

# **On the Margins of Citizenship: Welfare Reform and Immigrant Rights**

## **Introduction**

Legal immigrants to the United States, including those who have achieved permanent resident status, are subject to federal taxes but are unlikely to be eligible for federal “safety net” programs. In 1996, the federal government dramatically overhauled the country’s social welfare system, adding provisions that explicitly forbid most immigrants from receiving federal welfare benefits. This overhaul, embodied in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), was based on the idea that “destructive federal welfare policies discouraged work and subsidized illegitimacy.”<sup>1</sup> At the current time, reauthorization of “welfare reform” awaits Congress. Given the sweeping nature of the original reforms, the reauthorization debate is likely to be highly charged. Particularly controversial are provisions of the original reform that forbid most immigrants from receiving federal welfare benefits.

Welfare reform took shape in a political climate in which immigrant rights were at issue. In 1994, California passed Proposition 187, banning illegal aliens from using public services, including social services, healthcare, and education. At the national level, the 1996 Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 expanded the government’s ability to deport non-citizens, limited non-citizens’ right to appeal deportation decisions, and restricted illegal aliens’ ability to adjust to legal status.<sup>2</sup>

The United States is not alone in its tribulations over the rights and privileges of immigrants. At the turn of the century, far-right politicians throughout the Western world rallied unprecedented support by fermenting anti-immigrant sentiment. In France, Denmark, Austria, and Britain, voters have pushed governments to take stronger measures to encourage new immigrants to assimilate into the local culture and to participate in the larger community. In the Netherlands, voters asked the government to take steps to force immigrants to conform to Dutch social customs. Activists in Britain, Denmark, and Austria have pushed their governments to make learning their country’s language mandatory for all immigrants.<sup>3</sup> Sasha Polakow-Suransky notes that in Denmark, “[t]he country’s immigration debate is about social solidarity and the nature of the welfare debate – about who is entitled to remain in the Danish state’s benevolent realm and who will be pushed outside of it.”<sup>4</sup> In the United States, similar concerns animate the debate about welfare reform, in particular, and the rights of non-citizens, more generally.

## **Welfare Reform in the U.S.**

The U.S. federal government accepted a major role in social welfare during the Great Depression. President Franklin Delano Roosevelt proudly signed into law the Social Security Act of 1935, which in addition to creating social security, established a program known as **Aid to Families with Dependent Children** (AFDC). Later expanded by Lyndon Johnson’s Great

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Society, AFDC formed the cornerstone of the American welfare system for more than half a century. It provided cash assistance to low-income families with small children if they could prove that they could not provide for themselves. AFDC was controlled by the federal government, which “set the terms for cash aid to families ... fund[ed] the program in conjunction with the states, and ... require[d] that the states administer the program according to federal specifications.”<sup>5</sup> Johnson’s Great Society also created **Medicaid**, which provides free medical care for the poor. Medicaid covers hospitalizations, doctor visits, prescription drugs, and long-term nursing care. In 1974, Congress established the **Supplemental Security Income (SSI)** program, which provides cash assistance to the elderly, the blind, and the disabled. SSI assures a minimum income to aged, blind, or disabled people who have limited resources. The **Food Stamp Act** of 1977 established a program that provides coupons to low income families to enable them to purchase food and other necessary household items. Until welfare reform legislation in 1996, legal immigrants were generally allowed the same access to public assistance as American citizens, as long as they met the same income requirements.

AFDC came under attack in the 1980s and early 1990s when notions of devolution and balanced budgets took hold in the American electorate. Conservatives argued that the federal bureaucracy had grown bloated, inefficient, and disconnected from the people. They suggested that power should be “devolved” from the center and redistributed to the states. Despite attacks on its cost and efficacy, welfare programs were not significantly modified under Presidents Ronald Reagan and George H. Bush. Bill Clinton’s 1992 victory, however, inflamed conservatives, who were frustrated by the lack of tangible domestic gains after 12 years of Republican control of the White House. Newt Gingrich’s Contract with America, combined with the Right’s deep enmity toward Clinton, mobilized the conservative wing of the GOP. The congressional elections of 1994 saw the “Republican Revolution,” when the GOP swept into power, taking control of both the House and Senate for the first time since 1952, and placing welfare reform firmly on the political agenda.

