

---

# DC Family Policy Seminar

*Seminar Highlights*

## Building the Future: Strategies to Serve Immigrant Families in the District

**Donna Morrison, Ruane Morrison, Ph.D., Moderator**  
**Georgetown Public Policy Institute**

### Introduction

In our seminars, we try to emphasize a number of different objectives. For this particular seminar, we focus on three main objectives: (1) the importance of recognizing the cultural diversity within the immigrant population of the District of Columbia, (2) the necessity for a coordinated effort in response to the needs of immigrant families, and (3) the need to design appropriate outreach efforts, using nonprofit service providers, to overcome access barriers such as language and culture.

### Overview of Topic

Recent changes in immigration law are both substantive and complex. Immigration proponents argue that these changes have had a chilling effect on immigrant families receiving assistance through social service agencies. The result, they argue, is that families have turned increasingly to nonprofit organizations to serve their needs. This in turn has placed a great strain on the ability of nonprofit agencies to provide effective services. Another serious concern involves sorting through the implications of recent welfare reform and what these changes mean for immigrant families.

**Wendy Zimmermann, Research Associate**  
**Immigrant Policy Program**  
**Urban Institute**

*The Supreme Court doctrine has explicitly precluded states from distinguishing between citizens and legal immigrants for purposes of benefit eligibility, and now this new law explicitly gives them the authority to do that.*

What I'm going to do today is briefly review some of the major changes in the welfare reform law for immigrants, talk about some of the actions the federal government has taken since the passage of the welfare reform law last summer and what those changes mean, and talk about some of the policy implications.

#### *Changes in Welfare Law*

First, most legal immigrants are barred from receiving food stamps. This includes those already in the United States prior to the passage of the welfare law on August 22, 1996, as well as those entering after that date.

---

*The Highlights represent the opinions of the presenters and do not necessarily reflect the beliefs of the DC Family Policy Seminar, Georgetown Public Policy Institute or NCEMCH.*

Second, new legal immigrants arriving after passage of the law are barred for five years from eligibility for federal means-tested programs, defined as Temporary Assistance for Needy Families (TANF), nonemergency Medicaid assistance, food stamps, and Supplemental Security Income (SSI). Some important exemptions to these bars include refugees for a limited time, those who work in the country for 40 quarters and whose immediate family members have worked, military veterans, and those on active military service and their immediate family members.

Third, the law requires an immigrant's sponsor to sign a legally enforceable affidavit of support, which means that the sponsor (the person who hopes to bring an immigrant into the United States) has to promise to support that immigrant. It also means that the sponsor's income is "deemed" or considered available to the immigrant if the immigrant applies for welfare benefits. This is another way in which the legislation restricts access to benefits for legal immigrants.

A fourth major change is that the law gives states important new discretion in determining immigrant eligibility for benefits.

#### *New Distinctions*

In addition to restricting legal immigrants' access to benefits, the legislation also included a new distinction between qualified and unqualified immigrants. The unqualified category includes immigrants who are in the United States with government approval (unlike undocumented immigrants). It is important to note that undocumented immigrants were ineligible for most major public benefits, but the new law restricts their access to an even broader set of programs. This expanded restriction includes programs for which the cost of checking immigration status was previously thought to be greater than the cost of providing services (i.e., the benefit of providing the service to undocumented immigrants outweighed the savings of denying that benefit).

#### *Verification Requirements*

The law also requires government agencies to verify the legal status of immigrants when applying for federal public benefits. There are exceptions for charitable, nonprofit institutions. The law also requires agencies to report to the Immigration and Naturalization Service those persons known to be in the United States unlawfully.

#### *Restoration of Benefits*

A few important steps were taken by the Clinton Administration after passage of the welfare reform act in order to minimize the impact of the new law. First, the Balanced Budget Act of 1997 restored SSI eligibility for most current immigrants. This was thought to be group most affected and the most costly benefit cut. The Balanced Budget Act ensures that immigrants who do lose SSI will retain their Medicaid benefits. In policy terms, this means that the reform shifts the most affected population from the elderly and disabled essentially to working families with children or the population likely to be on food stamps.

