

IMMIGRANTS AND WELFARE REFORM:
Proposed Federal Changes and Their Impact on
Migrant Farmworkers

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Immigrants and Welfare Reform

Facts About Immigrants

- Immigrants represent 91% of all farm workers
- 79% of all farmworkers are Latino
- 1/3 of all farmworkers came to the U.S. in the last two years
- In 1998, 52% of farmworkers lacked work authorization, 22% were citizens and 24% were LPRs
- In 1998, 83% of farmworkers were uninsured
- While the median income for farmworker families is under \$10,000, only 13% receive Medicaid and 10% receive food stamps.

- Children in immigrant families are more likely to be uninsured and less likely to have a regular source of medical care
 - ◆ One-third of all children in the country who are eligible for Medicaid, but are not enrolled, are children in immigrant families

- Eligibility rules and other barriers inhibit immigrants' access to public programs
 - ◆ Public charge
 - ◆ Sponsor rules
 - ◆ Language barriers (1/10th of foreign-born farmworkers speak or read English fluently)

Overview of 1996 Welfare Law

The 1996 welfare law created new categories of "qualified" and "not qualified" immigrants. The law restricted a broad array of benefits to immigrants in both categories, including many who are lawfully present in the U.S. The law:

- Imposed severe restrictions on immigrant eligibility for SSI and Food Stamps
- Imposed a five-year bar on eligibility for Medicaid, SCHIP and TANF for most immigrants who entered the US on or after 8/22/96. (About 1/3 of the legal immigrants currently in the U.S. entered on or after this date).

- Gave states the authority to grant or deny TANF, Medicaid, SSBG and some state benefits to most immigrants. But since the law passed, at least two courts found that a state's denial of benefits to lawfully residing immigrants was unconstitutional.
- Imposed harsh sponsor "deeming" rules, including for the first time, deeming in major health programs for certain immigrants. Sponsors who sign "new" affidavits of support could also be liable for certain benefits used by the sponsored immigrant.
- Access barriers resulting from or exacerbated by the welfare law's passage and newly complex rules include:
 - ◆ Confusion about eligibility
 - ◆ Fear of reporting
 - ◆ Confusion about public charge rules and abuses of these rules
 - ◆ Concern about sponsor liability
 - ◆ Language access barriers

Federal Proposals to Restore Benefits to Immigrants

- **Farm Bill** (passed House on 5/2/02)
 - ◆ Restores food stamps to qualified immigrants with a 5-year bar (363,000 immigrants would become eligible).
 - ◆ Eliminates restrictions in food stamp program for refugees.
 - ◆ Restores food stamps to qualified immigrants who receive disability-related assistance.
 - ◆ Restores food stamps to qualified immigrant children with no deeming.

➤ **Federal Responsibility for Immigrant Health Act of 2002** (Not yet introduced)
Senator Jeff Bingaman (D-NM)

- ◆ Allows states and health care providers to receive Medicaid reimbursement for dialysis and chemotherapy services, prenatal care, and the testing and treatment of communicable diseases provided to immigrants.
- ◆ Reauthorizes funding, which was provided between fiscal years 1998 and 2001 but expired this year, in the increased amount of \$50 million annually for fiscal years 2003 to 2007 for unreimbursed emergency health services provided to immigrants.
- ◆ Clarifies that the federal government should not limit the ability of state or local governments to use their own funding to address the health care needs of immigrants within their communities.

- **President Bush's Welfare Reauthorization Proposal**
 - ◆ Restores food stamps to qualified immigrants with a 5-year bar.
 - ◆ Maintain federal 5-year bar in TANF.

- **Personal Responsibility, Work, and Family Promotion Act of 2002 (H.R. 4090)**

Representative Wally Herger (R-CA)

 - ◆ No immigrant provisions (An amendment offered in mark-up requires the Secretary of HHS, in consultation with the AG, must submit a report to Congress by March 31, 2004 on the enforcement of the Affidavit of Support and sponsor deeming).
 - ◆ Increases the work requirement.
 - ◆ Dangerous "superwaiver".

➤ The Next Step in Reforming Welfare Act (H.R. 3625)

Representative Ben Cardin (D-MD)

- ◆ Restores SSI to qualified immigrants, with 5 years of deeming and liability.
- ◆ Restores TANF to qualified immigrants, with 3 years of deeming and liability.
- ◆ Includes ESL as a work activity.
- ◆ Improves access to education and training for limited English proficient recipients.

➤ **The Personal Responsibility and Work Opportunity Reconciliation Act Amendments of 2002 (S. 2052)**

Senator John Rockefeller (D-WV)

- ◆ Restores TANF to qualified immigrants and limits deeming to cash assistance.
- ◆ State option to provide Medicaid and SCHIP to pregnant women and children.
- ◆ GAO study to analyze the impact of the immigrant restrictions in SSI.
- ◆ Inclusion of ESL as a work activity.

➤ **Work and Family Act** (Not yet introduced)
Senators Carper (D-DE) and Bayh (D-IN)

- ◆ State option to restore TANF to immigrants. Supplemental funds will be provided to the top ten states impacted by this provision.
- ◆ State option to provide Medicaid and SCHIP to pregnant women and children.
- ◆ Increases the work requirement

➤ **Welfare Reform and Housing Act (S. 2116)**
Senator John Kerry (D-MA)

- ◆ Restores housing assistance under HUD rental assistance programs to Cuban/Haitian entrants and victims of domestic violence.