

Income, Support Requirements Imposed on Immigrant Sponsors; New INS Rules Criticized by Both Sides in Debate

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Body

Federal regulations issued yesterday **impose new** minimum **income** and financial **support requirements** on the **sponsors** of **immigrants**, making it more difficult for low-**income** people to bring in relatives to join them.

The regulations, which take effect Dec. 19, implement a section of last year's immigration law that, for the first time, requires **sponsors** of legal **immigrants** to earn at least 25 percent more than the poverty level and to be financially responsible for those they bring in. Under the year-old law, all **immigrants** brought in by relatives, and some brought in by companies, must have **sponsors** who sign **new** legally binding affidavits of **support**.

The Immigration and Naturalization Service, which issued the regulations, expects that at least 565,000 family-**sponsored immigrants** a year will need to submit the **new** affidavits of **support**. Other categories of legal **immigrants**, notably refugees and most of those **sponsored** by employers, are not covered by the **new** regulations. Total legal immigration is currently running at more than 900,000 a year.

The regulations immediately came under fire from **both** supporters and opponents of current immigration levels. **Immigrants'** rights groups said the **new rules** would unfairly separate the families of poor people, especially those from Mexico and Central America, and were an underhanded means of reducing legal immigration. Advocates of tighter immigration said the regulations do not go far enough in holding **sponsors** accountable and ensuring that they have the means to **support** their arriving relatives. Even welfare recipients, so long as they meet the **income requirements**, may **sponsor immigrants** under the **rules**, the advocates complain.

The section of immigration law that the **new rules** implement, combined with provisions in last year's welfare reform law, is aimed at ensuring that newcomers to the United States are financially **supported** by those who bring them in, and not by taxpayers. Although U.S. law has long barred legal **immigrants** from becoming "public charges" and required **sponsors** to sign affidavits of **support**, nothing prevented the newcomers from receiving welfare benefits, and their **sponsors'** pledges were not legally binding.

Under the **new rules**, affidavits of **support** are required not only for family-**sponsored immigrants**, but for those coming to work for relatives or for companies in which the relative owns a stake. The **sponsor** must be a U.S. citizen or legal permanent resident and show tax returns to meet the **new income requirements**. For a household of four, a **sponsor** currently would need annual **income** of \$ 20,062.

Active-duty members of the armed forces who are **sponsoring** spouses or children need only to show **income** at 100 percent of the poverty level.

Sponsors who fail to provide needed **support** for the **immigrants** they bring in can be sued by federal or state agencies, or by the **immigrants** themselves. Using an INS database containing sponsorship information, the

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agencies can seek to recover the cost of any welfare benefits that the immigrant received, including food stamps and Medicaid.

The new welfare law bars most immigrants from federal means-tested benefits for five years anyway.

A petitioner who falls short of the income requirement can recruit an outside sponsor who meets it, or can pool resources with other household members provided they all sign contracts holding them jointly responsible for supporting the immigrant.

Citing INS estimates, the National Immigration Forum, a Washington-based advocacy group, said the new law means that about 29 percent of current immigrant sponsors, and about 27 percent of all American families, would not be able to sponsor relatives. It said the provision would have a "disproportionate effect" on certain nationalities, barring at least 57 percent of Mexicans and Central Americans here from bringing in close family members.

Frank Sharry, the forum's director, called the measure a "back door" means to "dramatically reduce legal immigration."

However, INS officials said the provision was unlikely to lower immigration levels for years, because a huge backlog of 3.5 million people awaiting family-sponsored immigrant visas means that the places of those who do not qualify will be taken by others who do.

Rep. Lamar S. Smith (R-Tex.) said the implementing rules represent "a terrific blow to immigration law and to the American taxpayers" because they define too narrowly the welfare benefits that violate the affidavit of support. He said other benefits that the INS exempted from the definition, including job training programs and residential energy assistance, impose major burdens on taxpayers for which sponsors should also be held accountable.

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