Second, the federal government defined "federal means-tested benefits" (which new immigrants are barred from receiving for five years). When the legislation was first drafted, immigrants were seemingly going to be barred from a broad range of federal means-tested programs. However, the government defined this term rather narrowly, limiting it to the major federal assistance programs. An important side note: the federal government, although choosing to define the term narrowly, set up a system to determine whether any new program shall be considered a federal means-tested benefit. A good case in point is the new State Child Health Insurance Program. When this program was created, the government determined that it would be considered a federal means-tested program; however, questions remain as to whether state matching funds for the program would be treated differently. This is an important issue, because states have the option to provide their own funded programs to legal immigrants.

Third, the federal government decided to allow states to purchase federal food stamps in order to provide them to legal immigrants. The change in federal policy still represents a cost shift to the states, since states would have to bear 100 percent of the cost of providing food stamps. But those states that have the financial resources and the political will to do so can provide food stamps to immigrants.

#### *Policy Implications*

Despite the important changes made by the Clinton Administration to temper the broad restrictions of the welfare law, the policy still singles out immigrants for differential treatment. Before welfare reform, a hard line was drawn between legal and illegal immigrants. Legal immigrants formerly were generally eligible for benefits on the same basis as citizens, and illegal immigrants were generally ineligible for such benefits. The new law moves that line, drawing distinctions between legal immigrants and citizens, rather than between legal and illegal immigrants. The policy also creates new distinctions among immigrants, complicating the already complex task of determining and verifying immigrant eligibility for benefits. The new distinctions include qualified versus unqualified immigrants and current versus future immigrants. Currently, particularly after the restoration of SSI, those entering after the passage of welfare reform (August 1996) are ineligible for a far broader set of benefits than those who entered before that date. On one hand, this is an arbitrary distinction: if you happened to get your visa prior to this date, then you are considered a full member of society (in terms of eligibility for public assistance). On the other hand, the policy rationale behind this distinction may be that we have entered into a new type of contract with those already in the United States, and we can change that only for newly arriving immigrants.

The law also draws important new distinctions between immigrants who have worked for an extended period in the United States and those who have not. By exempting immigrants and their family members who have worked for 40 quarters (10 years), the law places a new importance on immigrants' attachment to the labor force. This is a new and important policy shift. What we are now saying is that in order to be eligible for public benefits, immigrants have to show a real investment in and attachment to our labor force—and also be able to document it.

Another major implication of the changes is the shift in responsibility to state and local governments, basically devolving immigrant policy to state and local governments. Previously, the federal government decided which (and how many) immigrants came to the United States and how they would be treated once they arrived. Since the passage of welfare reform, the federal government basically maintains authority over immigration policy but, in many ways, hands immigrant policy over to the states. States now have greater responsibility to determine eligibility for certain federal programs as well as for their own state and local programs. Supreme Court doctrine has explicitly precluded states from distinguishing between citizens and legal immigrants for purposes of benefit eligibility, and now this new law explicitly gives them the authority to do so. As a result of this shift, there is much greater variation across states in terms of the safety net available to immigrants. By barring immigrants from federal assistance programs such as food stamps, the new law also gives states and localities greater responsibility for paying for assistance to immigrants.

Another policy implication is the shifting of responsibility to immigrant families in some ways. Sponsors (usually family members) are expected to provide support for the immigrants coming to this country. This would seem to be a rational policy, but it extends the responsibility far beyond what is reasonable for a family to provide. By extending the deeming requirements for Medicaid, in particular, the law assumes that immigrant families ought to be able to pay the full cost of medical care.

Another implication regarding immigrant families is that benefits are not only being denied to the immigrant but also to their family members, who often are citizens. For example, denying food stamps to an immigrant mother reduces the amount of food available on her child's plate—even when that child is a citizen. Further, immigration status varies not only within the family, but also over time

as more members of a family become documented or naturalized. So, in denying benefits to today's legal immigrant, the federal government is actually denying benefits to tomorrow's citizen.