The resulting welfare reform legislation, PRWORA, was signed on August 22, 1996 by President Clinton. PRWORA made important changes to SSI, food stamps, child support systems and assistance to immigrants. A critical change for immigrants is embodied in the legislation creating the **Temporary Assistance to Needy Families (TANF)** program, which replaced AFDC. AFDC had been criticized for its nonexistent work requirements and lack of time limits for how long one person could receive public assistance. TANF’s architects designed it to address both issues by encouraging work in exchange for time-limited public assistance. The biggest change for immigrants, however, was not the imposition of time limits or work rules, but a conditioning of benefits on citizenship rather than legal status. Legal immigrants’ eligibility for public assistance now depends largely on when they entered the U.S. and the rules chosen by the state in which they live. Most legal immigrants arriving in the U.S. after 1996 find that they are not eligible for federal benefits, and, therefore, they are in the same category as undocumented (illegal) immigrants.<sup>6</sup>

TANF eliminated cash welfare as an entitlement and granted each state an annual fixed amount of funding.<sup>7</sup> These funds, called block grants, allow state governments a great deal of discretion in their distribution. Federal guidelines stipulate that adults can only receive federal assistance for a total of five years over the course of their life, but states may impose shorter limits at their discretion. Two months after they start receiving benefits, recipients must participate in community service. After two years of federal TANF assistance, the recipient

must find a job. TANF also limits the amount of money that the federal government will pay for welfare.<sup>8</sup> States that manage to lower their welfare rolls receive a bonus from the federal government, while those that do not adequately enforce PRWORA's work requirements are penalized.

### **Limitations on Federally-Funded Assistance**

PRWORA's immigrant-specific provisions are particularly strict, and they reflect the mid-1990s wave of anti-immigrant sentiment. Although many of the bill's restrictions have been eased since 1996, there remains considerable distance between citizens' and non-citizens' access to public benefits (see Table 1). Naturalized citizens, those who have formally renounced loyalty to a country of origin, passed a citizenship exam, and demonstrated good moral character, retain eligibility for federal benefits, as they enjoy the rights and privileges due to all native-born Americans. However, naturalization is only possible after an immigrant has lived in the United States for five years or more.<sup>9</sup>

Immigrants who entered the United States before the PRWORA's August 22, 1996 enactment are generally eligible for federal benefits, although the specific benefits available to them vary by state. A large number of immigrants become legal permanent residents (LPRs), which allows them to live in the United States indefinitely with the possibility of becoming American citizens. Although the original legislation barred pre-enactment LPRs from receiving SSI and food stamps, in 1997 Congress restored both programs for elderly and disabled immigrants who were receiving the benefits on August 22, 1996. It also made all pre-enactment LPRs eligible in case they become disabled. Most LPRs who entered before the date of enactment are eligible for SSI and, if the state allows, for TANF and Medicaid. Later in 1997, Congress extended food stamp benefits to legal immigrant children and to elderly and disabled immigrants who were in on the date of enactment. Still ineligible, however, were working age adults, who made up approximately three-quarters of the 935,000 immigrants who lost food stamp benefits in 1996.<sup>10</sup>

For those legal immigrants who entered or who will enter the United States after August 22, 1996, eligibility depends largely on immigration status. Under TANF, federal cash assistance is only available to those immigrants designated as "qualifying aliens." The list of qualifying aliens includes veterans, those on active duty in the military, and immigrants allowed into the U.S. for humanitarian reasons, such as refugees and people granted asylum.<sup>11</sup> Humanitarian entrants only constitute 8 percent of new arrivals and 11 percent of the non-citizen population, as shown in Table 2.<sup>12</sup> Additionally, children born on American soil to non-citizen parents are American citizens and "are therefore eligible for benefits on the same basis as native citizens." Approximately three out of every four children living in immigrant families are American citizens.<sup>13</sup> This makes some families eligible for limited federal assistance, but many non-citizen parents are unaware of their family's eligibility or are unwilling to claim the benefits for fear of deportation.<sup>14</sup>

Aliens defined as non-qualifying are explicitly barred from receiving federal assistance. If they become legal permanent residents, they may receive federal assistance after they have lived in the United States for five years or, at state option, until they become U.S. citizens or have worked here for 10 years (as measured by Social Security Administration criteria). Non-

qualified aliens include illegal immigrants, temporary agricultural workers, those awaiting decisions on asylum applications or other changes to their immigration status, and those who are admitted to stay with a family member who is a refugee or a legal permanent resident. This last group, so-called family reunification immigrants, is the single largest category of immigrants entering the U.S., as shown in Table 2. The restriction on immigrant eligibility in the TANF program applies not only to cash assistance but also to any means-tested benefit or service (with a few limited exceptions) provided with TANF funds, including job training and work supports.<sup>15</sup>

