

STATES KEEP BENEFITS INTACT FOR IMMIGRANTS / WHILE FEDERAL LAW CUT WELFARE, NEARLY ALL STATES FILLED THE GAP. SOME DECIDED TO USE THEIR OWN MONEY.

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Body

Congress was hard on immigrants when it restructured the nation's welfare system last year, but the mood in state capitals has been strikingly different.

While the federal law cut nearly all benefits for legal immigrants, almost every state has decided, sometimes using its own money, to keep immigrant benefits intact.

"The federal government is shirking its responsibility," Texas Gov. George W. Bush, a Republican, said recently as he announced state aid for elderly and disabled immigrants who lost food stamps. "Texans are compassionate people who will help those who truly cannot help themselves."

Last year's massive welfare overhaul cut immigrants from federally funded food stamps and disability rolls, although disability benefits were partly restored later.

The law also gave states the power to decide whether to cut immigrants from cash assistance and Medicaid, programs financed with a combination of federal and state dollars.

In almost every case, the law made it easier for immigrants in the country when the bill was signed in August 1996 to get benefits than those arriving later.

A state gets its allotted amount of federal cash no matter what it does for immigrants. So if it denies welfare to immigrants, it has more money to use elsewhere.

Faced with the new responsibility of deciding who qualifies for aid, all but a few states are continuing benefits for immigrants who were here when the law took effect. And almost every state also will provide cash help and Medicaid for immigrants arriving after that, once they have been in the country five years.

Many states are going further. It is illegal under the new law for a state to use federal money for future immigrants during their first five years here. More than a third of states are using state dollars to make sure immigrants are covered from the day they arrive.

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That includes California and New York, where half the country's legal immigrants live. Florida and Texas, the third- and fourth-largest immigrant states, are helping replace cuts in food stamps, using state money to pay aid once paid solely from the federal treasury.

Such state actions are in striking comparison to the mood in Washington, where congressional Republicans argued that immigrants abused welfare, which should be reserved for Americans.

"The American dream is not coming here and going on welfare," Rep. E. Clay Shaw Jr. (R., Fla.) said in the midst of a debate over disability benefits this summer. "I guess they can go home if they don't like what they have here."

Advocates say states were much more hospitable.

"The states are closer to the reality of the fact that immigrants are there. They're part of the community," surmised Josh Bernstein of the National Immigration Law Center.

In California, for instance, Speaker Cruz Bustamante, the first Latino to head the Assembly, vowed to fight for immigrant aid.

"It's because of maybe who I am and where I come from. It's about my background and how I got here," Bustamante said during a budget fight this summer.

Nearly half the \$55 billion saved in the welfare-reform law came from cuts to legal immigrants. The law made exceptions for political refugees; illegal immigrants never have been eligible for welfare.

But given the chance to reap similar savings, states generally declined, according to reports by advocacy groups and interviews in almost every state capital.

Specifically:

* Twelve states, including New Jersey, are compensating for some food-stamp cuts with their own money, particularly for children, elderly and disabled immigrants.

* Every state but Alabama is allowing immigrant residents as of August 1996 to remain eligible for cash payments. Alabama also is the only state to bar new immigrants from cash help once they have been in the country five years.

* For Medicaid, new arrivals qualify after five years everywhere but Virginia, Wyoming and Louisiana. And immigrants already in the country remain eligible everywhere except Wyoming and Louisiana.

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