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At the intersection of immigration and welfare governance in the United States: State-, county-, frontline-level and client's perspectives

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Abstract EN

The U.S welfare reform of 1996 restricted eligibility of immigrants and introduced a punitive and devolved workfare system. While previous studies explained state variation in the welfare eligibility rules for immigrants, limited studies have examined the intersection of immigration and welfare governance within a state. We choose the Californian welfare-to-work (WTW) program as a case, most likely to be inclusive to immigrants. Analyzing statistics, documents, and interviews at the state-, county- and frontline-levels, however we reveal also multiple exclusionary mechanisms at various policy levels. Our analysis of immigrant clients' interviews helps to understand why many immigrants decide not to apply for welfare and how even WTW participants with an immigration background experience fear and are especially vulnerable to unfair treatments. Thus, the implementation of the punitive workfare regime along with the restrictive immigration regime can contradict the aim of WTW-policy to lead families in poverty to self-sufficiency.

Abstract DE

Die U.S. Sozialhilfereform von 1996 hat den Zugang zu Sozialhilfe für ImmigrantInnen beschränkt. Mit der Reform wurde ein bestrafendes und dezentrales *Workfare*-System eingeführt. Frühere Studien fokussieren auf unterschiedliche Zugangsregeln für Immigranten in den U.S. Bundesstaaten. Bisher wurde die Schnittstelle von Immigrations- und Sozialhilfepolitik innerhalb eines Staates kaum beleuchtet. Wir wählen das Kalifornische *Welfare-to-Work* Programm als *most likely case study*, wo erwartet werden kann, dass ImmigrantInnen inklusive behandelt werden. Unsere Analyse von Statistiken, Dokumenten und Interviews auf verschiedenen Ebenen, zeigt jedoch auch diverse exkludierende Mechanismen auf. Die Analyse von Interviews mit immigrierten KlientInnen hilft zu verstehen, warum viele ImmigrantInnen keine Sozialhilfe beantragen, teilnehmende ImmigrantInnen in den Programmen Ängste erfahren und vermehrt unfairem Verhalten ausgesetzt sind. In Kombination mit dem restriktiven Immigrations-Regime, kann die Implementierung des *Workfare*-Regimes sein Ziel damit gerade unterlaufen, Familien in Armut zu Selbständigkeit zu führen.

Keywords: Immigrants, Welfare-to-Work, California, Devolution, Discretion

Schlüsselwörter: ImmigrantInnen, Sozialhilfe, Arbeitsmarktintegration, Dezentralisierung, Handlungsspielraum, Kalifornien

1. Introduction

The intersection of public benefit regulations and immigration laws is currently a central theme in the U.S. politics. President Donald Trump perpetuates the discourse that immigrants impose a hefty cost to public programs and are a “public charge” to U.S. taxpayers (Hammond 2018; O’Shea/Ramon 2018). The Trump Administration’s attempts to increase restrictions in access to welfare for immigrants is not new in America: a similar discourse around the “public charge” of immigrants shaped two major reforms in 1996: Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). These reforms denied federal public assistance to most non-citizen immigrants for their first five years in the country (Amuedo-Dorantes et al. 2016; Kehrberg 2017; Reese 2011). The reforms further implemented a shift from cash-aid welfare policies to ‘workfare policies’ (Lodemel/Moreira 2014), making welfare benefits conditional to work requirements. While a shift from welfare to workfare has also occurred in many European countries, the U.S. Temporary Assistance for Needy Families (TANF) program introduced in 1996 is “substantially harder workfare edge than most European activation schemes” (Brodkin & Larsen, 2013, p. 44). TANF's main components are mandatory work requirements, sanctions through non-compliance policies, and lifetime limits for benefits.

Studies on comparative welfare regimes and immigration policy regimes have indicated that immigrants in the *liberal welfare regime* of the U.S. are less entitled to social rights than immigrants in e.g. the *conservative corporatist welfare regime* of Germany and the *social democratic regimes* of Sweden (Sainsbury, 2006). Analyzing cross-national differences in the inclusion of immigrants into general social protection across 27 rich democracies; Schmitt and Teney (2019) similarly classify the U.S. as one of six countries with access restricted to immigrants with specific legal statuses or with condition to access. Previous studies on U.S welfare policies and immigrants have largely focused on the explanatory factors behind state variation in welfare generosity to immigrants. Factors identified have been the percent of liberal voters (Graefe et al. 2008), “the willingness of state populations” (Kehrberg 2017) or a smaller African American population is a predictor for granting immigrants access to TANF (Filindra 2013). Further research has shown that welfare is disproportionately under-utilized by undocumented immigrants even in states where they have access to state-funded TANF (Pena 2014). A recent meta-study concluded that immigrants in general are less likely to use welfare benefits than native-born Americans (O’Shea/Ramon 2018). These findings contest the claim that immigrants are a public charge for U.S. taxpayers.

However, previous U.S. studies on street-level discretion in welfare implementation and perspectives of the clients on the welfare system reveal little about the immigrant experience with the welfare system. Studies have found racialized and gendered stereotypes of frontline-workers (Korteweg 2006; Masters et al. 2014), clients receiving insufficient information and feeling discouraged from seeking services while experiencing fear and distrust (Bartle/Segura 2003), and how local employers of (im)migrant workers are beneficiaries of immigration policy (Nisbet 2015). Studies on the experience of immigrants with the welfare system in Europe have shown that immigrants experience a non-transparent bureaucracy, lengthy administrative processes and leeway in the decision-making processes (Bakonyi et al. 2018; Saar et al. 2018). However, scholars thus far “have given insufficient attention to how the government treats immigrants while they reside in the U.S.” (Hammond 2018: 503).

Therefore, this study aims to address this gap in the literature by analyzing how immigrants are governed within California’s TANF program at the state, county and frontline-level as well as how clients with an immigration background experience the program. We selected California as a case that is most likely to be inclusive to immigrants. In this paper, we use the term immigrants for (a) foreign-born people, who permanently live in the U.S., such as green card holders, immigrant visa holders, undocumented immigrants or (b) the children of at least one foreign-born parent, who also changed their residency to the U.S. We apply this broader understanding of immigrants because family migration history has a profound impact on the livelihood of the children of immigrants as well as on their attitudes and beliefs. Furthermore, the U.S. immigration policy makes family members, even if U.S citizen, responsible for their non-citizen family members if they need welfare assistance. The U.S. is home to 20 million children who have at least one immigrant parent, and nine in ten of these children are citizens (Artiga 2018). In order to comprehend the perspectives of the different actors involved in the policy implementation process, we use a qualitative case study methodology triangulating the analysis of statistics, interviews and documents at various policy levels.

