



# Executive Summary

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*February 13, 2002*

## **Improving the TANF Program for Legal Immigrants: Recommendations based on the Oregon experience**

by Michael Leachman, Amy Stork, and Lorey Freeman

Increasingly, the capacity of the Temporary Assistance for Needy Families (TANF) program to reduce poverty in Oregon depends on the success of legal immigrant families. About nine percent of Oregon's TANF caseload consists of recipients who require services in a language other than English. The importance of helping immigrants receiving TANF benefits will only increase in the future, if the number of legal immigrants living in Oregon continues to grow as rapidly as it did over the last decade. Oregon's foreign-born population grew by 79 percent in the 1990s.

Oregon's efforts to end child poverty, in particular, increasingly depend on whether legal immigrant families climb the economic ladder. Approximately 18 percent of all Oregon children under 150 percent of poverty are not citizens or are living with relatives who are not citizens. Fully 85 percent of the recipients in Oregon's TANF cases requiring services in a language other than English are children.

This paper recommends that when Congress reauthorizes the TANF program later this year, it should:

- Allow states the option of using federal TANF funds to help legal immigrants who have lived in the US less than five years.
- Explicitly allow states to provide more English instruction as part of their "welfare to work" programs, and provide incentives to assure that legal immigrants learn the English they need for future advancement.

The paper also offers recommendations for Oregon to improve the state TANF program, currently operating under a waiver to the federal rules. The paper recommends that Oregon:

- Adopt rules assuring that recipients achieve English proficiency before they are required to conduct work search or accept a job offer. Legal immigrants who accept a job before achieving English proficiency should be offered ongoing work-oriented English training.
- Establish a statewide policy on English training by requiring it to be a component of each Service Delivery Area plan.
- Collect and compile more data on TANF recipients lacking English skills. Oregon should gather and report the same data on limited-English TANF recipients that is collected and compiled on the TANF caseload as a whole.
- Require all service delivery areas to use TANF funds to help undocumented caretakers of children eligible for TANF.
- Cease the practice of attributing the income of sponsors to immigrant families living in the US less than five years.





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Increasingly, the capacity of the Temporary Assistance for Needy Families (TANF) program to reduce poverty in Oregon depends on the success of legal immigrant families. About nine percent of Oregon's TANF caseload consists of recipients who require services in a language other than English. The importance of helping immigrants receiving TANF benefits will only increase in the future, if the number of legal immigrants living in Oregon continues to grow as rapidly as it did over the last decade. Oregon's foreign-born population grew by 79 percent in the 1990s.

Oregon's efforts to end child poverty, in particular, increasingly depend on whether legal immigrant families climb the economic ladder. Approximately 18 percent of all Oregon children under 150 percent of poverty are not citizens or are living with relatives who are not citizens.<sup>1</sup> Fully 85 percent of the recipients in Oregon's TANF cases requiring services in a language other than English are children.

Currently, the federal government denies federal TANF benefits to legal immigrants who have lived in the US less than five years. No matter how hard they work or how much they pay in taxes, recent legal immigrants are excluded from receiving federal TANF benefits.

Oregon is one of 21 states using state money to provide benefits to all recent legal immigrants. Unless the federal law is changed, Oregon's financial burden for providing these benefits will increase as the number of immigrants in Oregon increases.

This paper provides recommendations to Congress and state officials for improving the TANF program's services to immigrants. The paper also provides background on immigrants living in Oregon, discusses the rules governing immigrant experiences in the TANF program, and describes how the program functions in various regions of the state.

### **How many immigrants and refugees live in Oregon?**

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In 2000, there were 249,000 people living in Oregon who were born in a foreign country, accounting for 7.4 percent of the total state population. One-third of these former foreigners have become US citizens, leaving 165,000 non-citizen immigrants and refugees living in the state (4.9 percent of the total population).

About 40 percent of the state's foreign-born population were born in Latin American countries, mostly in Mexico.<sup>2</sup> Another 27 percent were born in Asian countries, and 21 percent were born in Russia or European countries including the Balkans.

A large proportion of the state's immigrant population moved to the United States recently. In fact, the foreign-born population in Oregon grew by 109,000 over the 1990s, a 79 percent increase. Two-thirds of all non-citizens living in Oregon arrived in the US during the last decade. These latest arrivals are likely to be ineligible for many public benefits such as Food Stamps and the Oregon Health Plan (Oregon's Medicaid program), because the 1996 welfare reform bill denied certain benefits to legal immigrants arriving in the US after the law was passed even though they may pay taxes.<sup>3</sup> As time passes and more immigrants arrive, the numbers of immigrants who fall into this category will continue to grow.

