

AMERICAN BAR ASSOCIATION
COMMISSION ON LEGAL PROBLEMS OF THE ELDERLY
COMMISSION ON HOMELESSNESS AND POVERTY
SENIOR LAWYERS DIVISION
COORDINATING COMMITTEE ON IMMIGRATION LAW
BAR ASSOCIATION OF THE CITY OF NEW YORK
BAR ASSOCIATION OF SAN FRANCISCO

REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

RESOLVED, That the American Bar Association urges Congress and the President to restore to	1
legal immigrants, including lawful permanent residents, refugees and others residing in the United	2
States with permission of the Immigration and Naturalization Service, the same rights to	3
Supplemental Security Income, food stamps and other federal and state funded services, benefits,	4
and assistance, which were available to them prior to enactment of Title IV of the Personal	5
Responsibility and Work Opportunity Reconciliation Act of 1996, and	6
 FURTHER RESOLVED, That the American Bar Association opposes any federal, state, local or	7
territorial legislative or administrative action that restricts, denies or otherwise discriminates against	8
legal immigrants, including lawful permanent residents, refugees and others residing in the United	9
States with permission of the Immigration and Naturalization Service, in the provision of	10
government funded services, benefits or assistance.	11

REPORT

INTRODUCTION

Historically, the culture and the economy of the United States have been enriched and strengthened by the admission of persons from other countries. The vast majority of us derive our lineage from such immigrants. To this day our immigration laws sanction the admission of controlled numbers of persons from other countries to reunite with families, escape oppression and supply skills found wanting here. Many, perhaps most, of these lawful admittees become citizens. Others for a multitude of reasons do not, but shoulder obligations common to citizens, including paying taxes and serving in the military. Traditionally, these legal immigrants have had the same access to many government benefits as do citizens.

Largely in response to perceived problems of illegal immigration, Congress included Title IV in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the PRA, or welfare bill), which it passed on August 22, 1996.¹ Title IV ended a decades-long federal commitment to provide the basic necessities of life to immigrants who reside lawfully in this country, when circumstances arise that may force them to turn to the government as a last resort. The PRA bars almost all current and future legal immigrants who have not become citizens from federally funded services, benefits and assistance, including financial assistance for food and shelter, medical care, social services programs and other state and federal programs designed to provide a "safety net" for low-income individuals and families.²

Since the passage of Title IV governors, members of Congress and the administration have come to the realization that Title IV reaches too far, is unwise and is possibly unconstitutional. A movement is underway to soften or alleviate its impact on legal immigrants, as evidenced by the effort to restore some measure of benefits as part of the FY 1998 budget agreement.

The American Bar Association has endeavored for many years to ensure equal treatment and access to justice for all persons, especially those who are least able to protect their own legal rights -- low-income persons, individuals with disabilities, children and older people. We also have historically supported equal rights under the law for immigrants. This Recommendation builds upon these principles by calling for legislation to restore eligibility for federal and state funded services, benefits and assistance to otherwise eligible current and future legal immigrants, to the same extent

¹Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, (Aug. 22, 1996), as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("Immigration Act"), P.L. 104-208, (Sept. 30, 1996). Among the modifications the Immigration Act makes to the PRA are allowing certain domestic violence victims to receive benefits, and exempting non-profit organizations from certain verification requirements.

²For clarity and consistency, the attached Recommendation uses the appellation, "legal immigrant" as a term of art, to include lawful permanent residents, refugees and other categories of persons residing in the United States with permission of the Immigration and Naturalization Service.

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such benefits, programs and assistance were available to them prior to passage of the PRA. The Recommendation also places the Association on record as opposing any federal, state, local or territorial legislative or administrative action that discriminates against otherwise eligible legal immigrants in the provision of government funded services, benefits, or assistance.

