

- (ii) petitions for nonimmigrant visas under section 1184 of this title;
- (iii) petitions filed under section 1154 of this title to classify aliens as immediate relatives or preference immigrants under section 1153 of this title;
- (iv) applications for asylum under section 1158 of this title;
- (v) registrations for Temporary Protected Status under section 1254a of this title; and
- (vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

### (3) Absence of appropriated funds

In the event that no funds are appropriated subject to section 1573(b) of this title in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

(Pub. L. 106-313, title II, §205, Oct. 17, 2000, 114 Stat. 1263.)

#### REFERENCES IN TEXT

The fiscal year in which this Act is enacted, referred to in subsec. (b)(3), is the fiscal year in which Pub. L. 106-313, which was approved Oct. 17, 2000, was enacted.

#### ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

### CHAPTER 14—RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

Sec.  
1601. Statements of national policy concerning welfare and immigration.

#### SUBCHAPTER I—ELIGIBILITY FOR FEDERAL BENEFITS

- 1611. Aliens who are not qualified aliens ineligible for Federal public benefits.
- 1612. Limited eligibility of qualified aliens for certain Federal programs.
- 1613. Five-year limited eligibility of qualified aliens for Federal means-tested public benefit.
- 1614. Notification and information reporting.
- 1615. Requirements relating to provision of benefits based on citizenship, alienage, or immigration status under the Richard B. Russell National School Lunch Act, the Child Nutrition Act of 1966, and certain other Acts.

#### SUBCHAPTER II—ELIGIBILITY FOR STATE AND LOCAL PUBLIC BENEFITS PROGRAMS

- 1621. Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits.
- 1622. State authority to limit eligibility of qualified aliens for State public benefits.
- 1623. Limitation on eligibility for preferential treatment of aliens not lawfully present on basis of residence for higher education benefits.
- 1624. Authority of States and political subdivisions of States to limit assistance to aliens and to distinguish among classes of aliens in providing general cash public assistance.

Sec.  
1625. Authorization for verification of eligibility for State and local public benefits.

#### SUBCHAPTER III—ATTRIBUTION OF INCOME AND AFFIDAVITS OF SUPPORT

- 1631. Federal attribution of sponsor's income and resources to alien.
- 1632. Authority for States to provide for attribution of sponsors income and resources to the alien with respect to State programs.

#### SUBCHAPTER IV—GENERAL PROVISIONS

- 1641. Definitions.
- 1642. Verification of eligibility for Federal public benefits.
- 1643. Statutory construction.
- 1644. Communication between State and local government agencies and Immigration and Naturalization Service.
- 1645. Qualifying quarters.
- 1646. Derivative eligibility for benefits.

### § 1601. Statements of national policy concerning welfare and immigration

The Congress makes the following statements concerning national policy with respect to welfare and immigration:

(1) Self-sufficiency has been a basic principle of United States immigration law since this country's earliest immigration statutes.

(2) It continues to be the immigration policy of the United States that—

(A) aliens within the Nation's borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations, and

(B) the availability of public benefits not constitute an incentive for immigration to the United States.

(3) Despite the principle of self-sufficiency, aliens have been applying for and receiving public benefits from Federal, State, and local governments at increasing rates.

(4) Current eligibility rules for public assistance and unenforceable financial support agreements have proved wholly incapable of assuring that individual aliens not burden the public benefits system.

(5) It is a compelling government interest to enact new rules for eligibility and sponsorship agreements in order to assure that aliens be self-reliant in accordance with national immigration policy.

(6) It is a compelling government interest to remove the incentive for illegal immigration provided by the availability of public benefits.

(7) With respect to the State authority to make determinations concerning the eligibility of qualified aliens for public benefits in this chapter, a State that chooses to follow the Federal classification in determining the eligibility of such aliens for public assistance shall be considered to have chosen the least restrictive means available for achieving the compelling governmental interest of assuring that aliens be self-reliant in accordance with national immigration policy.

(Pub. L. 104-193, title IV, §400, Aug. 22, 1996, 110 Stat. 2260.)

#### REFERENCES IN TEXT

This chapter, referred to in par. (7), was in the original "this title" meaning title IV of Pub. L. 104-193,