



Senate

General Assembly

February Session, 2000

File No. 493

Senate Bill No. 395

Senate, April 10, 2000

The Committee on Appropriations reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

An Act Concerning State-Funded Assistance To Legal Immigrants.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-112c of the general statutes, as amended by
2 section 9 of public act 99-279, is repealed and the following is
3 substituted in lieu thereof:

4 (a) Qualified aliens, as defined in section 431 of Public Law 104-193,
5 [admitted into the United States prior to August 22, 1996,] who do not
6 qualify for federally-funded cash assistance, other lawfully residing
7 immigrant aliens or aliens who formerly held the status of
8 permanently residing under color of law shall be eligible for solely
9 state-funded temporary family assistance, [or] assistance under the
10 federal waiver for the demonstration program entitled "Reach for Jobs
11 First" or cash assistance under the state-administered general
12 assistance program, provided other conditions of eligibility are met for
13 each such program. [A qualified alien admitted into the United States

14 on or after August 22, 1996, and not determined eligible for assistance
15 prior to July 1, 1997, shall be eligible for temporary family assistance
16 subsequent to five years from the date admitted, except if the
17 individual is otherwise qualified for the purpose of state receipt of
18 federal financial participation under Title IV of Public Law 104-93,
19 such individual shall be eligible for temporary family assistance
20 regardless of the date admitted. Such a qualified alien] An individual
21 who is granted assistance under this section must pursue citizenship to
22 the maximum extent allowed by law as a condition of eligibility [for
23 the temporary family assistance program] unless incapable of doing so
24 due to a medical problem, language barrier or other reason as
25 determined by the Commissioner of Social Services. [Notwithstanding
26 the provisions of this section, any qualified alien or other lawfully
27 residing immigrant alien who is a victim of domestic violence or who
28 has mental retardation shall be eligible for temporary family
29 assistance.]

30 (b) Notwithstanding the provisions of subsection (a) of this section:
31 (1) A qualified alien admitted into the United States on or after August
32 22, 1996, or other lawfully residing immigrant alien determined
33 eligible for temporary family assistance or cash assistance under the
34 state-administered general assistance program prior to July 1, 1997, or
35 other lawfully residing immigrant aliens or aliens who formerly held
36 the status of permanently residing under color of law, shall remain
37 eligible for such assistance until July 1, 2001, and (2) a qualified alien,
38 [or] other lawfully residing immigrant alien admitted into the United
39 States on or after August 22, 1996, other lawfully residing immigrant
40 alien or an alien who formerly held the status of permanently residing
41 under color of law and not determined eligible prior to July 1, 1997,
42 shall be eligible for such assistance subsequent to six months from
43 establishing residency in this state until July 1, 2001; except if the
44 individual is otherwise qualified for the purpose of state receipt of
45 federal financial participation. [under Title IV of Public Law 104-93,
46 such individual shall be eligible for temporary family assistance

47 regardless of the date admitted or the date determined eligible.]

48 Sec. 2. Subsection (e) of section 17b-116 of the general statutes, as
49 amended by section 10 of public act 99-279, is repealed and the
50 following is substituted in lieu thereof:

51 (e) Persons domiciled and residing in Connecticut or who have no
52 other residence, and who are United States citizens or who have been
53 admitted as qualified aliens, as defined in Section 431 of Public Law
54 104-193, into the United States [prior to August 22, 1996,] or other
55 lawfully residing immigrant aliens or aliens who formerly held the
56 status of permanently residing under color of law shall be eligible for
57 support under the general assistance program. [A qualified alien
58 admitted into the United States on or after August 22, 1996, or other
59 lawfully residing immigrant alien determined eligible for general
60 assistance prior to July 1, 1997, shall remain eligible for such assistance
61 until July 1, 2001. Qualified aliens or other lawfully residing immigrant
62 aliens admitted into the United States on or after August 22, 1996, and
63 not determined eligible for assistance prior to July 1, 1997, shall be
64 eligible for such assistance subsequent to six months from establishing
65 residency in this state until July 1, 2001.] Qualified aliens must pursue
66 citizenship to the maximum extent allowed by law as a condition of
67 eligibility for the general assistance program unless incapable of doing
68 so due to a medical problem, language barrier or other reason as
69 determined by the Commissioner of Social Services. [Notwithstanding
70 the provisions of this subsection, any qualified alien or other lawfully
71 residing immigrant alien who is a victim of domestic violence or who
72 has mental retardation shall be eligible for general assistance.]

