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EX PARTE OR LATE FILED

GARY J. WESTON
Executive Director

December 5, 2000

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
The Portals, 445 Twelfth Street SW
Washington, DC 20554

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Re: CC Docket No. 96-45 /

ATTORNEY GENERAL'S OFFICE
PUCO

Dear Ms. Salas,

On December 1, 2000 representative of the Telephone and Technology Access Project of the Legal Aid Society of Dayton (Ellis Jacobs), the United States Catholic Conference (Katherine Grincewich), the Institute for Public Representation at Georgetown (Angela Campbell) and the Center on Budget and Policy Priorities (Ed Lazere) met with Katherine Schroder, Katie King, Richard Smith and Ellen Blackler of the Federal Communications Commission.

The purpose of the meeting was to encourage the FCC to examine existing eligibility for the Lifeline and Link-up programs in light of the dramatically reduced participation in the specific means tested public benefits programs that currently determine eligibility for Lifeline and Link-up.

The oral presentation which was made is summarized in the attached memorandums, "The need to Expand Lifeline Eligibility" and "Establishing Telecommunications Lifeline Eligibility: The Use of Public Benefit Programs and its Impact on Lawful Immigrants" which were also provided to the FCC staff members in attendance.

Yours,

Ellis Jacobs
Telephone and Technology Access Project
Legal Aid Society of Dayton
333 West First St., Ste. 500
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List ABCDE

cc Katherine Schroder
Katie King
Richard Smith
Ellen Blackler



THE NEED TO EXPAND LIFELINE ELIGIBILITY

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December 1, 2000

This memo is intended to show that Lifeline rules that limit eligibility to households receiving means-tested assistance should be revised to base eligibility on income as well. It also provides some guidance for selecting an appropriate income eligibility level if rules are changed to include eligibility based on income.

Why Eligibility Should Be Based on Income in Addition to Participation in Means-tested Assistance Programs

Lifeline is intended to serve needy families that have difficulty affording basic phone service. The current federal eligibility standard bases lifeline eligibility on participation in one or more specified means-tested programs. These eligibility provisions exclude millions of families that are needy but not receiving government assistance.

- Cash welfare and food stamp caseloads have declined much faster in recent years than poverty. Between 1994 and 1999, the number of families receiving cash assistance has fallen by 2.5 million, or roughly 50 percent. The number of households receiving food stamps has fallen 34 percent. The number of poor families with children, by contrast, fell from 6.4 million to 5.1 million during the same period, a decline of roughly 20 percent. These trends are explained in part by the fact that many families leave welfare for low wage jobs that keep them in poverty. A 1999 Urban Institute study found that the typical wage of parents leaving welfare for work was \$6.61 an hour. At that wage level, many families with a working parent would remain poor.

These data indicate that fewer poor children are receiving cash assistance or food stamps today than in the recent past. In 1994, roughly 88 percent of poor children received food stamps. By 1998, that figure had fallen to 72 percent. Between 1994 and 1998, the proportion of poor children receiving cash assistance fell from 58 percent to 42 percent.

- Working poor families often do not participate in means-tested programs. For example, working poor families typically do not receive welfare cash

assistance, and only about one-third of working poor families participate in the food stamp program. There are two primary reasons for this finding. The first is that many low-income families are not eligible for assistance. In the typical state, eligibility for cash welfare ends when earnings reach just 70 percent of the poverty line. In some programs, ownership of a modestly priced car makes families ineligible for assistance for some programs, even if the car is needed to get to and from work. The 1996 federal welfare law made many legal immigrants ineligible for assistance from several programs.

Second, many working poor families often do not participate in means-tested programs, even if they are eligible. Reasons for non-participation include lack of information (many believe that working families or two-parent families are not eligible for assistance), the stigma associated with receipt of public assistance, and administrative barriers — particularly lengthy applications and frequent re-certification meetings. Concerns about becoming a "public charge" keep many legal immigrants from seeking benefits from programs they still qualify for (for more information on this see the attached paper from Roger Colton on this subject).