Some of Oregon's legal immigrant population arrived as refugees fleeing persecution in their home countries. While the number of refugees resettled in Oregon varies each year, since 1975 the average has been 1,816. In federal fiscal year 2000, 1,678 refugees were resettled in Oregon.<sup>4</sup>

Through most of the 1970s and 1980s, refugees from Southeast Asian countries (Vietnam, Laos, and Cambodia) constituted the majority of refugees resettled in Oregon. This changed strikingly in the last decade.

### Where in Oregon do immigrants live?

Oregon residents born in Asian countries are concentrated in the Portland area, with 65 percent living in the tri-county area. About 70,000 people living in Multnomah County, which includes Portland, were born in East Asian countries. Most of the rest of Oregon's Asian-born population live in the regions containing Eugene and Salem (Oregon's second and third largest cities).

European-born residents are also concentrated in the Portland area, where 60 percent live. Another 18 percent live in the regions containing Salem and Eugene,

**Table 1. Immigrants and refugees in Oregon, 2000**

	Number	Percent of state population
Total foreign born	249,000	7.4
Non-citizens	165,000	4.9

Source: OCPP analysis of the Supplementary Survey to the 2000 Census.

In FFY 2000, just 2 percent of the refugees resettled in Oregon were from Southeast Asia. Sixty percent, on the other hand, were from countries in the former Soviet Union, and 13 percent were from Bosnia.<sup>5</sup>

Many immigrants and refugees arrive with weak English skills. Of the 322,000 Oregon residents who speak a language other than English in their homes, nine percent, about 30,000 people, are unable to speak English at all. Another 59,000 Oregonians do not speak English well.

Spanish speakers are more likely than residents from Asia or Europe to lack English skills. While most Spanish speakers in the state speak English well, about 13 percent speak no English.<sup>6</sup>

while 13 percent live in southwestern Oregon.

By contrast, Oregon residents born in Latin American countries are more dispersed across the state. Half live in the Portland tri-county area, and another quarter live in the region containing Salem. However, twelve percent live in sparsely populated Eastern Oregon. Latinos (foreign and US born) make up one-quarter of the population in isolated Malheur and Morrow counties, and the percentage is similar in rugged Hood River County.

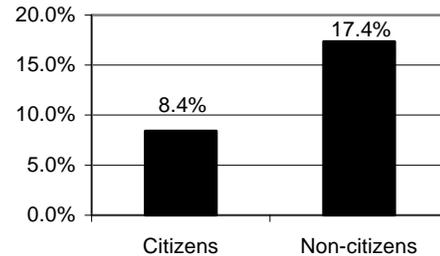
## Is helping immigrants a key to poverty reduction?

Seventeen percent of all non-citizen workers living in Multnomah County (Oregon's most populous county) earn less than a poverty level income (Figure 1). Median earnings for non-citizen workers living in Multnomah County were just \$13,600 in the late 1990s.

Given the low wages earned by many immigrants, Oregon's "welfare to work" efforts will not succeed in reducing poverty unless the system succeeds in helping legal immigrant families. One in every eight poverty-wage workers living in Multnomah County is a non-citizen.

Oregon is unlikely to succeed in reducing its child poverty rate without reducing poverty among immigrant children. Approximately eighteen percent of all Oregon children under 150 percent of poverty are not citizens or are living with relatives who are not citizens.<sup>7</sup> Too many immigrant children live in households struggling even to put food on the table. An OCPP analysis of Census Bureau data found that one in five Oregon households headed by an immigrant struggles to put food on the table.<sup>8</sup>

**Figure 1. Poverty rate among workers in Multnomah County, average year, 1996-98**



Source: OCPP analysis of ACS data. Workers are those residents with annual earnings greater than zero.

Unless Congress alters course, the nation's public benefit system will grow less and less able to support immigrants. Under current law, immigrants who arrived in the US after welfare reform are ineligible for certain federally funded public benefits. As the years pass, the number of immigrants who have arrived since welfare reform will only increase, straining state coffers.

## What public assistance can immigrants and refugees receive in Oregon?

Congress drastically altered the nation's public assistance system in August 1996, with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). One of the most significant changes was a deep reduction in benefits available to legal immigrants and refugees.

Under PRWORA and subsequent legislation, Congress barred legal immigrants from receiving various forms of public assistance while allowing the states options for providing certain benefits to other legal immigrants.<sup>9</sup> In some cases, states accepting the options were required to use state money to fund the benefits. Congress later restored federal benefits to some of the most vulnerable legal

immigrants. However, the restorations focused primarily on immigrants who entered the United States prior to August 22, 1996 – the day PRWORA was signed into law. Those immigrants arriving since the welfare reform law remain ineligible for many public assistance benefits, especially during the first five years they are living in the US.

Under PRWORA and subsequent legislation, certain categories of immigrants are called "qualified aliens." "Qualified" categories of non-citizens include immigrants who are lawfully admitted to the United States for permanent residence, refugees, asylees, and some additional small categories of non-citizens.

