

# Research Perspectives on Migration

A joint project of the Migration Policy Institute (formerly the International Migration Policy Program of the Carnegie Endowment for International Peace) and the Urban Institute



## Immigrants, their Families and their Communities in the Aftermath of Welfare Reform

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### Introduction

The policy worlds of immigration and welfare collided in the 1990s when a new welfare law was enacted. While welfare reform has been on the policy agenda for more than three decades, the immigrant population became a focal point only as it became evident to policymakers that tremendous savings might be accomplished by excluding noncitizens from participating in public assistance programs. In August of 1996, President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). It ended the 60-year guarantee of a safety net for poor children and families, by transforming the federal entitlement of Aid to Families with Dependent Children (AFDC) into a state-run, block grant program called Temporary Assistance to Needy Families (TANF). PRWORA emphasized work over benefits, established lifetime caps for benefits, and created incentives for states to reduce their welfare caseloads. It required recipients to work within two years of receiving benefits, and to meet work participation requirements of at least 20 hours per week. It also limited most adults to five years of aid as a lifetime total, including those months in which the recipient complies with work requirements.

PRWORA, commonly called the Welfare Act, was projected to save the federal government \$54.1 billion over six years. Cutting benefits to legal permanent residents (i.e., green card holders) comprised 44 percent of the net savings, or \$23.8 billion. Legal immigrants—including those who were participating in the programs at the time the law became

effective—became ineligible for TANF, Food Stamps, Medicaid and Supplemental Security Income (SSI) (see **Noncitizen Benefit Eligibility under PRWORA, p. 6**). Prior to the Welfare Act, legal permanent residents (LPRs) with at least five years of residency had access to public assistance equal to that of U.S. citizens.

By one measure, welfare reform has been successful in that it has reduced the number of people receiving public assistance. Indeed, since the enactment of PRWORA, caseloads have declined by one-half. The number of families receiving TANF was reduced from 4.4 million in August 1996 to 2.2 million in June 1999, and the number of individuals receiving TANF in the same time period decreased from 12.2 million to 5.8 million. However, the consequences of the Welfare Act for immigrant families have been considerable and we know little about the dynamics of adjustment to new eligibility policies *(continued on page 3)*

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## Research Perspectives on Migration

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Research Perspectives on Migration (RPM) is a quarterly newsletter bridging the worlds of research and policy to bring timely, reliable information about migration issues to a broad audience of policymakers, scholars, journalists, and advocates.

Immigration has emerged as one of the most pressing issues on the nation's domestic agenda. Like race or crime, immigration arouses deep economic and cultural anxieties and can provoke fierce political debate. Internationally, migration has the potential to pose serious challenges for democratic order and stability. The movement of people, whether voluntary or forced, is implicated in some of the great conflicts of our time.

RPM will provide a solid basis of fact and objective analysis to debates that have too often been marked by emotion, questionable or anecdotal evidence, and occasional demagoguery. Each issue of RPM will focus on a specific topic dealing with immigrants and refugees: welfare use; educational attainment and economic progress; population growth and the environment; entrepreneurship; crime and health.

RPM is a joint product of the International Migration Policy Program of the Carnegie Endowment for International Peace and the Urban Institute. Its editorial board includes distinguished academics, researchers, policy analysts, and journalists.

RPM's purpose is to synthesize the best research on current issues in a timely and accessible manner, to enhance public understanding of migration, and to contribute constructively to today's ongoing policy debates.

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# Editor's Note

Few policy changes have had the impact on the U.S. immigrant community as did the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) when it was passed in 1996. PRWORA drove a deep division in status between citizens and legal immigrants by restricting noncitizen access to public welfare benefits, but broke with a clear trend among advanced liberal democratic states that has been decoupling access to benefits and citizenship.

Although neither welfare reform nor immigration were contentious issues in the 2000 election, a more vigorous debate is likely as the reauthorization deadline for PRWORA to be renewed, October 1, 2002, draws nearer. Both policy makers and advocacy groups need reliable information to inform their assessments of this landmark legislation. For good or bad, this law is continuing to have a dramatic effect on the lives of many immigrant families and communities, but no one at the time of its enactment could have known exactly what the consequences would be. Numerous research studies have been undertaken to examine these consequences. This issue of *Research Perspectives on Migration* brings together a broad cross section of the findings from this research.

The issue summarizes a group of studies that form the Immigrants and Welfare Research Network (see description of the Network on p. 3). These recent studies address the economic and social changes within immigrant families and communities that have accompanied the shifts in eligibility for public assistance. The research performed by Network-affiliated studies cover a variety of localities, including the cities within the major immigrant receiving states of California, New York, Texas, Illinois and Florida. The studies use a broad variety of social science methodology, data, and techniques and focus on varied sample populations. (See, **Studies at a Glance, p.16-17** for a brief description of each project.) The aim of this issue is to put forward the best available information on the impact of PRWORA on immigrants in order to contribute to today's welfare reform policy debates.

Audrey Singer

(continued from page 1)

in the post-reform period. The studies reported on in this issue of *RPM* show how the Welfare Act has had an impact on immigrant families, including those with citizen children; on communities and local economies where immigrants live; on refugees; on community based organizations; and on state budgets in developing and providing substitute assistance.

Since the enactment of PRWORA, the federal government has restored eligibility for some of the benefits from which immigrants were originally barred. These restorations include Supplemental Security Income (SSI), Medicaid, and food stamps for noncitizen children, elderly and disabled who were legally residing in the United States prior to PRWORA's passage ("pre-enactment immigrants"). Post-PRWORA legislation also extended the exemption for refugees from five to seven years (see **Description of Federal Restorations of Public Assistance to Legal Immigrants, p.28**). Despite these restorations, and the adoption of policies by many states to provide their own benefits, many immigrants who entered the United States after PRWORA's passage ("post-enactment immigrants") have no access to the social safety net. Post-enactment immigrants are ineligible for all federal assistance programs for at least five years after their arrival in the United States.

## The Immigrants and Welfare Research Network

Motivated by the policy shift toward immigrant exclusion in a variety of social welfare programs, the Open Society Institute established the Emma Lazarus Fund (ELF) in 1996 to provide \$50 million to immigrant advocacy and aid organizations to assist immigrants in adjusting to the new welfare regime. A small part of that sum was earmarked for research studies that would provide much needed information and analysis for understanding the impact of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) on immigrants and their families. The researchers in this effort come together in the Immigrants and Welfare Research Network convened by the International Migration Policy Program of the Carnegie Endowment for International Peace.

Initially principal investigators of six studies formed the Immigrants and Welfare Research Network, with other projects joining at a later date. Their primary objectives were 1) to have a forum to share research experiences, methodologies, and findings and 2) to collaborate on reaching an audience of policymakers, advocates, analysts, and other interested parties with the results of their research. At the time of this publication, several of the studies are still in progress and several have been completed. See "Studies at a Glance" for a brief description of the studies.

## Defining a Problem: the Size and the Cost of the Immigrant Population

Although legal immigrants had not explicitly been the target of welfare reform proposals prior to the start of the Clinton Administration in 1993, several developments led to an anti-immigrant sentiment that placed immigrants squarely at the center of reform. Two related factors—an awareness of the relative size of the undocumented immigrant population and the cost of providing social services (such as emergency health care and education) to this group—garnered politicians' attention during the economic recession of the early 1990s. Immigration levels—both legal and undocumented—were estimated to be approximately one million persons per year. The magnitude of these immigration numbers was in large part a consequence of the 1986 Immigration Reform and Control Act (IRCA). IRCA ultimately gave legal status to more than 2.7 million undocumented persons and created the potential for greater increases in legal immigration due to policies that encourage family reunification. Although IRCA was designed to allow undocumented immigrants to gain legal status and move into the U.S. economic and social mainstream, the political compromise that permitted IRCA to be enacted also required a commitment to end further undocumented migration. The second part of the compromise has been largely unsuccessful. In addition, by the mid-1990s, the first cohorts of legalized persons were eligible for citizenship and, hence, for greater immigration benefits, including sponsoring their immediate relatives for immigration.

The increasing size of the immigrant population was not the only concern of public officials arguing for reduced immigration levels. The costs of providing social services to that population was a second concern, which in the mid-1990s environment of cutting government costs, at times competed with the call for reducing immigration levels. The argument that immigrants, especially males, take jobs away from native-born Americans and drive down the wages of other workers was salient given high levels of unemployment at that time. In addition, a new calculation emerged with the perception that the character of migration had evolved. Migration flows—including from Mexico, the United States' largest source country—were no longer simply the traditional male-dominated flows; instead, the United States now received considerably greater proportions of women and children. These immigrants, it was argued, consumed more than their fair share of public goods, including schooling and emergency medical care.

The debate was fueled by an enduring anxiety about the porous character of the U.S. border, especially fears about the sizable flow from the South, as well as the apparent failure of employer sanctions to reduce the number of undocumented workers. The urgency to tighten controls of U.S. borders was heightened by a seemingly endless series of media reports on the ease with which U.S. border control measures could be evaded. Under these circumstances,

money and personnel devoted to border enforcement was dramatically increased in the mid-1990s, and progressively harsher policies against unauthorized immigrants were adopted.

Although the cause for concern centered initially on the perceived cost that undocumented immigrants imposed on the public, the distinctions between illegal and legal immigrants became fundamentally blurred. The problems initially associated with the undocumented population were attributed to all immigrants, including legal permanent residents. This conflation eventually fostered a climate where legally residing immigrants found their social protections undermined and their family unification rights restricted.

### *California's Proposition 187 and the Leap to Federal Welfare Legislation*

In states that received large numbers of immigrants, the cost of immigrants, especially the undocumented, became a hot political topic, first and foremost in California. In addition to California, New York and Florida sued the federal government for funds to pay for services provided to the undocumented population, particularly emergency health care services and public schooling, arguing that immigration was purely a federal responsibility. These legal cases served to further fuel resentment toward immigrants. It was against this background and a recessionary economy that California voters passed Proposition 187 in 1994. This ballot measure proposed denying virtually all medical and social services, including public schooling, to undocumented immigrants. Public support for this initiative (approved by 59 percent of voters) illustrated the depth of misgivings over the cost of undocumented immigrants. The constitutionality of Proposition 187 was immediately challenged and court injunctions prevented the California State government from implementing it. Eventually in 1999, through court mediation, an agreement was reached that all children in California are entitled to public education and health care, regardless of their place of birth.

Proposition 187's uncertain constitutionality did not deter policymakers from using it as the basis for federal welfare legislation. At the same time that Proposition 187 was being challenged, the Republican-led U.S. Congress was developing proposals that went far beyond the parameters of Proposition 187 and included the disqualification of legal immigrants from public assistance.

In the fall of 1994, the Congressional Republicans unveiled their Contract with America, which set balancing the federal budget and devolving power to the states as its principal goals. The search for large budget cuts to reach these goals quickly made immigrants a target for savings. Because undocumented immigrants were already ineligible to receive public assistance, the greatest single source of savings came from dramatically reducing access to benefits for legal

permanent residents. Legislators calculated that immigrant restrictions would not arouse public outrage because their rhetoric was consistent with the period's anti-immigrant discourse—itsself partly due to the obscured distinction between the legal and the illegal populations in question. In addition, the fact that noncitizen immigrants are ineligible to vote made it easier for Congress to approve legislation and send it to the White House. Thus, President Clinton signed PRWORA into law in August of 1996.

### *The Impact of PRWORA on Immigrants*

PRWORA directly affected the immigrant population in the following ways:

- It reduced eligibility for most federally funded programs (see **Description of Programs and Eligibility Rules, p. 6**);
- It imposed new proof of citizenship requirements for federal public benefits (including TANF, Food Stamps, Supplemental Security Income, and Medicaid);
- It increased the responsibility of immigrants who sponsor family members for immigration, by making the long-required affidavit of support legally binding and enforceable and by raising the income sponsorship bar to 125 percent of the federally-defined poverty level;
- It introduced greater complexity in compliance for those families that maintain eligibility through new program rules;
- It formally put into law the blanket ineligibility of undocumented immigrants for virtually all social services in the United States, (although their U.S.-born citizen children remained eligible for programs for which they qualified).

Due to the new block grant structure of the Welfare Act, states, cities, and local municipalities faced new responsibilities. Some developed new programs and policies to meet the needs of immigrants who lost coverage or who were at risk of losing federally funded benefits (see Zimmermann and Tumlin, 1999 for a description of state assistance programs for immigrants). Others encouraged eligible legal permanent residents to become citizens as a way both to preserve their access to benefits and reduce the amount of local funding needed for assistance. For example, the City of New York introduced a program, "Citizenship NYC," that encouraged legal permanent residents, particularly the elderly, to become U.S. citizens in order to qualify for federal benefits. Many immigrants who had not yet naturalized got their documents in order, studied for citizenship exams, and applied for U.S. citizenship. Even many immigrants who were not participating in welfare programs made the decision to become citizens out of fear about what might be the next strike against immigrants. Indeed, perhaps one of the unintended, though clearly predictable, outcomes of the Welfare Act was that it encouraged naturalization. Applications for U.S. citizenship skyrocketed in the 1990s, peaking in 1997 with 1.4 million applications.

Community based organizations (CBOs) that serve immigrants responded to the welfare legislation in multiple ways. While many turned their attention to assisting immigrants through the naturalization process, they also provided more fundamental services and goods such as job readiness workshops, low-cost health care, food assistance, and childcare services. CBOs, always instrumental to immigrants in negotiating the social welfare bureaucracy, became an important source of information about the new eligibility rules and programs.

### *Research on Immigrants and Welfare Use*

Research on immigrant participation in public assistance programs conducted prior to welfare reform centered on program participation rates and trends relative to the native-born. Such research, however, offers limited insight as to how immigrant families would cope with abrupt changes in program eligibility. Some findings from this “pre-PRWORA” research have nonetheless illuminated our knowledge of the topic. The first is that immigrant participation in public assistance programs has been rising since the mid-1980s. Second, refugees and elderly immigrants are more likely to receive assistance, particularly SSI, than other immigrants. Third, studies have found that the use of assistance varies by national origin group. (See *RPM*, Vol. 1, No. 1 for a summary of pre-PRWORA research findings.) New research is required to address how the changes in welfare policy—especially changes in noncitizen eligibility—have affected immigrants residing in the United States, as well as future immigrants who arrive with a five-year bar on their participation in any federal assistance program.

