

**A Judicial Review of the Durational Residency
Requirement for Low-Income Social Benefits—
An Analysis of the U.S. Supreme Court's *Saenz v. Roe***

Wenmay Rei

Abstract

This article examines the state government's authority in restricting newly-arrived residents' rights for low-income welfare benefits in the U.S. Supreme Court's 1999 *Saenz v. Roe* decision, and the standard of judicial review applied. The author argues that, by setting durational residency requirements, the State of California not only limits federal citizens' rights to travel, but also deprives newly-arrived citizens their full rights (?) and membership in the political community of both the United States and the State of California. Given the significance of the right to travel in federalism and democracy, the author further contends that the Supreme Court was correct in applying strict scrutiny in the review of *Saenz v. Roe*, and that this may establish a baseline in the power struggle between federal and state sovereignty.

Key Words: durational residency requirement, right to travel, low-income social benefit, federalism