

**CHANGES IN LAWS RELATING TO
IMMIGRATION:
IMPACT ON
HOMELESS ASSISTANCE PROVIDERS**

MAY, 1997

Prepared by

Catholic Charities, U.S.A.

National Alliance to End Homelessness

National Law Center on Homelessness and Poverty

United States Catholic Conference

To order this publication, contact: NAEH, 1518 K Street NW, Suite 206, Washington, DC 20005

On August 22, 1996, a new welfare bill (Personal Responsibility and Work Opportunity Reconciliation of 1996) was passed by Congress and signed into law by President Clinton. Six weeks later Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Together these bills make a significant impact upon immigrants in the U.S. and the benefits and assistance they are entitled to receive.

The enactment of these laws started a scramble among providers to understand the impact of the laws on communities across the country. In Houston, Texas, 300 providers met in an attempt to understand what the new laws would mean. A recurring theme of their discussion was that, "these people will end up on the street."

Perhaps the easiest way to understand what might happen is to look at individuals. Elena Silva Lopez emigrated from Mexico 18 years ago and lives in Yakima, Washington. She has lived in the U.S. for 20 years; for 18 years she worked to support herself. Two years ago she was shot in the head just over her left eye. Now she is unable to see, unable to work and relies upon \$564 in monthly cash welfare benefits and \$220 in monthly Food Stamps. She is one of 38,000 legal immigrants in the State of Washington who will lose her benefits. In a recent interview with the Associated Press, Elena stated, "It will be very hard for me. I don't know what I'm going to do. I'm going to lose the roof over my head."

In Texas, Samantha Laz fears for her clients at the East Dallas Counseling Center, which offers refugee health and emergency services programs. She is particularly concerned about a 74-year-old Vietnamese refugee living with her 18-year-old mentally handicapped granddaughter. "She has no education, is illiterate, half blind and is on oxygen all the time." These are just two of the people who are likely to become new clients for homeless assistance -- seeking shelter and food as a result of SSI and Food Stamp bars.

The passage of these laws has raised many concerns among organizations that serve immigrants. The most pressing of these concerns is, of course, the well-being of those whom they assist. An additional concern is that organizations are informed about what they can do to help. This concern, we believe, can be best addressed with information about the relevant content of the Personal Responsibility and Work Opportunity Reconciliation Act and the Illegal Immigration Reform and Immigrant Responsibility Act.

Catholic Charities U.S.A., the National Alliance to End Homelessness, the National Law Center on Homelessness and Poverty and the U.S. Catholic Conference have prepared these materials, targeted to homeless assistance providers, to give you information to help immigrants. These materials are provided for informational purposes only. If you have questions about the needs of specific tenants/clients/guests, we urge you to seek expert advice in your jurisdiction. We hope we have provided you with a starting point in locating answers.

Finally, we must mention that the Federal budget agreement proposed by the President and Congress during the first week of May, 1997 includes language that allows reinstatement of

some benefits for immigrants. Passage of the budget agreement does not ensure that these provisions will take affect, however. The provisions concerning immigrants have to be passed into law through the normal legislative process -- the budget agreement only allows for the budget impact of the provisions should they be passed. Please keep in mind that if certain of the provisions relating to immigrants are eventually passed into law, some of the restrictions described in this packet will be incorrect.

I. INTRODUCTION

On August 22, 1996 the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 became law. This new welfare legislation ends 60 years of federal protection for the needy and poor, generates (through its cuts) \$50 billion in savings for the federal government and creates block grants to the States to determine how the needy and poor will be served.