In May 2002, Congress further loosened restrictions on food stamp eligibility, opening the program up to LPRs who have been in the U.S. for at least five years.<sup>16</sup> It also opened the program to all needy legal immigrant children under 18, effective October 1, 2003. Finally, all immigrants, whether qualified or unqualified, legal or illegal, have access to emergency medical care. Approximately 3 million legal immigrants have entered the U.S. since enactment, making up almost a third of all LPRs in the country.<sup>17</sup>

Refugees and asylees, who enter the U.S. because of persecution in their home country, are treated somewhat differently. They are eligible for benefits regardless of when they entered the United States, but only for the first few years of their stay in the U.S. They may only receive TANF during their first five years in the U.S., and food stamps, Medicaid, and SSI during their first seven years. After that period of time, states can limit refugees' and asylees' access to public assistance to those who have naturalized or worked in the U.S. for 10 years or more.

PRWORA mandates that all immigrants entering the U.S. have a sponsor, someone who can vouch for them financially. The sponsor's annual income must be higher than 125 percent of the federal poverty line.<sup>18</sup> If an LPR has been in the U.S. for five years, he or she may be eligible for assistance. However, when eligibility for welfare is determined, the sponsor's income will be "deemed" to be available to the immigrant, often leading to denial of benefits. States must take a sponsor's financial resources into account until an immigrant becomes a citizen or has worked in the U.S. for 10 years. PRWORA also extends these sponsor deeming rules to Medicaid as well as TANF.<sup>19</sup>

### **The Response of the States**

PRWORA gives states broad authority to determine the eligibility of immigrants for both federal and state benefits. States can choose not to give federal TANF or Medicaid benefits to any immigrant, regardless of when they entered the U.S. They can also deny state funded welfare benefits to immigrants. However, PRWORA explicitly forbids states to provide public assistance in any form, other than emergency health care, to illegal aliens, unless the state legislature passes a law allowing it. PRWORA also does not allow state and local officials to prevent their employees from reporting immigrants to the INS.<sup>20</sup>

For federally funded benefits, most states allow qualifying non-citizens to receive them. For pre-enactment immigrants (those arriving in the U.S. before August 22, 1996), all 50 states provided TANF benefits in some form, and all but Wyoming continued Medicaid benefits. Post-enactment immigrants who meet the five-year residency requirement are eligible for TANF benefits in 45 states and some Medicaid benefits in 43 states.<sup>21</sup>

The use of state funds to fill the void left by the withdrawal of federal funds varies from state to state. According to Shawn Fremstad of the Center on Budget and Policy Priorities:

Only 21 states extend TANF eligibility to almost all immigrants who lost federal TANF eligibility. Only eight states provide a complete or nearly complete restoration of both cash assistance and food stamps to legal immigrants, and just about one-third of non-citizens in the United States live in one of these states.<sup>22</sup>

### **The Effects of Welfare Reform**

In the country as a whole, the number of people receiving cash assistance fell nearly 50 percent between 1994 and 1999.<sup>23</sup> The overall poverty rate fell from 13.7 percent in 1996 to 11.3 percent in 2000, the lowest level since 1979, according to a Department of Health and Human Services report released in February 2002.<sup>24</sup> Of the people leaving TANF, 50-65 percent had jobs or found one a short time later, compared with a 50 percent rate under AFDC. These jobs generally pay between \$7 and \$8 per hour, or between \$14,560 and \$16,640 gross per year.<sup>25</sup>

Usage of food stamps also changed dramatically after the transition from AFDC to TANF. Food stamp participation in the country as a whole decreased by 35 percent between 1994 and 1999,<sup>26</sup> and from 25.5 million in 1996 to 17 million in early 2001. However, with the economic slowdown, usage began to rise in 2001, reaching 18.4 million in October 2001.<sup>27</sup>

Before 1996, immigrants used welfare benefits at a higher rate than the native population (see Table 3 below). In 1994, under AFDC, 15.6 percent of all native-born households received some form of welfare benefits, while 23.4 percent of all foreign-born households received assistance. In 1998, two years after welfare reform, the rate of immigrant households receiving benefits fell to 20.0 percent, compared to 13.4 percent among native-born households.<sup>28</sup> Because they are fewer in number, however, in 1996 immigrants represented only 15 percent of all welfare recipients in the United States.<sup>29</sup>

