

NATIONAL IMMIGRATION LAW CENTER
 810 FIRST STREET NE, SUITE 535
 WASHINGTON, DC 20002
 (202) 371-9663 • FAX: (202) 371-9667

Post-It™ brand fax transmittal memo 7671		# of pages • 12
To <i>Joni Barnett</i>	From <i>Susan Brock</i>	
Co.	Co.	
Dept. <i>Josh Beena</i>	Phone #	
Fax <i>512 328-8559</i>	Fax #	

Summary of Immigration Provisions of the Personal Responsibility Act (PRA)

OVERVIEW

What is the PRA?

The Personal Responsibility Act (PRA) was proposed as part of the "Contract with America" unveiled by Republican congressional candidates in September of 1994. The most widely publicized provisions of the PRA would drastically restrict funds and eligibility for the Aid to Families with Dependent Children (AFDC) program. The PRA would also eliminate the Food Stamp and other federal nutrition programs, which would be consolidated into a block grant to the states with substantially less funding than these programs currently provide. Most of the money saved by these changes would go towards deficit reduction rather than towards other programs that serve the poor.

Though they have received less attention, the provisions of the PRA that treat immigrant eligibility for federal benefits are breathtaking in their scope. The PRA would completely withdraw the safety net from nearly all immigrants, legal as well as illegal, by excluding them from 60 listed programs. The listed programs include all federal cash and noncash needs-based programs for persons with limited income, exempting (with only minor exceptions) only veterans programs and childhood education programs. Immigrants would be barred from all of the major federal programs for job training and human investment, as well as those that provide non-emergency health care, nutrition, housing, and cash assistance for women, children, seniors, and those with disabilities. These programs are described in detail below.¹

Who would be affected?

Under the PRA, only two categories of immigrants would remain eligible for the listed programs: (1) lawful permanent residents who are over 75 years old and who have lived in the United States for more than 5 years; and (2) refugees who have lived in the United States for less than 6 years. These represent only a fraction of the immigrants who have played by our rules to lawfully immigrate to the United States and who now call the United States their permanent home. Other than this fraction, all immigrants would be ineligible for any of the 60 listed programs, regardless of individual circumstances: no matter why they came to the United States, how long they have lived here, and how desperate their need. For example, unless states or local governments agreed to absorb the cost of providing services:

- A 6-month-old baby who came here legally with his mother, would be ineligible for basic vaccinations.
- A 7-year-old child, legally present in the United States, would be denied foster care and adoption assistance upon the death of her parents.

¹The PRA also contains a provision requiring welfare agencies to send identifying information to the INS of any parents of U.S. citizen children that the agency identifies as being in the United States unlawfully.

- A 23-year-old woman, legally present in the United States, forced from her home in flight from an abusive husband, would be denied job training, child care, and other services coordinated by a battered women's shelter.
- A 35-year-old man, granted political asylum here after fleeing torture in his native land for his religious beliefs, would be ineligible to receive canned goods from the food bank run by his local church.
- A 60-year-old woman who immigrated legally when she was 15 years old, and who has worked in the United States as a domestic all her life, would be rendered ineligible for Medicaid to treat her dangerous heart condition.

The PRA would fundamentally shift the relationship between citizens and legal immigrants.

Passage of these immigrant exclusion provisions would work a radical change in our country's treatment of legal immigrants. Historically, legal permanent residents have been treated as future citizens, sharing most of the same rights and responsibilities as natives. Other than the right to vote and laws specifically regulating immigration, there have been almost no legal distinctions between citizens and those who have established lawful permanent residence in the United States. For example, legal residents have been required to pay taxes, to obey all laws, and to register for the draft. Consistent with this tradition, the Constitution prohibits state or local governments from discriminating against legal immigrants without a compelling reason.

This principle of equal treatment makes sense because discrimination between different classes of lawful residents would conflict with one of the core values upon which our nation was founded: equal treatment under law. Although most legal immigrants are eligible to become citizens after 5 years, less than 40 percent are able to do so. Barriers to naturalization include fear and lack of information about the process, the cost of naturalization, unavailability of citizenship classes, long waits, and bureaucratic red-tape. The group most often deterred by these barriers from becoming citizens--the elderly, blind, and those with disabilities, are also the group most affected by the cuts proposed in the PRA. The wait for naturalization is already approaching one year in many locations, and, at the current capacity of the Immigration and Naturalization Service, it would take 50 years to process all of their applications.

