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## When They Need Help the Most: Public Services for Immigrants

Miren Uriarte

*University of Massachusetts Boston*, [miren.uriarte@umb.edu](mailto:miren.uriarte@umb.edu)

Phillip Granberry

*University of Massachusetts Boston*, [phillip.granberry@umb.edu](mailto:phillip.granberry@umb.edu)

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# When They Need Help the Most

# Public Services for Immigrants

*Miren Uriarte*

*Phillip Granberry*

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*Ending unauthorized immigration is at the heart of current federal initiatives in both immigration and social policy. The intertwining of these two areas of policy is nowhere clearer than in the 1996 passage of both the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), better known as Welfare Reform, and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Immigration status became a key point of differentiation in access to public benefits as cut-backs were instituted with the stated goal of curtailing undocumented immigration. The denial of public benefits to limit unauthorized immigration has a disproportionate impact on those groups with large cohorts of recent immigrants. In Massachusetts, Latinos<sup>1</sup> and Asians are particularly affected. Because of the link between immigration status and social policy, even members of the same family may be faced with different sets of eligibility rules for public services. This “patchwork” of entitlements brings confusion to both users and providers and ultimately impedes access to services. This paper focuses on the impact of immigration status on eligibility and use of human services by immigrants to Massachusetts.<sup>2</sup> The paper discusses the policy context for the new restrictions on immigrant access to benefits, presents the variety of immigration statuses present among immigrant groups in Massachusetts, and discusses the specifics of the relationship between status and service delivery.*

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**T**he latter half of the twentieth century saw significant change in the policies that frame immigration to the United States. First are the changes that have taken place in relation to the premises of immigration policy, which changed in 1965 from one focused on “mirroring” the racial/ethnic makeup of the country to one that abolished national quotas and established family reunification at its center. The intent of the policy was to

*Miren Uriarte is professor in the College of Public Community Service and a senior research associate at the Mauricio Gastón Institute at the University of Massachusetts Boston. Phillip Granberry is a doctoral candidate in Public Policy at the John W. McCormack Graduate School of Policy Studies at the University of Massachusetts Boston.*

favor migration from southern and eastern Europe, but it had the consequence of opening the door to previously curtailed immigration from other countries, particularly Asian countries. For the first time, the 1965 policies placed bounds on migration from the Western Hemisphere, but the flow from Latin America was already well established. By 1999, a full 70 percent of the legal immigrants to the United States came from Asia and Latin America.<sup>3</sup>

Second, does the growing share of unauthorized immigration fuel the changes? For decades, the permeability of the Mexican border has largely benefited agribusiness in the region. This sector strongly supported foreign worker programs until they were abolished in the mid 1960s. But their disappearance did not signal the end of the use of Mexican-origin workers by agricultural enterprises in the region, nor did it stop workers from coming across the border; both continued unabated and largely unregulated, fueling the increase of unauthorized immigration from Mexico. During the 1970s and 1980s, Chinese, Irish, and Dominicans and, later, the Central Americans and Colombians joined the unauthorized flow. These immigrants may have overstayed a tourist, student, or work visa or may have crossed or been smuggled through the Mexico-United States border. Family reunification is a common motivator for unauthorized entry because of the very long waits for visas, especially for extended family members. Escape from political turmoil and violence is another cause — Central Americans in the 1980s and Colombians today. But the vast majority of immigrants come in order to find work and improve their lives. The Office of Immigration Statistics of the U.S. Department of Homeland Security<sup>4</sup> estimated that there were 7 million undocumented immigrants in the United States in January 2000.<sup>5</sup> Mexico is by far the largest source of undocumented immigration; followed by El Salvador, Guatemala, Colombia, Honduras, and China.<sup>6</sup> Others estimate as many as 9.3 million undocumented immigrants, or 26 percent of the total foreign-born population.<sup>7</sup>

Both the changing national and racial composition of the immigrants and the large representation of undocumented immigrants fueled the Immigration Reform and Control Act of 1986 (IRCA). A “carrot and stick” policy, IRCA authorized the legalization of undocumented immigrants then in the United States and, seeking to break the relationship between employers and undocumented immigrant laborers, created sanctions for employers who repeatedly hired undocumented immigrants. The policy succeeded in legalizing the status of 3.3 million persons,<sup>8</sup> adding them, and subsequently their families, to the legal rolls. But loopholes in the policy and corruption in its implementation led to an increase in unauthorized immigration in subsequent years.<sup>9</sup> Efforts to address the problems posed by IRCA led to a measure that created more problems by allowing a variety of exceptions to the law in response to domestic needs and advocacy.<sup>10</sup> For example, special protections were sought for countries that would suffer hardship if their nationals living illegally in the United States were deported in large numbers. This led to the designation of

some nationalities as being eligible for Temporary Protected Status (TPS) that exempted them from deportation for six to eighteen months. The designation is determined periodically by the Attorney General and applies to undocumented immigrants from countries suffering from natural disasters or political conflicts. Salvadorans and Hondurans are two Latin American groups that qualify for this protection as do those from Angola, Burundi, Montserrat, Nicaragua, Sierra Leone, Somalia, and Sudan.<sup>11</sup>