## Which non-citizens are “qualified” to receive public benefits in Oregon?

The 1996 federal welfare reform law divides non-citizens into qualified non-citizens and disqualified non-citizens. The term “qualified” is a misnomer because neither qualified nor disqualified non-citizens are entitled to public benefits under the welfare reform law. However, it is a threshold test for most benefits programs.

“Qualified” non-citizens, as defined by the welfare reform law and subsequent legislation, include the following:

1. a non-citizen who is lawfully admitted for permanent residence;
2. a non-citizen who is granted asylum;
3. a refugee who is admitted to the United States;
4. a non-citizen who is paroled into the United States for a period of at least 1 year;
5. a non-citizen whose deportation is being withheld;
6. a non-citizen who is granted conditional entry;
7. a non-citizen who is a Cuban and Haitian entrant (as defined in 8 USCS § 1522);
8. a non-citizen who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the non-citizen and the spouse or parent consented to, or acquiesced in, such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and has a petition pending or approved under the Violence Against Women Act;
9. a non-citizen whose child has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the non-citizen (without the active participation of the non-citizen in the battery or cruelty), or by a member of the spouse or parent's family residing in the same household as the non-citizen and the spouse or parent consented or acquiesced to such battery or cruelty, and the non-citizen did not actively participate in such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and who is a lawful permanent resident non-citizen.
10. a non-citizen child who resides in the same household as a parent who has been battered or subjected to extreme cruelty in the United States by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and who is a lawful permanent resident non-citizen.

Note: Criteria 8, 9 and 10 do not apply to a non-citizen during any period in which the individual responsible for such battery or cruelty resides in the same household or family eligibility unit as the individual subjected to such battery or cruelty.

In Oregon, immigrants deemed qualified are eligible to receive TANF benefits.<sup>10</sup> Oregon is one of 21 states exercising the option to provide state-funded TANF benefits to all qualified non-citizens in the first five years they are living in the US.<sup>11</sup>

Oregon's spending on TANF benefits for qualified immigrant families is undermined by federal restrictions in other sorts of public benefits for immigrants. Unless they fall into one of the categories of people

considered exceptions, even "qualified" non-citizens are ineligible for Food Stamps, Medicaid (the Oregon Health Plan), SSI and General Assistance.<sup>12</sup> Lawful permanent residents must be able to demonstrate they've worked in the US for more than 40 quarters to receive most public benefits. Even elderly and disabled immigrants are ineligible for many public benefits if they have arrived since the passage of federal welfare reform.<sup>13</sup>

### How many immigrants and refugees are receiving TANF?

Oregon does not gather data on the citizenship status of TANF recipients. Rather, the state tracks the number of recipients who require materials and services in a language other than English. In August 2001, there were 1,440 total "other language" TANF cases in Oregon, representing 3,963 people (Table 2).

Based on these figures, cases requiring services in a language other than English make up nearly 9 percent of the total TANF caseload.<sup>14</sup> Children constitute 85 percent of the "other language" caseload in Oregon, compared to 73 percent of the English-language caseload.

The state's tracking method assures that caseworkers will not require immigrants to disclose citizenship status information about members of their household who are not applying for benefits. However, the method also undercounts the number of recipients who lack the English skills necessary for job advancement. Some TANF recipients receiving TANF services in English nonetheless may struggle with inadequate English skills on the job. As such, the state is not systematically gathering information about all clients whose English proficiency is limited, but is only gathering data on a portion of the limited-English population.

Total number of cases	1,440
<i>TANF "basic" (single parent or child-only cases)</i>	1,153
<i>TANF "UN" (two-parent cases)</i>	287
Total number of TANF-eligible persons receiving benefits	3,963
<i>Total TANF-eligible adults receiving benefits</i>	602
<i>Total TANF-eligible children receiving benefits</i>	3,361

Source: Oregon Department of Human Services

The figures in Table 2 do not include refugees since they are generally not served through TANF but through a separate but similar program. The most extensive services are available to refugees in the Portland area, where most refugees in Oregon live. During federal fiscal year 2001, 832 new adult refugees in the Portland area enrolled in the refugee program; another 477 refugees were already in the program at the start of the year.<sup>15</sup>

## **What wages are clients who lack English proficiency earning when they leave TANF?**

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The average hourly wage for Portland-area immigrants with limited English proficiency at the point they were placed in employment during federal fiscal year 2001 was \$7.68.<sup>16</sup> A family relying on one wage earner making \$7.68 an hour in a full-time, year-round job would need to live on \$15,974 in annual earnings. This amount of annual income is enough to raise a family of three or less above the official poverty line, but not enough for a family of four or more. The poverty guideline for a

three-person family in 2001 was \$14,630; for a four-person family, it was \$17,650.