Immigrant participation in AFDC/TANF fell by 60 percent between 1994 and 1999, a larger decline than that experienced by all groups. By 1999, only 3.9 percent of households with foreign-born heads received cash general assistance benefits. During the same period, immigrant use of SSI declined 32 percent and Medicaid 15 percent.<sup>30</sup> The Department of Agriculture estimated that food stamp usage by immigrants dropped by almost 61 percent between 1994 and 1999, from 1.9 million to 750,000. Approximately 940,000 immigrants who had been receiving food stamps lost their eligibility for them after 1996. Congress restored access to about 250,000 immigrants in 1998, but many did not return to claim them.<sup>31</sup> The farm bill passed in May 2002 restores food stamp eligibility to most legal immigrants.<sup>32</sup>

While part of the decline in welfare usage among immigrants is due to the new eligibility restrictions, other factors also played a role. First, the economic boom in the late 1990s brought the national unemployment rate down to below three percent, dramatically improving the labor market for unskilled workers, whether citizens or non-citizens. Second, many newspaper accounts convey the widespread fear among immigrants that any use of public assistance will jeopardize their chances of becoming American citizens in the future.<sup>33</sup> Some fear that if they apply for benefits, they will be labeled a “public charge” and deported.<sup>34</sup> In addition, many immigrants have not been able to navigate the complicated web of federal and state eligibility

restrictions. Third, between 1994 and 1999, the number of naturalizations increased rapidly. This is partly due to simple demographics: during this time period, many of the 2.7 million immigrants who acquired legal status following the Immigration Reform and Control Act of 1986 became eligible for citizenship. However, taken together, these factors only account for a small portion of the change; based on statistical analysis, Michael Fix and Ron Haskins from the Brookings Institution conclude that most of the change in immigrants' welfare usage is due to changes in eligibility.<sup>35</sup>

Moving immigrants off the welfare rolls has contributed significantly to the cost savings attributed to welfare reform. In 1997, the Congressional Budget Office estimated that under the new system, 420,000 immigrants would lose federal benefits, accounting for 40 percent of welfare reform's total savings of \$54 billion dollars.<sup>36</sup> That immigrants formed 15 percent of the total welfare population but are estimated to have borne 40 percent of the budget cuts shows how central PRWORA's immigrant-specific provisions were to the policy as a whole.

### **The Debate Surrounding Immigrant Restrictions**

Naturally, there has been a vigorous debate around welfare reform's immigrant-specific provisions. Those supporting the current restrictions on immigrant eligibility typically argue that the restrictions are a necessary extension of other parts of welfare reform. They say that reduced immigrant eligibility helps maintain a balanced budget and that without the restrictions immigrants would put a heavy burden on the economy. The demands of a global economy mean that the federal government must relieve the tax burden on citizens and maintain fiscal discipline.

Others supporting restricted eligibility for immigrants argue that immigrants take advantage of the welfare system. Those who oppose any form of welfare reserve special ire for immigrants who come to the U.S. with no intention of working. "Nonwork is the immediate cause of much poverty and dependency today. There is still a tendency to see the poor simply as victims entitled to government redress. That view is most plausible for the elderly and disabled poor, whom society does not expect to work. But, it is implausible for families headed by able bodied people of working age, whom society does expect to work."<sup>37</sup> Robert Rector of the Heritage Foundation asserts that "We had testimony repeatedly in Congress that we had people coming in with documents written in Chinese on how to come to the United States and retire on the U.S. welfare system ... [They] come to the United States as an elderly person, wait here for a few years, then naturalize and then get SSI."<sup>38</sup> Others argue, "Providing immigrants entrance into the land of opportunity is benefit enough."<sup>39</sup>

Some also argue that American statutory and common law have traditionally excluded non-citizens who would be a "public charge" or someone who would be an economic burden on American taxpayers. Rector suggests that many immigrants are in fact public charges, asking, "Are we importing into the United States groups which have an extremely high propensity to be a net burden on the taxpayer, both in the short and the long term? ... Unequivocally yes ... We are importing a future underclass."<sup>40</sup> Because these groups will not be able to pull their own weight, they should not remain in the United States.

Many policymakers also worry that providing welfare benefits to immigrants has a "magnet effect." They suggest that if workers in poorer countries saw that immigrants

in the United States could receive a large amount of money from the federal government, they would flock to the U.S. so they too could collect welfare.

