____, and I want to share with you some of the personal stories that I heard. . . And that is why we need my proposal to pass in Congress." If he needs to have more proactive stuff, we could consider: "In addition, we have SSA out working with people to try to soften the blow . . . and the Food Stamps people are out trying to make sure people are protected to the maximum extent under this law, and HHS _____, etc." If our media people think that this is too redundant on its own, then we can work hard to try to come up with a directive or something for him to sign.

Alternatively, in a follow-up radio address, he could pitch the welfare fix by setting up a contrast between our policy on benefits for undocumented immigrants and for legal immigrants. Something like: "On April 1st some new provisions of the welfare bill went into effect. The welfare bill includes provisions that support my policy that those who have come to this country illegally generally should not be eligible for benefits. I don't believe that taxpayers should be required to bear these costs. However, as I stated in the State of the Union, it is unworthy of a great nation to remove protections for those who are here legally and are working hard, paying taxes and playing by the rules. I recently met with . . . (and then he could describe some of the personal situations). My proposal would help many of these people and Congress should pass it." [If we do bring the issue of benefits for illegal immigrants into a radio address, we have to be very careful -- certainly more precise than I am being here. It's easy to mess up.]

Anyway, I agree with Janet Murguia that if we are going to do an event with the President, it really would be better to be earlier rather than later.

Thanks.

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Stephen C. Warnath/OPD/EOP
Subject: Legal Immigrant Strategy

We held an initial meeting of our new legal immigrant strategy group today, with HHS, SSA, USDA, INS, OMB, and intergovernmental in attendance. We stressed to the agencies that we need their commitment and cooperation, and for them to take ownership of the issue.

Today we focused on organizing the agencies to work together to produce good paper, particularly Q&A that responds to criticisms of our proposals. Agencies will do initial drafts by tomorrow, and we will meet as a group again early next week to look at the product.

We decided to have a meeting the week after next with immigration, health, and disability groups, to share this paper with them, get them energized, share ideas, and demonstrate our commitment on this issue. It may be helpful for you to make a brief appearance at such a meeting to help on this last point.

We also decided to reach out to the counties and cities. We hope to do some numbers on the impact by state/region so that these groups are better armed. The VP is apparently doing a NACO conference sometime soon. Emily doesn't think we can expect much from the Governors immediately.

We didn't get too far on legislative strategy yet, and will discuss that at our next meeting.

After the meeting, Ken and I talked about the "bucket" issue. What this would do is convert a chunk of the legislative fix into an admin fix. It would let more people who are losing SSI keep Medicaid, either temporarily or permanently. If we do this, it would make the remaining legislative package less compelling, but the administrative action itself would certainly be a positive move. (Although of course some advocates would be disappointed because it is not a total fix of the problem.)

I will keep you posted on next steps.

Legal Immigrant Strategy Group
February 19, 1997
Agenda

- Purpose of Meeting
- Need for coherent, shared document with description, talking points, Q&A
 - discussion of hearing last week
 - development of list of Q&A's/items needing response (block grant, etc.)
 - agencies' role
- Strategy -- Discussion
 - Legislative strategy
 - Communications: look at upcoming deadlines, events; opportunities for WH, secretaries to keep issue in public eye
 - Work with immigration groups, states; others?
- Next Steps



LAWTON CILLIES
GOVERNOR

STATE OF FLORIDA
Washington Office

444 NORTH CAPITOL STREET
WASHINGTON, D.C. 20001
(202) 624-5885

DEBORAH K. KILMER
DIRECTOR

MEMORANDUM

TO: Florida Congressional Delegation

FROM: Debby Kilmer *DKK*

SUBJECT: Federal Benefits for Legal Immigrants

DATE: February 13, 1997

Attached is an information packet released today by the Governor's Office in Tallahassee in response to many inquiries about the Florida impact of the legal immigrant restrictions contained in the new welfare reform law (Public Law 104-193). The Governor's Office in conjunction with many of the State's relevant agencies has compiled the unduplicated numbers contained in the packet from Florida participation rates in federal programs of Food Stamps, Medicaid and welfare assistance which the State administers. The SSI numbers are from the Social Security Administration as the State does not administer this program for low-income elderly and disabled nor does it have any access to participant numbers.

These are unduplicated numbers as most legal immigrants receive more than one federal benefit. However, the numbers are "fluid" as Florida's welfare rolls and naturalization rates are changing monthly. According to the INS, at last count there were approximately 130,000 persons naturalized in Florida last year at an average rate of 20,000 per month. These numbers have been factored into the attached Florida impact numbers, including the SSI numbers according to the Social Security Administration.

I hope this information is helpful to you. Please don't hesitate to contact us if we can provide further assistance. We are hoping to conduct a briefing on this issue in the near future for your staff with appropriate state officials.

attachment

FEDERAL WELFARE REFORM

Effects on Legal Immigrants

NUMBERS

IMPACT ON INDIVIDUAL LEGAL IMMIGRANTS IN FLORIDA

The 1996 federal welfare reform law denies public assistance benefits to many legal residents who have not attained U.S. citizenship status. This federal policy change will have a profound impact on Florida. There are an estimated one million legal immigrants in Florida and approximately 175,000 receive one or more federal benefits. More than 100,000 legal immigrants in Florida are expected to lose benefits. Many of these residents are elderly. Under the federal welfare reform law, these residents will lose more than \$300 million in federal benefits that help to pay for food and living expenses.

- **Supplemental Security Income (SSI):** An estimated 54,000 of Florida's legal immigrant residents will lose SSI -- a primary source of income for many elderly, infirm or disabled legal immigrant residents.

Value of Lost Monthly Federal Benefit Per Person: \$342

Annual Federal Benefit Loss to Florida: \$220 Million

- **Food Stamp Benefits:** Nearly 98,000 Florida residents will lose food stamp benefits.

Value of Lost Monthly Federal Benefit Per Person: \$76

Annual Federal Benefit Loss to Florida: \$89 Million

- **Medicaid:** More than 3,000 legal immigrants will lose coverage which pays for medical care.

Value of Lost Monthly Federal Benefit Per Person: \$85

Annual Federal Benefit Loss to Florida: \$3 Million

- **Temporary Assistance to Needy Families:** An estimated 500 residents not covered by the state option to extend cash assistance to needy legal immigrants will lose temporary assistance to needy families.

Value of Lost Monthly Federal Benefit Per Person: \$93

Annual Federal Benefit Loss to Florida: \$561,000



Revised: 2/13/97

FEDERAL WELFARE REFORM

Effects on Legal Immigrants

FISCAL IMPACT ON FLORIDA

- **Cost Shift to Florida:** Florida's state and local governments may have to fill the vacuum left by the elimination of federal assistance and restore benefits to current legal immigrants.