The paper structure begins with background information on the relationship between welfare regimes and immigration in the U.S. Next, we introduce our conceptual framing of exclusionary and inclusionary regimes, practices and discourses at multiple policy levels. After the introduction of our case study and methodology, we present our findings. By analyzing the secondary statistical data, we indicate that California’s WTW programs underserve immigrant families in poverty. Our

qualitative data analysis explores the inclusionary and exclusionary regimes, practices and discourses in the WTW-program. We find that state, county and frontline-workers use discretion to include, engage and protect immigrants. Yet, the complex procedures and linguistic difficulties with documents discourage immigrants from applying for welfare benefits. Within the program, immigrants in poverty face lack of documentation and resources in immigrant’s language and a lack of support to address their unique needs. Our analysis of the client’s interviews displays that immigrants in the welfare system are predominantly ruled by different fears, such as fear of applying for welfare or doing something wrong in WTW. Furthermore, immigrants try to be compliant and conforming to the U.S. norms of self-sufficiency, making them specifically vulnerable to unfair treatments.

2. Background

2.1 Intersection between the U.S. immigration and welfare regimes

The governing of immigrants and the exclusion of certain categories of immigrants at the intersection of immigration and welfare policies has a long history in America. The U.S. began regulating immigration soon after winning independence from Great Britain (Cohn 2015), as the public charge rule dates back to the U.S. immigration laws in 1800’s (Boghani 2019; Hammond 2018:519). Today, public charge is defined as “an individual who will become primarily dependent on public cash assistance or who will receive long-term care at government expense” (Hammond 2018; O’Shea / Ramon 2018:5). Public charge determinations allow the U.S. Citizenship and Immigration Services (USCIS) authorities to reject green card applications, to prevent certain individuals from entering the county and to deport immigrants who use public benefits (Hammond 2018; USCIS 2020).

Before 1996, immigrants had the same eligibility to welfare as U.S. citizens, if they were identified as Lawful Permanent Residents (LPR)¹ (Broder et al. 2015). In 1996, PRWORA and IIRIRA introduced new restrictions on benefit eligibility for LPRs in their first 5 years of legal residency in the U.S (Broder et al. 2015; Hammond 2018; O’Shea / Ramon 2018). IIRIRA, moreover, requires immigrants who sponsor relatives that later receive benefits to pay back any public benefits – including TANF – paid to the immigrant they sponsored (Hammond 2018; O’Shea/Ramon 2018). These reforms were pushed along by a discourse around “undeserving” immigrants, who lack the

¹ A Lawful Permanent Resident (LPR) is a green cardholder, defined as, “alien who has been granted the right by the USCIS to reside permanently in the United States and to work without restrictions in the United States” (IRS 2019).

“American social norm of a strong work ethic”, as well as a need to “promote immigrants self-sufficiency” (Filindra 2013; Kehrberg 2017: 293–94). PRWORA and IIRIRA also introduced more state discretion, as states were now allowed to give LPRs access to welfare benefits in the first five years of their residency as long as states fund were used (Filindra 2013; Hammond 2018; O’Shea/Ramon 2018). This increase in the state discretion for immigration related eligibility requirements resulted in granting immigrants arriving after PRWORA access to TANF in 19 states (Kehrberg 2017; O’Shea/Ramon 2018). These changes have led to confusion and a belief among immigrants that all foreign-born are disqualified from aid (Amuedo-Dorantes et al. 2016).

The Trump administration proposed public charge policy changes in 2019 by including the main welfare programs, such as TANF, Medicaid or subsidized housing to the rule. Not only do these changes add more pressure to the immigrants in the U.S., but also prevent more individuals from entering the U.S and puts immigrants who apply for welfare at the risk of deportation (Hammond 2018). For example, having a family income less than 125% of the U.S. poverty line, currently around \$32,000 annually for a family of four, would now factor negatively on eligibility for LPR status or visa extensions (Kimberlin/Ramos-Yamamoto 2019). The applicant’s age, health, financial status and educational background could also be considered to determine how likely they are to become a public charge (Boghani 2019). This new definition of public charge is extremely broad and exclusionary, as more than half of native-born citizens are also likely to use public benefits at some point in their lifetime (Kimberlin/Ramos-Yamamoto 2019). While federal judges blocked the proposed changes to the public charge was at first in October 2019 (Boghani 2019), the Supreme Court approved the rule in January 2020 (USCIS 2020). The changes in public charge might result in an estimated 320,000 people dropping out or choosing not to enroll in public programs, as well as the chilling effect influencing up to 10 million citizens (Kimberlin/Ramos-Yamamoto 2019). Even during the global pandemic on COVID-19, the Supreme Court denied request to suspend rule for immigrants (Vogue 2020).

2.2 Exclusionary and inclusionary regimes, practices and discourses at multiple policy level

Our analysis focuses on inclusionary or exclusionary mechanisms at multiple policy levels. Exclusion can be described as the process by which individuals are blocked from resources, opportunities, and rights (Winker/Degele 2009). Inclusion is the process of including individuals in resources, opportunities, and rights. Exclusionary and inclusionary processes are reproduced or reduced through regimes, practices and discourses at multiple levels of policy implementation. We

conceptualize regimes as “sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area” (Krasner 1983); practices as routinized action exercised by actors, which can be but must not be institutionalized within a regime (Rass/Wolff, 2018: 45). We finally conceptualize discourses as institutionalized meanings that are constructed within a given context (Keller 2011: 27).

At the intersection of the immigration and the welfare regime (see Sainsbury 2006) in the U.S., actors at different policy implementation levels have discretion concerning their practices. Discretion has re-emerged as an issue of central importance for welfare scholars over the last two decades (Evans 2016). Figure 1 provides an overview over the levels of discretion in the governing of immigrants in the U.S. welfare policies.

(figure 1)

Although policies are implemented at different policy levels in every welfare state, local governments exercise more discretion in federalist and decentralized welfare programs (Lanfranconi 2014; Rice 2013). PROWA and IIRIRA devolved policy decisions, giving state policy makers the power to introduce a more or less strict welfare regime towards immigrants (see first level, figure 1). PROWA further facilitated a second-order devolution (SOD), which allowed the states to grant discretion on TANF program design and implementation to county governments. Fourteen states, including California, introduced SOD where counties exercise significant discretion especially considerable authority over local spending and WTW sanction (Kim/Fording 2010; Martine 2009, Chang et al. 2020, see second level, figure 1). Street-level bureaucrats, i.e. front-line workers in social services, are also granted further discretion in the policy implementation and decision-making process. Hence, their practices, perceptions and beliefs influence the lives of their immigrant clients (Brodkin 2012; Gilson 2015, see third level, figure 1). The clients are governed by the interaction of principles, rules and norms that are shaped by the discretion of different actors at multiple levels. In our study, however, we do not conceptualize the clients as passive, but rather as actors that themselves co-construct the regime and can decide to opt out of the WTW system.

