



# **Immigrant Access to Food Stamps and Nutrition Services:**

## **A Latino Perspective**

## **National Council of La Raza**

Established in 1968, to reduce poverty and discrimination and improve life opportunities for Hispanic Americans, the National Council of La Raza (NCLR) is a private, nonprofit, nonpartisan, tax-exempt organization which annually serves nearly four million Latinos of every nationality group through a formal network of “affiliates” – over 300 Latino community-based organizations serving 41 states, Puerto Rico, and the District of Columbia – and a broader network of more than 35,000 groups and individuals nationwide. NCLR’s affiliate network is divided into six regions: the Northeast, the Southeast, the Midwest, the Far West, Texas, and California, supported by NCLR’s headquarters in Washington, DC and field offices in Atlanta, Chicago, Los Angeles, Phoenix, San Antonio, Sacramento, and San Juan, Puerto Rico.

Four major functions provide essential focus to the organization’s work: capacity-building assistance; applied research, policy analysis, and advocacy; public information efforts; and special and international projects. These functions complement NCLR’s work in five key strategic priorities – education, assets/investments, economic mobility, health, and media/image/civil rights.

Through its Policy Analysis Center, NCLR expects not just to “make a difference,” but also to effect “tangible and measurable improvements” – to go beyond influencing discrete “micro-level” policies such as regulations affecting a specific program, and instead engage in long-term efforts that promise “macro-level” impact in the Latino community – measurable improvements in Latino health, education, employment, and socioeconomic status. This macro-level impact relies upon NCLR’s D.C.-based “think tank” function and its constituency of Latino community-based organizations and advocates nationwide, allowing it to combine policy-relevant analysis with field-based experience to accomplish change.

This approach involves a deliberate process of rigorous analysis of an issue area or problem; articulation of the results of this analysis as well as consequent recommendations; the setting of a policy agenda based on the recommendations; and the development and constant repetition of a credible, substantive, and politically persuasive message.

Throughout this process, NCLR involves the community, obtaining compelling local case studies and examples to illustrate national problems, and testing the validity of its analyses and recommendations through practitioners working on the “front lines” of service delivery.

# **Immigrant Access to Food Stamps and Nutrition Services: A Latino Perspective**

## **Overview**

Perhaps the biggest story emerging from the 2000 Census is the growth in immigrant communities throughout the country. The most significant growth has taken place in the southeastern U.S., largely because of the presence of key industries that rely on immigrant workers. It is no small irony that the food industry has a long history of reliance on immigrant labor while there is increasing evidence that immigrant workers in these and similar industries struggle with the highest levels of hunger and food insecurity.

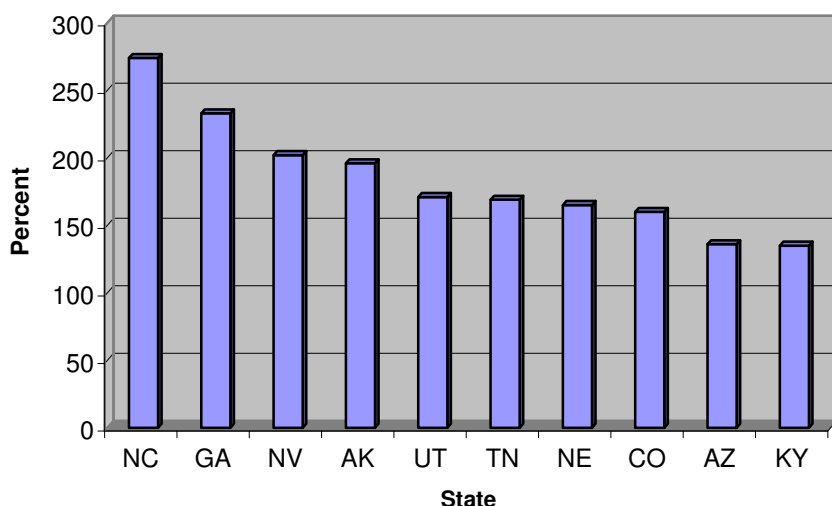
This paper will review data on the Latino immigrant population, specific challenges created by federal legislation that has hindered their access to important nutrition programs, and strategies that the National Council of La Raza (NCLR) and others are implementing to restore food assistance for immigrants, and ensure that public policy is responsive and fair to the nation's newest Americans.