How much money would be saved by the immigrant exclusion provisions?

Working with Congressional Budget Office figures, The Center on Budget and Policy Priorities estimates that the immigrant exclusion provisions, by themselves, will save the federal government \$21.7 billion during the first five years of implementation. This represents less than 3 percent of the more than \$900 billion five-year budget of the affected programs.² Savings in the Aid to Families with Dependent Children (AFDC) program alone would average only about \$0.2 billion per year during the first 5 years.

Although the savings would be small, the numbers of people excluded from aid would be significant. For example, approximately 420,000 legal immigrants would be cut off of AFDC each month solely because of their immigration status. Nearly a million legal immigrants would lose Medicaid coverage.

²Assuming that 1992 budget totals remained constant over 5 years.

Ninety-eight percent of the financial savings generated by these immigrant exclusions would derive from excluding *legal* immigrants from the enumerated programs. This is because undocumented immigrants are already excluded from all cash assistance and most other major programs.

States will have to bear the cost of federal immigration policies:

States and local governments have pointed out that immigration is a federal concern and immigration policy is set by the federal government. Passage of the PRA would not solve the problems these 60 programs were intended to correct. Children would still be hungry in school, they would still get contagious diseases if not immunized, and the elderly, blind, and those with disabilities would continue to need health care. The only difference would be that the federal funds to alleviate these problems would be withdrawn, and states would have to bear the costs alone.

Which programs would exclude immigrants under the PRA?

The following is a description of each of the programs, listed in the PRA, from which immigrants would be excluded:

HEALTH CARE PROGRAMS

Summary:

The PRA eliminates eligibility for all major federally funded needs-based health care except Emergency Medicaid, Medical Care for Veterans, and Indian Health Services.

Specific Programs Eliminated:

Basic Care

Medicaid (Social Security Act, Title IX -- PRA § 401(d)(1)):

Provides minimum basic doctor and hospital services for very low-income families with children, pregnant women, the elderly, blind and those with disabilities. The PRA eliminates eligibility for all but emergency services.

Current status: Full Medicaid is limited to legal permanent residents and those who are Permanently Residing Under Color of Law (PRUCOL) (there are no restrictions based on immigration status for emergency Medicaid).

Maternal and Child Health Services Block Grant Program (Social Security Act, Title V -- PRA § 401(d)(2)):

Provides mothers and children, particularly children with special needs, with access to maternal and child health services. The particular mix of services varies by state. Services include prenatal care, well-child care, dental care, immunization, family planning, and vision and hearing screening services, screening for lead-based poisoning, and counseling services for parents of sudden infant death syndrome victims.

Current Status: No restrictions based on immigration status.

Family Planning Services (Public Health Service Act § 1001 -- PRA § 401(d)(4)):

Provides a broad range of family planning services including natural family planning methods and supplies, counseling, physical examinations, testing for cancer and sexually transmitted diseases, infertility services, pregnancy tests, follow-up examinations, and referral to other social and medical referrals. Does not fund abortions. Services are on a sliding scale, and are free for very low-income women. Approximately 1/3 of the women served are adolescents.

Current Status: No restrictions based on immigration status.

Alcohol, Drug Abuse, and Mental Health Services Block Grant (Public Health Service Act, Title XIX, Part B, Subparts I & 2, 42 U.S.C. § 300x et seq. -- PRA § 401(d)(44)):

Provides funds for alcohol, drug abuse, and mental health programs.

Current Status: No restrictions based on immigration status.

Child and adult preventive health care

Immunizations Against Vaccine Preventable Diseases (Public Health Service Act § 317(j)(1), 42 U.S.C. 247b(j)(1) -- PRA § 401(d)(41)):

Authorizes funds for preventive health services.

Current Status: No restrictions based on immigration status.

Lead Poisoning Screenings, Referrals and Education (Public Health Service Act § 317A -- PRA § 401(d)(42)):

Provides funds for testing of infant and child blood lead levels, treatment of high blood lead levels, referral for environmental intervention, and education.

Current Status: No restrictions based on immigration status.