73 Sec. 3. Section 17b-257b of the general statutes, as amended by
74 section 11 of public act 99-279, is repealed and the following is
75 substituted in lieu thereof:

76 Qualified aliens, as defined in Section 431 of Public Law 104-193,
77 admitted into the United States on or after August 22, 1996, [or] other

78 lawfully residing immigrant aliens or aliens who formerly held the
79 status of permanently residing under color of law [who have been
80 determined eligible for Medicaid prior to July 1, 1997,] may be eligible
81 [until July 1, 2001,] for state-funded medical assistance which shall
82 provide coverage to the same extent as the Medicaid program, state-
83 administered general assistance medical aid or the HUSKY Plan, Part B
84 provided other conditions of eligibility are met for each such program.
85 [Such qualified aliens or lawfully residing immigrant aliens who have
86 not been determined eligible for Medicaid prior to July 1, 1997, shall be
87 eligible for state-funded assistance or the HUSKY Plan, Part B
88 subsequent to six months from establishing residency in this state until
89 July 1, 2001. Notwithstanding the provisions of this section, any
90 qualified alien or other lawfully residing immigrant alien who is a
91 victim of domestic violence or who has mental retardation shall be
92 eligible for state-funded assistance or the HUSKY Plan, Part B
93 pursuant to this section.] Only individuals who are not eligible for
94 Medicaid shall be eligible for state-funded assistance pursuant to this
95 section.

96 Sec. 4. Subsection (a) of section 17b-342 of the general statutes, as
97 amended by section 12 of public act 99-279, is repealed and the
98 following is substituted in lieu thereof:

99 (a) The Commissioner of Social Services shall administer the
100 Connecticut home-care program for the elderly state-wide in order to
101 prevent the institutionalization of elderly persons (1) who are
102 recipients of medical assistance, (2) who are eligible for such
103 assistance, or (3) who meet the criteria for the state-funded portion of
104 the program under subsection (i) of this section. For purposes of this
105 section, a long-term care facility is a facility which has been federally
106 certified as a skilled nursing facility or intermediate care facility. The
107 commissioner shall make any revisions in the state Medicaid plan
108 required by Title XIX of the Social Security Act prior to implementing
109 the program. The annualized cost of the community-based services

110 provided to such persons under the program shall not exceed sixty per
111 cent of the weighted average cost of care in skilled nursing facilities
112 and intermediate care facilities. The program shall be structured so
113 that the net cost to the state for long-term facility care in combination
114 with the community-based services under the program shall not
115 exceed the net cost the state would have incurred without the
116 program. The commissioner shall investigate the possibility of
117 receiving federal funds for the program and shall apply for any
118 necessary federal waivers. A recipient of services under the program,
119 and the estate and legally liable relatives of the recipient, shall be
120 responsible for reimbursement to the state for such services to the
121 same extent required of a recipient of assistance under the state
122 supplement program, medical assistance program, temporary family
123 assistance program or food stamps program. [Only a United States
124 citizen or a noncitizen who meets the citizenship requirements for
125 eligibility under the Medicaid program shall be eligible for home-care
126 services under this section, except a qualified alien, as defined in
127 Section 431 of Public Law 104-193, admitted into the United States on
128 or after August 22, 1996, or other lawfully residing immigrant alien
129 determined eligible for services under this section prior to July 1, 1997,
130 shall remain eligible for such services until July 1, 2001. Qualified
131 aliens or other lawfully residing immigrant aliens not determined
132 eligible prior to July 1, 1997, shall be eligible for services under this
133 section subsequent to six months from establishing residency until July
134 1, 2001. Notwithstanding the provisions of this subsection, any
135 qualified alien or other lawfully residing immigrant alien who is a
136 victim of domestic violence or who has mental retardation shall be
137 eligible for assistance pursuant to this section.] Qualified aliens, as
138 defined in Section 431 of Public Law 104-193, or other lawfully residing
139 immigrant aliens or aliens who formerly held the status of
140 permanently residing under color of law shall be eligible for services
141 under this section provided other conditions of eligibility are met.

HS	Committee Vote:	Yea	19	Nay	0	JF	C/R	APP
APP	Committee Vote:	Yea	50	Nay	0	JF		

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Social Services

Municipal Impact: None

Explanation**State Impact:**

This bill clarifies that lawfully residing immigrant aliens or aliens who formally held the status of permanently residing under the color of law continue to be eligible for state funded Temporary Family Assistance, General Assistance, and state funded medical programs. Due to changes in federal law, these individuals are no longer eligible for federally funded programs. As this bill clarifies current eligibility policies, it is not expected to increase costs under any of the affected programs. Therefore, there is no associated fiscal impact.