Forty-four percent of the \$50 billion in savings comes from the elimination of benefits for immigrants. These cuts will generate \$22.3 billion over five years. Most non-citizens will no longer be eligible for Social Security Insurance (SSI) and Food Stamps. New immigrants coming to join their family members after August 22, 1996 will be denied most federal means tested programs for five years. After this five year bar, these individuals will remain ineligible for these programs if the combination of their income and that of the person who sponsored their entry into the country demonstrates that they do not meet the income eligibility requirements (this process is known as "deeming"). In addition, starting January 1, 1997, States have the option to determine whether immigrants will be eligible for the new block grant Temporary Assistance to Needy Families (TANF), Medicaid and Social Service Block Grants. States will exercise this same option with those newly arriving citizens after they have completed the five year bar. States also have the option to provide or bar State funded programs for current and future immigrants, and they may include ("deem") the income of the sponsors in determining eligibility. Exemptions from these restrictions for federal benefits and State and local public benefits will be available to non-citizens who can demonstrate they have refugee/asylee/withholding of deportation status, are U.S. veterans or active duty members, are the spouse of or dependent child of a U.S. veteran or active duty member, are part of a class of certain victims of domestic violence, or can establish they have worked 40 qualifying quarters of work (a minimum of ten years).

What will this picture look like in human costs? Below is a Congressional Budget Office (CBO) estimate of the cost savings and the number of people who will no longer be eligible for benefits.

Immigrants Affected Nationwide and Estimated Federal Cost Savings (CBO 8/9/95)

<u>Program</u>	<u>Immigrants</u>	<u>FY97 Savings</u> (in millions)	<u>FY97-FY2002 Savings</u> (in millions)
SSI	500,000	\$375	\$13,275
Food Stamps	1,000,000	\$365	\$ 3,700
Medicaid	600,000	\$105	\$ 5,290

It is clear from the estimated figures that many will be severely impacted by implementation of the new laws, and individuals who find themselves in crisis will have few avenues to pursue for assistance. In a recent meeting of New York City Catholic parishes almost exclusively

representing ethnic congregations, participants described the greatest fear of elderly immigrants as finding themselves without assistance, vulnerable to the violent acts of the street, and facing a violent death. This demonstrates the gravity of the situation faced by many in our communities who will find themselves in the crisis situation of being homeless.

This prospect was not lost on the Administration when it enacted this legislation. After signing the welfare bill, the President expressed that although he favored the entire package, the provisions cutting benefits to immigrants were overly harsh. Within days of the passage of the legislation, the Attorney General made a "provisional" designation of programs that would be exempt from the immigrant restrictions, including short-term shelter and housing, violence prevention programs, soup kitchens, community food banks and other nutrition programs, medical and public health services, assistance for the homeless, and, "any other programs, services, and assistance necessary for the protection of life or safety" (Department of Justice, "Specification of Community Programs Necessary for Protection of Life or Safety under Welfare Reform legislation," A.G. Order No. 2049-96, published in 60 Federal Register 45985-86, August 30, 1996).

In addition, nonprofit charitable organizations are exempt from verifying the status of their clients before they provide services. This provision was offered and accepted during consideration of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which was enacted into law in September of 1996.

THROUGHOUT THIS DOCUMENT WE REFER TO THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996 (PUBLIC LAW 104-193) AND THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996 (PUBLIC LAW 104-208).

Due to the length of these laws we were unable to include copies of them in this packet, and because the demand for them was so high, the House and Senate document printing offices are no longer distributing copies of them. However, both laws may be obtained from the following two Internet addresses.

The Government Printing Office (GPO)

The address for GPO's web site is http://www.access.gpo.gov/su_docs/aces/acces002.html. Once you have accessed

GPO's website, search for the laws in the database called "Public Laws 104th Congress".

The "Thomas" Legislative Information Service (Thomas)

Thomas is a service of the Library of the U.S. Congress, and the web site address is <http://thomas.loc.gov/>.

II. IMMIGRANT ELIGIBILITY

There are several benefits programs for which a person's immigration status affects his or her eligibility. Nonprofits need to be familiar with these during case management to determine whether a person may apply for federal assistance. It is important to note that public sector agencies are required to report a person's immigration status to the Immigration and Naturalization Service (INS). Therefore, it is important not to take inappropriate action in recommending that someone apply for benefits.