- Millions of families can be considered “working poor,” which means they are low-income even though one or more adults work. According to tabulations of Census Bureau data by the Center on Budget and Policy Priorities, four million families with children had a working parent but still had income below the federal poverty threshold in 1997. Overall, more than two-thirds of poor families with children had a working parent. Some 1.4 million of these families had a parent who worked year-round and full-time. If families without children or families with incomes modestly above the poverty line (which stands at less than \$14,000 for a family of three) were included, the number of working poor would be even higher.
- Changes in state welfare programs leave many needy families without assistance even if they do not have a job. The Center on Budget and Policy Priorities estimates that at least 370,000 families have lost cash assistance due to sanctions for non-compliance with welfare program rules, and nearly 100,000 families have lost aid due to time limits, even though time limits have taken effect only in a handful of states to date. As more state time limits take hold in 2001, the number of needy families that lose cash assistance could increase substantially.

Considering the relatively low rate of participation in public assistance programs by low-income working families, and the recent dramatic declines in participation, Lifeline eligibility rules that restrict access to families receiving some form of public assistance seem outdated and inappropriate.

Adding a New Standard Based on Income

If Lifeline eligibility rules were altered so that they were also based on income, a decision would need to be made as to the appropriate income level. One option is to use the federal poverty guideline developed by the U.S. Department of Health and Human Services. It is a widely recognized measure, it is adjusted for family size, and it also is adjusted upward each year for inflation. The 2000 poverty guidelines by family size are as follows:

2000 Federal Poverty Guideline (by family size)								
1	2	3	4	5	6	7	8	9+
\$8,350	\$11,250	\$14,150	\$17,050	\$19,950	\$22,850	\$25,750	\$28,650	add \$2,900 per person

While the federal poverty guideline has some advantages, there are also indications that the guidelines are far below what a family needs to meet basic needs — and thus that the selection of a Lifeline eligibility level should include needy families with incomes somewhat above the poverty guideline.

- The poverty guideline is based in large part on a poverty threshold established in the 1960s that is now considered outdated. At that time, an analyst with the Social Security Administration established a poverty line by multiplying a minimal food budget cost by three, based on evidence that low-income families spend a third of their income on food. Since then, the poverty line has been adjusted only for inflation. But spending patterns have changed greatly since then. Low-income families spend about one-fifth of their income on food — while the poverty line still equals just three times a minimal food budget. Other expenditures that were almost non-existent in the 1960s — such as child care — now consume a large share of the budgets of many low-income families.
- Families have trouble making ends meet even with above-poverty incomes. The Urban Institute released new findings in October 2000 from its National Survey of America's Families. They found that among families with incomes below twice the poverty line, nearly half had food insecurity — meaning they either worried about running out of money to buy food or actually experienced a time when they could not afford to buy enough food. More than one in five reported being unable to pay a rent, mortgage or utility bill in the previous year.
- Many federal and state programs for needy families extend eligibility above 100 percent of poverty. For example, families are eligible for free school lunches if their income is below 130 percent of poverty (this is also the eligibility level for food stamps), and reduced-price meals are available to families with incomes up to 185 percent of the poverty line. Most states extend health insurance to children in families with incomes up to 200 percent of poverty, and subsidized childcare eligibility is above the poverty line in

every state. These policies reflect a recognition that families continue to be needy even when incomes exceed the official poverty line.

These findings suggest that Lifeline programs should define families as being needy and eligible for assistance at some level above the poverty line, perhaps as high as 200 percent of poverty, or roughly \$28,000 for a family of three.

Basing Lifeline Eligibility on Income Would Not Require Extensive Income Verification

The current Lifeline rules that base eligibility on receipt of public means-tested benefits provides phone companies a simple way to identify families who are needy. Relying on eligibility determinations made by a government agency also provides some assurance that families have been screened to verify their low incomes. Allowing families who are not receiving public assistance to qualify for Lifeline based on their income raises the question of how to determine and verify the eligibility of Lifeline applicants. Information from existing government programs suggests that this should not present a serious problem for phone companies, for these reasons:

- There are several large public programs that allow families to self-declare their income, without requiring documentation of each income source. These programs also do not conduct extensive income verification procedures. Available evidence suggests that few families receive benefits fraudulently.

In an attempt to make programs more client-friendly, and thus to improve access among eligible participants, a number of programs have established relatively short and simple application processes. One element of simplifying the application process is allowing families to self-declare income. This means asking applicants to report the income from various sources (earnings, social security, etc.) of all family members. But no required proof of income (pay stub, social security check receipt) is required. In addition, the agencies do not regularly attempt to verify the income of applicants. This limits the burden on applicants, and the administrative burden on the agency. The programs that allow families to self-declare income, which provide billions of dollars of benefits each year, include:

- Free and Reduce-Priced School Lunch (eligibility equals 185 percent of poverty)
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC, eligibility equals 185 percent of poverty.)
- State Child Health Insurance Program (eligibility varies by state, but as high as 200 percent of poverty).

