

Immigrants and the Earned Income Tax Credit

by Edwin S. Rubenstein

The Earned Income Tax Credit (EITC) is available to single or married people with children who work at least part-time. Workers who have one child and family income of less than \$28,281 could get an EITC of up to \$2,428 in 2001. Those with two or more children and income below \$32,121 could get as much as \$4,008. EITC is a "refundable" tax credit, meaning that if the worker did not pay taxes, or paid less than the amount of the credit, the IRS will send him or her a check for the balance.

Technically, EITC is available only to immigrant workers who obtain legal work status. But the law allows immigrants to claim EITC for up to *three years prior* to obtaining that status. Workers simply file a tax return for the years in which they were not legally eligible to work in the U.S.!

The most widespread abuse stems from the requirement that children live with the worker for more than six months of the year. IRS does little to verify the claim. Many immigrants claim non-existent children, or claim children who they've left behind with relatives. The IRS is just now using a database from the Federal Case Registry of Child Support Orders to identify erroneous claims. Few immigrants will be covered by that device.

Steve Camarota of the Center for Immigration Studies examined the usage by Mexican immigrants of

Edwin S. Rubenstein is president of ESR Research, Inc., a research organization focusing on public policy and economic trends. He was formerly Director of Research at the Hudson Institute.

EITC and other welfare programs in a report issued in July 2001. Despite welfare reforms aimed at reducing immigrant usage, most immigrants continue to be eligible because the changes primarily affect new arrivals. Also, in many cases state governments have chosen to provide benefits to otherwise ineligible immigrants. Therefore, changes made by Congress did not have the effect on long-term welfare use by Mexican immigrants that policymakers may have thought.

Camarota's data shows that immigrants in general, and Mexican households in particular, use every major means-tested program at higher rates than natives.

Program	Natives	All Immigrants	Mexican Immigrants
SSI	3.9%	5.3%	4.1%
Public Housing	4.2	4.9	5.0
General Assistance (TANF)	2.1	3.2	5.5
Food Stamps	5.3	6.7	10.2
Medicaid	12.1	18.6	27.2
Unemployment Benefits	4.7	5.0	8.3
EITC eligibility	13.1	25.5	49.2

While use of Supplemental Security Income (SSI) by Mexican households is only slightly higher than that of natives, their use of TANF/general assistance, food stamps, and Medicaid, is dramatically higher than households headed by natives. All of these programs are very large in size. In 1999, more than \$300 billion was spent on the means-tested programs.

While immigrants use welfare programs at higher rates than natives do, their use of the EITC is substantially higher than that of natives. With an annual cost of \$32 billion, the EITC is the nation's

largest means-tested cash assistance programs for workers with low incomes. Persons receiving the EITC pay no federal income tax and instead receive cash assistance from the government based on their earnings and family size.

The percentages for the EITC above almost certainly overstate its use by both immigrants and natives, because unlike the other programs listed in the table, the Census Bureau assigns use of the credit to respondents based on their income and family characteristics, not based on their response to a

“Immigrants account for 10.4 percent of the U.S. population, but receive 20.9 percent of all EITC benefits, or an estimated \$6.7 billion in 2001.”

specific question on the survey. All persons who file a return and are eligible for EITC should receive the EITC because the IRS will process it automatically if you qualify. However, persons whose employment is not reported to the IRS (i.e. they work off the books) or who do not file an income tax return will not receive the credit. Research indicates that in most years roughly 85 percent of those eligible for the EITC do, in fact, receive it.

Moreover, immigrants receive larger average benefit payments than natives. For EITC, average payment amounts in 1999 were as follows: Natives, \$1,456; all immigrants, \$1,693; Mexican immigrants, \$1,887. This is because EITC payments, like payments for public assistance and food stamps, typically reflect the number of people in the households. Because immigrant households are larger on average (primarily because of higher fertility), the size of their average payment is also larger.