The extent to which noncitizen participation in welfare programs has declined relative to the native population in the post-PRWORA period has stimulated significant research that examines national trends. In summary, most of these studies show greater declines for noncitizens than citizens; however, the rates vary according to whether the study defines program participation by the household, family, or individual use. The findings also differ by how they attribute the causes of the greater declines among immigrant households and how the measures used play out across states. For example, George Borjas, using *household* data from the Current Population Survey (CPS), shows that welfare participation rates for immigrants have declined relative to natives at the national level, but concludes that the declines are driven by sharper downward participation rates among immigrants in California; natives and immigrants living outside of California experienced declines similar to each other in the 1994-95 to 1997-98 period. New research by Urban Institute researchers contributes counter evidence using *nuclear family* data from 1995-2000 that shows steeper declines in participation among noncitizens than citizens nationally. In contrast to Borjas’ findings, they report sharper declines in participation among noncitizens than citizens both in California as well as in the rest of the states. The diverging results of these two studies can be explained by the use of different measurements of welfare participation within a household. In fact, as Van Hook, Glick,

and Bean (1999) show, as the unit of measurement gets smaller—that is, from the household, to the family, to the individual—immigrants’ welfare receipt relative to natives becomes smaller or disappears. These studies suggest that the family may be a more accurate unit to measure welfare participation because benefits are distributed to and utilized by families.

### *In this Issue*

This issue of *Research Perspectives on Migration (RPM)* highlights a group of studies that were designed to describe and evaluate how changes in eligibility for social welfare benefits affects immigrants, their families, and their communities. In 1998, the Emma Lazarus Fund (ELF) of the Open Society Institute, under the auspices of the International Migration Policy Program of the Carnegie Endowment for International Peace, convened the Immigration and Welfare Research Network to serve as a forum for researchers analyzing the impact of welfare reform on immigrants.

Collectively, the studies highlighted in this issue of *RPM* address a wide range of questions about how immigrant families are coping in the post-welfare reform era and how well the cities and states in which immigrants live are stitching up their own safety nets. The studies include immigrants with various legal statuses: naturalized citizens, legal permanent residents, refugees, and the undocumented. They cover a range of geographic areas as well, with a focus on the cities and localities within the states that receive the most immigrants, including California, New York, Texas, Illinois, and Florida. These studies were not designed to undertake, in any systematic fashion, identical research questions nor do they have a common methodological approach. Some of the studies have been completed, while others are still in progress. (see “**Studies at a Glance**,” p. 16-17 for a brief description of each project.) Together, they offer a unique opportunity for insight into immigrant issues that will be of importance during the 2002 budget reauthorization process, when Congress must enact new legislation to continue funding most of the provisions of PRWORA.

The studies address the more general issues surrounding the turbulent “end of welfare as we know it,” such as tracking the decline in public assistance program participation, understanding how people are managing in welfare-to-work jobs, and to whom they are turning for assistance once they are terminated from welfare programs. However, the Network-affiliated studies all share the added complexity of studying immigrants during the welfare transition period, a time when noncitizen eligibility for most federal programs was heavily restricted. Indeed, several of these studies had to adapt their research strategies and agendas to accommodate the legislative changes and shifting noncitizen eligibility during the period of study. Many of the studies also address how “mixed legal status” families, (those in which parents and children have different legal statuses), are—or are not—making use of programs for which they are eligible.

Studies that encountered significant numbers of mixed legal status households show how debates that are central to welfare

*(continued on page 7)*

## Noncitizen Benefit Eligibility under PRWORA

### Qualified immigrants arriving on or before August 22, 1996 (Pre-Enactment)

		SSI <sup>1</sup>	Food Stamps	Medicaid	TANF <sup>2</sup>	State/Local Public Benefits
Qualified Immigrants		Eligible <sup>3</sup>	Eligible <sup>4</sup>	State option	State option	State option
Exempted Groups	With 40 quarters of work	Eligible	Eligible	Eligible	Eligible	Eligible
	Military personnel and their families	Eligible	Eligible	Eligible	Eligible	Eligible
	Refugees / Asylees	Eligible for first 7	Eligible for first 7	Eligible for first 7 years; state option afterward	Eligible for first 5 years; state option afterward	Eligible for first 5 years; state option afterward

### Qualified immigrants arriving *after* August 22, 1996 (Post-Enactment)

		SSI	Food Stamps	Medicaid	TANF	State/Local Public Benefits
Qualified Immigrants		Ineligible	Ineligible	Barred for first 5 years; state option afterward	Barred for first 5 years; state option afterward	State option
Exempted Groups	With 40 quarters of work	Barred for first 5 years; state option afterward	Barred for first 5 years; state option afterward	Barred for first 5 years; state option afterward	Barred for first 5 years; state option afterward	Eligible
	Military personnel and their families	Eligible	Eligible	Eligible	Eligible	Eligible
	Refugees / Asylees	Eligible for first 7	Eligible for first 7	Eligible for first 7 years; state option afterward	Eligible for first 5 years; state option afterward	Eligible for first 5 years; state option afterward

### Unqualified Immigrants

		SSI	Food Stamps	Medicaid	TANF	State/Local Public Benefits
Unqualified Immigrants		Ineligible <sup>5,6</sup>	Ineligible <sup>6</sup>	Eligible for emergency services only <sup>5</sup>	Ineligible	Ineligible <sup>7</sup>

**Source:**

Adapted from Wendy Zimmermann and Karen Tumlin. 1999. "Patchwork Policies: State Assistance for Immigrants under Welfare Reform." Washington, DC: The Urban Institute.

**Notes:**

1. SSI= Supplemental Security Income
2. TANF= Temporary Assistance for Needy Families
3. Qualified immigrants receiving SSI on 8/22/96 are eligible. All qualified immigrants lawfully residing in the United States on 8/22/96 who are or become disabled are also eligible. All other qualified immigrants are ineligible unless exempted.
4. Qualified immigrants who were lawfully residing in the

United States on 8/22/96 and are under 18 years; disabled or blind; or 65 years or older on 8/22/96 are eligible. All other qualified immigrants are ineligible unless exempted.

5. Immigrants formerly considered Permanently Residing Under Color of Law (PRUCOL) who were receiving SSI on 8/22/96 are eligible for SSI and for Medicaid in states where Medicaid eligibility is linked to SSI eligibility.

6. American Indians born in Canada and certain other tribal members born outside the United States are eligible. For the Food Stamp Program, Hmong and Lao tribe members (and their spouses and children) are eligible.

7. States may provide state and local public benefits to unqualified immigrants only if they pass a law after 8/22/96.

## Noncitizen Benefit Eligibility under PRWORA

**Pre-enactment immigrants:** Immigrants lawfully residing in the United States on or before August 22, 1996, the enactment date of the Personal Responsibility and Work Opportunity Act. States were given the option to use federal funds for pre-enactment immigrants for most programs and mandated to provide SSI and Food Stamps for certain categories of immigrants such as children, the disabled, and the elderly.

**Post-enactment immigrants:** Immigrants who arrive legally in the United States after August 22, 1996. Most post-enactment immigrants are ineligible for federal means-tested programs for 5 years with a state option after that. Post-enactment immigrants remain ineligible for SSI and Food Stamps until they naturalize.

**Qualified Immigrants:** Lawful permanent residents, refugees and asylees (defined below), persons paroled into the United States for at least one year, battered spouses and children, those given either the 40 quarters or military exemptions (defined below).

- **Refugees/Asylees:** Those admitted for humanitarian reasons from abroad under the US Refugee Act of 1980, persons admitted as asylees, persons with deportation/removal withheld, Cuban-Haitian entrants, Amerasians.
- **40 quarters exemption:** Legal permanent residents who have worked at least 40 qualifying quarters as defined by the Social Security Act are exempted from certain bars on eligibility. No credit is given for quarters worked after 12/31/96 if the immigrant received a federal means-tested benefit in that quarter. Credit is also given for work performed by: (1) their parent (before the immigrant reaches age 18); (2) their spouse during the marriage (unless the marriage ended in divorce or annulment).
- **Military exemption:** Noncitizens are exempt from bars on eligibility if they are or were: (1) on active duty (currently); (2) honorably discharged; (3) the spouse, unremarried surviving spouse and unmarried dependent child of a veteran or active-duty service member; (4) Filipino war veteran who fought under U.S. command in World War II.

**Unqualified Immigrants:** An immigrant not falling within the qualified immigrant group. This group includes undocumented immigrants, asylum applicants, immigrants formerly considered Permanently Residing Under Color of Law (PRUCOL), as well as those with temporary status such as students and tourists.

*(continued from page 5)*

issues become more complicated in the immigrant context. For example, while the public may be inclined to support children who are considered deserving of assistance, their feelings are more ambivalent about offering public assistance to their mothers, who are typically women with few economic opportunities. Add immigrant status and the ambivalence turns to skepticism, if not opposition. Doubts about whether immigrants should receive social welfare

benefits were demonstrated clearly in the 1996 welfare reform—policymakers were willing to label legal permanent residents as undeserving, despite the fact that within immigration debates LPRs, unlike illegal immigrants, had always been considered to have “played by the rules.”

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## *General Findings and their Implications*

In 2002, many of the federally funded public assistance programs, including TANF, are scheduled for reauthorization. Congress will debate what has and has not been achieved by welfare reform, and decide how to proceed. Any further eligibility restorations for the noncitizen population are likely to be contentious. Several important findings about the immigrant population from the studies presented in this issue of *RPM* should help inform those debates.

First, the studies document the overwhelming confusion about noncitizen eligibility, as well as the chaotic implementation environment of the post-1996 eligibility rules. In particular, early misinformation and lack of clarity regarding *public charge* provisions (becoming “primarily dependent on the government for subsistence”) prevented many qualified immigrants from applying for benefits to which they were entitled. Although PRWORA went into effect in September of 1997, the Immigration and Naturalization Service (INS) did not publish its field guidance on public charge until May 1999. The guidelines specified that the INS could use a public charge finding to deny adjustment to legal permanent residence or entry into the United States, but not for citizenship applications or sponsorship of relatives. In the latter case, however, sponsors must comply with the affidavit of support requirement. (see **“Other Regulations Related to Immigrants and PRWORA, p.24.”**) While the guidance clarified that receipt of most forms of assistance would not result in a public charge finding, during the nearly two-year period of uncertainty and anxiety, many immigrants were reluctant to either continue to participate in programs or enroll in programs for which they were qualified. If future federal eligibility restorations are enacted, it is crucial that regulations appear in a clear and timely way to avoid the possibility of unintentionally denying benefits to those who need and qualify for them.

Second, the studies show that members of a single family often have different legal statuses, which further complicates their access to public assistance. “Mixed legal status” families can include U.S. citizens (both naturalized and U.S.-born), LPRs, and undocumented members. It is common for mixed legal status families to have at least one noncitizen parent and at least one U.S.-born citizen child. These studies find that noncitizen parents are often unwilling to come forward and apply for benefits for their eligible citizen children. Although many local governments and organizations have initiated information campaigns to educate the public and to encourage immigrant parents to enroll their children in public assistance programs, especially health care programs, children are still at risk of not accessing the programs and as a result, of not having their basic nutritional and health needs met. Policymakers need to become sensitized to the unexpected yet potentially harmful consequences of these policies for citizen children of immigrant families.

A third, not surprising, overall finding is that barriers to work

are greater for immigrants with limited English proficiency. These and other field studies indicate that this barrier has not been adequately taken into account in welfare-to-work programs. The Welfare Act’s work-first orientation should address, programmatically, the specific needs of the immigrant population, particularly with respect to English language training, in order to facilitate their movement into jobs. There is little evidence to suggest that current programs are adequately addressing this additional barrier that prevents many from entering the labor force and thus reducing their dependence on public assistance programs.

A fourth finding is that the impact of welfare reform on immigrants has been uneven across states and localities. These studies reveal the important influence of place-specific effects that are determined by the policies and programs developed and implemented at the state and local level. Although noncitizen ineligibility is a permanent provision of the law requiring no action by Congress, it is likely that during the debates leading to reauthorization, immigrant and child advocates will push for more generous policies toward all immigrants, and particularly for those who enter the United States after the enactment of PRWORA. The findings from these studies can offer guidance to that debate and recommend access to basic health care and food stamps for all legal residents.

### *What Does the Future Hold?*

Two important issues will affect the prospects for additional restorations of welfare benefits for noncitizens: the condition of the economy, and the partisan negotiations of future budget processes. First, during a period of national economic growth, job opportunities are better for the population that typically relies on public assistance: low-skilled, less-educated workers, including those with limited English proficiency. The three-year period that immediately followed welfare reform was one of remarkably fast economic growth, stimulating the demand for labor. According to a recent study by economists Robert I. Lerman and Caroline Ratcliffe (2000), gross domestic product rose by 12.5 percent, unemployment declined from 5.6 percent to 4.3 percent, weekly earnings rose from \$439 to \$494 among adult women and from \$599 to \$665 for adult men, and an estimated seven million people entered the labor force.

During periods of slow growth and particularly if a recession were to occur, finding and keeping jobs that require lower skills may be more difficult, and the consequences of public assistance program time limits and restricted eligibility will be felt more harshly. Moreover, 2002 will mark the first threshold when large numbers of public assistance recipients will reach their 60-month lifetime limit and will be excluded from receiving benefits. An economic downturn will complicate the lives of families losing their benefits at that time.

Second, the new Republican Administration will take the lead

in the reauthorization of welfare programs in 2002. The reauthorization process will seek to determine many extremely important issues, including but not limited to whether policies for immigrant eligibility and lifetime limits for all adult recipients will be modified. The process will also determine whether state block grants will be reduced to reflect the smaller caseloads, as some conservatives are likely to advocate. The issues in the debate are likely to test President Bush's commitment to pro-immigrant policies.

Several restorations of public benefits to immigrants were already legislated during the Clinton Administration; in particular for food stamps and SSI. The Balanced Budget Act of 1997 was the first of such reparations. It restored SSI and Medicaid benefits to legal immigrants residing in the United States prior to the enactment of PRWORA and who were already disabled, and it also extends coverage to those who become disabled in the future. The second was the Agricultural Research, Extension, and Education Act of 1998 which restored food stamps to 250,000 of the over 900,000 legal immigrants who lost the benefit under PRWORA. (See **Description of Federal Restorations of Public Assistance to Legal Immigrants, p. 28**, for other legislative changes.) Welfare policy in the United States will no doubt be revised further during the reauthorization process, and many advocacy organizations and sympathetic policymakers intend to use the reauthorization requirement as an opportunity to restore some additional benefits to immigrants. The studies presented in this *RPM* will aid our understanding of both the effects of the 1996 welfare reform and the challenges that lie ahead, for immigrant families, advocates, and policymakers.

