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State Policies on Immigrant Eligibility for Temporary Assistance for Needy Families (TANF)

Ruth Ellen Wasem, Domestic Social Policy Division

April 23, 2004

Abstract. After outlining the options states have to cover noncitzens under TANF and presenting data on the number of LPRs in each state, this report studies whether and which states have exercised these options regarding noncitizen eligibility for TANF. It investigates how states are funding the assistance provided to noncitizens, and also analyzes TANF receipt by state.



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Ruth Ellen Wasem Specialist in Social Legislation Domestic Social Policy Division

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Summary

The eligibility of immigrants for major public assistance programs is an ongoing issue in Congress. Prior to 1996, immigrants, i.e., legal permanent residents (LPRs), were eligible for federal public assistance under terms comparable to citizens, and states were not permitted to restrict access to federal programs on the basis of immigration status. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) — the original law authorizing the Temporary Assistance for Needy Families (TANF) program — dramatically changed noncitizen eligibility for public assistance. It restricted the eligibility of LPRs, refugees, asylees, and other noncitizens for all means-tested public aid. Aliens in the United States without authorization, commonly referred to as "illegal aliens," remained ineligible for federal public assistance. As Congress considers the reauthorization of the welfare reform law, the issue of state options to restrict or expand assistance to immigrants arises.

The 1996 welfare reform act gave states several options of placing further restrictions on noncitizen eligibility or of expanding benefits to noncitizens. LPRs who entered the United States after August 22, 1996, are barred from TANF for five years, after which their coverage becomes a state option. This five-year bar, however, does not apply to LPRs who entered the United States as refugees and asylees. Refugees and asylees who meet the other program criteria are eligible for TANF for the first five years they are in the United States. After this period of time, refugees and asylees are only eligible for TANF at state option.

Many states have been exercising one or more of these options to extend coverage to certain classes of LPRs. As of December 2002, 34 states reported that they are exercising the option to provide TANF to LPRs after the five-year bar ends. Thirty-five states reported that they have exercised the option to provide TANF to LPRs present in the United States before August 1996. Furthermore, 34 states reported that they provide TANF to asylees and refugees who were residing in the United States at the time of the welfare reform act's passage in 1996. Only 27 states, however, reported that they provide TANF to asylees and refugees who have surpassed the five-year limit for TANF.

In terms of funding, 27 states and Washington, D.C. reported that they used their own funds as well as federal funds in 2000 and 2002 to cover the costs of providing TANF to those LPRs who were in the United States prior to the passage of the 1996 welfare reform act. An important source of funding for state assistance to noncitizens comes from the TANF "maintenance of effort" (MOE) requirement. In 2002, 17 states reported using their state MOE money to provide public assistance to newly arriving LPRs who are barred from federal TANF for the first five years. Six states reported using their state MOE money in 2002 to provide TANF to LPRs who had exhausted their eligibility or were currently barred. Eight states reported contributing their state MOE money in 2002 to a separate program for those LPRs who were excluded or whose eligibility had expired. This report may be updated if new data become available.

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State Policies on Immigrant Eligibility for Temporary Assistance for Needy Families (TANF)

Background

Introduction

Immigrant eligibility for major public assistance programs is an ongoing issue in Congress.¹ Prior to 1996, legal permanent residents (LPRs) were eligible for federal public assistance under terms comparable to citizens, and states were not permitted to restrict access to federal programs on the basis of immigration status. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) — the original law authorizing the Temporary Assistance for Needy Families (TANF) program — dramatically changed noncitizen eligibility for public assistance. It restricted the eligibility of LPRs, refugees, asylees, and other noncitizens for means-tested public aid. These provisions ranged from categorical eligibility bars to new rules governing aliens with sponsors and their sponsors' responsibilities.² Aliens in the United States without authorization, commonly referred to as "illegal aliens," remained ineligible federal public assistance.

Although the federal government retains exclusive responsibility for immigration policy, federal law now permits states to differentiate among types of noncitizens when setting welfare policy. The 1996 welfare reform act gave states several options of placing further restrictions on noncitizen eligibility. It also gave them options of expanding benefits to noncitizens.³ As Congress considers the

¹ For a full discussion of this debate, see CRS Report RL31114, *Noncitizen Eligibility for Major Federal Public Assistance Programs: Policies and Legislation*, by Ruth Ellen Wasem.

² See CRS Report RS21470, *Noncitizen Eligibility For Major Federal Public Assistance Programs: Legal Concepts*, by Alison Smith.

³ Noncitizen is synonymous with alien and refers to all foreign-born persons in the United States who have not become citizens. The two basic types of legal aliens are *immigrants* and *nonimmigrants*. Immigrants are admitted as legal permanent residents (LPRs) of the United States. Nonimmigrants — such as tourists, foreign students, and diplomats — are admitted for a specific purpose and a temporary period of time. *Illegal aliens* or *unauthorized aliens* are those noncitizens who either entered the United States surreptitiously (i.e., entered without inspection), or who violated the terms of their nonimmigrant visas. See CRS Report RS20916, *Immigration and Naturalization Fundamentals*, by Ruth Ellen Wasem.

reauthorization of the welfare reform law, the issue of state options to restrict or expand assistance to noncitzens arises.

