



If Immigration Reform is Enacted, Will Newly Legalized Migrants Have Access to Federal Social Benefits?

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The U.S. Senate is considering a bipartisan reform called “the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013.” If this bill or something close to it passes the Senate and the House and is signed into law by the President, many of the eleven million undocumented immigrants currently living in the United States could gain legal standing and get on a path to eventual citizenship. But the planned route is long and winding, and most undocumented people would have to wait a decade for legal residency and thirteen years for citizenship. What happens in the meantime if these men, women, and children need access to food assistance, health care, or cash assistance during spells of joblessness?

Researchers have documented that poor immigrants are less likely to use U.S. public benefits than their native-born counterparts. But like American citizens, immigrants can get injured or sick, or they may work full time for wages so low that they still fall below the poverty line. When such adverse events happen, public benefits can be vital sources of assistance. Yet as we are about to see, the current immigration legislation takes unprecedentedly harsh – and arguably unwise – steps to deny all public social supports to most citizens-in-waiting.

A Long Path with No Help Along the Way

The pending Senate bill would create a new “registered provisional immigrant” status for undocumented migrants who were present in the United States before December 31, 2011. Most people in this status will be required to pay taxes and fees, and they will have to show that they are maintaining regular employment and are not likely to become dependent on public support. After ten years, they may be eligible to become “lawful permanent residents,” and after three years in that status, they would be allowed to apply for citizenship.

During their ten years in limbo, new provisional immigrants would not be eligible for most federal public benefits. Unlike low-income Americans, immigrants in provisional status would not be able to get federal food assistance (through the program popularly known as Food Stamps); nor would they be able to get temporary welfare assistance or health insurance through Medicaid or the Children’s Health Insurance Program. In fact, most would have to wait 13 to 15 years for benefit eligibility, because of restrictions put in place during earlier immigration debates.

Also Barred from Affordable Care Benefits

Limits for provisional immigrants also apply to the Affordable Care health reforms due to go into effect in 2014. Expansions of Medicaid coverage to help additional lower-income families will not include provisional immigrants. And even though such immigrants will be able to purchase private health insurance coverage on the state-level health insurance exchanges, they will not get the federal subsidies intended to make private insurance affordable for low- and middle-income families. Without this critical help, most provisional immigrants may remain uninsured for the ten years they must remain in limbo. And such denial of routine access to affordable health care will not only hurt the immigrants who might delay necessary treatments; it will also place a serious fiscal strain on hospitals and clinics that have to provide, at the very least, emergency medical assistance.

Shorter Delays for Some

Under the reform legislation currently being discussed in Congress, two categories of migrants will be able to become legal permanent residents with rights to social benefits more quickly:

- Undocumented young adults brought to the United States as children (sometimes called “Dreamers”) are to be given the right to apply for legal permanent status after just five years, and they can then immediately apply for citizenship. During their five years in provisional status, they cannot receive benefits or subsidies to buy health insurance on the exchanges. But because these young people will have a shorter path to legal resident status and citizenship, their ineligibility for benefits could end as quickly as five years after reform goes into effect.
- Pending legislation would also provide special visas for agricultural workers deemed necessary for U.S. farms and agricultural companies. These workers would be denied federal benefits, but some who can demonstrate steady work in agricultural jobs will be able to get legal resident status and rights to some social benefits in as little as five years.

Even immigrants in these categories, however, will still face out-right denial of access to federal social benefits for at least five – and maybe even ten – years. Their wait for eligibility will be shorter, but the wait will still be there.

Defying Precedents – And Logic

The unusually tight bars to social benefits for immigrants included in current legislation are virtually unprecedented. During the Great Depression of the 1930s, for example, European immigrants to the United States were eligible for most federal social programs without delay – whether they were in the country legally or not. Even the 1986 Immigration Reform and Control Act placed only a five-year bar on federal benefits for newly legalized immigrants.

Denying social benefits for immigrants is often touted as a way to save money and be “fair” to U.S. taxpayers. But immigrants work hard and pay taxes that help to fund the very social programs from which they are barred. If reform passes, moreover, millions will be on their way to becoming future citizens – and many immigrant families will raise citizen-children born here. Nor is it really cost-effective to deny basic social supports to workers and families. The burden of covering essential aid merely shifts to states, local communities, and charities; and federal costs will likely rise in the long run if, for example, immigrants fail to get the preventative health care they need and end up suffering from expensive chronic health problems. There has to be a wiser way for policymakers to balance the desire to reserve certain benefits for full U.S. citizens, while at the same time ensuring a modicum of help for new Americans in the making.

This brief relies on two reports from the National Immigration Law Center: “Do Aspiring Citizens Have Access to Affordable Health Care and Benefits under S. 744,” May 2013, and “Analysis of Senate Immigration Reform Bill, Title II Immigrant Visas,” April 2013.