## The Urban Institute's Research Agenda on Welfare Reform and Immigrants: A Summary

*Leighton Ku, Michael Fix, Jeffrey Passel and Wendy Zimmermann, Urban Institute*

Several related studies conducted by researchers at the Urban Institute examine how low-income immigrants and the institutions that serve them have been affected by welfare reform and related issues, like *public charge* provisions (see **Other Regulations Related to Immigrants and PRWORA, p 24.**). The goal of this research is to understand the changing forces, including welfare reform, that affect the lives and well-being of immigrants, particularly low-income immigrants, and to understand the role that immigrants play in American society. These studies form an important component of a very broad Urban

Institute project, called *Assessing the New Federalism*, the goal of which is to understand how welfare reform and related forces of devolution have affected low-income Americans. The particular circumstances for immigrants form an important part of this complex, overall story. The project has sponsored large-scale surveys (the 1997 and 1999 National Surveys of America's Families and a future survey-in-planning), case studies, and analyses of existing data bases.

The research studies use several different databases and methodological approaches. Rather than focus on one, this discussion will highlight key findings from several completed studies and from ongoing research that should yield new findings as the 2002 reauthorization process approaches.

### *Key Findings*

- *In response to options under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), most states opted to serve pre-enactment legal immigrants and many provided at least some services to post-enactment immigrants using state-only funding. However, there was a substantial net decrease in immigrants' eligibility. A survey of all states indicated the complexity of state policies in the decision of whether to continue services to legal immigrants for food stamps, welfare, Medicaid, and Supplemental Security Income (SSI). In many cases, states elected to provide partial state-level replacements for federal benefits lost by immigrants, but many states did not (See Zimmermann and Tumlin, 1999).*

- *In Los Angeles County, applications for Medicaid and welfare benefits fell sharply following the passage of PRWORA, affecting both legal immigrants and citizen children of immigrants. Analyses of administrative data reveal that from 1996 to 1998, legal immigrants' applications for welfare and Medicaid fell by 71 percent while citizen applications were unchanged. Applications for citizen children of legal immigrants fell 66 percent, while applications for children of citizens rose 6 percent (See Zimmermann and Fix, 1998).*

- *Nationally, noncitizen immigrant households' participation in public assistance programs fell more rapidly than citizen households' from 1994 to 1997. Trend data from the Current Population Surveys demonstrate nationwide changes in immigrants' use of benefits. For example, low-income citizens' use of Medicaid fell 0.3 percent, but dropped 7.8 percent for low-income noncitizen households.*

Similar findings were available for use of food stamps and welfare programs (Aid to Families with Dependent Children (AFDC), General Assistance and SSI). Although immigrants use benefits at higher rates than the native-born, this is because they are disproportionately poorer.

After controlling for income, noncitizens use fewer benefits than native citizens (See Fix and Passel, 1999).

- *One-fifth of all U.S. children are immigrants or children of immigrants.* Although foreign-born children comprise just 3.3 percent of U.S. children (under 18 years old), another 16.3 percent are children of immigrants, so that 19.6 percent are immigrants or children of immigrants. An analysis of the March 1999 Current Population Survey indicates that more than one-quarter (27.2 percent) of children under the poverty line are first or second-generation immigrants (Passel, unpublished analyses 2000).

- *Families with mixed legal status are common and pose a complex challenge to public policy.* The great majority of U.S. families with one or more noncitizen parent also contain at least one child who is born in the United States and therefore a citizen. While current policies restrict participation by noncitizen immigrants (including both legal and undocumented), they also seek to encourage participation of citizen children. This creates tension in public policies, and their implementation, both with respect to immigration and public assistance (See Fix and Zimmermann, 1999).

- *Noncitizen immigrants and their children have less access to health insurance and to medical and dental care than native-born citizen families.* An analysis of data from the 1997 National Survey of America's Families shows that noncitizens and their children (including citizen children) had lower rates of Medicaid and private insurance coverage and higher levels of uninsurance than native citizen families, even after controlling for income, race/ethnicity, employment, education, and other factors. They also had fewer medical, emergency room, and dental visits than native citizens. Though insurance improved immigrants' access to care, they had less access than insured native citizens because of language and related barriers (See Ku and Matani 2000).

In addition to these studies, there are other ongoing projects, the results of which will provide findings in the near future. One of particular relevance to those interested in the immigrant population examines how welfare reform affected immigrants in Los Angeles and New York City and the repercussions for organizations that serve them. The project includes three components: (1) representative surveys of more than 3,000 immigrant households in the two cities, (2) in-depth qualitative interviews with about 200 low-income households, and (3) case studies of local health and welfare-related organizations in both cities. Reports will analyze both quantitative and qualitative data about immigrants' use of public assistance, their employment patterns, health care, and other related issues.

## Shrinking Welfare Caseloads of Illinois Immigrants

*Rob Paral, National Center on Poverty Law*

Illinois is a major destination for legal immigrants to the United States, receiving an average of nearly 50,000 legal immigrants annually in the past decade. Welfare reform—with its severe restrictions on immigrant access to public assistance—has raised serious questions about the state's ability to provide an adequate safety net for its large and growing number of immigrants. While it was expected that caseloads would decline, there have been unintended consequences for immigrant and refugee families.

To determine how well the Illinois safety net serves immigrants, this study analyzes administrative data records for welfare programs administered by Illinois, with a focus on comparing trends in welfare use among immigrants and the native-born. This discussion describes some key findings related to programs that assist families with children: Temporary Assistance for Needy Families (TANF), Medicaid and KidCare, a child health insurance program funded largely through federal State Child Health Insurance Program (SCHIP) grants.

The study's major findings may be summarized as follows. First, noncitizen use of family-related welfare programs in Illinois has been low and is falling, with noncitizen TANF caseload declines far outpacing those of the native-born. Second, immigrant families are much more likely than the native-born to use Medicaid to supplement earned income (i.e., immigrant families on Medicaid are more likely to be "working poor") nonetheless, the noncitizen usage is low. Third, noncitizen enrollment in SCHIP is half of what it would be expected to be, due, in large part, to confusion about eligibility.

### *Findings*

#### **TANF**

Non-refugee immigrants have never comprised a disproportionately higher share of the state's AFDC (now TANF) caseload than the native-born population. Census data for 1990 suggest that, for example, while legal immigrants were 9.3 percent of the eligible population, they represented only 4.2 percent of the state's AFDC caseload.

TANF caseloads have been rapidly falling in the post-PRWORA period. The number of noncitizens on TANF fell by 70 percent in the 1998-1999 period, while native-born participation rates declined by 48.7 percent. In April 2000, noncitizens were only 0.7 percent of the TANF caseload,

down from 1.2 percent in 1998. This is in a state where noncitizens are approximately 5 percent of the population.

One consequence of declines in noncitizen participation is the changing composition of the total foreign-born TANF caseload. Refugees now make up almost 30 percent of foreign-born TANF recipients, compared to less than 10 percent a few years ago. The state mandates that ninety percent of two-parent TANF families must be working or in work-related activities, which means a growing share of refugee families must be working or they will be at risk of being terminated from the program due to state quotas that must be met.

In addition, little attention has been given to examining the reasons that noncitizens on TANF eventually leave the program. Illinois data show that noncitizen TANF recipients are getting jobs at different rates and for different reasons than the native-born. In a recent fifteen-month period (January 1998-April 1999), 55.4 percent of all noncitizens leaving TANF departed the program because of being employed, compared to only 45.1 percent of the native-born. The main reason the native-born depart TANF, is because they have been given an administrative sanction—a penalty—and removed from the rolls.

### **Medicaid**

Extreme disparities between immigrants and the native-born exist in access to health insurance in Illinois. According to the Current Population Survey in the 1996-99 period, approximately 37 percent of noncitizens lack health insurance in Illinois, compared to only 11 percent of the native-born. The absence of health care is especially concentrated in the city of Chicago; 45 percent of noncitizens are without health insurance. The need for health care among immigrant families is dramatically illustrated by a remarkable 55 percent increase (from 8,280 to 12,855) in the number of Illinois immigrants receiving no healthcare services other than childbirth-related and emergency medical services between April 1996 to June 2000. These persons include recently arrived legal immigrants who are ineligible for Medicaid under PRWORA, and undocumented immigrants.

Evidence of the unmet health needs of low-income Illinois immigrants is overwhelmingly found in families where householders are working. Nearly 93 percent of immigrants receiving Medicaid are in “working-poor” families ineligible for TANF, compared to only 72 percent of all families getting Medicaid.

Moreover, the number of below-poverty noncitizens leaving Medicaid has closely mirrored those leaving TANF. The noncitizen decline in Medicaid participation has been 44 percent faster than the native-born decline. Among noncitizens with incomes above the poverty level, caseloads

grew at less than one-third the rate (or 29.4 percent) of what it was for the overall Medicaid caseload, which was 94.8 percent for working poor families.

### **KidCare/SCHIP**

The lack of health insurance among immigrants should increase participation for KidCare, the Illinois version of the State Child Health Insurance Program (SCHIP). The income eligibility requirements for KidCare are relatively generous: children may come from families with income levels of up to 200 percent of the poverty level. Furthermore, in Illinois, unlike some other states, legal immigrant children arriving after the August 1996 passage of PRWORA are eligible for KidCare.

It is important to recognize, however, that, even in a state with a large immigrant population, there are relatively few who are children. Although many citizen children live in households headed by immigrant parents in Illinois, only 2.6 percent of the population under 18 years of age are noncitizens. Nevertheless, these immigrant children are not using KidCare at the rates that would be expected given their population size. Noncitizen children represent only 2 percent of KidCare enrollees, although they represent approximately 4 percent of the population that meet KidCare eligibility requirements, therefore their usage could be double the current rate.

### *Factors Dampening Use of Medicaid and KidCare/SCHIP*

PRWORA has rendered the roughly 160,000 legal immigrants coming to Illinois since its passage ineligible for non-emergency Medicaid. In addition, the new TANF program has also reduced the number of Medicaid recipients, due to the requirement that they be dropped from Medicaid benefits as they depart the TANF rolls.

Another factor discouraging the participation in programs is that health care providers working with immigrants do not seem to be providing accurate information. Interviews with dozens of immigrants and health care providers about barriers to immigrant health care conducted in the Spring of 2000 revealed substantial confusion over immigrant eligibility for programs like KidCare. For example, the head of a major, free medical service for thousands of low-income families flatly and incorrectly asserted that newly arriving legal immigrant children are ineligible for KidCare.

Immigrants and their advocates frequently described their fear that using KidCare or Medicaid could prevent a family member from legalizing their status. The Clinton Administration has clarified that use of KidCare does not lead to a *public charge* determination, but this information has not trickled down to the local level. (However, none of the immigrants interviewed voiced an unlikely, though technically accurate fear: that sponsors of immigrants arriving after August 22, 1996 could be forced to pay the cost of KidCare or Medicaid benefits, due to *sponsor deeming*. See **Other Regulations Related to Immigrants and PRWORA, p. 24.**)

## Conclusion

Illinois welfare caseload data reveal at least two important shortcomings of welfare reform policy involving immigrant and refugee families. First, welfare reform is disproportionately, and perhaps unintentionally affecting refugees, because they are sharing an increasingly large portion of the foreign-born TANF caseload, and thus bearing the brunt of tough state goals intended to move people into jobs. However, refugees have been admitted under a humanitarian program and have exceptional resettlement needs, and were not originally a stated priority of efforts to move welfare recipients into work.

Second, welfare reform has cut benefits but not need, especially for health services, among immigrants. The number of immigrants utilizing the only Medicaid services left available to them—childbirth and emergency medical services—has markedly increased, highlighting the gravity of the lack of health care among immigrant families.

Finally, it bears noting that the kind of state administrative records that make possible a detailed analysis of Illinois immigrants in welfare programs are simply not available at the national level. States do not report information on immigrant use of TANF or Medicaid to the federal government. To demonstrate concern for welfare reform impacts on immigrants, Congress should mandate that states regularly report to the U.S. Department of Health and Human Services the numbers of immigrants with various legal statuses that participate in TANF, Medicaid, SCHIP, and food stamp programs.

# Immigration, Economic Status and Welfare Reform in Miami and Florida

*Thomas Boswell, University of Miami*

Florida is the third leading state in the United States in terms of recent immigration. Only California and New York have

larger numbers of immigrants. Metropolitan Miami (Miami-Dade County) is the third leading metropolitan area in terms of immigrants, behind the two largest metropolitan areas of Los Angeles and New York. In 1997, there were about 2.3 million foreign-born persons living in Florida, representing about 16 percent of the state's population, while Miami-Dade County had approximately one million foreign-born. In fact, metropolitan Miami had the largest percentage (48 percent) of its population comprised of immigrants of any county in the United States.

What is most remarkable about Florida, and more specifically Miami, is that they have become important destinations for immigrants only since the 1960s. In 1960, there were only 272,161 foreign-born persons living in Florida and 112,588 in Dade County. The ethnic change that has characterized Florida, and especially Miami, has greatly influenced the characteristics of both the state and county.

This study focuses on some of the current contentious issues related to immigrants in the United States. Today, Florida and Miami are facing some of the same bitter debates that occurred in California in the 1990s. There are those who claim that immigrants here are using welfare services disproportionately and paying low taxes because they are poor. They also argue that immigrants today, unlike immigrants who arrived in the United States during the late 1800s and early 1900s, are not economically assimilating into the American mainstream. On the other hand, there are those who feel that immigrants are making major positive contributions to Florida's and Miami's economy. Many take low-paying, unattractive jobs, and in doing so, they therefore allow housing and agricultural prices for all residents to be lower than they would be without immigration. Advocates also argue that immigrants come here not to use welfare, but because they are ambitious and want to work hard to achieve a higher standard of living for themselves and their families.

## *Economic Status of the Foreign-Born and U.S.-Born*

This study-in-progress investigates some of the broader questions related to the economic and social incorporation of immigrants into metropolitan Miami and Florida using data from the 1996-1999 Current Population Survey (CPS). Early findings are presented below.

