



Statement for the Record

The House Committee on the Judiciary Subcommittee on Immigration Integrity, Security, and Enforcement “The Impact of Illegal Immigration on Social Services”

January 11, 2024

At a moment when hardships faced by newcomers and host communities alike have underscored gaps and inefficiencies within the United States’ immigration system, the National Immigration Forum (the Forum) welcomes this opportunity to provide lawmakers with empirical information about the relationship between unauthorized immigration and social services. Over more than four decades, the Forum has become a trusted source for nonpartisan analysis and advocacy, while advancing policies and proposals to both bolster the U.S.’s reputation as a land of refuge and secure the nation’s future as a thriving economic and cultural superpower. We work alongside diverse constituencies and coalitions — including faith, law enforcement, and business leaders — all of whom have a vested interest in promoting an orderly and humane U.S. immigration system that never loses sight of people’s right to a dignified life.

As Congress continues to assess how to respond to large-scale migration at the U.S.-Mexico border, the Forum offers this statement for the record to help guide policymakers’ discussions toward actionable and effective solutions. First, the statement provides a brief overview of immigrants’ access to federal public benefits — or lack thereof — with a focus on unauthorized immigrants and noncitizens in legal limbo. Then, it discusses how state and local governments — alongside good Samaritans and direct service providers — have carried much of the responsibility for supporting newcomers in their communities. Next, it looks at how unauthorized immigrants contribute to the U.S., in return for the chance to live and work here. Finally, it ends with policy recommendations that lawmakers can implement to more proactively respond to both the U.S.’s needs and the needs of migrants today.

A Note on Language

Many of today’s newcomers do not comfortably fit under the umbrella of “illegal” or unauthorized immigration. Asylum seekers, for example, are exercising their statutory right to ask for protection in the U.S., a legal process regardless of how they entered the

country.¹ Many other recent arrivals have been allowed into the nation through parole processes established by the Biden administration or through the use of the CBP One phone application, meaning they are able to temporarily live and work here legally. For these populations, it would be more accurate to say that they have short-term permission to reside stateside while they choose whether to file applications for humanitarian relief. This statement for the record often refers to these individuals as being in “legal limbo.”

Immigrants and Federal Public Benefits

Generally, noncitizens face a long road before they become eligible for federal public benefits such as food stamps, cash assistance for families, or help for elderly/disabled residents. Even if immigrants are living in the U.S. legally and otherwise qualified, they are often subject to a yearslong waiting period, during which they cannot access federal means-tested public benefits like Supplemental Security Income (SSI), non-emergency Medicaid, and the Supplemental Nutrition Assistance Program (SNAP).²

Some populations — such as refugees and trafficking survivors — are able to receive certain federal public benefits without enduring the yearslong waiting period.³ But even after noncitizens become eligible, many individuals and families still shy away from accessing services out of fear that it could affect their immigration case, or the case of a loved one in their household. Those concerns have only become more pointed in recent years amid policy changes regarding the definition of “public charge.”

In 2020 — when the nation was in the throes of the Covid-19 pandemic — the Urban Institute published a report on how the previous administration’s changes to expand who was designated as a “public charge” for immigration purposes had led many immigrant families to avoid government benefits, including health-related protections such as Medicaid and the Children’s Health Insurance Program (CHIP). Researchers found that 15.6% of adults in immigrant families said they or a family member did not take part in a noncash government benefit program in 2019 because they were worried it would affect eligibility for a green card. That number skyrocketed to 31% in

¹ “8 USC 1158: Asylum,” uscode.house.gov, accessed January 10, 2024, <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title8-section1158&num=0&edition=prelim>.

² Tanya Broder and Gabrielle Lessard, “Overview of Immigrant Eligibility for Federal Programs,” National Immigration Law Center, accessed January 9, 2024, <https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/>; “SNAP Policy on Non-Citizen Eligibility,” Food and Nutrition Service U.S. Department of Agriculture, January 26, 2023, <https://www.fns.usda.gov/snap/eligibility/citizen/non-citizen-policy>.

