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“Mixed-Status Families” in the Age of Welfare Reform

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INTRODUCTION

More than a century ago, the United States Immigration Commission, also known as the Dillingham Commission after its chairman William Paul Dillingham published a forty-one-volume report and devoted two of the volumes to the problem of “immigrants as charity seekers.”¹ The commission, which was formed in response to growing public concern over a dramatic increase in the number of “new immigrants,” went to great lengths to criticize immigrants from eastern and southern European countries who purportedly came to the United States only to receive handouts and therefore posed a serious moral threat to the American people. For many decades, immigrants’ eligibility for social welfare benefits has been a controversial issue, and the debate over the relationship between citizenship and the right to welfare benefits continues to this day.

Anti-immigration discourse has traditionally criticized immigrants for taking jobs away from US workers and lowering wages in unskilled occupations. In addition to these claims, contemporary nativists also lament the fiscal burden that immigrants place on governments and taxpayers. Among other things, they claim that the cost of public assistance for

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immigrants is skyrocketing in states where a large number of immigrants reside, causing serious fiscal deficits. Many anti-immigration groups further argue that welfare benefits serve as a “magnet” attracting people to cross the border.

In this context, when welfare reform began with the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, noncitizen access to most federally funded means-tested public assistance programs was drastically curtailed. Immigrants, even documented immigrants, were prohibited from applying for most welfare benefits for at least the first five years after their arrival in the United States. The category of “noncitizen” under this law included only authorized immigrants, and unauthorized immigrants were completely excluded from public assistance except for emergency Medicaid services and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) that serves prenatal and nursing mothers.²

However, welfare reform did not solve all the problems. In the United States, many families consist of immigrant parents (both documented and undocumented) and children who are US-born citizens. These families are called mixed-status families, and their number has rapidly increased over the last decade. In particular, the number of US-born children living with undocumented parents is on the rise, and it is estimated that in 2008 about four million citizen children were living in mixed-status families headed by at least one parent who resided in the United States without authorization.³ Because of birthright citizenship, even if the parents are undocumented immigrants, children who are born after their parents arrive in the United States are US citizens and eligible for all public assistance if their families fall below certain income levels.

Mixed-status families create a complicated and paradoxical category of welfare recipients, often referred to as child-only cases. Under the PRWORA of 1996, which replaced Aid to Families with Dependent Children (AFDC) with Temporary Assistance for Needy Families (TANF), the number of child-only cases with undocumented immigrant parents has continued to increase, and anti-immigration forces regard this phenomenon as a serious threat to white middle-class taxpayers. Since most TANF recipients are single mothers with small children, contemporary anti-immigration rhetoric problematizes the sexuality and reproductive role of Latinas who migrate to the United States without authorization and have citizen children. These children are often disdainfully called “anchor babies.” Some nativists go further and propose amending the US Constitution to nullify birthright

citizenship so that children of undocumented immigrants would not be able to receive welfare benefits.

The purpose of this article is to examine the question of whether undocumented immigrants are abusing welfare benefits through their citizen children by focusing on child-only cases of mixed-status families. The first section of this article demonstrates recent increases in the number of mixed-status families and trends in their changing economic conditions. The second section discusses how recent anti-immigration discourse is gendered and racialized, which produces a negative perspective of immigrant women as abusers of welfare. The third section explores child-only cases of the California Work Opportunity and Responsibility to Kids (CalWORKs: state-funded TANF of California) program in which most of the child-only cases are households composed of undocumented Latino immigrant parents and their citizen children. The final section details various obstacles that undocumented immigrants face when they apply for welfare on behalf of their citizen children and argues that the claim that undocumented immigrant parents are abusing public assistance through their citizen children is inconsistent with reality.

MIXED-STATUS FAMILIES AND THEIR ECONOMIC CONDITIONS

According to an estimate from the Pew Research Center, 11.9 million unauthorized immigrants were living in the United States in 2008, and they accounted for 4 percent of the nation’s population and 30 percent of the foreign-born population.⁴ Contrary to the conventional notion that unauthorized immigrants are single young men who seek better work opportunities in the United States, these unauthorized immigrants are more likely to live with their spouses and children than documented immigrants and US citizens in general. In fact, nearly half of them have a family with minor children and, according to the Pew Research Center, 37 percent of all adult unauthorized immigrants in 2009 were parents of children who are US citizens.⁵