Low-income families earning more than the poverty line may not be able to meet their basic needs.<sup>17</sup> According to the Economic Policy Institute, the annual cost for a Portland area family with one parent and two children to meet their basic needs was \$32,118 in 1999. For a family with two parents and two children, the cost was \$37,306.

## **What specialized TANF services are available?**

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Non-citizens typically struggle with cultural and language barriers that are less likely to confront citizens. As noted above, non-citizens also tend to be vulnerable to hardship – they are more likely to work in low paying jobs and to be living in poor and food insecure households. These factors often require specialized public services to help immigrants overcome difficult times and achieve self-sufficiency.

Caseworkers throughout the state have access to translation services through a directory of bilingual staff working with the Oregon Department of Human Services (DHS) and a telephone translation service available through a private company. Written materials are available in Spanish, Vietnamese, and Russian.

Throughout Oregon, immigrants lacking English skills are required to accept the first job offered to them. DHS officials maintain that a deficiency in English is not a barrier to employment. Some employers hire workers who speak little or no English.

Operating under a waiver from federal TANF rules, Oregon does not restrict the amount of English language training that recipients may receive. However, because recipients are required to accept the first job available to them, recipients may not receive the English training necessary for future job advancement. Immigrants who

arrive in the US with strong work skills, but few English skills, may end up in low-wage jobs with few opportunities for advancement.

The problem is exacerbated by the fact that the services immigrants receive depend in part upon where in Oregon they live. Oregon allows each of the DHS service delivery areas to decide whether to offer English as a Second Language classes. As such, access to English training is not assured throughout Oregon, despite the fact that the rules allow unlimited English training.

In the Portland area, where the state's immigrant population is concentrated, DHS contracts with a local community college to provide work-oriented English training and other job-related services to immigrant TANF recipients. The Portland area job training program is the most extensive available in the state. By contrast, in some smaller towns and rural counties, DHS caseworkers cannot rely on outside contractors to provide specialized services. Moreover, in smaller towns and rural areas, the local social service infrastructure is relatively weak, making DHS' job more difficult.

In the Portland area, where the state's foreign-born population is concentrated, DHS provides its most extensive work-

oriented services for immigrants. DHS refers all work-mandatory TANF recipients with limited English proficiency to a specially designed “welfare to work” program conducted by a local community college. The program is called StepsNET.<sup>18</sup> When they begin the program, limited-English TANF recipients are assigned to a work-oriented English as a Second Language (ESL) class providing instruction twelve hours a week for seven weeks. The students are also encouraged or required to use computers equipped with ESL software. Approximately ten percent leave for employment before completing the course; others may continue the course while working part-time.

After the initial round of ESL courses, clients either enter a second round of basic English instruction, or move on to the Life Skills Jobs Club. Through the Club’s guided work-search program, clients meet regularly with their job developers and participate in weekly same-language networking gatherings. In 2000, 68 percent of participants obtained employment prior to completing the seven-week Jobs Club program.

Other parts of the state are also home to large numbers of immigrants. One-quarter of Oregon residents born in Latin American countries, for instance, live in the Salem area.<sup>19</sup> At the North Salem DHS branch, 36 percent of the total TANF caseload speaks Spanish. Another 8 percent of the total TANF caseload speaks Russian.<sup>20</sup>

To serve the area’s large Latino immigrant population, North Salem offers a relatively strong infrastructure of social services for immigrants. DHS is able to work closely with agencies with strong ties to the local immigrant community. One such agency is under contract with DHS to help clients locate ESL courses and other locally available resources. In addition, DHS continuously offers life skills classes in Spanish and Russian. Finally, the DHS district contracts with bilingual employment consultants to help limited-English clients who are required to seek employment. In outlying areas the Oregon

Employment Division’s Spanish-speaking consultant provides this service.

In smaller cities and rural parts of the state, DHS caseworkers are less able to rely on a strong infrastructure of social service support for immigrants. Medford, a city of 63,000 in southwestern Oregon that is 90 percent white and 9 percent Latino, provides a good example.

In the West Medford branch, one bilingual caseworker handles all limited-English cases, regardless of the types of public assistance benefits the families are receiving. He handles about 150 total limited-English cases, including 30 TANF cases.<sup>21</sup> His caseload is higher than the English-only case managers, who serve 90-110 cases. However, he also has two bilingual assistants.

The West Medford DHS branch coordinates regular meetings of representatives from area agencies working with Latinos. The partners meet twice monthly with the goal of stabilizing employment for Latino families. Despite these efforts, the local social service infrastructure for immigrants is relatively weak. For instance, according to the DHS Site Manager in West Medford, the local Legal Services agency has only one bilingual advocate, and there are no bilingual mental health or alcohol and drug services available in the community.

