

Immigrant Access to Food Stamps: Overcoming Barriers to Participation

By Sonya Schwartz

It's horrible to be hungry. When you don't have food you're desperate for anything. I need food stamps so that I can eat because my workman's comp was suspended. I wasn't asking for assistance for the rest of my life, just until I can resolve my workman's comp case.¹

With the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, most needy legal immigrants lost eligibility for the federal Food Stamp Program.² Congress mandated partial restoration in the Agricultural Research, Extension, and Education Reform Act of 1998, and some states are purchasing federal food stamp coupons for immigrants.³ However, many legal immigrants remain ineligible for food stamps. Many legal immigrants and members of immigrant families—especially U.S. citizen children—who are eligible for food stamps are failing to receive them. This failure is due in part to the enormous barriers—including complicated eligibili-

ty rules, recent changes in law, language access issues, confusion about “public charge” and sponsor liability rules, and fear of disclosing immigration status and social security numbers—immigrant families face when trying to apply for food stamp benefits. I intend in this article to help immigrants and advocates understand how eligible people may gain access to the Food Stamp Program.

Food stamps are a vital work support for low-income families, including immigrant families. The typical food stamp household has a gross cash income of \$584 per month and receives a monthly food stamp benefit of \$165.⁴ Annually the typical food stamp household earns \$7,008 and receives \$1,980 in food stamps. This \$1,980 not only helps a family put food on the table but also allows a household to use its earnings for important costs such as transportation, housing, and child care.

Immigrant families experience high rates of poverty, hunger, and food insecurity. An Urban Institute report reveals that hardship is greater for children of

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¹ Interview with a 45-year-old legal immigrant from Ecuador by Charles Gerhan, New Hampshire Legal Services, Manchester, N.H. (Apr. 26, 2001) (on file with Sonya Schwartz).

² Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (codified as amended in scattered sections of 42 U.S.C.).

³ Agricultural Research, Extension and Education Reform Act of 1998, Pub. L. No. 105-185, 112 Stat. 523.

⁴ FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., NATIONAL FOOD STAMP CONVERSATION 16 (2000) (based on U.S. DEP'T OF AGRIC., CHARACTERISTICS OF FOOD STAMP HOUSEHOLDS: FISCAL YEAR 1998 (ADVANCE REPORT) (1999)).

immigrants than for children of U.S. natives in three areas of basic need: food, housing, and health care. Thirty-seven percent of all children of immigrants live in families who worry about or encounter difficulties affording food, compared with 27 percent of children of citizens.⁵ A 1998 study by California Food Policy Advocates and the counties of Los Angeles and San Francisco showed an alarmingly high rate of hunger among children in legal immigrant households where food stamps had been cut.⁶ Even though California had provided state-funded benefits to children, it did not protect children in immigrant families from such negative impact; most immigrants' children lived in households that were experiencing very high and worsening rates of food insecurity and severe hunger.

Food stamps are effective in reducing hunger in immigrant families. The Urban Institute reported that more inclusive state food stamp replacement programs for immigrants generally corresponded with less hardship affording food.⁷ In Texas—a state with a very limited replacement program for immigrants not eligible for federally funded food stamps—nearly half of all children of immigrants live in families who worry about or have difficulty affording food. In states with more generous food stamp replacement programs, the cor-

responding rates, while disturbing, are much lower. For example, the percentage of children of immigrants living in families who worry about or have difficulty affording food in Washington is 34 percent; in New York, 33 percent; in Massachusetts, 28 percent; and in New Jersey, 27 percent.⁸

Food stamp participation among individuals in immigrant households has declined dramatically in recent years. In 1994 some 1,776,000 citizen children in immigrant families participated in the Food Stamp Program. By 1998 that number had fallen to 1,065,000, a drop of 700,000 children.⁹ Eligible U.S. citizen children who lived with immigrant adults and participated in the Food Stamp Program dropped from 63 percent in 1996 to 36 percent in 1998.¹⁰ Immigrants participating in the program declined from 77 percent in 1997 to 57 percent in 1998.¹¹ Immigrants' use of other public benefits also declined at a much greater rate than that of eligible citizens. Noncitizens' use of means-tested cash assistance (Aid to Families with Dependent Children or Temporary Assistance for Needy Families (TANF), Supplemental Security Income, and General Assistance) fell 35 percent between 1994 and 1997.¹² U.S. citizens' welfare use fell at less than half that rate (14 percent) during the same period.¹³

⁵ URBAN INST., *HARDSHIP AMONG CHILDREN OF IMMIGRANTS: FINDINGS FROM THE 1999 NATIONAL SURVEY OF AMERICA'S FAMILIES* (2001). The study, based on the 1999 National Survey of America's Families, addresses hardship among children of immigrants nationwide and in eight states with large immigrant populations: California, Colorado, Florida, Massachusetts, New Jersey, New York, Texas, and Washington.

⁶ CAL. FOOD POLICY ADVOCATES, *IMPACT OF LEGAL IMMIGRANT FOOD STAMP CUTS IN LOS ANGELES AND SAN FRANCISCO* (1998).

⁷ URBAN INST., *supra* note 5.

⁸ *Id.*

⁹ U.S. DEP'T OF AGRIC., *TRENDS IN FOOD STAMP PARTICIPATION RATES: FOCUS ON 1994 TO 1998* (2000). The method for estimating participation rates in this report allows for a consistent comparison of rates over time. The participation rate is the ratio of participating individuals to eligible individuals. The estimates are for September of each year. The report uses data from the Current Population Survey to estimate the number of eligible children and administrative data from the Food Stamp Program to count the number of participants.

¹⁰ *Id.*

¹¹ *Id.* Because the Personal Responsibility and Work Opportunity Reconciliation Act denied eligibility to many immigrants and caused the number of eligible immigrants to fall more than the number of participating immigrants, the immigrant participation rate rose for a brief period between 1996 and 1997 from 33 percent to 77 percent.

¹² URBAN INST., *TRENDS IN NONCITIZENS' AND CITIZENS' USE OF PUBLIC BENEFITS FOLLOWING WELFARE REFORM 1994-1997* (1999).