In the 1990s, nativist fears joined the fray as proposals emerged to curtail the flow of immigrants based on economic and cultural concerns. Some focused on the impact on American society of the “lack of assimilation” of Latin American immigrants and issues related to language acquisition. The fear was that large numbers of immigrants would change the nature and character of U.S. society. The changes in racial and demographic composition of the population and the growth of bilingualism were often targets. The use of immigrant labor by industry and the potential for immigrant labor to displace native workers were also of concern,<sup>12</sup> in spite of the very mixed evidence in support of these positions.<sup>13</sup>

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### **Intertwining Social and Immigration Policy**

The 1990s also brought unprecedented examples of the intertwining of social and immigrant policy. Although immigration officers had long looked to exclude immigrants whom they suspected could become a “public charge,” there had not been any specific restrictions for legal permanent residents beyond those imposed for native-born benefit recipients (for example, the forty quarter requirement for receiving Social Security and Supplemental Security Income, and income eligibilities for mean-tested programs). But at this time, social policy was used to buttress failing immigration policy, and anti-immigrant sentiment lent credence to the denial of benefits to legal permanent residents in order to achieve savings under welfare reform.

The coming together of these two sets of policies relies on several arguments. The first is that immigrants, because they tend to be poor, unskilled, and poorly educated, are likely to be on welfare and to overuse human services.<sup>14</sup> Different analyses have shown that most immigrants do not overuse benefits, that once refugees and the elderly are excluded, adult immigrants use welfare at about the same rate as native adults and that poor immigrants are less likely to use welfare than native-born poor persons.<sup>15</sup> Nevertheless, the images of the “needy immigrant abusing benefits,” and services to immigrants as “budget busters” held fast. These lent credence to the assumptions that it was the benefits themselves that acted as magnets for poor immigrants to come to the United States and that provided a disincentive for unsuccessful immigrants to return to their country of origin.<sup>16</sup>

The second argument is that immigration can be curtailed by removing the incentives to emigrate. From this perspective, immigration is seen as a rational choice on the part of individual immigrants, who respond to the push of negative conditions in the country of origin and the pull of a better life in the United States by emigrating. These individual decisions are managed — in theory — by border controls that respond to an immigration policy that follows U.S. economic interests, opening the spigot when workers are desired and closing it during economic downturns. Lax border controls are then primarily responsible for the entrance of large numbers of immigrants, something that can be remedied by sharper, more effective interdiction at the border. Incentives, such as welfare and other benefits, also act as a pull to immigrants from poor countries, where income opportunities are fewer than the benefits offered in the United States. From this perspective, immigrants are seen as making a cost benefit assessment and choosing not only to come to the United States, but also to settle in particular regions and states where they find generous benefits.<sup>17</sup>

Others argue that the interaction through centuries between Latin America and the United States have made those borders permeable. Some wield history to make the case, citing the U.S. takeover of Mexican territory, interventions in the politics and economics of Latin American nations, and direct military intervention in the Caribbean and Central America.<sup>18</sup> Others point to the more subtle effects of capital penetration and the resulting restructured local economies, which result in economic and cultural imbalances that promote migration as a solution.<sup>19</sup> The inability of persons to support themselves and their families due to transformations and restructurings of the economies of their countries of origin, together with the constructed exalted vision of the United States, the direct recruitment by U.S. industries, and the pressures from networks of relatives already here results in immigrant flows toward the source of the intervention, the United States. Portes and Rumbaut argue from this perspective that withholding benefits is ineffective as a mechanism for immigration control because it fails to deal with the social forces that initiate and maintain the immigrant flows.<sup>20</sup> They pose that the way to control unauthorized immigration is to reduce the incentives of U.S. employers to use undocumented immigrant labor and increase the incentives for investment and entrepreneurship in the countries of origin. Benefits and supports for legal immigrants who are already in this country are not questioned from this perspective: immigrants are seen as a necessary element of regional economies, as contributors to the tax rolls, and as such they are believed to be entitled to benefits when they need them.

The public debate and the policy shifts began in California with Proposition 187, which was passed by referendum in November 1994. The law barred undocumented immigrants from access to most government services including public schools at all levels, public health services (except for emergencies), and

public social services.<sup>21</sup> Most benefits were eventually restored because their denial was deemed to be in conflict with federal law; This was the case, for example, in withholding education from undocumented immigrant children. Nevertheless, the California initiative opened the door to policies that denied benefits, even to children, as a way to prop up failing immigration policies.

The further intertwining of immigration and social policy took place with the passage of the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) of 1996 and the immigrant provisions of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Reflecting the most restrictive and nativist perspectives, IIRIRA increased border controls and physical barriers along the Mexican border as well as penalties for smugglers and it curtailed deportation appeals. But it left employers' sanctions largely untouched.<sup>22</sup> PRWORA zeroed in on the benefit "magnets": authorized immigrants arriving after August 1996 lost eligibility for federal safety net programs for the first five years they were in the United States. These included programs such as Supplemental Security Income (SSI), Food Stamps, Temporary Aid for Needy Families (TANF), housing benefits, and Medicaid. During these five years, sponsors who signed affidavits of support for the immigrants are fully responsible for them, after this time, eligibility for public benefits are to be determined by the states in which they live.

Under political pressure from states with large immigrant populations, in 1997 and again in 1998, Congress reversed some of the harsher 1996 measures for "qualified aliens," a new category of immigrant that includes permanent residents, asylees, parolees, Cuban/Haitian entrants, Amerasians, veterans, battered persons, and those who had worked in the United States for ten years, among others.<sup>23</sup> Congress also restored benefits such as SSI to legal immigrants and Food Stamps to legal immigrant children and the elderly. But access to these benefits was limited to immigrants who had been in the country legally by August 1996.

