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# Immigration policy and perception impacts on SNAP access and eligibility: a view from the field

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**Abstract**

The former Deputy Administrator of the US Department of Agriculture (USDA) Supplemental Nutrition Assistant Program (SNAP) nutrition assistance program summarizes her experiences as the lead policy official for the program during the Great Recession under President Obama, specifying observations on how immigration impacts SNAP access for SNAP-eligible clients.

The US Department of Agriculture (USDA) houses the nation's largest domestic food assistance program, which was founded as The Food Stamp Program. In 1964, President Lyndon Johnson signed the Food Stamp Act, and the program was rebranded in 2008 as the Supplemental Nutrition Assistant Program (SNAP) to counter public stigma. Prior to the Great Recession, SNAP enrollment peaked at 28 million participants in 2008. As SNAP serves as a critical safety net during economic downturns, SNAP enrollment reached an unprecedented 46 million Americans in 2009, including 17 million children. This article relays my observations regarding SNAP policy and its intersection with immigration issues while serving as President Obama's USDA Deputy Administrator of SNAP from 2009 until 2012, after which I similarly served as the USDA Deputy Assistant Secretary of Civil Rights.

Today, SNAP comprises the largest spending in the federal Farm Bill, and generates heated debate with every Farm Bill cycle and each time our economy dips, necessitating greater food aid to hungry Americans. Yet a few key issues central to SNAP as it relates to immigrant and non-immigrant Latinx<sup>1</sup> populations are often overlooked. They are: (1) USDA data about SNAP is limited, difficult to access and unnecessarily challenging to interpret; (2) SNAP is notably under-utilized by immigrant and Latinx populations; (3) immigration fears inhibit SNAP participation among Latinx households despite higher rates of food insecurity. In light of the recent US Supreme Court ruling to allow the Trump administration's enforcement of its new public charge rule, whereby use of SNAP may now trigger the denial of a US immigrant visa or green card, this article retrospectively captures how fear of public charge in the immigrant and Latinx community impedes their SNAP participation and heightens food insecurity among vulnerable households. As DHS implementation of the rule will further deter otherwise eligible applicants from enrolling in SNAP and seeking related USDA nutritional assistance programs, the hunger gap among immigrants and Latinos in the United States will likely widen at a time when their public health needs, from diabetes to heart disease, is already at risk.

**The limitations of SNAP data and the need for transformative public access**

Upon joining USDA and my request for demographic data to better understand SNAP participants, the Food and Nutrition Service (FNS) agency, the agency which houses all 15 USDA nutritional programs, from School Breakfast and Lunch to SNAP, provided two significant SNAP reports to inform the current demographics and needs of SNAP clients: the Characteristics of Food Stamp Households: Fiscal Year 2007 and Trends in Supplemental Nutrition Assistance Program Participation Rates: 2000 to 2007. These reports revealed how existing methods of collecting and disseminating SNAP data pose a challenge to understanding a comprehensive, current portrait of SNAP clients, particularly as nutritional needs for Americans had dramatically shifted between 2007 and 2008 in the aftermath of the Great Recession due to food affordability.

For instance, while the SNAP Characteristics report contains valuable information about SNAP clients, the 2007 report predominantly consisted of independent tables and data sets such as the SNAP participant's household composition, age, income source and amount of

<sup>1</sup>In this piece, I will alternate between Latinx, Latino/a and Hispanic to refer to the heterogeneous and multilingual group of Americans who trace their roots to Spanish-speaking Mexico, Central America, South America, and the Caribbean, particularly as federal data sources historically utilize the term 'Hispanic'.

their benefit. As each table is individually housed within the report, the report's format lacks the context, versatility and efficiency of a comparative data analysis, dashboard or other platforms that can be compared or converted into an analytics tool. In consequence, while the report might be discernible to a familiar FNS policy analyst, researcher or SNAP advocate, new readers or other USDA partners may have trouble interpreting the report's value without sufficient context.

Additionally, although the SNAP Characteristics report offers demographic and economic insight about SNAP clients, and has been issued annually since 1976 with influence and credibility, by today's measure, the data within the report appears static, insufficient and difficult to access for SNAP customers and stakeholders in an increasingly digital and interactive world. Ideally, to better leverage SNAP data about the household income and composition of SNAP individuals, children, families and seniors, USDA could maximize the utility and availability of the report data by distributing it in a more public manner, and house the data within a dashboard or similar interactive vehicle. Such a platform enables a broader, more transparent understanding of how hunger intersects with other factors in the daily life of SNAP clients such as their access to health care, affordable housing, public transportation and public safety, among other public programs and services.