SSI AND FOOD STAMP CUTS

The most immediate, and most highly publicized consequence of these restrictions is the termination of Supplemental Security Income (SSI) and Food Stamps³ to an estimated 500,000 elderly and disabled legal immigrants who rely on the government's safety net for their survival, and who, because of disability or advanced age are unlikely ever to be able to work or to become citizens.⁴ SSI benefits will be provided only to limited classifications of legal immigrants, so-called "qualified aliens." Moreover, under the new law, a refugee or person granted asylum (asylee) may only receive benefits during his or her first five years in the United States, even if the disability is permanent.⁵ No longer eligible are legal immigrants who cannot be credited with ten years of work history, and persons "Permanently Residing in the United States Under Color of Law" who meet program guidelines for eligibility.⁶

The Social Security Administration estimates that 67% of those who will lose their benefits are age 65 or older, 41% are over the age of 75 (and of this very aged group, 76% are women), 18% are over age 85 and 40% receive benefits based on disability. About 28% receive a Social Security benefit of some kind which indicates that either they or their spouse have a work history that is substantial, but not necessarily sufficient to qualify for continued SSI. Finally, an estimated 39,000

³SSI provides subsistence level income to persons 65 and older with little or no retirement income; to younger adults who have disabilities but who have not worked long enough or recently enough to receive disability insurance benefits; and to disabled children whose parents may still be working, but at very low wages. Eligibility for food stamps is also restrictive, limited to households whose net income is below the federal poverty level and whose resources are less than \$2,000, or \$3,000 for households that include a member age 60 or older. The actual size of the food stamp allotment varies according to the household's income and expenses. Many recipients of food stamps work, and receive these benefits to assist them in their struggles to make ends meet.

⁴The Congressional Budget Office estimates that 500,000 elderly and disabled immigrants will lose SSI benefits.

⁵Prior to passage of the PRA, the federal government allowed need-based benefits such as Supplemental Security Income, Aid to Families with Dependent Children, Food Stamps and Medicaid, without time limitations, for certain categories of needy non-citizen immigrants, including: lawful permanent residents (admitted with permission, paperwork in order); refugees and persons seeking asylum (seeking protection due to fear of persecution in homeland); parolees (admitted for humanitarian reasons), and persons Permanently Residing in the United States Under Color of Law or PRUCOL (in the United States with the knowledge and acquiescence of the Immigration and Naturalization Service). Also under prior law, the sponsor's (and sponsor's spouse's) income and resources were attributed to a sponsored immigrant for five years after entry in determining financial eligibility for SSI, and for three years in calculating Food Stamps and AFDC. 42 U.S.C. §1382c (a)(1)(B)(i).

⁶Pub. L. No. 104-193, §435.

immigrant SSI recipients are nursing home residents.⁷ SSI, in addition to providing basic survival assistance to individuals, allows many persons with disabilities to remain independent, helps families to care for loved ones at home instead of admitting them to institutions, and pays for residential care facilities that help keep frail elderly or disabled persons out of hospitals and nursing homes.

While these numbers are disturbing, they can only begin to help us see the human consequences of the law. To comprehend the full impact, consider some of the people whose safety net is about to be torn to shreds. Their stories are taken from newspaper accounts and court pleadings, but their last names are omitted to protect their privacy.

- *Mendel T.*, is a severely retarded Holocaust survivor. Having lost both parents, he lived in an orphanage and with relatives until 1992, when he came to the U.S. as a refugee with his care giver cousin. The cousin died shortly after their arrival and Mendel has lived ever since with a distant relative, Stella B. Both Mendel and Stella receive SSI, but neither is a citizen; they will lose their benefits on August 1. Stella's children will be able to care for her, but are financially unable to care for Mendel.
- *Martha P.* escaped from the communist government in Vietnam with her son, Vien, who is now 34 years old. Realizing that she wanted to make the U.S. her home, she became a citizen in 1989. Vien, who has Downs Syndrome and is mentally retarded, receives SSI because of his disabilities. He has applied for citizenship twice, but has been denied each time because of his severe disabilities. It is unlikely that Vien has the capacity to take the oath of citizenship, even assuming he qualifies for the new disability exemption.
- *Marie K.* is 75 years old and has lived in this country since 1957 when she emigrated here from post-war Germany with her former husband. She and her husband were divorced in 1983. Marie has a psychiatric diagnosis of chronic paranoid schizophrenia, and has been institutionalized on several occasions. For the past five years, Marie has resided in an "enhanced care unit" of a retirement center, where she receives mental health services and support that allow her to remain stable and prevent reinstitutionalization. Maria receives SSI on the basis of her age and her mental disability, but her benefits will be cut off. Although her former husband worked well over the 40 quarters to qualify for an exception to the bar on benefits, the PRA does not allow a person to receive credit for a spouse's "qualifying" quarters once the couple is divorced.
- *Wing Yim C.* is a 60 year old who, after the death of her husband, immigrated to the U.S. in 1988 from Hong Kong to join her daughter. Almost immediately after her arrival, Wing found full time work, at minimum wage, as a seamstress in a garment factory. After working at this job for seven years, Wing lost her vision, and, as a consequence, her job. She has been unable to find other work, and has been receiving SSI for one year. She has been taking