Estimated Cost of Lost Federal Benefits: more than \$300 million per year

Total Estimated Lost Economic Output: More than \$530 million

Total Estimated Lost Earnings: More than \$130 million

Total Estimated Job Loss: More than 4,700 jobs

- **Cost of Exercising State Option:** Florida has exercised a state option to continue providing Temporary Aid to Needy Families (TANF) and Medicaid to eligible legal immigrants.

Number of Legal Immigrants Covered Under TANF: 19,000

Total Cost Absorbed by Florida to Extend TANF: \$21 million

Number of Immigrants Extended Medicaid Coverage: More than 63,000

Total Cost Absorbed by Florida to Extend Medicaid: \$51 million

- **Federal Policy -- Florida's Burden:** Legal immigrants who arrive after August 22, 1996 are ineligible for most means-tested federal public benefits, including SSI and food stamps. Yet, federal law continues to guarantee admission to immigrants. Under the U.S.-Cuba Accords alone, some 20,000 immigrants will come to this country each year. It is estimated that 85 percent of these new arrivals will settle in Florida and the yearly cost to address their needs is estimated to be more than \$14.5 million.

- **Nursing Home Impact:** Since 54,000 residents will lose cash benefits, but retain Medicaid, it's estimated some may end up in nursing homes. Based on current health status surveys, more than 800 immigrants are likely to qualify immediately for nursing home admission.

Estimated Cost to Florida: \$29 million

- **Threat to Health:** Costs due to deteriorating health of immigrants who lose benefits are also expected to rise due to this cut in benefits.

Estimated Cost to Florida: \$36 million

- **Strain on State Services:** The Florida Department of Children & Families will have to determine Medicaid eligibility for non-citizens who lose Supplemental Security Income benefits. Before the change in federal law, SSI eligibility was determined by the Social Security Administration and Medicaid eligibility was automatic for SSI recipients.

Increased State Workload: 54,000 cases

Estimated First Year Cost to Florida: \$16 million



Revised: 2/13/97

FEDERAL WELFARE REFORM

Effects on Legal Immigrants

IMPACT ON FLORIDA'S COMMUNITIES

- **Shock to Elder Care Services:** With many elder immigrants losing Supplemental Security Income, charitable and community homes for the elderly may suffer a loss of revenue. Currently, such homes receive these payments to defray the cost of care.
- **Strain on Public Hospitals:** Immigrants arriving after August 22, 1996, are ineligible for Medicaid and are likely to seek medical care from local non-profit hospitals like Miami's Jackson Memorial.
- **Increased Health Care Costs:** Deteriorating health status of immigrants due to loss of benefits to pay for housing, health care and food, are likely to increase the cost of managed care.
- **Threatened "Safety Net" Services:** New provisions regulating federal community development block grants restrict some community providers from serving immigrants.
- **Jump in Homelessness:** Nearly 70 percent of the state's legal immigrant population lives in Dade and Monroe counties. Currently, an estimated 8,500 homeless people live in Dade County. If 54,000 non-citizens lose basic financial support, Dade's homeless population could increase significantly.

Revised: 2/13/97

NUMBERS



FEDERAL WELFARE REFORM

Effects on Legal Immigrants

How many legal immigrants in Florida are impacted by changes in the federal welfare law?

More than 100,000 of the estimated one million legal immigrants living in Florida stand to lose benefits under changes in federal welfare law. Many of these legal residents are elderly or disabled.

How much do legal immigrants stand to lose under changes in the welfare law?

Florida's legal immigrants adversely impacted by federal changes in the welfare law will lose more than \$300 million in federal benefits. In many cases, these benefits help to meet food and living expenses.

What kind of benefits will Florida's legal immigrants lose?

Federal benefits that Florida's legal immigrants face losing include: Supplemental Security Income (SSI), 54,000 impacted; food stamps, 98,000 impacted; Medicaid, 3,000 impacted; and Temporary Aid to Needy Families (TANF), 500 impacted.

How could these legal immigrants escape losing their federal benefits?

Legal immigrants, except for those in certain exempted categories, will have to become U.S. citizens to continue receiving their benefits. To become a citizen, a person must be over the age of 18, lawfully admitted to the U.S., reside in the country continuously for five years, and have a basic knowledge of English, American government and U.S. history. Many of Florida's elder legal immigrants may have trouble meeting many of these requirements.

Who will fill the need for Florida's legal immigrants when they lose federal benefits under the new law?

Demand will be placed on Florida's state and local taxpayers to pick the yearly tab, in excess of \$300 million annually, to serve needy legal immigrants who lose federal benefits. Florida has already exercised the state option to continue providing Temporary Aid to Needy Families and Medicaid to many legal immigrants -- at a cost of \$72 million.

This change in federal law could place a significant burden on the delivery of social services in Florida. These changes could impact services for elders, place a strain on public hospitals, increase health care costs and put more people on the streets.

When do these changes in the welfare law take effect?

August 22, 1997 -- one year after President Clinton signed the welfare legislation into law. Until then, the Social Security Administration and the Florida Department of Children & Families will notify legal immigrants of the changes in the law and determine eligibility to continue receiving benefits.

Revised: 2/13/97



FEDERAL WELFARE REFORM

Effects on Legal Immigrants

KEY TERMS

Asylee: A person who seeks asylum and is already present in the United States when he or she requests permission to stay.

Florida Department of Children & Families: Florida state agency charged with determining eligibility and delivering of public assistance benefits including Temporary Aid to Needy Families and Food Stamps. Also determines Medicaid eligibility.

Food Stamps: Federal program to provide nutritional assistance to needy individuals and families administered by the Florida Department of Children & Families.

Lawful Permanent Resident: An immigrant living in the U.S. who has met legal requirements to establish permanent residency.

Medicaid: Federal program to provide health care to needy individuals and families.

Naturalization: Process by which a foreign born individual becomes a U.S. citizen. Naturalization requires that the person be over 18, lawfully admitted to the U.S., reside in the country continuously for five years, and have a basic knowledge of English, American government and U.S. history.

Qualified Alien: Immigrants eligible for public benefits identified in the 1996 welfare reform legislation as: legal permanent residents; refugees; asylees; aliens paroled into the U.S. for at least one year; and certain abused spouses and children.

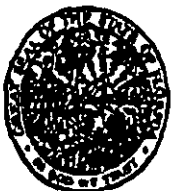
Refugee: A person who flees his or her country due to persecution or well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a social group.

State Option: Federal welfare reform law allows states to extend Medicaid, Title XX social services and Temporary Aid to Needy Families benefits to qualified aliens who were in the United States prior to August 22, 1996.