Foreign-born residents in Miami-Dade and Florida are only slightly demographically different from the U.S.-born population living in the same areas. The foreign-born have slightly lower incomes than the U.S.-born in Florida, but they have somewhat higher incomes than the U.S.-born living in Miami-Dade County. At the same time, the foreign-born in both Miami-Dade and Florida have slightly higher poverty rates, somewhat lower educational attainment levels, and lower occupational status than their U.S.-born counterparts. These differences can be explained by

accounting for length of residency in the United States among the foreign-born. Those foreign-born who have lived longer in the United States generally have higher socioeconomic status than those who arrived more recently. Additional time spent living in the United States allows longer-term residents to take greater advantage of available opportunities.

Foreign-born persons who had arrived in the United States during or before 1980, have much higher incomes, higher educational attainment, and better jobs than those who arrived since 1980. Furthermore the foreign-born who arrived before 1980 have somewhat higher socioeconomic status than the native-born populations. This is especially significant because almost 60 percent of the immigrants living in Miami-Dade County and the state of Florida arrived in the United States since 1980, thereby drawing down the average socioeconomic status of all immigrants. Furthermore, almost 40 percent arrived within the past ten years. If we allow for an adjustment period of about 17 years, the foreign-born first catch-up to and then surpass the status of the U.S. born populations in both Miami and Florida.

In addition to time spent in the United States, several other factors are related to immigrants' economic status.

- Naturalized immigrants have much higher socioeconomic status than both immigrants who are not naturalized and the U.S. born population in Miami-Dade and Florida.
- The socioeconomic status of the foreign-born varies by country of birth. For example, immigrants from South America and Europe have the highest status, even higher than the U.S.-born populations in the county and the state. However, immigrants from Central America and the Caribbean (except for Cubans) have the lowest incomes, substantially lower than for the native-born populations.
- The foreign-born populations in Miami and Florida have substantially higher socioeconomic status than U.S.-born blacks. However, the foreign-born have lower status than U.S.-born whites, U.S.-born Asians, and U.S.-born Hispanics.

### *Taxes Paid by the Foreign-Born and U.S.-Born*

The average immigrant living in the state of Florida pays slightly less in taxes than the average U.S.-born resident of the state. However, in Miami-Dade County the average immigrant pays a little more than the average U.S.-born person living in the county. In other words, immigrants pay a little less than their proportional share of state taxes, whereas in Dade County they pay somewhat more. This corresponds to their lower statewide incomes relative to the native-born and their somewhat elevated incomes in Miami-Dade.

However, there are some important qualifications to these

findings. Among these are the following:

- Immigrants who have lived in either Miami-Dade County or the state of Florida since 1980 pay higher taxes than the U.S.-born population in these two areas.
- Immigrants who have achieved U.S. citizenship through naturalization pay higher taxes than the U.S.-born populations of Miami and Florida.
- Immigrants from South America and Europe pay more in taxes than the U.S.-born populations in Miami-Dade County and in Florida; whereas immigrants from Central America, Cuba, and the rest of the Caribbean pay less.

### *Costs of Welfare Services Used*

Preliminary results of this on-going study suggest the following findings related to welfare use:

- On average, foreign-born persons in both Miami-Dade County and in the state of Florida have received less aid through the Temporary Aid for Needy Families (TANF) program than have the U.S.-born.
- The average foreign-born person in Miami-Dade and in Florida received less aid through Medicaid than has the average U.S.-born.
- The average foreign-born person in Miami-Dade and in Florida received more aid through Supplemental Security Income (SSI) than has the average U.S.-born. These findings are tempered by the predominance of Cuban refugees who arrived before the 1980s, and are older and thus qualify for the SSI program.

### *Conclusions*

This study has three major findings regarding the foreign-born population of the state of Florida and Miami-Dade County of relevance for those interested in the economic well-being in the post-welfare reform era. First, the often-stated socioeconomic differences between immigrants and the native-born population of Florida and Miami have been greatly exaggerated. Immigrants are very similar to the U.S. born population, and some classes of immigrants actually have higher socioeconomic status than the rest of the state's and county's U.S.-born population. This is evident in the differences in the taxes paid by immigrants in the state versus the county. The second finding is that the average immigrant in Florida pays slightly less in taxes than the average U.S.-born resident. However, in Miami-Dade County the average immigrant pays slightly more. Third, immigrants do not always cost more than the native-born in terms of their use of welfare services. Immigrants in Florida tend to use less TANF and Medicaid aid. However, they use more aid through SSI, largely reflecting Cubans who arrived in the United States as refugees. Immigrants who have become naturalized citizens of the U.S. and those who have

lived longer in this country cost less because they are less likely to be poor.

Immigrants in Florida and Miami-Dade County are making remarkable progress, much like the immigrants who came earlier to the United States from mainly European origins. Given the propensity of most immigrants over time to become economically and socially incorporated into the American mainstream, there is much hope for future economic progress, especially as the next generation or two fully develop. It appears immigrants are paying their fair share of taxes and they do not disproportionately use welfare services, issues of importance as we move toward reauthorization of welfare programs in 2002.

## Immigrant Households and Public Assistance Policy in Texas and California

*Gary P. Freeman and Luis F.B. Plascencia*  
*The University of Texas at Austin and the Tomás Rivera Policy Institute*

### *Introduction*

As the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was set to go into effect in late summer 1997, the Tomás Rivera Policy Institute and the Public Policy Clinic, a research unit affiliated with the Government Department at the University of Texas at Austin, initiated a project to assess the impact of the welfare act on Latino immigrant households. The study was launched in Santa Ana, California and in El Paso, Texas and then subsequently expanded to include San Diego, California and Dallas, Texas in the Spring of 1998. Within each city, the study concentrated on a specific neighborhood with a high proportion of foreign-born and low-income Latinos. With the assistance of local social service agencies and employing a referral technique, 25 immigrant households were identified in each neighborhood. Researchers conducted interviews with an adult member of each household over a six to eight-month period. Respondents were interviewed two to four times each, either in person or by telephone.

Because multiple policy changes in 1996-97 revoked key restrictions within PRWORA and implemented 'state-funded' Food Stamp programs to replace federal benefits, the research focus of the study changed and expanded to include Dallas and San Diego. The study originally intended to analyze the impact of PRWORA on the family income of immigrant households who stood to lose benefits because of the changes in the law. As this strategy became less feasible

and interesting due to the various exemptions and rescissions, the study developed into a more general assessment of the role public benefits play in strategies that low-income immigrant households employ to 'make ends meet.' A unique component of the project was the effort to examine the effect Food Stamp reductions had on the cash flow of neighborhood grocery stores in El Paso, and thus to understand the impact that PRWORA had on local economies.

### *Major Findings*

The initial interviews of the 100 households in the four cities collected three broad types of information: demographic composition of the household; income and employment data; and participation in public assistance programs. In follow-up interviews, respondents were asked about changes in these areas as well as their strategies for dealing with economic difficulties. The following are the major findings from the household interviews:

- In El Paso, 18 of 25 households lost some or all of their Food Stamp benefits due to PRWORA, an average of \$1,162 per household over the 8 months of the study.
- The El Paso households lost on average 21.5 percent of their purchasing power due to Food Stamp cuts. In response, these households variously went into debt, relied on charity, purchased goods and services in Juarez, sought U.S. citizenship, and increased their work hours. Eleven of 18 affected households were either extremely or seriously affected by the cuts.
- Residents in Dallas and San Diego showed large differences in labor force and public benefits participation rates. The findings suggest that these immigrant households are part of distinctive work and welfare environments. In Dallas, the poor households in the study live more or less completely off the incomes they earn in the private sector, applying for and receiving few benefits. In San Diego, respondents are less likely to hold jobs, but even when they work they receive an extensive array of publicly financed benefits.
- U.S.-born children of immigrants were negatively affected by PRWORA, even though limiting the eligibility of U.S. citizen children for public benefits was not the aim of the legislation.
- A large share of the households consist of a combination of documented and undocumented members (i.e., mixed legal status households)— 68 percent in Dallas, 28 percent in El Paso, 69 percent in San Diego, and 52 percent in Santa Ana.
- Confusion and misinformation concerning eligibility requirements for public assistance programs is widespread. Interviewees are often not sure why they were denied a benefit or had their assistance reduced. This was the case even in households where all members possessed legal immigration status in the United States.

• A substantial number of households are not getting benefits for which they appear to be eligible. Some worry that receipt of benefits will jeopardize current or future immigration-related transactions with the Immigration and Naturalization Service (i.e. they fear they will be declared in violation of the *public charge* provisions of the immigration law). (See **Other Regulations Related to Immigrants and PRWORA, p 24.**) Others are fearful that by applying for new benefits they may expose undocumented household members to the authorities.

• None of the households had private health insurance; therefore only family members eligible for Medicaid or Medicare had reliable access to medical services. Some of those who appeared to be eligible were not participating in these programs.

• Food Stamp cuts had a greater negative impact on households in San Diego than in Dallas. One reason for this was the higher participation in the job market of low-income immigrants in Dallas.

The most important finding from the El Paso interviews with grocery-store owners and the review of their financial records was that neighborhood economies were significantly affected by the revocation of legal immigrant eligibility for Food Stamps. Stores reported a substantial loss of income from Food Stamp sales. One small grocery store went out of business; others reduced the number of employees and/or reduced the hours worked by the employees. The adverse effect of the 1996 welfare policy change was compounded in El Paso by a declining economic situation and the lingering effects of the 1994 peso devaluation and the Border Patrol's enforcement initiative called Operation Hold the Line. The net effect of these events was a decline in the customer base of small shops.

### *Conclusions*

The impact of PRWORA on mixed legal status households underscores the problems that can surface when policymakers seek to address complex public benefits issues. Specifically, our study makes apparent the lack of congruence among legislative goals targeted at individuals with a particular immigration status, programs whose benefits are calculated on the basis of household characteristics, and low-income households that are typically composed of mixes of U.S. citizens, legal permanent residents, and undocumented persons. U.S.-born children of immigrants suffer because they are members of households losing benefits. Moreover, since children cannot apply for benefits for themselves, U.S.-born children who are eligible for benefits often do not receive them because ineligible adults are reluctant to apply on their behalf.

Congress also overlooked the impact that Food Stamp program changes might have on the general economic status of communities. For example, it was quite predictable,

though researchers and policymakers paid little attention to it, that grocery stores serving low-income legal immigrants would be negatively affected by the loss of income generated through Food Stamp sales.

In summary, the findings of the research in the four cities suggest the following policy implications:

- To address the complexity of public assistance issues, Congress must recognize that the focus on individual eligibility distorts the actual situation of people whose welfare and living standards are shared with others.
- Little is known about the long-term well being of legal immigrants who have arrived and who will arrive after August 22, 1996, and who are subject to the five-year bar against receipt of public benefits. The high probability that such households will contain U.S.-born children suggests the importance of tracking their economic performance.
- Differences in levels of benefits, administrative structure, and commitment to reducing poverty across states, such as the contrasting cases of California and Texas, point to the fact that there is no comprehensive national public assistance program for immigrants or citizens. State-by-state analysis is necessary to measure the economic situation of immigrants.
- Passage and implementation of the 1996 welfare law took place in the midst of an economic expansion of historic proportions. Studies conducted in this period may be misleading with respect to the consequences these program changes might have during a recession.

## Resurrecting Exclusion: The Impact of Legislative Reforms in Texas and Mexico

*Jacqueline M. Hagan and Nestor Rodriguez  
University of Houston*

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and the Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA), both enacted in 1996, depart significantly from immigrant and immigration policies of the past several decades, which had increasingly granted rights and privileges to legal immigrants. Collectively, these laws restrict public services for immigrants, place new limitations on immigrant sponsors, and significantly expand immigration enforcement responsibilities of public and private service providers. In short, the two laws redefine the social membership of immigrants.

Binational working-class families, and their poverty stricken

*(continued on Page 18)*

# Studies at a Glance

## *Assessing the New Federalism (Selected Research on Immigrants and Welfare)*

### • **Project Principals & Affiliations:**

Michael Fix, The Urban Institute

Wendy Zimmermann, The Urban Institute

Leighton Ku, The Urban Institute and Center on Budget and Policy Priorities

• **Population:** Multiple studies with multiple populations, including 3,000 immigrant households in New York and Los Angeles, samples representative of 13 states, Census Bureau data intended to be representative of the nation as a whole.

• **Data:** Review of public assistance program rules in all 50 states and the District of Columbia, examination of state and local administrative data for federal means-tested programs, and analysis of the U.S. Census Bureau's Current Population Survey (CPS), National Survey of America's Families (NSAF), and the Los Angeles-New York City Immigrant Survey (LANYCIS).

• **Major Areas of Inquiry:** (1) composition of immigrant households; (2) states' policies regarding immigrant eligibility for federal and state assistance programs; (3) noncitizen immigrant household participation rates in federal means-tested programs and access to health insurance and health services; (4) employment and economic hardship among different categories of immigrants; and (5) the role of public and private organizations that serve immigrants.

## *Effects of the 1996 Immigration and Welfare Reform Acts on Communities in Texas and Mexico*

### • **Project Principals & Affiliations:**

Jacqueline Hagan, University of Houston

Nestor Rodriguez, University of Houston

• **Population:** 580 immigrants and their families at sites in Texas, Mexico, and El Salvador. Includes 83 deportees interviewed in their home communities.

• **Data:** Quantitative surveys and qualitative interviews with families reporting loss of public assistance benefits and/or a family member deported under IIRIRA and supplemental interviews with local officials in Texas and Mexico. Interviews were conducted in 1997 and 1998.

• **Major Areas of Inquiry:** (1) binational families and family reunification; (2) financial and emotional/psychological effects of deportation on immigrants; (3) survival strategies of immigrants due to loss of benefits; and (4) health care and health insurance coverage.

## *The Foreign-Born and U.S.-Born Population in Florida and Metropolitan Miami*

### • **Project Principals & Affiliations:**

Thomas D. Boswell, University of Miami

June Nogle, University of Florida

Richard Langendorf, University of Miami

Rob Paral, National Center on Poverty Law

• **Population:** Foreign-born and native-born residents of Florida and Miami Dade County.

• **Data:** U.S. Census Bureau's Current Population Surveys for Florida and Miami-Dade County for 1996-1999.

• **Major Areas of Inquiry:** (1) comparisons of various categories of the foreign-born population by date of arrival; (2) assimilation of the foreign-born as measured by five indicators; (3) estimates of taxes paid by different categories of the foreign-born; and (4) estimates of costs of welfare services used by the foreign-born and native-born populations.