As outlined above, it is not necessary for nonprofit organizations to inquire about a person's immigration status. If you are not referring people to the following benefit programs, there is no reason for you to inquire as to their immigration status. Even if you are referring them to such programs, you may prefer not to ascertain their immigration status, but rather to simply provide them with information on their eligibility and the possible consequences of applying. It is not necessary to inquire about immigration status even if your organization administers federal, state or local benefit programs. This information is clearly stated in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, P.L. 104-208, Section 508, which modifies Section 432 of H.R. 3734, known as the Personal Responsibility and Work Opportunity Act (PRA) of 1996.

Immigration Categories

To understand the effect that welfare reform and immigration laws may have, both on those whom you serve and on your organization, you must first understand that there are various categories of immigration status, and that the restrictions and changes in the law are different for each of these different categories.

First, of course, there are **U.S. Citizens**.

A person may be a U.S. citizen if any one of the following statements are true.

1. The person was born in the U.S. to a U.S. citizen(s).
2. The person was born in the U.S. to a non-citizen(s).
3. The person was born out of the U.S. to a U.S. citizen(s).
4. The person has completed the naturalization process. Naturalization is the process by which eligible legal immigrants become U.S. citizens. In most cases, to naturalize, an immigrant must live in the U.S. as a legal permanent resident for at least five years. Immigrants who have been married to a U.S. citizen for three years and immigrants who have been active in the armed forces can generally naturalize after just three years.

For more information about naturalization, see, "Citizenship and Naturalization," on page 13.

Second, there are "legal" or "documented" immigrants. These are people who were born in a foreign country, but who have been legally admitted to reside in the U.S.

For our purposes, there are several categories of legal immigrants. The first is "qualified aliens" or "qualified immigrants." Qualified immigrants include:

- A. Legal permanent residents.
- B. Refugees. These are people seeking protection from the U.S. on the grounds that they fear persecution in their homeland. Persecution must be based upon their political opinion, national origin, membership in a social group, religion or race. Refugees generally apply in refugee camps or at designated processing sites outside their home countries. In some instances, refugees may apply for protection within their home countries, such as Cuba and the former Soviet Union. If accepted as a refugee, the person is sent to the U.S. and receives assistance through the "refugee resettlement program." Refugees are entitled to cash and medical assistance, provided by the state in which they reside. For eight months, the federal government reimburses the state for the assistance provided. After refugees have been in the U.S. for one year, they are eligible to become permanent residents.
- C. Asylees. Like refugees, asylees are people seeking protection in the U.S. on the grounds that they fear persecution in their homeland. Persecution must be based upon their political opinion, national origin, membership in a social group, religion or race. An asylee *differs* from a refugee because the person first comes to the U.S., and once here, applies for protection. After an asylee has been in the U.S. for a year, INS evaluates the conditions of the asylee's country to determine whether to extend the asylee's status. A person whose asylee status is extended is then eligible to apply for permanent residency.

For more information about immigrants, refugees or asylees, see Section 101(a) the Immigration and Nationality Act of the 102nd Congress of April 1992.

- D. Persons paroled in this country for at least one year.
- E. Persons granted withholding of deportation.
- F. Battered women and children who have started the process of becoming a legal permanent resident under the Violence Against Women Act (see the IIRIRA, Section 501 which is an amendment to PRA, Section 431).

Qualified immigrants are eligible for some federal benefits but are barred from receiving others (see section on Program Restrictions). On the other hand, certain categories of qualified immigrants are exempt from the bars -- that is, they are eligible to receive the federal benefits in question. These **qualified and exempt** immigrants include the following groups.

- A. Refugees during their first five years after entering the U.S.
- B. Asylees during their first five years after entering the U.S.
- C. Those granted withholding of deportation during their first five years after entering the U.S.
- D. Veterans or active duty service members who are qualified aliens and the spouses and children under 21 of these service members.
- E. Immigrants (lawful permanent residents) who have worked 40 "qualifying quarters," their spouses (if not divorced) and their children under 18. Spouses (if not divorced) and children under 18 get credit for the work of their spouse or parent.