Supplemental Security Income (SSI): Federal program to provide cash assistance to certain elderly and disabled individuals who meet certain eligibility requirements.

Temporary Aid to Needy Families (TANF): A federal program that replaces Aid to Families with Dependent Children, providing temporary cash assistance to needy families subject to work requirements.

Revised: 2/13/97



FEDERAL WELFARE REFORM

Effects on Legal Immigrants

FLORIDA LEGAL IMMIGRANT DEMOGRAPHICS

Florida Legal Immigrants Likely to Lose SSI Benefits By Age

Age	Percentage Losing Benefits
49 and younger	14 percent
50 through 54	4 percent
55 through 64	10 percent
65 and older	72 percent

Source: Social Security Administration

SSI and Food Stamp Recipients Ineligible for Benefits

Age	SSI	Food Stamps
Under 65	15,047	62,087
65-74	17,838	17,277
75-84	14,171	12,525
85+	6,944	5,789
Total	54,000	97,658

Source: Florida Department of Children & Families

Revised: 2/13/97



FEDERAL WELFARE REFORM

Effects on Legal Immigrants

KEY DATES IMPACTING FLORIDA'S LEGAL IMMIGRANTS

August 22, 1996: President Clinton signs welfare reform legislation into law. Legal immigrants, except for certain exempted categories, who enter the United States after this date are ineligible for most federal public benefits programs.

February 3, 1997: The first 5,000 to 7,000 letters go out to legal immigrants in Florida notifying them to contact the Social Security Administration to determine whether they are eligible for federal Supplemental Security Income (SSI). Another mailing, of similar size, will take place about once a week for eight weeks. These mailings will include information about appeal rights and instructions on how immigrants can become U.S. citizens and remain eligible for benefits.

Mid-February, 1997: Redetermination meetings for SSI recipients begin. Once eligibility has been determined, recipients may appeal and if their appeal is properly filed, they will continue receiving benefits while the appeal is considered.

Early March, 1997: The Florida Department of Children & Families notify food stamp recipients that they need to meet with a caseworker to determine eligibility. Those found ineligible to participate in the program will receive notices later that they will lose their food stamp benefits.

March 28, 1997: The Social Security Administration mails out final group of letters to SSI recipients notifying them to come in to redetermine their eligibility to continue receiving benefits.

April, 1997: The Florida Department of Children & Families begins applying new restricted policies to legal immigrants who receive food stamps. These legal immigrants are required to have the Department of Children & Families redetermine their food stamp eligibility.

July - August, 1997: Those SSI recipients who have not responded to the Social Security Administration's first notice of possible loss of benefits will receive a second letter called "A Notice of Planned Action". This will serve as a final notice to SSI recipients to offer proof that they meet the requirements to continue receiving benefits.

July 31, 1997: The Florida Department of Children & Families is scheduled to have completed the food stamp eligibility redetermination process. It is estimated that nearly 98,000 legal immigrants in Florida will lose food stamp benefits.

August 22, 1997: Legal immigrants, except for those in certain exempted categories, will no longer be qualified to receive federal benefits. An estimated 54,000, 40 percent of whom are 75-years-old or older, will lose their primary source of cash income for rent and other purposes.

Revised: February 13, 1997

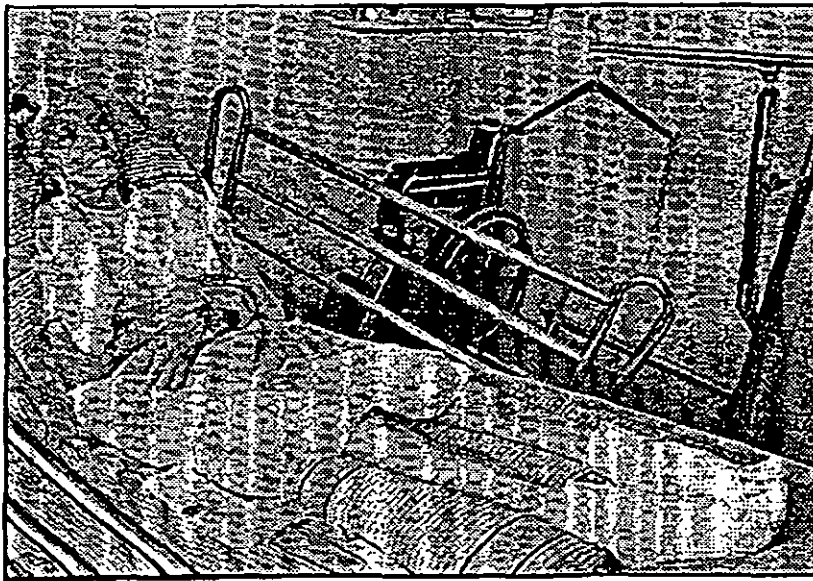


Undermine legal immigrants' safety net

and care is unchanged. The 104th Congress and President Clinton welfare-reform law that most federal benefits to only. About 100,000 immigrants in Florida will receive more of the benefits are now receiving. In total, legal immigrants in Florida will lose more than \$300 million of federal benefits.

In human terms, these numbers become more meaningful. Elderly refugees who came to this country seeking freedom from persecution may lose basic shelter. Immigrants who worked hard and paid taxes for years becoming disabled may lose food stamps that help families.

I support welfare reform but strongly oppose this treatment. Welfare reform about forcing able-bodied people to work; it should



TIM CHAPMAN / Herald staff

Benigna Garcia is seriously affected by the new federal welfare policy.

not force our old and disabled out into the streets.

I'm concerned about the devastating impact of cutting off assistance to legal immigrants. It is not just a Florida problem; it is

a national one. If Congress doesn't address this flaw, local communities, hospitals, and charities across the country will face a terrible struggle to assist these individuals.

The taxpayers in states with large immigrant populations — Florida, California, New York, Texas, Illinois, and others — will shoulder a disproportionate share of what should be a national responsibility. Florida taxpayers should not have to absorb this clear and unjustified shifting of costs to the states. Immigration is a federal responsibility. Under this law, the federal government appears to be saying that it will decide who comes to the United States, but after they arrive, the states will be solely responsible to pick up the tab to care for those in need.

For example, under the U.S.-Cuba accords, the U.S. government has agreed to allow the entry of at least 20,000 Cubans annually. They will be legal immigrants. While the majority will become self-sufficient taxpayers, some may become disabled or lose their jobs and need help some time in the future. Yet most immigrants arriving after August 1996 will not be eligible for such federal benefits as Med-

icaid, food stamps, or Supplemental Security Income. As the needs of these newcomers arise, Floridians will face demands to pay for uninsured hospital care, housing, food, and other needs.

