

Order 85-15/16

Passage as Amended, Not as an Emergency, to include definitions of lawfully present and pursuing a lawful process to apply for immigration relief: 6-2 (Mavodones, Suslovic opposed, Duson absent) on 10/19/2015

Effective 11/18/2015

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 13 (GENERAL ASSISTANCE)
RE: Eligibility**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That Chapter 13, Sections 13-2 and 13-4 of the Portland City Code are hereby amended to read as follows:

Sec. 13-2. Definitions.

Unless otherwise defined here or in the text or in 22 M.R.S.A., Chapter 1161, all words used will have their common meanings. Words and phrases having special definitions will be defined when they first appear in the chapter, except for the following definitions:

Administrator is the social services administrator of the city's department of health and human services to whom the day to day administration of the general assistance program is delegated. The administrator is authorized to delegate some or all of his duties to caseworkers and other employees of the city's division of social services, and references to the administrator shall include the duly authorized designees of said administrator.

...

Eligible person is a person who is qualified to receive general assistance from the city according to the standards of eligibility set forth in this chapter and 22 M.R.S. §4301(3).

...

Sec. 13-4. Eligibility factors.

(a) *Residence.* The administrator shall provide general assistance to all eligible persons applying for assistance who are residents of the city. A resident is a person who has no other residence and is physically present in the city and who intends to remain here and establish a household.

...

~~(g) *Work requirement.* If unemployed, persons who receive general assistance are expected to fulfill a work requirement either by participating in a work search program, job training program, or rehabilitation program, and/or workfare, as appropriate as determined by the caseworker. Recipients are expected to fulfill the work requirement assigned to them, and will be exempted from the requirement only for just cause.~~

...

~~(i) *Immigration Status.* Beginning July 1, 2015, the administrator shall provide general assistance to all eligible persons who are lawfully present in the United States or who are pursuing a lawful process to apply for immigration relief, except that assistance for such a person may not exceed 24 months. Only months of general assistance provided after July 1, 2015 for eligible persons who are lawfully present in the United States or who are pursuing a lawful process to apply for immigration relief shall be counted toward the 24-month limit.~~

~~Citizens, nonimmigrants and "qualified aliens" as defined in the provisions of § 431 of the PRWORA, as amended (8 U.S.C. § 1641) are not subject to the 24-month time limit.~~

~~For the purposes of this section and determining eligibility under this chapter, an eligible person who is lawfully present in the United States or who is pursuing a lawful process to apply for immigration relief shall be defined as a person who:~~

~~(1) Is living in the United States with the knowledge and permission of the Department of Homeland Security (DHS), and DHS does not contemplate enforcing his/her departure;~~

~~(2) Has not yet applied for asylum, but has been in the United States less than one (1) year;~~

~~(3) Is a parent, guardian or sibling of an American-born minor child; or~~

(4) Is an applicant for asylum, applicant for approved Special Immigrant Juvenile Status, applicant for protection under the Violence Against Women Act (VAWA), or a person who has been a Lawful Permanent Resident (LPR or "green card" holder) for less than 5 years (after 5 years an LPR is a "qualified alien" and is not subject to the 24 month time limit);

(5) Is an unaccompanied minor; and

For the purposes of this section and determining eligibility under this chapter, an eligible person who is pursuing a lawful process to apply for immigration relief shall be defined as a person who:

(6) Is applying for immigration relief under the Immigration and Nationality Act (INA). Verification that a person is taking reasonable steps to apply for immigration relief may be either proof of a pending application, a letter from an attorney, or a sworn statement from an individual other than the applicant or recipient who can attest to the fact that the person is taking reasonable steps to lawfully apply for immigration relief. A person pursuing an application for asylum must also provide evidence that he/she is within the one-year filing deadline for asylum, or qualifies for an exception to the one-year filing deadline.

...

BE IT FURTHER ORDERED, that notwithstanding 1 M.R.S. §302, this amendment shall be effective as of October 15, 2015.