

## **Welfare Reform Act Upheld in Federal Court; Ruling Allows Aid Cuts To Infirm Legal Aliens**

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### **Body**

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A **federal** judge today issued the first **ruling** upholding the constitutionality of the 1996 **Welfare Reform Act** that **cuts** off benefits to most **legal** resident **aliens** who are aged, poor or disabled.

U.S. District Judge Lewis Kaplan of the Southern District of New York said that while the **act** imposes a severe hardship on **aliens**, Congress had the authority to enact the law on Aug. 22, 1996.

"Under our Constitution . . . the responsibility for making judgments such as these rests principally with Congress. It is in Congress that this troublesome situation must be addressed," he said.

Kaplan said if Congress does not **act** to restore benefits, the consequences are likely to include evictions, homelessness and the inability to pay medical expenses. The judge said it would also shift a substantial financial burden to New York City.

The **ruling** throws out most claims filed by the city and plaintiffs representing 10,000 **aliens** in New York, Connecticut and Vermont who had sued the **federal** government over the **act**.

They had argued that the law improperly discriminates between citizens and permanent resident **aliens** in violation of the due process clause of the Fifth Amendment.

A similar challenge has been argued in San Francisco **federal court** and is awaiting decision.

Nancy Chang, a lawyer with the Center for Constitutional Rights, which represented some of the plaintiffs, said she expects the **ruling** will be appealed.

For many years **legal aliens** who were poor, blind, disabled or aged were entitled to receive Supplemental Security Income (SSI) and food stamps. The 1996 **act cuts** off benefits to the vast majority of those **aliens**. Benefits to most of those previously receiving help are scheduled to end on Sept. 30.

However, there is legislation now moving through Congress as part of the balanced budget bill that would continue SSI to some **legal aliens**.

Republicans have offered to continue SSI disability benefits to **legal** immigrants who were on the rolls when the **welfare** law was signed Aug. 22, 1996. Immigrants in the country before that date but not receiving SSI would be eligible for the first seven years they were in the country.

The Clinton administration wants to go beyond that offer to ensure that immigrants who become disabled in the future would be eligible for SSI.

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Neither the White House nor Republicans are moving to continue food stamps. The cutoff of nutrition aid is expected to affect about 1 million legal immigrants.

## Classification

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