⁷Social Security Administration Memorandum, May 1, 1997.

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English classes for the past year, but is having a great deal of difficulty. She has been unable to find a class for speakers of Chinese who are also blind.

- *Saman M.* is 16 years old. When she was two, Saman and her family escaped from Cambodia and came to the U.S. as refugees. Saman fell when she was five years old and sustained a spinal chord injury that left her paralyzed from the chest down. She lives in a small one-bedroom apartment with her mother, stepfather and four younger siblings. Saman requires special equipment and assistance. Because of her disability and her family's low income, Saman receives SSI. Despite the barriers she has had to overcome, Saman attends public school, where she has excelled. Her achievements have earned her awards from the Delinquency Prevention Commission and the San Francisco Board of Examiners. As a minor, Saman's naturalization status derives from that of her parents, and they are unable to become naturalized. Her stepfather cannot undertake, much less pass an examination due to disabilities stemming from his wartime experiences in Cambodia. Saman's mother has little education, speaks almost no English and cannot take time away from her duties caring for Saman and the other children to study for a citizenship exam. Saman intends to file for citizenship when she reaches the age of 18.

RESTRICTIONS ON OTHER SERVICES AND BENEFITS

The PRA restricts immigrants' eligibility not only for SSI and food stamps, but also for Medicaid, and a wide range of other federal and state services, benefits and assistance, which are divided into two categories-- "federal public benefits"(grants, contracts, loans, professional licenses, and any retirement, welfare, health disability unemployment benefits or similar benefits)⁸ and "federal means-tested public benefits." Guidance on the definition of "federal means-tested public benefits" is pending, although it likely refers to entitlement programs. Fortunately for those noncitizens who rely on Social Security retirement and disability insurance and Medicare, the criteria for those programs are far more lenient.⁹

Legal immigrants who enter this country after passage of the PRA are subject to additional conditions. They are barred from receiving "federal means-tested benefits" during their first five

⁸Pub. L. 104-193, §401(a)(c).

⁹Title II Social Security benefits (including retirement, survivor and disability insurance benefits), are payable to immigrants who are lawfully present in the United States ... or those receiving payment pursuant to an international treaty. The Attorney General has issued interim final regulations defining "lawfully present" as those who meet the definition of "qualified" set forth in Section 431 of the PRA (lawful permanent residents, refugees, asylees and persons paroled into the U.S. for at least one year, persons whose deportation is being withheld and persons granted conditional entry), persons who have been inspected and admitted to the U.S. and have not violated the terms of that status, persons paroled into the U.S. for less than one year, with two exceptions -- noncitizens admitted for humanitarian or other public policy reasons and those who have applied for asylum or withholding of deportation and have been granted employment authorization. 61 Fed. Reg. 47039 (Sept. 6, 1996).

years in the U.S.¹⁰ After the five year restriction, Title IV expands the sponsor deeming provisions of prior law by requiring that the income and resources of a sponsor (and sponsor's spouse) be considered as belonging entirely to a lawful permanent resident who applies for "means-tested federal benefits."¹¹

For the first time, the federal government has prohibited states from providing services and benefits at the state or local level to "unqualified" immigrants and others who do not fit into certain categories, unless the state enacts laws specifically authorizing such coverage in state funded programs.¹² States are allowed to exclude most immigrants (qualified or not) from non-emergency Medicaid, Title XX social services block grants and the new Temporary Assistance to Needy Families (TANF) program, which replaced Aid to Families with Dependent Children (AFDC) and state or locally funded public benefit programs.