After outlining the options states have to cover noncitzens under TANF and presenting data on the number of LPRs in each state, this report studies whether and which states have exercised these options regarding noncitizen eligibility for TANF. It investigates how states are funding the assistance provided to noncitizens, and also analyzes TANF receipt by state.

Current Federal Eligibility Policy

Under current law, noncitizens' eligibility for TANF largely depends on their immigration status and whether they arrived (or were on a program's rolls) before August 22, 1996, the enactment date of P.L. 104-193. The TANF eligibility policies laid out by the 1996 welfare reform act remain essentially unchanged for noncitizens entering after its enactment. The *basic* federal rules are as follows:⁴

- LPRs who entered the United States after August 22, 1996, are barred from TANF for five years, after which their coverage becomes a state option.⁵
- LPRs with a substantial work history generally 10 years (40 quarters) of work documented by Social Security or other employment records or a military connection (active duty military personnel, veterans, and their families) are eligible for TANF.
- Refugees and asylees are eligible for TANF for five years after entering the United States.⁶ After this five-year term, refugees and asylees may be eligible, at state option, for TANF.⁷

⁶ Refugee/asylee treatment is accorded to Cuban/Haitian entrants, certain aliens whose deportation/removal is withheld for humanitarian purposes, Vietnam-born Amerasians fathered by U.S. citizens, and victims of human trafficking. For those aliens who arrive in the United States without one of these forms of humanitarian relief, the five-year period begins after the date the aliens receive the status.

⁴ CRS Report RL31114, *Noncitizen Eligibility for Major Federal Public Assistance Programs: Policies and Legislation*, by Ruth Ellen Wasem, lays out these rules in more detail — including special rules that apply to several limited noncitizen categories: certain "cross-border" American Indians, Hmong/Highland Laotians, parolees and conditional entrants, and cases of abuse.

⁵ This five-year ban on eligibility for new entrants also applies to a program closely related to the Medicaid program — the State Children's Health Insurance Program (SCHIP). It is the only categorical noncitizen eligibility rule affecting SCHIP.

⁷ Refugees are admitted from *abroad* after it is determined that they would be persecuted or have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Asylees are aliens physically present *in the United States* who, if returned to their country of origin, would be persecuted or have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Nonimmigrants (e.g., temporary alien residents) and unauthorized aliens (i.e., illegal aliens) are barred from TANF, as they were barred from its predecessor, Aid for Families with Dependent Children.

Legal Permanent Residents by State

The state residential patterns of the almost 14.5 million aliens who became LPRs in the United States from FY1988 through FY2002 provide a gauge of the relative effect of these policies across the states. Although a substantial number of people who are currently LPRs came to the United States before 1988, many others who came prior to 1988 have become U.S. citizens. All LPRs are eligible to become citizens through the naturalization process after they have lived here for five years as LPRs (three years in the case of spouses of U.S. citizens).⁸ Estimates of the naturalization rate range from 30% to 49%, and the median number of years between becoming an LPR and naturalizing as a U.S. citizen varies from eight to 10 years (for those who opt to naturalize).⁹

Immigrants are concentrated in several states; indeed over half of all new LPRs from FY1988 through FY2002 indicated that they intended to live in just three states: California, New York, and Texas.¹⁰ As **Table 1** presents, California dominates with 4,561,693 new LPRs, which is 31.5% of all new LPRs during this period. New York follows with 2,001,439 new LPRs (13.8%). Interestingly, both California and New York had a slightly smaller percentage of all new LPRs during the 1997-2002 period (26.1% and 12.8%, respectively) than during 1988-1996 period (34.4% and 14.3%, respectively), suggesting a somewhat wider dispersion of new LPRs to other states. Almost 80% of all new LPRs reported their intended state of residence in one of 10 states: California, New York, Texas, Florida, Illinois, New Jersey, Massachusetts, Virginia, Washington, and Maryland. The only other states with more than 1% of all new LPRs reporting intended residence are: Pennsylvania, Michigan, Arizona, Georgia, Connecticut, and Ohio.

⁸ To naturalize under U.S. immigration law, all LPRs must also show that they have good moral character, demonstrate the ability to read, write, speak, and understand English, and pass an examination on U.S. government and history.

⁹ See U.S. Department of Homeland Security, 2002 Yearbook of Immigration Statistics (GPO, 2003); and CRS Report 95-298, Naturalization of Immigrants: Policy, Trends and Issues, by Ruth Ellen Wasem.

¹⁰ U.S. Citizenship and Immigrant Services (formerly the Immigration and Naturalization Service) asks all people as they become LPRs where they intend to live in the United States.