Opponents of this perspective support opening up eligibility for welfare benefits to non-citizens. They generally argue that immigrants contribute to American society and therefore should also receive its benefits, regardless of their formal citizenship. Cecilia Muñoz of the National Council of La Raza, a Mexican-American advocacy organization, argues that “Legal immigrants pay taxes, they register for Selective Service ... We should give them the same access to the safety net ... Immigrants are not talking about a different set of standards. We’re simply talking about equity.”<sup>41</sup> Others contend that immigrants’ contributions to American society go even farther and that TANF uses bureaucratic sleight of hand to exploit immigrant earnings: “Immigrant labor is critical to the growth of state and local economies, but the full cost of providing programs to support these low-wage workers – a burden the federal government has traditionally shared – has shifted to states and localities. This shift is especially unfair since most taxes paid by immigrants go to the federal government, whereas the largest expenses due to immigration (education and infrastructure costs) are borne locally.”<sup>42</sup>

Addressing the claim that immigrants form a disproportionate piece of the welfare population, Jeffrey Passel from the Urban Institute suggests “Immigrants are using more welfare because they’re poorer than natives, not because they have a greater propensity to use welfare.”<sup>43</sup> “The overall participation rates for LPR alien families are higher almost entirely because the aliens have lower incomes than citizens,” he asserts in an article co-authored with Michael Fix. “In fact, if the two groups had the same income distributions and the same distributions by family type, then the LPR alien families would actually have slightly lower overall participation rates than citizens in TANF, SSI, and food stamps.”<sup>44</sup>

Others argue that the public should provide a safety net to all disabled and destitute persons living within the territorial confines of the U.S., regardless of their citizenship. By restricting benefits to non-citizens, welfare reform has undermined its very premises: “The [1996] welfare law as a whole was designed to move families from welfare to work while continuing to provide a safety net and work supports. In a stark departure from this overarching purpose, the law conditions the provision to legal immigrants on citizenship status rather than work.”<sup>45</sup> Some critics contend that the 1996 welfare reform limits immigrant families’ access to programs that could be their best tool for upward mobility. To enter the labor market successfully, immigrants need publicly funded educational programs, public benefits to cushion their families while they attend these programs, as well as publicly subsidized childcare once they are ready to apply their new skills in the workforce.

Finally, opponents of restrictive eligibility standards argue that public assistance not only provides material benefits, but it also helps immigrants find their niche in new surroundings. “Work supports and other economic mobility policies could improve immigrants’ position in the U.S. labor market and foster greater social integration, just as they have among the low-income population.”<sup>46</sup> Because they often lack adequate education, job skills, and English-proficiency, immigrants are at their most vulnerable before naturalization, and therefore need public assistance the most before they are citizens, not after. Public assistance could help immigrants gain the skills necessary to move into the job market more quickly, thereby helping them integrate into society at a faster rate. Unless they integrate into society, they will have little stake

in its well-being; once they have a stake in their new country, they will be more likely to give back to society as a whole.

## **Reauthorization**

The TANF program expired on September 30, 2002 and President George W. Bush has made reauthorization a priority of the new Congress. Several members of Congress have submitted bills to continue the reforms instituted by the PRWORA. In May 2002, the House of Representatives passed a reauthorization of the welfare reform legislation that was based on a Bush administration proposal. The House plan would tighten work requirements and would devote \$200 million to promote marriage and another \$50 million to promote abstinence.

The House bill would require 50 percent of welfare recipients in each state to work at least 40 hours a week, up for the current 30 hour a week requirement. The 40-hour requirement would jump to 70 percent of recipients by 2007. However, the plan would allow adult recipients two days per week for education and training in return for 24 hours a week of work. The plan would also freeze federal funding for block grants at the current level \$16.5 billion per year, without adjustments for inflation.<sup>47</sup> It would retain the current restrictions on immigrant eligibility for Medicaid, TANF, and SSI.

Democrats in the House proposed keeping the basic outlines of the current welfare system, with a few important modifications. Their plan would have increased funding by \$11 billion over five years and directed that money toward childcare. The Democrats had also wanted to restore legal immigrant's eligibility for welfare and reward states that reduce poverty, not just reduce welfare rolls.<sup>48</sup>

Disagreements about work rules and other features may overshadow debate on immigrant eligibility. Meanwhile, there is ample evidence of pressing need among the immigrant population. Shawn Fremstad from the Center on the Budget and Policy Priorities reports that: "Nationwide, 37 percent of all children of immigrants live in families that have worried about or encountered difficulties affording food, compared with 27 percent of natives. Children of immigrants are more than twice as likely to live in families that pay over 50 percent of their income in rent or mortgage costs, and are four times as likely to live in crowded housing."<sup>49</sup> In addition, 39 percent of non-citizen children of LPRs and 27 percent of citizen children of LPRs are not covered by health insurance, compared to less than 20 percent of native children.<sup>50</sup>