³ Broder and Lessard, “Overview of Immigrant Eligibility.”

households where one or more noncitizen family member was not already a permanent resident.⁴

Taken together, these data underscore how federal public benefits are often practically out of reach for many immigrants in the U.S. legally. That said, they are all but unobtainable for unauthorized immigrants and other noncitizens in legal limbo. The law is unambiguous: undocumented immigrants are not qualified for almost all federal benefits.⁵ Exceptions include the most basic services to protect people's lives, such as emergency care in hospitals that is often covered through emergency Medicaid.⁶

Notably, this near categorical lack of access to federal public benefits for many noncitizens can pose significant challenges for especially vulnerable populations, including asylum seekers. In the end, people fleeing to the U.S. in order to escape persecution must meet the same eligibility criteria, whether they arrived as refugees through the resettlement pipeline or came to the U.S. to plead their case as asylum seekers. In practice, this means that refugees and asylum seekers have often experienced similar violences and traumas in their home countries, and they may also encounter parallel difficulties to adapt and thrive once they reach the U.S.

But while refugees often quickly qualify for mainstream benefits and other wrap-around services through the federal government, asylum seekers are largely on their own in the U.S. until they are officially granted protection.⁷ With a backlog of over 3 million pending cases in immigration court and over a million pending asylum and withholding of removal applications in front of U.S. Citizenship and Immigration Services (USCIS), asylum seekers regularly endure a yearslong wait before their final merits adjudication, leaving them in a protracted legal limbo with little federal support.⁸ They cannot even qualify for work authorization until around six months after they apply for asylum, a

⁴ Hamutal Bernstein et al., "Amid confusion over the public charge rule, immigrant families ...," March 2020, https://www.urban.org/sites/default/files/publication/102221/amid-confusion-over-the-public-charge-rule-immigrant-families-continued-avoiding-public-benefits-in-2019_3.pdf.

⁵ Broder and Lessard, "Overview of Immigrant Eligibility;" "Fact sheet: Immigrants and Public Benefits," National Immigration Forum, accessed January 9, 2024, <https://immigrationforum.org/wp-content/uploads/2018/08/Immigrants-and-Public-Benefits-FINALupdated.pdf>.

⁶ "Fact Sheet: Undocumented Immigrants and Federal Health Care Benefits," National Immigration Forum, September 21, 2022, <https://immigrationforum.org/article/fact-sheet-undocumented-immigrants-and-federal-health-care-benefits/>.

⁷ "Benefits for Refugees," The Administration for Children and Families, accessed January 9, 2024, [https://www.acf.hhs.gov/orr/fact-sheet/refugee-benefits#:~:text=You%20may%20be%20eligible%20for,Nutrition%20Assistance%20Program%20\(SNAP\)](https://www.acf.hhs.gov/orr/fact-sheet/refugee-benefits#:~:text=You%20may%20be%20eligible%20for,Nutrition%20Assistance%20Program%20(SNAP))).

⁸ "Immigration Court Backlog Tops 3 Million; Each Judge Assigned 4,500 Cases," Transactional Records Access Clearinghouse, December 18, 2023, <https://trac.syr.edu/reports/734/>; "Asylum Division Monthly Statistics Report. Fiscal Year 2024. November 2023.," USCIS, January 3, 2024, <https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data>.

time-consuming process in itself.⁹ In this context, and as migration at the U.S.-Mexico border has increasingly shifted from single Mexican adults looking for work to at-risk individuals and families asking for humanitarian protection, the existing federal immigration infrastructure neither affords people access to most benefits nor sets them up for self-sufficiency through a reasonably quick work permit process.

