

CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE
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IMMIGRANTS AND THE CALIFORNIA BUDGET

***Permanent Nutrition and Cash Assistance Programs
Near Final Approval***

Despite major challenges brought on by the state's slowing economy, immigrants' rights groups won significant victories in the package approved by the legislature's Budget Conference Committee on June 22, 2001. Under the budget package, the California Food Assistance Program (CFAP) and the Cash Assistance Program for Immigrants (CAPI) would be made permanent and would continue to be available to immigrants regardless of their date of entry into the United States. In addition, the Healthy Families program would cover "qualified" immigrant parents and children in families earning up to 250 percent of the federal poverty income level. The budget bill also allocates funding for specific agencies to increase access to services for persons with limited proficiency in English.

"This represents a tremendous and hard-fought victory," declared Rini Chakraborty, policy analyst for the California Immigrant Welfare Collaborative (CIWC). "If these measures pass, California will have permanently replaced the major federal benefit programs that were denied to immigrants by the 1996 federal welfare law. Outreach to immigrant communities and monitoring the implementation of these programs will become the next great challenge."

The budget conferees from the state senate and assembly wrapped up tense deliberations on how to shore up California's cash reserve while coping with the state's energy crisis and revenue losses. The spending plan approved by the six-member budget conference committee includes a budget bill and several trailer bills that implement the health care and social services provisions, and other portions of the overall budget package. Included among these bills are several provisions affecting California's immigrants. To move to the governor's desk, the proposals first must win two-thirds votes in both the Senate and the Assembly. The legislature and Governor Davis failed to meet the constitutional deadline of July 1 to approve a budget, as the Legislature continues to debate numerous issues.

Cash Assistance Program for Immigrants (CAPI) and California Food Assistance Program (CFAP). Immigrants' rights advocates hailed the budget conference committee's passage of a social

services package that repealed the Sept. 30, 2001, sunset date in the CFAP and CAPI programs for immigrants who entered the U.S. on or after Aug. 22, 1996. If the social services trailer bill (AB 429) is signed, both these programs will become *permanent*

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**Higher Ed. Bill Moves Forward
REPUBLICANS JOIN AS AUTHORS**

A bill increasing access to higher education for immigrant students is gathering momentum in the state legislature. AB 540, authored by Assemblymember Marco Firebaugh, would allow students to qualify for in-state tuition and financial assistance to attend California's community colleges and state universities regardless of their immigration status. Students who have graduated from a California high school, who have attended high school in California for at least three years, and who attend college within one year of graduating would be eligible.

In late May, the bill passed the assembly by a vote of 52 to 15, with bipartisan support. At a June 26 press conference, Firebaugh announced that Republican Abel Maldonado of San Luis Obispo would become a joint author of the bill. The following day, AB 540 was heard in the Senate Education Committee and placed on the Committee's "suspense" file, pending approval of the measure.

Committee members heard dramatic testimony from two students, Gabriel and Elizabeth, who, despite having earned 4.0 grade point averages throughout high school, are unable to attend college because they cannot afford the high cost of non-resident tuition. More than 30 organizations and institutions, including the California State University system, pledged support for the bill. By the end of the hearing, the bill emerged with wider bipartisan support, as Republican Senator Bruce McPherson joined Democratic Senators Deborah Ortiz and Ed-

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and will be available to immigrants regardless of their date of entry into the U.S.

However, spirits were dampened by the news that Governor Gray Davis, who did not include funding for post-August 1996 entrants in his budget proposal, wrested a major concession from legislative leadership. The CAPI "deeming" period for seniors and persons with disabilities who entered the U.S. on or after Aug. 22, 1996, would be extended from five to ten years. (Under deeming, the income and resources of an immigrant's sponsor are added to the immigrant's in determining eligibility for benefits. Deeming rules often render an immigrant ineligible for benefits as "over income" unless the immigrant meets an exemption.) The CFAP program would retain its current three-year deeming period, which would apply only to immigrants whose sponsors signed new affidavits of support, INS Form I-864.

This compromise was reached despite the fact that AB 989 (Chan, Cedillo), which retains the current five-year deeming period in CAPI, passed the assembly by an overwhelming 61 to 12, with 12 Republicans voting in favor. Thirty-two assembly members, including three Republicans, recently sent a letter urging Governor Davis to support the legislation. Both the assembly and the senate budgets included full funding to extend the two programs under the current deeming rules. Nevertheless, the Davis administration raised the CAPI issues, including the deeming rules, in the budget negotiations. Advocates pushed hard for additional exemptions, but the Davis administration held firm.