## **Immigrants: Changing Demographics**

According to a recent Current Population Report, about 32.5 million people or about 11.5% of the total U.S. population is foreign-born.<sup>1</sup> Though lower than during the 1900's when waves of European immigrants came to the U.S. and accounted for 15% of the overall population, it is the highest proportion of immigrants in recent memory.<sup>2</sup>

Prior to the 1990's about three-quarters of immigrants lived in six states, California, New York, Texas, Florida, Illinois and New Jersey. While these states continue to be home to a large share of the nation's immigrants, other nontraditional areas of the country have experienced significant increases in their immigrant populations. In particular, between 1990 and 2000, the following ten states registered the largest percent changes in immigrant growth: North Carolina (274%), Georgia (233%), Nevada (202%), Arkansas (196%), Utah (171%), Tennessee (169%), Nebraska (165%), Colorado (160%), Arizona (136%), and Kentucky (135%)<sup>3</sup>

**Percent Change in Immigration Population Growth between 1990 and Since 1990 and 2000, Selected States,**



Source: Urban Institute, July 2001

Approximately 52.2% of the foreign born population immigrates from Mexico and other countries in Latin America<sup>4</sup> and contributes to the growing Hispanic population which is currently comprised of 39 million or nearly 13% of the U.S. population. Latinos, who are now the largest minority group in the U.S., are largely native born citizens – three in five are native born, yet a significant number have parents and family members that are foreign born and are affected by immigrant related issues and barriers. Moreover, data show that 85% of immigrant families with children are mixed status families where at least one parent is a non-citizen and one child is a citizen.<sup>5</sup>

Immigrants work hard supporting out nation’s infrastructure; many are in agricultural, manufacturing, and service industry jobs that provide low wages and generally no benefits. While recent Census data show that foreign-born men 16 years and older had a higher labor force participation rate (80%) than native-born men (74%),<sup>6</sup> they disproportionately work in jobs with low wages and few if any benefits. Almost 43% of immigrants work at jobs paying less than \$7.50 an hour, compared to 28% of all workers.<sup>7</sup> These factors help explain high levels of poverty, hunger and food insecurity among immigrant households.

### **Hunger Among Immigrants and Hispanics**

Hunger, the “uneasy or painful sensation caused by lack of food” and food insecurity the “limited or uncertain availability of nutritionally adequate foods due to financial resource constraints” is prevalent among immigrant and Hispanic households, particularly those with children.

According to an Urban Institute Report, 37% of all children of immigrants live in families who worry about or encounter difficulties affording food, compared with 27 % of children of citizens. Further, Hispanic households with children suffered over twice the rate of food insecurity as White non-Hispanic households with children (28% versus 12% respectively).<sup>8</sup>

Food stamps and other nutrition support programs are instrumental in combating hunger and food insecurity in the U.S., but all too often, immigrant and Latino families do not participate in these vital programs. Though this paper does not present the full scope of reasons contributing to immigrant and Latino declined food assistance participation, the following sections outline a set of main focus areas in NCLR's work to increase food stamp participation and combat hunger in Latino immigrant communities, including efforts to improve eligibility restrictions, access barriers and fear of program usage.

## **Welfare Reform: On the Backs of Immigrants**

Prior to 1996, low-income legal immigrants were generally eligible for the food assistance programs which their tax dollars support at the same level as citizens. However, passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 or better known as the "welfare reform bill" made nearly one million legal immigrants ineligible to participate in the federal Food Stamp program, as well as in other means-tested programs such as Medicaid, and Supplementary Security Income (SSI), and Temporary Assistance to Needy Families (TANF) programs. In fact, about 40% of the cost savings of the welfare bill were achieved by denying benefits to legal immigrants, including children, the elderly, and disabled individuals.<sup>9</sup>

States, given the authority in 1997 to purchase food stamps with state-only funds, attempted to offset the crisis confronting their immigrant communities by providing state-funded food stamp replacement programs for those made ineligible. Originally, 17 states selected this option to provide food stamp assistance. In general, these states were not able to provide food stamps at the same level as the federal program and had to make choices about providing limited benefits to specific categories of legal immigrants, such as certain children and/or elderly legal immigrants.