**Josh Bernstein, Policy Analyst  
National Immigration Law Forum**

*Contrary to public policy, people who are eligible for benefits are kept from receiving those benefits because they are afraid of the unknown consequences that may occur.*

*Devolution*

The legislation did three major things. First, it placed substantive restrictions in terms of immigrant eligibility for federal, state, and local programs. In large part, it “dumped” people who were receiving care onto the state, local, and nonprofit sectors. Second, it gave states and local governments added choice in the provision of benefits. It brought immigrant eligibility decisions into the states for the first time. In 45 states, active groups lobbied the state legislature on behalf of immigrants. For the first time, state legislators and governors witnessed people coming to their offices and demanding that they do something about immigrant policy. The third major thing the legislation did was to impose on top of the substantive restrictions new ways of determining immigrant eligibility that had the intended effect of discouraging immigrants who are eligible for assistance from actually receiving that assistance. That, in the long run, may end up dwarfing the impact of the substantive changes.

*Changes in benefit structure*

The legislation eliminated eligibility for SSI, then a year later restored eligibility for SSI, at least for those immigrants who were in the country before passage of the welfare bill. Over time, more and more persons will be coming into the country. Human nature or the laws of economics dictates that some of them will have needs, but there will be no federal program to take care of those needs. In addition, the legislation took away eligibility for food stamps, the big federal provision that was not eliminated in this year's legislation.

*Food Stamps*

In the last few months, about 1 million immigrants lost food stamp eligibility nationwide. Los Angeles County has conducted a sophisticated evaluation, finding that most people lost between \$50 and \$200 from their family's food budget each month. Whether you are an immigrant or a citizen in that family, that means you are going to face the end of the month without the means to pay for your food needs. As most of you know, the current food stamp allotment is not adequate to pay for basic nutrition. When you take away money from that allotment, you are basically asking a family to face hard choices. In Los Angeles County, about 88 percent of those who were affected are families with children. California accepted the option to provide a state-funded food stamp program for children.

*TANF and Medicaid*

In addition, the legislation restricted access to TANF and Medicaid, and gave states the option to deny those programs to people who remain federally eligible. The restrictions include the five-year bar and deeming, but the legislation also gave states the discretion to restore assistance to those who are within that five-year period or to deny assistance to those who are already living in this country already or who arrived after the five-year bar. Again, the legislation gave states explicit authority over state programs to either deny assistance or restore federal aid if states provided funding from their own state monies.

Next, the law provided that those who are not qualified would be ineligible for assistance. The law's provisions have broadened the list of ineligible immigrants by creating a new classification of “not qualified.” Before, we were talking about undocumented immigrants as those who had no claim to be

here lawfully or were here without permission of the Immigration and Naturalization Service (INS). Now, we are talking about a much broader group of people who are determined ineligible for a broader range of programs and are treated as though they are of undocumented status. The definition of which federal public benefits are going to be affected has changed and is still being decided. There are many questions concerning how broad that definition is, and we are still waiting to hear about certain exceptions. For the time being, for those of you who work with immigrants, federal public benefits should not be denied until the federal government addresses the issue of qualification for the specific benefit.

Lastly, there is also the discouragement effect; provisions “beefing up” verification in programs and applications that would be imposed; provisions requiring a handful of agencies to actually report on a quarterly basis to the INS; provisions calling for relaxed confidentiality, thus making it difficult for agencies to assure their clients’ confidentiality. That provision, in particular, endangers the health and safety of all of us (depending on how broadly it will be defined). There are limitations of which we should all be aware.

If we look at the District, this is a good example of what the impact of these changes have been. The fear and the message that have gone out to the immigrant community are that (1) immigrants are ineligible [for benefits], and (2) there may be severe consequences, regardless of whether they are here legally or illegally.

#### *State Choices*

So what have states done with the choices they have? Their first choice is to decide what they are going to do with federal money or federal matching funds from TANF and nonemergency Medicaid. For TANF, states have the option to provide or deny assistance to those already living in the country or those living here after their first five years. Fifty states have said that they would provide assistance to those already here who are receiving Medicaid assistance; 49 states have said they will be providing assistance to people after their first five years here. (Virginia is the only state that has said it will not provide assistance after the five years. We believe that is prohibited by the law, but Virginia has decided to go ahead and do this.)

The second choice that states have is to decide whether to restore federal cuts. Twenty-five states voted to provide some state money to replace the loss of SSI. In a time of tight fiscal times, it is remarkable that states have decided to do this. It gives testimony to the fact that immigrants are part of this community. About eighteen states have decided to restore TANF during the first five years. Also, the same number of states have decided to put in their own money in order to keep the old definition of who was undocumented. About eighteen states are still providing benefits to those who have INS permission, although they are not federally eligible. Fifteen states are providing Medicaid benefits to those under PRUCOL. Thirteen states are providing state-funded nutrition to replace some of the food stamp cuts. No state is fully replacing food stamps.