Also at this time, Congress first passed the Nicaraguan Adjustment and Central American Relief Act (NACARA), which suspends deportation from the United States of certain Guatemalans, Salvadorans, and nationals of the former Soviet bloc countries who are undocumented and allows them to apply for asylum under more lenient rules, making this process a route to legal residency for these groups. In the United States about 200,000 Salvadorans and 50,000 Guatemalans were eligible for NACARA.<sup>24</sup> Three years later, a proposal was introduced in Congress to allow students who have been in the United States for five years, have graduated from high school, and do not have a criminal record, to apply for a green card. The Development, Relief and Education for Alien Minors (DREAM) Act, as this initiative is called, was making its way through Congressional Committees sponsored in the U.S. Senate by Utah Republican Orrin Hatch and Illinois Democrat Richard Durbin. The DREAM act would allow these students to apply for financial aid

and in-state tuition rates, as well as give them all the benefits accorded an authorized immigrant.

But the struggle between the forces seeking to open and to limit immigration has moved in large measure to the states, focusing on issues such as access to drivers' licenses, access to higher education for temporary and undocumented immigrants, and the restoration of benefits for legal permanent residents.

Efforts at liberalizing immigration policy came again to the fore in 2001 as the new administration of George W. Bush began to address the North American Free Trade Agreement with his Mexican counterpart, Vicente Fox. But the events of September 11, 2001, not only ended this initiative, they also opened a new chapter in immigration policy. The bureaucracy that controlled immigration, the Immigration and Naturalization Service (INS), was overhauled, taken out of the Department of Justice and placed in the new Department of Homeland Security. Security was now at the center of immigration policy. In subsequent months, concerns were raised about profiling and the abuse and the incarceration of immigrants, the latter often without the benefit of counsel or public hearings.<sup>25</sup>

Nevertheless, immigration reform continues as a backburner issue for the Bush administration. In January of 2004, President Bush proposed the development of the Temporary Worker Program for immigrant workers.<sup>26</sup> Under this program, employers, after making a good faith effort to find American workers to fill their jobs, could hire temporary immigrant workers through this program. Workers could stay for three years and after this time, their contracts would need to be renewed or they would face returning to their country of origin. The expectation is that workers will return eventually to their country of origin.<sup>27</sup> Immigrant organizations raised concerns about the proposal's lack of a path to legalization as well as concerns about workers' rights for guest workers, which have historically been weaker than those afforded to workers in the domestic labor force.<sup>28</sup>

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### **Common Immigration Statuses**

In Massachusetts, 12.2 percent of the population are immigrants and they account for one out of every six workers in Massachusetts, the seventh highest ratio in the nation and one that exceeds that of states with traditionally high numbers of immigrants such as Texas and Illinois.<sup>29</sup> Aside from the increasing share of immigrants, their origins have also changed. European immigrants, traditionally the strongest of the national cohorts among the foreign-born in Massachusetts, today account for about 32 percent of all foreign born.<sup>30</sup> But today, Latin Americans and Asians account for 30 percent and 26 percent, respectively, of the immigrant population of the state.<sup>31</sup>

Although the exact number of persons affected by the new policies is difficult to ascertain, we can approximate the impact on different groups by determining when they arrived in the United States as reported by the 2000

U.S. Census. A high percentage of Latinos and Asians have come to the United States recently. Among Latinos, 49.5 percent arrived in the after 1990 and 8.9 percent (or 38,159 persons) were not living in the United States in 1995 (the year prior to the onset of the federal initiatives). Among Asians, 47.4 percent of the population have been in the United States since 1990 and 20 percent (47,599 persons) since 1995. The latter compares to 1.8 percent among whites and 5.4 percent among blacks.<sup>32</sup>

In this region, method of entry varies greatly depending on the time and the circumstance of the migration of each of the groups and of cohorts within national groups. Latin American immigrants, for example, may come from the Spanish Caribbean or Central and South America — more than twenty nations.<sup>33</sup> In Massachusetts, the largest groups are from the Dominican Republic, Brazil, Mexico, El Salvador, and Colombia.<sup>34</sup> According to Watanabe, Liu and Lo, there are immigrants from sixteen Asian nations in the Greater Boston area; the largest groups are Chinese, Indian, Vietnamese, Cambodian, Korean, and Japanese.<sup>35</sup> Some of these groups first came to the United States as refugees escaping war and violence in their countries of origin. Others have come with work permits to work as professionals and technicians, sometimes to reunite with family already here. Some groups have come suddenly and in large numbers (refugees, for example) while others have trickled in over many years. This layering provides the rich texture of culture, custom, and language present among these groups of recent immigrants.

But the circumstances under which each group, and even different cohorts within groups, arrived in the United States is significant also because it is the mode of entry into the country that determines the immigration status. Therefore this layering also represents diversity in immigrant statuses among and within the groups and also great differences in the situations and opportunities for individual immigrants.

***Lawful Permanent Resident*** Most immigrants enter the United States after qualifying for one of the preferences available in immigration law, which include family reunification, employment, investment, international adoptions, and beneficiaries of the diversity lottery. Many of these persons cross the U.S. border by airplane or by car and arrive with full authorization to work legally in the United States. After five years they can become U.S. citizens. Sponsors of immigrants applying for residency under this rubric must prove that they can support the immigrant at 125 percent above the federal poverty level for at least those first five years. Lawful permanent residence is also acquired by refugees or asylees who have been in the United States for at least a year.