In his State of the Union Message, Clinton urged Congress to restore benefits to legal immigrants who are elderly or become disabled. I applaud the president for hearing us on this issue. Now the Congress needs to listen. It must not shift a federal burden to state and local taxpayers. It must fix the situation.

I've fought for nearly two years to bring attention to this issue. I'm pleased that other governors are raising their voices, too. But we can't move Congress alone. We need your support. Contact your representative in Congress and let him or her know how devastating these cuts are to your community. It shouldn't take dramatic and tragic headlines to make Congress act. For Benigna Garcia, and thousands like her in our country, Congress must act soon.

Don't u

Lawton Chiles is governor of Florida. shelter, a Last year passed a signed a restricts citizens legal immigrants lose one that they

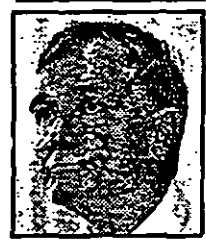
BENIGNA GARCIA is 84, a Miami resident, and suffering from Alzheimer's disease. She can't walk or speak. For 30 years she has been a legal U.S. resident, but this year the federal government will

take away her only income, the money that it has provided for her food and shelter.

Changes in federal welfare policy have placed many legal immigrants who are elderly or disabled at a crossroads. Suddenly Congress has told Mrs. Garcia and thousands of others that, because

they are not U.S. citizens, they are no longer eligible for most federal benefits. Ironically, she did apply for citizenship, but her application was denied because of her poor health.

Although federal law has changed, the great need for food,



LAWTON CHILES

prior to lose the feed their. While reform, unfair treatment should be bodied p

Record Type: Record

To: REED_B @ A1 @ CD @ LNGTWY, Elena Kagan/OPD/EOP
cc: Lyn A. Hogan/OPD/EOP, Stephen C. Warnath/OPD/EOP
Subject: Next steps on welfare reform fix package

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FYI on one upcoming date: On February 22, theoretically the first food stamp recipients should be losing eligibility because of the new requirement that you only get 3 months of benefits if you don't work.

Bruce/Diana -

I think we should spend real time on this. One question is whether to incorporate discussion of this matter into our weekly welf. chat mtg, to convene a different group for a strategy session (or continuing session) or both. I think I vote for both.

Elena

yes - but do immis mtg w/ me
BR

Record Type: Record

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cc: Lyn A. Hogan/OPD/EOP, Stephen C. Warnath/OPD/EOP
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BR
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Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: OMB's explanation of size of fix vs. total

You should both have a copy of OMB/Ken's attempt to explain why we aren't backtracking with the size of our fix package. The document is not too clear at present, but I'm not sure it's possible to make this one clear. I'm not even sure the argument works, other than just giving us the benefit of asserting that our critics are wrong.

I think the major problem is that our \$37 billion proposal never reflected the \$6 billion in goodies (child care, TANF) added late in the process, while the final bill at \$52 billion did. So in a sense the real gulf between us was more like \$21 billion, rather than the \$13-15 billion that is in people's heads.

The best I can do at the moment is something like:

"The difference between us and the Congress on food stamp/immigrants is and has always been \$21 billion. Our current proposal would restore \$18 billion of that amount. There were other baseline changes that cloud the comparison, but we have not changed our position.

Diana Fortuna 02/05/97 09:58:50 PM

Record Type: Record

To: REED_B @ A1 @ CD @ LNGTWY, Elena Kagan/OPD/EOP

cc:

Subject: Welfare budget briefing

The welfare budget briefing tonight went OK; no particularly tough questions. The low point, I thought, was Ken's explanation for the size of the fix package; people looked pretty baffled by it. If it is to have any success, it needs some serious work, assuming it's not too late for that. Attached FYI is a note to him on this.

----- Forwarded by Diana Fortuna/OPD/EOP on 02/05/97 09:52 PM -----

Diana Fortuna 02/05/97 09:55:09 PM

Record Type: Record

To: Kenneth S. Apfel/OMB/EOP

cc:

Subject: Explanation for size of fix package

Briefing went fine after you left; no big deals.

You don't need this from me this morning but, for what it's worth: I found the explanation for why our fix package hasn't grown confusing. I know it is inherently very confusing, but I couldn't follow it very well, even though I had read the document.

I don't follow why the fact that CBO originally low-balled the cost of exempting legal immigrants from the SSI ban is so important. It just sounds like we discovered that our desires are more expensive than we thought. It doesn't seem to address the argument that we are now seeking to save less money from this law than we once were.

I have a feeling there are better ways to frame it -- either arguing that our new policy is actually to save MORE on food stamps/immigrants than our old policy; or else maybe argue that the difference between us and them at enactment was really more like \$20 billion than \$13-15 billion, because we always loved the \$6 billion in TANF money added at the end. I will talk to your staff to see if I am barking up the wrong tree.

DRAFT

WELFARE REFORM LEGISLATIVE PROPOSALS

Question: Last Summer when the President said he would sign the bill there were press reports that he wanted to restore about \$14 billion in cuts. Now we understand the budget includes \$18 billion in legislative restorations. Why the difference?

Answer: The budget includes \$18 billion in legislative proposals for Food Stamps and Immigrants that corresponds directly to the commitments the President made concerning excessive cuts. The budget estimate for legislative proposals is higher now due to technical reestimates.

The President separately made new commitments to help the private sector, states and cities move welfare recipients to work. The budget includes \$3.6 billion for these purposes.

Finally, the provision of the welfare law tightening SSI benefit eligibility for children would take away Medicaid benefits for some of the affected children. The budget includes a new \$0.3 billion legislative proposal to maintain Medicaid coverage for all these children.

Question: Why have the estimates gone up?

Answer: The major reason why the Administration's proposal costs more is a change in estimates, not a change in policy. Last year, CBO estimated that an exemption from the SSI ban on immigrants who become disabled after entering the U.S. would cost \$4.3 billion. Last year the President argued for this policy and the Administration still stands by this principle. It now estimates that this same policy would cost \$9.2 billion in SSI. If the Administration's policy were to be estimated on the same basis as last year, the total cost figure would be several billion dollars lower. ?

Question: In its \$18 billion policy, is the Administration proposing to make restorations in Food Stamps and Benefits to Immigrants that go beyond its proposals of last year?

Answer: Absolutely not. When the welfare bill passed, CBO estimated it cut food stamps and legal immigrants' access to assistance by almost \$43 billion over FYs 98-02. The budget proposes to restore cash and medical assistance to legal immigrants who become disabled after coming here to work, to add real work requirements to food stamps, and to ensure that Food Stamp benefits keep up with increases in the cost of living. The Budget adds back \$18 billion over FYs 98-02, to get closer to the balance originally proposed for these programs. But even with these policies, the Administration does not fully restore all the excess cuts in Food Stamps and benefits to immigrants.

