

Statement of National Immigration Law Center

Senate Judiciary Committee

HEARING:

“How Comprehensive Immigration Reform Should Address the Needs of Women and Families”

March 18, 2013

The National Immigration Law Center (NILC) is a nonpartisan organization exclusively dedicated to defending and advancing the rights of low-income immigrants and their families. We conduct policy analysis, advocacy, and impact litigation, as well as provide training, publications, and technical assistance for a broad range of groups throughout the U.S.

Since its inception in 1979, NILC has earned a national reputation as a leading expert on the intersection of immigration law, health care and economic supports, and the employment rights of low-income immigrants. NILC works in collaboration with health care advocacy and anti-poverty groups, state immigrant rights coalitions, legal aid attorneys, workers’ rights advocates, labor unions, health care and social service providers, and faith and community-based organizations. NILC is a key resource for federal and state policymakers, government agencies, as well as the media due to our in-depth policy expertise which is informed by on-the-ground experiences and emerging issues.

NILC advocates for passage of broad and humane immigration reform legislation that provides a clear roadmap to full citizenship for the 11 million aspiring citizens. This would make it possible for immigrants to fully integrate into the nation’s social and economic fabric, with all the rights and responsibilities entailed in full integration. Full citizenship should ensure that everyone living in the U.S. has access to economic supports, affordable health care, workers’ rights, and the freedom to live free from fear of detention and deportation.

Immigrant families face barriers that keep them disproportionately in poverty

Immigration reform will not only affect those currently without a road to citizenship, but their family members as well. There are an estimated 5.5 million children living in mixed-status immigrant households, three-quarters of whom are U.S. citizens.¹ Of the 11 million individuals currently without status, one million are children and of the remaining ten million adults, nearly one-half are parents of children. As a result, it is critical that Congress not consider the 11 million aspiring citizens as a monolithic group and recognizes that immigration reform will have an exponential effect on the lives of millions of low-income individuals, citizens as well as immigrants, residing in the U.S.

¹ Passel, Jeffrey, Cohn, D., *A Portrait of Unauthorized Immigrants in the United States*, April 14, 2009, Pew Hispanic Center, available at <http://www.pewhispanic.org/reports/report.php?ReportID=107>. See also S. McMorrow, G.M. Kenney, & C. Coyer, *Addressing Coverage Challenges for Children under the Affordable Care Act*, Urban Institute, May 2011, available at http://www.urban.org/uploaded_pdf/412341-Affordable-Care-Act.pdf.

Children in immigrant families make up nearly one in four of all children in the U.S. and account for almost a third of all children in U.S. low-income families.² In 2010, the median annual household income for non-U.S. citizens was \$25,000, roughly half the median income of citizen households.³ In the United States, a child should not face hunger or a lack of a sense of security, or be unable to see a doctor when ill; yet children with immigrant parents disproportionately experience these barriers as compared to children with native-born parents. Although all parents strive to provide for their children and ensure that they have the opportunities afforded to every child and be able to succeed in life, immigrant parents face barriers to do so consistently, which stem primarily from their immigration status rather than lack of effort. For instance, despite immigrants' high levels of participation in the nation's workforce, a disproportionate number of immigrants and their family members are uninsured.⁴ Currently, more than one-third of children in immigrant families do not have health insurance.⁵ Thus, while the majority of Americans receive affordable coverage for themselves and their families through their employer, immigrants often lack health insurance because they work in low-wage industries that do not offer strong worker protections or benefits.⁶ This lack of affordable health insurance puts these immigrants at grave risk – both physically and financially – and makes the working conditions of immigrant workers even more egregious.⁷ Compounding this dynamic, many immigrant workers face retaliation, over-verification, and retaliation in the workplace, necessitating serious [reforms of electronic employment verification](#),⁸ particularly for [women](#),⁹ and protection from [retaliation](#).¹⁰

Since immigrant families tend to work in low-wage industries, and the majority of children in immigrant families are U.S. citizens, many children in immigrant families are eligible for government-sponsored health insurance, such as Medicaid, as well as anti-hunger programs such as the Supplemental Nutrition Assistance Program (SNAP).¹¹ Unfortunately, their participation rates in these programs are consistently lower than children in native-born households.¹² For example, while participation rates for children in SNAP have been historically nearly 90%, U.S. citizen children in mixed-status households participated at

² *2011 American Community Survey and Census Data on the Foreign Born by State*, Migration Policy Institute, available at: <http://www.migrationinformation.org/datahub/acscensus.cfm>