Preventative Health and Health Services Act Block Grants (Public Health Service Act, Title XIX, Part A, 42 U.S.C. § 300w et seq. -- PRA § 401(d)(43)):

Authorizes block grants to states for preventive health services, comprehensive health services, and emergency medical services, including demonstration projects for emergency medical services for children.

Current Status: No restrictions based on immigration status.

Community Clinics

Community Health Centers (Public Health Service Act § 330, 42 U.S.C. § 254c et seq. -- PRA § 401(d)(3)):

Funds community health centers that serve medically underserved populations and areas suffering health manpower shortages. Funded clinics provide primary, preventive, and emergency health services. Some also provide additional care such as home visits, mental health, and vision services.

Current Status: No restrictions based on immigration status.

Migrant Health Centers (Public Health Service Act § 329 -- PRA § 401(d)(5)):

Funds migrant health centers that serve migratory and seasonal agricultural workers and their families. Funded clinics provide primary, preventive, and emergency health services. Some also provide additional care such as home visits, mental health, and vision services.

Current Status: No restrictions based on immigration status.

NUTRITION

Summary:

Eliminates eligibility for all federal food benefits programs, from infant care to soup-kitchens. The sole exception is the Food Distribution Program on Indian Reservations.

Note: The Food Stamp program, which provides an average of about \$70 per month in food coupons to fulfill the nutritional needs of poor families and individuals, is not among the programs listed in the PRA. We have been assured that this is a drafting error, and that the drafters intended to eliminate immigrant eligibility for the Food Stamp program as well as the other programs listed below.

Specific Programs Eliminated:

Meals Programs

School Lunches (National School Lunch Act, 42 U.S.C. § 1751 -- PRA § 401(d)(10)):
Provides free and reduced price lunches to needy children in participating schools.

School Breakfasts (Child Nutrition Act of 1966 § 4, 42 U.S.C. § 1766 -- PRA § 401(d)(13)):
Provides free and reduced price breakfasts to needy children in participating schools.

Special Milk Program (Child Nutrition Act of 1966 § 3, 42 U.S.C. § 1772 -- PRA § 401(d)(18)):
Provides free milk to poor children in schools and residential child care centers that do not participate in other federally subsidized meal programs.

Summer Food Service Program for Children (National School Lunch Act § 13 (42 U.S.C. § 1761 -- PRA § 401(d)(16)):
Provides meals for children in public or private non profit summer school and summer camps in areas where the majority of children are from low income families.

Nutrition Programs for the Elderly (Older Americans Act of 1965, Title III § C, 42 U.S.C. 1786 -- PRA § 401(d)(12)):
Provides congregate and home-delivered meals to people who are homebound due to illness or disability or who are otherwise isolated.

Child and Adult Food Program (National School Lunch Act § 17, 42 U.S.C. 1773 -- PRA § 401(d)(14)):
Provides meal subsidies for children in nonresidential child care centers, and for a small number of elderly in nonresidential adult care centers.

Commodities Programs:

Women, Infants and Children Program (WIC) (Child Nutrition Act of 1966 § 17, 42 U.S.C. § 1786 -- PRA § 401(d)(12)):

WIC provides coupons for food staples such as milk and eggs to very poor pregnant women and mothers with very young children to meet basic nutritional needs.

Current Status: No restrictions based on immigration status.

Commodity Supplemental Food Program (CSFP) (Agriculture and Consumer Protection Act of 1973 § 4(a), 7 U.S.C. 612c note PRA § 401(d)(17)):

Provides food packages and nutrition education to poor and nutritionally at risk pregnant women, breastfeeding women, postpartum women, infants, and children up to age 6, and the elderly. The food packages cost the government an average of less than \$25 per month per family, and include infant formula, rice cereal and hot cereal, canned and nonfat dry milk, canned meat or poultry, egg mix, juice, dehydrated potatoes, peanut butter, and dry beans.

Current Status: No restrictions based on immigration status.

The Emergency Food Assistance Program (TEFAP) (Emergency Food Assistance Act of 1983, 7 U.S.C. § 612c note -- PRA § 401(d)(15)):

Provides for acquisition and distribution of surplus food such as applesauce, beans, corn, canned goods, to food banks, food pantries, soup kitchens, hunger centers, temporary homeless shelters, community agencies, churches and others offering food assistance to the needy.

Current Status: No restrictions based on immigration status.