The number of mixed-status families, which are composed of undocumented immigrant parent(s) and at least one US-born child, has grown alongside an increase in the unauthorized immigrant population.⁶ Mixed-status families can consist of any combination of authorized immigrants, unauthorized immigrants, naturalized citizens, and US-born citizens (fig. 1). Their composition changes frequently because undocumented family members can legalize their immigration status and documented

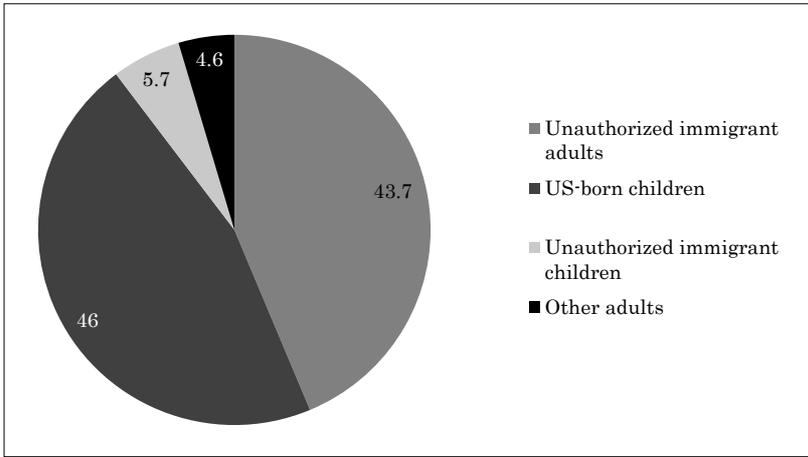


Figure 1 People in mixed-status unauthorized immigrant families, 2008
 Source: Jeffrey S. Passel and D’Vera Cohn, “A Portrait of Unauthorized Immigrants in the United States,” Pew Hispanic Center report, April 14, 2009, 8.

immigrants can also naturalize and become US citizens. The complexity and fluidity of these families has significantly affected the outcomes of welfare reform, which has attempted to reduce the size of immigrant caseloads since the late 1990s.

Mixed-status families are particularly prevalent in the states where a large number of unauthorized immigrants are concentrated. Almost 27 percent of California families with children are mixed-status families. In New York, the proportion is approximately 14 percent.⁷ Statistics about the national origins of mixed-status families are not available. However, it is estimated that more than 60 percent of unauthorized immigrants are from Mexico and that unauthorized immigrants of Mexican origin have more children than immigrants from other countries. The Pew Research Center estimates that about 80 percent of mixed-status families are headed by people of Mexican origin.⁸

Although the socioeconomic conditions of mixed-status families have not been fully researched, if we look at employment patterns and income levels of undocumented immigrants, we can get an overview of their lives. Unauthorized immigrants are considerably undereducated in their countries of origin. Among adult unauthorized immigrants ages twenty-five to sixty-four, only 27 percent have finished high school. In addition, a majority of them have a low level of English proficiency. Because of these disadvantages,

along with their legal status, even though this group has a very high proportion of labor force participation, most are engaged in low-skilled jobs and earn low incomes. They are concentrated in certain occupations such as agriculture, construction, food preparation, material transport, and building maintenance.⁹

It is also important to note that there is a clear gender gap in their labor force participation. While 94 percent of working-age male undocumented immigrants are gainfully employed, only 58 percent of their female counterparts are engaged in wage work. This is well below the average for women who are US-born (73%) or legal immigrants (66%). The major reason for this gap is that a higher percentage of female unauthorized immigrants do not work because they prefer to stay at home to raise their children.¹⁰ This trend can be attributed to the patriarchal cultural norm that women should remain at home to take care of the children while men should be the breadwinners. This then contributes to the creation of a gendered anti-immigration discourse, in which Latina immigrants are believed to be unwilling to work and thus they and their children become dependent on welfare.

Many mixed-status families live on very low incomes. In 2007, the median annual household income of unauthorized immigrants was \$36,000, compared to \$50,000 for households with US-born breadwinners. This difference in household income is significant because mixed-status families have more children than families made up only of those born in the United States. It is also interesting to note that the median income of mixed-status families rarely rises, even after the immigrants have been in the United States for more than a decade.¹¹

As a result, the poverty rate is very high for mixed-status families. Among children whose parents are unauthorized immigrants, more than 30 percent are poor. Since these families make up nearly 10 percent of all families with children in the United States, this has become one of the reasons for an increased number of children living in poverty. The problem of poverty among mixed-status families is particularly serious in states where undocumented immigrants are concentrated. Mixed-status families represent 40 percent of low-income families with children in California. Nearly three-fifths of all low-income children in Los Angeles County live in mixed-status families.¹²

