

107TH CONGRESS
1ST SESSION

H. R. 2258

To amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for the eligibility of certain aliens suffering from domestic abuse for SSI, food stamps, TANF, Medicaid, SSBG, and certain other public benefit programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2001

Mr. LEVIN (for himself, Mrs. MORELLA, Ms. ROS-LEHTINEN, and Ms. PELOSI) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for the eligibility of certain aliens suffering from domestic abuse for SSI, food stamps, TANF, Medicaid, SSBG, and certain other public benefit programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Women Immigrants
3 Safe Harbor Act of 2001”.

4 **SEC. 2. ELIGIBILITY FOR CERTAIN PUBLIC BENEFITS OF**
5 **ALIENS SUFFERING FROM DOMESTIC ABUSE.**

6 (a) EXEMPTION FROM SSI AND FOOD STAMPS
7 BAN.—Section 402(a)(2) of the Personal Responsibility
8 and Work Opportunity Reconciliation Act of 1996 (8
9 U.S.C. 1612(a)(2)) is amended by adding at the end the
10 following:

11 “(L) BATTERED ALIENS.—With respect to
12 eligibility for benefits for a specified Federal
13 program (as defined in paragraph (3)), para-
14 graph (1) shall not apply to an alien who—

15 “(i) is described in section 431(e),

16 “(ii) is described in section 431(b)
17 and also is described in section 431(e),
18 other than paragraphs (1)(B), (2)(B), and
19 (3)(B), or

20 “(iii) is described in section
21 431(b)(8).”.

22 (b) EXEMPTION FROM TANF, MEDICAID, AND
23 SSBG BAN.—Section 402(b)(2) of the Personal Respon-
24 sibility and Work Opportunity Reconciliation Act of 1996
25 (8 U.S.C. 1612(b)(2)) is amended by adding after sub-
26 paragraph (F) the following new subparagraph:

1 “(G) BATTERED ALIENS.—An alien who—
2 “(i) is described in section 431(c),
3 “(ii) is described in section 431(b)
4 and also is described in section 431(c),
5 other than paragraphs (1)(B), (2)(B), and
6 (3)(B), or
7 “(iii) is described in section
8 431(b)(8).”.

9 (c) EXEMPTION FROM 5-YEAR BAN FOR FEDERAL
10 MEANS-TESTED PUBLIC BENEFITS.—Section 403(b) of
11 the Personal Responsibility and Work Opportunity Rec-
12 onciliation Act of 1996 (8 U.S.C. 1613(b)) is amended
13 by adding at the end the following:

14 “(3) BATTERED ALIENS.—An alien who—
15 “(i) is described in section 431(c),
16 “(ii) is described in section 431(b) and also
17 is described in section 431(c), other than para-
18 graphs (1)(B), (2)(B), and (3)(B),
19 “(iii) is described in section
20 431(b)(8).”.

21 (d) EXPANSION OF DEFINITION OF BATTERED
22 ALIENS.—

23 (1) IN GENERAL.—Section 431(c) of the Per-
24 sonal Responsibility and Work Opportunity Rec-

1 conciliation Act of 1996 (8 U.S.C. 1641(c)) is
2 amended—

3 (A) in paragraphs (1)(A), (2)(A), and
4 (3)(A) by inserting “ or the benefits to be pro-
5 vided would alleviate the harm from such bat-
6 tery or cruelty or would enable the alien to
7 avoid such battery or cruelty in the future” be-
8 fore the semicolon; and

9 (B) in the matter following paragraph (3),
10 by inserting “ and for determining whether the
11 benefits to be provided under a specific Federal,
12 State, or local program would alleviate the
13 harm from such battery or extreme cruelty or
14 would enable the alien to avoid such battery or
15 extreme cruelty in the future” before the pe-
16 riod.

17 (2) CONFORMING AMENDMENT REGARDING
18 SPONSOR DEEMING.—Section 421(f)(1) of the Per-
19 sonal Responsibility and Work Opportunity Rec-
20 onciliation Act of 1996 (8 U.S.C. 1631(f)(1)) is
21 amended—

22 (A) in subparagraph (A), by inserting “or
23 would alleviate the harm from such battery or
24 cruelty, or would enable the alien to avoid such

1 battery or cruelty in the future” before the
2 semicolon; and

3 (B) in subparagraph (B), by inserting “or
4 would alleviate the harm from such battery or
5 cruelty, or would enable the alien to avoid such
6 battery or cruelty in the future” before the pe-
7 riod.