In sparsely populated Malheur County, covering many thousands of acres of farms, ranches, and rangeland in Oregon’s remote southeastern corner, more than one-quarter of the population is Latino, and about 15 of the 107 TANF cases open in October 2001 were cases involving recipients with limited English skills.<sup>22</sup> Nearly all of the limited-English cases consist of either eligible children of ineligible parents, or victims of domestic violence, for whom citizenship requirements are waived.

The DHS branch in the county’s largest city – Ontario – has no designated caseworker for recipients lacking English skills. However, seven out of ten caseworkers at the Ontario branch are bilingual, as is the

branch manager. No employment counseling specifically designed for clients unable to speak English is available.

English training, citizenship, and Spanish language GED classes are available in

Ontario. According to a DHS official at the Ontario branch, though, most non-citizens lack the time - after working long hours - to attend these classes, except in the winter when work is scarce.

## **What services are available to the citizen children of undocumented immigrants?**

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In some cases, only the children in a household are eligible for TANF, as when a child is a citizen but her parents are undocumented immigrants. Oregon's TANF rules allow DHS to provide the full range of TANF services to the caretakers of eligible children, since it is in Oregon's interest for the children to be healthy students and productive future citizens.<sup>23</sup> But, the assistance DHS provides to the child's caretakers depends largely on where in Oregon the child lives. Different DHS service delivery areas maintain different policies on helping undocumented immigrant caretakers.

At the North Salem DHS district, about half of the Spanish-speaking TANF caseload consists of "child-only" cases. A local social service agency is under contract with DHS

to help any client who comes to them. This social service agency does not help undocumented adults with work search tips, since they are not authorized to work in the United States. Short of offering job search advice, however, the agency connects non-TANF adults to everything available to TANF participants, including ESL courses at Chemeketa Community College, day care, and transportation to classes.<sup>24</sup>

In West Medford, by contrast, the branch wanted to provide ESL classes to the ineligible caretakers of eligible children, but district officials would not allow it. The district argued that ESL classes were employment-related, and therefore could not be provided to adults who were not authorized to work.<sup>25</sup>

## **How do the current TANF rules undermine the program's goals?**

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The Oregon TANF program sets "self-sufficiency" as its goal. Employable recipients are urged into the workforce in the hopes that their income will rise to the point that they can do without public benefits permanently. Some TANF rules and agency practices, though, undermine the program's ability to help immigrant families permanently stabilize their lives.

*The amount of English training available is insufficient*

Oregon's TANF rules allow for an unlimited amount of English training. However, the program requires all recipients to accept the first job offered, and job developers continuously seek employment for recipients. DHS does not consider a lack of

English proficiency to be a barrier to employment. As a result, the Oregon TANF program may help legal immigrants find work but it limits their future advancement, since advancement usually requires more extensive English skills.

Legal immigrants who arrive in the US with considerable work skills, but little English proficiency, may be particularly hurt by the TANF program's insistence that recipients accept the first job offered. Highly skilled workers may need substantial English skills to understand safety instructions or to obtain licenses to work using their skills. The TANF rules may force these workers to accept less stable jobs, leaving them more likely to need public benefits.

Legal immigrant workers in low-paying jobs with long hours may lack the time and energy to attend further English training. Transportation may also be a problem for low-income legal immigrants, particularly those living in rural areas.

Oregon operates under a waiver from the federal government that allows the state to provide unlimited English training. Unless this waiver is extended when it expires in July 2003, the state will have to comply with more restrictive federal rules.

Although Oregon's TANF rules allow for unlimited English training, DHS service delivery areas may choose to refuse English training to recipients in their district.

*The work rules for two-parent families are not flexible enough*

Both adults in two-parent families may be required to work under the TANF rules. This is true even when the cost of child care exceeds the earning potential of one of the parents. The TANF rules requiring both adults to work and to send their children into child care can result in a significant cost to the family, the State, or both.

*DHS service delivery areas are not required to provide a full range of assistance to children in "child-only" cases*

Oregon's long-term interest lies with helping children who are US citizens to

grow up to be healthy and productive adults. The state's short-term interest also lies in helping these children, who may be attending public schools, to live a stable life free from hunger and poverty. For these reasons, Oregon allows TANF services, including ESL classes, to be provided to the ineligible adult caretakers of eligible children. However, by allowing DHS service delivery areas to adopt their own policies on this issue, Oregon provides unequal services to immigrants across the state and undermines the authority of its own rules.

*The "deeming" rules are overly restrictive*

Many legal immigrants have a sponsor who is a US citizen. Oregon attributes the income of the sponsor to the immigrant family when determining eligibility for TANF benefits. This method of calculating eligibility is called deeming. States covering the costs of providing TANF to immigrants living in the US less than five years can choose whether to deem sponsor incomes to these most recent immigrants. Oregon has chosen to deem.