3. Empirical study

3.1 Case Study: California’ WTW-program and its implementation in two different counties

This study uses the data which was collected in the frame of a broader study on “Social Equity in California’s WTW-Program” (see Chang et al. 2020; Lanfranconi et al. 2020). California’s program Work Opportunity and Responsibility to Kids (CalWORKs) provides temporary cash assistance to meet basic family needs and WTW services. CalWORKs requires adults for a minimum number of hours per week between 20 and 35 depending on family composition and age of the kids, unless an adult is granted an exemption from work requirement due to a health condition or caregiving responsibility for a child under the age of two (CDSS, 2019a). CalWORKs is an ideal case for our study on the governing of immigrants in welfare policies at various policy levels, because:

- a. CalWORKs is the most inclusive TANF program in term of the TANF-to-poverty ratio among 50 states’ programs nationwide (Floyd 2020). Specifically, California is one of 19 states that grants immigrants arriving after PRWORA access to TANF (Kehrberg 2017; O’Shea/Ramon 2018) and uses state funds to provide CalWORKs cash benefit and other means-tested benefits (e.g., food stamps and Medicaid) to immigrants who are otherwise ineligible due to the five-year residency requirement (Pena 2014). Given these inclusive program characteristics, California can be regarded as a “most likely case” (Levy 2008) to be inclusive to immigrants.
- b. California is the “home of the nation’s largest immigration population” (Reese 2011): More than 1 in 4 Californians are immigrants according to the U.S. Census Bureau, American Community Survey data (Kimberlin/Ramos-Yamamoto 2019). California has the highest share of children living in immigrant families from all of the states in 2017; 46% in California, compared to a nationwide average of 25% (KIDS COUNT 2019).
- c. CalWORKs is highly devolved. It is operated and administered by county welfare departments under the supervision of the California Department of Social Services (CDSS). The 58 county WTW directors are organized in the County Welfare Directors Association (CWDA) that advocates for CalWORKs at the state level, together with other advocacy organizations, such as the Western Center for Law and Poverty (WCLP). As CalWORKs is highly devolved, we expect to find county discretion in the implementation of WTW programs.

In order to capture county-level discretionary WTW practices and heterogeneity, we selected two most different counties (Flyberg 2001), based on a cluster-analysis of five key program and socio-demographic characteristics (WTW exemption, WTW sanction, non-White population, poverty

rate, and political ideology) of all 58 Californian counties (see detailed information on the county selection process in Lanfranconi et al. 2020). We named the two selected counties, for anonymity reasons, Central- and Bay-County. Bay-County owing to its proximity to the Silicon Valley has a lower unemployment and poverty rates and high costs of living (such as e.g., higher rent-prizes, see table 1) and Central-County situated in an agricultural community located within the Central Valley with higher unemployment and poverty rates but lower costs of living (such as e.g., lower rent-prizes, see table 1). While the two counties are most different in all four of the five above criteria, both counties share a high non-white percentage. As table 1 further shows, Hispanics are the predominant racial group while there is relatively more Asian population in the Central-County than Bay-County. Although English and Spanish are the main languages spoken within the WTW-population Vietnamese accounts for the third most spoken language in the Central-County, while Hmong accounts for the third most spoken language in Bay-County.

(table 1)

3.2 Data and Methodology

In order to understand how immigrants in the welfare regime are at an advantage or disadvantage through mechanisms at state, county, and frontline-level, we conducted a qualitative case study and triangulate data at different levels. *Triangulation* refers to combining different data and methods to understand the same phenomenon from several perspectives, drawing a more complete picture of the phenomenon (Jick 1979).

Our data sources at the state-level included:

- Secondary statistical data (i.e., state and national indicators of child poverty and children in immigrant families in 2017) retrieved from the KIDS COUNT dataset and administrative data of WTW participants from the most current CalWORKs annual summary, which reported data for the state fiscal year 2017 (CDSS 2019).
- Seven interviews with five key CalWORKs administrators at the CDSS, the Executive Director of CWDA and an advocate at WCLP.

52 policy documents including annual reports, CDSS website pages, CalWORKs forms and All-County Letters (ACLs).

Data from the two case counties including:

- Individual and group interviews with ten key county CalWORKs administrators, including the directors, managers, supervisors and civil rights coordinators.
- 27 documents, including the county-level CalWORKs annual reports, website pages, front-line employee handbooks and training material.

Frontline-level data included:

- Two focus groups with nine frontline-workers, who participated in any of the two working groups, with a specific focus on South-East-Asian (SEA) immigrants or on Spanish speaking population in Central-county.
- Two individual interviews with frontline-workers specialized in SEA and Spanish speaking clients in Bay-county.

In order to gain a better understanding of the unique challenges and perspectives of immigrant CalWORKs clients, we included:

- Eight individual semi-structured interviews with WTW clients who had an immigration background.

As described earlier, all interviews were conducted in the frame of a broader study on “Social Equity in CalWORKs”. In total, we did fourteen interviews (seven in each of the two counties) with clients currently enrolled in CalWORKs. Twelve out of the fourteen interviewees were women, which reflected the fact that approximately 90% of CalWORKs clients are women (CDSS 2019, 5). The selection criteria was to have a high variation in race (White, Black, Hispanic, Asian and Others). Eight out of the fourteen interviewees with immigration background: one client immigrated recently to the US, and seven were children of at least one foreign-born parent. Table 2 presents the characteristics of the eight CalWORKs clients included in the current analysis (including anonymized names of the clients).²

(table 2)

All of the interviews, with the exception of one phone interview, were conducted in-person from the first author of the article between April and December of 2019. The interviews were audio-recorded with participant consent, lasting between forty minutes to two hours, and they were later

² A limitation of our sample is that it only included current welfare clients and did not reach out to immigrants who decide not to apply for welfare. However, our interviewees told many stories of family-members and friends who decided not to apply for welfare.

transcribed for analysis. In order to analyze the interviews, focus groups and documents, we combined content analysis (Kelle/Kluge 2010) to uncover common patterns e.g. of practices and challenges with a critical discourse analysis (Keller 2011; Turgeon 2018) to uncover embedded discourses. In comparison to other forms of discourse analysis, critical discourse analysis is particularly used in order to understand the potential consequences of both linguistic as well as social practices in the reproduction of inequalities within the power structures.