More states are also providing additional funding for naturalization. Obviously, as people become naturalized, they become eligible for these programs. Almost all states are providing assistance to qualified immigrants in their jurisdictions. Most states have not moved against those not qualified (except for California, where the governor has aggressively gone after some programs that the state wants to deny to not qualified immigrants).

#### *Verification and Eligibility*

In terms of verification and confidentiality, states have been very slow in implementing these provisions. The fear factor rather than the actual implementation of these provisions has affected the lack of use of services. Sometimes the fear factor can be inadvertently heightened by the actions of the government. For example, the District sent out a notice to people explaining that they may be

endangering themselves by applying for TANF assistance for their children if they are not qualified. This resulted in a *Washington Post* article that addressed people being really afraid.

What can we expect for next year? Definitely, we can expect a fight in Congress to try to restore the food stamp benefits. There also will be an effort to try to restore health care benefits to immigrants, both qualified and unqualified. Health care is one of those particularly strong cases in which it is so difficult to exclude any one group in the community. There will be legislative efforts to broaden the list of programs that are subject to qualified and not qualified immigrant restrictions and to try to undo some of the things that the Clinton Administration has done.

At the state level, we can expect fights to expand the health and nutrition funding that the states have already provided. We now have a permanent landscape of state activism and state struggle over benefits to immigrants.

Finally, in the coming year, state and local activists will be grappling with the issue of confidentiality and verification changes. Contrary to public policy, people who are eligible for benefits are kept from receiving those benefits because they are afraid of the unknown consequences that may occur.

**Catherine Crystal Foster, J.D.**  
**Assistant Corporation Counsel and Counsel to the Welfare Task Forces**

*The one thing that we need to understand is the political environment in which we operate, and that is anything that we do has to be approved by the Control Board, and then approved by the Congress.*

Although I work for the Corporation Counsel's Office, I do not speak for the District government. What I'm going to try to do is describe for you as best I can what the District is doing. I also do not manage the welfare programs for the District, I merely provide the advice and some of the legislative and try to serve as an in-house expert on these issues, but I cannot address exactly how things are operating within the District Government.

*Background*

Two different task forces were created. The first was composed of District Government agency representatives and representatives from key affected government agencies, or what was called the inter-agency task force. The other was an external group of experts from organizations such as the Council of Latino Agencies and The Urban Institute who advised us about what was needed to implement welfare reform. The two groups met last year throughout the fall and compiled a report that contained a large number of recommendations that went to the mayor describing what these groups collectively thought would be good for the District of Columbia in order to implement the new welfare law. While the mayor was reviewing the report, it became clear to us that in order for the District government to benefit from enhanced funding for its welfare program, it could receive block grant money if it started its welfare reform program early. The District would receive a lot more funding if a plan was in place by March 1, so a welfare law was quickly put together on an emergency basis that would establish a welfare program by March 1. This basically addressed only the fundamentals of what was needed in order to comply with the federal law.

*Policy Process*

In the District, an emergency law lasts for 90 days. You can then have a temporary law (which lasts longer) and finally a permanent law. As the time neared the deadline when the emergency law would expire, the Council voted to extend it to assure that we would keep our federal funding while we worked on establishing something more permanent. The District is currently operating on a temporary

law until it can incorporate some of the mayor's recommendations and develop the plan further. This stage is called Phase II. Emergency rules were created to implement the temporary law.

#### *Task Force Recommendations*

**The task force report recommended that qualified immigrants (anyone who arrived before August 22, 1996) would be treated as citizens for purposes of TANF.** If any sponsored immigrants arrived after August 22, 1996, or within the five-year bar category, they would not be covered by TANF for the first two years of the bar if their sponsor could not support them. During the five-year bar, in the first two years not-qualified immigrants would be able to receive TANF assistance one time only on an emergency basis only for a severe or near catastrophic situation (for example, if they worked here for a year and lost their job because their employer failed economically or if they were employed for at least six months and their sponsor could not support them). In the subsequent three years, post August, 1996 immigrants could receive TANF. The report did not deal with the issue of nonsponsored immigrants.