Immigrants who are **not qualified** or exempted under any of these provisions are ineligible for nearly all federal benefits, except for the benefits listed on page nine (exempt programs one through eleven). According to Section 401, parts (a) and (b) of the PRA, an alien who is not a "qualified alien," as defined in Section 431 of the Act, is not eligible for any "federal public benefit."

Program Restrictions

The welfare and immigration laws restrict access to certain types of federal assistance, and even to state and local assistance, based on a person's immigration status.

The most significant new restriction is on eligibility for **Social Security Insurance (SSI) and Food Stamps**.

- A. U.S. citizens are eligible for SSI and Food Stamps
- B. Qualified, non-exempted aliens:
 - 1. applying after August 8, 1996, will not receive SSI or food stamps until they enter an exempted category or become naturalized.

2. already receiving SSI and food stamps will be cut off of these programs by August 8, 1997, unless they enter an exempted category or become citizens.
- C. Immigrants who are qualified but exempt (as listed in A through E on the previous page) from bars on federal assistance are eligible for SSI and food stamps.
- D. Immigrants who are not qualified are not eligible for SSI or food stamps.

Another important restriction is on eligibility for the new **Temporary Assistance to Needy Families (TANF) program, non-emergency Medicaid services, Title XX of the Social Security Act, and state and local assistance.**

- A. U.S. Citizens are eligible for such assistance.
- B. States decide whether to provide such assistance to qualified, non-exempted aliens.
- C. States must provide assistance to qualified exempt immigrants.
- D. Non-qualified immigrants are not eligible to receive such assistance from the federal government. States can decide whether or not they wish to provide state or local government provided assistance (although new state law may be required to allow this).

At the time this document is being written, the impact of **Federal Means Tested Public Benefits (FMTPB)** is not certain. The PRA does not define means tested public benefits, and although legislative history suggests that it should be entitlement programs, the Attorney General has not yet issued a ruling on the definition of programs considered federal means tested public benefits. For more information on this matter, see the Department of Justice's Attorney General Order No. 2049-96: Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation. However, this definition is ultimately defined, most qualified aliens entering after enactment will not be eligible to receive **Federal Means Tested Public Benefits** for five years.

- A. U.S. citizens are eligible.
- B. Immigrants who entered the country before August 22, 1996 are eligible.
- C. Most qualified immigrants who entered the country after August 22, 1996 are barred from receiving any FMTPB for a period of five years beginning on the date of the immigrant's entry into the U.S. However, the following qualified immigrants are exempt from the five-year bar on FMTPB benefits.

1. Cuban/Haitian entrants paroled for at least one year are exempt from the bar.
2. Qualified immigrants who entered before August 22, 1996 are not barred under this provision.
3. Refugees and asylees are exempt.
4. Persons withholding of deportation are exempt.
5. People with 40 qualifying quarters are exempt.

D. Unqualified immigrants are not eligible for FMTPB.

In addition, there are certain programs that are exempt from the five year ban. Therefore, qualified immigrants can receive this assistance.

1. Emergency medical assistance.*
2. Short-term, non-cash, in-kind, emergency disaster relief.*
3. National School Lunch Act and WIC programs.
4. Immunizations, testing and treatment of the symptoms of communicable diseases.*
5. Child Nutrition Act programs.
6. Payments for foster care and adoptive assistance under title IV of the Social Security Act.
7. Programs the Attorney General determines which:
 1. "deliver in-kind services at the community level, including through public or private non-profit agencies."*
 2. "do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources."*
 3. "are necessary for the protection of life or safety."*
8. Programs of student assistance under the Higher Education Act and the Public Health Service Act.
9. Means-tested programs under the Elementary and Secondary Education Act.

* These programs are also exempted for unqualified immigrants.

10. Benefits under the Head Start Act.
11. Benefits under the Job Training Partnership Act.

After five years, the income and resources of an immigrant family's sponsor and the sponsor's spouse will be "deemed" to be included in the immigrants' income in determining their eligibility for FMTPB.