We proceeded in two steps: First, we used the computer-assisted qualitative data analysis software, MAXQDA, to code the documents deductively into six codes: *1. Equity – Inequity, 2. Differences, 3. Problems/Challenges, 4. Responsible actors, 5. CalWORKs programming and experiences, 6. Policy recommendations*. Using this code-system, we next coded all of the documents and interview transcripts, during which we further inductively generated various sub-codes emergent from the document and interview materials (Kelle/Kluge 2010). We also created code memos for each sub-code in order to summarize the most relevant content from the data. Three different researchers discussed their understandings of the sub-codes in order to guarantee a common understanding and interpretations performed in the first step.

Second, after coding all the documents and interviews, we exported the citations from MAXQDA in an excel-file and analyzed there every citation of the sub-code *Refugee, Immigrants, and Language* in the code *2. Differences* for all the documents and interviews at state-level, across both counties as well as in the frontline-workers interviews, allowing us to recognize what patterns appear predominantly at these different levels. Finally, we also analyzed the codes *3. Problems/Challenges* with its sub-codes *a. unclear rules, b. not welcoming program, c. language barriers, d. fear of government, e. distrust* as well as the code *5. CalWORKs programming and experiences* and its sub-codes: *a. WTW activities and b. work experience* for the client's interviews. We summarized the major patterns we found in “pattern tables” and identified typical citations.

4. Findings

To be eligible to CalWORKs, a family needs to meet income limits based on the Minimum Basic Standard of Adequate Care (MBSAC) (CDSS 2019). We estimate the number of children from immigrant families who potentially satisfy the income criteria for CalWORKs.³ According to

³ We used the federal poverty level as a proxy for CalWORKs income limit to estimate the number of potential needy families because we compared the 2019 MBSAC to the 2019 Federal Poverty Guidelines and confirmed that the gross families income limits of CalWORKs are approximately 100% of the federal poverty thresholds (HHS website).

KIDS COUNT data in 2017, approximately 1.6 million children in California come from families with below the federal poverty level income and 55% of these children come from immigrant families. The poverty rate for children with immigrant families is five-percentage point higher than children with U.S. born families (21% vs. 16%) in California (KIDS COUNT 2019). Despite a higher need for CalWORKs among immigrant families, approximately 90% of CalWORKs WTW participants are citizens and only the remaining 10% are non-citizens (including legal non-citizens and those with an unknown citizenship status from the CDSS data system, CDSS, 2019). Due to data limitation, we are not able to identify exactly the number of WTW participants who are citizens with immigration family background. However, the extremely low proportion of non-citizen WTW participants suggests that immigrant families in poverty are underserved by CalWORKs. CalWORKs Branch Chief has similarly stated that, “there is still a lot of children living the state in poverty and the majority of those children are in immigrant families.” To understand this gap between the needs for CalWORKs support and the actual access to CalWORKs among immigrant families who live in poverty, we analyze the inclusionary (4.1) and exclusionary (4.2) rules and practices related to immigrants at state-, count- and frontline-levels as well as from the clients’ perspective (4.3).

4.1 Inclusionary regimes, practices and discourses

State-level: Expanded eligibility for immigrants and language policy

Our analyses of documents and interviews at the state level reveal that California’s welfare regime has implemented some inclusionary principles and rules, as it has expanded eligibility for immigrants and implemented an important language policy, aiming at reducing barriers to services and programs. California today⁴ implements a state-only CalWORKs program that uses state funds to include categories of immigrants that federal restrictions exclude, namely LPRs in the first five years of residency, who were eligible under the welfare regulation prior to the 1996 reform (CalWORKs Handbook Bay-County n.d.). State official in our interviews explained the difference between state-funded and federally funded components of CalWORKs:

“A family where a child is a citizen but the parent is not cannot, by definition from the federal government, participate in CalWORKs. So we cannot offer that family an array of

⁴ While California is generally inclusive today, this was not always the case. The lost benefits had to be replaced through pro-immigrant collisions in the late 1990ers (Reese 2011).

the employment services for the parent. It's prohibited by the federal government. But California's dollars can be used" (CDSS, Deputy Director).

In addition to providing funding support for immigrants, California has also implemented threshold language policy, aiming at improving access for clients with limited English proficiency to social services, such as CalWORKs, aiming to reduce discrimination. This policy has a federal origin: The Civil Rights Act of 1964 prohibited recipients of federal funding from discrimination based on national origin. There is federal financial assistance for agencies to take the "reasonable steps" to assure that LPR have access to federally funded programs. However, the compliance with these language policies varies widely from state to state (Hammond 2018). California has implemented the federal-level requirements into state-practice, based on an IT-system, as described by an interviewee:

"If you have a certain level of any language spoken within your county, then you must offer all materials and resources in that language (...). We have created an indicator for when you are in the eligibility process to say that 'I need all of my information in another language'. That will be implemented in the system, so that the person should never in any other process, should come back to English" (CDSS, Deputy Director).

County-level: Culturally sensitive work groups, Immigrants protection practices and programs for immigrants

Our county-level analysis displays differences in local welfare regimes concerning rules and practices for immigrants across our two selected counties. In Central-County, our analysis prevails inclusive discourses and practices towards specific groups of immigrants, mostly towards the two largest immigrant groups: the Spanish Speaking immigrants and the South-East Asian (SEA) immigrants. In 2016, two groups of case-managers with immigrant background were created: the *SEA* engagement group, "that includes Mien, Hmong,⁵ Laotian, and some other minority groups" (front-line worker, SEA working group, Central-County) and the Spanish Speaking engagement group. The engagement groups focus on finding solutions to unique challenges specific immigrant groups

⁵ Large Hmong populations immigrated in the 1980s after the Vietnam War to many Californian rural counties. The Hmong fell under the "deserving poor" category due to their status as political refugees who fought for America in the Vietnam War (Reese 2011: 67).

face. One specific practice is to bring sanctioned clients back to CalWORKs, called to “cure sanctions”. This practice is described as followed:

“Some of the families have been off the program for quite some time for different reasons, so instead of leaving them alone, we came up with an idea (...): Instead of having the SEA come to us, we went out to them. We picked a specific location, geographically, where we knew [there was] a high population of SEA who were on welfare reside. We used one of the churches there and we did a lot of home visits at that time. (...) Since 2016, we had three sessions. And those workshop sessions were tailored specifically for them (the SEA clients). We were able to cure – most, everybody that comes to – we were able to cure their sanction” (frontline-worker, SEA engagement group, Central-County).