State of intended	1988-	1996	1997-2002		1988-2	2002
residence	Number	Percent	Number	Percent	Number	Percent
Alabama	17,601	0.2%	11,227	0.2%	28,828	0.2%
Alaska	10,643.00	0.1%	7,465	0.1%	18,108	0.1%
Arizona	133,625	1.4%	69,571	1.4%	203,196	1.4%
Arkansas	11,496	0.1%	9,985	0.2%	21,481	0.1%
California	3,235,089	34.4%	1,326,604	26.1%	4,561,693	31.5%
Colorado	71,185	0.8%	53,773	1.1%	124,958	0.9%
Connecticut	89,596	1.0%	59,932	1.2%	149,528	1.0%
Delaware	9,776	0.1%	8,519	0.2%	18,295	0.1%
District of Columbia	36,171	0.4%	16,192	0.3%	52,363	0.4%
Florida	648,690	6.9%	493,692	9.7%	1,142,382	7.9%
Georgia	104,234	1.1%	87,236	1.7%	191,470	1.3%
Hawaii	71,475	0.8%	34,503	0.7%	105,978	0.7%
Idaho	19,020	0.2%	11,311	0.2%	30,331	0.2%
Illinois	463,326	4.9%	239,973	4.7%	703,299	4.9%
Indiana	32,467	0.3%	28,421	0.6%	60,888	0.4%
Iowa	21,354	0.2%	19,873	0.4%	41,227	0.3%
Kansas	31,305	0.3%	22,396	0.4%	53,701	0.4%
Kentucky	15,945	0.2%	17,711	0.3%	33,656	0.2%
Louisiana	34,723	0.4%	17,553	0.3%	52,276	0.4%
Maine	7,890	0.1%	5,682	0.1%	13,572	0.1%
Maryland	144,367	1.5%	113,772	2.2%	258,139	1.8%
Massachusetts	205,674	2.2%	132,429	2.6%	338,103	2.3%
Michigan	119,002	1.3%	102,408	2.0%	221,410	1.5%
Minnesota	62,932	0.7%	54,529	1.1%	117,461	0.8%
Mississippi	8,183	0.1%	6,095	0.1%	14,278	0.1%
Missouri	37,628	0.4%	34,228	0.7%	71,856	0.5%
Montana	4,408	0.0%	2,386	0.0%	6,794	0.0%
Nebraska	15,592	0.2%	14,713	0.3%	30,305	0.2%
Nevada	50,070	0.5%	47,896	0.9%	97,966	0.7%
New Hampshire	11,111	0.1%	10,757	0.2%	21,868	0.2%
New Jersey	429,459	4.6%	268,024	5.3%	697,483	4.8%
New Mexico	51,020	0.5%	19,833	0.4%	70,853	0.5%
New York	1,349,181	14.3%	652,258	12.8%	2,001,439	13.8%
North Carolina	62,719	0.7%	54,221	1.1%	116,940	0.8%
North Dakota	4,498	0.0%	3,075	0.1%	7,573	0.1%
Ohio	78,444	0.8%	60,604	1.2%	139,048	1.0%
Oklahoma	33,213	0.4%	20,113	0.4%	53,326	0.4%
Oregon	73,736	0.8%	49,147	1.0%	122,883	0.8%
Pennsylvania	140,673	1.5%	99,071	2.0%	239,744	1.7%
Rhode Island	27,553	0.3%	14,990	0.3%	42,543	0.3%
South Carolina	19,852	0.2%	14,459	0.3%	34,311	0.2%
South Dakota	3,974	0.0%	3,240	0.1%	7,214	0.0%
Tennessee	30,548	0.3%	26,580	0.5%	57,128	0.4%
Texas	875,349	9.3%	390,238	7.7%	1,265,587	8.7%
Utah	30,153	0.3%	23,610	0.5%	53,763	0.4%
Vermont	5,383	0.1%	4,408	0.1%	9,791	0.1%
Virginia	158,771	1.7%	122,481	2.4%	281,252	1.9%
Washington	158,358	1.7%	115,897	2.3%	274,255	1.9%
West Virginia	5,495	0.1%	3,131	0.1%	8,626	0.1%
Wisconsin	41,962	0.4%	29,974	0.6%	71,936	0.5%
Wyoming	3,092	0.0%	1,501	0.0%	4,593	0.0%
	2,072	0.070	1,001	0.070	.,070	0.070

Table 1. Legal Permanent Residents (LPRs) AdmittedFY1988-FY2002 by State of Intended Residence

State of intended	1988-	1996	1997-2	2002	1988-2	2002
residence	Number	Percent	Number	Percent	Number	Percent
Guam	20,954	0.2%	10,623	0.2%	31,577	0.2%
N. Mariana Islands	1,051	0.0%	729	0.0%	1,780	0.0%
Puerto Rico	67,192	0.7%	20,362	0.4%	87,554	0.6%
U.S. Virgin Islands	14,920	0.2%	7,218	0.1%	22,138	0.2%
Other or unknown	4,518	0.0%	653	0.0%	5,171	0.0%
Total	9,416,646	_	5,077,254	_	14,493,900	

Source: CRS analysis of Department of Homeland Security, Office of Immigration Statistics data.