Thus, to maximize the value of SNAP data, FNS might further complement its Characteristics reports with additional analysis, summaries, the suggested dashboard or other user-friendly tools suitable for a broader audience of readers. The more readily SNAP data can be presented in plain language, the more the data might benefit a broader diversity of SNAP clients. In fact, in light of the recent enactment of the Open, Public, Electronic, and Necessary (OPEN) Government Data Act of 2019, legislation intended to amplify public access to government data, FNS may now be compelled to offer its non-sensitive government data with greater transparency as the SNAP Characteristics report is contained within the USDA data catalog (Chappellet-Lanier, 2019).

Moreover, the proximity of SNAP data to elected officials in Congress, policy experts, advocates and stakeholders in Washington will be disrupted by the administration's decision to relocate USDA's Economic Research Service (ERS) and National Institute of Food and Agriculture (NIFA) to the Kansas City region (Bloch and Fu, 2019). At a time when federal agencies should augment their open data sources in alignment with the OPEN Act, such USDA agency relocations may further undermine public access, attention and scrutiny of SNAP and other related USDA data that best serves food-insecure clients.

### **A participation gap among SNAP-eligible immigrant and Latinx households despite an economic need**

When USDA's 2009 Food Security Report became public in 2010, I met with ERS to review how food insecurity impacted Hispanic households. (Without the expertise of ERS, my understanding of how immigration shaped program participation among SNAP-eligible Hispanic households would have lacked the data-driven policy analysis needed for responsible decision-making as a senior policy official.) The ERS food insecurity analysis revealed that in 2009, Latinos experienced food insecurity at a rate of 26.9%—almost double the national average rate of 14.7%. Thus, 3.6 million Latinx households struggled to obtain nutritious food that year, and were at a higher risk of experiencing hunger (Simón, 2018).

Although one might have expected a proportional rate of SNAP enrollment among Latinx and immigrant households in 2009 to mitigate higher rates of food insecurity that occurred in light of the recession, only 56% of SNAP-eligible Latinos received SNAP benefits in 2010. As a result, millions of eligible Latinos struggling to put food on the table did not participate in SNAP that year although they were eligible for the program. This SNAP enrollment gap meant too many Latinx families and children lacked a financial cushion to fight poverty at home, particularly in a post-recession climate where American budgets were stretched enough to purchase healthy, nutritious food.

For many low-income Latino families whose budgets are tightly squeezed, USDA nutrition programs offer crucial nutritional support. Increasing USDA nutrition assistance program participation among Latinx and immigrant households is essential to improving food security in the Latinx community. In 2009 and throughout the recession, SNAP was significantly under-utilized despite the statistical need for nutritional support among Latinx households, as illustrated by the USDA ERS food insecurity reports and analysis.

In response to the disproportional gap between food insecurity, SNAP eligibility and SNAP participation among prospective immigrant and Latinx SNAP customers, I worked with the FNS agency within the FNS agency within USDA to draft and issued its first SNAP non-citizen policy guidance in 2011 regarding the non-citizenship policies of SNAP eligibility. The guidance intended to debunk myths and confusion surrounding immigration and SNAP eligibility, and mitigate the known fear among individuals, families and stakeholders about the consequences of EBT support, namely the fear of becoming a public charge. Today, this non-citizenship guidance is no longer applicable as the current administration has reversed SNAP policies, from a new public charge rule now upheld by the US Supreme Court to reducing categorical eligibility for SNAP recipients. In turn, the current administration's policies targeting immigrants and SNAP recipients have heightened fears and compelled a chilling effect by lowering SNAP participation rates as the use of public benefits among immigrant and Latinx households have declined.

### **Collecting input through public dialogue: immigration fears impede immigrant and Latinx participation in SNAP**

In 2010, to address food security in minority and immigrant households and their SNAP participation rate, I led community roundtables in partnership with my colleagues of the USDA Office of Faith-Based Partnerships in six state areas where SNAP participation was low but food insecurity rates were high: California, New York/New Jersey, Texas, Florida, Illinois and Arizona. After numerous discussions around the country with stakeholders including teachers, pastors, social workers, health care providers and advocates, the consensus was clear: fear of immigration repercussions and public charge significantly frightened eligible immigrant and Latinx households from participating in SNAP during recent years.