There is nothing new about mixed-status families, but legal and political changes have led to a rapid increase in their number. The most serious problem is the flawed family reunification program, which has been an

important part of US immigration policy since 1965. Family reunification is the largest channel of immigration to the United States. However, the family reunification program has faced a serious backlog of applications since the 1990s. The backlog has resulted in long waiting periods between the time that a petition is approved and the time that a visa is issued. For some categories of applicants, the waiting period may be decades long. Under the circumstances, quite a few potential applicants try to avoid such a time-consuming process and come to the United States to live with their spouses (usually husbands) by obtaining tourist or short-stay visas. They then overstay after their visa expires and become undocumented residents. Many of these immigrants, living with their spouses without a proper visa, are in their twenties and thirties and have children after they are reunited in the United States. Thus, the administrative problems of the US immigration policy have partly contributed to an increase in the number of mixed-status families.¹³

Because of their undocumented status, mixed-status families always face the danger of deportation and family separation; families can be separated if the parents are caught by immigration officers. A report from the Department of Homeland Security revealed that during the period from January 1, 2011 to June 30, 2011, 46,486 undocumented immigrants who were removed from the country by US Immigration and Customs Enforcement (ICE) claimed that they were parents of at least one US citizen child. This number was a record high. In January 2012, it was reported that more than 5,100 children of undocumented immigrants ended up in foster care after their parents were detained or deported, and nearly a quarter of these children lived in California.¹⁴

ANTI-IMMIGRATION DISCOURSE AND WELFARE

A rapid increase in the number of mixed-status families has aroused public discussion about the welfare benefits for which citizen children of undocumented immigrants are eligible. The most prominent critical voice in this movement coined the term “anchor baby” to describe a child born in the United States to undocumented immigrant parents. This term conveys the idea that through the child’s birth unauthorized immigrant parents can “anchor” themselves to the United States and reap the benefits of US citizenship. Those who are unhappy with the current status of undocumented immigrants and seek to restrict their migration to the United States frequently use the term with disdain.¹⁵

Under the PRWORA of 1996, unauthorized immigrants can obtain welfare benefits such as TANF, Medicaid, and food stamps on behalf of their US-born children. As a result, the government's efforts to bar undocumented immigrant households from federal welfare programs do not significantly reduce costs for immigrants because their citizen children can access the benefits. Nationwide, it is estimated that 40 percent of household headed by unauthorized immigrants receive some type of welfare benefits, while only 19 percent of households headed by native-born citizens make use of them. In some states, such as New York, California, and Texas, which are home to many undocumented immigrants, the rate is higher than the national average.¹⁶

The anti-immigration movement has attacked birthright citizenship as a primary reason for having “anchor babies” that allow female undocumented immigrants to abuse welfare benefits. In fact, some nativists are actively working toward legislation to nullify the Fourteenth Amendment's birthright provision. Such beliefs are fueled by a gendered and racialized stereotype of pregnant Mexican women crossing the border to give birth in order to gain their child birthright citizenship and therefore access to public assistance. These activists firmly believe that undocumented immigrant parents should be deported because their offspring are current and future burdens on taxpayers.¹⁷

The Federation of Americans for Immigration Reform (FAIR) is one of the most outspoken organizations that problematize this issue. FAIR was founded by John Tanton in 1979 to advocate for strict immigration control and drastic cuts in legal immigration to bring it back to the 1956 level after a ten-year moratorium on any immigration.¹⁸ FAIR has actively conducted campaigns to deport undocumented aliens and their children. They have published numerous reports that stress the danger of unauthorized immigrants abusing public assistance through their citizen children. One of their reports, “The Fiscal Burden of Illegal Immigration on United States Taxpayers,” claims that TANF federal funding to the states for the children of undocumented immigrants reached over \$1 billion, about 6 percent of total TANF disbursements in 2010. This report and other FAIR publications have been widely quoted by nativists.¹⁹

FAIR argues that the situation in California, which is home to the largest number of undocumented immigrants in the United States, is very serious. According to their latest report, “The Fiscal Burden of Illegal Immigration on California Taxpayers,” the number of “illegal aliens” in California rose to 2.9 million in 2011 and this group raises 1.1 million US-born children.

