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President Trump's claim about immigrants 'immediately' collecting 'welfare'

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"The RAISE Act prevents new migrants and new immigrants from collecting welfare ... They're not going to come in and just immediately go and collect welfare. That doesn't happen under the RAISE Act. They can't do that."

—President Trump, news conference, Aug. 2, 2017

"We also believe that those seeking to immigrate into our country should be able to support themselves financially and should not be able to use welfare for themselves or the household for a period of at least five years."

—Trump, speech in Youngstown, Ohio, July 25, 2017

As a part of the administration's efforts to restrict legal and illegal immigration, President Trump endorsed a sweeping Senate bill that would slash legal immigration levels by half over a decade. The Reforming American Immigration for Strong Employment (RAISE) Act would create a points system for employment-based green cards, so that people applying for visas would need to meet certain requirements.

Trump said the points system would not allow immigrants to "just immediately go and collect welfare." But that's not really how the system works right now; most immigrants are ineligible for public benefits "immediately." What is Trump talking about?

The Facts

"Welfare" is a broad term for a range of social safety-net programs aimed at low-income Americans. The 1996 Personal Responsibility and Work Opportunity Reconciliation Act restricted noncitizens' eligibility for major federal public assistance programs, such as Supplementary Security Income (SSI), Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps), Medicaid and Temporary Assistance for Needy Families (TANF).

In general, legal permanent residents (green-card-holders) are not eligible for these four programs unless they have worked in the United States for at least five years. There are some

exceptions, including asylees, refugees, people with a military connection and victims of trafficking.

Some immigrants immediately become eligible for SNAP if they have young children. Some states provide state-level Medicaid or the Children's Health Insurance Program to pregnant legal permanent residents and their children during their first five years of residency.

Advocates for restricting immigration levels say the five-year ban is ineffective.

“The welfare ban on new immigrants covers only a small fraction of legal immigrants at any one time, numerous exceptions and circumstances negate the waiting periods for welfare, and new legal immigrants and illegal immigrants can still benefit from welfare programs through their U.S.-born children,” according to a 2015 study by the Center for Immigration Studies, which advocates lower levels of legal and illegal immigration. “While restrictions on immigrant welfare use certainly can impact some individuals, its effect has not prevented immigrant households from making extensive use of the nation’s welfare system.”

Such advocates calculate immigrant welfare use by using census household data. This takes into account all the benefits that can be shared with members of a household, even if not everyone in the household qualifies for it or receives it.

Some public assistance programs, such as Social Security and Medicaid, are based on individual eligibility. But others, such as SNAP or TANF, provide household-level benefits. For example, if you have a household with two ineligible legal permanent resident parents but two U.S.-born children who can receive SNAP, your household would share the benefit.

A White House spokesman explained: “Under the current system, you get welfare through your household. The new legislation will expand the five-year welfare prohibition to the households of all immigrants coming in on the points system, and not just to the immigrant themselves (as is current law). That keeps them from immediately going on welfare.”

It’s unclear exactly how many such families exist, because the definition of “welfare” differs between studies and there are limitations in census data.

In a 2016 report, Alex Nowrasteh, of the Libertarian think tank Cato Institute, warned against measuring welfare use by households, because it “does not reveal who receives the benefits, leaving the impression that the immigrants are the intended legal beneficiaries when they are often legally excluded from these programs.”

When comparing individuals rather than households, “low-income non-citizen adults and children generally have lower rates of public benefit use than native-born adults or citizen children whose parents are also citizens,” Cato found.

Even when looking at households, the definition of “welfare” makes a difference. This graph below shows the breakdown of public assistance programs by households, using data from a September 2016 report by the National Academies of Sciences, Engineering and Medicine on the economic impacts of the U.S. immigration system.

Trump overstates the impact of this provision, which would not apply to the vast majority of legal immigrants and does not actually eliminate public assistance for all new immigrants.

The legislation specifies that for immigrants who receive visas through the points system, “every member of the household of such alien, shall not be eligible for any Federal means-tested public benefit” for five years. But the points system applies to about 140,000 skills-based immigrants, which is 14 percent of the roughly 1 million legal immigrants accepted per year. The skills-based immigrants tend to be more educated, and less likely to access public benefits, experts say. This requirement would not affect the vast majority of legal immigrants, including refugees, who are exempted under current law.

Moreover, it’s unclear how this requirement would be enforced.

“It would be a departure to deny household members. I don’t believe it would stand a legal challenge, that a U.S. citizen child with a parent who is a recent legal immigrant gets treated differently under the law than a child with a U.S.-born parent,” said Randy Capps, director of research for U.S. programs at the nonpartisan think tank Migration Policy Institute. “That would violate the equal protection clause of the Constitution.”

The Pinocchio Test

Trump claimed the Senate bill would prevent new immigrants from immediately collecting welfare. But that is misleading. In general, legal permanent residents are not eligible for the major federal public assistance programs during their first five years of residency. There are some exceptions, such as refugees and asylees, or people with military connections.

What Trump is talking about is extending the five-year ban so that new immigrants would not be able to benefit from public assistance that their family members may qualify for, because they are legal permanent residents who lived in the United States for more than five years, or were born in the United States. This is a very specific way to look at use of “welfare” by immigrants, which is not clear to the average voter without lots of context.

Moreover, he exaggerates the impact of this provision, which applies narrowly to a specific group of new immigrants. His statements are misleading in many ways, and are therefore worthy of Three Pinocchios.

Three Pinocchios