ASSISTANCE FOR CHILDREN AND THEIR FAMILIES

Summary:

Completely eliminates eligibility for all major needs-based programs except for childhood education programs.

Specific Programs Eliminated:

Aid to Families with Dependent Children (AFDC) (Social Security Act, Title IV-A -- PRA § 401(d)(6)):

AFDC provides cash assistance to families with children. Nearly all of AFDC funds are provided to single mothers and their children. Only 5 percent of the budget savings from the PRA immigrant exclusion provisions derive from their effect on the AFDC program.

Current Status: Eligibility limited to legal permanent residents and those who are Permanently Residing Under Color of Law (PRUCOL). Immigrants who were admitted based on an affidavit of support executed by a public or private agency or a relative are generally ineligible for three years from the date of entry because the sponsors income and property are "deemed" to be available to the immigrant.

Child Welfare Services (Social Security Act, Title IV-B -- PRA § 401(d)(7)):

Provides money to states to implement the adoption assistance act, including procedural due process rights and provision of preventive services to keep families together where possible.

Current Status: No current restrictions based on immigration status.

Foster Care and Adoption Assistance (Social Security Act, Title IV-E -- PRA § 401(d)(9)):

Foster Care provides maintenance payments for the care of low-income children who usually have been placed in foster care homes or small public or non-profit child care institutions. Generally, placement must be the result of a judicial determination that continuation in the home would be contrary to the child's welfare. Adoption assistance provides aid to families adopting children who have special needs because of mental or physical disability, age, ethnic background, or membership in a sibling group.

Current Status: Same immigrant eligibility restrictions as for AFDC.

Child Care and Development Block Grant (Child Care and Development Block Grant Act of 1990, 42 U.S.C. §§ 9858 et seq. -- PRA § 401(d)(58)):

Provides funds for child-care, early childhood development, and before- and after-school care services.

Current Status: No current restrictions based on immigration status.

Child Care programs (Social Security Act § 402(i) -- PRA § 401(d)(59)):

Provides funds for child care for children 12 years old and under to enable the child's parent to participate in AFDC job training or to accept a job.

Current Status: Same immigrant eligibility restrictions as for AFDC.

Social Services Block Grants (Social Security Act, Title XX -- PRA § 401(d)(54)):

Provides funds to states to provide social services. Most commonly, states used the funds to provide home chore services, child day care, substitute care and placement for children, protective services for children, and services for the disabled.

Current Status: No current restrictions based on immigration status.

ASSISTANCE FOR SENIORS AND THOSE WITH DISABILITIES

Summary:

Completely eliminates eligibility for all major needs-based programs except for those specifically provided for veterans.

Specific Programs Eliminated:

Supplemental Security Income (SSI) (Social Security Act, Title XVI -- PRA § 401(d)(8));

SSI provides maintenance cash assistance to very poor people who are over 65, blind or too disabled to work. For many seniors, SSI serves as a supplement for low Social Security earnings.

Current Status: Eligibility limited to legal permanent residents and those who are Permanently Residing Under Color of Law (PRUCOL). Immigrants who were admitted based on an affidavit of support executed by a relative "sponsor" are generally barred from receiving SSI for five years from the date of entry because the sponsor's income and property are "deemed" to be available to the immigrant. Under "deeming," an immigrant can only qualify for SSI if the immigrant's sponsor is also very poor.

Foster Grandparent Program (Domestic Volunteer Service Act of 1973, Title II, Part B, 42 U.S.C. §§ 5011-5012 -- PRA § 401(d)(50))

Provides a stipend of \$2.50 per hour for low-income seniors who volunteer to act as foster grandparents.

Current Status: No current restrictions based on immigration status.

Senior Companion Program (Domestic Volunteer Service Act of 1973, Title II, Part C, 42 U.S.C. § 5013 -- PRA § 401(d)(51))

Provides a stipend of \$2.50 per hour for low-income seniors who volunteer to act as senior companions.

Current Status: No current restrictions based on immigration status.

HOUSING AND ENERGY ASSISTANCE PROGRAMS

Summary:

Completely eliminates eligibility for all major programs.

Specific Programs Eliminated:

General Housing Programs

Section 8 Low-Income Housing Assistance (United States Housing Act of 1937 § 8, 42 U.S.C. § 1437f -- PRA § 401(d)(19));

Provides housing subsidies for low-income and very low-income families and single persons.