Another practice of the engagement groups is the translation of CalWORKs documents in a culturally appropriate way. For example, the Spanish Speaking working group has including culturally specific explanations in the documentation, pictures of Latin American Families and has translated important program terms into more culturally appropriate terms, such as family wellbeing (*bienestar familiar*) instead of family stabilization (*stabilizer familiar*). Because the later has in its direct translation into Spanish a more negative connotation (Central-County, Director).

A further important practice is that the engagement groups also discusses current immigration policy changes: “When we meet, we discuss political climate, legislation coming in, how that will affect our clients, specific resources we have to help them in this time when there is uncertainty” (frontline worker, Spanish Speaking engagement group, Bay-County). Currently, the engagement group collected information and resources for undocumented immigrants to prepare them for possible interaction with the ICE:

“We ordered red cards we give to clients in case someone from ICE comes and knocks at their door, so they know how to respond and what they need to do. We prepare them for those crises. We are not an attorney, but we can give advice: what places, which telephone numbers to call. So they can be aware of immigration laws and changes” (frontline worker, Spanish Speaking engagement group, Central-County).

Our second case county Bay-County has not implemented specific engagement groups. It generally provides sameness in treatment to all clients and provides limited programs specifically for specific groups. One of such a program is a summer internship program that they offer for children who participate in CalWORKs, but their parents are disqualified because they are undocumented: “This is one of the few opportunities for the immigration families that we can provide. It is not only helping the kids, but it is really giving the family 3,000-4,000 dollars for the summer” (Bay-County, Director, 2019). The first sentence of the citation indicates that there are not many such initiatives specifically for immigrant families.

Frontline-level: Culturally sensitive engagement practices

Analysis at the frontline-level in both counties show, that frontline-workers use their discretion to include and engage with immigrant clients who have challenges with language and cultural barriers. In our interviews, frontline-workers explained that clients with limited English-literacy need additional engagement because navigating around the system for those clients is particularly challenging. The frontline-workers describe the way they help immigrant clients through such challenges as “hand-holding” (frontline-worker working with Asian Clients, Bay-County) or as “being a bridge” between the client and the program:

“It is important to have a cultural connection or else they don’t have *confianza* [trust in Spanish]. Culturally I have a connection and I begin the bridge and when they cross the bridge I know they can trust me and they know I will advocate for them” (frontline-worker working with Spanish Speaking Clients, Bay-County).

Although frontline-workers in both counties describe their engagement with clients similarly, Central-County do more to support immigrant clients, such as the practice of home visiting, to make the client feel more comfortable. The practices we encounter in the Central-County can be described through a discourse of “cultural humility”. The latter can for instance be seen in how a frontline-worker describes why face-to-face engagement is very important for Hmong immigrants: “Hmong people are face-to-face people. We like to talk about things. We don’t write it down. Let’s sign a contract with a handshake or a smile. Over tea, water, or rice – right” (frontline worker, SEA engagement group, Central-County).

4.2 Exclusionary regimes, practices and discourses

Besides the inclusionary mechanisms, our analyses of interviews and documents reveal many exclusionary regimes, practices and discourse towards immigrants within CalWORKs.

State-level: Exclusion, uncertainty, complicated processes and insufficient translation

Our analysis at the state-level shows the exclusion of undocumented immigrants, the uncertainty of the state government to include immigrants in front of the possible changes of federal immigration rules, a punitive and threatening language in CalWORKs documents, complicated processes and insufficient translations. While having more inclusive eligibility rules than the federal policy, CalWORKs cash benefit is not available to undocumented immigrants (CalWORKs Handbook Bay-County n.d.).

State interviewees acknowledge the challenges for immigrants with the public charge rule and explain how their efforts for trying to be inclusive towards immigrants is challenged by the federal regime:

“Public charge just took a big turn a couple of weeks ago, and we’re not sure where it’s going to land but you can now be deported, not just fined. That’s hard. We can, as the state, provide technical assistance and coaching to the counties to try to overcome that, but at the end of the day it’s hard to say how successful you can be and whether it’s even appropriate sometimes to try and draw people into the system where they might actually be harmed. We’ll do everything in our power to prevent that, but you just don’t know” (CDSS, CalWORKs Branch Chief).

This particular citation exemplifies the complex situation of state-level actors complying with the national rules and execute their discretion to include immigrants. It further displays how state actors experience uncertainty by not knowing whether they are protecting or harming immigrants by trying to include more immigrants to CalWORKs.

Our critical discourse analysis of state-level documents reveals a further challenge for immigrants. Almost all references to citizenship status in CalWORKs documents are punitive and relate to checking immigration status with authorities, discussing ineligibility due to immigration status or even threatening to impose fines or jail time. Two typical examples are: “If I on purpose do not

follow cash aid rules, I may be fined up to \$10,000 and/or sent to jail/prison for 3 years” (Form_CDSS_CW8, Statement of Facts for an Additional Person, p. 6) and:

“The county will send facts to the U.S. Citizenship and Immigration Services (USCIS) to verify immigration status and the facts the county gets from USCIS may affect my eligibility for cash aid, CalFresh and full Medi-Cal” (Form_CDSS_CW8, Statement of Facts for an Additional Person, p. 6).

Thus, the punitive language in the system not only discourages undocumented immigrants from applying to CalWORKs, but also creates confusion and fear among the documented immigrant clients. While CDSS states the immigration status will be checked and the authorities will be notified, they do not spell out the eligibility requirements as they pertain to immigration status.

The described challenge of the punitive tone in the CalWORKs documents intersects with two further challenges due to the complicated language of the documents as well as the lack of translation to other languages, as explained by an advocate:

“We have all these notices, documents and letters that we send to clients. All the notices of action that provide to people, they are almost uniformly put out in English, and even if you speak English reasonably well, they are incomprehensible. They are written by lawyers, and they are very technical, and people do not – well first they get frightened. Any time they get something from the government saying ‘notice of Action,’ they know this is bad news” (WCLP, advocate).

Finally, California’s IT system is supposed to automatically provide CalWORKs documents in the correct language to clients, but it does currently not always work: “We continue to improve the automation to ensure it’s fully functional throughout all processes” (CDSS, Deputy Director). This constitutes a further challenge for immigrants:

“If a person is receiving a notice that they have to provide some sort of documentation: ‘it is time to re-certify, it is time to report activities’. If language is not appropriately coded, that person is getting something in a language they do not understand, they may miss that

deadline, and they may be sanctioned (...) or whatever the consequence may be, based on their case and the benefits they receive or are applying for” (CDSS, CRU).