¹³ *Id.*

These immigrant access issues increasingly affect all states as the immigrant population grows and diversifies nationwide. Slightly more than 10 percent of the U.S. population—up from 4.7 percent in 1970—is foreign born.¹⁴ In 1998 some 357,000 newly arrived immigrants were admitted as legal permanent residents, 76,000 immigrants arrived as refugees, and 10,000 immigrants received asylum.¹⁵ Growth in the size of immigrant populations is especially rapid in states that traditionally have not been home to large immigrant populations. For example, from 1995 to 1999, the immigrant population grew by 73 percent in North Carolina, 60 percent in Nevada, 54 percent in Kansas, 50 percent in Indiana, 43 percent in Minnesota, 40 percent in Virginia, 39 percent in Maryland, 35 percent in Arizona, 31 percent in Utah, and 26 percent in Oregon.¹⁶

Immigrant access issues also affect current and future U.S. citizens. The vast majority of immigrant families (85 percent) are mixed-status families that include at least one U.S. citizen, typically a child.¹⁷ When immigrant parents face barriers in accessing public benefits, U.S. citizen children do not receive needed support.

Immigrants and their children also comprise a large and rising share of the low-income population. Of all children in families below the poverty line, 21 percent

are citizen children of immigrant parents, and 6 percent are immigrants themselves.¹⁸ Immigrant poverty rates are almost double native-born poverty rates. Although the foreign-born unemployment rate is only slightly higher than the native-born unemployment rate, employed immigrants are twice as likely to be poor as employed citizens.¹⁹ Also, 43 percent of noncitizen workers, compared to 27.9 percent of all workers, have jobs that pay less than \$7.50 an hour. Even though only 7.1 percent of all workers are noncitizens, almost 20 percent of all low-wage workers who live in a low-income family with children are noncitizens.²⁰

I. Food Stamp Eligibility and State Options to Maximize Benefits

The Personal Responsibility and Work Opportunity Reconciliation Act disqualified most legal immigrants from the federal Food Stamp Program, an action that the U.S. Department of Agriculture (USDA) has estimated cut approximately 825,000 persons from the program.²¹ Exempt from the immigrant bar under the Act were refugees and asylees for their first five years in the United States, people with U.S. military service records or spouses or children of such people, and people with substantial, documented work histories.²² In 1998 the Agricultural Research, Extension, and Education

¹⁴ U.S. CENSUS BUREAU, THE FOREIGN-BORN POPULATION IN THE UNITED STATES: MARCH 2000 (2001); *id.*, PROFILE OF THE FOREIGN-BORN POPULATION IN THE UNITED STATES: 1997 (1999).

¹⁵ IMMIGRATION & NATURALIZATION SERV., U.S. DEP'T OF JUSTICE, 1998 STATISTICAL YEARBOOK OF THE IMMIGRATION AND NATURALIZATION SERVICE (2000).

¹⁶ CTR. ON BUDGET & POLICY PRIORITIES, FACT SHEET ON IMMIGRANTS 1 n.4 (2001) ("National Immigration Forum (2000) from Urban Institute data in the *Wall Street Journal* (March 16, 2000)").

¹⁷ URBAN INST., ALL UNDER ONE ROOF: MIXED-STATUS FAMILIES IN AN ERA OF REFORM (1999).

¹⁸ CTR. ON BUDGET & POLICY PRIORITIES, *supra* note 16, at 1 n.6 ("Urban Institute estimates based on the 1999 Current Population Survey").

¹⁹ FOREIGN-BORN POPULATION, *supra* note 14.

²⁰ URBAN INST., A PROFILE OF LOW-WAGE WORKERS (1999).

²¹ Food Stamp Program, 65 Fed. Reg. 70134, 70139 (Nov. 21, 2000). Section 412 of the Personal Responsibility and Work Opportunity Reconciliation Act allowed for a transition period that lasted until January 1, 1997, for immigrants receiving benefits on the date of the Act's enactment. Personal Responsibility and Work Opportunity Reconciliation Act § 412, 110 Stat. at 2269.

²² Personal Responsibility and Work Opportunity Reconciliation Act § 412, 110 Stat. at 2269.

Reform Act provided for partial food stamp restoration, primarily for immigrants who were in the United States by August 22, 1996, and were 65 or over at that time, or for immigrants who are under 18 years of age or disabled.²³ The 1998 Act also extended assistance for refugees and asylees during their first seven years in the United States. On November 21, 2000, USDA published final food stamp regulations implementing both Acts.²⁴ Some states have enacted state programs to provide food stamps to immigrants not eligible under federal law.

A. General Eligibility Rules

Certain qualified immigrants are eligible for food stamps.²⁵ The following individuals are eligible for food stamps if they were lawfully residing in the United States on August 22, 1996: (1) elderly individuals born on or before August 22, 1931; (2) children younger than 18 years; and (3) blind and disabled individuals who are receiving benefits or assistance

for their condition.²⁶ Other lawful permanent residents who have worked forty qualifying quarters are also eligible.²⁷ Asylees, refugees, and Cuban or Haitian entrants are eligible without regard to the date of residence. Amerasians and individuals granted withholding of deportation are eligible for benefits, but receipt of benefits is limited to seven years from the date asylum, refugee, or other status was granted.²⁸ Hmong or Highland Laotian tribe members, certain American Indians born in Canada, and certain individuals with U.S. military connections are also eligible and have no time limit.²⁹ Table 1 shows these federal eligibility rules in greater detail.

B. State Replacement Programs

States may provide food stamp benefits for immigrants not eligible for the federal program by purchasing federal food stamps. Table 2 highlights state food stamp replacement programs across the country.

²³ Agricultural Research, Extension and Education Reform Act § 503, 112 Stat. at 578.

²⁴ Food Stamp Program, 65 Fed. Reg. at 70134–212.

²⁵ Immigrants, like other applicants, must meet income, resource, and work requirements to be eligible for food stamps.

²⁶ Food Stamp Program, 65 Fed. Reg. at 70201 (to be codified at 7 C.F.R. § 273.4(a)(5)(H–J)). “Lawfully residing” is defined at 8 C.F.R. § 103.12(a) (2001).

