

# Immigrants: Human Services Benefits

## GLOSSARY

### PRWORA

*Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the main vehicle of national welfare reform that shifted many decisions regarding welfare—including those affecting immigrants—to the states.*

### Qualified immigrants

*Immigrants with permanent resident status and others who may be entitled to welfare benefits. PRWORA further divides this group into “pre-enactment” immigrants (those who arrived in the United States on or prior to August 22, 1996) and “post-enactment” immigrants (those arriving after). The pre-enactment group has considerably more welfare rights.*

### Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Medicaid, Food Stamps

*The main state/federal funding and programs through which cash assistance, medical care, and nutrition assistance are provided to the needy.*

### Unqualified Immigrants

*Generally, immigrants who are in the United States temporarily—for example, students and visitors—or illegally. In general, unqualified immigrants are not entitled to benefits.*

## BACKGROUND

Prior to 1996, immigration policy and welfare policy had little to do with one another. The federal Immigration and Naturalization Service (INS) administered the Immigration and Naturalization Act (INA) and made basic decisions about who would be allowed into the country and under what conditions. While “undocumented” or “illegal” immigrants never were presumed to have access to welfare benefits, immigrants legally residing in the country did.

This changed in 1996, with passage of the federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), commonly known as welfare reform. With regard to immigrants, PRWORA had two main effects.

- For the foreseeable future, the act altered immigrants’ eligibility for benefits under such programs as Supplemental Security Income (SSI), Food Stamps, Medicaid, and Temporary Assistance for Needy Families (TANF) as well as various state-funded programs.
- It created an important role for the states, empowering—but not requiring—they to create programs for immigrants.

The law remains formidably complex, even for people with long-time familiarity with welfare programs and benefits. Essentially, PRWORA grafted very complex laws dealing with immigration onto very complex laws dealing with welfare eligibility. The act divides the American immigrant population into two groups.

- “Qualified” immigrants have some welfare rights. This group includes lawful permanent residents and certain refugees and those given asylum for humanitarian or political reasons.
- “Unqualified” immigrants have no welfare rights. This group includes undocumented immigrants as well as those with temporary status, such as students and tourists.

Moreover, PRWORA distinguishes among qualified immigrants, depending on their status as of August 22, 1996, the date the law was enacted. Immigrants who arrived on or before that date are called pre-enactment immigrants; those arriving after are called post-enactment immigrants. As the exhibit makes clear, pre-enactment qualified immigrants have many more rights than those arriving after August 22, 1996, who either are ineligible for benefits altogether or barred from receiving them for five years.

The exhibit accurately depicts the general thrust of the PRWORA provisions and the effect on the immigrant population, but it does not deal with the law’s myriad exceptions based on an immigrant’s military or work experience or status as a refugee or asylum seeker.

### Role of the States

Perhaps most important, PRWORA left many key decisions about immigrant welfare policy in the hands of the states, including two of particular consequence: (1) whether to provide TANF and Medicaid benefits to pre-enactment immigrants and (2) whether

**Noncitizen Benefit Eligibility, United States, 2002**

Group	Program and Eligibility				
	SSI	Food Stamps	Medicaid	TANF <sup>a</sup>	State/Local Benefits
Qualified pre-enactment immigrants	Eligible <sup>b</sup>	Eligible <sup>b</sup>	State option	State option	State option
Qualified post-enactment immigrants	Ineligible	Ineligible	Ineligible for first five years; state option thereafter	Ineligible for first five years; state option thereafter	State option
Unqualified immigrants	Ineligible	Ineligible	Eligible for emergency services only	Ineligible	Ineligible without passage of state legislation

SOURCE: The Urban Institute, Washington, D.C., 1999.

<sup>a</sup>In Michigan, the TANF block-grant monies are used for the Family Independence Program (FIP) and other services for people receiving public assistance.

<sup>b</sup>Eligibility is only partial. SSI is available only to the disabled or to those receiving benefits as of August 22, 1996. Food stamp eligibility is limited to those aged under 18, aged 65 or older, blind, or disabled.

to provide state-funded substitute benefits for post-enactment immigrants who either lost or had not yet attained eligibility for food stamps, SSI, TANF, and Medicaid.

In short, whether a state’s immigrant population receives benefits is no longer just a federal decision—individual states have a great deal to say in the matter. The states were nearly unanimous in their decision to continue to grant TANF and Medicaid benefits to pre-enactment qualified immigrants. With regard to state-funded substitute benefits for the post-enactment group, however, there is considerable variation among the states. The differences among four particular states that have large a immigrant population suggest that factors such as welfare philosophy and effective advocacy probably play a bigger role than does straightforward consideration of immigrant need: California and Massachusetts are very generous in the degree to which they offer benefits to this population; Texas and Florida are considerably less so.

**Michigan Benefits**

Michigan has a relatively large immigrant population. According to information developed by the Center for Civil Justice (Saginaw), there were approximately 519,000 foreign-born residents of Michigan in 2000, comprising 5.4 percent of the state population. Traditionally, many of these residents have come from India, Mexico, Canada, China, and a number of Middle Eastern countries. Many of the most recent arrivals came from Bosnia, Iraq, and portions of the former Soviet Union.

Michigan’s immigrant population is certainly not disproportional in terms of the national immigrant population, nor has the increase in the population exceeded the national average over the last decade. The percentage and

number of foreign-born residents here does not begin to approach that of California, New York, Florida, Texas, or New Jersey.

