

CRS Report for Congress

Received through the CRS Web

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

April 23, 2004

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

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 for 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 (name redacted).

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 (name redacted).

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

After outlining the options states have to cover noncitizens 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

⁴ CRS Report RL31114, *Noncitizen Eligibility for Major Federal Public Assistance Programs: Policies and Legislation*, by (name redacted), 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.

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.

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 (name redacted).

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.

**Table 1. Legal Permanent Residents (LPRs) Admitted
FY1988-FY2002 by State of Intended Residence**

State of intended residence	1988-1996		1997-2002		1988-2002	
	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%

State of intended residence	1988-1996		1997-2002		1988-2002	
	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.

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

State or outlying areas	LPRs present in the U.S. before August 22, 1996 eligible for TANF at state 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?	
	2000	2002	2000	2002
Alabama	Yes	Yes	Yes	Yes
Alaska	Yes	Yes	Yes	Yes
<i>American Samoa</i>	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
<i>Guam</i>	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

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 areas	LPRs present in the U.S. before August 22, 1996 eligible for TANF at state 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?	
	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
<i>N. Mariana Islands</i>	NR	NR	NR	NR
Ohio	No	No	Skip	Skip
Oklahoma	Yes	Yes	Yes	Yes
Oregon	Yes	Yes	NR	Yes
Pennsylvania	Yes	Yes	Yes	Yes
<i>Puerto Rico</i>	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
<i>U.S. Virgin Islands</i>	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

Source: CRS analysis of the State Noncitizen Eligibility Survey (SNES), Jan. 2003.

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.

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

State outlying areas	Asylees and refugees present in the U.S. before August 22, 1996 eligible for TANF at state option?		Asylees and refugees federally barred from TANF after first five years eligible for TANF at state option?	
	2000	2002	2000	2002
Alabama	Yes	Yes	No	No
Alaska	Yes	Yes	Yes	Yes
<i>American Samoa</i>	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
<i>Guam</i>	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
<i>N. Mariana Islands</i>	NR	NR	NR	NR
Ohio	Skip	Skip	Skip	Skip
Oklahoma	Yes	Yes	Yes	Yes
Oregon	Yes	Yes	Yes	Yes
Pennsylvania	Yes	Yes	Yes	Yes
<i>Puerto Rico</i>	NR	NR	NR	NR
Rhode Island	Yes	Yes	Yes	Yes
South Carolina	Yes	Yes	Skip	Skip

State outlying areas	Asylees and refugees present in the U.S. before August 22, 1996 eligible for TANF at state option?		Asylees and refugees federally barred from TANF after first five years eligible for TANF at state option?	
	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
<i>U.S. Virgin Islands</i>	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

Source: CRS analysis of the State Noncitizen Eligibility Survey (SNES), Jan. 2003.

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 in the United States prior to the passage of the 1996 welfare reform act as well as those LPRs who were excluded or whose eligibility had expired.

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

State or outlying areas	Both federal and state TANF funds used to assist noncitizens present in the U.S. before August 22, 1996		Both federal and state TANF funds used to assist noncitizens after period of eligibility or during period of exclusion	
	2000	2002	2000	2002
Alabama	Yes	Yes	Yes	Yes
Alaska	Yes	Yes	Yes	Yes
<i>American Samoa</i>	NR	NR	NR	NR
Arizona	Yes	Yes	Yes	Yes
Arkansas	Yes	Yes	Yes	Yes
California	No	No	No	No
Colorado	Yes	Yes	Skip	No
Connecticut	No	No	Yes	Yes
Delaware	NR	NR	NR	NR
District of Columbia	Yes	Yes	Skip	Skip
Florida	No	No	No	No
Georgia	Yes	Yes	Yes	Yes
<i>Guam</i>	NR	NR	NR	NR
Hawaii	Skip	Skip	Yes	Yes
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	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
Missouri	No	No	Yes	Yes
Montana	Yes	Yes	Yes	Yes
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	Skip	Skip	Skip	Skip
<i>N. Mariana Islands</i>	NR	NR	NR	NR
Ohio	Skip	Skip	Skip	Skip
Oklahoma	Yes	Yes	Yes	Yes
Oregon	Yes	Yes	Yes	Yes
Pennsylvania	Yes	Yes	Yes	Yes
<i>Puerto Rico</i>	NR	NR	NR	NR
Rhode Island	No	No	Yes	Yes
South Carolina	No	No	Skip	Skip

