BILL ANALYSIS

BACKGROUND AND PURPOSE

Under the Federal Immigration and Nationality Act, sponsors of a foreign citizen for alien residency are required to swear on a federally enforceable "affidavit of support" to be financially responsible for the alien they sponsor. The purpose of the affidavit is to ensure that the sponsored alien does not become dependent.

Under current law, the Health and Human Services Commission is not required to seek to obtain copies of the immigration forms of a sponsored alien if the person is eligible for state benefits. Sponsored aliens may receive assistance through the Children's Health Insurance Program or Children's Medicaid, Temporary Assistance for Needy Families, medical assistance program or Medicaid and Supplemental Nutrition Assistance Program at cost to the state.

H.B. 3537, relating to collecting information and requiring reimbursement from certain recipients of certain public benefits, requires HHSC to make a reasonable effort to obtain certain immigration documents and seek reimbursement to the extent allowed by federal law from sponsors for benefits given to the sponsored alien.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner in SECTION 1 of this bill.

ANALYSIS

H.B. 3537 amends the Government Code to require the commission, if at the time of application for benefits, a person states that the person is a qualified alien as defined under federal law, to make a reasonable effort to obtain copies of the immigration forms the person submitted for admission into the United States if the person is determined eligible for begins receiving benefits under any of the following benefits programs: the Children's Health Insurance Program, Temporary Assistance for Needy Families, medical assistance program or Supplemental Nutrition Assistance Program. The bill requires the executive commissioner to adopt rules necessary to implement this section, including rules that specify the immigration forms that the commission seeks to obtain in the bill's provisions. The bill specifies that nothing in this section adds to or changes the eligibility requirements for the benefits programs listed in the bill's provisions.

The bill defines "sponsored alien" to mean a person who has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act and who, as a condition of admission, was sponsored by a person who executed an affidavit of support on behalf of the person. The bill requires the commission, if at the time of application for benefits, a person states that the person is a sponsored alien, to make a reasonable effort to obtain copies of the forms related to the sponsorship, including the affidavit of support executed by the person's sponsor , if the person is determined eligible for and begins receiving benefits under any of the benefit programs listed under the bill's provision.

The bill requires the commission, after the commission verifies that a person who receives benefits under a program listed in the bill's provision, to seek reimbursement from the person or the person's spouse for any benefits provided to the person under those programs to the extent allowed by federal law,. The bill requires the executive commissioner to adopt rules necessary to implement the bill's provisions. The bill specifies that nothing in the bill's provisions adds to or changes the eligibility requirements for any of the benefits programs listed in the bill's provisions

The bill requires a state agency that is affected by a provision of the bill to request a federal waiver or authorization if the agency determines that a waiver or authorization is necessary for the implementation of the provision, and the bill authorizes the agency to delay implementation until the federal waiver or authorization is obtained.

EFFECTIVE DATE

September 1, 2011.