## *Immigrant Households and Public Assistance Policy in Texas and California*

### • **Project Principals & Affiliations:**

Gary Freeman, Tomás Rivera Policy Institute and The University of Texas at Austin

Luis F.B. Plascencia, Tomás Rivera Policy Institute and The University of Texas at Austin

• **Population:** 25 Latino immigrant households in each of four cities: El Paso, Texas; Dallas, Texas; Santa Ana, California; and San Diego, California.

• **Data:** Repeated face-to-face interviews over a five-month period with families living in a single census tract in each city. Interviews were conducted in 1997 and 1998.

• **Major Areas of Inquiry:** (1) survival strategies of low-income immigrants; (2) loss of Food Stamps, SSI or In-Home Services for the disabled; (3) loss of total household income; (4) fear of public charge finding and deportation; (5) health insurance coverage; and (6) in El Paso, effects of Food Stamp cuts on neighborhood grocery stores.

### ***Trends in Immigrant Enrollment in Public Assistance Programs in Illinois***

- **Project Principals & Affiliations:**

Rob Paral, National Center on Poverty Law

- **Population:** Immigrant and native born recipients of Illinois public assistance programs.
- **Data:** Illinois Department of Human Services caseload databases for TANF, SSI, Food Stamps, Medicaid, CHIP and Transitional Assistance for years 1998 and 1999.
- **Major Areas of Inquiry:** (1) trends in welfare use among immigrants and the native born; (2) reason for cancellation of TANF benefit; (3) numbers of below-poverty level families leaving all programs; and (4) immigrant children's participation in the Illinois CHIP program.

### ***Con La Ayuda de Dios: El Pasoans Manage the 1996 Welfare and Immigration Reforms***

- **Project Principals & Affiliations:**

Kathleen Staudt, The University of Texas at El Paso

(This project is affiliated with the University of Houston project listed above.)

- **Population:** 100 low-income Mexican immigrant households within the 79905 zip code area of El Paso, Texas, and El Paso community leaders.
- **Data:** Quantitative surveys and qualitative interviews with families reporting loss of public assistance benefits and/or a family member deported under IIRIRA. Interviews were conducted in 1997 and 1998.
- **Major Areas of Inquiry:** (1) declines in program participation in eligible households; (2) financial and emotional/psychological effects of deportation on immigrants; (3) effect of higher income requirements for affidavit of support; and (4) declines in child school attendance in public schools serving immigrants.

### ***The Impact of Welfare Reform on Immigrant Communities in New York City and Los Angeles***

- **Project Principals & Affiliations:**

Audrey Singer, Carnegie Endowment for International Peace

- **Population:** 332 immigrant households with at least one member currently receiving or recently terminated from a federal means-tested program. 213 Dominican immigrant households in New York City and 119 Mexican and Central American households in Los Angeles.
- **Data:** Three-year longitudinal survey supplemented by in-depth interviews of community organization personnel and immigrants. Three rounds of interviews were conducted in 1998, 1999, and 2000.
- **Major Areas of Inquiry:** (1) labor market participation; (2) household participation in public assistance programs; (3) alternative sources of assistance; and (4) unmet household needs.

### ***Immigrant Women and Welfare Project***

- **Project Principals & Affiliations:**

Doris Ng, Equal Rights Advocates

- **Population:** 75 Mexican and 75 Vietnamese immigrant women residing in Santa Clara County, California who were current or recent welfare recipients.
- **Data:** Survey containing both quantitative and qualitative questions related to immigrant women's experience with welfare reform policies. Interviews were conducted in 1998.
- **Major Areas of Inquiry:** (1) participation in federal and state public assistance programs; (2) employment history and income; (3) health insurance coverage; (4) experience with mandatory welfare to work programs; (5) language and other barriers to work; (6) adequacy of information provided to recipients by caseworkers about program rules and supportive services; and (7) differences in the experience of Mexican and Vietnamese recipients.

### ***A New Penalty to Undocumented Status: Legal Status Differences in Food Assistance Program Use among Mexican Migrants in the United States***

- **Project Principals & Affiliations:**

Katherine M. Donato, Rice University

Shawn M. Kanaiaupuni, University of Wisconsin, Madison

- **Population:** 262 households randomly chosen from predominantly Mexican migrant neighborhoods in Houston, Texas and San Diego, California.
- **Data:** Survey covering questions about migration status and use of WIC and Food Stamps. Interviews were conducted in 1996 and 1997.
- **Major Areas of Inquiry:** (1) migration and labor experiences; (2) health of migrant families, particularly women and children; and (3) differential usage of food assistance programs among households according to legal status and income.

(continued from page 15)

communities in Texas, Mexico, and Central America have been especially hard hit by the concurrent effects of these laws. The impacts are particularly prevalent in Texas border counties, where Food Stamp and Medicaid cuts were especially severe and where unemployment rates were in double-digits even during the national economic boom of the late 1990s. In these border communities, immigrants have historically relied heavily on public benefits and are at risk of losing them as a result of welfare reform. Moreover, because the INS policy of stiffer border and criminal alien enforcement strategies targets Mexican and Central American males, their families are at risk of hardship, and the communities to which they return experience additional drains on already meager local resources. To illustrate these emergent community and family effects, this short article draws on selected findings from an on-going study of the implementation and combined impacts of the immigration and welfare reform laws passed by the U.S. Congress in 1996.

### *The Study*

Our two-phase study was initiated in the Spring of 1997 in two Texas interior cities (Houston and Ft. Worth), three Texas border cities (El Paso, Laredo, and Hidalgo), and their sister Mexican border cities (Juarez, Nuevo Laredo, and Reynosa). During the first stage of fieldwork, research teams in each of the five Texas sites interviewed government agency officials charged with implementing the new laws. On the Mexican side of the border, interviews were conducted with local government officials and administrators of social service agencies that provide assistance to returning deported migrants. The number of agency and community leader interviews conducted on both sides of the border total one hundred. Household interviews were conducted in neighborhoods selected for the presence of a sizeable portion of low-income households and Hispanic-origin and immigrant residents, especially legal permanent residents. A total of 510 household interviews (approximately 100 in each of the Texas sites) were conducted in the summer and fall of 1997. A non-random sample of 68 migrant household members also was interviewed in the Mexico sites.

The second phase of research emerged from our initial findings, which highlighted patterns of family separation and deportation. Thus, a second phase of interviews was launched in the fall of 1998 to examine these issues. With the assistance of Mexican and Salvadoran researchers and a Salvadoran NGO that assists returning deportees, 85 interviews with deported migrants were conducted in Mexico and El Salvador.

### *Findings*

Among the Texas sites, the study found that the concurrent implementation of PRWORA and IIRIRA has created an atmosphere of confusion and uncertainty among many

service providers. In some cases, social service workers provided erroneous information to Medicaid applicants because the caseworkers themselves were confused about eligibility requirements. This was especially true in cases of “mixed legal status” households, those with at least one U.S.-born child and at least one noncitizen parent. For example, one community health clinic in Houston refused to help undocumented clients apply for Medicaid for their U.S.-born children, although their children were eligible for the program.

News of such incidents spread quickly, exacerbating the atmosphere of anxiety, fear, and mistrust in immigrant communities. In several reported cases, immigrants were reluctant to use even emergency health services for which they were qualified. Workers in county and city health clinics that provide preventive and nutritional services, such as pre-natal care, immunizations, and WIC dietary supplements, also feel the repercussions of the laws’ changes. Although these clinics are free from the bureaucratic and funding constraints placed on programs in other agencies, they are under suspicion by immigrant clients because the government operates them. The most observable effect is immigrant withdrawal from services, a trend that will affect the long-term well being of everyone in these communities—citizens and noncitizens alike.

The study also found that the procedural and policy changes in IIRIRA, which allow for an increase in border enforcement and an expansion in definitional scope of INS removals, and thus an overall increase in removals, heavily impact low-income Central Americans and Mexicans. Of the 176,990 persons deported from the United States in Fiscal Year 1999, nearly 90 percent were persons from Mexico, El Salvador, Honduras and Guatemala. The dramatic increase in deportations that has coincided with the passage of IIRIRA have dire consequences for the deportees, their families and the communities to which they are deported. Based on interviews with 85 deportees in their home countries of Mexico and El Salvador, the study documented multiple episodes of family and community hardship.

At the community level abroad, the build-up of deportees in Mexican border towns and Salvadoran villages places additional strains on resources there, such as housing and other public services. In this context, community leaders and service providers in home communities blame deportees for increases in crime and unemployment rates. Unwanted in the United States, the deportees now also become unwanted in their homeland.

Many of the deported persons interviewed were long-term U.S. residents and some were green card holders. The large majority were removed for non-criminal infractions such as immigration violations; however about 30 percent were removed for criminal acts under immigration law. They, for the most part, had established jobs and formed families and, more often than not, were the primary breadwinners in their

U.S. households. Their sudden removal and, in some cases, banishment from the United States, translates into financial and psychological shock to the deportees' families and households. Indeed, 75 percent of the 85 deportees we interviewed reported leaving a family member behind in the United States. Of those deportees, 39 percent left a spouse in the United States, 27 percent of whom are U.S. citizens. Close to half of these deportees also left children, 38 percent of whom were U.S. citizens. In many cases, the family members left behind have little or no means of supporting themselves. One deportee's spouse reported having to reluctantly resort to public assistance to survive. Although the Welfare Act was designed to discourage immigrants from using public assistance, ironically, the exclusionary provisions of IIRIRA may actually lead families of deportees to need and, in some cases, seek public assistance that they would not otherwise have needed. Given PRWORA's emphasis on reinforcing traditional nuclear family values, IIRIRA is working against these principles through these kinds of family separations.

A further challenge to family unification, the core principle of modern U.S. immigration policy, is the new sponsorship requirement under IIRIRA, which raises the income requirements of sponsoring households from 100 to 125 percent of the poverty line. Under these new requirements, 68 percent of the 510 households we surveyed would not qualify to petition for residency for their family members. Again, the ironic result of these new sponsorship requirements is that poor families are now prevented from sponsoring members who might actually improve their family's financial situation through their own employment.

## Managing The 1996 Welfare and Immigration Reforms: El Pasoans at the Border

Kathleen Staudt  
*The University of Texas at El Paso*

### *The Borderlands of El Paso-Juarez*

Border areas differ in important ways from the mainstream areas of the countries they divide. The cities of El Paso and Juarez sit side by side to constitute an interdependent metropolitan area of approximately two million people at the U.S.-Mexico border. There, the 1996 welfare (PRWORA) and immigration (IIRIRA) reforms bore down heavily on low-income residents and children, and undermined the long-standing U.S. immigration principle of family unity. Other factors had already put border-family security at risk

prior to these two laws. The Border Patrol instituted the blockade at the border known as Operation Hold the Line in September of 1993. NAFTA went into effect January 1, 1994, propelling El Paso's dubious distinction as the top city with NAFTA-displaced workers. Mexico's peso was significantly devalued after the 1994 presidential elections, reducing consumer demand for a city dependent on the Juarez market.

El Paso, the 17<sup>th</sup> largest city in the United States, is also the fifth poorest among large metropolitan areas according to the 1990 Census. By 1995, El Paso's poverty rate was 31 percent, more than double that of the United States (14 percent) and far higher than that of Texas (19 percent). El Paso's unemployment rate hovers around 11 percent, double that of the United States and of Texas. Many El Pasoans work at near-minimum-wage jobs. More than 200,000 people work in the mostly U.S.-owned export processing factories, jobs that continue to draw migrants from Mexico's interior. Juarez offers little opportunity to cross southward; its official minimum wage amounts to just \$3 per day, a rate far below the official poverty standard in Mexico.

Many people cross back and forth, however, to shop, visit relatives, and work. The crossing occurs in north- and south-bound directions on a daily and weekly basis. In 1997, 43 million vehicle passengers crossed at one of several international bridges. Inspectors make quick decisions to keep travel flowing, but northbound lines are especially very long.

### *Managing the Reforms: "Con la Ayuda de Dios"*

In 1997-1998, a study conducted by this researcher and Randy Capps (now at the Urban Institute) investigated the impact of the 1996 U.S. legislative reforms on El Paso. This study is part of a larger research project organized at the University of Houston's Center for Immigration Research (also described in this issue of *RPM*). The study included interviews with approximately forty officials and community leaders as well as members of 100 households in the 79905 zip code area of south-central El Paso, which hugs the border. In this area, median family income is around \$12,000 per year and a quarter of households used public assistance in 1989. Three-fourths of the sample were U.S. citizens, most of the remainder were legal permanent residents. Just 4 percent of the sample spoke only English at home.

The study's major findings are described below.

- **Service use declined among a population already underutilizing services.** Our interviews showed just minor declines in service use since the 1996 laws were implemented, but more significant declines over a five-year period. The declines were especially pronounced for TANF, Food Stamps, and Medicaid. We attribute that to people's voluntary withdrawal, over concern that the exposure of family details to the authorities could jeopardize their

situation or prospects for naturalization.

When the laws were first announced in 1996, much confusion existed about their implications and eligibility criteria, even among authorities. At community meetings, leaders and service providers tried to clarify the eligibility rules, but these details were complex and changing. In addition, many legal residents who had worked informally as domestic maids for more than ten years (“forty quarters”) and would have qualified for public benefits could not get employers to document their labor. Even Juarez newspapers covered new eligibility rules, and residents took cues from those reports, whether accurate or not. One social worker told us about application withdrawals after a well publicized but misinformed story.

The El Paso County Food Stamp caseload fell 64 percent in the three year period between July of 1996 and June 1999, three years after welfare reform and despite restoration of some benefits. The county lost \$17.5 million annually, and the losses are much steeper taking into consideration the multiplier effects of reduced purchasing power and business in local grocery stores.

- **Residents fear deportation and consequent family fragmentation.** Changes in immigration policy and enforcement through IIRIRA have heightened anxiety for immigrants. For example, respondents commented on the periodic practice of Border Patrol agents cruising with local law enforcement agents, which deterred people’s use of needed services and increased their fear of local police.

- **Respondents have limited civic and political voice in their communities.** Low-income citizens turn out to vote at low rates, and legal immigrants do not have the right to vote. Moreover, less than ten per cent of respondents claimed any affiliation with an organization, and many keep a low public profile, given the anxieties they feel about the authorities. Immigration advocacy groups are active in the area, offering citizenship classes and trying to clarify complex and changing laws.

- **Steeper sponsorship standards have disproportionate effects on low-income people’s ability to sponsor relatives for immigration.** The new laws raised income standards from 100 to 125 per cent of the poverty level for sponsorship of immigrant relatives for permanent residence. For low-income border communities this standard has uneven effects depending upon a community’s wage and income structure. As of 1995, 35 percent of El Paso families would be unable to sponsor immigrants compared to 26 percent of all U.S. families.

