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Neither Responsible Immigration Nor Refugee Resettlement: Subsidized Migration from the former USSR Continues on Automatic Pilot

By Don Barnett

1995 might be the year the refugee resettlement program makes the news. But if the program manages to elude the public's radar during the current debate about welfare reform it may never be discovered.

The refugee program has been shielded from the public scrutiny directed towards immigration in part because of the emotional freight carried by the very term "refugee." "Everything they once had has been destroyed or taken away, probably at gunpoint. Home, family, possessions, all gone..." according to UNHCR publicity material. The American Immigration Lawyers Association cautions against confusing immigrants with refugees who it says are fleeing for their lives and are "unable to return to their country because of a real threat to life or liberty based on race, religion, nationality, political opinion or membership in a social group."

Indeed, refugees are not to be confused with immigrants. Unlike immigrants, refugees receive a U.S. guaranteed loan for air fare, transitional cash assistance and, within 1 to 4 months of arrival, automatic eligibility for all welfare programs on the same basis as U.S. citizens. Refugees enjoy other advantages vis-à-vis non-refugee immigrants such as an extra measure of protection from deportation even if convicted of a crime. To deport a refugee the INS must prove that conditions in the home country have changed to the extent that the deportee will no longer have a "well-founded fear of persecution."

Over the last 7 years 75 to 80 percent of refugee visas were split between ex-Soviets and Southeast Asians, reflecting inertial momentum of cold war foreign policy. Recently the former Soviet Union has overtaken Southeast Asia in annual arrivals and will remain the primary refugee sending region for the foreseeable future.

About 38% of 110,000 refugee visas will go to the Slavic republics of the former Soviet Union in 1995. Advocates for Soviet refugees argue that, for the sake of parity, the Soviet resettlement program should run as long as the Southeast Asian resettlement program, a U.S. funded migration that is still going strong 20 years after it began. As the migration from the former Soviet Union

begins to look like another decades-long unexamined federal program (and a significant unfunded mandate for the states at that), it may be useful to ask who gets in and who pays.

The Lautenberg Amendment

According to the U.S. Refugee Act of 1980, which is based on international law, a refugee is a person "who is persecuted or has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." As defined by U.N. conventions, claims to refugee status are to be documented and considered on an individual case-by-case basis. The vast majority of refugees to the U.S., however, is admitted on the basis of "reduced evidentiary standards" and a little-known legal clause which amounts to a virtual presumption of persecution based solely on membership in certain groups. According to the Lautenberg amendment of 1989, a claimant from one of the designated categories (certain Southeast Asian nationals, Jews and Christian Evangelicals from the former Soviet Union and Ukrainian Catholics and Orthodox), may qualify as a refugee by merely showing "acts of persecution committed against *other* persons in his or her standard profile in his or her geographic locale or acts *regardless* of locale which give rise to a well-founded fear of persecution." (Emphasis added.) Almost none of those admitted from the former USSR come from the population of 2 million refugees the UNHCR has identified in and among the former republics.

In practice, besides belonging to a "Lautenberg category" nearly all ex-Soviet refugees are admitted because they have a relative in the U.S. Rejections of refugee claims from "Lautenberg" applicants must be supported in writing. Claims from "Lautenberg" applicants with family ties in the U.S. are accepted about 95 percent of the time.

Family chain migration is the main engine of the refugee program today. That raises a question: are American resident relatives of refugees concerned

enough about the fate of the refugees to use their own resources to help them migrate to the U.S.? Answer: of the 120,000 refugees resettled in 1993 from around the world only 384 were actually paid for by relatives or other concerned sponsors. In recent years 10,000 visas were made available annually to sponsoring relatives or agencies willing to pay resettlement costs. Usage of the visas has never exceeded a few hundred a year. This apparent lack of urgency on the part of those closest to the refugees is matched only by the sense of urgency displayed by the refugees themselves. At any given time about 20,000 of the all-expenses-paid refugee visas have been awarded to former Soviets who have decided they don't want to leave just now. The visas remain in effect indefinitely allowing the holder to leave at his or her convenience.