***Refugees*** Refugees are defines as any “person outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution,” on the basis of race, religion, nationality, membership in a particular social group, or political opinion.<sup>36</sup> Application for refugee status is uaually made from abroad and has

to be approved by immigration authorities following priorities and in accord with numerical limits set by the President and Congress. Refugees are eligible to change their status to that of a lawful permanent resident after one year in the United States. Unlike the orderly process of legal immigration, refugee flows often take place in emergency situations and involve large numbers of persons. The federal government, therefore, funds special assistance to refugees, which includes relocation assistance, financial aid, medical care, English language instruction, job placement. Refugees are also entitled to benefits and services on a par with citizens. Among Southeast Asians, Vietnamese, Cambodians, Laotians, Thai, and Hmong often arrive in the area as refugees.<sup>37</sup> In 2002, the highest number of refugees to the United States were from Europe and Central Asia (mostly from the former Yugoslavia and the former Soviet Union).<sup>38</sup>

The designation of refugee status often relies on humanitarian reasons, but also on foreign policy goals, making this designation often highly controversial; for example, for decades most persons leaving communist countries were automatically considered refugees, while persons persecuted in countries with whose governments the United States maintained friendly relations seldom were able to qualify as refugees. Among Latin Americans, Cubans have benefited from various refugee categories and other special designations for over four decades because they seek to leave a communist nation. Persons persecuted in El Salvador and Guatemala during the war in the 1980s seldom acquired refugee status; this was the case also among Chileans, Haitians, Argentineans, and others who fled U.S.-supported governments.

*Asylees* In contrast to refugees, asylees request asylum from a United States territory, often at the border, or after having arrived with another status, or unauthorized. The reason for asylum is similar to that of the refugee (persecution or a well-founded fear of persecution on the basis of race, religion, nationality, membership in a particular social group, or political opinion). While the person awaits status determination, usually a drawn-out process, he or she is eligible for very few supports, but once awarded asylum, asylees can adjust their status to that of lawful permanent resident after one year in the United States. Political and ideological priorities and contradictions similar to those found among the designation of refugees are also a part of the asylum process.

Groups have organized to obtain this relief; for example, Guatemalans and Salvadorans, with the support of the American Baptist Church, sued the Immigration and Naturalization Service and the United States Department of State claiming that these government agencies were discriminating against Salvadorans and Guatemalans.<sup>39</sup> The government settled the lawsuit and the settlement, approved in federal court in January 1991, provided an initial or a new asylum interview and adjudication under the more lenient asylum regulations, a suspension of deportation, and an authorization to work. The time limit for application for asylum is January 3, 1995, for Guatemalans and January 31, 1996, for Salvadorans. The Nicaraguan Adjustment and Central American Relief Act

(NACARA), signed in 1997 and again in 1999, extends those dates for Guatemalan and Salvadoran applicants, includes Nicaraguans, Cubans, and persons from former socialist countries who may have arrived in the United States undocumented, and also includes authorization for similar relief to spouses and unmarried children once the initial family member has been granted relief. Qualifying to apply for NACARA means that a person can go about his or her life with the expectation of eventually becoming a legal resident of the United States, with all the implications this status has for the immigrant and his or her family. But the process is long, often five to seven years.<sup>40</sup>

***Undocumented Persons*** These persons may have overstayed a tourist, student, or work visa, or they may have illegally crossed or been smuggled through the U.S. border. The INS estimated that in January 2000, there were 87,000 undocumented persons in Massachusetts.<sup>41</sup> But most persons interviewed for this article consider that this greatly underestimates the undocumented immigrant population presently residing in Massachusetts. Family reunification and economic hardship were frequently mentioned by interviewees and focus group members as reasons for entering the country without authorization. This is by far the most precarious status. These immigrants are vulnerable, not only because of the potential for deportation but also because of the way that fear of discovery weaves into every aspect of their lives from where and how they work, to the level of interaction they have with community institutions, including schools, healthcare providers, and human service settings. It colors the relationships they have with neighbors and co-workers, with landlords and others in authority.

In this case also, advocacy efforts by immigrant groups and the support of their countries of origin have led to special immigration programs. This is the case of persons from some Latin American and African countries who are provided relief under the Temporary Protected Status (TPS). Persons with TPS are not considered lawful immigrants by the U.S. Government, and are authorized to be in the United States because the U.S. Congress has granted them temporary protection. This status is awarded to groups from countries in which conditions pose a danger to personal safety due to armed struggle or an environmental disaster.<sup>42</sup> Grants of TPS are made for renewable periods of six to eighteen months and provide protection from deportation and a work permit; the designation of temporary protection does not lead to the award of permanent residency. Therefore immigrants with this type of status live in a sort of limbo fraught with uncertainty and constant legal and bureaucratic maneuvers that expose them to abuse and exploitation.<sup>43 44</sup>

A variety of immigration statuses coexist within these groups and even within families. For persons other than U.S. permanent residents, immigration is a reality that must be managed on a daily basis. The immigrant with TPS, for example, must be vigilant when it comes to the bewildering paperwork

that is involved, as one small error can mean the difference between staying in the United States and being deported.

