

# Meeting the Needs of Asylum Seekers:

## Eligibility Bars Hinder States From Helping New Arrivals

Asylum seekers have a moral and legal right to be in the United States, and we must ensure their needs are met so they can thrive. This includes **access to housing, health care, nutrition assistance, workforce support, and legal assistance**. However, as asylum seekers arrive in cities across the country there have been news reports about local tensions created from the idea of resource scarcity. Any scarcity is caused by restrictive eligibility policies and inadequate funding.



Newly arrived immigrants, documented and undocumented, are often ineligible for federal health, food, and housing supports.



Health clinics, housing advocates and food banks have stepped up to support but cannot permanently fill this gap.

**These trends result in states and localities facing competing pressure to serve different communities while the federal government fails them all.**

### Timeline of Restriction to Benefits

**1980 The Refugee Act of 1980**  
Ensures that people fleeing prosecution have a process to seek asylum in the United States.

**1996 The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)**  
PRWORA barred previously eligible immigrants from a wide range of public benefits and created a five year waiting period for green card holders.

#### **The Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA)**

Placed restrictions on work authorizations, making asylum seekers ineligible until their application has been pending for at least 180 days.

**2010 The Affordable Care Act**  
Undocumented immigrants & DACA recipients were excluded from healthcare access under the Affordable Care Act.

### Inclusive Policies Support Cities & States

Across the country, cities and states are stepping up to fill the gaps where Congress has not. For example, in Chicago and New York, city governments, with support from the state, are having to find solutions and use their budgets to support an influx of asylum seekers.<sup>1</sup> While state innovation in this area is welcome, the federal government must be ultimately responsible for immigration policies and impacts.

States have repeatedly asked for more funding for programs like the Shelter and Services Program (SSP) to better support newly arrived immigrants. The mayors of New York, Denver, Houston, Chicago, and Los Angeles said they needed \$5 billion to address the costs of newly arrived immigrants.<sup>2</sup> Instead, Congress passed the Fiscal Year 2024 appropriations bill which cut SSP by \$150 million.<sup>3</sup>

Democrats have also turned to border-restrictive policies. Although it has yet to pass, some Members of Congress have supported legislation, such as the Border Act of 2024, to restrict those who are seeking asylum further. The approach would exacerbate processing delays, expand funding for immigration detention centers, and halt asylum access to those currently at the border.<sup>4</sup>

<sup>1</sup> Maxwell Adler, "Migrant Influx Strains NYC, Chicago, Denver Budgets, S&P Says," Bloomberg, February 13, 2024, <https://www.bloomberg.com/news/articles/2024-02-13/migrant-influx-strains-budgets-of-nyc-chicago-denver-s-p-says>.

<sup>2</sup> Letter to Biden and Congressional Leadership, City and County of Denver, Office of the Mayor Mike Johnston, [https://denvergov.org/files/assets/public/v/1/mayor/documents/mayors-letter-to-biden-congressional-leadership\\_oct2023.pdf](https://denvergov.org/files/assets/public/v/1/mayor/documents/mayors-letter-to-biden-congressional-leadership_oct2023.pdf).

<sup>3</sup> "Shelter and Services Program (SSP) FY2023 Funding," Congressional Research Service (August 2023), <https://crsreports.congress.gov/product/pdf/IN/IN12177>.

<sup>4</sup> "An Analysis of the Senate Border Bill The Emergency National Security Supplemental Appropriations Act (H. R. 815)," American Immigration Council (February 2024), <https://www.americanimmigrationcouncil.org/research/analysis-senate-border-bill>.

# Congress Must Pass Inclusive Policies to Support States Bearing Administrative Burdens

The tensions being felt in cities and states are a direct result of Congress' lack of action on legislation that positively impacts those seeking asylum and the communities they live in. When Congress excluded immigrants from essential programs, those needs did not vanish—they were pushed onto states and localities.

## Instead of abandoning our commitments to asylum laws, Congress should:

- Repeal restrictions on eligibility for public assistance by passing the LIFT the BAR & HEAL for Immigrant Families Acts.
- Fund local and state programs to help settle new arrivals.
- Allow asylum seekers to work immediately while their cases are processed.

Legislation such as the **LIFT the BAR Act** and the **HEAL for Immigrant Families Act** are necessary to create long term solutions to the pressure associated with welcoming a greater number of new arrivals. These bills would free up resources and capacity and allow government officials to shift support and needs for asylum seekers.

## The LIFT the BAR Act (H.R.4170/ S.2038)

- Repeals provisions of PRWORA that restrict lawfully present immigrants' eligibility for federal assistance programs such as Medicaid, CHIP, TANF, and SNAP.
- Redefines "qualified noncitizens," a term used to define eligibility for many federal programs, to include any individual who is lawfully present in the U.S., such as DACA recipients.
- Prevents punitive policies from being adopted to limit immigrant eligibility or deter access to federal benefit programs.

## The HEAL for Immigrant Families Act (H.R. 5008 / S.2646)

- Repeals key provisions of PRWORA that restrict lawfully present immigrants' eligibility for Medicaid and CHIP.
- Removes discriminatory Medicare eligibility requirements regarding length of stay in the U.S. for many Lawful Permanent Residents
- Codifies access to ACA marketplace coverage for DACA recipients,
- Allows undocumented immigrants to access health insurance coverage, premium tax credits, and cost-sharing reductions on the ACA marketplace.
- Creates a state plan option to expand Medicaid and CHIP eligibility to undocumented immigrants.