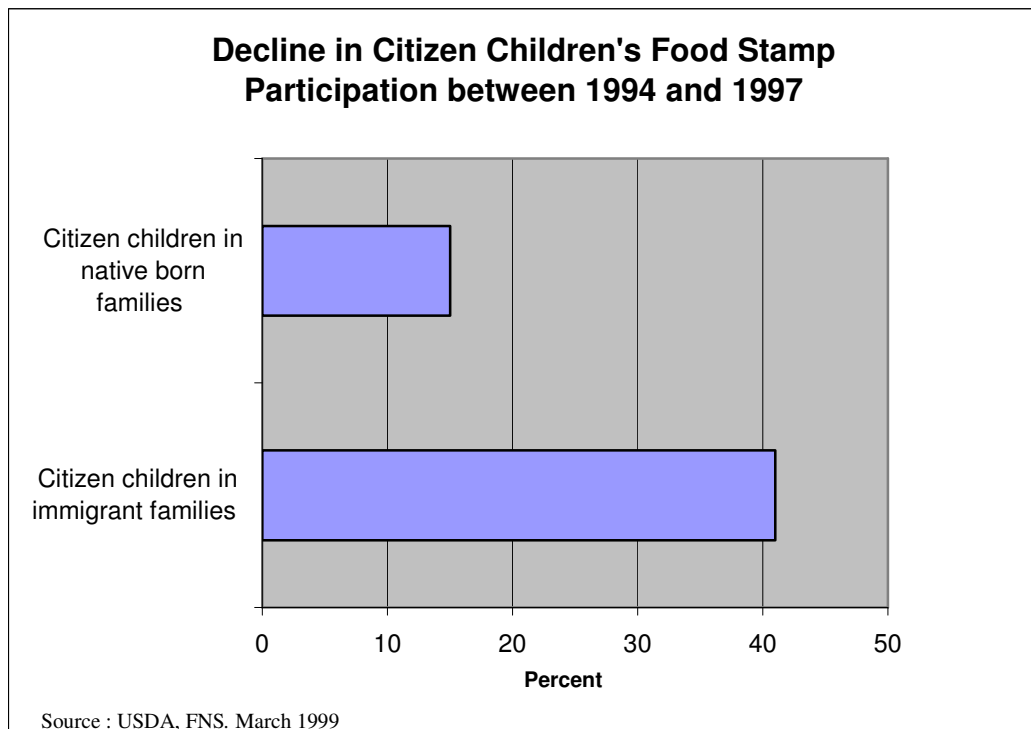
Within two years of PRWORA's passage, considerable collaborative efforts from national and state advocates, grassroots communities, and legislators, succeeded in persuading Congress to partially restore food stamps to certain legal immigrants through the Agricultural Research, Extension, and Education Reform Act of 1998. The bill allowed "qualified"<sup>10</sup> legal immigrants who were in the U.S. before August 22, 1996 (the date of passage of PRWORA) and were 65 or older, under 18 years of age, or disabled at the time of the bill's passage. The Act also extended assistance for refugees and asylees during their first seven years in the U.S. However, large numbers of legal immigrants remained ineligible for federal food stamps after this partial restoration.

Sustained collaborative efforts again accomplished a second round of food stamp restorations for legal immigrants. The Food Stamp Reauthorization Act of 2002 phased in the restoration of food

stamp eligibility to three categories of legal immigrants who were ineligible under the 1996 law: legal immigrants who lived in the U.S. for five years, legal immigrant children regardless of their date of entry, and disabled legal immigrants.<sup>11</sup>

Despite these series of partial restorations, legal immigrants and their children continue to face undue barriers accessing food stamp services. U.S. Department of Agriculture (USDA) data show that participation by non-citizens in the Food Stamp program declined by 64% between 1996 and 2000, in comparison to a 30% decline in food stamp participation by all individuals.<sup>11</sup> The disproportionate declines of non-citizen participation can be partially explained by continued immigrant eligibility bars for certain immigrants, extensive confusion over the changes in eligibility rules, mixed messages and fear about participation usage and impact on immigration status, along with challenges with language access and program usability.

Further, disturbingly, the citizen children of immigrants have been deeply impacted by immigrant provisions and confusion regarding eligibility, and have dropped out of program participation in droves. Between 1994 and 1997, the number of citizen children receiving food stamps who live with legal immigrants fell by 41%, compared to a 15% decline for children living with native-born parents.<sup>12</sup> Many parents believe that their immigration status could be hurt, or that they could subject to deportation if they enroll their citizen children in needed food assistance programs. Though suffering through hunger and food insecurity, community based organizations (CBOs) report that parents would rather cut or skip meals to feed their children rather than open themselves to the possibility of deportation and separation from their children.