Current Status: In general, eligibility is limited to families all of whose members are either lawful permanent residents or within one of the other immigration categories enumerated in the statute and regulations.

Low-Rent Public Housing (United States Housing Act of 1937, Title I, 42 U.S.C. § 1437 et seq. -- PRA § 401(d)(20));

Provides low rent housing in government owned apartments for low-income and very low-income families and single persons.

Current Status: Same as for Section 8 Housing Assistance.

Section 236 Interest Reduction Payments (National Housing Act § 236, 12 U.S.C. § 1715z-1 -- PRA § 401(d)(22)):

Provides mortgage assistance to owners of rental units who agree to accept reduced rent from low-income tenants.

Current Status: Same as for Section 8 Housing Assistance.

Home-owner Assistance Payments (National Housing Act § 235, 42 U.S.C. § 1715z -- PRA § 401(d)(25)):

Provides monthly payments to mortgagees on behalf of low-income disabled or senior home buyers to reduce interest rates.

Current Status: Same as for Section 8 Housing Assistance.

HUD Low Income Rent Supplements (Housing and Urban Development Act of 1965 § 101, 12 U.S.C. § 1701s -- PRA § 401(d)(26))

Provides payments to approved private non-profit or limited dividend landlords to enable the landlords to charge low income tenants rents based on a percentage of their incomes.

Current Status: Same as for Section 8 Housing Assistance.

Rural and Farmworker Housing Programs

Rural Housing Loans (Housing Act of 1949 § 502 (42 U.S.C. § 1472 -- PRA § 401(d)(21)):

Provides loans to low-income and very low-income families who own or wish to purchase a farm or rural housing. Borrowers must be without decent, safe, and sanitary housing and must be unable to obtain credit elsewhere on reasonable terms.

Rural Rental Housing Loans (Housing Act of 1949 § 515, 42 U.S.C. § 1485 -- PRA § 401(d)(23)):

Provides loans to the owners of rural rental or cooperative housing units occupied by low or moderate income families or by disabled or elderly persons. Sponsors must be unable to obtain credit elsewhere on reasonable terms that would enable them to rent the units for amounts within the payment ability of eligible tenants.

Rural Rental Assistance (Housing Act of 1949 § 521(A)(2)(A), 42 U.S.C. § 1490a(J)(2)(A) -- PRA § 401(d)(24))

Rural Housing Repair Loans and Grants (Housing Act of 1949 § 504, 42 U.S.C. § 1474 -- PRA § 401(d)(27))

Farm Labor Housing Loans and Grants (Housing Act of 1949 §§ 514, 516, 42 U.S.C. §§ 1484, 1486 -- PRA § 401(d)(28))

Rural Housing Preservation Grants (Housing Act of 1949 § 533, 42 U.S.C. § 1490m -- PRA § 401(d)(29))

Rural Self-Help Technical Assistance Grants (Housing Act of 1949 § 523, 42 U.S.C. § 1490c -- PRA § 401(d)(30))

Site Loans (Housing Act of 1949 § 524, 42 U.S.C. § 1490d -- PRA § 401(d)(32))

Energy Assistance

Low Income Energy Assistance (Low Income Energy Assistance Act of 1981, 42 U.S.C. § 8621 et seq. -- PRA § 401(d)(52)):

Provides funds to help pay residential heating or cooling costs, purchase or install low-cost weatherization materials, and assist households facing energy related emergencies.

Weatherization Assistance (Energy Conservation and Production Act, 42 U.S.C. § 6851 -- PRA § 401(d)(53)):

Provides funds to low income persons for weatherization materials, labor, and related expenses.

JOB TRAINING AND EDUCATIONAL ASSISTANCE

Summary:

Eliminates eligibility for all training programs and for most higher education loan and grant programs.

Specific Programs Eliminated:

Training Programs

JTPA, including summer youth employment and training programs (Job Training Partnership Act, Title II, Parts A, B, C, 29 U.S.C. § 1601 et seq. -- PRA § 401(d)(45), (47)):

Provides education and training services to youth and adults, including basic skills training, on-the-job training, classroom training, skill upgrading, retraining, and job counseling. Also provides training related supportive services such as transportation, child care, and job search assistance.