The task force also **recommended** for Medicaid purposes that the pre-August 1996 qualified immigrants would be eligible and the post-August 1996 qualified immigrants would be eligible after the five-year bar. There would also be emergency Medicaid and prenatal care for all immigrants regardless of immigration status.

#### *District Law*

The Mayor agreed to some of the task force recommendations, disagreed with others, and deferred on still others. On a more immediate basis, he said that qualified immigrants who arrived before August 1996 can receive assistance through TANF. In addition, any immigrants who fall within exemptions to the five-year bar (refugees, asylees, etc.) are eligible to receive TANF. As for emergency Medicaid services, these are available to all immigrants. Prenatal care is only available to exempted immigrants.

Qualified immigrants who are eligible for District benefits can receive District benefits. We are hoping to issue a mayor's order shortly laying out the issues of benefits for undocumented immigrants. The point of view that the District government has taken is that we are not going to go out of our way to be harsh to immigrants. The one thing that we need to understand is the political environment in which we operate. Anything we do has to be approved by the Control Board and then by Congress.

#### *Verification and Reporting*

In terms of verification, the TANF program is structured very much like our Aid to Families with Dependent Children (AFDC) program was, particularly with regard to the composition of the family and the method for determining an assistance unit. Consequently, if a parent and child are considered part of the assistance unit, their immigration status is going to become an issue in the eligibility. It doesn't mean that the family is disqualified, it may mean that the kids receive benefits and Mom doesn't, but it does mean that the Welfare Department is going to find out about Mom's status. The crucial part, in our reading of the federal law, is that there is not a whole lot we can do about this. The federal law describes a household in a certain way. It requires their declaration of status of that household. We cannot change the federal law in that regard. As for reporting, we will do only what we are required to do under federal law.

Information about what we are doing and what we are not doing and what's next is up to the community. Please talk to us and let us know what is going on in the community. My number is (202) 727-3400. I think it's very important for all of us to work together in order to get this information out.

**Arnoldo Ramos, Executive Director  
Council of Latino Agencies**

*It is very important to go back to objectivity, but it is crucial to understand what is happening in the streets.*

How much of the information did we remember today? Or how much do we understand? Try to put yourself into the mind of an immigrant, where a person escaped from a war in Central America. An entire population was uprooted and you come to a country where the alienation continues.

*Demographic Information*

From 1980 to 1990, the U.S. Census Bureau recorded a rise in the Latino population (only one component of the immigration population) of 85 percent, from 17,639 to 32,710 in the District alone. The Census Bureau revised its 1990 count to an estimated 65,000 Latinos in the District, and from 1990 to 1994 we can document an increase of approximately 20,000 Latinos due to legal immigration, birth estimates of in-country migration, and illegal immigration. We are approximately 10 percent of the population. The demographic explosion here is very real.

How do you handle your emotions? Community members feel fear—fear of persecution, confusion due to lack of competence and leadership, and a devolution to states in which the District of Columbia is not a state. Devolution here is the opposite of evolution, that is to say, the breaking down of what we as a community have built.

*Impact of Legislation*

The most important impact of this law is to define an important segment of the population as a third-class entity, in competition with a second-class citizenship (citizens of color) for the crumbs. When the governor of Virginia calls for displacing immigrants from jobs and giving those jobs to the welfare population, he is talking about a class war. This element is very subjective, but I want to add that this is what is going on in the minds of the young Latino students in California or Texas. It is very important to go back to objectivity, but it is crucial to understand what is happening in the streets.

Washington, DC, was completely unprepared to mitigate the impact of the double whammy of the new immigration and welfare reform legislation. The supreme irony was that our nation's capital of civil rights, lead by a generation of human rights activists, was very much ready to deepen the suffering, discrimination, and sense of alienation felt by the immigrant population. Again, it's crucial that people of color denounce the leaders of the community because during the period when the Department of Human Services had one-third of the city's budget, it was not a poor social service system. What they did for the non-English speaking population was negligible.

The District of Columbia was unable and unwilling to offer minimum access to the non-English speaking population of the District. In the aftermath of the Mt. Pleasant disturbances in 1991, the U.S. Civil Rights Commission report on Mt. Pleasant documented cases of discrimination and gross underservice to the Latino population. Again, this is not limited to the Latino population but applies to other immigrant populations as well.

