

FACT SHEET: LIFT THE BAR ACT



Background

Children of immigrants and immigrant children make up one-quarter of all U.S. kids and represent the fastest growing group of children in America.¹ Despite this, immigrant families face eligibility restrictions on federal health, housing, nutrition, and income support programs that would improve their well-being and allow them to better provide for their children. The COVID-19 pandemic has disproportionately harmed immigrant families and highlighted the need for access to federal assistance programs: About 50% of low-income immigrant families reported employment or income loss due to the pandemic, restricting their ability to provide for their children and pay for health care, healthy food and housing.²

These restrictions on immigrants' access to benefits date back to The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).³ Only immigrants defined as "qualified"⁴ under the law can access federal public benefits. Additionally, many qualified immigrants must wait five years to become eligible for federal benefits such as Medicaid, the Children's Health Insurance Program (CHIP), Supplemental Nutrition Assistance Program (SNAP), housing assistance programs, Temporary Assistance for Needy Families (TANF), and Supplemental Security Income (SSI). Those who have Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), Special Immigrant Juvenile Status (SIJS), or who are undocumented, are ineligible for most federal benefits. No child should have to wait five years — nearly a lifetime for a child — for benefits that are essential to their health and development.

How do these restrictions impact children?

PRWORA restrictions harm both immigrant children and U.S. citizen children of immigrants. Many lawfully present immigrant children, including green card-holding immigrant children, must wait five years to access benefits that citizen children have access to without a waiting period. For children, particularly very young children and adolescents, the five-year waiting period deprives them of important supports during a critical time in their physical, mental and emotional development. Withholding access to such critical services during a child's developing years will harm their healthy development and build on already existing disparities.

Citizen children with immigrant parents also suffer under these restrictions. Roughly 25% of children in the U.S. — 17.8 million children — have at least one immigrant parent.⁵ More than a half-million

¹ *The New Importance of Children in America*, Children's Hospital Association (Oct. 12, 2017), <https://www.childrenshospitals.org/research-and-data/pediatric-data-and-trends/2017/the-new-importance-of-children-in-america>.

² Hamutal Bernstein, Dulce Gonzalez, and Michael Karpman, *Adults in Low-Income Immigrant Families Were Deeply Affected by the COVID-19 Crisis yet Avoided Safety Net Programs in 2020*, The Urban Institute (May 2021), <https://www.urban.org/sites/default/files/publication/104280/adults-in-low-income-immigrant-families-deeply-affected-by-pandemic-yet-avoided-safety-net.pdf>.

³ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. § 601 et seq. (1996).

⁴ Under PRWORA, "qualified" immigrants are defined as green card holders; refugees; asylees; those granted parole or withholding of removal; conditional entrants; certain immigrant survivors and their families; certain survivors of trafficking; Cuban and Haitian Entrants; and individuals living in the United States pursuant to a Compact of Free Association (COFA). Id.

⁵ *Health Coverage of Immigrants*, Kaiser Family Foundation, (July 15, 2021), <https://www.kff.org/racial-equity-and-health-policy/fact-sheet/health-coverage-of-immigrants/>.

U.S. citizen children have parents who are DACA recipients and TPS holders.⁶ Although the vast majority of children with an immigrant parent are citizens and are not subject to restricted access to benefits based on their immigration status, their access to health care, housing, nutrition, and income support benefits are impacted if one or both parents are ineligible for benefits.⁷ Even before COVID-19, children of immigrants were more likely to live in a low-income family than children with U.S.-born parents, and to encounter structural barriers to opportunities.⁸ Access to benefits such as health insurance or assistance for housing, income, or food are vital resources for families that allow them to support their children's development.

Anti-immigrant policies and rhetoric put forward by the Trump Administration, specifically around public charge, also instilled fear of government agencies within mixed-immigration status families and led families to not enroll their eligible, citizen children in public programs.⁹ Even though Trump-era public charge policies are no longer in effect, they created a chilling effect that kept children from enrolling for benefits to which they are entitled: In 2020, 27.5% of low-income immigrant families avoided enrolling family members in public programs.¹⁰ Legislation, such as the Lifting Immigrant Families Through Benefits Access Restoration Act of 2021 (LIFT the BAR Act), seeks to undo this damage by expanding access to benefits and clarifying eligibility requirements.

What would the LIFT the BAR Act do?

The LIFT the BAR Act would repeal provisions of the PRWORA and remove barriers to federal benefits for people lawfully present in the United States. The bill:

- » Redefines who is a “qualified” immigrant to include anyone who is lawfully present in the United States, such as those with DACA or SIJS status, thus expanding eligibility for many federal benefit programs.
- » Eliminates the five-year waiting period on means-tested federal benefits for qualified immigrants.
- » Repeals barriers to accessing federal benefits for immigrants who have a sponsor.
- » Eliminates states’ ability to impose additional restrictions on qualified immigrants who need to access benefits.
- » Gives states and localities the flexibility to use their own funds to establish more inclusive benefit programs.