By imposing a strict deeming rule, Oregon refuses the very services that might help immigrants achieve self-sufficiency. Moreover, since the resources of sponsors are not necessarily available to immigrant families, the rules refuse benefits to families truly in need.

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## **What other systemic problems undermine TANF goals?**

Oregon's TANF program struggles to overcome other systemic problems besides the rules discussed above. Some of these additional problems could be overcome with more financial resources. On the other hand, as Congress and Oregon cut spending on public assistance further, some of the problems discussed below will get worse.

*Cultural barriers can make the program less effective for immigrants*

Caseworkers may be bilingual, but not bicultural. As a result, caseworkers may not understand well how to work effectively with legal immigrant recipients, even when they speak the same language.

Even when a case manager shares both language and culture with a client, the two parties may encounter difficulties. For instance, elderly clients may resent the authority of a younger case manager.

The expectation that women work, implicit in the US public assistance system, often runs counter to immigrant family and cultural traditions. These women's reluctance to seek work means they may languish in the 'hard to employ' case files for years.

*The available resources for serving limited-English clients are too slim*

DHS caseworkers working with clients lacking English skills typically carry the same number of cases as other caseworkers, even though limited-English cases often demand more extensive involvement.

DHS must make choices about which immigrant groups will be served by job

developers who speak their language and understand their cultural framework. Immigrants and refugees from countries with little representation in Oregon thus may receive services that are less effective.

The social service infrastructure is weak in smaller cities and rural areas. According to DHS officials, in at least some areas there is a lack of qualified bicultural and multicultural staff to fill open positions.<sup>26</sup>

*Helping citizen children is undermined by their parents' fear of the INS*

Services to citizen children are affected by their non-citizen parents' fear that information will be shared with the INS. While Federal law requires states to clarify on assistance applications that only those who are applying for benefits need to show documents, some clients remain understandably wary of discussing immigration information with government officials.

## Recommendations for Congress

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About one in every eleven families receiving TANF in Oregon requests services and materials in a language other than English. This number is likely to increase as Oregon's immigrant population continues to grow. Since 18 percent of Oregon's poor children are living in non-citizen families, helping poor children requires helping legal immigrant families.

When Congress reauthorizes the TANF program in 2002, it should act aggressively to improve the TANF program for legal immigrants. Most importantly, Congress should:

*Allow states the option of using federal TANF funds to help legal immigrants residing in the US less than five years.*

Legal US residents who pay taxes and meet the work requirements should have access to federal benefits. Second, refusing states the option of providing federal TANF

benefits to recently arrived legal immigrants is antithetical to the idea that states should have more control over welfare spending. Finally, as Oregon's immigrant population grows, the cost of providing TANF benefits to recent immigrants using state funds will also increase.

*Explicitly allow states to provide more English instruction as part of their "welfare to work" programs, and provide incentives to assure that legal immigrants learn the English they need for future advancement*

Operating under a waiver to federal rules, Oregon currently allows TANF recipients to receive unlimited English instruction.<sup>27</sup> Unless Oregon's waiver is extended when it expires in July 2003, if Congress fails to change the federal rules to allow more English instruction Oregon will lose control over this important part of the state TANF program.

As Oregon's experience indicates, changing the rules to allow more English training does not necessarily assure that legal immigrants escape the TANF caseload permanently. Accordingly, Congress should provide incentives for states to assure that

immigrants learn the English skills they will need for future advancement. Lastly, Congress should provide additional funds for states to create more work-oriented English as a Second Language courses in smaller towns and rural areas.

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## Recommendations for Oregon

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Oregon's Congressional delegation and other state officials should urge Congress to make the federal changes outlined above. In addition, the state should improve its TANF program for immigrants. While a number of changes are implied throughout the body of this paper, the recommendations below are among the most important.

*Adopt rules assuring that recipients statewide achieve English proficiency before they are required to conduct work search or accept a job offer*

Immigrants who find jobs but are unable to speak English proficiently may be trapped in low-wage jobs and are likely to need public assistance in the future. Oregon's TANF rules allow for unlimited English training, but few limited-English clients actually obtain substantial English skills before being placed in the workforce, and too few benefit from ongoing English training while they are working. Legal immigrant clients who worked in skilled employment in their countries of origin may be particularly harmed by the requirement that they accept the first job offered. Allowing recipients lacking English skills to receive more extensive English training would improve the chances that these immigrant families will achieve long-term stability. Oregon should assure that recipients achieve English proficiency before requiring them to conduct work search or accept a job offer. Legal immigrants who accept a job before achieving English proficiency should be offered ongoing work-oriented English training.