Draft

Question: Are there any new welfare reform proposals in the budget?

Answer: Yes, there is one small but important provision. The budget includes \$0.3 billion for a legislative proposal to continue Medicaid health care coverage to children currently receiving SSI who would lose these health benefits under the tighter SSI eligibility standards. This proposal helps soften the transition to the new policy for children now in the program.

Question: Why don't you include the \$3.6 billion in Welfare-to-Work spending in the \$18 billion? Aren't you really proposing more than \$18 billion?

Answer: When the President announced the \$3.6 billion in targeted funding to create jobs, he also proposed offsets to pay for every penny of this proposal from outside the welfare programs. These offsets are also included in the President's budget.

Administration Legislative Proposals For Food Stamps and Immigrants Do Not Restore All Excess Cuts in Enacted Welfare Bill				
Dollars in Billions All Estimates FY98-02	CBO Estimates			OMB Estimate
	Administration FY97 Proposal	Enacted Bill	Difference	FY98 Proposal
AFDC/TANF 1/	—	+\$6	+\$6	—
Immigrants & Food Stamps (SSI Ban Exemption for Disabled 2/)	-\$22 (\$0)	-\$43 (+\$4)	-\$21 (+\$4)	+\$18 (+\$9)
Other 3/	-\$15	-\$15	-\$0	—
Total	-\$37	-\$52	-\$15	+\$18

1/ Includes related spending on child care and child support enforcement.

2/ Does not include effects on Medicaid.

3/ Includes interactions of the FY97 Administration welfare and Medicaid proposals.

Diana Fortuna 02/21/97 04:40:38 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Stephen C. Warnath/OPD/EOP, Kenneth S. Apfel/OMB/EOP

cc:

Subject: More on disability naturalization regulation


FYI, someone I trust in the disability community (she works at DOJ) thinks that the disability advocates will be very disappointed in the INS reg and guidance. The problem with saying that our legislative proposal would solve the problem is that it exempts people **disabled after entry**, and that pretty much leaves out the mentally retarded. And they are a lot of the most compelling ones.

From: Kenneth S. Apfel on 02/21/97 05:11:52 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP

cc: Elena Kagan/OPD/EOP, Stephen C. Warnath/OPD/EOP, Jack A. Smalligan/OMB/EOP

Subject: Re: More on disability naturalization regulation 

our proposal was always disabled after entry - - for adults. But our proposal is different for kids. Kids are not subject to the "after entry" notion. Isn't that correct, Jack?

Jack A. Smalligan
02/21/97 06:27:10 PM

Record Type: Record

To: Kenneth S. Apfel/OMB/EOP, Diana Fortuna/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: More on disability naturalization regulation


Yes, our policy has always been disabled after entry. For the exemption for children the legislation that is being drafted would exempt all children, regardless of the timing of a disability, and allow a child that enters the SSI program to continue on the program even after they become an adult. In other words, a mentally retarded immigrant child can stay in the SSI program.

Also, Stacy and I are skeptical that there are that many adult immigrants entering the country with disabilities of sufficient severity to qualify for SSI.

----- Forwarded by Jack A. Smalligan/OMB/EOP on 02/21/97 06:10 PM -----

From: Kenneth S. Apfel on 02/21/97 05:11:52 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP
cc: Elena Kagan/OPD/EOP, Stephen C. Warnath/OPD/EOP, Jack A. Smalligan/OMB/EOP
Subject: Re: More on disability naturalization regulation 

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Message Copied To:

Barry White/OMB/EOP
Keith J. Fontenot/OMB/EOP
Stacy L. Dean/OMB/EOP
Elena Kagan/OPD/EOP
Stephen C. Warnath/OPD/EOP
Cynthia M. Smith/OMB/EOP

From: Kenneth S. Apfel on 02/21/97 06:39:14 PM

Record Type: Record

To: Jack A. Smalligan/OMB/EOP

cc: See the distribution list at the bottom of this message

Subject: Re: More on disability naturalization regulation 


Given the detail in Jack's e-mail, I think we should ask the disabilities folks to publically thank us (rather than whine at us).

Message Copied To:

Diana Fortuna/OPD/EOP
Barry White/OMB/EOP
Keith J. Fontenot/OMB/EOP
Stacy L. Dean/OMB/EOP
Elena Kagan/OPD/EOP
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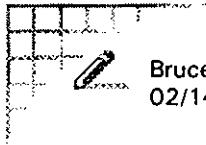
Diana Fortuna 02/14/97 04:13:48 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Bruce N. Reed/OPD/EOP
Subject: Re: Possible Florida lawsuit 

I don't know how DOJ works in situations like this.

Clearly we would have to check out the exact grounds of the suit before saying anything, but I would think from a strategy perspective that we would try to use it as part of our momentum to get our legislative changes enacted. It's hard to see criticizing Chiles when we are on record as agreeing with him.



Bruce N. Reed
02/14/97 03:54:15 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP
cc: Elena Kagan/OPD/EOP
Subject: Re: Possible Florida lawsuit

What will be our posture in the event of a lawsuit?

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Kenneth S. Apfel/OMB/EOP, Emily Bromberg/WHO/EOP

cc: Stephen C. Warnath/OPD/EOP, Jack A. Smalligan/OMB/EOP

Subject: Possible Florida lawsuit

Gov. Chiles' office just alerted me that the state will sue us sometime in the next few weeks over the legal immigrant parts of welfare reform. There is a group of state legislators that is pushing the state to do things like enact a state general assistance program for legal immigrants. The Governor thinks this lawsuit is a better alternative. His attorney general has just determined that the state has standing to do this.]


We will discuss this more at the meeting that DPC and OMB are holding on legal immigration strategy next Wed with the agencies.]

From: Kenneth S. Apfel on 02/14/97 04:06:20 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP

cc: Elena Kagan/OPD/EOP, Stephen C. Warnath/OPD/EOP, Jack A. Smalligan/OMB/EOP

Subject: Re: kharfen/acf quotes 

I fully agree with you. We should not be sending positive signals on a block grant

Diana Fortuna 02/14/97 03:25:07 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Kenneth S. Apfel/OMB/EOP
cc: Stephen C. Warnath/OPD/EOP, Jack A. Smalligan/OMB/EOP
Subject: kharfen/acf quotes

do you agree with me that Michael Kharfen's quotes yesterday about a block grant alternative to our legal immigrant fixes were too positive? He said we are not rejecting a block grant approach; and that "it's the same thing by another name." I just called him and said I thought our strategy would be to say that a block grant isn't anywhere near the right solution. Do I need to call him back and clarify?