²⁷ The Personal Responsibility and Work Opportunity Reconciliation Act made immigrants who entered the United States on or after August 22, 1996, ineligible for certain “federal means-tested benefits” during the first five years after obtaining qualified immigrant status. The preamble to the new food stamp regulations states that the Food and Nutrition Service “decided not to address the applicability of [the Personal Responsibility and Work Opportunity Reconciliation Act] section 403 to the Program in this final rule.” Food Stamp Program, 65 Fed. Reg. at 70164. Title II of the Social Security Act determines whether the individual has worked forty quarters. The individual can earn quarters or they can be credited from a parent or spouse. *Id.* at 70200 (to be codified at 7 C.F.R. § 273.4(a)(5)(H)(ii)(A)). See section I.D *infra* for a more detailed discussion of the forty-quarter requirement.

²⁸ The regulations provide that, for purposes of eligibility, asylees are defined under section 208 of the Immigration and Nationality Act, 8 U.S.C. § 1159; refugees are defined under section 207 of the Act, *id.* § 1157; Cuban or Haitian entrants are defined in section 501(e) of the Refugee Educational Assistance Act of 1980; Amerasians are eligible if they were admitted pursuant to section 584 of Public Law 100-202 as amended by Public Law 100-461; and individuals whom the Immigration and Naturalization Service (INS) granted withholding of deportation are eligible if their withholding is under section 243(h) of the Immigration and Nationality Act as in effect before April 1, 1997, or if the INS granted their withholding of removal under section 241(b) of the Act. Food Stamp Program, 65 Fed. Reg. at 70161 (to be codified at 7 C.F.R. § 273.11(c)(3)(i)).

²⁹ The American Indian group includes individuals with treaty rights to cross U.S. borders with either Canada or Mexico. For more details on these groups, see Food Stamp Program, 65 Fed. Reg. at 70201–202 (to be codified at 7 C.F.R. § 273.4(a)(3), (4)(i), (5)(ii)(G)).

Table 1.—Federal Food Stamp Eligibility¹

Immigrant Category	Eligibility ²
<ul style="list-style-type: none"> ■ Elderly individuals born before August 22, 1931 ■ Children who are now younger than 18 years ■ Blind and disabled individuals who are receiving benefits or assistance for their condition 	Eligible if they were lawfully residing in the United States on August 22, 1996
<ul style="list-style-type: none"> ■ Other legal permanent residents 	Eligible if they have worked forty qualifying quarters ³
<ul style="list-style-type: none"> ■ Asylees under section 208 of the Immigration and Nationality Act ■ Refugees under section 207 of the Immigration and Nationality Act ■ Cuban or Haitian entrants, as defined in section 501(e) of the Refugee Educational Assistance Act of 1980 ■ Amerasians admitted pursuant to section 584 of Public Law 100-202 as amended by Public Law 100-461 ■ Individuals whom the Immigration and Naturalization Service (INS) granted withholding of deportation and whose withholding is under section 243(h) of the Immigration and Nationality Act as in effect before April 1, 1997, or whose withholding of removal the INS granted under section 241(b) of the Act 	Eligibility limited to seven years from the date of the asylum, refugee, or other status the INS granted
<ul style="list-style-type: none"> ■ Hmong or Highland Laotian tribe members when the tribe rendered assistance to U.S. personnel by taking part in a military rescue operation during the Vietnam era from August 5, 1964, to May 7, 1975, and who are lawfully residing in the United States ■ Canadian-born American Indians who possess at least 50 percent blood of the American Indian race to whom the section 289 provisions of the Immigration and Nationality Act apply or who are members of an Indian tribe as defined in section 4(3) of the Indian Self-Determination and Education Assistance Act ■ Individuals with U.S. military connections, such as a veteran, an individual on active duty, and the spouse and unmarried dependent children of such veterans 	Eligible
<p>¹ See Food Stamp Program, 65 Fed. Reg. 70200 (Nov. 21, 2000) (to be codified at 7 C.F.R. § 273.4).</p> <p>² Immigrants, like other applicants, must meet income, resource, and work requirements to be eligible for food stamps. The following groups are additional “qualified” immigrants who are eligible if they also meet one of the “food stamp eligible” guidelines under 7 C.F.R. § 273.4(a)(ii): (1) individuals paroled under section 212(d)(5) of the Immigration and Nationality Act for a period of at least one year; (2) conditional entrants pursuant to section 203(a)(7) of the Act as in effect before April 1, 1980; and (3) an immigrant whom a spouse or a parent or a member of the spouse’s or parent’s family residing in the same household as the immigrant at the time of the abuse batters or subjects to extreme cruelty in the United States, or an immigrant with a battered child or parent. Food Stamp Program, 65 Fed. Reg. at 70200 (to be codified at 7 C.F.R. § 273.4(a)(i)).</p> <p>³ The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 made immigrants who entered the United States on or after August 22, 1996, ineligible for certain “federal means-tested benefits” during the first five years after obtaining qualified immigrant status. Pub. L. No. 104-193, § 403, 110 Stat. 2105, 2269 (1996). The preamble to the new food stamp regulations states that the Food and Nutrition Service “decided not to address the applicability of [Personal Responsibility and Work Opportunity Reconciliation Act] section 403 to the Program in this final rule.” Food Stamp Program, 65 Fed. Reg. at 70164.</p>	

Table 2.—State Food Stamp Replacement Programs¹

State	Eligible Persons
California	Legal immigrants ineligible for federal food stamps
Connecticut	Legal immigrants ineligible for federal food stamps
Illinois	Elderly immigrants who are 60–64 years old and immigrant parents of children who are eligible to receive federal food stamps and must have been in the United States before August 22, 1996
Maine	Legal immigrants ineligible for federal food stamps
Maryland	Immigrant children who are younger than 18 years and entered the United States on or after August 22, 1996
Massachusetts	Legal immigrants ineligible for federal food stamps
Minnesota ²	Legal immigrants ineligible for federal food stamps
Missouri ³	Legal immigrants who were receiving Temporary Assistance for Needy Families on August 22, 1996, and are receiving such assistance when applying for food stamps
Nebraska	Legal immigrants ineligible for federal food stamps
New Jersey	Elderly immigrants who are 65–68 years old and immigrant parents and guardians of children who were in the United States before August 22, 1996
New York	Elderly immigrants who are 60–68 years old and live in the same county (or in New York City) where they resided on August 22, 1996
Ohio	Elderly immigrants who are 65–68 years old and are eligible for Supplemental Security Income, have been U.S. residents for five years before applying for food stamps, and were Ohio residents as of August 22, 1996
Rhode Island	Legal immigrants who were residents of Rhode Island before August 22, 1996, ineligible for federal food stamps
Texas ⁴	Elderly immigrants who entered the United States before August 22, 1996, became 65 after August 22, 1996, but before March 1, 1998, and received federal food stamp benefits in any month from September 1996 through August 1997
Washington	Legal immigrants ineligible for federal food stamps
Wisconsin	Legal immigrants ineligible for federal food stamps