County-level: Differences in culturally sensitive practices and resources to address immigrants’ needs

Our analysis at the county level reveals different exclusionary mechanism across the two case counties. While we find a lack of culturally sensitive practices mainly in Bay-County, we find limited resources to address the specific needs of immigrants in Central-County. Bay-County operates on a discourse of treating everyone the same (equality, see Lanfranconi et al. 2020) and lacks of culturally sensitive practices or specific programs for specific immigrant groups: “All programs are open to everyone, whether everyone takes the same advantage, probably not. But anyone is welcome” (Bay-County, Director). The director acknowledges that not all clients will have the same access to CalWORKs in their county; however, she does not see it to be necessary to make additional efforts to include those who may have less access to CalWORKs, immigrants in this case.

In Central-County, besides its generally more inclusive discourses and practices (equity-related, see Lanfranconi et al. 2020), having limited resources is a key barrier to fully implementing inclusive practices. For example, there is a lack of services that fit to the specific needs of immigrant clients: “They [the immigrants] don’t come to us for help. The reason is because we don’t have enough resources or services for them” (frontline worker, SEA engagement group, Central-County). In the SEA engagement group focus group, a prevailing argument is that CalWORKs focuses too much on work-participation, while immigrants may face current financial hardship and challenges of trying to survive in a new society and need timely help in that moment:

“When families who are in desperate need, who are struggling with financial situations, mental health issues, employment issues, academic issues, or anything related to that, they’re in crisis mode. They come to CalWORKs, but CalWORKs, has a system they have to follow, and that may take a little time. Therefore, the community that we serve – they may not feel like they have that time” (frontline worker, SEA engagement group, Central-County).

Another challenge is that not all the services from CalWORKs are available in the major languages spoken by the clients due to limited financial resources:

“A lot of them [immigrants from SEA] suffer trauma and depression. And: Do we have a bilingual bicultural therapist that can address some of those [problems?]? No!” (frontline worker, SEA engagement group, Central-County).

Frontline-level: negative biases towards immigrants and confusion about immigration policies

At the frontline-level, our analysis retains an evidence of exclusionary practices through frontline-worker biases as well as confusion about immigration policies across workers. Some caseworkers shared that they feel other caseworkers have negative biases towards immigrants:

“I heard so many comments up there [in the caseworkers shared office space]: ‘Well, he or she doesn’t want to do it, they’re just lazy. Well, they put themselves in this situation. So that’s on them’. That philosophy has to change. There’s so much bias» (frontline worker, SEA engagement group, Central-County).

Another challenge at the frontline-level is the confusion and uncertainty of frontline-workers about the public charge rule at the federal level:

“Legislation that is being put out there and that will affect them (the immigrants) – I do not feel comfortable saying that it will not affect them due to public charge – we cannot give them advice only ‘here are some resources’ and ‘we are not sharing info’s to ICE’. But, we don’t have answers ourselves” (frontline worker, Spanish Speaking engagement group, Central-County).

The analyses across three different levels demonstrate the different mechanisms that exclude and disadvantage immigrants within CalWORKs.

4.3 Client’s perspectives, experiences and challenges

The most prevalent pattern across the eight client interviews is that all insist how they never wanted to depend on social assistance. This shows, for example, the story of Esther, an immigrant from the Philippines, who only came to the U.S. three month ago and had just applied for a green card, hoping to find a job earlier:

“I cried so much that day. I said, ‘As soon as I have a job, I don’t want assistance.’ I was expecting to have a job when I came here. (...) I have to work. I don’t want any assistance really” (Esther, Bay-County).

Fear of applying

The clients report different reasons to why they are fearful of applying for and receiving welfare benefits. Some clients mentioned the fear of paying back their benefits, as in the story of Cindy, whose parents immigrated from Laos shows: “I just never applied for it. I was scared. Who’s going to give me free cash? I didn’t want to do that. (...) My fear was that there might be a catch to it. I was scared” (Cindy, Central-County).

Another reason for the fear of applying is possibly being seen as committing welfare fraud, as Sue, whose parents immigrated from China, explains:

“I was really scared going into the meeting (CalWORKs intake interview) because I thought she (the caseworker) would be judgmental. (...) My worst fear is; ‘You don’t look like you need CalWORKs, why are you there? Are you cheating the system?’ That kind of stuff” (Sue, Bay-County).

There is also the fear of deportation or failure to gain citizenship due to changes in the public charge rule, “Some of the Mexican immigrants have the fear of deportation if they ask for assistance” (Katrina, Bay-County).

Another revelation from the client interviews is the different perception on social welfare between the first-generation immigrants, who tend to be ashamed of asking for assistance, and the second- and further generation immigrants, who feel more entitled to receive assistance. Katrina, a second generation Mexican-American client explained:

“My parents immigrated from Mexico, they have the mentality that you have to work and stay away from assistance. I have many Chicano friends (second or third-generation immigrants) who are laid back. I also want to say I am a first generation from immigrant parents and we have a closer relationship with hard work. But as the generations go on, there is a bigger gap in having that work ethic in my personal experience” (Katrina, Bay-County).

Our interviews prevail a common attitude among immigrants and their children wanting to conform to the U.S. norms of work ethic and self-sufficiency. Hence, many clients feel ashamed if they fail to do so:

“I hated having to come here, especially with my parents. They believe that you work hard and don’t ever ask for assistance. So coming in here, it was shameful for me. You had to do it” (Katrina, Bay-County).

Fear of doing something wrong – high level of compliancy with the CalWORKs rules

Clients with immigration backgrounds reported not only the fear to apply, but also the fear of doing something wrong in the CalWORKs process, which leads to a high level of compliance with the rules of CalWORKs, even if they do not understand them:

“I’m not sure if they (the welfare administrator) are correct in what they are doing. But – I don’t want to go to jail. I have kids. If they say I have to pay back, I will just pay it back. (...). The system is so strange, I don’t work here, so I don’t really fully understand how it all works” (Cindy, Central-County).

The fear of doing something wrong is again especially strong among first generation immigrants. Frontline-workers described first generation immigrants as the “better clients” as they want to comply with the rules, and they are self-motivated to find a job as quickly as possible (frontline-worker working with Asian clients, Bay-County). The story of Esther, the recently immigrated client from the Philippines exemplifies this willingness to not make a mistake and how complicated it is to navigate the CalWORKs-systems:

“A bill came to my house recently. I was so scared because it was so hard to pay for me. It was almost 300\$. My mentor in STEPS (a CalWORKs subprogram) told me to go to an eligible worker. I went to a worker and waited for my number. I got another number and waited again. My eligibility worker saw me and she said to me she will give me a call or email. I waited for three days and she didn’t call me. I cancelled an appointment for my daughter because I was so scared. I came back and she told me I wasn’t under her eligibility anymore, so I went to the other building. I got a number again and waited for a few minutes. Somebody called me and told me that my eligibility worker would be available in the afternoon. ‘Just give us your number and we will give you a call’ (...). I’m so scared of that bill. I take it everywhere with me. It’s with me now” (Esther, Bay-County).