Diana Fortuna 02/13/97 08:00:59 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Stephen C. Warnath/OPD/EOP
Subject: REPUBLICANS LOOK AT NEW BLOCK GRANTS TO HELP IMMIGRANTS

HHS's comments on the block grant approach seem overly positive to me.

----- Forwarded by Diana Fortuna/OPD/EOP on 02/13/97 07:57 PM -----



WARNATH_S @ A1
02/13/97 07:11:00 PM

Record Type: Record

To: Diana Fortuna
cc:
Subject: REPUBLICANS LOOK AT NEW BLOCK GRANTS TO HELP IMMIGRANTS

Date: 02/13/97 Time: 18:58

WRеспублиans look at new block grants to help immigrants

WASHINGTON (AP) Having vowed they will not reopen last year's welfare reform law, Republicans are looking at establishing new block grants to funnel money to legal immigrants who don't qualify for benefits any more.

The new grants would be outside the formal welfare program and therefore would not require changing the ban in last year's law on cash assistance, Medicaid, food stamps and disability benefits for immigrants, said Rep. Clay Shaw, chairman of the House Ways and Means Human Resources subcommittee.

"We would really be taking care of the some of the areas which are in really tough situations," Shaw, R-Fla., said Thursday. "I'd be willing to look at that and see what we could do."

Republicans contend that the new law will reduce caseloads and free up money from existing grants to address immigrants. And the Clinton administration said last month said states could use their own money to aid immigrants.

That makes the immigration issue much easier to handle, said Ari Fleicher, a spokesman for the Ways and Means Committee. "States should first look to their own resources before asking (federal) taxpayers to kick in."

Shaw noted that even if he ultimately supports immigrant block grants, he would not consider "anywhere near" as much money as Clinton requested.

Last week President Clinton asked Congress amend last year's reform bill to add \$17.9 billion over five years to restore immigrant aid.

But Republican leaders have consistently vowed not to reopen the legislation, predicting it could quickly become a rerun of last year's contentious debate. Giving states money through new block grants would avoid that possibility, Republicans said, and at the same time possibly satisfy Clinton's concerns.

``We're in a mood here in Washington to try and cooperate with the administration, not fight with them," Shaw said.

The new block grants might also satisfy governors, including Republicans in New York and California, who have complained that the burden of caring for poor immigrants will fall to them.

``We've heard the rumblings and we're definitely pleased," said Becky Fleischauer, spokeswoman for the National Governors' Association.

Michael Kharfen, a spokesman for the Health and Human Services Department, said the administration just wants ``to restore equity" to legal immigrants and is not rejecting a block grant approach.

``It's the same thing by another name," said Kharfen, who works in HHS's Administration for Children and Families, which administers the cash assistance program.

Building the Republican case that last year's welfare overhaul will work, Shaw released figures Thursday predicting states will have significantly more money to spend on each welfare recipient than they once had.

Nationally, caseloads have dropped by nearly 18 percent since they peaked in March 1994. Shaw said caseloads will continue to drop over the next two years while federal funding has been established based on higher numbers.

States in 1998 will get federal funds sufficient for spending an average \$5,662 for each qualifying welfare family in 1998, compared with \$3,624 in 1994, he said. Those figures do not include administrative costs.

APNP-02-13-97 1905EST

Record Type: Record

To: REED_B @ A1 @ CD @ LNGTWY, Elena Kagan/OPD/EOP
cc: Lyn A. Hogan/OPD/EOP, Stephen C. Warnath/OPD/EOP
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Elena



DEPARTMENT OF HEALTH & HUMAN SERVICES

Melissa T. Skolfield

Assistant Secretary for Public Affairs

Phone: (202) 690-7850 Fax: (202) 690-5673

To: Elena Kagan
Bruce Reed

Fax: 436-5557 Phone: _____
436-2878

Date: 2/4 Total number of pages sent: Cover + 4

Comments:

Here are some quotes by/news reports
of GOP Govs. positions on restoring benefits
to legal immigrants.

Please let me or Melissa know if
you need additional information.

Thanks,
Loly

DRAFT

GOP Governors on Restoring Benefits to Legal Immigrants

Governor Pataki:

"We think it's inappropriate to change the rules retroactively to deny benefits to those who came here under the old rules," he said Friday. "In the case of New York state, it's approximately 80,000 individuals - legal immigrants who are receiving benefits." - *AP, Jan. 25, 1997*

"It is inappropriate to change the rules retroactively" for immigrants who came here before the legislation was passed, said New York Gov. George E. Pataki in a Capitol Hill news conference. He asked Congress to reconsider the immigrant cutoff, which he said would cost New York \$ 240 million a year to make up from state revenues. - *Washington Post, Jan. 25, 1997*

New York Gov. George Pataki, complained that the legal immigrant provision unfairly burdened his state and that the federal government "was trying to balance its budget on the back of the states." - *The Record, February 2, 1997*

GOV. PATAKI: Right now their cost is being supported by the federal government, and under the legislation it would be shifted to the states so they would not be cared from. We don't want to see the federal government balance its budget at the expense of the states, and we want to see the federal government take a look to see what they can do to help this population.

MR. SESNO: What do you want from the federal government?

GOV. PATAKI: What I would like them to do is to continue to provide benefits for senior citizens who came here under the old rules, who are unable to become citizens, and who depend on Medicaid, SSI, food stamps, continue those benefits.

MR. SESNO: President Clinton would put \$13 billion or so back into the welfare system for some of these legal immigrants. Do you support that? Is that the right number?

GOV. PATAKI: Well, I don't know what the right number is for the country, and I don't want to say that the president should do it this way or Congress should do it that way. What we're looking for are solutions. - *CNN "LATE EDITION" HOST: FRANK SESNO GUESTS: NEW YORK GOVERNOR GEORGE PATAKI (R) HOUSE MAJORITY LEADER DICK ARMEY (R-TX) HOUSE MINORITY LEADER DICK GEPHARDT (D-MO) 12:00 P.M. (EST) SUNDAY, FEBRUARY 2, 1997*

Governor Edgar:

"On another controversial issue, Edgar said there was nothing in Clinton's remarks to the governors to discourage him in his efforts to seek restoration of federal funds to aid some legal immigrants. Their benefits are being cut off as a result of federal welfare reform passed by Congress last year.

Clinton reportedly will ask Congress for about \$13 billion for Illinois and other states with high immigrant populations.

It would cost Illinois about \$163 million to pick up the tab for those benefits currently being provided by the federal government, Edgar said.