¹ Unless otherwise noted, the information in this chart is from Food & Nutrition Serv., U.S. Dep't of Agric., State Program Chart (Apr. 12, 2001), at [www.fns.usda.gov/Food Stamp Program/MENU/APPS/ELIGIBILITY/WorkandAliens/StateProgramChart.htm](http://www.fns.usda.gov/Food%20Stamp%20Program/MENU/APPS/ELIGIBILITY/WorkandAliens/StateProgramChart.htm). The immigrants would have to be otherwise eligible, meeting income, resource, and work guidelines for the Food Stamp Program.

² CTR. ON BUDGET & POLICY PRIORITIES, THE NUTRITION ASSISTANCE FOR WORKING FAMILIES AND SENIORS ACT (2001). The Center on Budget and Policy Priorities also reported that Colorado enacted an emergency food assistance program for immigrants ineligible for federal food stamps and that Florida discontinued a food assistance program on October 31, 1998.

³ *Id.*

⁴ *Id.*

C. Counting Income

The November 2000 food stamp regulations specify that states have the option to provide more adequate food stamp benefits in households where some members are not eligible by excluding the income of certain ineligible immigrants.³⁰ This option greatly helps boost food stamp allotments. A recent Oregon study showed that a hypothetical immigrant household would receive an increase from \$187 to \$238 in food stamps per month if Oregon took full advantage of federal dollars under USDA rules.³¹ This increase is possible because the amount of food stamps that any household receives depends on its countable income. The higher a household's income, the lower its food stamp benefit; the lower the household income, the higher the food stamp benefit.

Advocates should urge state agencies to disregard the income of household members whom the Personal Responsibility and Work Opportunity Reconciliation Act made ineligible for food stamps. For example, if a mother of two citizen children is a legal permanent resident who has not yet worked forty quarters in the United States, the state agency should not count her income. A state that takes this option must (1) count all of the ineligible immigrant's resources; (2) count

none of the ineligible immigrant's income and deductible expenses; (3) count any money payment made by the ineligible immigrant to at least one eligible household member; and (4) cap the resulting benefit amount for the eligible members at the allotment amount the household would receive if the ineligible immigrant was still an eligible household member.³²

This income disregard policy will not result in households with ineligible immigrant members receiving more benefits than similarly situated households in which all members are U.S. citizens or eligible immigrants. State agencies concerned about error rates should view the policy positively. Under the policy, USDA will not factor income into the error rate determination.

D. Determination of Forty Quarters of Work

Lawful permanent residents are generally eligible for food stamps if they have worked forty qualifying quarters. Title II of the Social Security Act determines whether the individual has worked forty quarters.³³ The individual can earn credit for a quarter or derive it from a parent or spouse.³⁴ In the forty quarters calculation the state agency must include the quarters credited from the work of a parent of an immigrant and performed before

³⁰ States have the option to count the income of ineligible immigrant household members in different ways depending on whether the immigrant was ineligible under pre-1996 law (e.g., undocumented immigrant) or the Personal Responsibility and Work Opportunity Reconciliation Act made the immigrant ineligible (e.g., legal immigrant child who entered after August 22, 1996). If the ineligible immigrant household member would have been ineligible for food stamps even under pre-Act immigrant eligibility rules (e.g., mostly undocumented immigrants, certain immigrants permanently residing under color of law), the state has the option to count a pro rata share of the income or none of the income. E.g., if the mother of two citizen children is unwilling to furnish documentation of her immigration status, and therefore is ineligible for food stamps, the state agency should count only two-thirds of her income. Food Stamp Program, 65 Fed. Reg. at 70207 (to be codified at 7 C.F.R. § 273.11(c)(3)). For rules about how to count the income of immigrants such as asylees, refugees, parolees, deportees, and special agricultural workers, see *id.* (to be codified at 7 C.F.R. § 273.11(c)(3)(ii)).

³¹ ORE. CTR. FOR PUB. POLICY, RESTORING FOOD STAMP BENEFITS TO IMMIGRANTS AND REFUGEES IN OREGON (2001). The hypothetical family included two ineligible adults, one of whom is working full-time at minimum wage and the other working half-time at minimum wage, and two eligible children.

³² Food Stamp Program, 65 Fed. Reg. at 70200 (to be codified at 7 C.F.R. § 273.11(c)(3)(ii)).

³³ 42 U.S.C. § 413.

³⁴ Food Stamp Program, 65 Fed. Reg. at 70200 (to be codified at 7 C.F.R. § 273.4(a)(5)(H)(ii)(A)).

the immigrant became 18 (including those worked before the immigrant was born or adopted). If the immigrant earns the fortieth quarter of coverage before applying for food stamps in that same quarter, the state agency must allow that quarter toward the total. Also, the state agency must credit quarters from the work of a spouse during a marriage if the couple is still married or if the spouse is deceased. Once the state agency determines eligibility based on the quarters of coverage of the spouse, eligibility continues until the household's next certification.³⁵

A person may not get credit for the quarters of a spouse if the couple divorces before a determination of food stamp eligibility. However, if the state agency determines eligibility and then the couple divorces, the immigrant's eligibility continues until the next recertification. After December 31, 1996, the state agency may not count a quarter in which the immigrant actually received food stamps or any federal means-tested public benefit toward the forty-quarter total.³⁶ Neither may it count a parent's or spouse's quarter if the parent or spouse actually received any federal food stamps or federal means-tested public benefits in that quarter.³⁷ The Personal Responsibility and Work Opportunity Reconciliation Act exempts from the bar on food stamp eligibility and does not subject to deeming lawful permanent residents who have worked for or may receive credit for forty quarters, including the work of spouses or parents.³⁸ Moreover, neither the Act nor the food stamp regulations require immigrants' sponsors to reimburse state agencies for food stamps the immigrants obtain.

