
State Suing Immigrants' Sponsors

Controversy Centers On Public Assistance

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The state says Madhvi Bahguna owes it \$20,178.22.

She didn't neglect her taxes. But her mother, who immigrated to the United States from India seven years ago, used state benefits to receive medical treatment for her diseased heart.

The state Department of Social Services is suing Bahguna and about 300 other people in Connecticut because they were sponsors of immigrants who received public support. A provision in the 1996 federal Welfare Reform Act makes sponsors legally liable for the public assistance immigrants receive.

"I don't know how I'm going to pay this bill. I'm on my own," said Bahguna, a naturalized citizen and single mother with two children who makes about \$45,000 a year as a Delta Air Lines flight attendant.

If Bahguna doesn't pay, the state can seize her Stamford home and car.

Connecticut is the only state in the nation pursuing sponsors for payment of immigrants' benefits covered under Medicaid and the State-Administered General Assistance program.

Immigration advocates say the practice is financially devastating to sponsors, and it prevents legal immigrants from receiving the critical health care they qualify for.

"You sponsor an immigrant ... and that person develops a need for a lung transplant. It's completely impossible and grossly unfair for a sponsor to be charged with paying that back," said Megan McLeod, an attorney with Connecticut Legal Services in Stamford, whose group has asked DSS Commissioner-designate Michael P. Starkowski to stop billing sponsors.

On Wednesday, Attorney General Richard Blumenthal asked DSS to halt efforts to collect from sponsors until his office reviews its procedures and policies, and he has put the brakes on 10 pending lawsuits, including the one against Bahguna.

"We are reviewing serious and significant constitutional and legal issues, as well as policy questions in connection with Medicaid assistance to legal immigrants," Blumenthal said.

Most states have chosen not to collect from sponsors, finding the process administratively burdensome and politically charged.

Leighton Ku, a researcher at the Washington-based Center of Budget and Policy Priorities who has tracked the issue nationwide, said many states believe it's not cost-effective to go after sponsors.

"Typically sponsors of immigrants are low-income themselves, and it takes a fair amount of paperwork to recoup money from them. The state has to pay for the prosecutors and the judge," Ku said.

In April, the Department of Social Services issued memorandums to its employees outlining procedures on how to collect from sponsors.

The highest priority is given to collecting public assistance that was provided to immigrants who are residing in nursing homes, according to the memo.

The agency has also discussed the process at several training sessions for department workers.

David Deerborn, a spokesman for the state agency, said federal law requires states to seek reimbursement on behalf of taxpayers.

"Immigrant sponsors agree to reimburse taxpayers for government benefits as a condition of the person entering the country," Deerborn said.

According to the department, the state has 10 years from the date the immigrant used state benefits to seek reimbursement. The state bills sponsors by sending them a certified letter. If a payment plan is not reached within 45 days, the case is turned over to Blumenthal's office. There is no appeal process.

Deerborn said he does not know how long the department has been collecting from sponsors or how much it has recovered.

Legal entry into the United States has always been contingent upon a sponsor, usually a family member who promises to support the immigrant financially.

But after the 1996 Republican-led Personal Responsibility and Work Opportunity Reconciliation Act, all sponsors must sign an affidavit of support agreeing to reimburse any government agency if the immigrant receives benefits established for low-income residents.

The rationale behind the legislation is to prevent legal immigrants from becoming a "public charge," a ward of the state.

Ira Mehlman, a spokesman for the Washington-based Federation for American Immigration Reform, applauds Connecticut's effort to enforce immigration laws.

"Sponsors of immigrants need to be held accountable for the commitment they make so that immigrants don't become a burden on anyone else," Mehlman said

In 2004, a group called Friends of Immigration Law Enforcement filed a lawsuit against Los Angeles County's Department of Health Services, claiming it was violating federal law by not collecting from sponsors. A judge later dismissed the lawsuit.

Bahguna thought that every time her mother was rushed to Stamford Hospital or visited by a doctor, her care was covered under Medicaid, which her mother qualified for.

Bahguna said she tried working out a payment plan of about \$100 a month with DSS, but the agency said no.

Professor Robert Solomon, who heads Yale University's Jerome Frank Legal Services Organization, a free legal clinic, has taken Bahguna's case.

"The state is suing her without any basis or theory," Solomon said.

Vimla Bahguna returned to India in November with her damaged heart rather than risk another hospital or doctor visit.

"I had no choice but to leave. I don't want to burden my daughter anymore. This is a lot of money to pay for someone who is trying to make it in America," Bahguna said.