Welfare Dependency Rates

A recent Health and Human Services study of ex-Soviet refugees who arrived between 1988 and 1993 (about 250,000) found 59.7 % of the group to be receiving food stamps and about half to be Medicaid recipients. Some of this assistance will prove to be temporary as the arrivals adjust and enter the economy. For part of the population public assistance will be a permanent way of life. Twenty-two percent of refugee households in the 5-year study group live in public housing and an undetermined proportion live in private apartments subsidized by Section 8 vouchers from HUD or are on a waiting list for public housing. (A growing concern heard in the émigré community is the need to bribe local HUD officials in order to move forward on waiting lists for public housing.)

An astonishing 28% of all households in the group have one or more members receiving cash assistance through SSI. SSI provides an entitlement to indigent elderly and disabled individuals. In addition to a monthly check of \$436 to \$669 depending upon marital status SSI recipients are entitled to Medicaid which is worth annually about \$8,000 on average for elderly and \$7,000 for the disabled. Adjustment of behavior to accommodate eligibility requirements for social benefits seems to be the same or worse among would-be Americans as it is among Americans. About 40% of non-citizen SSI recipients are "disabled." Revelations made by two physicians from the émigré community about Medicare and Medicaid abuse were the subject of several high-profile articles in the main émigré newspaper, *Novoe Russkoe Slovo*.

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In a series of articles titled "How our immigrants rob

Medicare and Medicaid" the physicians explain how easy it is to adapt to the opportunity offered by America's social contract. According to the articles, the U.S. government is paying for a lot of non-existent home oxygen machines in Brighton Beach, Brooklyn (a Soviet American colony in New York City). Also, according to the articles, "tons" of medicine obtained fraudulently through Medicaid and Medicare is making its way to the black market in Moscow. The physicians, who treat the émigré community, report that their average Medicare/ Medicaid patient generates not the usual \$4,000 to \$8,000 in charges to the government, but more than \$35,000 each year. It is important to note that it is a small minority which engages in this type of activity, but it wouldn't work without fairly widespread passive participation in, or at least tolerance of, the practice. As one of the physicians said: "any pensioner in Brighton Beach would be glad to show you how to get all you could ever need using your Medicare or Medicaid card — the card that can't be taken away!"

Under U.S. law refugees who are totally dependent on welfare in the U.S. can bring over extended family members who are fully entitled to all welfare benefits within 30 days of arrival. Likewise, well-to-do refugees may bring over their relatives who are entitled to full time residence on public assistance. On the list of the approximately 683,000 non-citizen immigrants receiving checks from SSI, nationals from Vietnam and the former Soviet Union occupy position 2 and 5 respectively. Russia's ranking is particularly surprising since it has been a major source of continuous immigration for only 7 years. A commentator writing in the Russian émigré press explains "We owe it to our parents to fight for their entitlements; after all in many cases we brought them over here against their wills."

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Relatively little will change in the usage of welfare by refugees under the House Republicans welfare reform proposals. Refugees are exempt from cuts in social services that apply to other immigrants. Refugee residents today and those arriving in the future will be protected by the exemption until they become eligible for citizenship. Upon naturalization their rights and entitlements continue on the same basis as any other U.S. citizen.

None of the programs named above will be subject

to a usage cap under recent welfare reform plans. Taken together, housing assistance, Medicaid, Food stamps and SSI are about 8 times as costly as AFDC, the one program which will be subject to a lifetime usage cap of five years under the proposed welfare reforms.

The New York State Department of Social Services study found that "approximately 50% of refugees received cash assistance uninterrupted through the first 24 months in the state. Once refugees do access public cash assistance, the likelihood increases that they will remain on welfare, thereby fostering long-term dependency." Cash assistance in order of importance for Soviet refugees includes SSI, temporary Refugee Cash Assistance, local General Assistance and AFDC.

Of course reductions in service which apply to U.S. citizens will apply to refugees as well. Eligibility requirements for welfare are becoming stricter and states are required to show an increasing proportion of their welfare caseload in "workfare" or "edufare," programs which are easier to gimmick than welfare itself.