*District Investments*

The District had invested perhaps \$7 million to \$8 million in grants, contracts with the community safety network that was created during this period. For example, the community mobilized itself; beginning with the late 70s and particularly throughout the 80s, in this atmosphere of neglect, the community created its own safety net, a network of social agencies. For example, English instruction and career training for youth and adults were provided by Bell Multicultural High School, the Carlos Rosario Adult Education Center, the Latin American Youth Center, day care centers, and others. Yet,

the classic fate of all immigrants is that the latest to arrive are the first to be brought down as a result of the fiscal and political crisis undergone by the city. This community-based safety net began to crumble. The most graphic example was the Carlos Rosario Adult Education Center, serving over 3,000 immigrants a year, and the most important service to an immigrant is the language (English) and vocational training. If the government had any sense of humanity or human investment, you would go out and facilitate the naturalization of your immigrants to provide English instruction for them. You have the most extraordinary human capital, when somebody escaping a war with an extraordinary power of will, emigrates, then holds two or three jobs. Yet, the first thing that was eliminated was the Adult Educational Center. No one from the mayor's office or the City Council came out in dissent. Again, the problem is this divorce that had already existed between our city and a very important sector of the community. It is very important for us to begin to speak up about the source of the problem.

I am dramatizing what happened before the welfare and immigration laws and the fact that there was simply no real leadership or documented concern on the part of the District of Columbia for its immigrant population.

Racial implications are inevitable. This is emblematic of what happened to our network, but it shows our resilience, and how much we have to struggle to maintain, and what little official recognition there is. This is not academic—this is a reality.

#### *Safety Net*

The crisis in the District is creating huge holes in the safety net for our entire population. Take, for example, the homeless situation. The Control Board and Congress might slash annual spending for the homeless from \$11.3 million to \$4.3 million. Yet, keep in mind that there is only one facility, La Casa Shelter, for Spanish-speaking males. There may be 25 beds, but there is no guarantee that a person can get a bed for the night with so few options. There are no facilities for families that speak Spanish, just to dramatize the situation.

Another important element of the safety net is its access to the procurement process of the city. In terms of access, if you happen to be a Latino Spanish-speaking mother applying for benefits, you cannot find an application in Spanish (although they tell you it exists). Something has happened here. The funds that have been allocated for this have been used for other purposes. Bilingual case managers also exist, yet some of them have been fired. Again, “last one hired, first one fired” is the process.

#### *Fear*

The breakdown of the family is taking place. When the Income Maintenance Administration sends out notices saying we are going to have to implement the law, obviously panic is the response of the community, and understandably so. Again, let me dramatize the situation of our children. Probably 85 to 90 percent of our children, at least in the District of Columbia, are citizens. In many cases, their parents do not apply for those programs. They do not apply for fear that they would have to record their status and be deported.

#### *Need for Community Activism*

It makes it very difficult to do advocacy in a state that is simply a state of mind. A lot can be learned. It is fundamental to strengthen and defend the existing safety net of services. It is strategic. On the other hand, the type of advocacy and organizing that must go on again is crucial. We can have an organized effort and campaign to at least develop a rational, logical, and pro-human being policy on the part of key District Government agencies. Can of “don't ask, don't tell” policies be implemented?

Let me end with the real problem. Again, it is the lack of representation. It is the colonial dimension that we have, simply because, if [the District] were a state, a true state would assume full responsibility for its residents. What passes for a state today is the Control Board.

## **Question And Answer Session**

### **Definition of Terms**

There are a couple things I'd like to point out. First of all, a very helpful briefing report has been prepared, which provides an overview of the issues discussed today. Because of the unique aspect of today's presentation, we have included a glossary of terms which covers many of the terms that you may have some confusion about.

*Donna Morrison*

### **Qualified vs. Non Qualified**

Can you define qualified vs. not qualified?

*Lila Rosenthal, Children's Healthcare Coalition of DC*

A qualified alien is either a legal or permanent resident (someone with a green card), a refugee (someone who entered as a refugee), someone who entered as an asylee, or a person granted a stay of deportation pending administrative review. Those are all three categories of people who are fleeing persecution in their homeland. They are very similar in terms of who they are. The last category consists people who have been granted humanitarian parole for more than a year. Parole in this sense does not mean that they just got out of jail, but rather, they are persons whom the Administration has allowed to stay here (for example, because of either medical reasons or immigration issues). Many people who are here, especially in DC, are here lawfully but are placed in the not-qualified category.