IS NATURALIZATION AN OPTION?

Under the PRA, naturalized citizens continue to be eligible for all benefits to the same extent as citizens who are native-born. While naturalization may be a long term solution for some immigrants, applications take months to process, and would not forestall termination of benefits for many individuals affected by the restrictions. As of this writing, it takes the INS an average of nine months to process an application. In some cities, the process takes much longer. Immigrants stand to lose their benefits by the end of this summer.

Like the individuals described above, many elderly and disabled immigrants will not be able to become citizens. Immigration regulations require most applicants for citizenship to demonstrate an understanding of the English language and of United States history, which many aged or disabled immigrants are unable to do, although some older applicants may be permitted to take the tests in their native languages, depending on their age and length of legal residence in the U.S. Older permanent residents - those who are 50 years or older and have lived here as permanent residents for at least 20 years, and those who are 55 years or older and have lived here as permanent residents for at least 15 years - are exempt from the English requirement.¹³

¹⁰There are some exceptions to this bar: refugees, asylees, veterans, active duty service members, and their family members who would be exempted from the bar on SSI and food stamps. In addition, certain services are exempt from the five-year ban: emergency Medicaid; immunizations, testing and treatment of communicable diseases; School Lunch Act, WIC and other child nutrition programs; Foster Care and Adoptive Assistance Payments; higher education loans and assistance; Head Start and others programs and services determined by the Attorney General to be deliverable at the community level, not conditioned on income or resources and necessary to protect life or safety. Pub. L. 104-193, §401(b)(1).

¹¹Pub. L. 104-193, §421(a),(b).

¹²Pub. L. 104-193 §411(a),(d).

¹³8 CFR § 312.1.

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Others are prevented from passing the citizenship exams by sheer force of age and reduced memory or general slow-down. A recent article in the *San Francisco Chronicle* described the special obstacles in learning English that elderly immigrants face. "Many are barely literate or have memory problems or other disabilities. Some are too frail or too poor to attend classes at senior centers or colleges, or have little or no contact with English speakers. In addition, the enormous pressure to learn English quickly compounds their anxiety."¹⁴ While applicants with severe disabilities will be helped by new disability exemptions that allow the INS to waive the English and civics tests, the regulations are little tested.¹⁵ Moreover, even those who qualify for these accommodations face numerous obstacles to applying for naturalization, including the inability to travel to an INS office and the failure of the INS to make alternative arrangements. And unfortunately, despite these accommodations, some people with dementia or other cognitive impairments are barred from citizenship because they do not have the capacity to understand the mandatory oath of allegiance.

REACTION TO THE IMMIGRANT RESTRICTIONS

Political, legal, media and public opposition to the immigrant restrictions has mounted daily since the Social Security Administration began notifying immigrants in February and March, that they may lose their benefits. Newspapers carry regular stories of widespread panic in the immigrant community. Editorial boards are calling for restoration of benefits, in columns like that of Rock Hill, South Carolina's *Herald Rock Hill*, which urged restoration of benefits "for the most needy and vulnerable, the thousands of [immigrants], many alone and destitute, [who] will be abandoned by the government. They have lived here, worked here, paid taxes, but now are considered expendable in the effort to reduce the cost of welfare ... But this goes beyond purely financial consideration, this debate goes to the heart of what this nation stands for. We seem to have forgotten our origins as a nation of immigrants."¹⁶

On March 26, 1997, three lawsuits were filed in Federal District Court, charging that §402, the provision in the PRA that bars access to SSI and food stamps for certain categories of legal immigrants, is a violation of the Fifth Amendment's equal protection clause. Two of the lawsuits were filed in the Southern District of New York (Manhattan), and the third in the Northern District of California (San Francisco). The New York class action, *Abreu v. Callahan*, seeks an injunction prohibiting application of §402 and restoration of both SSI and Food Stamps to residents of Second Circuit states who are elderly, blind, or disabled, and who entered the U.S. before passage of the welfare bill.¹⁷ *Abreu* also includes a claim challenging the retroactive application of §402 to applications pending on August 22, 1996. Plaintiffs in the California case, *Sutich v. Callahan*,

¹⁴Louis Freedberg, "Elderly Immigrants Return to School in Hopes of Keeping Their Benefits," *San Francisco Chronicle*, Apr. 19, 1997.