- A. Those without sponsors (refugees, asylees and persons granted withholding of deportation) will not be subject to deeming.
- B. Those meeting the 40 quarters exemption for the SSI and Food Stamps bar are exempt from deeming.
- C. Some battered spouses and children will be exempt for up to a year if their need for assistance is substantially connected to the battery.
- D. Persons who need assistance to avoid hunger or homelessness may be helped for up to one year.

Most important for homeless assistance providers, certain programs exempt from the deeming provision are not affected at all by a person's immigration status. These types of assistance can be provided to people without regard to immigration status. Much of the assistance provided by nonprofit organizations to homeless people falls under these provisions.

- A. Emergency medical assistance.
- B. Immunization and testing and treatment of the symptoms of communicable diseases.
- C. "Short-term non-cash in-kind emergency disaster relief."
- D. School lunches and breakfasts.
- E. Programs the Attorney General determines which:
 1. "deliver in-kind services at the community level, including through public or private non-profit agencies;"
 2. "do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources;"
 3. "are necessary for the protection of life or safety;"

III. CITIZENSHIP AND NATURALIZATION

An individual is eligible to become a U.S. citizen through the naturalization process if he or she meets the following requirements:

- ◆ The individual is a lawful permanent resident.
- ◆ The individual has been a lawful permanent resident for five years from the date of entry or for three years from the time he or she was sponsored by a U.S. citizen spouse.
- ◆ The individual has lived in the U.S. for at least two and one-half years (50%) of the five year period OR one and one-half years (50%) of the three year period if he or she is married to a U.S. citizen.
- ◆ The individual has lived for more than three months in the INS District in which he or she will submit an application.
- ◆ The individual is 18 years old or older.
- ◆ The individual can demonstrate that he or she is of good moral character. In order to show good moral character individuals must demonstrate: they did not lie to the Immigration and Naturalization Service (INS) in order to obtain their permanent residence; they intend to be good citizens, pay taxes and have or intend to register for the military if they are males between the ages of 18 and 26; they have not committed certain crimes (legal counsel should be consulted before completing the application if this situation exists); they have not been involved in illegal activities such as drug use and trafficking, prostitution or gambling; and they are not current members of the Communist or Nazi parties.
- ◆ The individual can establish that he or she would not be "removable" from the United States on certain enumerated grounds.

An individual can apply for citizenship so long as he or she meets the requirements above. In order for an individual to determine if he or she has been a lawful permanent resident for the required time period of three to five years, one should look at the date on the back of his or her "green card". This is the date of admission or entry as a lawful permanent resident. An individual can submit his or her application three months prior to reaching the three to five years from that date.

In order to file an application to become a citizen, a person (or applicant) will need to fill out an application known as an INS Form N-400 which can be obtained from a local INS office or from a local immigration service provider. The applicant will also need the following information to accompany the application:

- ◆ His or her Social Security Number.
- ◆ A list of the dates of any trips that were taken outside of the U.S. since becoming a lawful permanent resident, including trips to Canada.
- ◆ A list of his or her home addresses for the last five years.
- ◆ A list of employers for the last five years. This list needs to include the names of the companies, the addresses, the dates of employment and their job positions.
- ◆ Information about their spouse, even if the applicant is not a lawful permanent resident. This information should include: name, address, birth date, date and place of marriage, and social security number (if applicable). If the spouse is a naturalized citizen (someone who was a lawful permanent resident and has already become a citizen) the applicant will need to provide the place and date of naturalization.
- ◆ The applicant will need to provide information regarding his or her spouse and/or children even if they are not lawfully present in the country or it may result in problems in the future.
- ◆ If the applicant or his/her spouse has had a previous marriage, the applicant will need to provide information regarding that marriage, including the name of the prior spouse, the date of the marriage, the date the marriage ended, how the marriage ended and the immigration status of the prior spouse.
- ◆ The applicant will need to provide information about his or her children (including any from a previous marriage who may or may not have legal status in the U.S. or are or are not present in the U.S.). This information should include the name, the date of birth, the place of birth and the resident alien number (if a child has one) for each child.
- ◆ The applicant needs to provide police records if he or she has ever been arrested for any reason. The information should include the date of arrest, the charges and the court ruling for each offense. Remember that legal counsel should be consulted prior to completing the application, if this situation exists.
- ◆ The applicant will have to provide a Selective Service Number if the applicant is a male between the ages of 18 and 26. If the applicant has not registered, send

him to the local library or U.S. Post Office to do so. If the applicant does not know or remember the number, then call (708) 688-6888 to request an "information letter." If the applicant was born after 1960 and lived in the U.S. between the ages of 18 and 26 and did not register, the applicant also needs to get an "information letter" excusing him.