While no recent studies have been conducted to assess whether these application processes result in a substantial level of fraud, most prior studies did not find this. Some studies found that applicants under-report their income, but in most cases, these families would have been eligible for aid even if they had fully reported income. This reflects the fact that the

families most likely to apply for assistance are the neediest families with incomes far below the eligibility threshold.

Any remaining concerns about fraud can be addressed by providing for a random audit of a sample of participants each year. Upon signing up for a program, in addition to self-certifying eligibility under penalty of perjury, each applicant would be informed of the audit policy and would consent to providing the required documentation if selected for the audit.

**ESTABLISHING TELECOMMUNICATIONS LIFELINE ELIGIBILITY:
THE USE OF PUBLIC BENEFIT PROGRAMS
AND ITS IMPACT ON LAWFUL IMMIGRANTS**

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November 2000

One mechanism increasingly relied on today to enroll low-income households in multiple public assistance programs, while avoiding the need for multiple application processes, involves the use of participation in one program to establish eligibility for another.¹ An *exclusive* reliance on participation in public benefit programs as a means to establish eligibility for low-income telephone lifeline assistance programs, however, without providing an additional alternative entrée to lifeline benefits based on a determination of income, may systematically exclude lawful immigrants from program participation. The exclusion will first occur because of “public charge” concerns that prevent many immigrant families from applying for public assistance for which they are eligible. The exclusion will also occur because of statutory limitations that have been placed on the right of legal immigrants to participate in either federal or state public assistance programs.

PUBLIC CHARGE LIMITATIONS

The “public charge” concerns of legal immigrants stem from aspects of federal law that may disallow a resident from gaining status as a “legal permanent resident” (LPR) if certain financial conditions are met. A determination that an immigrant is likely to become “primarily dependent on the government for subsistence” can have “serious immigration consequences.”² While LPRs are not generally subject to the public charge test, it is “aliens who are seeking to become LPRs (through a visa application or an application for admission or adjustment in status) who have to convince an INS or consular officer that they are not likely to become a public charge.”³

The application of public charge requirements today results in very few adverse actions taken against immigrants in the United States. According to the Center on Budget and Policy Priorities, new “guidance” from the Immigration and Naturalization Service (INS) “very narrowly limits the situations in which receipt of public benefits is relevant to a ‘public charge’

¹ See e.g., Roger Colton (October 2000). *Innovations in Outreach and Enrollment for the Low-Income Home Energy Assistance Program*, Iowa Department of Human Rights: Des Moines (IA) (discussing the advantages of “adjunctive eligibility” for LHIEAP outreach).

² Shawn Fremstad (January 2000). *The INS Public Charge Guidance: What Does it Mean for Immigrants who Need Public Assistance?*, at 1, Center on Budget and Policy Priorities: Washington D.C.

³ *Id.*, at 2.

finding.”⁴ CBPP states that the “vast majority of immigrants who have already entered the United States --especially immigrants who are legal permanent residents-- will never be subject to a public charge determination.”⁵

Despite this current state of the law, the *practical* effect of public charge laws and regulations is to serve as a chilling mechanism for immigrant participation in public assistance programs. Little question exists but that “many legal immigrants fear that if they receive various public benefits, the Immigration and Naturalization Service (INS) or State Department will decide they are likely to become a public charge. . . . Recent research suggests that public charge concerns, along with the ‘chilling effects’ related to welfare reform and confusion about eligibility rules for benefits, have kept many legal immigrants from accessing benefits for which they are eligible.”⁶

This problem was recognized as substantial in the promulgation of regulations that formally clarified what the meaning of the term “public charge” is and what considerations go into making a public charge determination. According to the INS Notice of Proposed Rulemaking:

Although Congress has determined that certain aliens remain eligible for some forms of medical, nutrition, and child care services, and other public assistance, numerous legal immigrants and other aliens are choosing not to apply for these benefits because they fear the negative immigration consequences of potentially being deemed a ‘public charge.’⁷

The INS continued:

Concern over the public charge issue is further preventing aliens from applying for available supplemental benefits, such as child care and transportation vouchers, that are designed to aid individuals in gaining and maintaining employment.⁸

U.S. Department of Health and Human Services (HHS) officials agree. In a letter to the INS, HHS Deputy Secretary Kevin Thoren reported:

Over the past several years, there has been a significant decline in the receipt of welfare, health, and nutrition benefits by immigrant families and their citizen children, even though many of these families (or individuals within these families) are eligible for such benefits. HHS has received numerous reports from state and local government officials, program administrators, and community leaders around the country that a significant factor contributing to this decline in

⁴ Id., at 7.