¹⁵Pub. L. No. 103-416, § 108(a), 62 Fed. Reg. 12915 (Mar. 19, 1997).

¹⁶"Don't Deny Benefits," *The Herald Rock Hill*, Feb. 24, 1997.

¹⁷*Abreu v. Callahan*, Case No. 97 Civ. 2126 (LAK) (S.D.N.Y. Mar. 26, 1997).

seek an injunction barring application of §402 on behalf of a class of residents in Ninth Circuit states.¹⁸ The third suit, *The City of New York v. The United States of America*, was filed by the City of New York on its own behalf to prevent the human and fiscal disaster that will hit in August and September when more than 70,000 city residents are expected to lose their SSI benefits.¹⁹ New York City, which under the state constitution must pay home relief to individuals who do not receive SSI or food stamps, has copiously documented the impact that the new immigrant restrictions will have on its residents. On April 23, 1997 the State of Florida filed a complaint in U.S. District Court in Miami, echoing the arguments made by the plaintiffs in *Abreu*, and alleging that Title IV of the PRA violates Article Four of the U.S. Constitution and the Tenth Amendment by limiting the right of states to determine to whom they will provide benefits.²⁰ Additional litigation is expected within the next few weeks.

Contrary to public perception, immigrants generate significantly more in taxes paid than they cost in services received. "Overall, annual taxes paid by immigrants to all levels of government more than offset the costs of services received, generating a net annual surplus of \$25 billion to \$30 billion.... This surplus is unevenly distributed among different levels of government, however, with immigrants (and natives) generating a net surplus to the federal government, but a net cost to some states and most localities."²¹ The PRA will exacerbate this cost to the states.

Several proposals have been introduced in Congress to reduce the severity of the immigrant restrictions, although there appears to be very little agreement on the scope of those changes, or how they will be funded. The budget agreement offers little to clarify the issue. When it was announced May 2, 1997, the budget agreement was touted as including restoration of SSI and Medicaid to large numbers of immigrants. As it now stands, the agreement excludes restoration of food stamps, does not cover future immigrants and its details are confusing and its outcome uncertain. Even if an acceptable agreement is reached within the budget negotiations during the next few weeks, it is difficult to predict how it will translate into permanent legislation.²²

¹⁸*Sutich v. Callahan*, Case No. 97 Civ. 1027 SI (N.D. Cal. Mar. 26, 1997).

¹⁹*The City of New York v. The United States of America*, Case No. 97 Civ. 2133 (S.D. N.Y. Mar. 26, 1997).

²⁰*Rodriguez v. United States of America*, Case No. 97-1182-Civ.-Graham (S.D. Fl. Apr. 23, 1997).

²¹Michael Fix and Jeffrey S. Passel, *Immigration and Immigrants: Setting the Record Straight*, The Urban Institute, Washington DC, May 1994 at 6, 57-58.

²²Several legislators, both Republican and Democrat, have suggested bridge legislation that would extend eligibility of current SSI recipients through September. On May 8, following a bipartisan effort led by John H. Chafee (R.-R.I.) and Alphonse M. D'Amato (R.-N.Y.), the Senate voted 89-11 to postpone the planned cutoffs until a new budget takes effect.

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EXISTING ASSOCIATION POLICY

The American Bar Association has endeavored for many years to ensure equal treatment and access to justice for all, especially those who are least able to protect their own legal rights -- low-income persons, individuals with disabilities, children and the elderly. In the area of public benefits, we have advocated that welfare programs be funded at a level required to meet basic essentials of life, consistent with state and federal constitutions.²³