When this information is gathered and the application is prepared, the applicant will need the following things before he or she can submit the application to the INS.

- ◆ A money order or personal check in the amount of \$95.00 to cover the costs of processing. It is expected that this fee will increase in the future.
- ◆ One fingerprint card/chart completed by a certified agency.
- ◆ Two identical passport-size photos (2" x 2").
- ◆ A photocopy of both sides of the applicant's "green card." The applicant should have his or her green card with them when submitting an application but does not have to surrender the card.

Once an individual has submitted their N-400 application they will receive a letter notifying him or her of the interview date. The letter will inform the individual if he or she needs to bring additional documents or failed to submit documents and will instruct the individual to bring his or her green card to the INS interview. If an individual going in for an interview has not passed a standardized citizenship test or the amnesty 312 test, then the INS examiner will ask him or her questions about U.S. history and government and read a short sentence in English which the applicant will need to write down. The interview will also involve questions about the individual's application and whether or not he or she has taken the citizenship or English test. Should the individual not pass the test, he or she can take the test two to three more times in an attempt to pass.

Many individuals applying for naturalization worry that they will not be able to speak English in a manner sufficient enough to pass the interview. These individuals will be tested for their English proficiency unless they are a certain age or meet an exemption. The exemptions are as follows.

- ◆ If the individual possesses a disability which would prevent him/her from taking the test, the individual must obtain certification from a licensed medical doctor stating that he/she is indeed unable to take the test.
- ◆ If the individual is more than 50 years of age and has been a lawful permanent resident for 20 years, he/she may take the test in his/her language.

- ◆ If the individual is more than 55 years of age and has been a lawful permanent resident for 15 years, he/she may take the test in his/her language.
- ◆ If the individual is 65 years of age and has been a permanent resident for 20 years, he/she may be permitted to take a simplified test on U.S. government and history in his/her language.
- ◆ If an individual is particularly nervous about the interview, he/she can be tested before the interview through an approved English and citizenship test site.

Thanks is extended to the Immigration and Refugee Services Program of Catholic Charities Archdiocese of New Orleans which prepared a brochure of this material to be distributed.

Resources on Naturalization

The following is a brief list of organizations that can provide assistance to immigrants seeking to become naturalized.

Coalition for Humane Immigrant Rights of Los Angeles

Contact: Greg Simon

(213) 353-1333

Houston Immigration Community Task Force

(713) 228-5200

Illinois Coalition for Immigrant and Refugee Protection

(312) 441-2996

New York Immigration Coalition

Contact: Arseman Yohannes

(212) 627-2227

Northern California Coalition for Immigrant Rights

Contact: Carol Hurtado

(415) 243-9286

Northwestern Immigrant Rights Project

Contact: Kathy Krikorian

(206) 587-4009

Maryland Office for New Americans

Contact: Martin Ford

(410) 767-7192

Massachusetts Immigrant and Refugee Advocacy Coalition

Contact: Lucilia Prates

(617) 350-5480

One Nation (Miami)

(305) 643-4700

Texas Immigration and Refugee Coalition

Contact: Vanna Slaughter

(214) 946-4889

The following national organizations have local affiliates that can provide assistance on naturalization. Contact the national organizations for local contacts.