Michigan gives TANF and Medicaid eligibility to pre-enactment qualified immigrants, but for the post-enactment group Michigan does not go much beyond what is required under federal law. Post-enactment immigrants are ineligible for SSI (in Michigan, state disability assistance) or food stamps and must wait five years for eligibility for Medicaid or TANF (in Michigan, the Family Independence Program).

**DISCUSSION**

The aims of the immigrant provisions of PRWORA are similar to the general aims of the act itself and reflect a desire to give states flexibility in providing services and welfare assistance in a way that encourages and supports work. With specific reference to immigrants, part of the federal policy goal was to encourage naturalization among immigrants who had lived here a long time without seeking full U.S. citizenship.

Welfare reform, including the immigrant provisions, has many supporters. For example, the American Public Human Services Agency (APHSA)—a group that includes many state agency professionals—argues that shifting welfare authority to the states was “indisputably the right course of action.” Proponents often cite declining welfare rolls, a greater commitment to work, and many innovative state programs as evidence that PRWORA is a policy success.

## IMMIGRANTS: HUMAN SERVICES BENEFITS

But the act has many critics. While some concede that PRWORA worked well for the first five years, they wonder how it will fare during tough economic times, when jobs are scarce. Critics also emphasize the fact that similarly situated immigrants are treated differently depending upon the state in which they reside. They ask if the federal government, which has exclusive control over immigration, should not do more to ensure the well-being of immigrants.

Critics also note that the provisions of PRWORA, particularly those that apply to post-enactment immigrants, have a perverse effect in that services are provided in inverse proportion to an immigrant's need for them. For example, the Center for Civil Justice cites evidence suggesting that the immigrant population often is upwardly mobile and thus unlikely to need welfare benefits five years after entry. Yet they do need benefits when they are newly arrived and without work and when language frequently is a barrier, but this is precisely when they may not be eligible for some programs.

Finally, of course, critics point to the complexity of the act itself. When many English-speaking professionals have trouble determining who is eligible and who is not, how can new arrivals who are unfamiliar with the law, customs, and language be expected to understand their obligations and rights?

Regardless of one's opinion of PRWORA, it is clear that the law has changed immigrant participation in welfare programs.

- Children born in the United States are citizens whether their parents are or not, and thus they may be eligible for such benefits as food stamps. Yet studies suggest that among citizen children living in immigrant households, the number receiving food stamps has dropped substantially nationwide. While it is not possible to directly confirm this trend in Michigan, the U.S. Department of Agriculture estimates that food stamp participation in Michigan fell from nearly 839,000 in FY 1997 to just over 641,000 in FY 2001, a decline of about 24 percent. It is reasonable to assume that at least some of the decline was among immigrants or among children of immigrants who are eligible for benefits because they were born in this country. Although the latter are eligible, their parents may not understand eligibility requirements and do not enroll them.
- The Michigan Department of Community Health reports that in October 1997 there were about 3,900 emergency services only (ESO) beneficiaries in the

Michigan Medicaid program. In October 2001 that number had risen to more than 14,500, an increase of over 270 percent. One may receive ESO assistance if s/he is poor enough to qualify for Medicaid but does not meet one or more of the other eligibility criteria that would qualify him/her for full Medicaid benefits. It is reasonable to assume that at least some of the ESO increase is attributable to immigrants, who, prior to PRWORA, would have qualified for full Medicaid benefits but now may get only ESO care.

Although Michigan is not particularly generous in regard to immigrants, demographic statistics show that this is at least in part a response to economic reality. Immigrant poverty is a problem in Michigan, but the evidence also suggests that it is not as severe a problem here as in the country generally. In 1996 the percentage of Michigan immigrants living in poverty (24 percent) was below the national average (28 percent). Also in 1996, noncitizens made up some 6.4 percent of the national poverty population, whereas in Michigan the figure was 12.5 percent.

Advocacy groups such as the Center for Civil Justice point out that the suffering that immigrants endure here still is real, and the center would like, at a minimum, to see food stamp privileges restored for post-enactment qualified immigrants. While acknowledging that any new state programs are unlikely in light of Michigan's fiscal picture, advocacy groups stress that there are practical ways to reduce barriers to access that would be effective and save money. These include

- reducing disparities in the way in which immigrant benefits are offered from county to county, and
- providing a more aggressive outreach program to ensure that immigrants who are entitled to benefits are aware of their rights.

Such recommendations are met with some sympathy from state officials, but they point out that the state of the budget is such that it is unrealistic to expect any new state-funded program for immigrants or, for that matter, anyone else. Some policymakers argue that federal changes are necessary to make the food stamp program more understandable and accessible to others as well as immigrants. The Michigan Family Independence Agency director noted in testimony to the U.S. House of Representatives that the sheer complexity of the food stamp program has led to a situation wherein "many immigrants just assume they are ineligible and do not apply for benefits that would help their families."

Early in 2002 the federal administration announced that it would support aligning food stamps eligibility with

TANF eligibility. The proposal is being debated as part of the new federal farm bill. If passed, post-enactment qualified immigrants will become eligible for food stamps after residing in the United States for five years.

See also Welfare Reform: TANF Reauthorization.

**FOR ADDITIONAL INFORMATION**

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[See especially, Wendy Zimmerman and Karen C. Tumlin, "Patchwork Policies: State Assistance for Immigrants under Welfare Reform" (1999).]