The LPR data in **Table 1** has several limitations, the most obvious being that "intended residence" does not take into account people who subsequently move. The data also, as noted earlier, do not include LPRs who arrived before 1988 and do not exclude LPRs who have since become U.S. citizens.

State Policies and Funding

Options Under TANF

States may permit or prohibit participation by LPRs who entered the United States before enactment of the welfare law (August 22, 1996) from TANF. LPRs entering the United States after August 22, 1996, are barred for five years from all benefits under TANF, food stamps, Medicaid (except emergency medical assistance), and the Social Services block grant. LPRs ineligible for TANF, however, may receive state-funded benefits if they meet other program requirements. After five years, the decision as to whether LPRs may participate in TANF (as well as Medicaid and the Social Services block grant) rests with the states. Many states, as discussed below, offer public assistance to LPRs not eligible for federally financed benefits.

The five-year bar discussed previously does not apply to refugees and asylees. Refugees and asylees who meet the other program criteria are eligible for TANF benefits for five years. After this period of time, refugees and asylees are eligible for TANF at state option, provided they are otherwise eligible for TANF.

State Policies in 2000 and 2002

During the fall of 2002 and winter of 2003, the Congressional Research Service (CRS) conducted the State Noncitizen Eligibility Survey (SNES), a two-phase survey of state eligibility policies on noncitizen eligibility for public assistance as of December 2000 and December 2002. CRS sent questionnaires to state officials responsible for TANF in all 50 states and outlying areas. The nine states and four outlying areas that did not respond to the TANF portion of SNES are indicated in the following tables as "NR" for no response. If a state official responded to the survey, but did not answer a particular question on the survey, it is noted as "skip."¹¹

¹¹ While under contract with CRS, Shirin Kaleel conducted the State Noncitizen Eligibility (continued...)

As of December 2002, 34 states and Washington, D.C. reported that they were exercising the option to provide TANF to LPRs after the five-year bar ends. Thirty-five states and Washington, D.C. reported that they have exercised the option to provide TANF to LPRs present in the United States before August 1996. **Table 2** summarizes two major options that states may exercise on LPR eligibility for TANF and whether they opted for these policies in 2000 and 2002. As **Table 2** indicates, there was no noteworthy change in state policies from 2000 to 2002.

State or outlying	August 22, 19	it in the U.S. before 96 eligible for TANF ate option?	LPRs present in the U.S. on or after August 22, 1996 and federally barred from TANF for five years eligible for TANF after the bar expired?		
areas	2000	2002	2000	2002	
Alabama	Yes	Yes	Yes	Yes	
Alaska	Yes	Yes	Yes	Yes	
American Samoa	NR	NR	NR	NR	
Arizona	Yes	Yes	Yes	Yes	
Arkansas	Yes	Yes	Yes	Yes	
California	Yes	Yes	Yes	Yes	
Colorado	Yes	Yes	Yes	Yes	
Connecticut	Yes	Yes	Yes	Yes	
Delaware	NR	NR	NR	NR	
District of Columbia	Yes	Yes	Yes	Yes	
Florida	Yes	Yes	Yes	Yes	
Georgia	Yes	Yes	Yes	Yes	
Guam	NR	NR	NR	NR	
Hawaii	No	No	Skip	Skip	
Idaho	No	No	Skip	Skip	
Illinois	Yes	Yes	Yes	Yes	
Indiana	NR	NR	NR	NR	
Iowa	Yes	Yes	Yes	Yes	
Kansas	Yes	Yes	Yes	Yes	
Kentucky	Yes	Yes	Yes	Yes	
Louisiana	Yes	Yes	Yes	Yes	
Maine	NR	NR	NR	NR	
Maryland	Yes	Yes	Yes	Yes	
Massachusetts	NR	NR	NR	NR	
Michigan	NR	NR	NR	NR	
Minnesota	Yes	Yes	Yes	Yes	
Mississippi	No	No	Yes	Yes	
Missouri	Yes	Yes	Skip	Skip	

Table 2.Summary of State Policies onLPR Eligibility for TANF: 2000 and 2002

 $^{^{11}}$ (...continued)

Survey (SNES). On behalf of CRS, she contacted the designated TANF officials in all 50 states and outlying areas by mail, telephone, and — in many instances — by e-mail. The state officials had the option of completing the SNES surveys by e-mail or fax. CRS also extended the initial deadline of Dec. 31, 2002, for eight additional weeks to encourage as many responses as possible.

