

WELFARE AND BENEFITS RESTORATION POLICIES

While Southeast Asian Americans have been successful in their resettlement, there exist high rates of poverty in our communities. The 1990 Census showed that while 10% of all Americans were officially impoverished, 47% of Cambodians, 66% of Hmong, 67% of Laotians, and 34% of Vietnamese lived in poverty. Moreover, Southeast Asian Americans find themselves disproportionately underemployed, holding multiple, low paying positions that provide little income and job security as well as few benefits. For example, while 26% of all American workers are employed in managerial and professional fields, only 10% of Cambodian Americans, 13% of Hmong Americans, 5% Laotian Americans, and 18% of Vietnamese are employed in such positions. Public assistance, particularly the Temporary Assistance to Needy Families (TANF) program, is integral to lifting Southeast Asian Americans out of poverty. Southeast Asian Americans have particular barriers to accessing public assistance. While mutual assistance associations (MAAs) have stepped in to help people in poverty, many Southeast Asian Americans are unable to fully access the resources needed to be self-sufficient.

Reauthorization of the Temporary Assistance to Needy Families (TANF) Program

Impact on Southeast Asian Americans

In 1996 the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) created the Temporary Assistance to Needy Families (TANF) program which provides cash assistance and job training to families in poverty. Unfortunately, the 1996 law *barred legal immigrants* from receiving TANF benefits. The impact of these laws to non-citizens was immense. While refugees were qualified to receive many federal benefits, participation in all federal benefits programs dropped dramatically according to the National Council of State Legislatures. Although PRWORA allowed refugees and asylees access to the TANF program for their first seven years in the U.S., refugee use for TANF decreased from 43% to 9%. The Food Stamp and Medicaid programs also saw similar drops in refugee participation (Food Stamp 57% to 26%, Medicaid 66% to 43%). Unfortunately, while welfare caseloads decreased, the percentage of public school students who were poor enough to be eligible for free or reduced-price lunch actually increased.¹

Issues of limited English proficiency and caseworker time prevent many refugees from accessing public assistance. A study of Hmong TANF participants found that 70% of the surveyed participants could not communicate with their caseworkers and 90% had difficulty understanding written materials they received from welfare agencies.² The Urban Coalition reported that welfare counselors in Hennepin and Ramsey Counties in Minnesota had an average of 10 to 15 minutes of contact time per family.³

More importantly, even though refugees — like all TANF recipients — are required to work, they have difficulty being placed into jobs that will lift them out of poverty and off public assistance. The same report by the Urban Coalition showed that half of the agencies in Hennepin and Ramsey counties said they had difficulty in placing clients in jobs due to limited English proficiency. The jobs people were able to obtain employment in were in assembly, packaging, and other factory work, many of which do not provide benefits.

Reauthorization Legislation

The House passed **H.R. 4737**, the Republican sponsored TANF Reauthorization bill which increases work requirements for the states so that 70% of TANF recipients will need to work 40 hours per week. The bill,

¹ From the Minnesota Department of Children and Learning, <http://cfl.state.mn.us>.

² Thomas Moore and Vicky Selkove, *The Impact of Welfare Reform on Wisconsin's Hmong Aid Recipients*, Institute for Wisconsin's Future, December 1999.

³ The Urban Coalition, *Welfare Reform: Real Possibilities or Empty Promises*, July 1999.

however, does not extend TANF benefits to the larger immigrant community, allow education (and particularly ESL) to count as work, or provide other supports such as mental health services. Currently the Senate Finance Committee has approved **S. 2524**, the Work and Family Act of 2002, sponsored by Senators Evan Bayh and Thomas Carper. Now **S. 2524** will be sent to the full Senate for debate. While **S. 2524** provides for increased funding for child care and allows states to use their TANF funds for all legal immigrants, it does not allow education to count as work and requires similar work requirements as the **H.R. 4737**.