One roundtable in particular, the July 2010 Los Angeles dialogue, underscored how fear of immigration harm and the state's mandatory fingerprinting policy discouraged Latinos from enrolling in SNAP (Lucas, 2011). Attendees at this meeting included government administrative partners from the California Department of Social Services, Los Angeles County Department of Public Social Services and Mayor's Office, in addition to the city's food bank, local hospitals and health officials, legal aid

attorneys, teachers, social workers, faith-based leaders, non-profit organizations, advocates and civil rights activist Dolores Huerta. (Huerta presented the perspective of migrant farmworkers in the state's agricultural production supply chain, and highlighted the importance of access to healthy food for minority communities.) This spectrum of perspectives highlighted immigration as a principal barrier faced by Latinx households as 71% of SNAP-eligible but non-participating people in California were Latino in 2010, a statistic I relayed to the US Congress during my Congressional testimony held at a field hearing in California earlier that year (U.S. Congress, 2010; U.S. Department of Agriculture, 2010).

Similarly, during the New York and New Jersey SNAP discussions, advocates addressed how 'public charge' prevented eligible immigrant applicants from applying for SNAP benefits. Public charge is a ground of inadmissibility in the application of legal permanent residency, or green card status that is determined by US Citizenship and Immigration Services (USCIS) of the US Department of Homeland Security (DHS).

As I visited with advocates and SNAP clients across the country, fear of public charge became a resounding theme of confusion and intimidation for SNAP applicants, whether they were lawful immigrants or US citizens who lived in an immigrant or Latinx household of mixed immigration status or citizenry. From Los Angeles, California, to the Bronx and upstate Albany in New York, advocates shared similar stories. Prospective clients were being deterred from SNAP upon state or county warnings of the loss of their immigration status or another federal benefit such as housing or health care if Food Stamps were obtained.

At the time, in 2010, SNAP participation rarely impacted a client's immigrant status, and would be viewed by USCIS as only one factor among many in determining lawful permanent residence. Describing the legal unlikelihood of becoming a public charge did little to reassure clients or advocates, and the fear magnified as anecdotes of deportation, denials of entry into the United States, and the loss of immigrant status were shared in church basements, school yards, and at kitchen tables.

Today, immigrant and Latinx fears of deportation over SNAP participation are well-grounded in the new reality of DHS's approved rule to expand public charge. Beginning in February, DHS may deem immigrants as inadmissible based on their receipt of noncash benefits like SNAP and Medicaid. This regulatory change will magnify the chilling effect of public charge among the 24 million US citizens and noncitizens who rely upon programs like SNAP. Moreover, DHS policy will irreparably thwart clients from seeking green cards and adjusting their immigrant status (Entralgo, 2018).

Yet back in 2010, as dialogues with FNS partners and stakeholders described immigration as a critical barrier to SNAP program access, the need for clarity regarding SNAP eligibility rules became essential. In response, FNS worked with the US Department of Justice Civil Rights Division, USCIS and US Department of Health and Human Services to draft a plain language outline of SNAP eligibility. One year later, in 2011, we issued USDA's first comprehensive SNAP non-citizen policy guidance.

Although this policy guidance no longer stands today due to the Trump administration's upcoming implementation of its public charge rule, perception does not always match policy. States like New York were already reporting dramatic declines in SNAP enrollment among eligible immigrant households (New York City Department of Social Services, 2019). Out of fear of retaliation due to their immigration status, other USDA

Special Supplemental Program participants, including clients of USDA's Women Infants and Children program (WIC), will also likely voluntarily withdraw and forfeit their nutrition assistance benefits despite their economic need for nutritional support.

### **Conclusion: SNAP remains a critical safety net for immigrant and Latinx clients who deserve nutritional assistance without punitive consequences**

As long as immigrant and Latinx families who could benefit from SNAP and other USDA nutritional assistance fear US government programs, officials and policies under the Trump administration, their nutritional assistance and public health needs will climb.