⁵ Id., at 1.

⁶ Id., at 1; see e.g., Michael Fix and Jeffrey Passel (March 1999). *Trends in Noncitizens’ and Citizens Use of Public Benefits Following Welfare Reform: 1994 – 1997*, The Urban Institute: Washington D.C.

⁷ Department of Justice, Immigration and Naturalization Service, Proposed Rule, “Inadmissibility and Deportability on Public Charge Grounds,” Docket No. RIN-1115-AF45, 64 Federal Register 28675, 28676 (May 26, 1999).

⁸ 64 Federal Register, at 28676 – 28677.

participation is the confusion and fear that immigrant families have in relation to public charge policies.⁹

In sum, creating a lifeline enrollment process through which current participation in public assistance programs is the exclusive means of also obtaining lifeline benefits will have the effect of systematically excluding low-income legal immigrants on public charge grounds. Requiring current participation erects an entry barrier that is recognized to exclude substantial numbers of legal permanent alien residents.

THE IMPACT OF WELFARE REFORM.

In addition to the impacts which public charge considerations have on immigrant participation in public assistance programs, one further factor that keeps low-income immigrants, even legal permanent residents, out of public assistance programs involves the changing federal statutes regarding immigrant eligibility.¹⁰ Historically, legal aliens who settled in the United States were eligible for public assistance on the same basis as citizens. In 1996, however, the welfare reform law enacted by Congress barred most legal aliens from receiving Supplemental Security Income (SSI) and Food Stamps. In addition, this federal statute authorized states to limit access to Medicaid and to Temporary Aid to Needy Families (TANF) (the cash assistance program replacing the Aid to Families with Needy Children, AFDC). While subsequent legislation restored (or continued) SSI, Medicaid and Food Stamps for a portion of previous beneficiaries, the federal restrictions largely remain.

Eligibility Restrictions

While there is no question but that public assistance has always been restricted for *undocumented* aliens in the United States, the Welfare Reform Act substantially restricted the availability of public assistance to *legal* immigrants as well. The restrictions arose through the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the “welfare reform” statute).¹¹ Shortly thereafter, Congress also enacted the Illegal Immigration Reform and Immigration Responsibility Act of 1996¹² which amended the Welfare Act. It is commonly held that while the Welfare Act reduced benefits to all recipients, the impact of this series of legislation was to impose on legal aliens the greatest burden of the cuts.¹³

Under the Welfare Act as originally enacted, “qualified aliens”¹⁴ were denied eligibility for two specified federally-funded programs: SSI and Food Stamps.¹⁵ While the Act did not directly

⁹ 64 Federal Register, at 28686.

¹⁰ See generally, Richard Boswell, “Restrictions on Non-citizens Access to Public Benefits: Flawed Premise, Unnecessary Response,” 42 *UCLA L.Rev.* 1475 (1995).

¹¹ Pub. L. No. 104-193, 110 Stat. 2105.

¹² Pub. L. No. 104-208, 110 Stat. 3009-546.

¹³ See e.g., Brendan Maturen, “The U.S. and Them: Cutting Federal Benefits to Legal Immigrants,” 48 *Washington U. J. Urb. & Contemp. L.* 319, 331 (1995).

¹⁴ “Qualified aliens” were defined to include aliens who are lawfully admitted for permanent residence in the United States, granted asylum or refugee status, paroled into the U.S. for at least one year, qualify for withholding of deportation or secure a grant of conditional entry into the U.S.

¹⁵ Welfare Act, Section 402(a)(3).

affect other means-tested programs, it would result in the loss of benefits such as Medicaid, since many states link Medicaid eligibility to the receipt of SSI.