SEARAC WEIGHS IN

A survey of 21 mutual assistance associations (MAAs) that provide support to clients for the TANF program, revealed several opportunities to increase access to public assistance for Southeast Asian Americans. Through the surveys and our years serving the Southeast Asian American community, we have arrived at several recommendations for the TANF program to increase effectiveness in reducing poverty. These recommendations were submitted on November 30, 2001, to the Department of Health and Human Services as official comments on the TANF program.

Recommendations

1. Provide Financial Support and Training for Mutual Assistance Associations (MAAs)

Financial support and training of MAAs are important tools to improve the application process for TANF. All of the survey participants reported that their MAAs were the primary organizations helping Southeast Asian Americans to access public assistance benefits. MAAs often use their scarce resources to assist clients to apply for TANF benefits, providing much needed translation and interpretation services. Reimbursement of MAAs' expenses in relation to the TANF program can help build the capacity for more effective assistance to Southeast Asian Americans. Since MAAs are the primary source of information on TANF for their clients, SEARAC recommends that TANF agencies train MAA staff on how to help clients apply for benefits.

2. Provide Language Appropriate Materials and Qualified Interpreters for Limited English Proficient (LEP) Persons

Materials in Southeast Asian languages and the presence of qualified interpreters are instrumental in helping Southeast Asian Americans apply for TANF benefits. Nearly all of the survey respondents identified the lack of interpreters and lack of written materials in Southeast Asian languages as a barrier for their clients. While MAAs have stepped in to help translate materials and provide in-person interpretation, they do not have the resources to serve every LEP person. Without interpreters and language specific materials at agency offices, LEP Southeast Asian Americans often do not have access to public assistance. According to the 1990 Census, 73% of Cambodians, 78% of Hmong, 70% of Laotians, and 65% of Vietnamese "did not speak English very well." Interpretation is especially important as many Southeast Asian Americans are not literate in their own languages and in English.

3. Require that English as a Second Language (ESL) Classes Count as Work

When states have allowed ESL classes to count as work, Southeast Asian Americans have greater participation in job training programs that move them off public assistance. MAAs surveyed reported that low-level English language skills and low levels of formal education were barriers that kept their clients from finding and keeping jobs. While most states allow some LEP persons to participate in English as a Second Language (ESL) courses, full participation is limited in many states. Under current law, ESL is not explicitly listed as a work activity for purposes of meeting work participation rate requirements. The allowable activities that would include ESL — such as job skills training and education related to employment — have limitations on the extent to which they can count toward the federal work rate. These restrictions limit states' flexibility to place LEP persons in intensive and vocational ESL courses which increase their chances of finding a job.

4. Provide Mental Health Services

With a goal of helping Americans find and keep jobs, SEARAC recommends that TANF programs provide mental health assessment and services. Southeast Asians come to the United States fleeing repressive political regimes. Many were the victims of torture and abuse at the hands of the government and carry the mental scars of their victimization. Southeast Asian refugees often experience depression, flashbacks of torture, and post-traumatic stress, impairing their ability to work regularly. Many MAAs surveyed agreed that mental and neurological illnesses made it difficult or even impossible for community members to work outside of the home.

5. Identify Living Wage Job Opportunities

SEARAC also recommends that the TANF program identify job opportunities that pay a living wage. All survey participants identified lack of job opportunities and an inadequate supply of living wage jobs as important barriers for their clients to find and keep jobs. Many MAA clients on public assistance often find they cannot support their families on the jobs available in their area.

Consequences of Lack of Access to Public Assistance

Access to public assistance is vital to working families, especially to Southeast Asian Americans who often work in service industry jobs. The consequences of the loss of benefits are extreme. MAAs who were surveyed wrote that domestic violence, mental illness, and inability to pay rent or mortgage are all consequences of the loss of benefits. The Southeast Asian American community is devastated when its members do not have full access to public assistance.