"I don't see how we have the state dollars to pick up that program," he said. - *Copley News Service, February 03, 1997*

Governor Bush:

"The welfare system has failed, trapping too many Americans in a life of poverty and dependency. The reform bill is not perfect but it's an important step toward self-sufficiency for millions of our most vulnerable citizens. I wholeheartedly support the RGA resolution, and I look forward to working with members of Congress to improve this landmark legislation, to take care of the elderly and disabled, without going backward," said Gov. Bush. - *RGA press release, Feb. 3, 1997*

Texas Gov. George W. Bush raised the issue at a Republican Governors' Association meeting in Grand Rapids, Mich., last year. At the gathering of governors, Bush called it unfair to "change the rules for an 80-year-old agricultural worker who is in this country legally, and who may be in a nursing home," according to his spokesman, Karen Hughes. - *Washington Post, Jan. 25, 1997*

Governor Almond:

"The governor said he would work to avert cuts in federal assistance to immigrants, but did not spell out what he would do beyond lobbying officials in Washington." - *January Providence Journal-Bulletin 31, 1997*

Mr. Pataki, Mr. Edgar and Gov. Lincoln C. Almond of Rhode Island, a Republican, expressed their concerns at a meeting here today with Trent Lott, the Senate Republican leader. - *New York Times, Jan. 25, 1997*

In an announcement released yesterday morning, the governor pledged that he will "take a number of steps to counter the adverse effects of the federal welfare changes on Rhode Island's legal immigrants." "While federal welfare reform was well intentioned, unfortunately there are elements of the reform that will leave thousands of immigrants in Rhode Island without the important supports of Food-Stamp assistance or SSI payments," Almond said. - *Providence Journal-Bulletin, Dec. 20, 1996*

Governor Whitman:

Whitman said she still hopes "technical corrections" could address the problem, and that Clinton will include additional money for immigrants in his coming budget. Of particular concern, she said, are elderly and disabled immigrants incapable of meeting the requirements for citizenship. - *The Record, February 2, 1997*

New Jersey would spend \$2 million a year to help poor legal immigrants who are elderly or disabled become United States citizens under Gov. Christine Todd Whitman's new budget proposal, a move that might protect them from losing benefits under the new Federal welfare law. - *New York Times, Jan. 30, 1997*

A spokesman for Gov. Christine Todd Whitman (R) said the New Jersey governor also supports reopening the issue. - *Washington Post, Jan. 25, 1997*

Governor Wilson:

California Gov. Pete Wilson joined a bipartisan group of governors Sunday to endorse changes to the new federal welfare law that would reinstate benefits to the nation's most helpless, noncitizen legal immigrants. - *The Daily News of Los Angeles, February 3, 1997*

Speaking on the resolution: "It allows people who are really unable to care for themselves and unable to exist to have a continuing remedy and I think that's proper," Wilson said. - *The Daily News of Los Angeles, February 3, 1997*

Consequently, the policy calls for changes to the welfare law, but it also says changes are not necessarily needed. Asked whether that was not a contradiction, California Gov. Pete Wilson, said: "You got it." - AP, Feb. 3, 1997

Governor Voinovich:

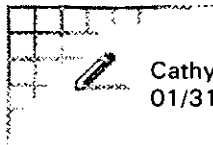
"I am opposed to reopening the law," Voinovich said. "But when you pass a piece of legislation as complicated as welfare reform, there are some aspects of it that you may not have anticipated - for example, the issue of legal immigrants in nursing homes who are receiving Supplemental Security Income. Are we going to throw those people out on the street and wipe our hands?" - *New York Times, Feb. 2, 1997*

Despite their resolution, Gov. George V. Voinovich (R-Ohio) said the governors might look favorably on adding money for elderly immigrants to an appropriations bill, or giving refugees a longer time to receive benefits while they are getting settled. "We think some accommodations might be made in the budget." - *Washington Post, Feb. 2, 1997*

General:

"The call for change, coming as it does from Republican governors, represents an ironic twist in the long-running debate over welfare. It has largely been conservative governors who have most vocally embraced the welfare measure and pushed for its passage. But Pataki, Illinois Gov. Jim Edgar (R), and Rhode Island Gov. Lincoln C. Almond (R) are now asking Senate leaders to reconsider whether some of the revolutionary changes to welfare went too far.

Pataki said he had "significant" support from other Republican governors, and Democratic governors almost unanimously support reopening the bill." - *Washington Post, Jan. 25, 1997*



Cathy R. Mays
01/31/97 01:13:34 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: NGA Talkers on Benefits to Immigrants

----- Forwarded by Cathy R. Mays/OPD/EOP on 01/31/97 01:03 PM -----

From: Kenneth S. Apfel on 01/31/97 01:06:23 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Gene B. Sperling/OPD/EOP, Marcia L. Hale/WHO/EOP, John L. Hilley/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject: NGA Talkers on Benefits to Immigrants

We have developed some talking points comparing the NGA proposal relating to benefits to immigrants with the Administration's proposal. The NGA has made significant proposals in this area, though different from our proposal in a number of ways. The talking points below could be incorporated into other talking points being developed for anyone meeting with NGA or working on their proposal.

Talkers:

NGA DRAFT PROPOSAL ON BENEFITS TO LEGAL IMMIGRANTS

- The NGA and the President share a common concern regarding the impact the welfare bill's benefit ban will have on low income legal immigrants, especially the disabled and refugees. The main difference between the proposals is that the President targets cash and medical assistance to current and future disabled legal immigrants while the NGA would provide cash, some medical and food assistance only to legal immigrants currently in the country. In addition, although they approach the problem differently, both proposals address the special needs of refugees.
- By banning legal immigrants from participating in the SSI, Medicaid, Food Stamps and other major assistance programs, the welfare bill inherently shifts the cost of supporting disadvantaged legal immigrants to the States. The NGA and the President's proposals each

would address this concern, albeit in different ways. Preliminary estimates indicates that the proposals have a similar budgetary impact and would provide a significant restoration of benefits.

- The NGA would continue to provide SSI and Food Stamps to all elderly and disabled immigrants currently in the country. However, no assistance would be available for future low income immigrants who suffer a disability or develop an unexpected illness. The President's proposal provides greater long term support for disabled immigrants, including children, and ensures their access to health care. The proposal would continue SSI and Medicaid eligibility for disabled immigrants, including the disabled elderly, for all current and future immigrants.
- Governors should be urged to voice their concerns with the Congress about the impact of the benefit ban on legal immigrants and refugees in the States. Some on the Hill are considering a block grant to provide assistance to those States with large immigrant populations losing benefits under the welfare law. While we are pleased that the Congress is starting to consider fixes in this area, States and immigrants would be better served by a reinstatement of federal cash, food and medical assistance than they would by a small capped block grant.