EITC and Illegal Immigrants

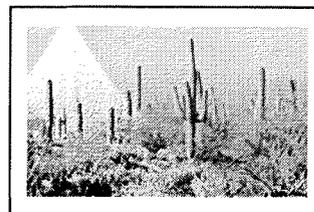
Not surprisingly, the use of means-tested welfare programs is more common among legal immigrants than illegals. But whether legal or illegal, immigrants make heavy use of welfare payments. Camarota's data show, for example, that 55.3 percent of legal Mexican immigrants receive EITC payments versus 39.4 percent of illegal Mexican immigrants.

Illegal immigrants from Mexico primarily receive welfare benefits on behalf of their American-born children. Camarota writes: “Use of means-tested programs by illegal immigrants from Mexico points to a fundamental problem that would almost certainly exist with any guestworker program. Even if guestworkers are made technically ineligible for means-tested programs, it seems almost certain that they would make use of them anyway by receiving benefits on behalf of their native-born children. After all, the findings ... indicate that despite an outright ban on their use, illegals from Mexico actually use such programs at higher rates than natives in many cases.” ■

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Deadly Diversity, Dumb Program

by Michelle Malkin

In the drawer of dumb, post-Sept. 11 immigration ideas, the State Department's Diversity Visa Lottery program sits near the top of the heap. What could be more out of touch with the national security goals of the War on Terror than giving away visas randomly to thousands of people from the Middle East to fulfill a politically correct social agenda?

Nearly 55,000 lucky lottery applicants and their family members qualify for permanent residency visas (green cards) every year, which put them on the path to American citizenship ahead of millions of other foreigners patiently waiting to come to this country. The visa lottery was championed by Sen. Ted Kennedy and signed into law by President George H. W. Bush in 1990 to admit more "underrepresented" immigrant

minorities into the United States. Although originally intended to give a leg up to Irish immigrants, most of the winners are now from non-Western countries, including several terrorist-sponsoring and terrorist-friendly nations.

How many lives have been sacrificed at the altar of diversity through this immigration set-aside program? We now know of at least two casualties.

One of those who hit the visa lottery jackpot was Hala Hadayet, wife of Egyptian immigrant Hesham Mohamed Hadayet -- the gunman who killed two people at Los Angeles International Airport on July 4th. Hadayet should have been deported from this country six years ago. After entering the country legally in 1992 on a six-month visa, he overstayed illegally and then filed a petition for permanent residency.

An Immigration and Naturalization Service spokesman told the Orange County Register over the weekend that the reasons for Hadayet's rejection were "unclear." The agency initiated deportation proceedings, but, as in hundreds of thousands of cases, nothing ever came of it. In the meantime, Hadayet's wife put in an application for the visa lottery. She won, and so did her family. Both legal immigrants from abroad and illegal aliens currently evading the law inside our country

are allowed to apply; winners can bring their spouses and children under 21.

There is no fee to enter the visa lottery. There isn't even a government form. Applicants simply mail a photo, biographical information and a signature on a plain sheet of paper and wait for the computer-generated drawing results. Losers can keep applying every year. The only eligibility rules are a clean criminal record (other than violating our borders and overstaying visas, which don't count as crimes to our cotton-headed immigration authorities), a clean bill of health (easily faked), and a high school diploma/equivalent or two years of work experience (easily faked).

The diversity visa lottery program was a bad idea before Sept. 11 and July 4. At a time when people from around the world continue to seek asylum, claim refugee status, and immigrate to America legally, it is absurd that our government still feels compelled to run a lottery to "ensure diversity" of the immigrant population. It is even more outrageous that the program is open to illegal aliens who continue to flout our laws. The visa lottery is an immigration entitlement program based on the luck of the draw and political whims — rather than on our national interest.

Michelle Malkin is a nationally-syndicated columnist. Her most recent book is Invasion: How America Still Welcomes Terrorists, Criminals, and Other Foreign Menaces on Our Shores. This article, ©2002 Creators Syndicate, Inc., is reprinted by permission.