EDUCATE POLICYMAKERS

Due to a lack of research and data on the impact of the TANF program and 1996 Welfare Reform laws on Southeast Asian Americans, it is imperative for our community to educate members of Congress, state representatives, and local elected officials about our experiences accessing this program. We encourage Southeast Asian Americans to call or meet with their elected officials and tell their stories about how the TANF program has affected them and their community. Feel free to use SEARAC’s talking points to supplement your own experience. If you need any assistance in finding and talking to your member of Congress, please contact SEARAC at searac@searac.org.

Key Provisions/Comparison of the Current Law, the Personal Responsibility, Work, and Family Promotion Act (HR 4737), and the Work, Opportunity, and Responsibility for Kids Act of 2002 (WORK Act, no bill number)

Issue	Current Law	Personal Responsibility, Work, and Family Promotion Act (H. 4737)	Work, Opportunity, and Responsibility for Kids Act of 2002
Immigrant Access	Most qualified immigrants who entered the U.S. on or after 8/22/96 are subject to a 5-year bar.	Immigrants are subject to a 5-year bar before they are qualified.	States are granted the option to provide TANF benefits to legal immigrants who have been in the country for less than five years. Children and pregnant women who are legal immigrants are eligible to receive Medicaid and SCHIP benefits.

Issue	Current Law	Personal Responsibility, Work, and Family Promotion Act (H. 4737)	Work, Opportunity, and Responsibility for Kids Act of 2002
Education and Training	<ul style="list-style-type: none"> ▪ Single parents with children under age six must be engaged in work activities for 20 hours per week. ▪ Single parents with children age 6 or over must be engaged in work activities for 30 hours per week. ▪ Two-parent families must be engaged in work activities for 35 hours per week. ▪ The first 20 hours can count towards job search and job readiness in excess of the allowable limits, job skills training directly related to employment, education directly related to employment. 	<ul style="list-style-type: none"> ▪ Families must be engaged in work activities for 40 hours per week. 	<ul style="list-style-type: none"> ▪ Participation in rehabilitative services or education and job training activities for 24 hours a week for a 1-month period fulfills work requirements. This number of hours was increased from 20.
Countable Activities	<ul style="list-style-type: none"> ▪ First 20 hours must be in unsubsidized or subsidized employment, work experience, community service, on-the-job training, vocational educational training. ▪ Hours above 20 may be in any of the above activities or in job skills training and education directly related to employment. 	<ul style="list-style-type: none"> ▪ At least 24 hours must be in unsubsidized employment, subsidized employment, on-the-job-training, supervised work experience, or supervised community service. ▪ Work-related education or training could count toward the first 24 hours for not more than 4 consecutive months within a 24-month period. 	<ul style="list-style-type: none"> ▪ Activities which can fulfill work requirements are the following: substance abuse counseling or treatment, rehabilitation treatment and services, work-related education or training directed at enabling the family to work, job search or job readiness assistance, and any other activity that addresses a TANF purpose. ▪ Any individual who is engaged in any of the preceding activities for approximately 24 hours per week for a 1-month period is considered to be engaged in work. ▪ an individual participating in a community service program; and any activity the state determines is reasonably related to a TANF purpose.

Issue	Current Law	Personal Responsibility, Work, and Family Promotion Act (H. 4737)	Work, Opportunity, and Responsibility for Kids Act of 2002
Barriers		<ul style="list-style-type: none"> ▪ HR 4737 will only allow states to count substance abuse treatment or rehabilitative services as work activity for up to 3 months in any 2-year period. Physical disability, mental health, substance abuse, domestic or sexual violence, learning disability, and limited English proficiency are not included. 	<ul style="list-style-type: none"> ▪ The individual can fulfill work requirements through the previous activities for a maximum of 3 months within a 24-month period. However, work requirements can be fulfilled for up to 6 months if the last 3 months are spent combined with work or a job-readiness activity.

END