II. Barriers and New Rules to Help Overcome Them

Many eligible legal immigrants and eligible

U.S. citizen children in immigrant families are not participating in the Food Stamp Program. Food stamp participation rates are generally low, but immigrants' low participation is a particularly acute problem because of the enormous barriers that immigrants face when applying for benefits. These barriers include complicated food stamp eligibility rules for immigrants, frequent changes in law, language access issues, confusion about "public charge" and sponsor liability rules, and fear of disclosing immigration status and social security numbers. Following is information about these barriers and some of the rules and policy guidance—much of it relatively new—that may help immigrant families overcome barriers to participation.

A. Fear of a Public Charge Determination

"Public charge" in immigration law means that an individual is "primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or institutionalization for long-term care at government expense."³⁹ In order to determine if an immigrant is likely to become a public charge, the Immigration and Naturalization Service (INS) or State Department generally must look at many factors, such as age, health, income, family size and education, skills, and the affidavit of support.

The fear of a negative public charge determination deters immigrants from applying for public benefits because the INS or State Department may refuse to let a noncitizen enter or reenter the United States or become a lawful permanent resident if either the INS or State Department thinks the noncitizen will not be self-supporting without these benefits. However, in 1999 INS issued a guidance clarifying

³⁵ *Id.*

³⁶ *Id.* (to be codified at 7 C.F.R. § 273.4(a)(5)(H)(ii)(A)(2)). Federal means-tested public benefits are limited to food stamps, Supplemental Security Income, Medicaid, Children's Health Insurance Program, and Temporary Assistance for Needy Families.

³⁷ *Id.* This rule does not apply to individuals who received state-funded food stamps.

³⁸ For more information on deeming, see section II.E. *infra*.

³⁹ Inadmissibility and Deportability on Public Charge Grounds, 64 Fed. Reg. 28676 (May 26, 1999); see also NAT'L IMMIGRATION LAW CTR., INS GUIDANCE ON PUBLIC CHARGE, WHEN IS IT SAFE TO USE PUBLIC BENEFITS? (Apr. 10, 2001).

that the INS or State Department would not consider as a public charge an immigrant who uses food stamps.⁴⁰ The guidance also discusses how the use of other public benefits affects an individual's immigration status. The guidance specifies that the INS or State Department would not weigh the following factors in the public charge decision: (1) a noncitizen's or the noncitizen's family members' use of food stamps, the Special Supplemental Nutrition Program for Women, Infants, and Children, or the Child Nutrition Programs (e.g., school lunch, school breakfast, summer food, food in child care programs); (2) a noncitizen's or the noncitizen's family members' use of Medicaid, State Children's Health Insurance Program, or other health services, unless the noncitizen or the family member uses Medicaid or other government funds to pay for long-term care (e.g., nursing home or other institutional care); and (3) a noncitizen's children's or other family members' use of cash welfare unless such benefits are the family's only income. Further, depending on the situation, a noncitizen's own use of cash welfare such as Supplemental Security Income, TANF, or General Assistance might affect immigration status because the INS or State Department may count these benefits in deciding whether the noncitizen is likely to become a public charge. Public charge is not a consideration, however, for refugees, asylees, or immigrants who are applying for citizenship status.

Although the INS issued the public charge guidance two years ago, the fear of a public charge determination continues to deter families from applying for

public benefits.⁴¹ A recent study in Los Angeles found many immigrants still had misgivings or were confused about the rules, despite public education and outreach campaigns emphasizing that receiving Medicaid or State Children's Health Insurance Program benefits would not endanger immigration status.⁴² Thus, we need to maintain public education efforts, monitor abuses of the public charge guidance, and advocate within the INS for the consistent use of the public charge guidance.⁴³

B. Language Access

Many immigrants face language barriers when they newly arrive in the United States. They often are unable to speak, read, write, or understand enough English to communicate accurately with social service agencies and providers. Because of the language barrier, state agencies often wrongly exclude them from vital public benefits and other services.

The number of non-English speakers in the United States has grown significantly over the last two decades. According to the 1990 census, 25.5 million adults spoke a language other than English at home.⁴⁴ Another 5.7 million adults said they spoke English "not at all" or "not well."⁴⁵ Without program information, forms, and eligibility workers fluent in appropriate languages, immigrants have difficulty participating in programs for which they are eligible. Two recent studies highlight this problem. The Urban Institute reported that low-income Hispanic parents who took the National Survey of America's Families in Spanish were less likely to know about the Earned

⁴⁰ Inadmissibility and Deportability, *supra* note 39; *see also* IMMIGRATION & NATURALIZATION SERV., U.S. DEP'T OF JUSTICE, FACT SHEET: PUBLIC CHARGE (1999), *available at* www.ins.usdoj.gov/graphics/publicaffairs/factsheets/public_cfs.htm.

⁴¹ *See supra* note 40.

⁴² KAISER COMM'N ON MEDICAID AND THE UNINSURED, CARING FOR IMMIGRANTS: HEALTH CARE SAFETY NETS IN LOS ANGELES, NEW YORK, MIAMI, AND HOUSTON (2001).

⁴³ Immigrants applying for suspension of deportation, cancellation of removal, and other "discretionary remedies" are not subject to public charge determinations. Nevertheless, some immigration judges consider receipt of benefits to be a factor in deciding whether to approve applications.

⁴⁴ U.S. CENSUS BUREAU, LANGUAGE USE AND ENGLISH ABILITY, PERSONS 18 YEARS AND OVER, BY STATE: 1990 CENSUS (1997), *available at* www.census.gov/population/socdemo/language/table3.txt.