*Josh Bernstein*

### **Defining Accepted Benefit Programs**

For the not-qualified immigrants who are turning to accepted programs, which ones are health care-related?

*Lynda Flowers, Commission on Health Care Finance*

This is an ongoing process and we'll probably have a lot more information in the next few months, but I believe that major federal public health programs are likely to survive and fall into or outside of the accepted program definition one way or another. Obviously, Medicaid and programs that provide direct health assistance are more likely to be considered federal public benefits and subject to those restrictions.

*Josh Bernstein*

### **Bilingual Services**

You mentioned earlier about the Income Maintenance Department providing bilingual services to its clients. If Vietnamese clients don't form 5 percent of the caseload, I've heard that they have no access to these services. Is that true? If so, do they have any legal recourse to get translation services? I have spent hours providing translation services for clients who may not even be my clients but I fear may be turned away from benefits because of language barriers.

*Phuong Tran, Case Manager, Indo-Chinese Community Center*

I can't really speak to the operations of the program because that is not what I do, but I think you've identified a serious concern. I think it would be good to meet with people in the Income Maintenance Department and work together on how to solve these issues.

*Catherine Crystal Foster*

Legal recourse is a tremendous temptation to use in the District of Columbia. The big issue is the practicality. I think that the more reasonable way that we need to explore solutions is to sit down with program managers. In many cases, they [program managers] are under tremendous pressures and don't even have a budget. The pressures are enormous from the federal government, the public, from every angle. I think we have to consider forming groups of coalitions to develop a common strategy that on one hand combines the legal resources and classic advocacy issues (like sitting in offices) and also recruitment of citizens, civic associations, experts who can draft solutions that are livable. It is going to have to be our community sitting down and coming out with concrete solutions. We have to create advocacy partnerships and find solutions.

*Arnoldo Ramos*

### **Reporting Immigrant Status**

When I see different patients, I encourage them to fill out Medicaid forms for their children. I'm wondering if there's any place that it's written where they have to declare their status.

*Judy Beck, Clinica del Pueblo*

First, I want to make it really clear about what our law is, what our policy is, and what is proposed. What our law says now is that if you got here before August 1996 and are qualified, you can receive TANF and Medicaid. You also get emergency Medicaid regardless of status. That is all. As a matter of policy, what we have determined after talking with the federal government is that since there is no household concept in applying for Medicaid, if you are applying for benefits on behalf of a child, the child's immigration status is crucial. You must get that information. However, if parents are applying for Medicaid benefits at the same time they are applying for other benefits where information is needed about the parents' status, that information may come out. But, if you are just applying for benefits on behalf of the child, you do not have to tell.

*Catherine Crystal Foster*

The District sounds like it is taking a fairly hard line on who they have to report. The law requires reporting on only three programs: TANF, SSI, and the Housing Authority. One of the interpretations is that only the people applying to those particular programs need to be reported to the INS. In addition, in order to report someone, the law provides that only people who are known to the state as being present unlawfully (and in other cases, those terms have been interpreted to mean people who are known to be under final order of deportation are not qualified. So a person can be ineligible for Medicaid because they are not qualified. When persons are applying for benefits, I would urge them to go no further in their statement than to say that they are not qualified. Just because the District knows that someone is not qualified does not mean that person is unlawfully present, and it shouldn't trigger the reporting requirement. That said, I think that things have changed. We can't in a blind way be sure that all of our clients have what they can get in terms of benefits and that there is no chance they'll be deported through INS. People need to know that the information they provide may have disastrous consequences.

*Josh Bernstein*

### **Self-Identification**

Can a caseworker taking the information from a client instruct the client on his or her rights?

*Donna Morrison*

I suppose that they could. But you can create new problems by asking clients to self-identify in certain ways where they might not necessarily be as up to date on all the details. A lot of clients are very savvy and very smart, and in no way am I saying this to deprecate them, but the nuances of the immigration law are pretty extreme. If you end up in a situation where you have clients make the judgment, they might actually end up hurting themselves, where they might call themselves something they are not. Agencies may also have a problem because they might not be giving full eligibility to opportunities to everyone who might be eligible. Self-identification is not without its dangers.