Without labor market support, many immigrants face significant difficulties in the labor market. Many have little formal education and few occupational skills. Many also have limited proficiency in English. For some, cultural and religious norms militate against women entering the workforce. Sixty-nine percent of immigrant TANF recipients do not have a high school degree or its equivalent, compared to 37 percent of native-born recipients. Little education, few skills, and limited English mean that the jobs that immigrants do find often do not pay enough to lift them out of poverty.



**Table 1: Eligibility for Federal Assistance**

	<b>TANF</b>	<b>SSI</b>	<b>Medicaid</b>	<b>Food Stamps</b>
<b>Citizens</b>	<ul style="list-style-type: none"> <li>• 5 year lifetime limit</li> <li>• Work required after 2 years</li> <li>• Community service after two months</li> </ul>	<ul style="list-style-type: none"> <li>• Eligibility based on AFDC guidelines</li> <li>• Often tied to Medicaid eligibility</li> </ul>	<ul style="list-style-type: none"> <li>• Eligibility determined by AFDC rules, but allocated by states</li> <li>• Can qualify without TANF</li> <li>• 6-12 months of transitional benefits available</li> </ul>	<ul style="list-style-type: none"> <li>• Eligibility based on household, not individual.</li> <li>• Contains work requirements</li> <li>• Transitional assistance available</li> </ul>
<b>Pre-1996 Qualifying Immigrants</b>	<ul style="list-style-type: none"> <li>• Determined by state of residence</li> <li>• Eligible in all 50 states</li> </ul>	<ul style="list-style-type: none"> <li>• Eligible</li> </ul>	<ul style="list-style-type: none"> <li>• Determined by state of residence</li> <li>• Only Wyoming has denied eligibility</li> </ul>	<ul style="list-style-type: none"> <li>• Eligible</li> </ul>
<b>Post-1996 Non-Qualifying Immigrants</b>	<ul style="list-style-type: none"> <li>• May be eligible after 5 years of residency in U.S.</li> <li>• May be restricted at state discretion.</li> <li>• Eligibility limited in most states; 5 states have denied benefits altogether</li> </ul>	<ul style="list-style-type: none"> <li>• Eligible after naturalization (at least 5 yrs after arrival); or</li> <li>• If recipient can prove 10 years of work in U.S.</li> </ul>	<ul style="list-style-type: none"> <li>• Eligible after 5 years of residency in U.S.</li> <li>• 7 states have denied benefits</li> </ul>	<ul style="list-style-type: none"> <li>• Eligible after 5 years of residency in U.S.</li> </ul>
<b>Post-1996 Qualifying Immigrants</b>	<ul style="list-style-type: none"> <li>• Eligible during their first 5 years in U.S.</li> <li>• After refugee exhausts 5-year eligibility, states may limit benefits</li> </ul>	<ul style="list-style-type: none"> <li>• Eligible during their first 7 years in U.S.</li> <li>• After refugee exhausts 7-year eligibility, states may limit benefits</li> </ul>	<ul style="list-style-type: none"> <li>• Eligible during their first 7 years in U.S.</li> <li>• After refugee exhausts 7-year eligibility, states may limit benefits</li> </ul>	<ul style="list-style-type: none"> <li>• Eligible during their first 7 years in U.S.</li> <li>• After refugee exhausts 7-year eligibility, states may limit benefits</li> </ul>

Source: Compiled by author from various sources.

**Table 2: Immigrants Admitted By Class of Admission, FY1994 and 1999**

	1994	Percent of Total	Eligible for Benefits (AFDC)?	1999	Percent of Total	Eligible for Benefits (TANF)?
<b>Total Legal Immigrants</b>	804,416	100.0		646,568	100.0	
Family Reunification	495,799	61.6	yes	475,467	73.5	restricted+
Refugees and Asylees	121,434	15.1	yes	42,852	6.6	yes*
Amerasians	2,822	0.4	yes	239	0.0	yes*
Withholding of Deportation	2,220	0.3	yes	9,032	1.4	yes*
Cuban/Haitian	47	0.0	yes	2	0.0	yes*
Parolees	8,253	1.0	yes	1,932	0.3	no

+ Lawful permanent residents are subject to 5 year wait before becoming eligible for benefits, with additional restrictions at state discretion.