State or outlying	August 22, 19	nt in the U.S. before 96 eligible for TANF ate option?	LPRs present in the U.S. on or after August 22, 1996 and federally barred from TANF for five years eligible for TANF after the bar expired?		
areas	2000	2002	2000	2002	
Montana	Yes	Yes	No	No	
Nebraska	NR	NR	NR	NR	
Nevada	NR	NR	NR	NR	
New Hampshire	NR	NR	NR	NR	
New Jersey	NR	NR	NR	NR	
New Mexico	Yes	Yes	Yes	Yes	
New York	Yes	Yes	Yes	Yes	
North Carolina	Yes	Yes	Yes	Yes	
North Dakota	No	No	Yes	Yes	
N. Mariana Islands	NR	NR	NR	NR	
Ohio	No	No	Skip	Skip	
Oklahoma	Yes	Yes	Yes	Yes	
Oregon	Yes	Yes	NR	Yes	
Pennsylvania	Yes	Yes	Yes	Yes	
Puerto Rico	NR	NR	NR	NR	
Rhode Island	Yes	Yes	Yes	Yes	
South Carolina	Yes	Yes	Skip	Skip	
South Dakota	Yes	Yes	Yes	Yes	
Tennessee	Yes	Yes	Yes	Yes	
Texas	Yes	Yes	No	No	
Utah	Yes	Yes	Yes	Yes	
U.S. Virgin Islands	No	No	Skip	Skip	
Vermont	Yes	Yes	Yes	Yes	
Virginia	Yes	Yes	Yes	Yes	
Washington	Yes	Yes	Yes	Yes	
West Virginia	Yes	Yes	Yes	Yes	
Wisconsin	Yes	Yes	Yes	Yes	
Wyoming	No	No	Yes	Yes	

As **Table 3** indicates, 34 states and Washington, D.C. reported that they provide TANF to asylees and refugees who were residing in the United States at the time of the welfare reform act's passage in 1996. Only 27 states and Washington, D.C., however, reported that they provide TANF to asylees and refugees who have surpassed the five-year limit for TANF and two reported that they did not. It is important to note that several states skipped this question on the survey. Only West Virginia reported a change in policy of providing TANF in 2000 but not in 2002 to asylees and refugees who were residing in the United States at the time of the welfare reform act's passage.

State outlying	eligible for TANF at state tlyingoption?		the U.S. before August 22, 1996Asylees and refugees federally be from TANF after first five yee eligible for TANF at state option?e outlyingoption?			rst five years state option?
areas	2000	2002	2000	2002		
Alabama	Yes	Yes	No	No		
Alaska	Yes	Yes	Yes	Yes		
American Samoa	NR	NR	NR	NR		
Arizona	Yes	Yes	Yes	Yes		
Arkansas	Yes	Yes	Skip	Skip		
California	Yes	Yes	Yes	Yes		
Colorado	Yes	Yes	Skip	Yes		
Connecticut	Yes	Yes	Yes	Yes		
Delaware	NR	NR	NR	NR		
District of Columbia	Yes	Yes	Yes	Yes		
Florida	Yes	Yes	Yes	Yes		
Georgia	Yes	Yes	Yes	Yes		
Guam	NR	NR	NR	NR		
Hawaii	Skip	Skip	Skip	Skip		
Idaho	Skip	Skip	Skip	Skip		
Illinois	Yes	Yes	Yes	Yes		
Indiana	NR	NR	NR	NR		
Iowa	Yes	Yes	Yes	Yes		
Kansas	Yes	Yes	Yes	Yes		
Kentucky	Yes	Yes	Yes	Yes		
Louisiana	Yes	Yes	Yes	Yes		
Maine	NR	NR	NR	NR		
Maryland	Yes	Yes	Yes	Yes		
Massachusetts	NR	NR	NR	NR		
Michigan	NR	NR	NR	NR		
Minnesota	Yes	Yes	Yes	Yes		
Mississippi	Skip	Skip	Skip	Skip		
Missouri	Yes	Yes	Skip	Skip		
Montana	Yes	Yes	Skip	Skip		
Nebraska	NR	NR	NR	NR		
Nevada	NR	NR	NR	NR		
New Hampshire	NR	NR	NR	NR		
New Jersey	NR	NR	NR	NR		
New Mexico	Yes	Yes	Yes	Yes		
New York	Yes	Yes	No	No		
North Carolina	Yes	Yes	Yes	Yes		
North Dakota	Skip	Skip	Skip	Skip		
N. Mariana Islands	NR	NR	NR	NR		
Ohio	Skip	Skip	Skip	Skip		
Oklahoma	Yes	Yes	Yes	Yes		
Oregon	Yes	Yes	Yes	Yes		
Pennsylvania	Yes	Yes	Yes	Yes		
Puerto Rico	NR	NR	NR	NR		
Rhode Island	Yes	Yes	Yes	Yes		
South Carolina	Yes	Yes	Skip	Skip		
South Carolilla	1 55	1 53	ыр	ыр		

Table 3. Summary of State Policies on Asylee and
Refugee Eligibility for TANF: 2000 and 2002

State outlying	Asylees and refugees present in the U.S. before August 22, 1996 eligible for TANF at state option?		Asylees and refugees fed from TANF after firs eligible for TANF at s	t five years
areas	2000	2002	2000	2002
South Dakota	Yes	Yes	Yes	Yes
Tennessee	Yes	Yes	Yes	Yes
Texas	Yes	Yes	Skip	Skip
Utah	Yes	Yes	Yes	Yes
U.S. Virgin Islands	Skip	Skip	Skip	Skip
Vermont	Yes	Yes	Skip	Skip
Virginia	Yes	Yes	Yes	Yes
Washington	Yes	Yes	Yes	Yes
West Virginia	Yes	No	Skip	Skip
Wisconsin	Yes	Yes	Yes	Yes
Wyoming	Skip	Skip	Yes	Yes

