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Raul Yzaguirre, President

June 15, 2004

Mr. Matthew Crispino
Certification Policy Branch
Program Development Division
Food and Nutrition Service
3101 Park Center Drive, Room 800
Alexandria, VA 22302

Re: Comments on the Food Stamp Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002, RIN 0584-AD30

Dear Mr. Crispino:

The National Council of La Raza (NCLR), the largest national constituency-based organization committed to reducing poverty and discrimination and improving life opportunities for Hispanic Americans, is writing to comment on the proposed Food and Nutrition Service (FNS) regulations that implement 11 of the food stamp provisions in the Farm Security and Rural Investment Act (FSRIA) of 2002.

According to 2000 U.S. Census data, 39.1% of the U.S. Latino population are immigrants. FSRIA’s restorations of food stamps to many legal immigrants will improve food stamp access for Latinos and aid in the elimination of food insecurity and hunger in our communities.

The proposed rules implementing FSRIA contain language that should be permanently retained. In particular, the language regarding legal immigrants and the five-year bar should remain in the regulations as stated. These rules say that immigrants who have been in “qualified alien” status for five years are eligible for food stamps, regardless of their status when entering the country.

Despite the improvements implemented by the restoration, the food stamp uptake has not increased at the expected rates. In the four states with the highest immigrant populations (California, Florida, New York and Texas), participation in the Food Stamp Program has increased minimally. In fact, Florida caseloads declined for the first three months after the implementation of the Farm Bill.

There are a variety of reasons why immigrants may not access the Food Stamp Program when eligible, including fear, confusion, eligibility barriers, and a lack of effective, culturally competent, and linguistically appropriate outreach. NCLR believes that such barriers could be reduced or eliminated with changes to the language in the final FNS regulations.



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LA RAZA: The Hispanic People of the New World

NCLR makes the following recommendations to facilitate maximum participation by all eligible immigrants:

Expanded Eligibility for U.S. Noncitizens

Victims of Trafficking

According to the Trafficking Victims Protection Act of 2000 (P.L. 106-363), victims of trafficking were made eligible for federal public benefits, including food stamps. Furthermore, the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193) extended eligibility to certain family members of trafficking victims. The final regulations should clarify that trafficking victims and certain family members are eligible to ensure that victims and their families are not denied entrance into the Food Stamp Program.

In addition, the Department of Health and Human Services (HHS) has also issued guidance stating that victims of trafficking must provide only a letter regarding their status to be declared eligible. Due to the sensitive nature of trafficking cases, and the possibility that trafficking victims may not be eligible for Social Security Numbers, it is important that verification procedures for trafficking victims be reiterated.

Families of Veterans

The new regulations should make certain that all children and spouses of immigrant veterans or those serving in the military are exempt from immigrant public benefit eligibility restrictions in the Personal Responsibility and Work Opportunity and Reconciliation Act (PRWORA) of 1996. The 1996 law determined that immigrant veterans or active-duty service members and their children and spouses were free from eligibility restrictions, including a five-year bar to public benefits. However, the law has been misinterpreted making *citizen* children and spouses vulnerable to these restrictions, while immigrant children and spouses of military are determined exempt of these restrictions. The children and spouses of veterans or active-duty military, whether citizen or immigrant, should not be restricted by the 1996 eligibility rules. Language to correct this misinterpretation of the law should be inserted in the final FNS food stamp regulations.

Sponsor Deeming and Liability

Of greatest issue in the regulations is the language surrounding “sponsor deeming” and “sponsor liability.” The current language would likely cause the most problematic barriers to eligible persons.

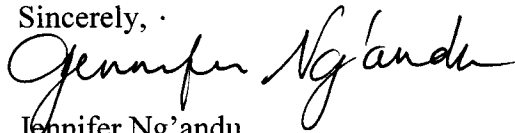
As indicated in the Farm Bill, deeming laws are no longer applicable to sponsored immigrant children, even in households where there are other sponsored adults. For example, in households seeking to participate in the Food Stamp Program where there is a sponsored immigrant adult and sponsored immigrant child, the sponsor’s income is split evenly among individuals and the portion for the child is not counted toward determination of eligibility. However, these same

rules have not been clarified to include citizen children. Therefore, citizen children may have a sponsor's income count against their income qualifications for food stamps, potentially eliminating the child's eligibility for the Food Stamp Program. Language should be inserted in the regulations clarifying that citizen children with sponsored immigrant parents fall under the same deeming rules as immigrant children in the same situation. It is important that all children receive equitable treatment regardless of citizenship status.

Sponsor liability rules allow agencies to seek compensation from sponsors who signed an enforceable affidavit of support to repay the cost of providing public benefits, including food stamps, to an immigrant. This provision will likely deter immigrant parents from seeking benefits for an eligible child. NCLR strongly encourages FNS to adopt rules that make sure that immigrant children will not fall under the burdens of sponsor liability.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Ng'andu". The signature is written in a cursive style with a large, prominent initial "J".

Jennifer Ng'andu
Health Policy Associate