- **More legal hazards for immigrants.** IIRIRA’s stricter definition of criminal standards creates additional burdens for legal permanent residents. Interviews with lawyers and public defenders revealed examples of how the IIRIRA produced retroactive effects. For example, an 81-year old,

fifty-year legal permanent resident had plea bargained a conviction of drug possession, and was put on probation 20 years ago when a raid uncovered illegal substances in his grandson’s room. He was deported in 1998 as an “aggravated felon” when the INS reopened his case. In Texas, where DWI convictions are misdemeanors for citizens, 533 three-time DWI Legal Permanent Resident offenders in 1998 were rounded up and put in removal proceedings. According to Mexican Consulate interviews with 91 of these mostly male deportees, 87 percent were married with children.

- **Public school enrollments gradually declined in the area under study, suggesting that children dropped out especially early and/or were sent to public schools in Mexico thereby fragmenting families.** We examined enrollment trend figures for all the public schools in the 79905 area and noted declines not only since the 1996 laws, but since INS enhanced border enforcement took effect in the mid-1990s. Although resident children are entitled to attend schools under the Supreme Court decision Plyler v. Doe (1982), parents’ fear and anxiety may have led some to take their children out of school to either remain home or to be sent to school in Juarez. Occasional media reports contributed to concern that schools would be immigration enforcement sites, even though they were not. Although public schools in Mexico do not report figures on nationality, articles in Juarez newspapers, quoting educators, reported increased enrollments after the 1996 laws, further overcrowding a school system with additional enrollees. It is likely that some of these children are U.S. citizens and therefore entitled to education in the United States.

## *Conclusions*

The 1996 welfare and immigration laws placed an especially heavy burden on low-income cities and the U.S-Mexico borderlands. While the borderlands are in some ways more vulnerable than elsewhere because of high concentrations of poverty and a large noncitizen population, the border may also mitigate negative effects of the legislation. For example, many U.S. residents cross south for less expensive health and pharmaceutical services in Juarez. Front-line U.S.-government workers, many of whom are Spanish-speaking, may be less likely to exhibit prejudice and misunderstanding than elsewhere; some social workers “have a heart” according to respondents. But the 1996 immigration and welfare laws reduced the limited discretion of front-line workers, so whether they “have a heart” or not, decisions are standardized. Furthermore, policymakers should ensure policies are sensitive to high poverty, high unemployment areas like the border in order to avoid the disparate effects of standardized policies for food and immigration sponsorship.

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# Living with Uncertainty: Welfare Reform and Latin American Immigrants in New York and Los Angeles

Audrey Singer  
*Carnegie Endowment for International Peace*

In an effort to understand the implications of a policy that may have extensive consequences for the well-being of immigrant families, the Carnegie Endowment for International Peace has conducted a longitudinal study of two low-income urban immigrant communities in the post-welfare reform period. The objective of the Survey of Immigrants and Welfare (SIW) is to describe how immigrant families are adapting to reductions in their income due to changed participation in public assistance programs, and to examine the degree to which immigrants rely on community organizations or have devised alternative strategies to make ends meet.

## *Background*

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) requires states to consider how immigrant and refugee families are to be treated within the public assistance system and to develop programs to serve them. However, given that most immigrants reside in metropolitan areas, cities bear a large share of the cost of providing for immigrants as well as the burden of developing programs to suit the particular needs of the foreign-born. Cost-shifts from the federal government to states, the development of local programs, changes in eligibility, and the transition to new programs have created a chaotic implementation environment.

The post-welfare reform setting has been beset with confusion and uncertainty, both on the part of welfare caseworkers who are responsible for implementing the new policies, as well as individuals who are confused about their own or their children's eligibility. Immigrant families with mixed legal statuses are especially uncertain of the consequences of accessing benefits for which some family members are qualified when other members are in the country illegally or are otherwise ineligible. It is within this context of devolution, change, and confusion that the Carnegie Endowment study takes place.

Both New York and Los Angeles are cities with large and diverse immigrant and ethnic populations. Together, these metropolitan areas are home to more than one-third of all immigrants in the United States, each city having more than 4.5 million immigrant residents in 1997. Combined, they

were the destination of more than one-fifth of legal immigrants admitted to the United States in the same year. Dominicans are currently the largest immigrant group in New York, while Mexicans and Central Americans top Los Angeles's immigrant groups. Furthermore, New York and Los Angeles have the largest welfare caseloads of all cities in the United States, surpassing any *state* caseload, save for California and New York. Neither city has seen the striking improvements in economic indicators for the poor and working poor that much of the rest of the nation enjoyed during the 1990s boom. Both cities have a poverty rate that is approximately twice the national average of 12.5 percent.

## *The Survey of Immigrants and Welfare (SIW)*

The SIW focuses on 332 immigrant households in low-income neighborhoods in Los Angeles and New York City. To draw the sample, the investigators worked closely with community organizations to identify and approach individuals for participation in the study. Respondents were selected on the basis of their country of birth (Mexico or Central America in Los Angeles and the Dominican Republic in New York), and neighborhood of residence. To be eligible for participation in the study, respondents had to have been a member of a household participating in or recently terminated from at least one of the following programs: TANF, Food Stamps, SSI or Medicaid. Respondents were interviewed three times: in the summer and fall months of 1998, 1999 and 2000. SIW respondents are largely women (95 percent) reflecting both our sampling strategy as well as the fact that several of the assistance programs are designed for single mothers. Locating respondents for the second and third round of interviews proved to be difficult for the Los Angeles sub-sample. The results reported here are restricted to all respondents who were interviewed in both the first and last rounds of the survey. Due to the SIW selection process, one cannot assume that the experiences of SIW participants are representative of all Latin American immigrants in either of the two cities.

The characteristics of the two city samples differ in two fundamental ways that have a bearing on the study's findings. First, there are differences in terms of the legal status of the respondents (and their household members) in the two cities. Dominican respondents in New York are predominately either legal permanent residents (LPRs) (75 percent) or naturalized citizens (22 percent), while the Mexican and Central American participants in Los Angeles are more likely to be undocumented (62 percent). Second, the samples differ by type of family living in the household. Nearly half of the Los Angeles households are two-parent families with children; 39 percent are single parents with children. This contrasts strongly with the 15 percent of New York households headed by two parents. New York households in the SIW are most likely to be single parents with children (49 percent) or single or married respondents with no minor children in the household (36 percent).

Among family households with children, the vast majority of the Los Angeles respondents reside in “mixed legal status” households—most commonly, noncitizen parents and citizen children. While two-thirds of the New York family households are also of mixed legal status, 18 percent are comprised of all citizens, and 14 percent are comprised of all noncitizens. Furthermore, 91 percent of LA households and 67 percent of NY households contain at least one U.S.-born child.

### *Preliminary Findings*

Although the data analysis is still in progress, these findings derive primarily from the first (SIW1) and third (SIW3) rounds of interviews.

• **Trends in program participation.** High levels of participation in public assistance programs prevailed for all SIW households during the period of study. These high participation rates are not surprising given the criteria for inclusion in the study—all respondents had to have been participating in a federal means-tested program (TANF, food stamps, SSI, Medicaid) at the time of the first interview or as recently as three years prior. Nonetheless, despite stable high rates of household participation, the level of benefits received within a household do not appear to have remained constant. In fact, many households that had been receiving various benefits in SIW1 were receiving *only* benefits for children by SIW3. The greatest declines in program participation were in the Food Stamp program. SSI participation, particularly among New York households, showed the greatest increase. This increase may indicate that respondents are substituting SSI income for a loss in other programs.

Most SIW households are participating in Medicaid (called MediCAL in California) and enrollment actually increased slightly during the study period. Slightly less than one-half of all households were TANF participants during both interviews, although the rates were higher among Los Angeles households. New York household TANF participation declined between the periods. SSI participation rates are higher for New York households (28 percent) than for Los Angeles households (16 percent) in SIW1, increasing among New York respondents to 46 percent and to 18 percent in Los Angeles in SIW3. Fully three-quarters of all households were receiving Food Stamps in SIW1, declining to 68 percent during SIW3.

The differences with regard to legal status in the two cities account for the greater declines in food stamp participation in New York. New York households in this study have greater numbers of LPRs than those in Los Angeles, and thus were more likely to experience a loss in aid due to a change in eligibility. Los Angeles households were very likely to be headed by undocumented adults, who were not participating in assistance programs, and their U.S.-born citizen children remained eligible under PRWORA.

• **Program reductions, disruptions, and losses.** Three years after the advent of welfare reform (at the time of SIW3), 70 percent of respondents reported a loss, reduction, or disruption in their household’s receipt of public assistance for the four federal means-tested programs. The greatest declines were in Food Stamp and TANF participation: nearly one-half of all households experienced either loss or reduction in the assistance received under one or both programs. Of those losing TANF, nearly one-third reported they voluntarily left the program, the majority because they or their spouse found employment or better paying employment. Among those who were terminated involuntarily, the most common reasons identified were administrative error or recipient noncompliance, refusal to accept a workfare position (for TANF participants only), ineligible immigration status, and increased income. For all but the last group, the family experienced some unanticipated loss in income that was not by offset by new earnings at the time benefits were terminated. However, nearly half of those who had involuntarily lost TANF were employed in 2000, four times as many as in 1998. In addition, 20 percent of households reported losing some or all of their Medicaid, while only a handful of SSI losses were reported (and these were offset by new enrollments in SSI).

• **Alternative Forms of Assistance.** Nearly 42 percent of respondents interviewed in SIW3 received help from a community-based or neighborhood organization in the previous year. In addition, more than half of Los Angeles respondents and more than one-third of New York respondents reported receiving food assistance or meals from a community-based organization during the year prior to SIW3. One-quarter of New York respondents and 18 percent of Los Angeles respondents also received non-governmental assistance for rent or other bills they could not otherwise pay. Most (86 percent) reported receiving this type of assistance from a friend or relative; however others (11 percent) mentioned community organizations. In addition, 42 percent of SIW respondents reported sharing childcare responsibilities with another family on a regular basis.

### *Conclusion*

These broad findings from the SIW highlight two issues of increasing importance. First, many low-income immigrant families are facing instability in their household income and sources of support. This adjustment process puts immigrants in a vulnerable economic situation that will only be intensified if the U.S. economy falters. Second, poor immigrants who are ineligible for public assistance programs—including all those who arrive in the United States after the enactment date of PRWORA and those who reach their time limits—lack a government safety net and will continue to seek alternative, non-governmental sources of assistance. In the post-PRWORA climate, the supportive role of non-governmental institutions, organizations, and relationships have become even more important and their capacity may be stretched further.

## Federal Means-Tested Benefits

**Federal Means-Tested Benefits:** A public benefit (including cash, medical, housing, and food assistance and social services) of the Federal Government in which the eligibility of an individual, household, or family for benefits, or the amount of such benefits, or both, are determined on the basis of income, resources, or financial need of the individual, household, or unit. Federal means-tested benefits affected by PRWORA are: Temporary Assistance for Needy Families (TANF), Federal Food Stamps, Supplemental Security Income (SSI), Medicaid, and the State Children's Insurance Program (SCHIP).

**Temporary Assistance for Needy Families (TANF):** A capped block grant to states that replaced federal spending for Aid to Families with Dependent Children (AFDC) which provided cash assistance to needy families on an entitlement basis. TANF also replaces the related programs known as the Job Opportunities and Basic Skills Training program (JOBS) and Emergency Assistance (EA). PRWORA provided \$82.8 billion over five years in TANF grants to states with certain requirements and/or restrictions: a 60 month lifetime limit, the assignment of a recipient's child support to the state, and work participation. See TANF rules below.

- Qualified post-enactment immigrants are barred from the receipt of federal TANF assistance for 5 years, many states offer state-funded substitutes.

### TANF Rules

**TANF Time Limits:** A state cannot use federal TANF funds to provide assistance to a family that includes an adult head-of-household (or spouse) who has received federal TANF assistance for a total of 60 months, except that states may continue benefits beyond 60 months for up to 20 percent of the caseload based on cases of hardship or domestic violence.

**TANF Work Requirements:** Individuals are required to work in exchange for the TANF benefits they receive. Although states have broad flexibility under TANF to define work-related activities that count towards an individual's requirement, they must enforce work requirements for 40 percent of one-parent families and 75 percent of two-parent families for fiscal year 2000. Final TANF regulations list 12 authorized types of work activities, ranging from educational programs to subsidized and unsubsidized employment. States have the discretion to define each category of work activity for their own programs. If an individual fails to comply with the requirement to participate in an authorized work activity, his or her benefits may be reduced or terminated. If a state fails to meet the mandated work participation rates, it can lose part of its federal grant.

**TANF Child-only Cases:** Time limits and work participation requirements apply only to a family that includes an adult receiving assistance. Child-only cases include families in which the parent is present in the home but is ineligible for TANF, e.g. an unqualified immigrant or one receiving SSI.

**Federal Food Stamps:** Uncapped entitlement program available to families and individuals meeting citizenship and financial requirements. It is the largest non-categorical Federal welfare program. Benefits are 100% federally funded, however, many states operate their own food assistance programs for individuals who are not eligible for the federal program. The GAO estimates that PRWORA has cut 1.3 million people from the federal food stamp rolls. Able-bodied adults without dependents now face time limits and work requirements under the federal food stamp program.

- Eligibility has been restored for legal immigrants who are under age 18, over age 65, or disabled.
- Post-enactment immigrants are ineligible for federal food stamps until they naturalize, many states offer state-funded substitutes.

**Supplemental Security Income (SSI):** The SSI program is a nationwide Federal assistance program administered by the Social Security Administration (SSA) that guarantees a minimum level of income for needy aged, blind, or disabled individuals, including children. In January 2000, 6.3 million individuals received monthly Federal SSI payments. Federal expenditures for SSI payments in calendar year 2000 are estimated to total \$29.4 billion, an increase of roughly \$1.2 billion over 1999 levels.

- Most noncitizens permanently lost eligibility in 1996 but in 1997 benefits were restored to those who were receiving benefits at the time of PRWORA's enactment, and those who are or become disabled.
- Post-enactment immigrants are ineligible for federal SSI until they naturalize, a few states offer state-funded substitutes.