## **Remaining Gaps to Food Stamp Participation**

The confusing intersection between immigrant-related provisions in federal law and access to important social and economic services, coupled with general challenges that food stamp participants face, have meant that immigrants and their children encounter numerous deterrents that influence their willingness and ability to seek food assistance services. A study by the USDA found that non-citizens who are eligible for the Food Stamp program are less likely to receive food stamps than all other individuals who were eligible for the program; some 45% of eligible noncitizens received food stamps in 2002, compared to 59% of eligible individuals overall.<sup>13</sup>

In addition to the conundrum of continued eligibility bars that exclude certain legal immigrants and the confusing array of eligibility rules, immigrants in need of food stamp assistance also encounter ineffective outreach strategies, eligibility workers who are unclear regarding immigrant eligibility rules, and application processes that require financial and other documentation which immigrants may have trouble meeting. Also, undocumented immigrants who face hunger and food insecurity are particularly hard hit, as they have never been eligible for federal food stamps and other federal benefits.

Furthermore, three other factors, outlined below affect food program participation levels of eligible immigrants. First, many eligible immigrants refrain from seeking access for themselves and/or their citizen children due to fear of hurting their or a family member's immigration status, possible deportation, ability to sponsor immediate family members to the U.S., or liability on their own immigration sponsors. Second, a lack of linguistically appropriate services often means that social services staff cannot communicate with their immigrant populations. Third, state cuts to services have reduced important programs and funding that helps to reduce hunger and food shortages experienced by immigrants.

### ***Fear***

After passage of the 1996 immigration and welfare reform laws, some public officials misinterpreted the law and perpetuated widespread confusion and alarm about whether legal immigrants who remained eligible and received public benefits such as food assistance programs and health services were "public charges"<sup>14</sup> in danger of undermining their immigrant status, subject to deportation, or unable to sponsor immediate family members to join them. Word spread quickly through immigrant community's nationwide and caused immigrants to drop out or refuse to enroll themselves and/or their children in much-needed food, health, and other programs.

Though in 1999, the Administration issued a “public charge” clarification stating that the usage of support services such as food stamps, Nutrition Program for Women, Infants and Children (WIC), and school lunch program were safe to use and would not be considered in a public charge determination,<sup>15</sup> the fear and uncertainty over using these services persist strongly to this day, perhaps in part due to insufficient efforts required in combating such a pervasive misconception among immigrant communities.

Focus groups conducted by NCLR along with regular communication from CBOs demonstrate that community members, leaders, eligibility workers, and even attorneys are still very unclear about public charge rules and regularly deter eligible immigrants from enrolling themselves and even their citizen children in programs to avoid negative immigration consequences.

In addition to public charge concerns, public assistance applications all too commonly request inappropriate information regarding immigration status and Social Security numbers (SSNs) from all members of a household, including those who are not applying for services. These questions impede immigrants from enrolling themselves or their eligible immigrant and citizen children and family members in food assistance programs as well as other programs. Often, immigrants fear that disclosing such information for non-applicant family members may not be kept confidential and the information would be provided to immigration authorities.

The USDA and the U.S. Department of Health and Human Services has issued a policy guidance to state and welfare officials clarifying when states should and should not require immigrant and SSN information on public program applications. For immigrant communities, it is more effective for applications to request such information from the applicants alone.<sup>16</sup> Again, however, the problem continues in many communities, and there is significant need for local- and state-level education and outreach on this issue.

### ***Language***

According to Census 2000, 47 million people, or 18% of the U.S. population aged five and over, speak a language other than English at home. Of those, 21 million speak English “less than very well,” and Spanish was the most prevalent non-English language spoken throughout the country.<sup>17</sup>

Language barriers are one of the most commonly cited barriers to participating in public assistance programs, particularly in areas that are ill prepared to deal with emerging immigrant communities. Individuals who are learning English all too often have trouble understanding applications, outreach and other program materials, and services. Due to a general lack of interpretive services and translated material, children in immigrant families are frequently made to assume the responsibility of interpreting critical and complex information for their families. They are taken out of school and placed in inappropriate and anxiety-provoking situations where they have to explain sensitive information, including cases of domestic violence, financial crisis, lack of food and severe illness. Children typically do not have the interpretive skills and vocabulary to accurately interpret and translate in these situations, yet immigrant families often



find that unless they have their children interpret for them, they may have no one else to help them gain services to combat hunger in the home.