In addition to experiencing food insecurity at a higher rate than the general population, Latinos possess higher rates of obesity, as 42.3% of Hispanic adults are obese as compared to 34.6% of non-Hispanic whites, and 25.8% of Latino children are obese as compared to 14.1% of non-Hispanic whites (Center for Disease Control and Prevention, 2018). Moreover, type 2 diabetes is more prevalent among Latinos than whites, and impacted by the nutrition of diet and food security (Center for Disease Control and Prevention, 2017). These trends signal public health implications for immigrant and Latinx families who would otherwise benefit from SNAP but have chosen not to enroll in the program due to public charge fears.

As long as punitive policies like the public charge rule continue to target immigrant SNAP recipients, immigrant and Latinx participation in SNAP will continue to decline. Fundamentally, as federal policies restrict SNAP access, we must consider how such policies fail to serve millions of qualified individuals whose food security, health and economic stability would improve under SNAP. More than 30 million people and 17 million children who experience poverty and food insecurity every day in America rely upon SNAP and other FNS nutrition assistance programs. This population, whether immigrant or not, deserves a public understanding of the facts about SNAP, which includes deconstructing myths that undocumented individuals are eligible for food stamps or that SNAP fraud and abuse is rampant.

Our civic duty is to implement federal safety net programs like SNAP, as legislatively intended, to supplement the nutrition of Americans in need during periods of economic recovery. Our humanitarian duty is to recognize, support and respect each other as Americans, both residents and citizens, and confront that poverty in America affects us all, whether elder, adult, child or immigrant. We owe each other, at a minimum, the chance to get by with dignity, and the search for a better life that is food secure.

### **References**

- Bloch S and Fu J** (2019) USDA is relocating two research agencies to Kansas City, in a move that may undermine their independence. [online]. Available at <https://newfoodeconomy.org/usda-ers-nifa-research-agency-relocation-announcement-kansas-city/> (Accessed 24 June 2019).
- Center for Disease Control and Prevention** (2017) Hispanic health: preventing type 2 diabetes CDC September 18th. [online]. Available at <https://www.cdc.gov/features/hispanichealth/index.html> (Accessed 24 June 2019).
- Center for Disease Control and Prevention** (2018) Childhood obesity facts | Overweight & Obesity | CDC August 13th. [online]. Available at <https://www.cdc.gov/obesity/data/childhood.html> (Accessed 7 February 2019).
- Chappellet-Lanier T** (2019) The Open Government Data Act is now law. [online]. Available at <https://www.fedscoop.com/open-government-data-act-law/> (Accessed 24 June 2019).

- Entralgo R** (2018) Immigrants drop out of food assistance program, fearing retaliation from the Trump administration. [online] ThinkProgress September 4th. Available at <https://thinkprogress.org/immigrants-drop-out-food-assistance-program-wic-fearing-retaliation-trump-administration-618a841cc655/> (Accessed 7 February 2019).
- Lucas G** (2011) California to end food stamp fingerprinting. [online] Reuters October 6th. Available at <https://www.reuters.com/article/us-california-foodstamps/california-to-end-food-stamp-fingerprinting-idUSTRE7960KM20111007> (Accessed 7 February 2019).
- New York City Department of Social Services and New York City Mayor's Office of Immigrant Affairs** (2019) Fact sheet: SNAP enrollment trends in New York City June 2019. [online]. Available at <https://www1.nyc.gov/assets/hra/downloads/pdf/Fact-Sheet-June-2019.pdf> (Accessed 24 June 2019).
- Simón Y** (2018) Hispanic vs. Latino vs. Latinx: a brief history of how these words originated. [online] Remezcla September 14th. Available at <http://remezcla.com/features/culture/latino-vs-hispanic-vs-latinx-how-these-words-originated/> (Accessed 7 February 2019).
- United States. Cong. House. Committee on Agriculture Subcommittee on Department Operations, Oversight, Nutrition, and Forestry. Hearing to Review Federal Nutrition Programs** (2010) 111th Cong. 2nd sess. Colton, CA: GPO, 2010 (statement of Lisa J. Pino, Former Deputy Administrator, Supplemental Nutrition Assistance Program (SNAP), Food and Nutrition Service, US Department of Agriculture, Washington, DC).
- U.S. Department of Agriculture** (2010) Making access to nutrition assistance a reality in Los Angeles | USDA July 7th. [online]. Available at <https://www.usda.gov/media/blog/2010/07/07/making-access-nutrition-assistance-reality-los-angeles> (Accessed 7 February 2019).