In addition to establishing the class of “qualified aliens,” the Welfare Reform Act created a distinction between aliens legally residing in the United States at the time the Act was enacted and aliens who entered the country after that date. Aliens entering the United States after the date of the Welfare Reform Act’s enactment (August 22, 1996) are prohibited from receiving *any* benefits from a federal means-tested program for five years after entering the U.S.

The five-year ban applies to any form of federal means-tested program apart from SSI or food stamp programs, such as Medicaid, Temporary Assistance to Needy Families (TANF), block grants, and social service block grants. The only benefits for which a post-act alien is eligible during the ban are federal non-means tested benefits and emergency programs such as child nutrition, Head Start, federal higher education assistance, job training, and foster care. After this five-year ban, post-act aliens are eligible for federal means-tested benefits, but are subject to “deeming” by the federal government.¹⁶

The Balanced Budget Act of 1997 restored some of the benefits lost by aliens through the Welfare Reform Act. This statute restored SSI benefits to aliens who had been receiving benefits prior to the date of the Welfare Reform Act.¹⁷ It made benefits available to those pre-Act aliens who may become blind or disabled in the future, although aliens who become 65 without becoming blind or disabled remain ineligible.¹⁸ It also maintained SSI and Medicaid benefits for those immigrants who applied for the program prior to 1979, which was the year that the Social Security Administration first began asking for proof of immigration status.¹⁹ In addition, in June 1997, Congress enacted a law that allowed states to use their own funds to purchase federal food stamp benefits for legal immigrants made ineligible by the Welfare Act.

In sum, the series of federal statutes affecting the access of legal aliens to public assistance resulted in the following changes:

The welfare law imposes restrictions on three different categories of federal means-tested benefits. . . The first form of restricted benefits include the specified federal programs of food stamps and Supplemental Security Income, which are funded exclusively by the federal government. The second form of restrictions includes benefits which are jointly funded by both the federal and state governments (TANF, Social Service block grants, and Medicaid). The Welfare Act places a mandatory five-year bar on these programs for new immigrants, and

¹⁶ Laruen Moynihan, “Welfare Reform and the Meaning of Membership: Constitutional Challenges and State Reactions,” 12 *Geo. Immig. L.J.* 657, 660 (1998).

¹⁷ However, while the Balanced Budget Act restored SSI benefits to legal aliens who legally resided in the United States before the date of the Welfare Reform Act, legal aliens arriving after that date are still restricted from receiving SSI benefits.

¹⁸ Balanced Budget at Section 5301.

¹⁹ Balanced Budget, at Section 5304.

allows the states to determine eligibility for immigrants residing in the United States before August 22, 1996 and after the five year restriction. The final category of restrictions requires states to deny benefits, although solely provided through state funds, to all unqualified aliens absent affirmative legislation that the state intends to authorize such eligibility.²⁰

The restrictions on the receipt of public assistance will, of course, by definition, adversely affect the ability of legal immigrants to access telephone lifeline assistance programs to the extent that such telephone programs are made dependent on receipt of public benefits. These restrictions will have a substantial effect on the immigrant community.²¹

Disproportionate Impacts on Older Persons and Women

Two groups of immigrants are particularly likely to be low-income and not assisted through public benefits under the new federal statutes.²² In particular, the welfare restrictions will exclude older persons²³ and women²⁴ from receiving public assistance. The first group of immigrants to be disproportionately affected involves older immigrants. As one commentator explains:

. . . noncitizens are less likely than citizens to qualify for Social Security, which is based on U.S. employment history. As originally contemplated by Congress and the Commission on Economic Security, Social Security is the primary income source for most older adults in the United States, and in many cases, Social Security alone provides income sufficient to preclude SSI eligibility. Elderly immigrants are less likely than citizens to receive Social Security because they often have not been in the United States long enough to compile the requisite work history before retirement. Because they are less likely to receive Social Security, such noncitizens are more likely to be eligible for need-based SSI.²⁵

The second group of immigrants that are particularly likely to be low-income and without access to public assistance involves women. Lawful immigrants become eligible for public assistance through one of three primary mechanisms: (1) naturalization; (2) formal sector employment for forty qualifying quarters; or (3) service in the armed forces.²⁶ As one commentator notes, while

²⁰ Meaning of Membership, at 663.

²¹ Michael O'Grady, *Native and Naturalized Citizens and Non-Citizens: An Analysis of Poverty Status, Welfare Benefits, and Other Factors*, CRS Report for Congress (Feb. 14, 1995), Congressional Research Service: Washington D.C..