According to this report, “illegal aliens” plus their US-born children account for at least 10.7 percent of California’s total population. FAIR insists that the most serious problem lies in the number of citizen children of “illegal aliens” who are enrolled as child-only cases in CalWORKs, a program whose caseload has risen to three hundred thousand. According to their calculation, 27 percent of the state’s citizen children of “illegal aliens” receive CalWORKs benefits and the level of expenditure per child amounts to \$55,000 per year.²⁰

Other than CalWORKs, FAIR estimates that WIC expenditures for prenatal and childbirth services to undocumented female immigrants totals at least \$444 million per year. After their birth, most citizen children of “illegal aliens” are eligible for medical coverage under Medi-Cal (state-funded Medicaid of California) because a majority of mixed-status families headed by undocumented immigrants meet the income criterion. According to FAIR, this coverage costs taxpayer as much as \$1.8 billion per year.²¹

The president of FAIR, Dan Stein, has argued that the state of California and its taxpayers bear an enormous fiscal burden because of welfare expenditure for children of undocumented immigrants and that the total amount of taxes collected from them does not come close to offsetting the expenditure. He has harshly critiqued this situation, arguing that “California’s addiction to ‘cheap’ illegal alien labor is bankrupting the state and posing an enormous burden on the state’s shrinking middle class tax base.” Even though California’s voters overwhelmingly passed Proposition 187 that prohibited unauthorized immigrants from using health care and public education in 1994, Stein insisted that “state and local governments have blatantly ignored the wish of their voters and continued to shell out publicly financed benefits on illegal aliens.” FAIR has claimed that one of the reasons the state of California spiraled into a fiscal crisis, which brought it near bankruptcy, is the generous public assistance provided for citizen children of unauthorized immigrants.²²

FAIR’s stance has been supported by conservative politicians and developed into an important agenda item for anti-immigration forces in the state legislature. For instance, Michael D. Antonovich, Los Angeles County Fifth District Supervisor, has strongly lamented that as many as one hundred thousand children of the sixty thousand undocumented parents receive public assistance in Los Angeles County. He has claimed that children of “illegal aliens” in Los Angeles County cost more than \$54 million per month in 2013. In his accounting, this total accounts for \$20 million for CalWORKs and \$35 million for food stamps, representing 20 percent of all

CalWORKs and food stamp benefits in the county. Antonovich warns that unless effective measures are taken immediately, “an alarming increase in the devastating impact illegal immigration continues to have on Los Angeles County taxpayers” could become uncontrollable.²³

As can be seen in the rhetoric surrounding “anchor babies,” anti-immigration movements are particularly harsh toward female undocumented immigrants, and the discourse that suggests that unauthorized immigrants are abusing welfare is completely gendered. Antagonism toward immigrant women’s reproductive role has intensified with an increase in the number of female undocumented immigrants. Since 2009, women have accounted for a full 50 percent of immigrants from Latin America, and approximately 4.1 million undocumented women live in the United States. They constitute 42 percent of the unauthorized migrant population.²⁴ Anti-immigration groups targeting Latinas have portrayed them as hyperfertile breeders who enter the United States with the explicit intention of giving birth to children in order to claim citizenship privileges. Nativists have painted a picture of immigrant mothers as irresponsible breeders eager to exploit the welfare system.²⁵

One prominent example of these organizations is Mothers Against Illegal Aliens (MAIA), an Arizona-based women’s anti-immigration organization founded by Michelle Dallacrose in 2006. They regard female undocumented immigrants as a threat to the life of white mothers and their children. Sociologist Mary Romero, who has examined MAIA’s activities, detailed four reasons why MAIA attacks undocumented Mexican immigrant women as a serious threat to the American family. First, MAIA claims that they are not like mothers who are US citizens and are thus incapable of raising good US citizens. Even though the children of unauthorized women immigrants are born in the United States and therefore are US citizens under the Constitution, MAIA argues that they are “alien babies” because alien mothers do not have the ability to raise good US citizens. Since immigrant mothers lack the ability to instill morals and values that embrace US principles, their citizen children pose a danger to US society.²⁶

Second, MAIA believes that undocumented immigrant mothers are opportunists using their children for their own gain. According to this logic, unauthorized immigrants receive public assistance on behalf of their citizen children and abuse the welfare system. Since citizen children, when they reach the age of twenty-one, can sponsor the permanent residency applications of their parents or immediate relatives, they can cause chain migration from Mexico. Third, MAIA insists that the immigrants’ children

are taking services away from the children of US citizens. They are particularly concerned that the quality of public education is deteriorating because of “alien children.” Fourth, and finally, MAIA argues that the presence of these US-born children of unauthorized immigrants threatens the political dominance of “true citizens.” MAIA criticizes Mexican undocumented immigrant women and their US-born children as invaders who threaten not only the white middle-class American way of life but also US institutions and national security.²⁷