\* Qualify for federal benefits, but actual eligibility is determined by the state of residence

(Adapted from the Immigration and Naturalization Service's *Annual Statistical Yearbook FY1999*. Table 4, p. 28.)

**Table 3: National Trends in Welfare Participation Rates (Percent of Households Receiving Assistance)**

	Some Type of Assistance <sup>1</sup>	Some Type of Cash Benefit	AFDC or General Assistance	SSI	Medicaid	Food Stamps
<b>Natives</b>						
1994	15.6	7.9	4.6	4.0	13.5	8.7
1995	15.0	7.6	4.2	4.0	13.2	8.1
1996	15.3	7.5	3.9	4.3	13.5	8.0
1997	14.0	6.6	3.1	4.1	12.5	6.8
1998	13.4	6.0	2.5	3.9	12.1	6.0
<b>Immigrants<sup>2</sup></b>						
1994	23.4	11.7	7.1	5.7	21.3	12.5
1995	23.8	11.6	6.8	5.8	21.9	11.7
1996	21.9	10.5	5.7	5.6	20.5	10.1
1997	20.2	9.2	4.6	5.3	18.7	9.3
1998	20.0	8.8	3.9	5.4	18.8	7.5

Source: Borjas, George J. (2002) *The Impact of Welfare Reform on Immigrant Welfare Use*. Washington, DC: Center for Immigration Studies, pg.15.

<sup>1</sup> The household receives "some type of assistance" if any household member receives cash benefits, Medicaid, or food stamps.

<sup>2</sup> "Immigrant" is defined as any household where the household head was born outside the United States and is either an alien or a naturalized citizen. All other households are classified as native households.

## End Notes

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- <sup>1</sup> Kate O’Beirne, “The State of Welfare: An Old and Tricky Question Resurfaces,” *National Review* (February 11, 2002).
- <sup>2</sup> Michael Fix and Jeffrey Passel, “The Scope and Impact of Welfare Reform’s Immigrant Provisions,” *Assessing the New Federalism* Discussion Paper, The Urban Institute (January 2002), 4.
- <sup>3</sup> *BBC News Online*, May 16, 2002. [http://news.bbc.co.uk/low/english/world/europe/newsid\\_1991000/1991022.stm](http://news.bbc.co.uk/low/english/world/europe/newsid_1991000/1991022.stm).
- <sup>4</sup> Sasha Polakow-Suransky, “Fortress Denmark?” *The American Prospect* (June 3, 2002), 22.
- <sup>5</sup> Christine Barbour and Gerald C. Wright, *Keeping the Republic: Power and Citizenship in American Politics* (New York: Houghton Mifflin Co., 2001), 427
- <sup>6</sup> Shawn Fremstad “Immigrants and Welfare Reauthorization,” *Focus* 22:1(2002), 129.
- <sup>7</sup> Thomas Corbett, “The New Face of Welfare: From Income Transfers to Social Assistance?” *Focus* 22:1(2002), 3.
- <sup>8</sup> Barbour and Wright, 434.
- <sup>9</sup> Ruth Ellen Wasem, *Naturalization Trends, Issues, and Legislation* (Washington, DC: Congressional Research Service, 2002).
- <sup>10</sup> Fix and Passel, 9.
- <sup>11</sup> Jeremy D. Meadows and Lorraine Claasen, “Welfare Reform and Immigrants” (Washington, DC: National Conference of State Legislatures Immigration Policy Project, 1998).
- <sup>12</sup> Fremstad, 130.
- <sup>13</sup> Michael Fix and Ron Haskins “Welfare Benefits for Non-Citizens,” Brookings Institution Welfare Reform Policy Brief No. 15 (2002) 2, 4.
- <sup>14</sup> Fix and Passel.
- <sup>15</sup> Fremstad, 130.
- <sup>16</sup> Peterson, Jonathan, “White House to Try to Restore Food Aid to Legal Migrants,” *Los Angeles Times* (January 10, 2002). Milling, T.J., “Texas Gets a Big Slice of the Benefits Pie,” *Houston Chronicle* (May 15, 2002).
- <sup>17</sup> Fix and Passel, 7.
- <sup>18</sup> The federal government calculates eligibility for benefits based on the estimated poverty line, which is \$18,100 per year for a family of four in FY2002 (Source: *Houston Chronicle* May 15, 2002.)
- <sup>19</sup> Fremstad, 130.
- <sup>20</sup> Fremstad, 130.
- <sup>21</sup> *Ibid.* The five states not offering TANF are: Idaho, Indiana, Mississippi, South Carolina, and Texas. The seven states not offering Medicaid are: Idaho, Indiana, Mississippi, North Dakota, Texas, Virginia, and Wyoming. Most of these states are not major destinations for immigration; in terms of the number of immigrants settling in each state between the years 1988 and 2000, only Texas and Virginia were among the top 15 (Numbers 3 and 11, respectively). (Source: Immigration and Naturalization Service, *Annual Statistical Yearbook, FY 2000*. Washington, DC: Government Printing Office, 2002).
- <sup>22</sup> *Ibid.*
- <sup>23</sup> James Ziliack, “Social Policy and the Macroeconomy: What Drives Welfare Caseloads?” *Focus* 22:1(2002), 29-34.