The LIFT the BAR Act would support children's health and development by making immigration policies more equitable and providing clarity to immigrant families about their access to benefits.

6 Nicole Prchal Svajlenka, *What We Know About DACA Recipients in the United States* (Sept. 5, 2019), <https://www.americanprogress.org/issues/immigration/news/2019/09/05/474177/know-daca-recipients-unitedstates/>. Robert Warren & Donald Kerwin, *A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, 5 J. on Migration & Hum. Security 577 (2017), <https://journals.sagepub.com/doi/pdf/10.1177/233150241700500302>.

7 Migration Policy Institute, *Children in U.S. Immigrant Families* (2019), <https://www.migrationpolicy.org/programs/data-hub/charts/children-immigrant-families>

8 Jeanne Batalova, Mary Hanna, and Christopher Levesque, *Frequently Requested Statistics on Immigrants and Immigration in the United States*, Migration Policy Institute (Feb. 11, 2021), <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states-2020#children-immigrants>.

9 Sarah Pierce and Jessica Bolter, *Dismantling and Reconstructing the U.S. Immigration System: A Catalog of Changes under the Trump Presidency*, Migration Policy Institute (July 2020), https://www.migrationpolicy.org/sites/default/files/publications/MPI_US-Immigration-Trump-Presidency-Final.pdf.

10 amutal Bernstein, Dulce Gonzalez, and Michael Karpman, *Adults in Low-Income Immigrant Families Were Deeply Affected by the COVID-19 Crisis yet Avoided Safety Net Programs in 2020*, The Urban Institute (May 2021), <https://www.urban.org/sites/default/files/publication/104280/adults-in-low-income-immigrant-families-deeply-affected-by-pandemic-yet-avoided-safety-net.pdf>.

Why does the LIFT the BAR Act matter for children?

HEALTH CARE

Tens of millions of children use federal health care benefits. Together, CHIP and Medicaid serve more than a third of all children in the United States.¹¹ Providing children with health care coverage through Medicaid and CHIP increases the usage of preventive care, such as Early and Periodic Screening, Diagnostic, and Treatment (EPSDT), protects families from high medical costs, and promotes healthy development. Failing to provide immigrant children with health care for five years solely because they were not born in the U.S. places those children behind their citizen peers and hinders their development and success as residents of the United States. Additionally, expanding benefit eligibility to lawfully present adults and lifting the five-year waiting period would benefit their citizen and non-citizen children — even those eligible for Medicaid or CHIP — by stabilizing the family's health and finances. Having health insurance shields parents from high medical costs and frees up money for them to spend on their children's needs. Research also shows that when parents are insured, their children are more likely to be insured as well.¹²

- » In 2019, 21% of lawfully present children were uninsured, compared to 9% of citizen children of immigrants and 5% of citizen children of non-immigrants.¹³ Because of the COVID-19 pandemic, even more children likely are uninsured.
- » Access to health care and health insurance is especially essential during the COVID-19 public health emergency, when more than a quarter of low-income immigrant families have reported struggling to pay medical bills and avoiding care due to costs.¹⁴
- » The LIFT the BAR Act would also ensure that lawfully present individuals who are below 100% of the Federal Poverty Level (FPL) and currently are able to access Affordable Care Act subsidies would be able to keep that coverage if they live in a state that has not expanded Medicaid.
- » While the Immigrant Children's Health Improvement Act (ICHIA) allows states to waive the five-year waiting period for lawfully present immigrant children and pregnant women in Medicaid and CHIP, not all states have implemented this option.¹⁵ As seen in Figure 1 on the next page, only 35 states waived the five-year waiting period for lawfully residing children. As seen in Figure 2, only 25 states waived the five-year waiting period for lawfully residing pregnant women.¹⁶
 - » The LIFT the BAR Act would allow lawfully present children and pregnant women in all 50 states and DC to be eligible for Medicaid and CHIP, without the restrictive, harmful five-year waiting period. With this legislation, lawfully present children would be given the same opportunity for full health as citizen children, and their access to coverage would no longer be dictated by the state in which they live.

The LIFT the BAR Act would support children's health and development by making immigration policies more equitable and providing clarity to immigrant families about their access to benefits.

11 Alker, Joan and Corcoran, Alexandra, *Children's Uninsured Rate Rises by Largest Annual Jump in More Than a Decade*, Georgetown University Center for Children and Families (Oct. 2020), https://ccf.georgetown.edu/wp-content/uploads/2020/10/ACS-Uninsured-Kids-2020_10-06-edit-3.pdf.