Related to desire to comply with the CalWORKs program and the work requirements in order to avoid sanction, immigrants generally tend to follow the order of the caseworkers, even if they feel treated unfair. For example, Abby, a young second-generation immigrant mother was denied housing support, even though she was homeless:

“I don’t know. I thought it was just like – okay it’s a bad experience, I’ll get over it’, something like that. But, maybe I could have done something about it, since I was staying in a hotel. We had to pay for it every night, and we had like all our things in the car. It was a rough situation (Abby, Central-County).

Our analysis in Central-County, where unemployment rate is very high, shows several cases of immigrants that risk being exploited from local companies that offer subsidized employment through CalWORKs. As described in the following story of Cindy:

“I don’t want to just quit on them. (...). I tried very hard to work with them still, even though they told me that I did not know how to talk to customers. But during my lunch, they would tell me to drive on my lunch and to eat while I drive. But that’s unsafe! They said to eat really quickly while driving, it will be fine. (...) They even told me – ‘You’re invisible here. You don’t work here – you’re only here through the program (CalWORKs). (...) They don’t really treat you fair sometimes” (Cindy, Central-County).

Silvia, a Latina client shared a similar story, she explained: “I asked them for more hours and they took me off the schedule. They told me to quit. They never gave me a reason why” (Silvia, Central-County). In summary, clients with immigration background report several challenges to apply and stay in CalWORKs, which makes them especially vulnerable to unfair treatments within CalWORKs and to be exploited from local landlords or by local companies.

5. Discussion

In this study, we examined the governing of immigrants through analyzing statistics, documents and interviews at the state-, county-, frontline- and client’s level in California, home to the nation’s largest immigrant population. As CalWORKs represents a case most likely to include immigrants, inclusive rules and practices towards immigrants can be expected. Our analysis of statistical data, however, suggested immigrant families in poverty are underserved by CalWORKs. Previous research points in the same direction. A recent meta-study concludes that immigrants are less likely to use welfare benefits than native-born Americans (O’Shea/Ramon 2018). Undocumented immigrants underuse the welfare resources, even if they are eligible for it (Pena 2014).

Our qualitative analysis reveals inclusionary mechanisms at different policy-levels. California expands eligibility for immigrants with state-funds to families in need who live in the U.S. less than five years. At the devolved county-level, we find considerable differences in local WTW-regimes in the two counties. Central-County implements culturally-sensitive engagement practices with the immigrant clients, while Bay-County has limited programs specifically for immigrants. This difference can be situated in the predominately race-conscious equity discourses versus predominately race-neutral equality discourses in two local WTW systems (see Lanfranconi et al. 2020). Frontline-workers across both counties use their discretion to help clients navigate the CalWORKs system. Across all levels, language policy and practices play an important role in removing barriers to service access. At the state level, the threshold language policy requires counties to have documents available in all languages of an immigrant population above a certain level. When implementing the policy at the county level, Bay-County simply translates the documentation, but Central-County takes a culturally appropriate approach (e.g. putting in culturally relevant pictures and examples and changing the terms to make them better understandable).

In spite of the presence of inclusive policies and practices, we also find exclusionary mechanisms at different policy-levels that help to understand the problem of underuse of CalWORKs among immigrants. At the state level, the eligibility rules of CalWORKs still excludes certain immigrant

groups, such as undocumented immigrants. Moreover, the CalWORKs document translation system does not adequately translate documents into understandable languages for the diverse immigrant groups. At the county level, our analysis displays different challenges due to a discourse of non-differential treatment (equality-discourse, see Lanfranconi et al. 2020) in Bay-County and the lack of resources to address specific clients' needs in Central-County. For the newly arrived immigrants who live in poverty and face multiple challenges, limited resources address their unique needs of short-term help. As a result, CalWORKs' target of providing clients with long-term self-sufficiency does not fit sufficiently with the needs of immigrant clients. The long-term orientation and punitive activation-aspect of the program may prevent immigrants from applying for assistance. Actors across all levels, from state administrators to frontline-workers, describe confusion and uncertainty to further include and help immigrants under the nationally restrictive rules and changes with the public charge ruling (Broder et al., 2015). Our analysis of documents show that complicated processes and punitive languages tend to discourage qualified immigrants from applying for CalWORKs. These findings are similar to the findings from European welfare systems about non-transparent bureaucracy system; lengthy administrative processes for immigrants (Bakonyi et al. 2018; Saar et al. 2018); exclusionary practices against undocumented and lack of resources (see Bertho/Martin). As well as restrictive language requirements and laws that aim to reduce immigration into the social system (see Atzmüller et al.; Lindberg) and punitive activation policies that lead to a non-take-up of assistance (see Lindberg).

All eight immigrant clients reported fear of applying for cash aid, which can be attributed to thinking that they have to pay the money back or that they could be accused of welfare-fraud. There is also the fear of recent changes in the public charge rule that could impact their immigration status. While previous studies discuss the public charge fears (Broder et al., 2015; Kimberlin et al., 2019), our results emphasize how this fear intersects with other types of fears to discourage immigrants from participating in CalWORKs, even if they are eligible for it. Analysis at the client level further shows a highly internalized desire to comply with U.S. norms of self-sufficiency as opposed to welfare dependency across all immigrant groups, but especially a strong sentiment among first generation immigrants. First-generation immigrants also tend to show the desire to comply with the rules of CalWORKs at all times by meeting the work and other requirements within CalWORKs and avoiding sanctions, even if they feel treated unfairly. Therefore, this situation leaves them especially vulnerable for experiencing unfair treatment within CalWORKs as well as exploitation or

discrimination by local property owners and companies provided through subsidized employment (see Nisbet 2015; see Lindberg).

We suggest several future research directions. First, while our data includes stories of immigrants who never applied for welfare by interviewing current WTW-participants with immigration family background who told such stories of family members and friends, our study is limited by not directly interviewing this important group. Hence, further studies could advance our understanding of the intersection of immigration and welfare governance by reaching out to immigrants who decided not to apply for welfare. Second, our study specifically shed light on different forms of fear as well as unfair treatment and exploitation experienced by immigrants within and outside of the welfare system. These results open an avenue for further studies on the experiences of welfare clients with immigration background. Third, our study also shows the important role of counties in governing immigrants in a devolved welfare system. At the county level, we find inclusive practices, such as the culturally-specific engagement groups. However, we also find the exclusive mechanisms due to the lack of resources or the oppressive local employers. Thus, we suggest further research to compare the welfare and immigration regimes across counties. Finally, findings from our case study on CalWORKs, the most inclusive TANF program, suggest there might be less inclusionary and more exclusionary mechanisms in other states' practices. Hence, further studies could conduct a study focusing on a cross-state comparison.