Pressures on States and Cities

Across the U.S., states and localities have at times stepped up to fill the void left by the federal government, in terms of caring for certain noncitizens. Some jurisdictions have pioneered health care programs for their locals regardless of residency status.¹⁰ Others have created opportunities to ensure specific subsets of immigrants have access to representation.¹¹ These and other attempts to more proactively aid unauthorized immigrants and people in legal limbo make a meaningful difference, but they do not fully plug the gaps left by federal absence. And while the programs are helpful, shifting costs onto states and localities with more limited budgets and expertise is suboptimal, considering the federal government's greater capacity and larger role in setting immigration policy.

This current patchwork of state and local support — in lieu of a single, national response — also motivates more people to settle in certain jurisdictions, straining particular communities. For example, both New York and the state of Massachusetts have right-to-shelter laws that have understandably attracted noncitizens, who otherwise might not be able to afford a roof over their heads. Yet because much of the country does not have similar housing programs to assist indigent migrants and asylum seekers, New York and Massachusetts are now accommodating a level of migration that is unsustainable under their current infrastructure. As a result, officials have felt the need to curtail or cap the right to shelter, with difficult consequences for children and families.¹²

⁹ “Asylum,” USCIS, accessed January 10, 2024, <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum#:~:text=To%20apply%20for%20an%20Employment,you%20file%20your%20asylum%20application.>

¹⁰ “Central Health Coverage Programs,” Central Health, November 14, 2023, <https://www.centralhealth.net/map/>.

¹¹ “New York State Becomes First in the Nation to Provide Lawyers for All...,” Vera Institute of Justice, accessed January 10, 2024, <https://www.vera.org/newsroom/new-york-state-becomes-first-in-the-nation-to-provide-lawyers-for-all-immigrants-detained-and-facing-deportation>.

¹² Gwynne Hogan, “New York’s ‘Right to Shelter’ No Longer Exists for Thousands of Migrants,” The City, December 18, 2023, <https://www.thecity.nyc/2023/12/18/nyc-right-to-shelter-no-longer-exists/>; “Governor Healey Announces State’s Emergency Family Shelter System Will Reach Capacity by End of Month,” Mass.gov, October 16, 2023, <https://www.mass.gov/news/governor-healey-announces-states-emergency-family-shelter-system-will-reach-capacity-by-end-of-month>; Luis Ferré-Sadurní and Wesley Parnell, “New York Begins Evicting Migrant Families Who Hit a Shelter Time Limit,” The New York Times, January 9, 2024, <https://www.nytimes.com/2024/01/09/nyregion/migrant-families-homeless-shelter-evictions.html>.

Simultaneously, state and city officials across the country — and across the political spectrum — have criticized federal policymakers for their immigration response in recent months, as a prolonged uptick in border crossings has started to impact the U.S. interior.¹³ While cities such as Denver, New York, and Chicago have struggled to keep up with the demand for assistance after receiving large numbers of recent arrivals, their leaders have pleaded with the White House to provide more federal support, including by giving newcomers access to work permits more quickly.¹⁴ Through on-the-ground clinics and awareness campaigns, the Biden administration has taken several productive steps toward mitigating the obstacles eligible noncitizens face while trying to access employment authorization.¹⁵ But ultimately, Congress has the exclusive power to reform when certain categories of noncitizens — such as asylum applicants — qualify for work permits.

Notably, those arriving today represent a demographic shift away from the U.S.'s historic profile of its unauthorized population, nearly two-thirds of whom have been in the country for a decade or longer and are usually well-established within their communities.¹⁶ Instead, newcomers now are often coming in the aftermath of painful experiences and traumas, including threats or instances of violence and persecution.¹⁷ And unlike in the past, when recent arrivals regularly had family waiting for them stateside, these migrants sometimes have more tenuous connections to the U.S., with little to no support system here.

¹³ “Governor Abbott: Biden Should Secure Our Border Instead of Suing Texas,” YouTube, January 5, 2024, <https://www.youtube.com/watch?v=Z76kznSmizM>; Jeffery C. Mays, “Mayor Adams Criticizes Biden in Rare Public Rebuke Over Migrant Crisis,” The New York Times, April 19, 2023, <https://www.nytimes.com/2023/04/19/nyregion/adams-biden-migrants.html>.

