
1

and the Equal Protection Clauses of the United States and New

violative of the Equal Protection Clauses of the United States and New York State Constitutions. The court left undisturbed,

In its preamble to title IV, Congress stressed that its goals werg000 D(ue self-sufficiency -- an enduring0 Dinciples)Tj0.00 0.00 0

6

[8]Refugees, asylees, Cuban and Haitian entrants, veterans and their dependants, active duty soldiers in the United States Armed Forces and their dependants, and certain other qualified aliens are exempt from this restriction (

9

d),s

assistance and emergency medical treatment (see, Social Services Law § 122[c][i]-[ii]).

III.

[12]In light of this determination, we do not address plaintiffs' argument under article XVII, § 3. In addition, we note the State's argument that it enacted section 122 in response

122 implements Federal immigration policy and therefore must merely withstand rational basis scrutiny. We agree with plaintiffs.

As a general rule, the Supreme Court has strictly scrutinized State laws that create alienage classifications when distributing economic benefits or regulating economic activity (see, e.g., Bernal v Fainter, 467 US 216, 227-228 [invalidating a Texas statute that required citizenship for notaries public]; Nyquist v Mauclet, 432 US 1, 7-12 [striking down a New York statute that restricted eligibility for Regents college scholarships based on alienage]; In re Griffiths, 413 US 717, 718-722 [invalidating a Connecticut statute that allowed only citizens to qualify for the bar examination]; Graham v Richardson

[13]In Plyler v Doe (457 US 202, 223, supra), however, the Supreme Court applied an intermediate level of scrutiny to a

[17]The Constitution empowers Congress to "establish [a]

distinguishing between Federal and State powers, the Court held that a "division by a State of a category of aliens has no apparent justification, whereas, a comparable classification by the Federal Government is a routine and normally legitimate part of its business" (see, Mathews v Diaz, 426 US, at 85, supra).

Finally, in Hampton v Mow Sun Wong (426 US 88, 104, supra

of uniformity: Section 1622(a) provides that, subject to certain

[18]New York has declined this invitation (see, Social

hold that section 122 violates the Equal Protection Clauses of the United States and New York State Constitutions insofar as it denies State Medicaid to otherwise eligible PRUCOLs and lawfully