By far the most vulnerable is the undocumented immigrant. Being undocumented affects where immigrants work and the working conditions to which they are exposed. Status also affects their ability to qualify for federal and state benefits and services for themselves and for their children — even their U.S. born children. Because immigration status and time of entry varies widely among and within the groups, members arrive under differing policy conditions. Immigration status can vary even within families, leading to what Fix and Zimmerman refer to as mixed status families.<sup>45</sup> In Massachusetts, the most common scenario of mixed status families is that the parents are temporary (TPS) or undocumented immigrants and the children are U.S. citizens.<sup>46</sup> National estimates are that three out of every four children in immigrant families are U.S. citizens.<sup>47</sup> Yet, because of the insecure circumstances facing members of their families, many of these children, regardless of their citizenship, share the same fate as their undocumented siblings and parents.

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### **Access to Benefits**

Under the new regime of IIRIRA and PRWORA, the time of entry and the designation of an immigrants' status as that of a "qualified alien" are the key determinants of an immigrant's eligibility for public benefits. This is in addition to the age, income, disability, or other specific program eligibility requirements. "Qualified aliens" are (1) Lawful Permanent Residents; (2) refugees, asylees, and persons granted withholding of deportation, conditional entry (in effect prior to April 1, 1980); (3) Cuban/Haitian entrants; and (4) battered spouses and children with a pending or approved petition for an immigrant visa, whose need for benefits has a substantial connection to the battery or cruelty. Not qualified immigrants include all non-citizens who do not fit within the "qualified" immigrant categories. In general, the date that splits immigrant eligibility, even for "qualified" immigrants, is August 22, 1996.

An immigrant needs to be a "qualified" immigrant AND have been residing legally in the United States before the cut off date of August of 1996 to qualify for most federal benefits; qualified immigrants who arrived after that date must wait five years from the time of entry to qualify for any federal public benefits. In the case of applicants who successfully gain asylum and permanent residency, the wait is usually five years from the time asylum is granted. Eligibility for public benefits for those on temporary statuses is minimal and there is no eligibility for public federal benefits for the undocumented.

One of the features of PRWORA was the devolution of authority to the states regarding the provision of benefits for immigrants. Under this authority, Massachusetts initially maintained eligibility for some services. In addition, persons protected under NACARA and under TPS are considered Permanent Residence Under Color of Law (PRUCOL) in Massachusetts. This allows

access to state benefits that federal programs do not allow. In 1996, even in the face of the federal restrictions, Massachusetts maintained eligibility for emergency cash assistance, the state portion of the Medicaid program (MassHealth), and Food Stamps for legal permanent residents, for newly arrived legal immigrants during their first five years in the United States, and for NACARA applicants and those on TPS (because of the more lenient interpretation of these groups as PRUCOLS). These eligibility requirements were maintained until the state's budget crisis in 2003 and 2004, when the state cut all state-funded MassHealth coverage and Food Stamps for immigrants, affecting 10,000 legal immigrant adults.<sup>48</sup> These included cuts to services for elderly and disabled immigrants. At this point, undocumented immigrants in Massachusetts can send their children to public school, but they are admitted as international students to higher education institutions and do not qualify for in-state tuition. Undocumented children and pregnant women can receive some healthcare benefits and are eligible for WIC nutrition programs. Others are eligible for emergency healthcare services and hospitalization from free care pools.

The curtailment of services to immigrants affects all immigrant groups in Massachusetts, but particularly those with large number of recent immigrants. The changes in policy also have great impact on those groups with a large number of immigrants on temporary status or undocumented immigrants. Perhaps the areas most affected by the new restrictions are those related to the range of programs for poor families. Table 1 provides a glimpse at the way status and program eligibility interact in relation to welfare programs in Massachusetts. The charts show how different immigration statuses determine the public benefits for which individuals are eligible. Lawful Permanent Residents (LPRs), who resided in the United States in August of 1996, and refugees are eligible for the widest array of benefits. Restrictions apply to lawful permanent residents who arrived after that date as well as to persons seeking asylum (for example under NACARA) and those on TPS. The undocumented are eligible for few public benefits and usually only in an emergency situation.

PRWORA offers states some discretion. In the case of welfare benefits in Massachusetts, for example, immigrants who arrived after the cut off date are eligible for some state welfare programs (TAFDC, EA) if they are 18 or younger and, if over 18, they are eligible after the five-year waiting period, but they qualify immediately for others such as Emergency Aid for the Elderly, the Disabled, and Children (EAEDC). The state also provides access to Emergency Assistance to families with at least one qualifying member (a citizen or lawful permanent resident), which means that a family made up of persons under temporary protection or undocumented and that has a American-born child may apply for benefits under this program if they meet other program requirements. EAEDC is available to asylum applicants as well as those under temporary protection.