³ *Id.*

⁴ *Key Facts on Health Coverage for Low-Income Immigrants Today and Under the Affordable Care Act*, Kaiser Family Foundation, March 2013, available at: <http://www.kff.org/uninsured/8279.cfm>

⁵ *2011 American Community Survey and Census Data on the Foreign Born by State*, Migration Policy Institute, available at: <http://www.migrationinformation.org/datahub/acscensus.cfm>

⁶ *Key Facts on Health Coverage for Low-Income Immigrants Today and Under the Affordable Care Act*, Kaiser Family Foundation, March 2013, available at: <http://www.kff.org/uninsured/8279.cfm>

⁷ For more information on the mistreatment of immigrant workers, see Statement of Emily Tulli, House Committee on the Judiciary, January 26, 2011, available at <https://nilc.org/document.html?id=360>.

⁸ See NILC's *E-Verify & Immigration Reform*, February 2013 available at: <https://nilc.org/document.html?id=855>

⁹ See NILC's *E-Verify Errors: A Women's Issue*, March 2013 available at: <https://nilc.org/everifyimpactonwomen.html>

¹⁰ See NILC's *The POWER Act: Protect Our Workers from Exploitation and Retaliation Act*, June 2011 available at: <https://nilc.org/power-act-2011-06-08.html>

¹¹ See NILC's *Overview of Immigrant Eligibility for Federal Programs* available at: http://www.nilc.org/table_ovrw_fedprogs.html

¹² See e.g., Victoria Lynch, Samantha Phong, Genevieve Kenney, and Juliana Macri, *Uninsured Children: Who are They and Where Do They Live?*, Urban Institute, August 2010, accessible at: <http://www.rwjf.org/content/dam/web-assets/2010/08/uninsured-children> (providing analysis of participation rates of children in Medicaid and the Children's Health Insurance Program (CHIP)).

only 55%.¹³ These discrepancies between access to health care and nutrition programs among children in immigrant and native-born citizen households are most often a result of a complicated set of eligibility rules based on immigration status that lead to confusion and enrollment errors.¹⁴ For example, a parent who is a lawful permanent resident (also referred to as an “LPR” or “green-card holder”) who obtains her status today must wait an arbitrary five years to enroll in SNAP, Medicaid, as well as Temporary Assistance to Needy Families (TANF), even if she meets all other eligibility criteria today. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) created a web of complicated, arbitrary, and burdensome eligibility rules that deny opportunities to low-income immigrants and their families, who include individuals with lawful status or are U.S. citizens, from escaping poverty.¹⁵ Moreover, immigrants who are barred from federal affordable health care and anti-hunger programs pay taxes that help support these programs now as well as in the future.¹⁶

Yet access to health and nutrition programs for low-income immigrants has very little to do with the fact our immigration laws are outdated and that our immigration system must be reformed. Individuals immigrate to the United States for three key reasons – to reunite with family members, to seek better education and employment opportunities, or for humanitarian reasons (e.g. fleeing violence due to war or internal conflicts, fleeing persecution for religious beliefs, etc.). The failure of our current immigration system to adequately address these needs and the economic needs of the nation is one reason why our immigration system is broken and that there is “no line” for millions of individuals to stand in. Even for those who do have a line to stand in, punitive provisions from the 1996 laws such as the 3 and 10 year bars, stand as arbitrary barriers to re-unification.¹⁷

It is critical that future efforts to repair this broken system address the actual causes of migration rather than myths based in fear, not fact. Access to affordable health care, anti-hunger or anti-poverty programs does not cause migration; in fact, immigration increased in the 1990’s as a result of economic growth in the U.S. and despite federal restrictions to these key programs.¹⁸ During this most recent recession, immigration declined.¹⁹ However, denying access to these programs to the most vulnerable among us has resulted in increased health disparities, learning difficulties for children who are hungry, ill, or unable to see the blackboard for instance, and a generation of parents who are struggling to provide for their families and give them an opportunity for a better life.