OLR Bill Analysis

SB 395

AN ACT CONCERNING STATE-FUNDED ASSISTANCE TO LEGAL IMMIGRANTS.**SUMMARY:**

This bill makes more legal immigrants and other noncitizens who are lawfully in the United States eligible for solely state-funded public assistance. It expands the immigrant eligibility rules for cash assistance in the (1) Temporary Family Assistance (TFA), (2) Reach for Jobs First waiver, (3) state-administered general assistance (SAGA), and (4) town-administered general assistance (GA) programs. (Norwich has the only GA program in the state). And it expands medical assistance eligibility in the State Medical Assistance for Noncitizens (SMANC), SAGA, GA, HUSKY B (the state's children's health insurance program), and the Connecticut Home Care Program for Elders (CHCPE). Noncitizens must meet each program's other eligibility requirements and not be eligible for federally funded cash welfare or Medicaid.

It makes noncitizens eligible who held "permanently residing under color of law" (PRUCOL) status until a change in federal immigration law eliminated this category. Current rules cover only those who fall within the federal definition of "qualified alien" or the undefined "other lawfully residing immigrant alien" category.

It removes current six-month residency requirements from the GA cash, CHCPE, and all the medical assistance programs for those who entered the United States after August 22, 1996 and were not determined eligible for benefits before July 1, 1997. And it removes the June 30, 2001 ending date for these programs. It retains these restrictions for the other cash assistance programs.

Finally, it eliminates what appears to be current law's automatic program eligibility for all qualified or "lawfully residing aliens" who are domestic violence victims or have mental retardation.

EFFECTIVE DATE: October 1, 2000

PRUCOL

The bill extends eligibility in the state-funded cash and medical assistance programs to people who formerly held PRUCOL status. These are noncitizens without permanent resident status who the Immigration and Naturalization Service (INS) has made an administrative decision not to deport. Because the INS now classifies many people who formerly had this status as “non-immigrants,” it appears that they are not covered under current law.

PRUCOLs and “other lawfully residing immigrant aliens” participating in all cash assistance programs except GA must pursue citizenship to the maximum extent allowed by law unless DSS excuses them or they are incapable of doing so because of a medical problem or language barrier. They must live in Connecticut for six months before becoming eligible and will lose coverage July 1, 2001 unless they were admitted into the United States before August 22, 1996 and determined eligible for these programs before July 1, 1997. (Recent arrivals in the other covered immigrant categories who are barred from the federally funded TFA Program must also meet residency requirements and will lose cash benefits on that date.)

BACKGROUND

Qualified Aliens

Until the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) went into effect on August 22, 1996, legal immigrants were entitled to Medicaid and welfare benefits on the same basis as citizens. PRWORA created a “qualified alien” assistance category, meaning noncitizens lawfully admitted for permanent residence under various sections of the Immigration and Nationality Act, including asylees, refugees, certain battered immigrants, people who INS has permitted to remain in the United States (paroled) for more than one year, people whose deportation it has withheld, and those it has granted conditional entry (8 USC § 1641).

Most qualified aliens cannot participate in these federally funded programs until they have been in the United States for five years. Only those who were admitted to the United States before August 22, 1996 and who are refugees, asylees, veterans and their families, and people who have worked for 40 quarters in the United States are exempt from this requirement. States can set up separate programs for legal immigrants who cannot participate in federally funded programs, but they must pass specific legislation.

TFA, Reach for Jobs First, and SAGA Cash

PA 97-2 extended TFA, Jobs First, GA, and SAGA cash benefits to qualified aliens admitted to the United States before August 22, 1996 if they met other program requirements. Qualified aliens and other “legally residing immigrant aliens” admitted on or after August 22, 1996 who were not determined eligible for assistance before July 1, 1997 (the effective date of Connecticut’s TFA program) have to reside in the state for six months before becoming eligible, and will become ineligible July 1, 2001.

State Medical Assistance for Non-Citizens (SMANC)

The SMNAC program provides medical assistance equivalent to that provided under the Medicaid program to legal aliens who became ineligible for Medicaid, GA, or SAGA either because of the five-year federal ban or immigration reform’s elimination of PRUCOL status.

CHCPE

CHCPE is a home care program designed to enable low-income elderly persons at risk of nursing home placement to receive home health and non-medical services to avoid it. Participants must be age 65 or older and meet the program’s other financial and functional screening criteria.

Related Cases

An unappealed New York trial court decision found unconstitutional

that state's exclusion of PRUCOLs and other lawful permanent residents from its state-funded Medicaid program (*Aliessa v. Whalen*, 694 N.Y.S. 2d 308 (1999)). And a 1971 U.S. Supreme Court decision invalidated several state laws that denied welfare benefits to noncitizens and imposed residency requirements (*Graham v. Richardson*, 403 U.S. 365).

COMMITTEE ACTION

Human Services Committee

Joint Favorable Change of Reference

Yea 19 Nay 0

Appropriations Committee

Joint Favorable Report

Yea 50 Nay 0