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FILE

From: Kenneth S. Apfel on 01/28/97 09:55:58 AM

Record Type: Record

To: Emily Bromberg/WHO/EOP, Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Rahm I. Emanuel/WHO/EOP

cc: Michelle Crisci/WHO/EOP

Subject: NGA and Immigrants

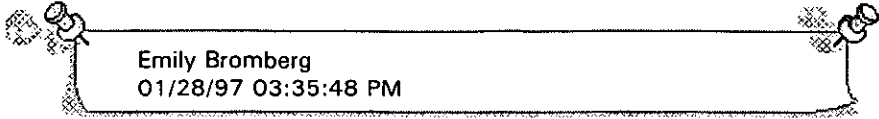
What are we doing to bolster NGA's consideration of resolutions exempting the disabled from the immigrant bans as well as more money for welfare to work? That would be consistent with what we're gonna be pushing in our Budget. Last year, we weighed in with the NGA on a variety of priority items; I think we should push our views this year. And given the opening referenced in the Post and Times stories, we could have a real impact on their consideration of immigrant issues.

Suggestions:

I know that Frank Raines is meeting with Governors later this week; I intend to give him talkers on these issues. Shouldn't we get talkers on both these issues to all White House senior folks that are meeting with Governors this week?

Can we get HHS (Monahan) and maybe other Departments pushing these issues with the Governors?

I know Sherri Steisel at NCSL would like to help on immigrants. How can we use NCSL to increase the visibility of the issue?




Emily Bromberg
01/28/97 03:35:48 PM

Record Type: Record

To: Kenneth S. Apfel/OMB/EOP, Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Re: NGA and Immigrants 

i have been working with nga and gov chiles and carper on immigration. the nga policy currently adds back legal immigrants eligible for ssi and fs who were in the country on date of enactment and have a good reason why they can't naturalize. ny and texas may decide to go further. i've told the dems to puch as hard as they can for more. we are working on it. frank and bruce should talk about this at dga meeting on saturday as say as much as they can about the budget.


fyi, i am hearing that r's on the hill may be thinkng about a decretionary block grant for legal immigrants to take care of pataki and bush. have you heard this?

From: Kenneth S. Apfel on 01/28/97 03:43:13 PM

Record Type: Record

To: Emily Bromberg/WHO/EOP

cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

Subject: Re: NGA and Immigrants 

One other point on immigration. To the extent that we can get governor support for our disabled exemptions - - as opposed to grandfathering - - will help us to sell our policy on the Hill.

Comparison of NGA Draft Proposal on Legal Immigrants and Refugees
with Administration Policy

Summary: NGA's priorities are very close to those in the President's budget. NGA would exempt many disabled and elderly immigrant who have not naturalized from the SSI and Food Stamps bans. The President's budget provides SSI and Medicaid to disabled, including elderly disabled immigrants. Both the NGA and the President's budget expand protections for refugees.

NGA Proposal	Administration Position	Differences
<p>Immigrants who were in the U.S. on the date of enactment, but who cannot meet the citizenship requirement because of age or disability should not be barred from Federal SSI benefits and food stamps.</p>	<p>Legal immigrants who become disabled after entering our country are not barred from SSI or Medicaid. Children are also exempt from Medicaid ban.</p> <p>(Next week the INS will issue a reg and guidance to make it easier for certain disabled people to become citizens. This will address some of the problem NGA is concerned about, except for those so severely disabled that they are unable to take the oath of citizenship, such as those in a coma.)</p>	<p>Our proposal is generally broader than NGA's:</p> <ul style="list-style-type: none"> • We exempt <u>all</u> legal immigrants disabled after entry, not only those who cannot become citizens because of their disability, or those in the country prior to 8/96. Our proposal also includes Medicaid. <p>NGA's proposal is broader than ours in some respects:</p> <ul style="list-style-type: none"> • We don't exempt the aged non-disabled from SSI cuts; and we don't restore food stamp benefits for disabled, beyond a general delay in the ban until 1998.
<p>Legal immigrants who have applied to naturalize should be eligible for benefits while they await INS action.</p>	<p>No such proposal. Presumably we would support this. We tried but failed to find authority to do this without legislation.</p>	

<p>Aged and disabled refugees should not be barred from Federal SSI and food stamp benefits after 5 years of residence.</p>	<p>Let all refugees get SSI for 7 years after entry, an increase from 5 years, to provide more time to naturalize. Disabled refugees and refugee children would be eligible for SSI and Medicaid indefinitely.</p>	<p>NGA's proposal is broader in that it includes Food Stamps.</p> <p>Our proposal is broader because it extends benefits to <u>all</u> refugees.</p>
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<p>Legal immigrants who have submitted an application to naturalize should continue to be eligible to receive Federal benefits while they await INS action.</p>	<p>No such proposal. Presumably we would support this. We tried but failed to find authority to do this without legislation. However, the INS initiative Citizenship USA has removed barriers to naturalizing and has sped up the process. The proposed delay in the Food Stamps ban would provide more time for immigrants to naturalize.</p>	
<p>Aged and disabled refugees should not be barred from Federal SSI and food stamp benefits after 5 years of residence.</p>	<p>Let all refugees get SSI for 7 years after entry, an increase from 5 years, in order to provide them with more time to naturalize.</p> <p>Disabled refugees and refugee children would be eligible for SSI and Medicaid indefinitely.</p>	<p>NGA's proposal is broader in that it includes Food Stamps.</p> <p>The Administration is broader because it extends benefits to <u>all</u> refugees.</p>
<p>Federal immigration policy should ensure that new immigrants do not become a public charge to Federal, state or local governments.</p>	<p>The President signed into law an immigration reform bill that minimizes the likelihood that immigrants will become a public charge. These changes include increasing the income thresholds for sponsors to 125% of poverty increasing the types of immigrants who are required to have a sponsor, and requiring sponsors to sign a legally binding affidavit of support.</p>	

<p>Cuban/Haitians entrants should be treated the same as refugees.</p>	<p>Administration included in its technical amendments bill a provision that would achieve that goal for programs such as Medicaid and TANF.</p>	<p>Administration's technical amendment bill would not exempt Cuban/Haitians from SSI and Food Stamp bans.</p>
<p>Refugee resettlement and impact aid should be increased.</p>	<p>The FY 1998 budget proposes 8 months of benefits. These items are not a part of the Administration's welfare reform package.</p>	<p>Refugee resettlement expires in FY 1997 and the Administration will consider these issues during reauthorization.</p>
<p>Federal government should not shift costs of caring for immigrants to the states.</p>	<p>The Administration has generally supported this notion. However, the welfare law does create the possibility of a cost shift to states as well as an administrative burden to state and local service providers.</p>	<p>The Administration's proposal would result in less of a cost shift to states.</p>