¹³ *Supplemental Nutrition Assistance Program: Guidance on Non-Citizen Eligibility*, Food and Nutrition Service, U.S. Dept. of Agriculture, June 2011, available at: www.fns.usda.gov/snap/government/pdf/Non-Citizen_Guidance_063011.pdf

¹⁴ See NILC’s *Overview of Immigrant Eligibility for Federal Programs* available at: http://www.nilc.org/table_ovrw_fedprogs.html. Also see e.g., *Connecting Eligible Immigrant Families to Health Coverage and Care: Key Lessons from Outreach and Enrollment Workers*, Kaiser Family Foundation, October 2011, available at: <http://www.kff.org/medicaid/8249.cfm>

¹⁵ See NILC’s *Overview of Immigrant Eligibility for Federal Programs* available at: http://www.nilc.org/table_ovrw_fedprogs.html

¹⁶ See e.g., *Strength in Diversity: The Economic and Political Power of Immigrants, Latinos, and Asians*, Immigration Policy Center, January 2012, available at: <http://www.immigrationpolicy.org/just-facts/strength-diversity-economic-and-political-power-immigrants-latinos-and-asians>

¹⁷ Even the waiver that exists to overcome the 3 and 10 year bars does not even consider whether a U.S. citizen child would suffer hardship if denied reunification with her parents. See INA §212(a)(9)(B)(v).

¹⁸ Passel, Jeffrey and Cohn, D., *U.S. Population Projections: 2005-2050*, Pew Hispanic Center, February 11, 2008, available at: <http://www.pewhispanic.org/2008/02/11/us-population-projections-2005-2050/>

¹⁹ Passel, Jeffrey and Cohn, D., *Unauthorized Immigrant Population: National and State Trends, 2010*, Pew Hispanic Center, February 1, 2011, <http://www.pewhispanic.org/2011/02/01/unauthorized-immigrant-population-national-and-state-trends-2010/>

Congress must not perpetuate this harmful mistake. An immigration system for the 21st century must recognize our nation's current economic needs as well as create the opportunities that will help spur economic growth in the future by investing, rather than punishing, aspiring citizens so they can contribute to their fullest potential.

Recommendations for addressing the needs of low-income families in immigration reform

Immigration reform must provide a roadmap to full citizenship, reunite family members who have been separated due to family visa backlogs and harmful immigration enforcement policies, and enact strong worker protections that will improve the working conditions for everyone.²⁰ The majority of Americans support a pathway to citizenship and modernizing our immigration system.²¹

In addition, there is strong support that aspiring citizens on a road to citizenship have access to affordable health care and nutrition assistance. More than 360 state and national organizations, representing a diverse group of stakeholders – including health care providers, labor, children's and women's rights organizations, immigrant rights groups, and the faith community – joined together to ask Congress and President Obama to pass immigration reform legislation that entails not only responsibilities, but the opportunities to meet those responsibilities, through fair access to health and anti-hunger programs.²² Access to these programs would provide only a level playing field for these individuals, rather than a special benefit. For example, allowing aspiring citizens to be able to purchase affordable health insurance through the Affordable Care Act, along with millions of other Americans, allows them to pay their fair share and help bring down the cost of health care for everyone.²³ In fact, there is already strong support – especially among voters of color - for providing aspiring citizens access to affordable health care through Medicaid or private insurance under the Affordable Care Act of 2010.²⁴

The National Immigration Law Center recently launched the *Healthy New Americans* campaign to provide an opportunity for a diverse and growing number of supporters and voices to advocate for access to affordable health care and nutrition assistance for millions of low-income aspiring citizens, who include children, women, as well as parents. The long-term consequences of excluding aspiring citizens and other immigrants from full participation in society denies not only them, but all of us, a more economically secure future and a stronger nation that lives up to and demonstrates its most cherished values.

²⁰ See e.g., *Shattered Families: The perilous Intersection of Immigration Enforcement and the Child Welfare System*, The Applied Research Center (ARC), November 2011, available at: <http://arc.org/shatteredfamilies>

²¹ See a compilation of public polling from January and February 2013 including from Quinnipiac, Washington Post/ABC News, Public Policy Polling, AP-GFK, Hart Research Associates/Public Opinion Strategies, and Fox News. Available at: <http://americasvoiceonline.org/polls/poll-roundup-americans-support-full-citizenship-for-undocumented-immigrants/>

²² *An Open Letter to President Obama and to All Members of Congress*, March 2013, available at: <http://www.nilc.org/document.html?id=845>

²³ *How Immigrants Are Covered in Health Care Reform*, National Immigration Law Center, April 2010, available at: <http://www.nilc.org/immigrantsshr.html>

²⁴ See Kaiser Family Foundation, *February Kaiser Health Tracking Poll*, February 2013 available at: <http://www.kff.org/kaiserpolls/8418.cfm>