Current Status: Eligibility limited to immigrants authorized to work in the United States.

Older Americans Community Service Employment Act (42 U.S.C. § 3001 et seq. -- PRA § 401(d)(48)):

Provides funds to place low income seniors in subsidized or unsubsidized part-time community service jobs.

Senior Social Services (Older Americans Act of 1965, Title III -- PRA § 401(d)(49)):

Provides social services, congregate meals, home delivered meals, and legal assistance services for low income seniors.

Job Corps (Job Training Partnership Act, Title IV, Part B, 29 U.S.C. § 1692 et seq. -- PRA § 401(d)(46)):

Provides funds to enroll economically disadvantaged teens who live in a disorienting environment in residential centers where they receive education, vocational skills training, counseling, work experience and health services. Enrollees receive small allowances (less than \$20 per week) while participating in the program, and another small readjustment allowance upon successful graduation from the program.

Higher Education Loans and Grants

Pell Grants (Higher Education Act, Title IV, Part A, Subpart 1 -- PRA § 401(d)(33)):
Current Status: Eligibility limited to permanent residents and persons whose immigration status is consistent with an intention to become a lawful permanent resident.

Supplemental Educational Opportunity Grants (Higher Education Act, Title IV, Part A, Subpart 3 -- PRA § 401(d)(35)):
Current Status: Same as for Pell Grants.

State Student Incentive Grants (Higher Education Act, Title IV, Part A, Subpart 4 -- PRA § 401(d)(37)):
Current Status: Same as for Pell Grants.

HEP/CAMP Migrant Programs (Higher Education Act, Title IV, Part A, Subpart 5 -- PRA § 401(d)(39)):
Current Status: Same as for Pell Grants.

Federal Family Education Loans (Higher Education Act, Title I, Part B -- PRA § 401(d)(32)):
Current Status: Same as for Pell Grants.

Work-Study Programs (Higher Education Act, Title IV, Part C -- PRA § 401(d)(34)):
Current Status: Same as for Pell Grants.

Federal Perkins Loans (Higher Education Act, Title IV, Part E -- PRA § 401(d)(36)):
Current Status: Same as for Pell Grants.

Graduate Programs (Higher Education Act, Title IX -- PRA § 401(d)(38)):
 These programs include: Grants to Institutions and Consortia to Encourage Women and Minority Participation in Graduate Education, Patricia Roberts Harris Fellowships, Jacob Javits Fellowships, Graduate Assistance in Areas of National Need, Faculty Development Fellowships, Assistance for Training in the Legal Profession, Law School Clinical Experience Programs

National Health Service Corps Scholarship Program and National Health Service Corps Loan Repayment Program (Public Health Service Act §§ 338A, 338B, and Part A of Title VII -- PRA § 401(d)(40)):
 Provides loan forgiveness and scholarships to medical providers assigned to areas suffering health professional shortages.

OTHER KINDS OF ASSISTANCE

Community Services Block Grants (Community Services Block Grant Act, 42 U.S.C. §§ 9901 et seq. -- PRA § 401(d)(55)):
 Provides funds to states for anti-poverty activities, including local program coordination, nutrition, emergency services, and employment services.
Current Status: No current restrictions based on immigration status.

Legal Services (Legal Services Corporation Act, 42 U.S.C. §§ 2996 et seq. -- PRA § 401(d)(56)):

Provides legal services for the very poor in areas including landlord-tenant law, consumer protection, welfare assistance, domestic violence, and employment.

Current Status: Eligibility limited to lawful permanent residents and other specific categories of immigrants enumerated in the statute.

Emergency food and shelter under the McKinney Homeless Assistance Act (McKinney Homeless Assistance Act, Title III, 42 U.S.C. 11331 et seq. -- PRA § 401(d)(57)):

Provides funds for public and private organizations, such as food banks, soup kitchens and shelters, to give food and shelter to homeless persons on an emergency basis. Agencies may also use the money to avert homelessness by paying rent or utilities.

Current Status: No current restrictions based on immigration status.

State Legalization Impact-Assistance Grants (SLIAG) (Immigration Reform and Control Act of 1986 § 204 -- PRA § 401(d)(60)):

Reimburses states and local governments for the cost of public assistance, public health assistance, and educational services for immigrants granted amnesty by the Immigration Reform and Control Act of 1986 (IRCA).