**Medicaid:** An entitlement program jointly funded by federal and state governments to provide medical care for low-income pregnant women, children, and individuals who are aged, blind or disabled. Using federal guidelines, each state establishes its own eligibility rules and administers its own program. Except for the exclusion of immigrants, changes to Medicaid under PRWORA were intended to increase rather than decrease participation in the program. However, overall average monthly Medicaid enrollment for non-elderly, non-disabled parents and children from 1995 to 1997 declined by 5.3 percent.

- Qualified post-enactment immigrants are barred from receipt of Medicaid for the first 5 years after arrival, many states offer state-funded substitutes.

**State Children's Insurance Program (SCHIP):** A matching grant program created through the 1997 Balanced Budget Act to help states expand health insurance coverage to children from families with incomes that exceed Medicaid limits. Children who are eligible for SCHIP may not be enrolled in Medicaid. Congress appropriated \$24 billion over 5 years for SCHIP grants to states. As of the end of FY 1999 nearly 2 million children had been enrolled nationally.

- Qualified post-enactment immigrants are barred from the receipt of SCHIP for 5 years.

**WIC:** A federally-funded supplemental nutrition program for women, infants, and children. The mission is to improve the nutritional health of pregnant women and children under age 5 regardless of legal status. WIC provides participants with health education, breastfeeding support, nutrition screening, and referrals for health services as well as financial assistance in the form of a check or voucher for nutritious food items.

**Welfare-to-Work Program:** A \$3 billion federal block grant to help states create job training and placement programs that are separate and in addition to TANF-administered work programs. These funds are not administered by TANF agencies but rather by the Department of Labor through locally run Private Industry Councils (PICs) that have traditionally offered employment services to the local workforce. The WTW program is targeted at those who are considered at high risk for reaching a TANF time limit, those with multiple barriers to work, and, uniquely, to non-custodial parents.

## Other Regulations Related to Immigrants and PRWORA

**Verification:** All state and local agencies must verify the immigration status of all applicants for federal benefits. To comply with the statute and avoid exposure to anti-discrimination legislation, state and local governments are required to provide citizenship or status verification for every person served by federal programs.

**Sponsor Deeming:** The attribution of the income and resources of an immigrant's sponsor(s) to the immigrant for the purposes of determining eligibility for public benefits.

**Affidavit of Support:** A legally enforceable contract that must be signed by a US resident (citizen or LPR) applying to sponsor an individual to live permanently in the United States. Prior to PRWORA, the affidavit of support had been considered a moral rather than a legal obligation. Sponsors must accept this legally enforceable responsibility until their charge becomes a US citizen or has worked 40 quarters, usually 10 years.

**Public Charge:** According to 1999 INS guidelines, an immigrant may be considered a public charge if he is likely to become "primarily dependent on the government for subsistence." INS may use a public charge finding to deny permission to adjust to legal permanent residents status, or to deny a visa to enter the United States or to re-enter the United States after a trip abroad that lasted more than 6 months. In very rare circumstances, a public charge finding can be used as grounds for deportation. Legal permanent residents are not subject to a public charge test for citizenship or to sponsor a relative. They must, however, in the later case, comply with affidavit of support requirement. Additionally, noncitizen immigrants applying for adjustment of status or citizenship are not subject to a public charge test for benefits that were received by their U.S. born children.

assistance to certain groups of legal immigrants and established a five-year lifetime limit for receipt of federally-funded welfare. Under the new law, Temporary Aid to Needy Families (TANF), which replaced Aid for Families with Dependent Children (AFDC), requires adult recipients to engage in work activities or face termination of aid. The California state program that administers TANF, the California Work Opportunity and Responsibility to Kids law, or CalWORKS, establishes a five-year lifetime limit for receipt of aid. If an adult reaches her or his five-year limit, her/his portion of aid ends, but her/his children may continue to receive cash aid or vouchers (for rent, utilities, etc.).

Like many other state welfare programs, CalWORKS adopts a "Work First" approach to moving people from welfare to work. "Work First" refers to policies that aim to minimize government spending by requiring welfare recipients to take the first job they can get, no matter what kind of job it is. After recipients enroll in CalWORKS, they attend an orientation, followed by an appraisal and job search. If, after completing a job search, the participant has still not located a job, s/he is given an assessment of her barriers to self-sufficiency, signs a welfare-to-work plan that describes the work activities and supportive services s/he will receive through CalWORKS and begins her/his assigned work activities.

Unlike most other states, however, in California, immigrants make up a significant portion of the population, increasing from 21 percent in 1990 to 25 percent in 1996. In 2000, California became the first state in which whites are not the majority population, representing 49 percent of the population, with the remainder comprised of Latinos (31 percent), Asians (12 percent), African Americans (7 percent) and Native Americans (1 percent). Immigrants make up one-fifth (17 percent) of California's welfare recipients.

To examine the impact of welfare reform on immigrant women, Equal Rights Advocates ("ERA") conducted a study in Santa Clara County that documents immigrant women's experiences with CalWORKS. The immigrant women and welfare project is a study of 150 immigrant women living in Santa Clara County, the fifth largest county in California. Immigrants comprise 25 percent of the total population of 1.6 million. Home to Silicon Valley and a burgeoning economy, Santa Clara County also stands out as one of the wealthiest counties in the nation. According to the U.S. Census Bureau, the median income in the county in 1995 was \$53,490. While nearly 53 percent of the County's residents are white, 20 percent are Asian; 23 percent are Latino, 4 percent are black and less than 1 percent are Native American.

To be eligible for the study, the participant had to be (1) a woman (2) a noncitizen (3) either Mexican or Vietnamese,

## The Impact of Welfare Reform on Immigrant Women in Santa Clara County, CA

Doris Ng  
Equal Rights Advocates

### Introduction

The 1960s' declaration of "War on Poverty" has evolved into the 1990s' promise to "End Welfare as We Know It." In 1996, Congress passed an historic law that denied public

and (4) currently receiving welfare or been a welfare recipient within the previous seven months. A particular effort was made to interview single mothers, but members of two-parent families were not excluded. The interviews were conducted between September 1998 and December 1998, nearly one year after CalWORKs took effect.

### *Research Findings*

The study shows that immigrant women face significant barriers to finding self-sufficient employment due to lack of English proficiency and few job skills. Consequently, even after participating in CalWORKs, many immigrant women on welfare will reach their time limits but will not have moved into stable, higher wage jobs.

The overwhelming majority of our survey participants report a desire to work and prefer work to welfare. Indeed, our participants work about as much as welfare recipients in other studies: 67 percent have been employed at some time during their lives. Among those who have worked, half are currently working. The Vietnamese women are more likely never to have been employed than the Mexican women in the study (35 Vietnamese women compared to 14 Mexican women had no work history). More than 86 percent of the Vietnamese women indicated poor to no understanding of English, compared to 48 percent of the Mexican women.

One strong indicator of their limited English proficiency is that 53.3 percent of survey participants use their children to translate for them. Child “interpreters” are most often pressed into service for talking with teachers and filling out forms. Far from ideal, more than half of the parents mentioned problems with such a strategy, such as their children not understanding technical questions or responding to questions without asking the parent.

Limited or no English proficiency also affects their ability to access CalWORKs services and how caseworkers treat them. For instance, a Mexican woman with limited English and only two years of education said: “I feel that my caseworker discriminates against me and ignores me because I do not speak English.”

Their multiple labor market disadvantages confine immigrant women to employment in jobs that offer low pay, few benefits, and limited opportunities for upward mobility. The Vietnamese and Mexican immigrant women we spoke with offered evidence of the effects of these disadvantages, especially how lack of English skills limit job options. Mexican women most commonly worked in food services, house cleaning, and childcare, while the most common job held by the Vietnamese women was assembly work. The majority earned just above the minimum wage.

A Vietnamese woman who works part-time at night as a packager and earns \$6.20 an hour, explained: “There is only one other Vietnamese speaker where I work. My

limited language skills are a problem at work. I would need [someone to recommend me for a job] because my English is not good enough to pass an interview.” Another woman told us: “Language is a problem for me at work because people get frustrated with me.”

Of the 43 survey participants who are currently working, many reported working in temporary jobs, making most ineligible for health insurance benefits and other protections. Only ten of the working participants reported receiving health insurance from their employers. In light of the limited employment opportunities available to immigrant women on welfare, one study participant recommended that: “They should continue aid if you only have a temporary job with no benefits and discontinue only after you have found a stable job with benefits.”

Many participants also complained about the lack of workplace protections, such as employment discrimination or health and safety safeguards. For example, one woman who worked as a packager earning \$6.10 an hour told ERA: “It is a very heavy job. I was in the emergency room once because of work but my employer did not compensate me for my injury.” A Mexican participant complained that her former employer gave better jobs to “Anglos.”

ERA also finds that there is much confusion about CalWORKs. Seventy-six percent of the immigrant women interviewed had received some information about the changes to the welfare laws, but there were many gaps in information. For example, only about 62 percent received information about the five-year time limit and the work requirements. Almost four times as many Mexican women as Vietnamese women received information on the *family cap* or *child exclusion provision* (the denial of a grant increment that reflects the addition of an infant to the family).

Fifty percent of the Mexican and 65 percent of the Vietnamese women have attended welfare orientations since January 1, 1998. Most of them reported that orientation was conducted in their native language. Of the 87 respondents who have attended an orientation, only 40 received information about the *good cause reasons* for not complying with work requirements (for example, if appropriate childcare is not provided). Information about the *domestic violence waiver* is also extremely low, with 30 of the 41 women who reported being domestic violence survivors indicating that they had not been informed of this protocol by the county caseworkers.

Only 38 percent of the participants receive any CalWORKs services such as job search, English language and job training. Nearly one year into their five-year time limit, a majority of the women has not received any welfare-to-work services. When asked if any of the CalWORKs services were helpful in finding a job, only 11 of the 150 women (7.3 percent) found them helpful. A Vietnamese woman with no English proficiency told ERA that many of the tasks Job

Search instructed her to do made no sense: “I was supposed to read the [San Jose] Mercury to find a job but I cannot read English.” A Mexican woman explained that Job Search is not for everyone: “I spent 40 hours a week for two months in Job Search. I did not find a job. What I need is ESL [English as a Second Language classes].”

## Conclusions

ERA has developed recommendations based on this study, some of which are detailed below.

- Amend state welfare laws to provide specifically that recipient assessments include evaluation of the participant’s English proficiency and native language literacy. Provide limited-English-proficient participants with the option of being assessed for education and/or job training.
- Allow participants to choose a balanced mix of part-time work, school, and job training and ensure that they receive all necessary supportive services.
- Extend the time limit for welfare applicants and recipients who have significant language barriers.
- Amend TANF to eliminate the one-year time limit on vocational education and count participation in ESL toward work participation rates.

# Food Assistance Programs, Legal Status and Mexican Immigrants

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## *The Changing Significance of Legal Status*

Passed in a context of growing anti-immigrant sentiment, recent immigration legislation has produced changes in the number and characteristics of undocumented immigrants to the United States. The Immigration Reform and Control Act of 1986 (IRCA) and the Illegal Immigrant Reform and Immigrant Responsibility Act of 1996 (IIRIRA) were designed to clamp down on illegal migration by significantly boosting border enforcement, imposing substantial sanctions on employers who knowingly hire illegal immigrants, offering legal status to nearly three million people who entered illegally before 1986, and making it difficult for undocumented migrants who marry U.S. citizens to receive legal status. In addition, restrictions in eligibility for public assistance for immigrants as codified in the 1996 Welfare Act (PRWORA) make further

distinctions based on citizenship status. As a consequence of these legislative changes, legal status has become a more salient characteristic, stratifying people in different ways than in the past.

## *The Health and Migration Survey*

This short article reports findings from the Health and Migration Survey (conducted by the authors) that examines how immigration status affects the use of two nutrition programs, Food Stamps and the Special Supplemental Food Program for Women, Infants, and Children (WIC), a program of particular importance for the health of women and children. The WIC program targets low-income pregnant women and children up to age 5. “Low-income” is defined as having incomes at or below 185 percent of the poverty line. One in four new mothers and 45 percent of all infants born in the United States participate in the program, which provides supplemental food, nutrition education and counseling, and nutrition screening, and referrals.

One controversial provision of PRWORA was the barring of almost all categories of legal immigrants entering the United States after August 1996 from access to Food Stamps, though benefits to some were later restored. Immediately after passage of PRWORA, however, WIC remained a program that both legal and illegal immigrants could access. It is important to note, however, that under the 1996 law the use of certain publicly funded benefits made immigrants liable to be considered a *public charge*. As such, they may be denied permanent legal residence in the United States or be subject to deportation. (see **Other Regulations Related to Immigrants and PRWORA, p 24.**) Within the immigrant community, there existed widespread confusion and fear among legal immigrants about which programs they were excluded from as a result of the 1996 legislation. The confusion eventually prompted a U.S. Department of Justice clarification that the use of Medicaid, Food Stamps, and WIC, programs that provides benefits such as health insurance, nutrition, and immunizations, would not affect an immigrant’s legal status. This was not, however, announced until May 25, 1999.

The Health and Migration Survey was designed to secure information on the health of Mexican migrants and their families, with a special emphasis on women and children. Data for the survey were collected from 262 randomly chosen Mexican households, mostly immigrant, and others in which both parents were native-born. Respondents resided in two neighborhoods, one in Houston, TX and the second in San Diego, CA. The San Diego neighborhood contains a relatively young population with many young children, few homeowners, and many recently arrived Mexican migrants. The Houston neighborhood is more established, with older residents and a greater rate of homeownership and two-parent households, and fewer

recent immigrant arrivals. In both neighborhoods, women were the primary respondents, and they provided detailed information about food assistance use in their households. The survey took place in Houston in the summer of 1996 and in San Diego in the summer of 1997. Respondents were asked whether they or any other household member received food stamps, and whether she or either of her two youngest children currently received WIC. They were also asked how long they had been receiving either benefit.

Most previous studies of immigrants' use of social services have not taken legal status into account, and so it is not clear, *a priori*, what effects to expect. For the descriptive results presented here, it was hypothesized that legal migrant households would make greater use of food assistance programs than illegal migrants, when other differences between families were taken into account, because legal immigrants have a history of greater access to services in the U.S. economy, and because they are more confident than illegal migrants, who fear deportation if discovered. The legal status of immigrant families in the survey is no simple matter. The status of householders falls into one of four categories: (1) "legal" when the family head and spouse (if there is one) are both legal, either U.S.-born or with legal documents; (2) "mixed" when the family head and spouse (if there is one) or children have different legal statuses—at least one is U.S.-born or has legal documents and others report illegal status or no documents; (3) "illegal" when head and spouse (if there is one) are both undocumented (illegal) (4) "missing" when household members have an undetermined legal status (about 60 families in the entire sample).