⁴⁵ *Id.*



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Income Tax Credit than Hispanic parents who took the survey in English.⁴⁶ A Wisconsin study showed that 70 percent of surveyed Hmong participants in Wisconsin's TANF program could not communicate with caseworkers.⁴⁷

The Food Stamp Act contains antidiscrimination provisions and requires states to "use appropriate bilingual personnel and printed materials in the administration of the program in those portions of political subdivisions in the State in which a substantial number of members of low-income households speak a language other than English."⁴⁸ The Act also requires the state agency to "establish procedures governing the operation of food stamp offices that the state agency determines best serve households in the state, including households with special needs,

such as...households in areas in which a substantial number of members of low-income households speak a language other than English."⁴⁹

The Food Stamp Program regulations contain specific rules about the language access services that food stamp offices must provide. Each food stamp office that provides service to an area with approximately 100 single-language minority low-income households must provide bilingual staff or interpreters and translated materials, such as the food stamp application form, form to report changes, and notices to households.⁵⁰ Each food stamp office that provides service to an area where 5 percent of the low-income households are of a single-language minority must provide translated materials.⁵¹ Offices also must provide bilingual services dur-

⁴⁶ URBAN INST., WHO KNOWS ABOUT THE EARNED INCOME TAX CREDIT? 5 (2001). Of Hispanics who took the National Survey of America's Families in Spanish, 15.4 percent had heard of the Earned Income Tax Credit. Of Hispanics who took the survey in English, 53.6 percent had heard of the tax credit. Of Non-Hispanics who took the survey in English, 74.2 percent had heard of the tax credit. Although the Internal Revenue Service publication about the Earned Income Tax Credit is available in Spanish, the notice that the Internal Revenue Service sends out to potentially eligible tax filers who did not claim the credit is available only in English.

⁴⁷ INST. FOR WIS.'S FUTURE, IMPACT OF WELFARE REFORM ON WISCONSIN'S HMONG AID RECIPIENTS (1999).

⁴⁸ 7 U.S.C. § 2020(c), (e)(1)(B).

⁴⁹ *Id.* § 2020(e)(2)(A).

⁵⁰ See 7 C.F.R. § 272.4(b) (2001).

⁵¹ *Id.*

ing periods of seasonal influx, such as the influx of migrant or seasonal workers into project areas for short periods.⁵²

In August 2000 President Clinton signed Executive Order 13166, which, in order to enforce Title VI of the Civil Rights Act of 1964, called upon agencies to prepare plans to improve limited-English-proficient individuals' access to federal programs and activities.⁵³ Title VI prohibits federal fund recipients, including government agencies and nongovernmental entities, from excluding individuals, on the grounds of race, color, or national origin, from participation in the programs or activities the fund recipients conduct. The executive order effectively requires state food stamp agencies to come up with language access plans. Such plans must require food stamp agencies to assess language needs by identifying languages and the number of limited-English-proficient persons in the service area and then develop and implement written policies for language access, which may include interpretive services, translation of written materials, and training of staff on these policies and procedures. As of July 2001, neither USDA nor the Food and Nutrition Service had published such a plan.

The corresponding policy guidance to Executive Order 13166 aimed to assist federal agencies in complying with Title VI in providing services to limited-English-proficient individuals.⁵⁴ The guidance advised that whether agencies might con-

strue limited-English-proficient services as reasonable depended on four factors: (1) the number or proportion of limited-English-proficient individuals whom the agencies would exclude from the benefits or services because of language barriers; (2) the frequency with which limited-English-proficient persons came into contact with the agency or federally funded program; (3) the nature and importance of the services or benefits a program provides to its beneficiaries; and (4) the resources that programs have available.⁵⁵

This guidance reinforces agencies' duty to serve all limited-English-proficient persons regardless of the size of the language group.⁵⁶ It also strengthens the Food Stamp Act and its regulations in other ways. The guidance states that interpreters must be competent, that is, they must have fundamental knowledge of both English and the other language, be sensitive to culture, and be able to convey information accurately.⁵⁷ The guidance also states that agencies may not rely solely on telephone interpreter services, must require informed consent before using family or friends as interpreters, and will have to reassess whether their language assistance programs are meeting language needs.⁵⁸

C. Fear of Disclosing Immigration Status and Social Security Number

Immigrants generally do not know that they may apply for benefits for eligible family members without disclosing their

⁵² *Id.* The 2000 census, to be released next year, will contain updated language data. The National Clearinghouse for Bilingual Information, at www.ncbe.edu, has resources and data about bilingual education, and the Food and Nutrition Service can give information about poor and near-poor children receiving free and reduced-price school lunch in an area.

⁵³ Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 65 Fed. Reg. 50121 (Aug. 16, 2000). The preamble of the November 2000 food stamp rules mentions that the Food and Nutrition Service is working with the U.S. Department of Justice to develop guidelines in accordance with Justice Department guidance on Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 200d. Food Stamp Program, 65 Fed. Reg. at 70143. For more information on Executive Order 13166, see Coordination & Review Section, U.S. Dep't of Justice, Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency, at www.usdoj.gov/crt/cor/13166.htm (last modified July 25, 2001).

⁵⁴ Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against Origin Discrimination Affecting Limited English Proficient Persons, 66 Fed. Reg. 3833-48 (Jan. 16, 2001).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

own immigration status or social security number. The fear of such a disclosure often deters ineligible immigrants from applying for food stamps on behalf of the eligible members of their household.

A long-standing policy is that when a household member does not disclose citizenship, establish satisfactory immigration status, or provide or apply for a social security number, the state agency determines that household member ineligible for benefits. However, the state agency may not deny benefits to other eligible citizen or immigrant household members simply because other household members fail to disclose their citizenship or establish satisfactory immigration status.

In September 2000 the Administration for Children and Families, the Health Care Financing Administration, Food, Nutrition, and Consumer Services, and the Office for Civil Rights issued to all state health and welfare officials a guidance clarifying that state agencies must ensure that their application forms promote enrollment of eligible families and eliminate the potential for discrimination based on national origin.⁵⁹ The preamble to the November 2000 food stamp regulations includes an extensive discussion about implementing this new policy guidance.⁶⁰

Advocates should urge states to adopt an option in the guidance to restructure application forms to allow households to designate certain household members as “nonapplicants” early in the application process so that agencies do not require them to disclose their social security number or immigration status.⁶¹ As “nonapplicant” members of the household, individuals do not receive program benefits but may have to disclose their income, resources, and other information to deter-

mine the eligibility and benefit amount of other household members.

If a state decides not to adopt the option, it must still ensure that application forms promote the enrollment of eligible families and eliminate the potential for discriminatory impact on eligible applicants based on national origin.⁶² The application should give notice that questions about the immigration status or social

Advocates must teach immigrants to apply as “nonapplicants” without disclosing their immigration status or social security number on application forms for food stamps for their family members.

security number of “nonapplicants” are voluntary and not mandatory and should supply information about how a household member’s nondisclosure of immigration status or social security number affects eligibility and the processing of the application. For example, a state should inform households that it would not deny benefits to eligible people on the basis of a household member’s choice not to disclose immigration status or social security number but that the household member’s choice may affect the amount of benefits. A state should inform applicants that it would not delay, deny, or discontinue assistance pending the issuance of social security numbers. State and local agencies also must assist applicants in applying for social security numbers.