²² Kevin Johnson, "Public Benefits and Immigration: The Intersection of Immigration Status, Ethnicity, Gender and Class," 42 *UCLA L.Rev.* 1509 (1995).

²³ Leslie Pickering Francis, "Elderly Immigrants: What Should they Expect of the Social Safety Net?," 5 *Elder L.J.* 229 (1997).

²⁴ Jean Fitzpatrick, "The Gender Dimension of U.S. Immigration Policy," 9 *Yale J. L. and Feminism* 23 (1997).
²⁵ *Salvaging a Safety Net*, at 1464

²⁶ PRWORA, at section 412(b)(1)-(3).

seemingly facially neutral, the employment requirement is a particular problem from the perspective of women:

Immigrant women will be penalized for having dedicated their lives to the unpaid care of their families. Even those who have labored in domestic service for other families may be unable to qualify for the work exception, given extensive noncompliance with Social Security obligations for domestic workers.

* * *

. . . caregiving has been unrecognized and devalued in a society that defines work in terms of measurable output and wages rather than nurturance and maintenance. . . What this means for women's roles and status is that women are expected to perform unpaid work in the home that is regarded as nonwork. As a result, assumptions underlying current public policies arise from a social system in which women as a class are at an economic disadvantage.²⁷

The Process of Deeming

Aside from the outright prohibition on the receipt of public benefits, the “deeming” provisions of the welfare reform law make it less likely that immigrants will receive benefits, irrespective of their needs. As the Department of Justice notes:

Under new ‘deeming’ rules, some aliens who might otherwise have been able to obtain certain Federal, state or local means-tested public benefits can no longer do so because their sponsors’ resources may now count as resources available to the aliens (i.e., the sponsor’s sources are ‘deemed’ available to the alien), which would normally raise the alien’s income over the benefit eligibility threshold.²⁸

One commentator explains the process of “deeming” as follows:

Deeming refers to adding the income or resources of the sponsor to the income and resources of the sponsored alien for purposes of determining the eligibility of the alien for need-based federal assistance programs. The income of the sponsor and his or her spouse are considered available to the immigrant in determining eligibility for benefits. Deeming, therefore, makes it harder for sponsored aliens to qualify for and receive means-tested benefits. Deeming usually prevents an alien from receiving benefits during

²⁷ *Gender Dimensions*, at 40, 42, citing Raymond Coward, et al., *Demographic Perspectives on Gender and Family Caregiving*, in *Gender, Families and Elder Care*, at 4, 26, 28 (1991).

²⁸ 64 Federal Register, at 28686, citing 8 USC secs 1631 and 1632.

the deeming period. Deeming applies with respect to AFDC, SSI and food stamps.²⁹

Unlike prior determinations, under the new deeming law, *all* of the sponsor's income is attributable to the legal immigrant without consideration of the sponsor's other obligations.³⁰

SUMMARY AND CONCLUSIONS

The process of enrolling low-income households in lifeline assistance programs for telephone service if they participate in other public benefit programs addresses many of the formidable barriers that prevent eligible and needy customers from receiving such assistance. There is a danger, however, in relying upon such a process as the exclusive means of enrollment. Many low-income persons do not participate in the safety net of public assistance programs. Some of these persons do not participate by choice. Others do not participate because they are, by public policy if not by specific statutory directive, excluded from such programs.

In particular, using participation in public assistance programs as the exclusive door through which low-income persons may enter a telephone lifeline assistance program will exclude lawful immigrants from such programs. The remedy for such exclusion is not to move away from the use of such programs as a means to establish eligibility. The remedy is simply to allow additional alternative means through which applications and income certification may be made based upon income rather than upon program participation.

²⁹ Steven Dawson, "The Promise of Opportunity – and Very Little More: An Analysis of the New Welfare Law's Denial of Federal Public Benefits to Most Legal Immigrants," 41 *St. Louis L.J.* 1053, 1059 (1997); see generally, Michael Sheridan, "The New Affidavit of Support and Other 1996 Amendments to Immigration and Welfare Provisions Designed to Prevent Aliens from Becoming Public Charges," 31 *Creighton L.Rev.* 741 (1998).

³⁰ Lanelle Polen, "Salvaging a Safety Net: Modifying The Bar to Supplemental Security Income for Legal Aliens," 76 *Wash. Univ. L.Q.* 1455, 1463 (1998).