12 Georgetown University Center for Children and Families, *Health Coverage for Parents and Caregivers Helps Children* (Mar. 2017), <https://ccf.georgetown.edu/wp-content/uploads/2017/03/Covering-Parents-v2.pdf>

13 *Health Coverage of Immigrants*, Kaiser Family Foundation (July 15, 2021), <https://www.kff.org/racial-equity-and-health-policy/fact-sheet/health-coverage-of-immigrants/>.

14 Hamutal Bernstein, Dulce Gonzalez, and Michael Karpman, *Adults in Low-Income Immigrant Families Were Deeply Affected by the COVID-19 Crisis yet Avoided Safety Net Programs in 2020*, The Urban Institute (May 2021), <https://www.urban.org/sites/default/files/publication/104280/adults-in-low-income-immigrant-families-deeply-affected-by-pandemic-yet-avoided-safety-net.pdf>.

15 Tricia Brooks, Alexa Gardner, Jennifer Tolbert, Rachel Dolan, and Olivia Pham, *Medicaid and CHIP Eligibility and Enrollment Policies as of January 2021: Findings from a 50-State Survey*, Kaiser Family Foundation and Georgetown University Center for Children and Families (Mar. 2021), <https://files.kff.org/attachment/Report-Medicaid-and-CHIP-Eligibility-and-Enrollment-Policies-as-of-January-2021-Findings-from-a-50-State-Survey.pdf>.

16 *Id.*

children.¹⁹ By eliminating the five-year waiting period for SNAP and prohibiting states from denying access to child nutrition programs based on immigration status, the LIFT the BAR Act would help more immigrant parents feed their children — and help those children play, learn, thrive, and grow.

- » Children made up 44% of SNAP beneficiaries in 2018.²⁰
- » More than 40% of low-income immigrant families reported food insecurity in the past year during the COVID-19 pandemic.²¹

INCOME SUPPORTS (TANF, SSI)

Research shows that money matters to child well-being. When a family's income rises, indicators improve for healthy child development, including educational, behavioral, and mental health outcomes. The Temporary Assistance for Needy Families (TANF) program and Supplemental Security Income (SSI) are important income support programs that promote financial stability for households with children. The TANF program provides a critical source of cash assistance for households with children living in poverty. The SSI program offsets the financial costs for families caring for children with special health care needs, who are more prone to economic hardship. Expanding access to these programs would raise the income of more children and families, helping them access resources that support children's basic needs and future success.

- » Children made up 72% of TANF recipients.²²
- » A 2019 landmark study from the National Academy of Sciences found that an increase in family income improves children's long-term physical health, educational outcomes, and earnings as adults.²³

Conclusion

Immigrant families face many hurdles once they arrive in the United States. These families encounter distinctive cultural, economic, and social barriers, as well as unique challenges to accessing programs that would ensure their children receive the nutrition, income supports, health care and housing benefits that could ease the transition to a new country. Beyond language barriers and cumbersome requirements to apply for benefits, lawfully present immigrant families also face restrictions, including a five-year waiting period, on accessing federal benefits.

The entire period of childhood is critical to children's physical, mental and emotional development. By eliminating the five-year waiting period and other barriers for immigrant families lawfully present in the United States, the LIFT the BAR Act would provide children and the people who care for them the resources they need to thrive, with positive impacts on our economy and communities for years to come. When children thrive, we all benefit.

19 Chilton, Mariana, Maureen, Black, Maureen, Berkowitz, et al., *Food Insecurity and Risk of Poor Health Among US-Born Children of Immigrants*, American Journal of Public Health, (Mar. 2009), www.ncbi.nlm.nih.gov/pmc/articles/PMC2661461/.

20 U.S. Department of Agriculture, *Characteristics of USDA Supplemental Nutrition Assistance Program Households: Fiscal Year 2018* (Nov. 2019) <https://fns-prod.azureedge.net/sites/default/files/resource-files/Characteristics2018.pdf>.

21 Hamutal Bernstein, Dulce Gonzalez, and Michael Karpman, *Adults in Low-Income Immigrant Families Were Deeply Affected by the COVID-19 Crisis yet Avoided Safety Net Programs in 2020*, The Urban Institute (May 2021), <https://www.urban.org/sites/default/files/publication/104280/adults-in-low-income-immigrant-families-deeply-affected-by-pandemic-yet-avoided-safety-net.pdf>.

22 Gene Falk and Patrick A. Landers, *The Temporary Assistance for Needy Families (TANF) Block Grant: Responses to Frequently Asked Questions*, Congressional Research Service, (Jan. 25, 2021), <https://fas.org/sgp/crs/misc/RL32760.pdf>.

23 Greg Duncan and Suzanne Le Menestrel, *A Roadmap to Reducing Child Poverty*, The National Academies (Jul. 14, 2021), <https://www.nap.edu/catalog/25246/a-roadmap-to-reducing-child-poverty>.

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