State or outlying areas	Both federal and state TANF funds used to assist noncitizens present in the U.S. before August 22, 1996		Both federal and state TANF funds used to assist noncitizens after period of eligibility or during period of exclusion	
	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
<i>U.S. Virgin Islands</i>	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

Source: CRS analysis of the State Noncitizen Eligibility Survey (SNES), Jan. 2003.

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 (name redacted); and U.S. Congress, Committee on Ways and Means, *2004 Green Book*, Section 7, “Temporary Assistance for Needy Families,” Mar. 17, 2004.

Table 5. State Use of MOE Funds in 2002 to Assist Noncitizens During Periods of Federal 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
<i>American Samoa</i>	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
<i>Guam</i>	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
<i>N. Mariana Islands</i>	NR	NR	NR
Ohio	Skip	Skip	Skip
Oklahoma	Skip	No	No
Oregon	Yes	No	No
Pennsylvania	Yes	No	Yes
<i>Puerto Rico</i>	NR	NR	NR
Rhode Island	Yes	No	No

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
<i>U.S. Virgin Islands</i>	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

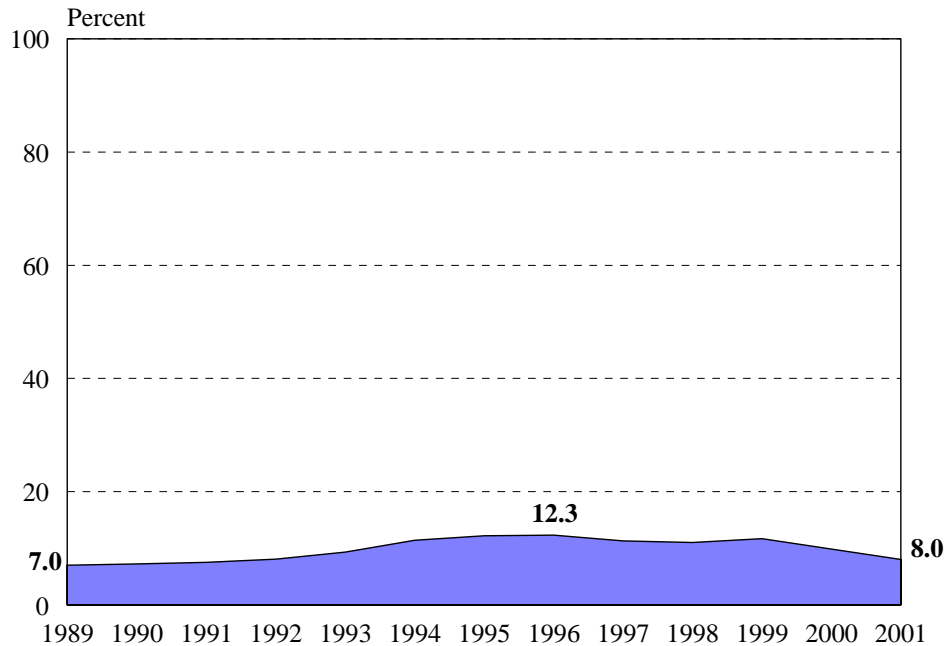
Source: CRS analysis of the State Noncitizen Eligibility Survey (SNES), Jan. 2003.

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 Administration 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, with 8.9% and 16.8% of their states' 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.

**Table 6. Percentage of Adult TANF Recipients
Who Are Noncitizens by State, FY2001**

State	Total adults	Percent of state total		
		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 Columbia	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%

State	Total adults	Percent of state total		
		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.

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