

Order 104-16/17

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 13 GENERAL ASSISTANCE
RE: DEFINITIONS OF LAWFULLY PRESENT AND LAWFUL PROCESS**

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

*That Chapter 13, Section 13-4 of the Portland City Code
IS hereby amended to read as follows:*

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.

...

(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.

(1) 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 an individual described in 8 U.S.C. §1621(a)(1)-(3) who is: a person who:

- a. A qualified alien (as defined in section 1641 of this title);
- b. A nonimmigrant under the *Immigration and Nationality Act* (8 U.S.C. §1101 et seq.); or
- c. An alien who is paroled into the United States under section 212(d)(5) of such Act (8 U.S.C. §1182(d)(5)) for less than one year.

~~(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~~

(2) 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 ~~is~~ has filed an application for immigration relief with the United States Citizen and Immigration Service.

~~(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 December 19, 2016.