In mass media, conservative political commentators such as Ann Coulter have repeatedly proclaimed the threat to American family values posed by Latina immigrants’ sexuality. Coulter has argued that “more than half of all babies born to Latino women [*sic*] today are illegitimate.” Although Coulter’s statement is statistically groundless, she claims that the birthrate of Latinas is twice that of the rest of the population and their unwed birthrate is one and a half times that of African American women. She believes that the high birthrate and illegitimacy rate of Latinas is the primary reason that they abuse welfare benefits and that the situation is getting worse with an increase in the number of female undocumented immigrants. Coulter’s argument is in accord with MAIA’s agenda in that she proposes deporting unauthorized immigrant parents and their children in order to protect the American family.²⁸

CHILD-ONLY CASES IN CALWORKS

In response to mounting concerns about the “magnetic” effect of welfare on immigrants, the PRWORA of 1996 severely curtailed noncitizen access to most federally funded means-tested public assistance programs, making large numbers of noncitizen parents ineligible for public assistance. In particular, the PRWORA barred documented immigrants from receiving federal TANF benefits during the first five years after their arrival in the United States. As a result of these exclusions, half of the projected welfare reform savings came from cuts to noncitizen benefits. Since 1996, Congress has re-extended food stamps, Medicaid, and other benefits to many noncitizens, but TANF’s immigrant restrictions at the federal level remain today.²⁹

At the same time, because of concern about the economic hardships of immigrants who were denied access to TANF, some measures were taken to save authorized immigrants at the state level. Twenty-two states have chosen to provide state-funded benefits for authorized immigrants who have come

to the United States after the enactment of PRWORA during their first five years of federal ineligibility. California’s version of TANF is CalWORKs, and the program provides benefits to authorized immigrants during their first five years of US residency.³⁰ While authorized immigrants are guaranteed CalWORKs benefits under these conditions, unauthorized immigrants were already ineligible for AFDC, and they have been denied TANF/CalWORKs since the enactment of PRWORA of 1996. Drawing a clear boundary between authorized and unauthorized immigrants, the California state government has excluded unauthorized immigrants from public assistance except for emergency Medicaid services and WIC.³¹

However, as was discussed, even if parents do not qualify for TANF/CalWORKs because they are undocumented, their citizen children do qualify. These cases are called child-only cases of ineligible immigrant parents (IIP). IIP child-only cases constituted 13 percent of the national TANF caseload in 2009.³² With an increasing number of mixed-status families, the number of IIP child-only cases has been growing over the last decade. Anti-immigration activists widely criticize IIP child-only cases as a loophole through which unauthorized immigrants are reaping welfare benefits.³³

Since the state of California uses state funds for authorized immigrants who are ineligible for federal TANF, IIP child-only cases in CalWORKs consist almost entirely of US citizen children of unauthorized immigrant parents. In fact, California has the largest number of IIP child-only cases in the United States. In 2008 about one in five families with citizen children of unauthorized parents received CalWORKs cash assistance in California (table 1).³⁴

Three major studies have been conducted on the subject of undocumented immigrant parents of citizen children who either currently or formerly received assistance in IIP child-only CalWORKs cases.³⁵ They revealed

Table 1 IIP child-only cases in California and the United States, 2008

	Unauthorized families with US-born children	IIP cases	IIP cases per 100 unauthorized families with US-born children
California	461,000	91,576	19.9
United States	1,815,000	217,000	12.0

Source: Jane Mauldon, Richard Speigman, Christina Sogar, and Matt Stagner, “TANF Child-Only Cases: Who Are They? What Policies Affect Them? What Is Being Done?,” report, Chapin Hall, University of Chicago, December 11, 2012, 107.

several characteristics of IIP child-only households. First, the average age of the adults in these cases was early thirties, and many households included two parents and a combination of noncitizen and citizen children. The older children were often unauthorized immigrants who migrated alongside their parents. These households had more children than other households on welfare, and the average age of the children was eight. In addition, a majority of IIP child-only households did not feature a nuclear family; 27 percent of these were extended families in which other adult relatives lived together, and 36 percent were multifamily households in which the family resided with another unrelated or only distantly related family.³⁶ Since most TANF/CalWORKs recipients who are US citizens are single mothers with small children, the family structure of IIP child-only cases is very different from other households on welfare.