Because in most states the agency has not yet taken the option to revise the application form, advocates must teach immigrants to apply as “nonapplicants” without disclosing their immigration status or social security number on applica-

⁵⁹ ADMIN. FOR CHILDREN & FAMILIES ET AL., 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 (2000), *available at* www.hhs.gov/ocr/immigration/triagency.html; *see also* Food Stamp Program, 65 Fed. Reg. at 70147 (to be codified at 7 C.F.R. § 273.4(b)(2)).

⁶⁰ *See* 65 Fed. Reg. at 70147.

⁶¹ Texas has revised its application form and adopted this option. The form is on file with Sonya Schwartz.

⁶² 65 Fed. Reg. at 70147.

tion forms for food stamps for their family members.⁶³ Application forms often require the person completing the application to “certify under penalty of perjury that each person listed on the application is a U.S. citizen or alien in lawful immigration status.”⁶⁴ Advocates should delete or redraft this language so that it is limited to applicants who are seeking benefits for themselves. Advocates also should rewrite applications that require people to identify themselves as “illegal” or “undocumented” to ask only whether an immigrant has a status that makes the immigrant benefits-eligible.

D. Fear of Reporting to the INS

The consequences of reporting an undocumented immigrant to the INS can be great. A report could lead to deportation, being separated from family, friends, and other loved ones in the United States, and loss of livelihood. Thus ineligible immigrant parents often are deterred from applying for benefits for eligible immigrant and citizen children because they are afraid of being reported.

The INS requires reporting of food stamp applicants in very narrow circumstances only. A state agency must limit its reporting of illegal immigrants for food stamp purposes to the standard of “know-

ing” established in an interagency notice.⁶⁵ The notice specifies that a government entity “knows” that an immigrant is not present legally only when the entity makes its finding or conclusion of unlawful presence as part of a formal determination subject to administrative review and a determination of the INS or the Executive Office of Immigration Review supports the finding.⁶⁶ Thus the new food stamp rules require in very few situations that the agency report an immigrant to the INS. If an applicant indicates inability or unwillingness to furnish documentation, the food stamp agency “must not continue efforts to obtain documentation.”⁶⁷ The food stamp agency should report to the INS only when all three of the following conditions exist: (1) the immigrant in question is seeking food stamps for the immigrant’s own use; (2) the food stamp agency has made a formal finding of fact or conclusion of law, subject to administrative review, that the immigrant is unlawfully present; and (3) an INS determination of unlawful presence (e.g., a final order of deportation) supports the food stamp agency’s finding.⁶⁸

The regulations also contain specific protections against the state agency contacting the INS to verify immigration information.⁶⁹ First, the state agency must verify the immigration status of “applicant”

⁶³ State agencies consider the income and resources of all “nonapplicant” household members when determining the household’s eligibility and benefit level. See section I.C *supra* on special income calculation rules for immigrant households.

⁶⁴ SHAWN FREMSTAD, CTR. ON BUDGET & POLICY PRIORITIES, REDUCING ACCESS BARRIERS FOR IMMIGRANT FAMILIES (2000).

⁶⁵ 65 Fed. Reg. 58301 (Sept. 28, 2000). The Food Stamp Program is not on the list of federal programs where section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act requires the state agency to notify the INS at least four times annually of any immigrant the agency “knows” is not lawfully present in the United States. However, the new food stamp regulations state that, in order to comply with the reporting requirements, the Food and Nutrition Service considers a state agency compliant if it limits its reporting of illegal immigrants for food stamp purposes to the standard of “knowing” in the interagency guidance. Food Stamp Program, 65 Fed. Reg. at 70166.

⁶⁶ Food Stamp Program, 65 Fed. Reg. at 70166 (to be codified at 7 C.F.R. § 273.4(b)).

⁶⁷ *Id.* at 70201 (to be codified at 7 C.F.R. § 273.4(b)(2)).

⁶⁸ *Id.* at 70166 (to be codified at 7 C.F.R. § 273.4(b)); Mandatory Reporting Guidance, 65 Fed. Reg. 58301 (Sept. 28, 2000).

⁶⁹ Food Stamp Program, 65 Fed. Reg. at 70166 (to be codified at 7 C.F.R. § 273.2(f)(1)(ii)); *id.* at 70196 (to be codified at 7 C.F.R. § 273.2 (f)(ii)). The U.S. Department of Justice Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. 61344 (Nov. 17, 1997), has information on acceptable documents and INS codes. State agencies should use this interim guidance until the Justice Department publishes a final rule on this issue.

immigrants.⁷⁰ The regulations do not mandate that state agencies verify the status of “nonapplicant” immigrants in the household.⁷¹ Second, if the immigrant in question does not want the agency to contact, the agency should give the household “the option of withdrawing its application or participating without that member.”⁷² Once an immigrant has submitted evidence of immigration status, a state agency must not “delay, deny, reduce or terminate” eligibility based on immigration status pending INS verification of documents.

Advocates should examine application forms for the existence of general language about the state contacting the INS to verify the immigration status of all people on the application. Advocates should modify this language to clarify that the agency will contact the INS only to verify the status of applicants for food stamps.

E. Deeming and Fear of Sponsor Liability

“Deeming” means that, for purposes of determining an immigrant’s eligibility for public benefits, the rules generally consider available the income and resources of an immigrant’s sponsor and the sponsor’s spouse or “deem” them to the immigrant’s household. In practice, however, few legal immigrants are subject to deeming because they are not currently eligible for food stamps.

The November 2000 food stamp rules, however, contain many exceptions

to deeming. These exceptions—such as the one that prohibits deeming when the sponsored immigrant is ineligible for food stamps—are useful for two main reasons.⁷³ First, they provide a way out of deeming in states with a state-funded food stamp replacement program for legal immigrants. Second, they are among the first federal-agency-adopted regulatory provisions that interpret the new sponsor deeming and liability provisions in the 1996 welfare and immigration laws.