Funding Sources for Noncitizens

A total of 27 states and Washington, D.C. reported that they used their own funds as well as federal funds in 2000 and 2002 to cover the costs of providing TANF to those LPRs who were in the United States prior to the passage of the 1996 welfare reform act. Twenty-six states and the U.S. Virgin Islands reported that they used their own funds as well as federal funds in 2000 and 2002 to cover the costs of providing TANF to those LPRs who were excluded (e.g., barred first five years in U.S.) or whose eligibility had expired (e.g., refugees after five years in U.S.) Presumably, those LPRs barred from federal TANF (e.g., first five years in the U.S.) were covered by state funds, and federal funds were used to cover those LPRs whom the states had the option to cover federally (e.g., refugees after five years in U.S.). As **Table 4** indicates only 22 states reported that they opted to provide TANF to those LPRs who were excluded or whose eligibility had expired.

Both federal and state TANF Both federal and state TANF funds used to assist noncitizens funds used to assist noncitizens present in the U.S. before after period of eligibility or during August 22, 1996 period of exclusion 2000 2000 State or outlying areas 2002 2002 Yes Yes Alabama Yes Yes Alaska Yes Yes Yes Yes American Samoa NR NR NR NR Arizona Yes Yes Yes Yes Arkansas Yes Yes Yes Yes No California No No No Colorado Yes Yes Skip No Connecticut Yes No No Yes Delaware NR NR NR NR District of Columbia Yes Yes Skip Skip Florida No No No No Yes Yes Yes Yes Georgia Guam NR NR NR NR Hawaii Skip Skip Yes Yes Idaho Skip Skip Skip Skip Illinois Yes Yes Yes Yes NR NR NR Indiana NR Iowa Yes Yes Yes Yes Yes Yes Yes Yes Kansas Yes Kentucky Yes Yes Yes Louisiana Yes Yes Skip Skip Maine NR NR NR NR Maryland Yes Yes No No Massachusetts NR NR NR NR Michigan NR NR NR NR Minnesota Yes Yes Yes Yes Mississippi Skip Skip Skip Skip Yes Missouri No No Yes Montana Yes Yes Yes Yes Nebraska NR NR NR NR NR NR NR Nevada NR New Hampshire NR NR NR NR New Jersey NR NR NR NR New Mexico Yes Yes Yes Yes New York Yes Yes Yes Yes North Carolina Yes Yes Yes Yes North Dakota Skip Skip Skip Skip N. Mariana Islands NR NR NR NR Ohio Skip Skip Skip Skip Oklahoma Yes Yes Yes Yes Yes Oregon Yes Yes Yes Pennsylvania Yes Yes Yes Yes Puerto Rico NR NR NR NR Rhode Island Yes Yes No No

Table 4. Use of State and Federal Funding for OptionalTANF Assistance to Noncitizens by State, 2000 and 2002

South Carolina

No

No

Skip

Skip

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	Both federal and state TANF funds used to assist noncitizens present in the U.S. before August 22, 1996			
State or outlying areas	2000	2002	2000	2002
South Dakota	Yes	Yes	Yes	Yes
Tennessee	Yes	Yes	No	No
Texas	Yes	Yes	Yes	Yes
Utah	No	No	No	No
U.S. Virgin Islands	Skip	Skip	Yes	Yes
Vermont	Yes	Yes	Yes	Yes
Virginia	Yes	Yes	Yes	Yes
Washington	Yes	Yes	Yes	Yes
West Virginia	Yes	Yes	Skip	Skip
Wisconsin	No	No	No	No
Wyoming	Skip	Skip	Skip	Skip

An important source of funding for state assistance to noncitizens comes from the "maintenance of effort" (MOE) requirement. MOE refers to the amount of the state's own money it must spend to comply with the TANF requirement that the states must continue to spend at least 75% of the total they spent in 1994 for the specific programs that were folded into the TANF block grant. Nationally, the MOE funds total \$10.4 billion, as compared to \$16.5 billion in TANF grants. Among the variety of authorized uses for MOE funds are expenditures for persons ineligible for TANF because of the citizenship and immigrant rules.¹²

As of December 2002, 17 states reported using their state MOE money to provide public assistance to newly arriving LPRs who are barred from federal TANF for the first five years, as listed in **Table 5**. Six states reported using their state MOE money in 2002 to provide TANF to LPRs who had exhausted their eligibility or were currently barred: California, Colorado, Florida, New York, Utah, and Washington. Eight states reported contributing their state MOE money in 2002 to a separate program for those LPRs who were excluded (e.g., barred first five years) or whose eligibility had expired (e.g., refugees after five years): California, Georgia, Hawaii, Maryland, Pennsylvania, Tennessee, Utah, and Wisconsin.

