

*This paper was presented as oral testimony before the Subcommittee on Human Resources, Committee on Ways and Means, U.S. House of Representatives, Monday, November 15, 1993. The author is a social worker who encountered the situations he describes while working for the state of Pennsylvania and for Fairfax County, Virginia.*

# The Effects of Immigration on Welfare Programs

Testimony by Mark J. Lefcowitz

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to testify before you today. My name is Mark J. Lefcowitz. I come before this subcommittee as a private citizen, as well as a welfare caseworker specializing in benefit programs for almost fourteen years. Beginning in 1978, I was employed for ten years with the Pennsylvania Department of Public Welfare, and subsequently have been employed with the Fairfax County Department of Human Development for the past four years. Additionally, I am a freelance writer specializing in public welfare issues.

At present, I handle a caseload of approximately 1,400 cases. I estimate that 80-90 percent of my caseload consists of individuals and families who have immigrated to this country within the past ten years.

I make eligibility decisions that determine whether applicants will receive cash, food stamp and Medicaid benefits every day. And every day, I watch as the welfare system is plundered by individuals who have been sponsored by both U.S. citizens and non-citizens to be allowed to live and benefit from the social services of this country.

Before going further, let me make it clear that I am not a xenophobe. I am not motivated to give testimony today for the purpose of immigrant-bashing. Indeed, one of the reasons I have kept silent on this issue outside the confines of my own agency is due to my fears that any report I might give might be misused in the hands of non-professionals. I feared a report on the abuse of, and the problems associated with, the administration of public welfare programs for immigrant populations might be used inappropriately by hatemongers and others for their own political purposes.

I further stress that not all Fairfax County offices of the Department of Human Development have as high a ratio of immigrant clients as does my office, nor do all eligibility workers. My office handles approximately 800 intakes each month; of those cases approximately 50 percent are recently arrived immigrants and permanent resident aliens. An additional 25 percent are U.S. citizens of foreign extraction. I do not have any statistics on the ratio of Aid to Families with Dependent Children (AFDC)

recipients who are U.S.-born and whose parents are non-citizens. In my limited experience in this particular program, involving this specific population, I would estimate that the ratio would be extremely high, possibly three to one or higher.

My co-workers are as diverse a group of individuals as I have ever worked with. Many are not U.S.-born, a few not even U.S. citizens, and a fair number of them have sponsored relatives and friends themselves so they might live in this country. Based on discussions with my colleagues, regardless of their individual background, a majority would agree with the substance of the testimony that I give today.

Finally, I emphasize that many of the problems associated with the administration of welfare benefits for immigrant populations are the same problems associated with non-immigrant populations. There is a lack of sufficient staffing; a lack of a clear and practical social vision which is translated into a clear and practical social policy; overly complicated and sometimes contradictory regulation; undue judicial interference; lack of data collection which is consistent and accurate; lack of leadership and ability at the state and local level; and (what I feel is the worst of all) a welfare system which ultimately encourages economic and social dependence and dysfunctional behavior.

These problems cut across political party lines and political ideology. These problems have existed for decades in the federal government, as well as in each of the states. There is plenty of blame to go around.

As I have stated, every day I watch the welfare system taken advantage of by individuals who have been sponsored into this country. But it is worse than that. Every day my fellow workers and I are forced to deny benefits to elderly and disabled individuals who have worked extremely hard for nickels and dimes all their lives. These are people who *have* contributed to this country; who have paid taxes, who have supported welfare programs and disability programs through wage contributions. These are people who need help; people who are getting perhaps \$500 or \$600 in Social Security and retirement benefits every month, and from this meager income are expected to "spend down" through the payment of out-of-pocket medical expenses to a semi-annual net income of \$1950 before they are eligible to

receive full Medicaid benefits.

And every day my fellow workers and I are forced to approve benefits to individuals who have been sponsored into this country within the past three years; many of them elderly and automatically eligible for full Medicaid benefits; individuals who have never contributed a single dime to this country and who will be effectively wards of the state for the remainder of their lives in this country.

How can this happen? Congress has built piecemeal immigration and welfare systems which encourage sponsored aliens, many of them elderly, to be brought into this country and to live off the welfare system.

And ultimately, there can be no doubt, it is the federal government which is responsible. It is the federal government which interprets the welfare laws of this land and which sets welfare policy and goals. It is the federal government which makes immigration policy. And it is the inconsistencies among these policies which allow sponsored immigrants to have access to this country, its resources, its welfare system, and the welfare system's entitlements.

To paraphrase [the theme of the movie] *Field of Dreams*: if you build it, they will come.

### **Divided Agency Responsibility**

There are a number of federal agencies responsible for welfare policy. Each agency promulgates its own regulations, and this cumulative body of federal policy and regulations is in turn interpreted by each individual state's Department of Welfare or Department of Social Services to ensure entitlement program compliance. It is then promulgated to the individual local agencies as state policy.

These federal regulations are often so inconsistent with one another that they frequently contradict and negate one another. One prime example is the issue of confidentiality. Due to strict non-disclosure laws, it is virtually legally impossible to notify authorities of deceptive practices by any applicant for welfare benefits.

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Unfortunately, it is not unusual for a newly arrived sponsored alien to come to a welfare office within weeks — sometimes days — of entering this country to apply for benefits. In Virginia, this problem in the past revolved around the State's General Relief program. Only recently has this problem been rectified by

requiring the "deeming" of sponsor income and resources in the determination of eligibility.

Obviously, state-funded programs are beyond the scope of this committee and the federal government. But it illustrates the point that the sponsors of permanent-status aliens often lie to the Immigration and Naturalization Service (INS). Individuals — sponsored by others who have promised to support them financially for a three-year period — routinely apply for and are eligible for welfare benefits.