Second, even though their members' employment rate was very high, most IIP child-only households in the study faced severe economic

Table 2 Wages of IIP child-only cases in San Mateo and Santa Clara Counties

	Respondent's hourly wage	Spouse's hourly wage
Mean wage (\$)	7.47	9.48
Percent of earning below minimum wage	35	17

Source: Charles J. Lieberman, Vanessa Lindler, and Margaret O'Brien-Strain, "Assessing the Family Circumstances of Current and Former TANF Child-Only Cases in San Mateo and Santa Clara Counties," SPHERE Institute, *California Policy Review 2*, no. 1, July 31, 2002, 18.

Table 3 Average monthly income by source of IIP child-only cases in San Mateo and Santa Clara Counties

	Average income by source(\$)	Share of income by source (%)
Earnings	757	57
CalWORKs	345	26
Food Stamps and WIC	158	12
Non-means-tested benefits	31	2
Other income	42	3
Total	1,333	100

Source: Charles J. Lieberman, Vanessa Lindler, and Margaret O'Brien-Strain, "Assessing the Family Circumstances of Current and Former TANF Child-Only Cases in San Mateo and Santa Clara Counties," SPHERE Institute, *California Policy Review 2*, no. 1, July 31, 2002, 28.

hardships. In more than half of the current IIP child-only cases, at least one parent was working part-time or full-time, but this parent was mostly engaged in low-skilled jobs such as construction, agriculture, and food manufacturing. As a case study of San Mateo and Santa Clara Counties shows, the mean wages for respondents and their spouses ranged from \$7.47 per hour to \$9.48 per hour, and a number of them worked for below minimum wage (table 2). The average income was \$1,333 a month, including, on average, \$757 in earnings, \$345 in CalWORKs cash assistance, and \$158 in food stamps and WIC benefits, among other sources (table 3). A majority of IIP child-only households had more family members than other households on welfare, and the small amount of CalWORKs benefits that they received through the citizen children supported the entire family. More than half of these households had an income level at least 70 percent below the federal poverty line.³⁷

Third, just as with CalWORKs, undocumented immigrant parents are not eligible for other forms of public assistance, but their citizen children are eligible if the family meets the income eligibility criteria. In actuality, even if citizen children are eligible for public assistance other than CalWORKs, many of them still do not receive the benefits. According to a survey conducted by Van Hook and Balistreri, IIP child-only households frequently encounter food insecurity and use soup kitchens or food pantries because parents do not apply for food stamps for their children. They also face housing problems because most of these families live in urban areas where the rent is very high. The vast majority of IIP child-only households are in crowded, substandard dwellings in unsafe neighborhoods.³⁸

In addition to these insecurities, IIP child-only households tend to underuse public medical assistance available for children in low-income families. Undocumented immigrant parents are eligible only for emergency and pregnancy-related medical treatment, but their citizen children qualify for a public health insurance program called Medi-Cal. In addition, a program called Healthy Families is also available for citizen children in families earning less than 250 percent of the federal poverty level income in California. Researchers have pointed out that even though citizen children on CalWORKs are eligible for Medi-Cal and Healthy Families, many parents have not applied for them.³⁹

ARE UNAUTHORIZED IMMIGRANTS REALLY ABUSING WELFARE?

Are unauthorized immigrant parents, as anti-immigration forces claim,

really abusing welfare through their citizen children? It is true that some undocumented immigrants who live in serious poverty tend to stay on welfare longer than other recipients. Speigman, Bos, and Ortiz have demonstrated that about 70 percent of IIP child-only cases received cash assistance for a full year in Santa Clara and Stanislaus Counties.⁴⁰ Even so, IIP child-only cases had the shortest duration in the program; 43 percent of these cases left CalWORKs within two years.⁴¹ Many researchers agree that there is a stronger correlation, compared to other groups, between IIP child-only cases and general economic conditions. When the unemployment rate rose between April 2007 and October 2010, California's IIP child-only cases increased by 26 percent. In this time period "Lehman shock" exercised a great influence on economic conditions, and more mixed-status families chose to apply for welfare benefits because of unemployment or wage cuts. Many of these withdrew from CalWORKs after finding jobs, however, even if the work was temporary or part-time. They then moved back onto welfare when their jobs ended again. Thus, most IIPs are not prone to long-term welfare dependency, and, for these individuals, welfare benefits are a last resort.⁴²

Even though undocumented immigrants can receive public assistance through their citizen children, many of them are hesitant to apply for the benefits. This is largely because quite a few of them misunderstand or know little about the welfare system. Insufficient communication of crucial information creates barriers along with the immigrants' distrust of government agencies.⁴³ Because the PRWORA of 1996 curtailed noncitizen access to most federally funded public assistance, even when authorized immigrants are eligible for state-funded benefits such as CalWORKs, they are hesitant to utilize them. It can be easily assumed that such a "chilling effect" would be much more serious for unauthorized immigrants than for authorized immigrants. Fear and misunderstanding about the system discourage them from applying for welfare benefits on behalf of their citizen children.⁴⁴

In order to understand the problem of the "chilling effect" of PRWORA on undocumented immigrants, a set of interviews was conducted by Speigman, Castaneda, Brown, and Capps in Stanislaus County. This evidence reveals various obstacles that undocumented immigrant parents of citizen children face when they apply for CalWORKs.