In addition, Oregon should require that English training be available throughout the state. Individual districts should not have the power to refuse English training to recipients. As such, English training should be a required component of each district's Service Delivery Area plan.

*Collect and compile more data on TANF recipients lacking English skills*

Although agency administrators refer to Portland's StepsNET as a model program and consider it particularly successful,<sup>28</sup> neither StepsNET nor DHS can provide sufficient data to support that conclusion. The StepsNET manager says the State does not require his program to track the number of clients who hold a job for more than 90 days, although the State collects this data for the overall TANF caseload. Also, the State does not specifically track the number of limited-English recipients who return to TANF after their case is closed, as it does for the overall TANF program.<sup>29</sup>

Finally, the State does not systematically gather data on all recipients whose lack of English skills may limit their capacity for job advancement. The State only collects data on the number of recipients requesting services in a language other than English. As such, the State cannot effectively evaluate their services for recipients who are not proficient in English. DHS' policy is based on an assumption that limited English proficiency is not a barrier to employment; this policy assumption cannot be evaluated without the necessary data.

*Require all service delivery areas to use TANF funds to help undocumented caretakers of children eligible for TANF*

Oregon rules allow the parents and other caretakers of TANF-eligible children to receive the full range of TANF services, even when the caretaker is ineligible for TANF. However, DHS service delivery areas are not uniformly enforcing this rule. DHS should require service delivery areas to provide the full range of services allowed under the rules.

*Cease the practice of attributing the income of sponsors to immigrant families living in the US less than five years*

Oregon should cease the practice of deeming sponsor incomes to immigrant families living in the US less than five years. The approach keeps immigrant families from receiving services designed to help them achieve self-sufficiency.

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## **Appendix A: Interviewees**

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Burns, Jerry, Manager, Multnomah County Service Delivery Area, Oregon Department of Human Services

Cole, Carole Community Service Coordinator, District Three (Marion, Polk and Yamhill Counties), Oregon Department of Human Services

Collins, Cydne, Site Manager, West Medford Service Integration Center, Oregon Department of Human Services

Devlin, Eliza, Program Analyst, Food Stamp Program, Oregon Department of Human Services

Douglas, Susie, Community Resource Coordinator, Ontario Branch, Oregon Department of Human Services

Garrison, Cassandra, Policy Advocate, Oregon Food Bank

Googins, John, Manager, Employment and Training Services, Portland Community College

Hein, Alanna, Hein Consultants

Libov, Victoria, Employment & Training Services Manager, IRCO

Ring, Patrick, Program Analyst, Employment and Training Services, Oregon Department of Human Services

Staver, Anita, Refugee Program Specialist, Oregon State Refugee Program

Stell, Jeff, TANF Program Analyst, Oregon Department of Human Services

Yongchu, Dianne, Operations Manager, Northeast Portland Branch, Oregon Department of Human Services

## Endnotes

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<sup>1</sup> Broaddus, Matthew, Emailed spreadsheet entitled, "Low Income Children (under 150% of poverty) in Non-Citizen Families, Revised 2001 Weights," Center on Budget and Policy Priorities. January 4, 2002.

<sup>2</sup> About 92 percent of all Oregonians born in Latin America were born in Mexico, by far the most represented country among Oregon's foreign-born population (37 percent of the state's total foreign born population were born in Mexico).

<sup>3</sup> Most immigrants arriving in the US since the welfare reform law passed are ineligible for Medicaid during the first five years they are in the US.

<sup>4</sup> Reinhart, Marge et al. "Oregon Refugee Program FFY 2000 Annual Report." State of Oregon, Department of Human Services, Salem, Oregon, July 2001, p. 18.

<sup>5</sup> Ibid, p. 26.

<sup>6</sup> By contrast, five percent of Asian-language speakers and four percent of those who speak Indo-European languages do not speak English.

<sup>7</sup> Broaddus.

<sup>8</sup> Leachman, Michael, *Hunger in Oregon*, Oregon Center for Public Policy, August 2001.

<sup>9</sup> With the exception of emergency medical assistance, immigrants in the country illegally were not entitled to public benefits either before or after the passage of the welfare reform law. There are exceptions for some victims of domestic violence.

<sup>10</sup> Non-citizens are eligible for TANF benefits in Oregon if they are qualified, or if they are considered "permanently residing under color of law" (PRUCOL), a designation that covers a variety of unsponsored immigrants.

<sup>11</sup> Fremstad, Shawn. *Immigrants and the TANF program: What do we know?* Forthcoming from the Center on Budget and Policy Priorities, Washington, D.C. Draft dated December 9, 2001. The 21 states are California, Connecticut, Georgia, Hawaii, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, Washington, Wisconsin, and Wyoming. Illinois and New Jersey provide state-funded benefits to domestic violence victims within the five-year bar.