Catholic Charities, USA
1731 King Street, Suite 200
Alexandria, VA 22314
Telephone: 703.549.1390 X 30
FAX: 703.549.6280
E-Mail: LCarr@Catholic CharitiesUsa.org
Contact: Lisa M. Carr, Legislative Liaison

Catholic Legal Immigration Network, Inc. (CLINIC)
Theological College
401 Michigan Avenue, N.E.
First Floor
Washington, D.C. 20017
Telephone: 202.635.2556
FAX: 202.635.2649

Lutheran Immigration and Refugee Service
390 Park Avenue South
New York, New York 10016
Telephone: 212.532.6350 X 341
FAX: 212.683.1329
E-Mail: Jwhitfield@LIRS.org
Contact: John Whitfield, Director of Immigration Services

National Association of Latino Elected Officials
3409 Garnet Street
Los Angeles, CA 90023
Telephone: 213.262.8503
FAX: 213.262.9823
Web Page: www.naleo.com

The following materials on citizenship are available from The Hebrew Immigrant Aid Society (HIAS). Contact Rachel Zelon at 212.613.1405 to order materials.

- ◆ "Becoming a U.S. Citizen: Preparing for the INS Interview," (1996). Copies of cassette available in English and workbook in English and Russian at cost.
- ◆ "Helpful Hints: How to Complete the Application for Naturalization, Form N-400," Pamphlet.
- ◆ "Guide to U.S. Citizenship: For persons preparing to satisfy INS requirements for

knowledge of U.S. history and the principles and structure of the U.S. government for purposes of naturalization," available in English and Russian.

- ◆ "Immigration at a Glance: Naturalization," English and Russian pamphlet providing a brief summary of naturalization procedures and requirements.

The National Asian Pacific American Legal Consortium (NAPALC) has available INS naturalization forms and sample civics questions and answers translated into Chinese, Korean, Vietnamese, and Tagalog. The sample civics questions are also available in Lao and Khmer. Contact Mingyew Leung at the NAPALC at 202.296.2300:

IV. IMPACT ON NONPROFITS

The Grassley Nonprofit Amendment exempts nonprofit charitable organizations from verifying immigration status and sponsor deeming information. This means that charities will be able to continue serving people just as they have been without putting into place an extensive verification system.

During the debate on the immigrant benefits provisions, Senator Grassley and Senator Kennedy sponsored an amendment in the Senate Judiciary Committee to exempt "nonprofit charitable organizations" from the requirement to verify immigrant status and sponsor deeming information. The amendment was ultimately passed and was signed into law by President Clinton.

The Welfare Act requires the Attorney General to draft regulations to establish a verification system for governmental and nongovernmental institutions that deliver services to immigrants. The Grassley-Kennedy amendment *exempts* charities from this regulatory system. Essentially, this means that charities will be able to continue serving people just as they have been without putting into place extensive verification systems.

The policy rationale behind this provision is that charities deliver essential services to all in need primarily through the use of volunteers who have little or no expertise in immigration law. To require nonprofit organizations such as these to perform the tasks of immigration verification and sponsor deeming would be costly and time-consuming. In addition, it would result in a delay in services to all those in need, including many destitute and homeless immigrants and United States citizens without proper identification.

Under the exemption, charities will not be required to verify whether a person is in the country legally, whether the person has worked the requisite number of "qualifying quarters," or whether the person fits into one of the various program or personal exemptions to the prohibitions. In addition, charities will not be required to attribute the income and resources of an immigrant's sponsor and the sponsor's spouse to the immigrant prior to providing services. Charities will be eligible for full governmental reimbursement as allowed under individual programs, regardless of the fact that they may have inadvertently served immigrants who may not qualify under the restrictions. Charities will not be liable for the cost of benefits subsequently discovered to have been provided to ineligible immigrants.

However, charities will be required to continue engaging in verification procedures or income attribution systems that are required *outside* the new Welfare Act provisions. For example, some housing programs that existed prior to the Welfare Act may have required immigration verification. The Grassley-Kennedy exemption for charities applies only to the *new* prohibitions and restrictions passed in the Welfare Act, not to pre-existing requirements.