From the line worker's perspective — and I think, too, from the perspective of most taxpayers — this reality is rather incomprehensible. Our first inclination is to report the sponsor to INS. The problem is we can't; federal and state policies regarding confidentiality prohibit the reporting by my agency of any information obtained in the process of application for welfare benefits.

To my mind, and the mind of most of my fellow caseworkers, this just plain doesn't make any sense. We administer federal entitlement programs, we routinely get both immigration status and financial information from a variety of federal agencies, but we are prohibited from revealing information which indicates that an individual has lied to immigration authorities in order to get someone into the United States as a permanent-status alien.

Another example is the fact that despite sponsored status, individuals 65 years of age or older are eligible for Medicaid, provided they meet income and resource requirements. That means that elderly parents and grandparents of sponsors are eligible for full Medicaid coverage within weeks of entering the United States, although they have neither contributed a single nickel, nor done anything to earn the privilege of that eligibility.

Yet at the same time, as noted in my introduction, my fellow caseworkers and I have no option but to deny Medicaid benefits to elderly individuals who have worked, paid taxes, and served their country, but who are marginally over the net income limit of \$325.00 a month.

For many of us, this is an unbearable situation.

### **Playing the System**

This country is allowing individuals to enter this country who are already aware of and are planning to use the nation's welfare system. Rather than relying on the financial support of their sponsors until they are able to become self-supporting, many of these individuals are counting on the welfare system to support them, and never become self-supporting.

The current procedure of "deeming" a sponsor's income is mitigated because there is no limit to the number of people a sponsor can bring into this country.

It is also obvious, to most of us on the line, that there is a good deal of deception taking place when sponsors declare income and resources to the INS, and a great deal of deception when these very same sponsors soon thereafter report depleted resources and lost income to

intake welfare caseworkers.

If a sponsor successfully hides income and resources, there is little the intake worker can do, except authorize benefits.

One particular case of playing the system comes to mind.

A permanent-status alien sponsored his mother-in-law into this country three years ago. This woman was well over 65 years of age, and therefore eligible for Medicaid benefits.

While ineligible for Supplemental Security Income (SSI) benefits due to excess "deemed" sponsor income, the mother-in-law applied for and was granted General Relief benefits, which at the time of application made no provision for sponsor income and resources. When the Virginia General Relief program changed its policy toward sponsor income, this mother-in-law was "grandfathered" into the program because she was already receiving benefits.

Several months ago, she celebrated her third anniversary in this country. Because sponsor income is no longer "deemable" after three years, this woman became immediately eligible for SSI benefits because she is aged. She also applied for and has been determined eligible for food stamp benefits because she now claims that she eats separately from the rest of her family.

Her sponsors — her son-in-law and her daughter — have now returned to their home country permanently, leaving the mother-in-law in the care of one of their college-age daughters. The mother-in-law, however, continues to collect SSI benefits, Medicaid, and food stamps. Recently, this woman flew back to her home country to visit her daughter and son-in-law for several weeks and returned back to this country, her benefits intact.

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#### **General Policy Recommendations**

I urge this subcommittee to further explore, in much greater detail, the issue of the impact of immigration on welfare programs. I ask that the committee consider recommending the adoption of much more restrictive language for welfare benefits for non-U.S. citizens and their dependents, both permanent-status aliens entering the United States under sponsored status, as well as refugees who have not been part of my testimony here today.

Specifically, I recommend the following:

1. That the time limit for sponsorship responsibility be extended from three years to at least five years for immigrants under the age of 55. For individuals over the age of 55, where the possibility of gainful employment is extremely low, sponsorship should be a lifetime commitment.

2. That sponsors of immigrants attest that the individuals they sponsor into this country will not apply for welfare benefits — either federal, state, or municipally funded entitlement programs — or Supplemental Security Income (SSI) benefits, and that each sponsor be bonded as a condition of sponsorship, in the event that a sponsored individual under their financial responsibility does apply for welfare benefits of any kind.

3. That permanent-status aliens not be eligible for welfare benefits or SSI benefits until they have demonstrated self-sufficiency through the reporting of earned income to the Internal Revenue Service for a three-year period. That in all such cases where self-sufficiency has not been demonstrated, sponsorship responsibility be extended until such time as self-sufficiency has been demonstrated.

4. That the minor dependents — whether U.S.-born or non-U.S.-born — of a sponsored alien be considered dependents of the sponsor until such time as they become emancipated adults.

5. That the number of individuals that can be sponsored by an individual or married couple — both at any one time or during their lifetime — be finite.

6. That confidentiality regulations regarding divulging information about sponsors and/or their sponsored immigrants be lifted in such a way as to encourage the free flow of information between the local agencies and the regional offices of the INS, particularly as it relates to possible fraud. And that INS be encouraged to collect and pursue immigration fraud allegations vigorously.

7. That sponsor fraud be made a criminal offense, punishable either by fine and/or imprisonment. And that sponsored immigrant fraud also be made a criminal offense punishable by deportation.

8. That local agencies which have inordinately high caseloads of non-U.S. citizens be acknowledged to have special problems associated with the handling of such caseloads, including the need for translators, the need for federal assistance in obtaining more line workers, and the need for federally mandated caseloads which are lower in number than those for agencies which do not serve such populations.

9. Last, I recommend that this subcommittee make a concerted effort to encourage and mandate the codification of all welfare regulations among the federal agencies so that there is consistency, uniformity, and as much simplicity as possible among the many regulations having to do with the status of immigrants and their eligibility for welfare benefits.

[Editor's note: See a related article on page 142.]