¹² See CRS Report RL30723, *Welfare Reform: Federal Grants and Financing Rules Under TANF*, by Gene Falk; and U.S. Congress, Committee on Ways and Means, *2004 Green Book*, Section 7, "Temporary Assistance for Needy Families," Mar. 17, 2004.

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Table 5. State Use of MOE Funds in 2002 toAssist Noncitizens During Periods ofFederal Ineligibility and Optional State Eligibility

State or outlying areas	During five-year federal bar from TANF assisted by using state MOE money?	After period of eligibility or during period of exclusion assisted by state MOE money contributed to the TANF program?	After period of eligibility or during period of exclusion assisted by state MOE money contributed to <i>separate</i> program?
Alabama	Skip	No	No
Alaska	Skip	No	No
American Samoa	NR	NR	NR
Arizona	Skip	No	No
Arkansas	Skip	No	No
California	Yes	Yes	Yes
Colorado	Yes	Yes	No
Connecticut	Yes	No	No
Delaware	NR	NR	NR
District of Columbia	Skip	Skip	Skip
Florida	Skip	Yes	No
Georgia	Yes	No	Yes
Guam	NR	NR	NR
Hawaii	Yes	No	Yes
Idaho	Skip	Skip	Skip
Illinois	No	No	No
Indiana	NR	NR	NR
Iowa	Skip	No	No
Kansas	Skip	No	No
Kentucky	Skip	No	No
Louisiana	Skip	Skip	Skip
Maine	NR	NR	NR
Maryland	Yes	No	Yes
Massachusetts	NR	NR	NR
Michigan	NR	NR	NR
Minnesota	Yes	No	No
Mississippi	Skip	Skip	Skip
Missouri	Yes	No	No
Montana	Skip	No	No
Nebraska	NR	NR	NR
Nevada	NR	NR	NR
New Hampshire	NR	NR	NR
New Jersey	NR	NR	NR
New Mexico	No	No	No
New York	Yes	Yes	No
North Carolina	No	No	No
North Dakota	Skip	Skip	Skip
N. Mariana Islands	NR	NR	NR
Ohio	Skip	Skip	Skip
Oklahoma	Skip	No	No
Oregon	Yes	No	No
Pennsylvania	Yes	No	Yes
Puerto Rico	NR	NR	NR
Rhode Island	Yes	No	No

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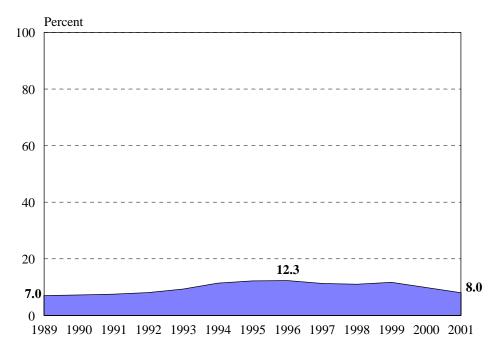
State or outlying areas	During five-year federal bar from TANF assisted by using state MOE money?	After period of eligibility or during period of exclusion assisted by state MOE money contributed to the TANF program?	After period of eligibility or during period of exclusion assisted by state MOE money contributed to <i>separate</i> program?
South Carolina	Skip	Skip	Skip
South Dakota	Skip	No	No
Tennessee	Yes	No	Yes
Texas	Skip	No	No
Utah	Yes	Yes	Yes
U.S. Virgin Islands	Skip	No	No
Vermont	Yes	No	No
Virginia	Skip	No	No
Washington	Yes	Yes	No
West Virginia	Skip	Skip	Skip
Wisconsin	Yes	No	Yes
Wyoming	Skip	Skip	Skip

Noncitizen Receipt of TANF

Trends Over Time

As an annual percentage of total adult TANF recipients, noncitizens who received Aid for Families with Dependent Children (the predecessor of TANF) rose from 7.0% in FY1989 to 12.3% in FY1996. The percent of noncitizen adults receiving TANF dropped slightly to 11.7% in 1999 and ultimately fell to 8.0% in 2001, the most recent year data are available. That many states have exercised one or more options to extend coverage to certain classes of LPRs has mitigated the effects of the federal bars enacted in 1996. This trend in receipt of TANF, *which does not include noncitizens assisted by the separate state programs noted above*, is illustrated in **Figure 1**.

Figure 1. Noncitizens as a Percentage of Adult TANF Recipients, FY1989-FY2001



Source: CRS presentation of data published annually by the Adminstration for Children and Families, DHHS.

Trends by State

California tops the list of states, with 16.9% of its 278,069 TANF recipients who were noncitizens in 2001, as **Table 6** presents. Calculated in terms of percentage of all adult noncitizens receiving TANF, Californians comprised 41.8% of adult noncitizens in the United States on TANF in 2001. New York followed California with 12.3% of its 189,299 recipients who were adult noncitizens or 20.7% of noncitizens in the United States on TANF. Texas and Minnesota were distant third and fourth places with 7.4% and 5.2% respectively of adult noncitizens in the United States on TANF. Texas is caseload respectively who were noncitizens. Data presented in **Table 6** do not include noncitizens assisted by the separate state programs in California, Georgia, Hawaii, Maryland, Pennsylvania, Tennessee, Utah, and Wisconsin.