In addition, if other governmental agencies perform immigration and income verification through the normal course of determining eligibility, charities will continue to be required to honor these

determinations. For example, individuals applying for Medicaid services are normally required to go to a State Medicaid office to determine their eligibility for the program. If they meet all program requirements, they are awarded a Medicaid card, which they can present to any Medicaid service provider, including charities, to receive benefits. Under the Welfare Act, the State, as part of its Medicaid eligibility determination, will now conduct immigration verification and sponsor deeming attribution. Only immigrants who meet the new Welfare Act requirements will be awarded a Medicaid card. Charities, as always, will have to honor this determination.

As a practical matter, therefore, agencies will not have to engage in new and costly verification procedures as a result of the new Welfare Act. However, existing agency practices of requiring Medicaid cards for selected services, or abiding by verification requirements established by Federal or State laws other than the Welfare Act, will continue to apply.

GRASSLEY NONPROFIT AMENDMENT

(to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996)

Sec. 508. NO VERIFICATION REQUIREMENT FOR NON-PROFIT CHARITABLE ORGANIZATIONS

Section 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (i U.S.C. 1642) is amended by adding, at the end, the following new subsection:

"(d) **NO VERIFICATION REQUIREMENT FOR NONPROFIT CHARITABLE ORGANIZATIONS.**-- Subject to subsection (a), a nonprofit charitable organizations, in providing any Federal public benefit (as defined in section 401(c)) or any State or local public benefit (as defined in section 411(c)), is not required under this title to determine, verify, or otherwise require proof of eligibility of any applicant for such benefits."

V. NEXT STEPS FOR LOCAL GROUPS

1. *If you provide direct services, determine whether or not you are exempt from having to screen clients for citizenship status.* The Department of Agriculture has already issued guidance stating that shelters and soup kitchens may continue to provide services to legal immigrants. Private charitable organizations in most cases are not required to screen for immigration status in order to provide federally or state/locally funded assistance if the program did not require such screening prior to the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. If you have questions as to whether or not you are exempted, contact the National Law Center on Homelessness and Poverty at 202.638.2535 or Lisa Carr, Catholic Charities, USA at 703.549.1390.
2. *If you are required to screen your clients, find out whether they fall into any exempted categories* (such as persons who served in the U.S. armed forces) of immigrants who may still receive benefits. Keep in mind that there are two types of exempted categories which you should be sure to check. First, there are personal exemptions such as veterans. There are also program exemptions such as immunizations. For more information on who is exempted, see sections above on who is eligible.
3. *Encourage your state legislature to continue benefits for non-citizen immigrants.* States may opt to keep non-citizen immigrants eligible for food stamps. Additionally, states may use their own money to provide other benefits to non-citizens in place of federal benefits.
4. *Help clients to become citizens if they are eligible.* Refer your clients to programs to help clients learn the information they need to become U.S. citizens. Alternatively, develop your own program.
5. *Monitor impact of the changes.* Collect statistics and personal stories about the impact of the cutoff of benefits. For example, develop an intake form to determine if people are seeking services because of the loss of income as a result of welfare reform changes. Use it to educate the public or pass it on to advocacy groups. Monitoring surveys are available from Catholic Charities, the National Alliance to End Homelessness and the National Law Center on Homelessness and Poverty.

Resources on State and Local Advocacy*

"Preserving Services for Immigrants: State and Local Implementation of the New Welfare and Immigration Laws," by Tanya Broder, National Immigration Law Center (NILC). For a copy call NILC at 213.938.6452.

"States' Initial Decisions About Providing Cash Assistance to Legal Immigrants," available from the Center on Budget and Policy Priorities. For a copy call the Center at 202.408.1080.

"New Laws Fundamentally Revise Immigrant Access to Government Programs: A Review of the Changes," by Charles Wheeler and Josh Bernstein of NILC. For a copy call NILC at 213.938.6452.

"State Legislative Leaders: Keys to Effective Legislation for Children and Families," available from the Children and Families Program, State Legislative Leaders Foundation at 508.771.3821.

"How to Tell and Sell Your Story: A Guide to Media for Community Groups and other Nonprofits," available from the Center for Community Change, 202.342.0567.

* There may be a charge for these publications.