*Catherine Crystal Foster*

As advocates, we advise people on what their eligibility for benefits may be. We want people to give information that won't incriminate them. If they're applying on behalf of their children, the only thing they really have to say is "I am not qualified." Qualified is just an immigration status. It doesn't mean that you're eligible or not eligible for benefits. You can be qualified and ineligible for food stamps, and you can be not qualified and be eligible for emergency Medicaid. It gives a person enough information without incriminating themselves, but gives them enough to qualify their child for benefits.

*Josh Bernstein*

This type of discussion dramatizes how affected these groups are. It dramatizes what has happened with the low-income population and how we have been completely displaced as political agents. It is crucial to organize to repeal this new legislation. We can spend time understanding the intricacies of the new legislation, but also half of that time can be spent organizing to change this legislation. This is our political challenge.

*Arnoldo Ramos*

### **Community Education**

At the Academy for Educational Development, I am looking at different ways to creatively educate communities through such things as visuals. I am interested in ways that we can complement this. If you have any suggestions, please contact me at (202) 884-8776.

*Valerie Uccelani, AED*

### **Phase II**

Can you speak to what is going to happen in Phase II of this process and when is it going to end?

*Benito Corrigan Henry, Meyer Foundation*

To a certain extent, I can't give an answer as to when it's going to end. I am hoping that we will have Phase II legislation, at least before the council, before the end of the year. We were hoping to have it earlier, but the lack of human resources in the District government makes it really difficult to get a complex piece of legislation to the Council. I can say with almost complete certainty that there won't be any new programs.

*Catherine Crystal Foster*

### **Inter-State Coordination**

Is there any coordination going on between DC and Maryland and Virginia?

*Bob Schoepfle, DC Community Forum*

We are a small place with a difficult-to-serve population. It is a lot harder to work with what we've got. There are fewer people, fewer ideas, so it's very difficult.

*Catherine Crystal Foster*

### **Services for people with HIV/AIDS**

It's ironic that the lawmakers who are making legislation for our communities have probably never set one foot into a welfare office. The question that I have, in regard to SSI, Medicaid, SSDI, whatever your status may be, there are no programs that I know of, that help pay for HIV/AIDS medical services and medication. Do you know of any programs that provide these services?

*Josio Rodriguez, National People with AIDS*

For the undocumented, there is an HIV agency. It's unilaterally designed to dispense funding to different community-based organizations and it is not accountable to anyone. Very little is being done to provide insurance to this population. Again, the real problem is getting advocates and the community together to discuss these issues. We need creative alternatives.

*Arnoldo Ramos*

I think the situation with AIDS, HIV, and prenatal care and other health issues underlines the short-sightedness of what the District has decided to do. Maryland and Virginia have both agreed to provide Medicaid assistance to at least some groups in Virginia and all groups in Maryland during the first five years that someone is in the country. It's more cost-effective to provide basic care in the first five years and not have to deal with problems that may arise later on.

*Josh Bernstein*

### **Health Insurance**

I have seen a tremendous increase in the number of seniors without health insurance. It is difficult to buy and too costly. Can a child or family purchase it to cover their parents? Are there any tax credits available to provide for the family?

*Jate Pan, Director, Asian Services Center*

I don't know of any tax credits available. Certainly, it was the intent of the law to increase the responsibility of family members to support their parents, but the law went quite far in requiring that support.

*Wendy Zimmermann*

The idea of tax incentives to take care of parents is practical. A lot of steps need to be taken first to create conditions for humanizing these laws before it is too late. There are a lot of solutions to these problems, but we need to address them in the classic arena of social change. It is going to be important to create programs that create new citizens. Money should be given towards voter registration, naturalization, citizenship classes, and English classes. It is crucial to develop action.

*Arnoldo Ramos*

### **Need for Community Involvement**

I think that the decisions made by the District are really not the best decisions that could have been made. I think one of the reasons was the lack of community scrutiny that I have seen in other states. There was a lot more community activism, so I think it's really important for us to get involved in the local processes in order to maximize the decision-making powers that can be made at the local level.

*Josh Bernstein*