Most of the study participants reported high levels of awareness about their children's eligibility for CalWORKs. Most IIPs learned about the program from family, relatives, colleagues, or friends. This high rate of

awareness reflects the strong social networks of immigrant communities. There were also some participants who learned about the program from immigration lawyers or social workers. Many of them answered that they became interested in CalWORKs during times of severe economic recession and when they or their spouses lost jobs. Welfare offices make significant efforts in terms of extensive public outreach. Stanislaus County’s Community Services Agency (CSA) frequently conducts outreach initiatives, including at Cinco de Mayo celebrations and other community events, through emergency Medi-Cal services counseling, and the WIC program. State and local agencies disseminate information through public service announcements in Spanish-language media, such as newspapers and local radio and TV programs. Thanks to these efforts, many members of the community know about CalWORKs; but their knowledge seems to be incomplete, and many of them misunderstand the program. The following barriers are the most commonly voiced by undocumented immigrant parents.⁴⁵

First, many of them believe that if they apply for CalWORKs, the CSA would report them to immigration authorities and this would result in the deportation of the whole family. One of the most frequently asked questions by undocumented immigrants is “Will my immigration status be reported to ICE?” The answer is no, but unauthorized immigrants are still doubtful. In the application process, their immigration status is confirmed at the welfare office, but it is only used to check to see whether they are eligible for CalWORKs. The applicants need only tell officials that they are not eligible immigrants but their citizen children do have eligibility. Counties have ordinances that prohibit their employees from assisting or cooperating with any federal immigration investigation, detention, or arrest procedures unless there is a criminal violation. However, fingerprinting is required when applying for CalWORKs, and because of this, many feel there is a danger of being reported to immigration authorities or local police.⁴⁶

Second, quite a few individuals fear that receiving welfare benefits would have negative effects on citizenship acquisition. Marisa, one of the interviewees, was concerned that receiving CalWORKs could affect her application for authorized status in the future. She said, “When you’re in the process of getting legal status, immigration services might take it as a burden on the government, having to use cash assistance, so we haven’t needed it up until now, and that’s why we’ve never applied for that.”⁴⁷

A third concern among this community is that receiving CalWORKs assistance would prove detrimental to their children’s careers. For instance,

Adela said that she had avoided applying for CalWORKs to spare her son from what she believed would be forced military service.

I don't know, they say that in the future, I don't know, I haven't really talked it through well but they say that in the future, all that money has to be returned to the government and, if not, your children will be sent to the military or something, so if that's the case in the future, I wouldn't want my children involved in that.⁴⁸

Laura, another participant, believed that if she received CalWORKs her kids might be financially affected after they started working. She said, "Because many people say that over time it affects the children, that when they're older and working, they'll take it out of their paycheck or I don't know, like to repay what they gave you or something like that."⁴⁹

Another barrier that applicants face when they apply for CalWORKs and other public assistance is the arduous application process. This is because many of them have low levels of literacy and the pages-long application forms can be intimidating. To fill out the application forms, they need various pieces of information that they either do not have access to or do not want to give to the caseworkers. As a result, even if they receive application forms, they often give up and do not submit them to the welfare office. As well, non-English speakers are supposed to be provided with free interpreter services at welfare offices, but very few bilingual staff members are available to help them with their application forms.⁵⁰

The study participants also expressed frustration over inconsistent or arbitrary explanations by the welfare caseworkers. They reported that some caseworkers threatened to report them to the ICE if they tried to obtain benefits for their eligible citizen children. Others were told that eligible household members would be denied benefits if other members of the household did not have social security numbers. According to the interview data, quite a few caseworkers have prejudice against unauthorized immigrant parents and adopt an uncooperative attitude toward them. These caseworkers try to discourage them from submitting papers.⁵¹