An immigrant’s sponsor is generally the person who signs an affidavit of support (INS Form I-864 or I-864A), an agreement to help an immigrant obtain lawful permanent resident status through the INS. Deeming generally lasts until the immigrant gains U.S. citizenship, the immigrant has worked or can receive credit for forty qualifying quarters of work, or the sponsor dies.⁷⁴ The rules deem the total amount—reduced by \$1,500—of the resources of the sponsor and the sponsor’s spouse.⁷⁵ Generally, the sponsored immigrant’s monthly income includes the sponsor’s and the sponsor’s spouse’s total monthly earned and unearned income, reduced by both (1) 20 percent of the earned income of the sponsor and the sponsor’s spouse and (2) the Food Stamp Program’s monthly gross income eligibility limit for a household equal in size to the sponsor, the sponsor’s spouse, and any other person whom the sponsor or the sponsor’s spouse claims or may claim as a dependent for federal income tax purposes.⁷⁶

⁷⁰ Food Stamp Program, 65 Fed. Reg. at 70196.

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.* at 70201–2 (to be codified at 7 C.F.R. § 273.4(c), (c)(2)).

⁷⁴ The rules deem for three years the income of sponsors who signed the “old” affidavit of support (INS Form I-134).

⁷⁵ Food Stamp Program, 65 Fed. Reg. at 70202 (to be codified at 7 C.F.R. §273.8(c)(3)). State agencies determine resources in accordance with 7 C.F.R. § 273.8 (2001).

⁷⁶ The definitions of “earned” and “excluded income” are at 7 C.F.R. § 273.9(b), (c) (2001). The state agency must also consider as income to the immigrant any money the sponsor or the sponsor’s spouse pays to the immigrant if that amount exceeds the amount the agency already deemed to the immigrant. If the immigrant has reported the income of his or her sponsor, the state agency may use that income amount for food stamp deeming purposes. However, the state agency must limit allowable deductions to the total gross income of the sponsor and the sponsor’s spouse before attributing an income amount to the immigrant.

However, the rules allow for some exceptions. First, if a sponsor signs an affidavit of support for more than one immigrant, then the sponsor's income is divided by the total number of immigrants sponsored.⁷⁷ Second, if a sponsored immigrant is ineligible for food stamps, the rules do not deem the sponsor's income to other members of the household.⁷⁸ In determining eligibility or benefit levels, the rules deem to the household the income and resources only of sponsors of immigrants who meet the immigrant eligibility requirements for food stamps. Third, if the sponsor participates in the Food Stamp Program, whether or not the rules deem the sponsor's income depends on whether the sponsor and the immigrant live in the same household.⁷⁹ If the immigrant is a member of the sponsor's household, sponsor deeming does not apply. However, the rules allow no deeming exemption for an immigrant whose sponsor participates in the Food Stamp Program independently from the immigrant.

Fourth, the rules allow for an indigence exception from deeming.⁸⁰ If the applicant and the sponsor are indigent, the immigrant is without public assistance, and the immigrant is not able to "obtain food and shelter," the regulations deem an amount of income and resources not exceeding the amount the sponsor actually provides to the sponsored immigrant.⁸¹ The final rules consider an immigrant "unable to obtain food and shelter" when the sum of the immigrant's household's own income, the cash contribu-

tions of the sponsors and others, and the value of any in-kind assistance from the sponsor and others does not exceed 130 percent of the poverty line. A determination that a sponsored immigrant is indigent under this standard is effective for twelve months and is renewable for additional twelve-month periods.⁸²

Fifth, if an organization or group, as opposed to an individual, sponsors the immigrant, deeming does not apply.⁸³ Sixth, if the immigrant is a battered immigrant spouse, immigrant parent of a battered child, or child of a battered immigrant, and the battered individual does not live with the batterer, deeming does not apply for the twelve months after a state agency determines that the battering is connected to the need for benefits.⁸⁴

The Personal Responsibility and Work Opportunity Reconciliation Act requires that, in certain circumstances, agencies administering means-tested programs must request reimbursement from sponsors for benefits granted to sponsored immigrants and allows agencies to seek enforcement of this reimbursement obligation in court.⁸⁵ However, the new food stamp regulations bar state agencies from requesting reimbursement for food stamps that a sponsored immigrant receives if the sponsor is also receiving food stamps.⁸⁶ Advocates expect USDA to address additional sponsor liability issues.

THE PROPOSED NUTRITION ASSISTANCE FOR Working Families and Seniors Act would restore food stamp benefits to all legal immigrants regardless of their date of

⁷⁷ Food Stamp Program, 65 Fed. Reg. at 70201 (to be codified at 7 C.F.R. § 273.4(c)(2)(v)).

⁷⁸ *Id.* (to be codified at 7 C.F.R. § 273.4(c)(2)).

⁷⁹ *Id.* at 70202 (to be codified at 7 C.F.R. § 273.4(c)(3)(i)).

⁸⁰ This provision is awaiting Office of Management and Budget approval of the associated information collection burden. If the office approves the provision, agencies must convert current caseloads no later than the next recertification period following the implementation date. *Id.* at 70202 (to be codified at 7 C.F.R. § 273.4(c)(3)(iv)).

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.* (to be codified at 7 C.F.R. § 273.4(c)(3)(ii)).

⁸⁴ *Id.* (to be codified at 7 C.F.R. § 273.4(c)(3)(v)).

⁸⁵ Personal Responsibility and Work Opportunity Reconciliation Act § 423, 110 Stat. at 2271.

⁸⁶ Food Stamp Program, 65 Fed. Reg. at 70169.

entry.⁸⁷ If this legislation passes, about half a million immigrants who are currently ineligible for food stamps would qualify for nutrition assistance.⁸⁸ In order to receive food stamps, these newly eligible immigrants will need assistance in overcoming the same barriers currently

eligible immigrants face—language access, fear of public charge, fear of reporting to the INS, and sponsor deeming. Knowing how to overcome these barriers is crucial to helping both currently and newly eligible immigrants access these vital nutrition benefits.

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⁸⁷ Nutrition Assistance for Working Families and Seniors Act, S. 583, H.R. 2142, 107th Cong. (2001); *see also* Food Research & Action Ctr., Current News and Analyses: Nutrition Assistance for Working Families and Seniors Act (June 12, 2001), *at* www.frac.org/html/news/nawfasa.html.

⁸⁸ CTR. ON BUDGET & POLICY PRIORITIES, NUTRITION ASSISTANCE FOR WORKING FAMILIES AND SENIORS ACT (2001).