**Table 1**

*Eligibility for Social Security, Supplemental Security Income, Federal Food Stamps, and federal and state welfare programs by immigrants with immigration statuses common among Latin American immigrants in Massachusetts.*

Benefit	Lawful Permanent Resident		Refugees/ Asylees	Asylum Applicants (NACARA)	Temporary Protected Status	Undocu- mented
	Entered before 8/22/1996	Entered after 8/22/1996				
Transitional Aid to Needy Families (TANF) <sup>a</sup>	Eligible	Eligible after 5 years in U.S. or if under 18	Eligible	Not Eligible	Not Eligible	Not Eligible
Transitional Aid to Families and Dependent Children (TAFDC) <sup>b</sup>	Eligible	Eligible after 5 yrs of LPR in U.S. or if under 18	Eligible	Not Eligible <sup>1</sup>	Not Eligible	Not Eligible
Food Stamps <sup>a</sup>	Eligible	Eligible after 5 years of LPR in U.S.; or if under 18, over 65; receiving disability benefits; or if on active duty, a veteran, or dependent of one	Eligible	Not Eligible	Not Eligible	Not Eligible
Emergency Assistance (EA) <sup>b</sup>	Eligible	Eligible after 5 years of LPR in the U.S. or if under 18	Eligible	Not Eligible <sup>2</sup>	Not Eligible <sup>2</sup>	Not Eligible <sup>2</sup>
Emergency Aid to the Elderly, Disabled and Children (EAEDC) <sup>b</sup>	Eligible	Eligible	Eligible	Eligible if registered under ABC or after petitioning NACARA relief	Eligible after temporary protection is granted	Not Eligible

Notes: (1) Must have entered before 8/22/96 and status must have been granted on or after that date. (2) Emergency Assistance can be made available to households that include at least one member that is a citizen or a LPR.

Sources: a National Immigration Law Center, 2002; b Massachusetts Department of Transitional Assistance, 2003

Legal restrictions are an obvious institutional barrier to access to benefits brought about by the intertwining of immigration and social policy that took place under PWORA and IIRIRA. But immigrants face other restrictions on the use of services that are more subjective but still prevent eligible recipients from receiving the support to which they are entitled. Now that eight years has passed since this legislation was enacted, studies are starting to detect a significant decline in the use of cash transfers, health services, and other services by immigrants who need them and are qualified to receive them.<sup>49</sup>

As previously discussed, immigrant families encounter a decentralized public social support system with many eligibility guidelines administered by different

forms of government. There is often confusion as to what family member is eligible for what public benefit. Clearly determining eligibility for an assortment of benefits is not an easy process, particularly for newcomers who have difficulty with the language. Without support from other immigrants and community-based organizations, especially health centers, individuals may never complete the application process for benefits they are entitled to receive.

The fear of discovery on the part of undocumented immigrants is another restriction to be overcome, what a provider in East Boston referred to as “living in the shadows . . . not being seen, not being acknowledged, not being respected, and not being there.”<sup>50</sup> The undocumented never know who might report them, and those with TPS and NACARA are reminded of the transient nature of their status. For individuals with these statuses, the fear of discovery remains front and center as they apply for services for their eligible family members. In particular this affects access to services for American-born children in mixed-status families. They have low participation in benefit programs although they are eligible for them.<sup>51</sup>

Finally, legal immigrants also resist using services for fear of becoming a public charge, a status that will later harm their ability to obtain more secure legal status. To avoid becoming a public charge, immigrants at times abstain from using public benefits during these five years. By not fully understanding the public charge requirement, eligible immigrants fail to apply for eligible services.

Hard and soft institutional barriers combine with well-known language and cultural barriers to prevent access and use of services by immigrants. Particularly in the areas of physical and mental health, finding a linguistically and culturally competent provider after a person becomes eligible for services can prove difficult. Recent federal guidelines by the Department of Health and Human Services (August 2000) and the Massachusetts Emergency Room Interpreter Bill are major improvements, but immigrants need many other services as they struggle with limitations caused by language in the areas of childcare and schools, the legal system, the Department of Social Services, and other human services agencies.

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### **Conclusion: When They Need Help the Most**

Cutbacks and policies heap hardship on recent immigrants, even on those who are here legally, since they are denied assistance at a crucial time in their adjustment to their new home. The literature on the social consequences of immigration focuses on the harshness of the process of immigration and of the adaptation of immigrants to their new surroundings. How an immigrant leaves home and makes his or her way to the United States is significant in the early adaptation of the newcomer, but factors related to the way the immigrant is received — and his or her place in the new society — influence his or her subsequent experience and shape the perception of the experience and the

psychosocial adjustment of the immigrant<sup>52</sup> and even the social and economic outcomes of the second generation.<sup>53</sup> Census information provides evidence that among immigrants in Massachusetts there are persons at every stage of the process of adjustment. They include new arrivals, persons settling, some with already established routines that incorporate them at different levels into U.S. society. Some who immigrated long ago may have stable situations while others who have also been in the United States for many years still struggle to attain a certain level of stability. Others are here on temporary status or undocumented. In the case of recent immigrants, the stresses due to the process of immigration segue into problems related to the immigrants' status and the difficulties they encounter in the process of adaptation and incorporation to the United States due to language and cultural differences.

Recent policies have favored a vision of immigration that ignores the social dynamics of population flows and the fundamental interaction between the origin and the destination of the flow. This blind spot continues to pull policy in the direction of ever stronger border controls and punitive measures for those who succeed in entering the country nevertheless. Of late, those punitive measures have been accompanied by an increasingly negative vision of immigrants, particularly immigrants from poor countries, that is mostly unfounded but that now is even more confounded in the environment created by the aftermath of the events of September 11, 2001. Together, they obscure what immigrants contribute to their new country and what immigrants and their children require to have a successful adjustment.