Over the years, the Association has advocated forcefully for fair treatment of immigrants through improvements in the asylum process,²⁴ support for a humane and enforceable safe-haven mechanism to provide protection to persons who are unable to return to their home countries because of conditions that endanger their safety and well-being,²⁵ and support for reform of existing immigration laws and procedures for admission of aliens to assure increased economic and cultural benefits to the United States from such admission.²⁶ The Association has urged that lawful resident aliens should not be foreclosed from receiving access to the "basic necessities of life" when circumstances arise that may force them to turn to the government as a last resort.²⁷ And, concerned about restrictions on the education of children, the House of Delegates in 1995 spoke out against federal and state government efforts to restrict or deny access to public education to a child based on the child's or the child's parent's citizenship or immigration status, and urged all jurisdictions to respect Constitutional rights to due process and civil liberties.²⁸

CONCLUSION

Congress' stated purpose in denying benefits to lawful permanent residents was "to assure that aliens be self-reliant in accordance with national immigration policy" and "to remove the incentive for illegal immigration provided by the availability of public benefits."²⁹ The restrictions do not serve these stated goals and are insupportable. The vast majority of legal immigrants have not come to this country seeking government services and benefits.³⁰ They came pursuant to existing immigration policies in order to work, to reunite with family members, and to find refuge from political persecution and oppression.

²³ ABA Resolution No. 122 (August 1992).

²⁴ ABA Resolution No. 131 (February 1990).

²⁵ *Id.*

²⁶ ABA Resolution No. 129 (February 1989).

²⁷ ABA Resolution No. 117 (February 1983).

²⁸ ABA Resolution No. 110 (February 1995).

²⁹ P.L. 104-193, §400(5),(6).

³⁰ U.S. Department of Justice, Immigration and Naturalization Service, *Report on Alien Population* (1992)

Applicants for immigrant visas are carefully screened to help ensure that they do not become a public charge. This process requires proof of income, resources and property, assessment of educational background and employment skills, and an affidavit of support from the applicant's sponsor.³¹ By the time they are granted permission to reside in the United States, immigrants have met every legal criteria for being here. Immigrants and the communities in which they live contribute a disproportionate share of federal taxes and receive fewer federal benefits than other Americans.³² Like any other group, however, they may lose their ability to work due to illness, accident or age, and turn to the government for assistance as a last resort, to obtain the shelter, food and medicine that will help them to survive. And, while many individuals choose to become citizens, many of those who are at greatest risk under the new laws do not have that option.

This Recommendation does not call for expanding eligibility rules for federal and state funded services, benefits and assistance beyond those that existed prior to August 22, 1996.³³ Rather, this Recommendation would build upon the Association's already strong support for principles of fairness and equality by adding its voice to the chorus from around the country, and across the political spectrum, in support of the restoration to legal immigrants, of eligibility for Supplemental Security Income, food stamps and other federal and state funded services, benefits, and assistance, and in opposition to discrimination against otherwise eligible legal immigrants in the provision of government funded services, benefits or assistance.

Respectfully Submitted,

F. Wm. McCalpin
Chair, Commission on Legal Problems of the Elderly

Roger A. Clay, Jr.
Chair, Commission on Homelessness and Poverty

³¹While the prior rules for public charge exclusion were more flexible, the new immigration law includes strict requirements for sponsorship, affidavit of support and level of income.

³²Michael Fix and Jeffrey S. Passel, *Immigration and Immigrants: Setting the Record Straight*, The Urban Institute, Washington DC, May 1994.

³³Undocumented aliens were, and continue to be, excluded from almost all government assistance programs, including Supplemental Security Income and Food Stamps. Exceptions to this bar include emergency Medicaid; immunizations and testing treatment of the symptoms of communicable diseases; short-term non-cash disaster relief; school lunches and breakfasts; programs determined by the Attorney General to be delivered at the community level, not conditioned upon income or resources and necessary to protect life or safety.

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GENERAL INFORMATION FORM *To Be Appended to Reports with Recommendations*

Submitting Entities: Commission on Legal Problems of the Elderly; Commission on Homelessness and Poverty.

Submitted By: F. Wm. McCalpin and Roger A. Clay, Jr.