During the past year, immigrants' rights advocates have carried out an unrelenting campaign to maintain post-Aug. 22, 1996, entrants' eligibility for CFAP and CAPI. Profiles of CAPI and CFAP recipients were gathered by service providers, including the partners and allies of CIWC: the Korean Resource Center, Self-Help for the Elderly, Homeless Prenatal, California Food Policy Advocates, Alameda County Food Bank, Legal Assistance for Seniors, and Bay Area Legal Aid. In addition, CIWC launched a media campaign that generated press coverage and editorials in the San Jose Mercury News, the Sacramento Bee, the Los Angeles Times, the San Francisco Chronicle, the Contra Costa Times, and other media outlets. Immigrants, including the Lemus and Oh families of Los Angeles and the Carranzas of Waterford, courageously allowed their stories to be used in the press to help the cause.

If the governor signs the social services trailer bill, it will be increasingly important to monitor the implementation of these programs. Advocates will need to ensure that potentially eligible immigrants are aware of the two programs and that agencies properly apply the exemptions from the deeming rules. *We will provide more information on these rules and the new eligibility criteria once the budget bills have been signed.*

Healthy Families for parents. The health care trailer bill (AB 430) includes provisions that would expand eligibility for Healthy Families to parents in families earning up to 250 percent of the federal poverty income level. This represents an increase from the governor's original proposal to cover parents in families earning up to 200 percent of poverty. Parents of children who are enrolled in Medi-Cal or Healthy Families would be eligible if they

are either U.S. citizens or "qualified" immigrants. The budget includes funding for qualified immigrant children and parents, regardless of their date of entry into the U.S. The parental coverage expansion is contingent upon a pending waiver request submitted to the federal Health Care Financing Administration. Implementation of the parental coverage expansion is planned for October 2001 but may be subject to delays depending on the federal agency's response.

Language access. The budget provides funding to four key state agencies to increase their compliance with the Dymally-Alatorre Bilingual Services Act. Passed in 1973, the act requires California agencies to provide linguistically accessible services and bilingual staffing when 5 percent or more of the persons seeking the services of an agency speak a language other than English. The funding would be distributed as follows: Dept. of Industrial Relations (\$400,000), Dept. of Social Services (\$350,000), Employment Development Dept. (\$300,000), and Unemployment Insurance Appeals Board (\$25,000). In addition, this year's budget allocates \$585,000 to the State Personnel Board to monitor compliance with the act. Although all these items are included in the budget bill, the governor has the authority to "blue pencil" (delete or reduce) specific spending items.

A separate bill, SB 987 (Escutia), that would improve the mechanisms for enforcing the Dymally-Alatorre Bilingual Services Act is moving through the legislature. The bill passed the senate floor on June 5 and has been referred to the assembly.

Statewide fingerprint imaging system. In December 2000, social services agencies across the state implemented a "fingerprint imaging" system in which all applicants for food stamps and CalWORKs (including household members who are not seeking benefits) are fingerprinted and photographed. This requirement erects an additional barrier for immigrant families, who are already deterred from seeking services for their children. The budget conference committee adopted trailer bill language that exempts adults who are not seeking CalWORKs or food stamps for themselves (including ineligible immigrants and non-needy caretaker relatives) from the fingerprint imaging requirements. The provision was placed in a separate trailer bill, which is likely to be vetoed by the governor.

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ward Vincent as co-authors. The bill next heads to the assembly Appropriations Committee.

The growing support for this measure is consistent with similar movements across the country and in Washington D.C. The governor of Texas recently signed a bill that allows access to higher education to students who meet certain criteria, regardless of their immigration status. And a bill introduced into the House of Representatives by Republican Representative Cannon of Utah (H.R. 1918) would increase access to higher education for immigrant students and would provide an avenue for certain students to adjust to lawful permanent resident status.

To track the progress of AB 540, go to www.sen.ca.gov, or contact CIWC's Sacramento office at 916-448-6762. For more information on the federal bill, H.R. 1918, go to thomas.loc.gov or contact the National Immigration Law Center's Washington D.C. office at 202-216-0261.