Sponsoring agencies contract with the federal government for the purpose of resettling refugees. (They also give advice about how to appeal for asylum for those who do not arrive on the refugee track. One recent nugget published in the emigre press: how to avoid "incompetent" lawyers who use the same fabricated story of persecution for all their clients. "Competent" lawyers apparently make up a unique story of persecution for each of their clients.) Part of the sponsoring agency's responsibility is enrollment of the refugees in various welfare programs. With the help of federally supported sponsoring agencies and with easily identifiable barriers to employability refugees have an easier time maintaining their welfare eligibility than U.S. citizens.

The following story illustrates why Congress should fully test over a period of time any reductions in expenditures to see if they are real before committing the "savings" to other programs or giving them away in the form of tax breaks. In 1993 Congress passed a law extending by 3 years the waiting period required before SSI payments could begin for the relatives of non-refugee immigrants. (The more costly Medicaid entitlement was left intact as was eligibility for some other programs.) This was accomplished by extending the "deeming" period, the time period for which the immigrants sponsor's income is deemed to be available to support the immigrant. Again, refugees are not affected by the extended deeming period; they may apply for all forms of public assistance upon arrival, regardless of the anchor relative's financial status, but the illustration is relevant because it shows what may happen under any scenario involving a cut off of federal assistance to immigrants, including refugees.

The claim that the government could save 23 billion over the next 10 years by refusing SSI to non-refugee immigrants until they become citizens must have been a cause for mirth in some quarters. Shortly after passage of the law, the emigre news-paper *Novoe Russkoe Slovo* ran

an article by a lawyer practically promising complete welfare eligibility, separate housing and cash assistance within 6 months of arrival for relatives of non-refugees in spite of the new law and in spite of affidavits of financial support signed by the anchor relative in America. The judiciary has consistently found that states may not make a distinction between citizens and non-citizens when distributing benefits. Thus federal cash assistance deferred under the new law is simply replaced by cash assistance from the local and state level. "No one likes living with poor relations," the writer explains. The affidavit of support, essentially an admission ticket for the immigrating relative becomes a meaningless piece of paper when used to require support from the anchor relative. Of course "such matters require the professional help of a lawyer." Infomercials like these are meant for domestic consumption, but reach a large audience back home among those still considering a move to America.

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No one should be surprised at the demand generated by the chance of finding in New York the social guarantees that were lacking in Moscow. According to Russian investigative reporter Vadim Yarmolinet: "Having left a system which at some theoretical point in the future was to have provided for every individual need they find themselves in a familiar element here [in the U.S.] ...as if transported to the phantasmagoric 'bright future' of socialism, they live in little Odessas, Leningrads, and Moscows distinguished from the originals by the fact that the stores are full and housing, food and medical care really are free...."

Incredibly, while much of the U.S. budget is finally being examined by the public, the cost of refugee support has been ignored by the media and politicians alike. Yet, if public assistance charges for refugee support at the local, state and federal level are added to direct resettlement costs, it's likely that the yearly cost of the refugee program exceeds our entire 1994 foreign aid budget of \$13.5 billion. Most of this is due to refugees from earlier waves, principally from Southeast Asia, but the migration from the former Soviet Union is just beginning and is off to an inauspicious start.

Major refugee-sending countries also become major sources of non-refugee immigrants, often drawn by the fantastic expectations of assistance given to their refugee countrymen. Legal non-refugee immigration is just now ramping up from the former Soviet Union,

and as yet is a fraction of the total allowed by law. (Each of the former republics has its own country quota of 20,000 yearly.) Already the region is in the top five as a source of immigration and in some recent years has been among the top three.

The numbers, while dramatic and growing, are not as important as the rules and assumptions underlying the process. Historically, immigration has never been anything but a difficult decision associated with a willingness to sacrifice, take a chance and work hard. In theory such a test should make immigration more or less self-regulating. For the majority of immigrants from the former Soviet Union, the decision to immigrate is a "no-brainer."

Today, much of our refugee resettlement represents neither responsible immigration policy nor humanitarianism. ■