But even before this critical time, other "blind spots" have provided a partial view of the process of immigration and adaptation. The focus, as we point out at the start of this paper, has been on the restrictions deployed to curtail immigration at the border and beyond, though most immigrants are here legally. On the way, policy has ignored the process of adaptation and adjustment of these immigrants and the interest society has in that this process is as fruitful as it possibly can be. There is evidence from the outcomes observed among contemporary refugees that a range of services can be supportive of a more optimal adjustment.

The fact is, today's immigrants may come here in response to federal policy, but they live in localities that are hard hit by budget restrictions and unreceptive to their needs. The results are clear: many immigrants experience a multitude of barriers that impact access and availability of health and social services. Many are afraid to seek services to which they are entitled. New immigrants go without services at the time when they need them the most.

Many of the social services we have today in our communities emerged from the recognition at the early part of the twentieth century that society needed to pay attention to the process of adjustment of immigrants. The great settlement houses of Boston and of most of the northeastern urban areas, precursors of contemporary human service agencies, reflected this perspective.

It was in the interest of society that immigrants make an adjustment that allowed them to make a living, raise their children, and contribute to society. Although, at times this turned into a violent process of “Americanization,” there are also many examples of the processes of social support and institution building that emerged from these times.

Today, the lack of a clear immigration policy leaves attention to the needs of immigrants — at the time they need it the most — to the vagaries of local budgets and, yes, the use of social policy to buttress failing immigration policies, as happened in 1996. There is evidence that the wheel is turning toward another review of immigration policy. This time one can only hope that it includes a broader, more complex vision of “immigrant policy,” one that supports a successful adaptation of immigrants to their new environment.✿

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## Notes

1. The terms “Latinos” and “Asians” are used here to identify the aggregate of persons of Latin American and Asian descent.
2. Information in this paper relies on data from the 2000 U.S. Census Research, documentary sources and individual and group interviews reported in M. Uriarte, et al., *Salvadorans, Guatemalans, Hondurans and Colombians: A Scan of Needs of Recent Latin American Immigrants to the Boston Area* (Boston: Mauricio Gastón Institute for Latino Community Development and Public Policy, University of Massachusetts, 2003), < <http://www.gaston.umb.edu/publications/pubs/sghc/salv-guat-hond-colo.pdf>> A full description of data collection methods appear in p. 4 and Appendices 1 and 2.
3. R. Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants since 1882* (New York: Hill and Wang, 2004) :138, 148.
4. This is formerly the Office of Policy and Planning of the Immigration and Naturalization Service in the U.S. Department of Justice.
5. Office of Immigration Statistics, , Department of Homeland Security, *Yearbook of Immigration Statistics* (Washington D.C.: GPO, 2003):213-214.
6. Ibid.
7. J. S. Passel, R. Capps, and M. Fix, *Undocumented Immigrants: Facts And Figures* (Washington DC: Urban Institute Immigration Studies Program, January 12, 2004): 1.
8. D. S. Massey, “The New Immigration and Ethnicity in the United States,” In N. A. Denton, N.A. and S. E. Tolnay, eds., *American Diversity* (Albany: State University of New York Press, 2002):84.
9. A. Portes and R. Rumbaut, *Immigrant America* (Berkeley: University of California Press, 1996):279; *Legacies*, (Berkeley: University of California Press, 2001).
10. Daniels, *Guarding the Golden Door*,:238
11. U.S. Immigration and Naturalization Service. *Statistical Yearbook of the Immigration and Naturalization Service*, (Washington D.C.: GPO, 2002) A2-13.
12. See H. D. Graham, *Collision Course: The Strange Convergence of Affirmative Action and Immigration Policy in America*. (Oxford: Oxford University Press, 2002), 131-133for a summary of positions on the impact on African American workers.
13. G. Borjas, (1990) *Friends or Strangers: The Impacts of Immigrants on the U.S. Economy* (New York: Basic Books, 1990), 19 and *Heaven’s Door: Immigration Policy and the American Economy* (Princeton: Princeton University Press, 1999),110; Portes and Rumbaut, *immigrant America*, 284-290.
14. Borjas, *Friends or Strangers*, 19.