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		Percent of state total		
State	Total adults	U.S. citizen	Noncitizen	Unknown
Alabama	8,972	100.0%	0.0%	0.0%
Alaska	5,462	93.9%	6.1%	0.0%
Arizona	18,952	92.4%	7.5%	0.0%
Arkansas	6,957	99.7%	0.3%	0.0%
California	278,069	83.0%	16.9%	0.1%
Colorado	6,619	99.7%	0.3%	0.0%
Connecticut	16,907	95.7%	4.3%	0.0%
Delaware	3,245	98.9%	1.1%	0.0%
District of Colombia	12,144	99.1%	0.9%	0.0%
Florida	24,823	87.8%	12.2%	0.0%
Georgia	25,608	99.3%	0.6%	0.1%
Hawaii	11,067	98.8%	1.2%	0.0%
Idaho	361	98.0%	2.0%	0.0%
Illinois	38,483	99.1%	0.8%	0.1%
Indiana	32,539	99.4%	0.6%	0.0%
Iowa	17,584	100.0%	0.0%	0.0%
Kansas	9,496	97.8%	2.2%	0.0%
Kentucky	22,448	98.9%	1.1%	0.0%
Louisiana	13,756	99.6%	0.4%	0.0%
Maine	7,864	96.3%	3.7%	0.0%
Maryland	17,000	99.0%	1.0%	0.0%
Massachusetts	27,202	87.2%	12.8%	0.0%
Michigan	48,989	96.8%	3.2%	0.0%
Minnesota	34,851	83.2%	16.8%	0.0%
Mississippi	7,920	100.0%	0.0%	0.0%
Missouri	34,635	97.3%	2.7%	0.0%
Montana	4,782	99.4%	0.4%	0.2%
Nebraska	6,265	96.5%	3.5%	0.0%
Nevada	4,282	94.9%	4.9%	0.2%
New Hampshire	4,274	96.5%	3.5%	0.0%
New Jersey	27,915	95.8%	4.2%	0.0%
New Mexico	17,136	92.1%	7.9%	0.0%
New York	189,299	84.8%	12.3%	2.9%
North Carolina	21,414	96.4%	1.4%	2.2%
North Dakota	2,216	97.9%	2.1%	0.0%
Ohio	50,982	97.7%	2.3%	0.0%
Oklahoma	8,067	99.6%	0.2%	0.2%
Oregon	8,869	94.0%	4.9%	1.0%
Pennsylvania	58,471	96.9%	3.1%	0.0%
Puerto Rico	23,266	99.0%	1.0%	0.0%
Rhode Island	12,808	85.1%	14.9%	0.0%
South Carolina	9,655	99.9%	0.1%	0.0%
South Dakota	1,209	100.0%	0.0%	0.0%
Tennessee	42,456	99.7%	0.3%	0.0%
Texas	93,313	91.1%	8.9%	0.0%
Utah	5,269	95.5%	4.4%	0.1%
Vermont	5,183	98.6%	1.4%	0.0%

Table 6. Percentage of Adult TANF RecipientsWho Are Noncitizens by State, FY2001

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		Percent of state total		
State	Total adults	U.S. citizen	Noncitizen	Unknown
Virgin Islands	677	88.9%	9.7%	1.3%
Virginia	16,788	98.3%	1.7%	0.0%
Washington	43,282	87.0%	11.0%	2.0%
West Virginia	12,612	99.9%	0.1%	0.0%
Wisconsin	6,149	100.0%	0.0%	0.0%
Wyoming	162	99.8%	0.2%	0.0%
U.S. total	1,408,752	91.5%	8.0%	0.5%

Source: CRS presentation of data from National TANF Datafile as of May 15, 2002.

Generally, states with larger shares of LPRs were more likely to have expanded state-level TANF policies for noncitizens as well as have a greater percentage of their caseload who were noncitizens. There were, however, some exceptions as noted above. The level of immigrant enrollment in assistance programs is affected by the restrictions imposed under the 1996 welfare reform law, by states' choices to extend or deny coverage when given the option and, to some degree, by individuals' perception of their eligibility status and their election to participate or not. Among the public at large, confusion remains over what classes of noncitizens are eligible for which programs, in part because the 1996 welfare law used the phrase "qualified alien" — not a term in immigration law — that encompasses a variety of classes of noncitizens who must meet additional specified conditions. Moreover, despite narrowly drawn regulations from the former Immigration and Naturalization Service (now the U.S. Citizenship and Immigration Services in the Department of Homeland Security) on what constitutes "public charge," many believe that receiving public benefits may adversely affect a noncitizen's immigration status or potential to sponsor immigration petitions for family members. These factors may be inhibiting participation among eligible immigrants.