<sup>12</sup> The exceptions include refugees and asylees who have been in the US less than seven years, and non-citizens and their families who can demonstrate that, combined, they have been legally employed for at least 40 quarters in the US. American Indians, domestic violence survivors, and veterans are also eligible to receive benefits if they are considered "qualified." "Qualified" non citizens who are elderly or disabled and who were living in the US on the date PRWORA became law (August 22, 1996) may also be eligible for General Assistance and SSI. "Qualified" non-citizens may also be eligible for Food Stamps if they are under age 18, or were over 65 when PRWORA passed, and were lawfully residing in the US on that date. Those receiving SSI benefits and certain Hmong and Highland Laotian tribe members also may receive Food Stamps. "Qualified" non-citizens who moved to the US after PRWORA passed may become eligible for Medicaid after they have been living in the US more than five years.

<sup>13</sup> Other non-citizens who remain ineligible for most public benefits include refugees in the country more than seven years, survivors of domestic violence whose abuser was not a US citizen, and a variety of non-citizens with temporary rights of residency in the US and pending applications.

<sup>14</sup> The calculation is based on the total TANF caseload in August 2001 (16,438 total TANF cases).

<sup>15</sup> New Arrival Employment Services Monthly Report, Project: NAES; Provider: IRCO, Contract No: 90325, for 10/1/00-9/30/01.

<sup>16</sup> Co-author's telephone conversation with John Googins, Manager, Employment and Training Service, Portland Community College, October 30, 2001, 9:00 a.m. PDT.

<sup>17</sup> Willis, Jessie, *How We Measure Poverty: A History and Brief Overview*, Oregon Center for Public Policy, February 2000. Accessible at <http://www.ocpp.org/poverty/how.htm>.

<sup>18</sup> StepsNET serves limited-English TANF recipients in Multnomah and Washington counties. Cases consisting of recipients who are not work-mandatory are typically handled at local branch offices

throughout the region. Unless otherwise noted, all information on StepsNET from co-author's telephone conversation with John Googins, Manager, Employment and Training Service, Portland Community College, October 30, 2001, 9:00 a.m. PDT.

<sup>19</sup> An OCPP analysis of the 2000 Oregon Population Survey shows that 26.5 percent of all Oregonians born in Latin American countries live in the three-county region containing Salem. The three counties in this region as defined by the Oregon Population Survey are Marion, Polk, and Yamhill.

<sup>20</sup> In October 2001 the area's largest branch, North Salem, had 107 Russian speaking and 462 Spanish-speaking TANF households. Unless otherwise noted, all information on North Salem DHS from co-author's telephone conversations with Carole Cole, DHS Community Resource Coordinator, DHS Service Delivery Area 3, November 21, 2001, 8:00 a.m. PDT. The branch's total TANF caseload was 1,289 in October 2001, according to "Branch and Service Delivery Area data," Oregon Department of Human Services, October 2001, page 4. Accessible at <http://www.afs.hr.state.or.us/papage.html>

<sup>21</sup> Unless otherwise noted, all information on West Medford DHS from co-author's telephone conversation with Cydne Collins, DHS Supervisor and Site Manager for the West Medford Service Integration Center, November 5, 2001, 11:30 a.m. PDT, and Email from Collins sent Monday, November 26, 2001 1:19 p.m. PDT.

<sup>22</sup> Unless otherwise noted, all information on Malheur County DHS from co-author's telephone conversations with Suzie Douglas, DHS Community Resource Coordinator, Ontario, Oregon, October 30, 2001, 12:40 p.m. PDT and November 21, 2001 9:00 a.m. PDT.

<sup>23</sup> OAR 461-130-0310.

<sup>24</sup> Co-author's telephone conversation with Carole Cole, DHS Community Resource Coordinator, DHS Service Delivery Area 3, November 21, 2001, 8:00 a.m. PDT

<sup>25</sup> Co-author's telephone conversation with Cydne Collins, DHS Supervisor and Site Manager for the West Medford Service Integration Center, November 5, 2001, 11:30 a.m. PDT

<sup>26</sup> Co-author's telephone conversation with John Googins, Manager, Employment and Training Service, Portland Community College, October 30, 2001, 9:00 a.m. PDT, and co-author's telephone conversation with Cydne Collins, DHS Supervisor and Site Manager for the West Medford Service Integration Center, November 5, 2001, 11:30 a.m. PDT

<sup>27</sup> OAR 461-190-0161. See also OAR 461-190-181.

<sup>28</sup> Co-author's telephone conversations with Jeff Stell, October 26, 2001 and November 19, 2001.

<sup>29</sup> Co-author's telephone conversation with John Googins, Manager, Employment and Training Service, Portland Community College, October 30, 2001, 9:00 a.m. PDT