15. M. Fix, J. S. Passel, and W. Zimmerman, *Summary of Facts About Immigrants' Use of Welfare* (Washington D.C.: The Urban Institute, 1996); M. Fix, and W. Zimmerman, *All Under One Roof: Mixed Status Families in an Era of Reform*, (Washington D.C.: The Urban Institute, 1999).
16. Borjas, *Heaven's Door*, 114-118.
17. Borjas, *Friends or Strangers, Heaven's Door*.
18. M. Barrera, *Race and Class in the South West: A Theory of Racial Inequality* (Indiana: University of Notre Dame Press, 1979); J. Gonzalez, *Harvest of the Empire: A History of Latinos in America* (New York: Viking, 2000).
19. Portes and Rumbaut, *Immigrant America*.
20. *Ibid.*, 290.
21. K. A. Ono and J. M. Sloop, *Shifting Borders: Rhetoric, Immigration and California's Proposition 187* (Philadelphia: Temple University Press, 2002), 169-184.
22. R. Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882*, (New York: Hill and Wang, 2004), 246-247.
23. T. MaCurdy and M. O'Brien, "Reform Reversed? The Restoration of Welfare Benefits to Immigrants in California"(San Francisco: Policy Institute of California, 1998):7-9; Daniels, *Guarding the Golden Door*, 247
24. U.S.I.N.S., *Statistical Yearbook, 2002*,A.2-8.
25. Daniels, *Guarding the Golden Door*, 267.
26. Office of the Press Secretary, "Fact Sheet: Fair and Secure Immigration Reform" (Washington D.C.: The White House, 2004), retrieved on January 7 <<http://www.whitehouse.gov/news/releases/2004/01/20040107-1.html> >
27. *Ibid.*
28. National Council of La Raza, "NCLR Strongly Critical of White House Immigration Proposal," (Washington, D.C.: NCLR, 2004).
29. *Ibid.*, 9.
30. A. Sum, N. Fogg, *The Changing Workforce: Immigrants and the New Economy of Massachusetts* (Boston: MassINC and Citizens Bank, 1999): 36 available at: <<http://www.massinc.org/handler.cfm?type=2&target=ChangingWorkforce/index.html>> and U.S. Bureau of the Census 2000 Summary File 4 (SF4) Sample Data.
31. *Ibid.*, p. 36.
32. U.S. Bureau of the Census 2000 Summary File 4 (SF4) Sample Data.
33. These include Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Honduras, El Salvador, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.
34. Uriarte, et al., *Salvadorans, Guatemalans*, 2.
35. P. Watanabe, M. Liu, and S. Lo, "Asian Americans in Metro Boston," paper prepared for The Civil Rights Project at Harvard University, 2004, 4, retrieved from <<http://www.iass.umb.edu/research/metrobostonpr.shtml>>
36. U.S.C.I.S. <http://uscis.gov/graphics/glossary3.htm#R>
37. Watanabe, Liu and Lo, *Asian Americans*, 4
38. Department of State, Proposed Refugee Admissions for FY 2004, October retrieved from <<http://www.state.gov/g/prm/asst/rl/rps/25691.htm#table1>>
39. U.S.C.I.S., 2003a.
40. U.S.C.I.S., 2003b
41. Office of Immigration Statistics, *Yearbook*, 2002:15.
42. U.S.I.N.S., *Statistical Yearbook*, 2002: A2-13.
43. Uriarte, et al., *Salvadorans, Guatemalans*.
44. Persons from the island of Montserrat were recently removed from Temporary Protection by the Attorney General, who requested their repatriation as reported by Cramer and Erikson, 2004.
45. Fix and Zimmerman, *All Under One Roof*.

46. Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA) 2000; Uriarte et al., *Salvadorans, Guatemalans*.
47. S. Brown, H. Leibowitz, *Patchwork Policies Lead to Partial Benefits for Immigrants*, (Washington, D.C.: Urban Institute, 1999).
48. MIRA, 2003. In the last years, there have been considerable efforts in Massachusetts to restore benefits to legal immigrants taken away during budget rescissions, but these have been so far unsuccessful.
49. There is now a large body of evidence pointing in this direction. See for example: P. A. Holcomb, K. Tumlin, R. Koralek, R. Capps, R. and A. Zuberi, The application process for TANF, foodstamps, Medicaid, and SCHIP: Issues for Agencies and Applicants, Including Immigrants and Limited English Speakers, 2003 at < <http://aspe.os.dhhs.gov/hsp/app-process03/index.htm>> and R.Capps, L. Ku, M. Fix, C. Furgiuele, J. Passel, R. Ramchand, S. McNiven, D. Perez-Lopez, E. Fielder, M. Greenwell, and T. Hays, How are immigrants faring after welfare reform? Preliminary evidence from Los Angeles and New York City. (The Urban Institute: Washington, D.C. , 2002).
50. Interview 18swpnl from Uriarte, et al., *Salvadorans, Guatemalans*.
51. Fix and Zimmerman, *All Under One Roof*; R.Capps, *Hardships Among Children of Immigrants: Findings from the 1999 national Survey of America's Families in an Era of Reform* (Washington, D.C.: Urban Institute, 2001).
52. Portes and Rumbaut, *Immigrant America*.
53. Portes and Rumbaut, *Legacies*.

*I accepted a position as a housing advocate while my family and I were wrapping up an eleven-month stay in the Commonwealth's homeless shelter system. At the same time we acquired our Section 8 voucher. Homelessness had unsuspectingly crept into our lives. We were a young, vibrant family with four children and expecting our fifth, working toward financial independence. When my husband's paycheck sharply decreased to poverty level standards, we swiftly depleted our slight savings. With partial payment due, the landlord served us with a Notice to Quit and we were ousted from our home, then owing just over \$1,000 in rent.*

*We were directed to the Department of Transitional Assistance to seek out emergency shelter. It was Christmas Eve, 2001.*

*We were assigned to a local hotel by the DTA, occupying two rooms. I felt ashamed when asked to sign the invoice of \$95 per night, per room. Our stay of 45 days cost \$8,550. Then we were placed in a scattered-site shelter. This arrangement allowed us to be licensed, temporary occupants of an apartment rented by the agency directly from a private landlord. The rent paid to the landlord was \$1,500 per month. We stayed there for ten and a half months while we looked for affordable housing, at a direct charge to the state of \$15,750. That brought our total cost of basic shelter to \$23,750. This figure does not include such costs as supportive services and utilities that could easily add another \$10,000 to the sum. I could not help but think that an upfront investment of \$1,000 could have saved my family from eviction, before it was a crisis. If an argument based in moral sense could not save a family from experiencing the devastation of homelessness, could an argument be made based on economic sense?*

*Diane Sullivan*

*Action for Boston Community Development*