Cultural norms are another important factor that discourages IIPs from applying for welfare benefits. Undocumented immigrants tend to regard welfare participation as stigmatizing. Because they believe that they came to the United States to work and improve their lives, it is simply unacceptable for them to depend on welfare. Some of them are particularly concerned that they might be criticized or laughed at by relatives, friends, or neighbors

in the immigrant community or back home. Pride is very important, especially for male heads of households. They are already stigmatized by their immigration status and economic hardships, and they want to at least maintain their dignity as breadwinners for their families.⁵²

There is another barrier that discourages undocumented immigrant women from applying for welfare on behalf of their children: this is the problem of domestic violence. Several studies have revealed that these women are at a high risk for experiencing domestic violence perpetrated by their husbands. It is common for a batterer to use control over his wife's undocumented status to force her to remain in the relationship. As a result, even if they wish to escape from their husbands and raise their children on their own while receiving welfare benefits, these women are afraid of consulting with someone and then having difficulties with their abusive husbands.⁵³

CONCLUSION

The belief that female unauthorized immigrants are abusing welfare on behalf of their citizen children has led to the movement for eliminating birthright citizenship. Anti-immigration groups such as MAIA have focused most of their protests against extending birthright citizenship to the children of undocumented immigrant parents. In response to this activism, several members of Congress have introduced measures to close the “citizen-child loophole.” For instance, Congress member Mark Foley (R-FL) sponsored a citizenship clarification amendment that would grant citizenship to a newborn only on the condition that at least one parent is an authorized resident at the time of the child's birth. Congress members Elton Gallegly (R-CA) and Anthony Beilenson (D-CA) also jumped on the bandwagon by proposing constitutional amendments that would deny citizenship to the US-born children of unauthorized immigrants. Congress member Brian Bilbray (R-CA) approached the issue from a different angle. He attempted to change the category of birthright citizenship, not by proposing a constitutional amendment but through putting forward the Citizenship Reform Act, which would have amended the Immigration and Nationality Act to ensure that the phrase, “subject to the jurisdiction thereof,” would only refer to US citizens or authorized immigrants. These proposals were introduced in the 1990s, and similar bills have continually been submitted in Congress since then, but none has yet been enacted into law.⁵⁴

Undoubtedly, acquiring citizenship does play some role in the decisions

made by undocumented immigrants to come to the United States. After all, they have made a decision to migrate to the United States in some way to make their life better than it would have been had they remained in their home country. It is also true that having a citizen child can produce some short-term welfare benefits, such as getting on the WIC program, which provides food and nutrition vouchers. However, according to interviews of undocumented Latino immigrants conducted by sociologists Massey and Sanchez, when they were asked about their motivations for coming to the United States, no one mentioned in order to have children in the United States.⁵⁵

Senator Lindsey Graham (R-SC), who alleges that “half the children born in hospitals on our borders are the children of illegal immigrants,” and proposes amending the flaws on birthright citizenship, has criticized the practices of unauthorized Latina immigrants with the phrase “drop and leave.”⁵⁶ Graham’s criticism might be applicable to the so-called birth tourists, such as affluent mothers from China, Korea, and Turkey who come to the United States to have their babies to give them future citizenship benefits, but not to Latinas crossing the Rio Grande or the Sonoran Desert.⁵⁷ Graham obscures the distinction between the two and intentionally exaggerates the “anchor babies” phenomenon.

As discussed, most IIP child-only cases do not involve dependence on welfare through citizen children for an extended period of time. In most cases, at least one of the parents is engaged in wage work, and the families rely on welfare benefits only as a last resort when facing severe economic hardships. Furthermore, IIP child-only families receive a smaller amount of welfare benefits than other welfare recipients because only the citizen children are eligible for assistance. In addition, it is important to note that there are quite a few undocumented immigrants who refrain from applying for welfare benefits even when their citizen children are eligible because they fear that their immigration status might be used against them or their children might be disadvantaged in the future. The most serious problem is the “chilling effect” that discourages them from applying for welfare benefits on behalf of their citizen children. Citizen children of mixed-status families are thus not benefiting from welfare on an equal footing with other children of poor families because of their parents’ undocumented status. As a result, many of these mixed-status families frequently lack food and suffer from hunger and reside in substandard housing in unsafe neighborhoods even if they are on welfare.

The IIP child-only case is the only category of welfare benefits that

citizen children in mixed-status families can rely on. Anti-immigration forces demand that these children be denied access to their minimal amount of welfare benefits in order to reduce the fiscal burden on taxpayers. However, excluding IIP child-only cases from public assistance would further impoverish citizen children of mixed-status families and have a significant impact not only on their future but also on American society. Providing benefits for young citizens is an essential social investment for securing the well-being of these children.

NOTES

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