6. Conclusion

Overall, this study shows that even in a generous state, such as California exists an interplay of various mechanisms at different levels contributing to the exclusion of immigrants from the welfare system and the vulnerability of immigrants receiving those benefits. Many immigrants would rather live in poverty than apply for cash benefits, and those who do receive benefits try to be as rule-conform and unremarkable as possible duration of the WTW-program. As CalWORKs represents a case most likely to include immigrants among 50 TANF programs in the US, we expect that other states' programs are much less inclusive than CalWORKs. By systematically including the state-, county- and frontline-levels in our analysis, we add to previous research, by showing how discretionary practices at various levels shape mechanisms that advantage and disadvantage immigrants in a highly devolved WTW-program. Our study contributes to welfare policy literature by not only including the different levels of policy implementation, but also showing how regimes, practices

and discourses at the intersection of the welfare and immigration regime shape clients experiences and lives. Simultaneously, immigrated clients co-construct the regimes, through their practices. Workfare programs that condition welfare benefits on workforce participation and use welfare sanction to address non-compliance impose a lot of pressure on welfare-clients and discourage families in poverty from applying for welfare. As our analysis shows, recently immigrated clients and the children of immigrants are especially likely to decide not to apply for a WTW-program and to be especially vulnerable within WTW. Our study suggests lessening the strict workfare requirement for recently immigrated clients who need immediate financial assistance, in consideration for the time to settling into in a new country. Hence, a possible recommendation is to implement short-time exemptions from work-requirements for immigrant families. Immigration policies add economic and emotional burdens on vulnerable immigrants by penalizing their future citizenship if they have used welfare, which contradicts to goal of welfare-to-work programs that aim to support families in poverty to move from welfare to self-sufficiency.

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Figure 1: Levels of discretion in the governing of immigrants in U.S. welfare policies

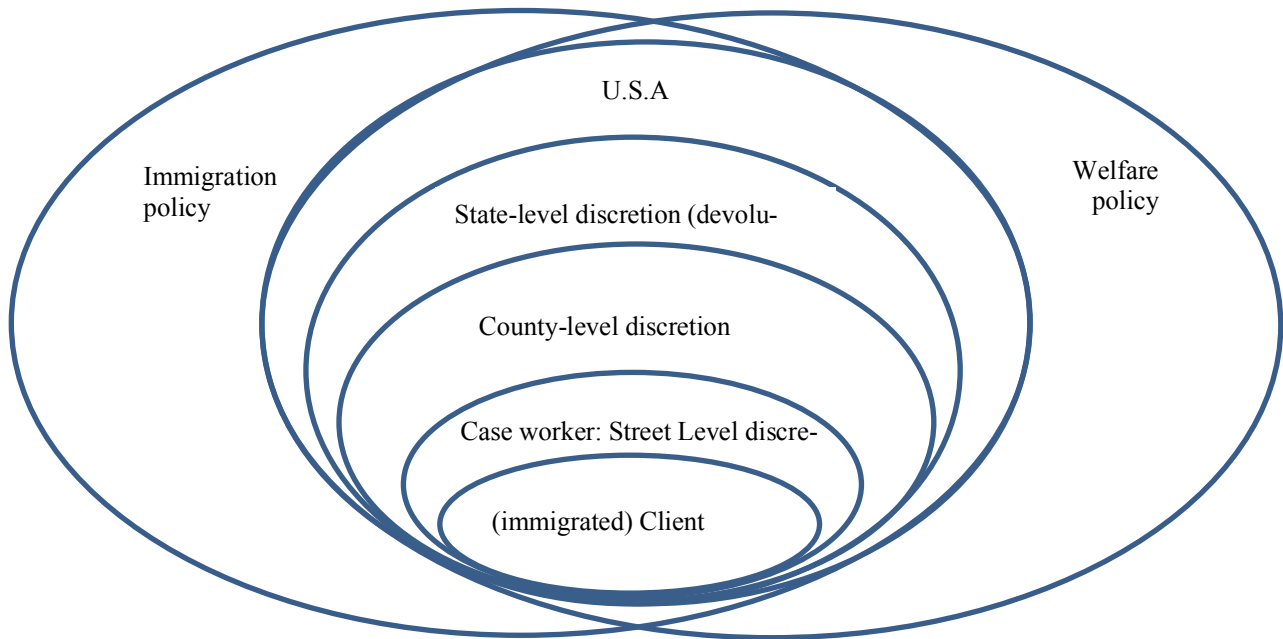


Table 1. Characteristics of Bay- and Central-County, adjusted

	Poverty	Rent	Race				Language Spoken			
			White	Hispanic	Black	Asian	English	Spanish	Homg	Vietnamese
Bay-County	9%	\$2'100	19%	63%	7%	8%	71%	25%	0%	3%
Central-County	23%	\$1'000	20%	66%	9%	1%	80%	19%	1%	0%

Note.

a. Poverty rate, source: the Census Reporter, Table B17001 (ACS 2017 5 year data).

b. Median gross rent, 2014-2018, source United States Census Bureau, Quick Facts per County.

c. Race and Language spoken, source: CDSS Cal-OAR Data Dashboard (12/13/19) <https://www.cdss.ca.gov/infore-sources/calworks/cal-oar/cal-oar-data-dashboard>. Homg is the 3rd largest language group in Central-County; Vietnamese is the 3rd largest language group in Bay-County.

Table 2. Characteristics of the eight interviewed CalWORKs clients with immigration background

County	Name	Race	Citizenship status	Immigration history
Central-County	Cindy	A	U.S citizen	Parents immigrated from Laos
	Silvia	H	U.S citizen	Mother from Mexico, Father from Texas (originally also from Mexico)
	Abby	H	U.S citizen	Parents immigrated from Mexico
Bay-County	Katrina	H	U.S citizen	Parents immigrated from Mexico
	Diana	H	U.S citizen	Parents immigrated from Mexico
	Re-becca	H	U.S citizen	Parents immigrated from Mexico
	Esther	A	just applied for green card	Immigrated three month ago from the Philip-pines
	Sue	A	U.S citizen	Parents immigrated from China

Note: Race: H=Hispanic, A=Asian