¹⁴ Associated Press, “Mayors of 5 Big Cities Seek Meeting with Biden on How to Better Manage Migrants,” Politico, November 1, 2023, <https://www.politico.com/news/2023/11/01/mayors-biden-migrant-management-00124812>.

¹⁵ Lauren Villagran, “Biden Fast-Tracks Work Authorization for Migrants Who Cross Legally,” USA Today, December 31, 2023, <https://www.usatoday.com/story/news/nation/2023/12/31/biden-work-permits-for-migrants/71931816007/>; Matt Schooley, “Massachusetts Announces Work Authorization Clinic for Migrants as Shelters near Capacity,” CBS News, October 30, 2023, <https://www.cbsnews.com/boston/news/massachusetts-migrants-work-authorization-clinic/>; “Fact Sheet: The Biden-Harris Administration Takes New Actions to Increase Border Enforcement and Accelerate Processing for Work Authorizations, While Continuing to Call on Congress to Act,” September 20, 2023, <https://www.dhs.gov/news/2023/09/20/fact-sheet-biden-harris-administration-takes-new-actions-increase-border>.

¹⁶ “Profile of the Unauthorized Population - US,” migrationpolicy.org, accessed January 10, 2024, <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US>.

¹⁷ Nina Agrawal, “This Venezuelan Family Won Asylum. Days Later, They Lost It,” The New York Times, January 9, 2024, <https://www.nytimes.com/2024/01/09/nyregion/asylum-application-mix-up-backlog.html>.

Given these complicated circumstances, it is not surprising that newcomers — particularly those who lack work authorization — have needed additional support. But states and cities are not equipped with the capacity to meet so much demand and offer such support on their own. In this context, federal actions to promote migrant self-sufficiency and wellbeing are critical first steps to getting a handle on current migration challenges.

Contributions to the U.S.

Simply put, the U.S. needs high levels of immigration to continue on a trajectory of economic and cultural prosperity.¹⁸ In fact, migration is now the “main driver” for the U.S.’s population growth, according to Brookings, as the domestic population ages and many Americans opt against having children.¹⁹

Immigrants — including unauthorized residents — make significant contributions to the U.S. economy. In 2021, undocumented immigrants paid roughly \$18.6 billion in federal income taxes and \$12.2 billion in state and local taxes.²⁰ They also work in critical U.S. industries such as agriculture, construction, hospitality, and food service, many of which have chronic labor shortages.²¹ In particular, Dreamers who have been raised in the U.S., attended American schools, and often feel American in all but documentation status are significant contributors to the fabric of U.S. society and our economy, working essential jobs in health care, for example, as paramedics or doctors.²²

¹⁸ Ali Noorani and Danilo Zak, “Room to Grow: Setting Immigration Levels in a Changing America,” National Immigration Forum, February 3, 2021, <https://immigrationforum.org/article/room-to-grow-setting-immigration-levels-in-a-changing-america/>.

¹⁹ William H. Frey, “Immigration Is Driving the Nation’s Modest Post-Pandemic Population Growth, New Census Data Shows,” Brookings, January 4, 2024, <https://www.brookings.edu/articles/immigration-is-driving-the-nations-modest-post-pandemic-population-growth-new-census-data-shows/#:~:text=US%20net%20immigration%20and%20natural,2000%2D01%20to%202022%2D23&text=But%20it%20was%20the%20sharp,the%20nation’s%20recent%20population%20gain.>

²⁰ Alex Nowrasteh, “The 14 Most Common Arguments against Immigration and Why They’re Wrong,” Cato.org, May 2, 2018, <https://www.cato.org/blog/14-most-common-arguments-against-immigration-why-theyre-wrong>; Steven Hubbard, “Dispelling the Myth: How Undocumented Immigrants Pay Taxes and Contribute to the US Tax Base,” Immigration Impact, March 22, 2023, <https://immigrationimpact.com/2023/03/22/how-undocumented-immigrants-pay-taxes-itin/>.