## Findings

Legal and illegal immigrants receiving WIC in the sample are alike in some respects—they are young (on average 30 years old) and have about 7 years of formal education at the time of the interview. Although three-quarters of all households reported that the family head was employed, only 56 percent of illegal households reported that the head was currently working. Illegal households are also more likely to be single-headed. All household types in the study are economically marginal (median total monthly income ranged from \$880 for illegal households receiving Food Stamps to \$1600 for legal households that receive WIC), and none report significant sources of income other than earnings. Illegal households, however, are much worse off, earning considerably less than other households and having less disposable income.

On average, respondents using Food Stamps are older and less educated than WIC recipients (household heads in legal families receiving food stamps are the oldest, with an average age of 45). They are also poorer. Higher proportions in all household categories are within the 25th earnings percentile (earning less than \$720 a month), and all groups report very little, if any, disposable income.

## WIC

Over half of all the households were currently using WIC at the time of the interview, though the length of use reported was relatively brief—about a month and a half, except for families with mixed legal status, who had an average of four months of participation. Notably, both now and ten years ago, the highest usage was among illegal households. One important finding is the difference in WIC participation between Houston and San Diego—about 9 percent of all households surveyed in Houston versus 47 percent in San Diego. This gap in usage prevails across households, regardless of legal status.

## Food stamps

As expected, Food Stamps are used by a smaller proportion of our total sample than WIC—10 percent versus 57 percent using WIC. Food Stamp use also varies by legal status. Legal immigrants are more likely to be in the program (13 percent) than households of mixed status (7 percent) or illegal immigrants (5 percent). The same pattern holds for participation in the Food Stamp program 10 years ago. Legal households participate in the program for longer periods, approximately 5 months versus one month or less for all other households. Prior knowledge of the program matters, as our interviews showed; without it, respondents are much less likely to use food stamps. As with WIC, there are differences between households in Houston (2.6 percent of all households) and San Diego (7.6 percent of all households), though the differences between the two city samples were markedly smaller.

## Conclusions: The Effect of Poverty

The study's findings suggest that poor illegal households are less likely to use food assistance in the form of WIC or Food Stamps than are better-off households, (regardless of legal status). Although eligibility for WIC benefits is more liberal than eligibility for other food assistance programs such as Food Stamps, the most impoverished mothers are the least likely to receive it. This can be seen as a penalty for illegal status, one that puts the health and well-being of an extremely disadvantaged segment of the U.S. population, poor Mexican-born mothers and their (mostly) U.S.-born children, at even greater risk.

Together with other evidence suggesting that undocumented workers are now facing more workplace discrimination than before 1986, these results have serious implications for the economic and social incorporation of immigrants and their children into the U.S. economy. One public health consequence may already be showing itself in California, which has instituted a state insurance program that provides free health care and child immunizations. Legal immigrants have been reluctant to sign up, and reports suggest that this reluctance may be linked to fear that if they do so they will jeopardize their own legal status or forfeit the right to sponsor their relatives to join them in the United States under the public charge provisions of IIRIRA.

# Description of Federal Restorations of Public Assistance to Legal Immigrants

Since 1996 there have been a series of incremental policy reversals that restored benefits to targeted groups of immigrants. Restorations have tended to focus on immigrants who were in the United States before August 1996, because (1) many of them were actually going to lose benefits they had once received and (2) proponents of welfare eligibility restrictions wanted to “draw a line in the sand” concerning benefits for recent or future immigrants. These incremental restorations continued through 2000 and will likely continue over the next few years.

## *Recent Legislation*

### **August 5, 1997—The Balanced Budget Act of 1997 (BBA)**

The BBA act restored \$11.5 billion in Supplemental Security Income (SSI) and Medicaid benefits to legal immigrants residing in the United States before the 1996 PRWORA enactment who were already disabled and receiving SSI and to those who become disabled in the future. The budget bill preserved the fundamental changes and exclusions made in the 1996 Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA) for those immigrants entering the United States after the PRWORA enactment date.

All public benefit restorations in the 1997 BBA were to take effect “as if they were included in PRWORA”. The timing of the effective date was intended to avoid a delay in restoring eligibility for those who had been denied or who were facing a deadline for losing SSI and/or Medicaid because of PRWORA. All persons denied or terminated from either of the two programs due to PRWORA rules were entitled to obtain retroactive assistance.

The category of “specially qualified” immigrants, i.e., those protected for humanitarian reasons, was also extended by the BBA, to include Cuban and Haitian entrants and Amerasians. In addition, Native Americans born in Canada were made eligible for SSI and exempted from the five-year bar against eligibility for Medicaid. The BBA also directed that Hmong and other Highland Lao tribal people who were recruited to fight with the American forces in Vietnam be included in the category of veterans for the purpose of determining eligibility for welfare benefits under PRWORA.

Immigrants residing under the color of law, PRUCOLs, in receipt of SSI on August 22, 1997 were not given permanent eligibility but their eligibility for SSI benefits was extended through September 30, 1998. The Act also clarified that as long as an individual receives SSI, they remain eligible for Medicaid.

### **June 23, 1998—The Agricultural Research, Extension, and Education Act of 1998 (AREEA)**

The Agricultural Research, Extension, and Education Act of 1998 (AREEA) included \$818 million in five-year funding for food stamp restorations for legal immigrants. The law restored food stamps to 250,000 of the over 900,000 legal immigrants denied food stamps pursuant to PRWORA, including many of the same groups targeted by the 1997 BBA for SSI and Medicaid restorations but also elderly legal immigrants and legal immigrant children.

The AREEA: (1) extended the refugee exemption for food stamps from five to seven years; 2) restored benefits to Hmong persons, cross-border Native Americans, persons who are or who become disabled and who were in the U.S. as of August 22, 1996; 3) restored benefits to persons who were disabled and/or 65 and in the country as of August 22, 1996; and, 4) restored benefits to children under 18 who were in the country as of August 22, 1996.

### **October 8, 1998—The Noncitizen Benefit Clarification and Other Technical Amendment Act of 1998**

This measure permanently extended the eligibility of all “nonqualified” PRUCOL noncitizens who were receiving SSI benefits when the welfare reform law was passed in August 1996. Their benefits had been previously extended through September 30, 1998, by the Balanced Budget Act of 1997. The measure was intended to complete the grandfathering process for all immigrants receiving SSI prior to PRWORA. It was estimated to cover an additional 12,000 elderly and disabled immigrants who were not included in the restorations made through the BBA.

### **September 22, 2000— New guidelines on legal status inquiries for benefit applications**

HHS and USDA issued policy guidance to state health and welfare officials that clarify when states may or may not request information about immigration status and Social Security Numbers (SSNs) on applications for Food Stamps, Temporary Assistance for Needy Families, Medicaid, and the State Children’s Health Insurance Program. Currently, many state applications include questions about immigration status and SSN for each member of a food stamp household. These questions discourage families with an undocumented member from applying for the eligible immigrant and citizen members. The new rules clarify that ineligible family members should be listed as “non-applicants” for whom no social security number is required.

## *Selected Legislative Proposals*

Several restoration proposals have been introduced. Their outcomes are still unclear as of mid-2001.

### **Nutrition Assistance for Working Families and Seniors Act of 2001 (S. 583)**

Expands the federal food stamp program by restoring eligibility to all legal immigrants, some of whom were excluded from the program under 1996 welfare reform legislation (PL 104-193). The bill also would end the so-called food stamp child penalty by indexing food stamp deductions to family size.

### **Immigrant Children's Health Improvement Act of 2001 (S. 582, H.R. 1143)**

A bill to amend titles XIX and XXI of the Social Security Act to provide states with the option to cover certain legal immigrants under the Medicaid and State Children's Health Insurance Program (SCHIP). While some states already provide coverage to pregnant immigrant women and children, they do not receive federal dollars to do so. This legislation does not require any state to cover these immigrant children and pregnant women; however it does allow states the option to utilize federal funds for such coverage.

### **Hunger Relief Act of 1999**

Section 2 of the Hunger Relief Act (S. 1805, H.R. 3192) proposed to restore food stamp eligibility to most low-income, lawfully present, and qualified immigrants affected by the 1996 welfare act, regardless of their date of entry. For those with sponsors who entered using the new affidavits of support mandated by the 1996 IIRIRA, eligibility would remain limited by "deeming". Under deeming, the income and resources of the immigrant's sponsor are attributed to the immigrant for purposes of determining income eligibility.

In addition the act was designed to: (1) allow low-income persons to own a reliable car and still remain eligible for food stamps; (2) allow low-income persons who spend more than 50 percent of their income on housing to receive food stamp benefits at an appropriate level of need; and (3) increase the maximum funding level of The Emergency Food Assistance Program (TEFAP) for those needing assistance from food pantries and emergency feeding programs.

The vehicle and shelter cap provisions of the HRA were passed as part of the Agriculture Appropriations bill and signed into law on October 28<sup>th</sup>, 2000 by President Clinton. The Agriculture Appropriations bill did not include either the legal immigrant provision or the increase to the federal TEFAP program. President Clinton issued a statement when he approved the agricultural bill encouraging Congress to complete the restoration of food stamp benefits to legal immigrants, however the immigrant provisions of the Hunger Relief Act have yet to be acted upon.

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# Book Review

R. Kent Weaver, *Ending Welfare as We Know It*  
(Washington, DC: Brookings Institution, 2000)

By Megan Reynolds, Annie E. Casey Foundation

Viewed from the perspective of migration scholars and migrant advocates, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) belongs to a body of legislation that was enacted in the last decade to severely restrict the rights and entitlements of legal immigrants in the United States. While PRWORA was signed into law in the same year as the Illegal Immigration Reform and Immigrant Responsibility Act and just after California's Proposition 187, the act is not primarily aimed at immigrant populations. In *Ending Welfare as We Know It*, R. Kent Weaver provides an exceptional introduction to the thirty years of welfare reform politics preceding PRWORA and offers a comprehensive analysis of the contextual factors that allowed for the act's passage.

In examining how the Clinton administration succeeded in its bid to "end welfare as we know it," despite the failures of the Nixon, Carter, and Reagan administrations to pass comprehensive welfare reforms, Weaver argues that the passage of PRWORA was hardly inevitable. In fact, the first several chapters make evident that the contextual factors that the passage of PRWORA is often attributed to—public opinion against welfare and presidential commitment to reforms—had existed, to varying degrees, during earlier periods. Much of the book is devoted to developing Weaver's theoretical framework on the interplay of "context and choice" in the evolution of a welfare reform agenda, emphasizing the forces that typically motivate policymakers' strategic choices. Along the way he identifies four predictable "traps" that ensnare the efforts of policymakers to pass welfare reforms and discusses in detail the political strategies employed by the Clinton Administration which allowed it to circumvent these traps.

The most pernicious trap, according to Weaver, has been the "dual clientele trap". The trap is described as "dual" because the family unit receiving public assistance contains both adult welfare recipients who are widely blamed for their own condition and their children whose welfare, it is generally accepted, must be ensured. Proposals that aim to change the behavior of adults have run aground repeatedly when they could not be applied without measures to protect their children. The other three are as follows: the "perverse incentive trap," that challenges policymakers to eliminate any benefits within the public assistance package that may create work disincentives; "the federalism trap," that discourages proposals to transfer responsibility to states if important national standards would be compromised; and "the money trap," that involves a disinclination to increase spending on welfare programs even if such programs would ultimately lead to reduced spending.

The first two traps involve problems of perceived "coddling" of a politically unpopular population. The later two

play into the partisan politics of "big government" and "tax-and-spend" accusations. Immigrant exclusion from means-tested benefits in 1996 was an innovation that helped politicians weaken the effects of several of these traps. In order to produce case-roll declines dramatic enough to claim the "end" of welfare, both political parties recognized the need for costly programs that would move recipients into work activities. Such programs are extremely expensive, at least in the short term. Furthermore, Budget Enforcement Act (BEA) rules limited the options available to policymakers for securing new funds to those that could be cut from existing entitlement programs.

Previous rounds of reforms had taught that increases for AFDC were extremely unpopular, but that cuts to more popular entitlements to the disabled, veterans or the elderly to fund AFDC programs would not be tolerated. The "dual clientele trap" combined with the "money trap" forced policymakers to search for targeted cuts to groups considered even more unpopular than welfare mothers. Their search led them to two groups: persons receiving SSI for problems related to substance abuse and to legally residing immigrants. Since legal immigrants represented by far the largest number of recipients of the groups singled out for cuts, their disqualification from entitlement programs provided the greatest source of savings overall to pay for more ambitious reforms.

As a matter of savings more than social policy, immigrant exclusions thus quickly became a staple of both Republican and Democratic bills. The Republicans in the 103<sup>rd</sup> Congress were the first to present a welfare reform bill during the Clinton era. The Republican-sponsored bill, H.R. 3500, was the first piece of legislation introduced in what was to become a long line of competing draft bills to finance new welfare-to-work reforms by denying benefits to legal immigrants. Likewise, almost 40 percent of the savings included in the first Clinton administration proposal were to come from immigrant exclusions. A total of \$23.8 billion, nearly 50 percent, of savings in the final PRWORA package was due to immigrant bars.

Immigration issues do not receive the same attention from Weaver as do those that, in his analysis, had the potential to determine the fate of the legislation. Battles fought over the institution of time limits and family caps, for example, are recorded with careful consideration of the policy and political goals of the opposing parties. These battles were fought at each stage of the long and complex negotiations leading up to the passage of the reforms whereas a general acceptance of the exclusion of immigrants as a fiscal necessity is implied by the consistency of that policy in each competing draft. Although clearly there were political actors with an interest in protecting the rights of immigrants, their combined political influence was not significant enough to move the vote on welfare reform in 1996 and legal immigrants themselves are not entitled to vote in US elections.

"Ending Welfare As We Know It" is essential reading for anyone interested in a systematic summary of welfare politics in the 1990s. Although coverage of immigration issues is scant, those who study immigrants and public assistance will benefit from the insights this book offers regarding the convergence of these two social policy areas during the Clinton years.

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The International Migration Policy Program of the Carnegie Endowment for International Peace is a leading source of expert analysis and policy ideas on migration and refugee issues. The Endowment was established in 1910 with a gift from Andrew Carnegie. As a tax-exempt operating (not grant-making) foundation, the Endowment conducts programs of research, discussion, publication and education in international affairs and U.S. foreign policy.

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