The Food Stamp Act requires states to provide translated materials and language interpretation services to ensure equitable access to food stamps. Also, the Supreme Court in *Lau v. Nichols*<sup>18</sup> affirmed that under Title VI of the Civil Rights Act of 1964 recipients of federal financial assistance, such as state agencies providing food stamps, have a duty to provide limited-English-proficient persons with a meaningful opportunity to participate in public programs. However, a large proportion of agencies fail to provide adequate translated materials, applications, and interpreters, and front line workers at agencies are known to be completely unaware of language access requirements. Also, most immigrant families are unaware of their rights to translated materials and interpretive services.

### ***State Cuts to Services***

As states struggle with recent budget shortfalls, several have cut their state-funded food stamp services to legal immigrants. For example, this includes, Illinois, Maryland, Missouri, New Jersey, Rhode Island, and Texas in the 1st year. Some of these states reportedly cut services in response to the erroneous assumption that there was a full restoration of federal food stamps.<sup>19</sup> Other states, such as Colorado, dramatically cut services to all legal immigrants, including those who arrived in the U.S. before 1996. Cuts such as these exclude legal immigrants who were covered by state-funded programs but are not covered by any of the federal eligibility restorations.

## **Meeting the Challenge**

These problems are not insurmountable. Concerted efforts can improve access to nutrition services and decrease food insecurity. As outlined below, there are two specific sets of efforts that could offset these barriers and improve access to food and nutrition services for poor immigrants.

### **Access Barriers**

*Reaching Immigrants about Nutrition and Anti-Hunger Programs through Community-Based Organizations and Lay Health Educators.*

NCLR works with CBOs – including the more than 300 in our affiliate network – as an effective mechanism in disseminating information and creating substantial change in immigrant and Hispanic communities. These locally based organizations work closely with low-income, low-literacy, and limited-English-proficient Hispanics and immigrants and are trusted by the community as they provide services in a culturally competent and linguistically appropriate manner.

In this capacity, NCLR works with CBO programs to train lay health educators, or *promotores de salud*, who are taught to educate and promote awareness on various health, nutrition, and social issues in a linguistically and culturally competent manner. *Promotores* often live in the community in which they work, speak the language of the community residents, share some life experiences with the community members they serve, and are seen as trusted figures in their community. Successful models throughout the country show that outreach messages and recommendations effectively reach the Latino community most effectively through CBOs and *promotores*. Strategies to improve access barriers through the use of *promotores* include:

- Combat access barriers and hunger in immigrant Latino communities through CBOs and *promotores* by training *promotores* to conduct outreach, clarify food assistance eligibility rules and misconceptions, dispel fears, and educate participants regarding language access rights.
- Collect information from immigrant and Latino communities through *Promotores* to keep abreast and better understand current barriers to food assistance programs.
- Educate local and state organizations, eligibility workers, and other entities regarding barriers to nutrition programs through CBOs and *Promotores*.
- Integrate national and local efforts by creating an infrastructure to share information and strategies to improve access barriers.

## **Eligibility Barriers**

### *Educating Policy-makers about Immigrant Access to Food Stamp and other Nutrition Services*

NCLR plays a critical leadership role in collaborative efforts to seek restorations of food stamp and other safety-net services for legal immigrants and effective implementation of nutrition programs to immigrants.

NCLR chairs the coalition of organizations working on immigrant benefits issues including anti-hunger, antipoverty, immigrant, ethnic, and religious organizations. The coalition monitors congressional and administrative activity, analyzes the impact on immigrant communities, and educates national and state organizations, grassroots communities, and administration and legislative offices. Through this collaboration, efforts to restore food stamps have been successfully coordinated since the 1996 cuts. Strategies to close the gaps on eligibility to food assistance programs through the use of educating policy makers include:

- Educate policy makers about continued barriers to legal immigrant eligibility for food assistance programs and the impact on well being of a significant portion of the U.S. population, including the citizen children of immigrant families.
- Inform states of the continued need for state replacement programs for legal immigrants who are still not eligible for federal assistance programs.
- Monitor the implementation of current food stamp restorations for legal immigrants to ensure effective outreach, message, and uptake.

## Conclusion

Demographic trends point to a continued increase in the proportion of the U.S. population that is Hispanic as well as immigrant. The high incidence of food insecurity among Latinos and immigrants undermines the well – being and productivity of this burgeoning population, which the U.S. increasingly depends on for future economic prosperity.