8 (e) STATUS AS QUALIFIED ALIEN FOR NON-
9 IMMIGRANT “U” VISA HOLDERS.—Section 431(b) of the
10 Personal Responsibility and Work Opportunity Reconcili-
11 ation Act of 1996 (8 U.S.C. 1641(b)) is amended—

12 (A) by striking ‘or’ at the end of para-
13 graph (6);

14 (B) by striking the period at the end of
15 paragraph (7) and inserting “, or”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(8) status as a nonimmigrant under section
19 101(a)(15)(U) of the Immigration and Nationality
20 Act.”.

21 (f) CONFORMING DEFINITION OF “FAMILY” USED IN
22 LAWS GRANTING FEDERAL PUBLIC BENEFIT ACCESS
23 FOR BATTERED ALIENS TO STATE FAMILY LAW.—Sec-
24 tion 431(c) of the Personal Responsibility and Work Op-

1 portunity Reconciliation Act of 1996 (8 U.S.C. 1641(e))
2 is amended—

3 (1) in paragraph (1)(A), by striking “by a
4 spouse or a parent, or by a member of the spouse
5 or parent’s family residing in the same household as
6 the alien and the spouse or parent consented to, or
7 acquiesced in, such battery or cruelty,” and insert-
8 ing “by a spouse, parent, son, or daughter, or by
9 any individual having a relationship with the alien
10 covered by the civil or criminal domestic violence
11 statutes of the State or Indian country where the
12 alien resides, or the State or Indian country in
13 which the alien, the alien’s child, or the alien child’s
14 parents received a protection order, or by any indi-
15 vidual against whom the alien could obtain a protec-
16 tion order,”; and

17 (2) in paragraph (2)(A), by striking “by a
18 spouse or parent of the alien (without the active par-
19 ticipation of the alien in the battery or cruelty), or
20 by a member of the spouse or parent’s family resid-
21 ing in the same household as the alien and the
22 spouse or parent consented or acquiesced to such
23 battery or cruelty,” and inserting “by a spouse, par-
24 ent, son, or daughter of the alien (without the active
25 participation of alien in the battery or cruelty) or by

1 any individual having a relationship with the alien
2 covered by the civil or criminal domestic violence
3 statutes of the State or Indian county where the
4 alien resides, or the State or Indian country in
5 which the alien, the alien’s child, or the alien child’s
6 parent received a protection order, or by any indi-
7 vidual against whom the alien could obtain a protec-
8 tion order.”.

9 (g) TREATMENT OF FAMILY-SPONSORED BATTERED
10 ALIENS UNDER THE PUBLIC CHARGE PROVISIONS OF
11 SECTION 212 OF THE INA.—Section 212(a)(4)(A) of the
12 Immigration and Nationality Act (8 U.S.C.
13 1182(a)(4)(A)) is amended—

14 (1) by inserting “(i)” before “Any alien”;

15 (2) by adding at the end the following:

16 “(ii) The provisions of this paragraph
17 shall not apply to an alien who is—

18 “(I) described in section 431(c)
19 of the Personal Responsibility and
20 Work Opportunity Reconciliation Act
21 of 1996,

22 “(II) described in section 431(b)
23 of such Act and also is described in
24 section 431(c) of such Act, other than

1 paragraphs (1)(B), (2)(B), and
2 (3)(B), or

3 “(III) described in section
4 431(b)(8) of such Act.”; and

5 (3) by indenting clause (i) (as designated by
6 paragraph (1) of this subsection) and aligning such
7 clause (i) with clause (ii) of such subparagraph (as
8 added by paragraph (2) of this subsection).

9 (h) BENEFITS PROVIDED TO BATTERED ALIENS
10 NOT SUBJECT TO REIMBURSEMENT.—Section 423(d) of
11 the Personal Responsibility and Work Opportunity Rec-
12 onciliation Act of 1996 is amended by adding after para-
13 graph (11) the following:

14 “(12) Benefits provided to an alien who—

15 “(i) is described in section 431(e),

16 “(ii) is described in section 431(b) and also
17 is described in section 431(e), other than para-
18 graphs (1)(B), (2)(B), and (3)(B), or

19 “(iii) is described in section
20 431(b)(8).”.

21 (i) EFFECTIVE DATE.—The amendments made by
22 this section apply to public benefits provided on or after
23 the date of enactment of this Act.

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