1. **Summary of Recommendation(s).**
Urges Congress and the President to restore to legal immigrants (including lawful permanent residents, refugees and others residing in the United States with permission of the Immigration and Naturalization Service), the same rights to Supplemental Security Income, food stamps and other federal and state funded services, benefits, and assistance, as were available to them prior to enactment of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the PRA); and opposes any federal, state, local or territorial legislative or administrative action that restricts, denies or otherwise discriminates against legal immigrants (including lawful permanent residents, refugees and others residing in the United States with permission of the Immigration and Naturalization Service) in the provision of government funded services, benefits or assistance.
2. **Approval by Submitting Entities.**
 - Approved by Commission on Legal Problems of the Elderly at its meeting May 9-10, 1997.
 - Approved by Commission on Homelessness and Poverty May 20, 1997.
3. **Has this or a similar recommendation been submitted to the House or Board previously?**
No.
4. **What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?**
This recommendation builds upon a series of Association policies supporting adequate funding for welfare programs and fair treatment of immigrants. It does not limit the applicability of any existing Association policies. In previous policies, the Association has:
 - Urged that lawful resident aliens should not be foreclosed from receiving access to the "basic necessities of life" when circumstances arise that may force them to turn to the government as a last resort. Resolution No. 117 (February 1983).
 - Supported reform of existing immigration laws and procedures for admission of aliens to assure increased economic and cultural benefits to the United States from such admission. Resolution No. 129 (February 1989).
 - Supported fair treatment of immigrants through improvements in the asylum process; supported for a humane and enforceable safe-haven mechanism to provide protection to

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persons who are unable to return to their home countries because of conditions that endanger their safety and well-being. Resolution No. 131 (February 1990).

- Urged that welfare programs be funded at a level required to meet basic essentials of life, consistent with state and federal constitutions. Resolution No. 122 (August 1992).
- Opposed verification of immigration status of persons seeking health care, education and social services. Resolution No. 110 (February, 1995).
- Opposed federal and state government efforts to restrict or deny access to public education to a child based on the child's or the child's parent's citizenship or immigration status, and urged all jurisdictions to respect Constitutional rights to due process and civil liberties. Resolution No. 110 (February 1995).

5. **What urgency exists which requires action at this meeting of the House?**
Recognizing that the 1996 restrictions on legal immigrant eligibility for government funded benefits reach too far, Congress is considering measures to reinstate some benefits and alleviate the hardship created. Without some legislative action, approximately 500,000 elderly and disabled legal immigrants could lose their benefits by the end of this summer.
6. **Status of Legislation. (If applicable.)**
Several proposals have been introduced in Congress to reduce the severity of the immigrant restrictions, although there appears to be very little agreement on the scope of those changes, or how they will be funded. The FY 1998 budget agreement would restore SSI for some categories of legal immigrants, but it excludes restoration of food stamps, and its details are confusing and its outcome uncertain.
7. **Cost to the Association. (Both direct and indirect costs.)**
None.
8. **Disclosure of Interest. (If applicable.)**
None.
9. **Referrals.**
This Recommendation and Report have been referred to the following entities:

Commission on Mental & Physical Disability Law
Commission on Opportunities for Minorities in the Profession
Consortium on Legal Services and the Public
Coalition for Justice
Coordinating Committee on Immigration Law
Standing Committee on Legal Aid and Indigent Defendants
Standing Committee on Lawyer's Public Service Responsibility
Steering Committee on the Unmet Legal Needs of Children
Government and Public Sector Lawyers Division
Senior Lawyers Division

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Judicial Division
Section of Administrative Law and Regulatory Practice
Section of Labor and Employment Law
Section of Young Lawyers
Section of Criminal Justice
Section of Family Law
Section of Litigation
Section of Dispute Resolution
General Practice, Solo and Small Firm Section
Section of Individual Rights and Responsibilities
Section of Real Property, Probate and Trust Law
Section of State and Local Government Law
Section of Taxation
American Immigration Lawyers Association
National Association of Women Judges

10. **Contact Person. (Prior to the meeting.)**
Stephanie Edelstein, Associate Staff Director
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Washington DC 20005
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11. **Contact Person. (Who will present the report to the House.)**
F. Wm. McCalpin, Chair
Commission on Legal Problems of the Elderly
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12. **Contact Person Regarding Amendments to This Recommendation. (Are there any known proposed amendments at this time? If so, please provide the name, address, telephone, fax and e-mail address of the person to contact below.)**
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