While the Latino population as a whole had increased their economic and political influence over the last two decades, and made significant contributions to the U.S. in a number of areas, trends in key social and economic indicators, such as food security, for Latinos are troubling. But achieving parity between Latinos and others in key areas such as food security is not an unreachable goal. National level and community based organizations, as well as research institutions, must expand efforts to document the challenges Latinos and immigrants face, and find innovative ways to close the gaps to their social mobility and economic success.

Given the future workforce that Latinos, particularly children, represent, the investments that are needed to improve their well-being are of social and economic imperative for the nation. This is especially true when considering that Latino workers will play an increasingly important role in preserving and strengthening the overall economy and critical social insurance programs such as Social Security and Medicare in the coming years.

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<sup>1</sup> Schmidley, Dianne, *The Foreign-Born Population in the United States: March 2002*, Current Population Reports, P20-539, U.S. Census Bureau, Washington, D.C. 2003.

<sup>2</sup> Fix, Michael, Wendy Zimmerman, and Jeffrey Passell, *The Integration of Immigrant Families in the United States*. Washington, DC: Urban Institute, July 2001.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> U.S. Census Bureau, *Profile of the Foreign-Born Population in the United States: 2000*. Washington, DC: Department of Commerce, December 2001.

<sup>7</sup> Fix, Michael, *Tabulation of Current Population Survey 2001*. Washington, DC: Urban Institute, November 2001.

<sup>8</sup> Nord, Mark, Margaret Andrews and Steven Carlson, *Household Food Security in U.S., 2002*. Food Assistance and Nutrition Report. October 2003.

<sup>9</sup> Super, David A, Sharon Parrott, Susan Steinmetz, and Cindy Mann, *The New Welfare Law – Summary*. Washington DC: Urban Institute, August 1996.

<sup>10</sup> Food stamp rules define “qualified” immigrants as lawful permanent residents, refugees, asylees, people granted withholding of deportation/removal, conditional entrants, individuals paroled into the U.S. for at least one year, Cuban/Haitian entrants, certain abused immigrants, their children, and/or parents. “Not qualified” includes all other

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immigrants including undocumented immigrants as well as many immigrants who do not have “green cards” but are lawfully present in the U.S. – .e.g., temporary workers.

<sup>11</sup> Dean, Stacy and Dorthy Rosenbaum, *Implementing New Changes to the Food Stamp Program: A Provision- by- Provision Analysis of the Farm Bill*. Center on Budget and Policy Priorities, August 2002.

<sup>11</sup> Leighton Ku, Shawn Fremstad, Matthew Broaddus, *Noncitizens’ Use of Public Benefits has Declined Since 1996: Recent Report Paints Misleading Picture of Impact of Eligibility Restrictions on Immigrant Families*. Center on Budget and Policy Priorities, April 21, 2003.

<sup>13</sup> United States Department of Agriculture, Food and Nutrition Services, Office of Analysis, Nutrition, and Evaluation, *Who is Leaving the Food Stamp Program? An Analysis of Caseload Changes from 1994 to 1997*. March 1999.

<sup>13</sup> Cunnyngham, Karen, *Trends in Food Stamp Participation: 1994 to 2000*, Food and Nutrition Service, USDA, June 2002.

<sup>14</sup> Public charge: an alien who has become (for deportation purposes) or who is likely to become (for admission/adjustment purposes) primarily dependent on the government for subsistence.

<sup>15</sup> “Vice President Gore Takes New Action to Assure Families Access to Health Care and Other Benefits, New Regulation Clarifies That Receiving Medicaid, CHIP, or Other Benefits Will Not Affect Immigration Status,” White House Press Release, Washington, DC, May 25, 1999.

<sup>16</sup> USDA, HHS, Policy Guidance Regarding Inquiries into Citizenship, Immigration Status, and Social Security Numbers in State Applications for Medicaid, State Children's Health Insurance Program (SCHIP), Temporary Assistance for Needy Families (TANF), and Food Stamp Benefits

<sup>17</sup> Shin, Hyon B. and Rosalind Bruno, *Census, Language Use, and English-Speaking Ability: 2000*, Census 2000 Brief, October 2003.

<sup>18</sup> *Lau v. Nichols*, 414 U.S. 563 (1974).

<sup>19</sup> Moran, Tyler , *State Funded Food Assistance Programs*, updated January 24 (compared to 2003 version), National Immigration Law Center. Information compiled by NILC from statutes, regulations, and information provided by state advocates.