²¹ “Undocumented Immigrants: How Immigration Plays A Critical Role,” New American Economy, March 15, 2022, <https://www.newamericaneconomy.org/issues/undocumented-immigrants/>.

²² Alexandra Villarreal, “Dreamers on the Frontlines of the Coronavirus Health Crisis Work in Limbo,” The Guardian, April 5, 2020, <https://www.theguardian.com/us-news/2020/apr/05/us-coronavirus-daca-dreamers-immigration-healthcare>; Denisse Rojas Marquez, “I’m an Emergency Medicine Physician and a DACA Recipient. Without Immigration Reform, Thousands of People like Me Face Uncertain Futures,” AAMC, September 14, 2021, <https://www.aamc.org/news/i-m-emergency-medicine-physician-and-daca-recipient-without-immigration-reform-thousands-people-me>.

Likewise, even as newcomers today get settled in the U.S., they are proving formidable assets in the fight against inflation and labor gaps. In a recent report, researchers at FWD.us estimated that approximately 450,000 parolees who reached the U.S. earlier in the Biden administration likely filled positions in sectors that desperately needed workers, cutting job openings in industries with labor shortages by a quarter.²³ Reflecting this need, business leaders in New York have called on President Biden and Congress to expedite employment authorizations, so they can eagerly train and support noncitizens there.²⁴

Immigrants — including unauthorized residents and those in legal limbo — are the lifeblood of the U.S. economy and promote our continued wellbeing as a nation. Not only do we support them; they support us.

Solutions

As cities and states struggle to sustain a compassionate response to the recent uptick in arriving newcomers, lawmakers have the unique authority to make smart policy changes that will reinforce the U.S.'s stability and legacy as a nation of welcome. First, and most essentially, Congress should pass the bipartisan Asylum Seeker Work Authorization Act of 2023.²⁵ This legislation expedites work permit eligibility for asylum seekers so they can become self-sufficient, and so that they do not have to rely as much on social services.

Second, lawmakers should provide funding for additional USCIS personnel and immigration judge teams, surging resources to the nation's adjudicatory bodies so that asylum claims may be resolved more quickly. To meet the current moment, both agencies desperately need reinforcements at a massive scale, so cases can be decided fairly and expeditiously. Were that to happen, asylum seekers who were not granted immigration relief could be promptly removed, while those who won their cases would become eligible for important services to better support their new lives in the U.S.

Right now, the high levels of humanitarian migration at the U.S.-Mexico border present serious challenges across the country. But they also offer opportunities that could help

²³ "To Lower Inflation, America Needs More Immigration to Alleviate National Labor Shortages," FWD.us, May 1, 2023, <https://www.fwd.us/news/immigration-inflation/>.

²⁴ "Open Letter to the President & Congressional Leaders from Concerned Business Leaders Regarding the Asylum-Seekers Humanitarian Crisis," Partnership for New York City, August 28, 2023, https://pnyc.org/news/open-letter-to-the-president-congressional-leaders-from-concerned-business-leaders-regarding-the-asylum-seekers-humanitarian-crisis/?campaign_id=4&emc=edit_dk_20230829&instance_id=101400&nl=dealbook®i_id=67763199&segment_id=143149&te=1&user_id=90cb5c047bob50670096063229c178a1.

²⁵ "Cosponsors - H.R.1325 - 118th Congress (2023-2024): Asylum Seeker Work ...," accessed January 10, 2024, <https://www.congress.gov/bill/118th-congress/house-bill/1325/cosponsors>.

our nation prosper. In this context, Congress has a clearly defined role in ensuring that the U.S. responds to these newcomers in an orderly, sustainable fashion, while never losing sight of people's humanity and potential.