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- <sup>24</sup> *Indicators of Welfare Dependence: Annual Report to the Congress 2002*, Department of Health and Human Services. Report available at <http://aspe.hhs.gov/hsp/indicators02/> . Statistic drawn from <http://aspe.hhs.gov/hsp/indicators02/ch3.htm#e1>.
- <sup>25</sup> The hourly rate comes from Vee Burke, *Welfare Reform: An Issue Overview* (Washington, DC: Congressional Research Service, 2002), 3. The annual gross pay is calculated assuming 40 hours of work per week over 52 weeks. It does not include taxes or benefits. At this rate, one's income is not sufficient to raise a family of four above the federally designated poverty line of \$18,100.
- <sup>26</sup> *The Decline in Food Stamp Participation: A Report to Congress*, US Department of Agriculture (Washington, DC: Government Printing Office, 2002)
- <sup>27</sup> Peterson, Jonathan, "White House to Try to Restore Food Aid to Legal Migrants," *Los Angeles Times* (January 10, 2002).
- <sup>28</sup> As in Table 3, these numbers are influenced by the Current Population Survey March Supplements' policy of classifying households by where the head of the household was born, rather than by citizenship. This lumps naturalized citizens together with non-naturalized immigrants, despite the fact that naturalized citizens are not subject to the same eligibility restrictions for public assistance. This policy inflates the number of "immigrants" receiving benefits by including naturalized citizens.
- <sup>29</sup> Fix and Passel, 5.
- <sup>30</sup> Fix and Haskins, 3
- <sup>31</sup> Fremstad, 131.
- <sup>32</sup> Peterson, Jonathan, "White House to Try to Restore Food Aid to Legal Migrants," *Los Angeles Times* (January 10, 2002). Milling, T.J., "Texas Gets a Big Slice of the Benefits Pie," *Houston Chronicle* (May 15, 2002).
- <sup>33</sup> Shawn Fremstad, "The INS Public Charge Guidance: What Does It Mean for Immigrants Who Need Public Assistance?" Center for Budget and Policy Priorities, 2002.
- <sup>34</sup> Fix and Passel.
- <sup>35</sup> Fix and Haskins, 5
- <sup>36</sup> Meadows and Claasen, 2; Fix and Passel, 5.
- <sup>37</sup> Lawrence M. Mead, "Jobs for the Welfare Poor: Work Requirements Can Overcome the Barriers," *Policy Review*, (Winter 1990).
- <sup>38</sup> George J. Borjas, Jeffrey Passel, and Robert Rector, "The Impact of Welfare Reform on Immigrants." Panel Discussion. Thursday, March 28, 2002 at the National Press Club, Washington, DC. Transcript distributed by the Center for Immigration Studies: <http://www.cis.org/articles/2002/welfare.htm>.
- <sup>39</sup> *St. Louis Post-Dispatch*, March 8, 2002.
- <sup>40</sup> Borjas, Passel, and Rector.
- <sup>41</sup> Quoted in *St. Louis Post-Dispatch*, March 8, 2002.
- <sup>42</sup> Devolution Initiative, "Immigrant Families: Welfare Reform Restricts Programs That Support Working Families.," Technical Paper. (Washington, DC: W.K. Kellogg Foundation, 2001).
- <sup>43</sup> Borjas, Passel, and Rector.
- <sup>44</sup> Fix and Passel, 34
- <sup>45</sup> Fremstad, 133.

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<sup>46</sup> Ibid.

<sup>47</sup> *Washington Post*, May 17, 2002.

<sup>48</sup> Reuters, May 17, 2002.

<sup>49</sup> Fremstad, 129.

<sup>50</sup> Fix and Haskins, 4.