

POSITION STATEMENT:

The Society of Behavioral Medicine Does Not Support “Public Charge Rule” Changes Affecting Immigrants’ Food Security

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SUMMARY STATEMENT

The Society of Behavioral Medicine does not support recent changes to the “Public Charge Rule” and supports removal of non-cash safety net programs from the rule.

THE PROBLEM

Food insecurity is defined as “limited or uncertain availability of nutritionally adequate and safe foods or limited or uncertain ability to acquire acceptable foods in socially acceptable ways”¹ and continues to be a major public health concern in the United States (U.S.).² Food insecurity is linked with adverse health and social outcomes, including poor mental health,³⁻⁶ poor dietary quality,⁷ and several chronic diseases.^{8,9,10}

Federal nutrition assistance programs, especially the Supplemental Nutrition Assistance Program (SNAP), are important safety net programs for low-income immigrants and nonimmigrants alike.

- The largest food assistance program in the U.S., SNAP offers many low-income individuals and families, including low-wage working families, people with disabilities, and seniors, funds to “supplement their food budget” and “and move towards self-sufficiency.”^{11,12,13}
- SNAP participation is restricted to certain categories of qualifying immigrants. Adult immigrants with lawful permanent resident status (i.e., a green card) are eligible for SNAP after five years, while children are eligible at the outset. “Mixed-status” households—households comprised of at least one immigrant and one citizen—may be eligible for partial participation. Adults and children with undocumented status are not eligible for SNAP.
- Immigrant households that need SNAP are already less likely to participate.
- Although households headed by immigrant mothers are more likely to experience food insecurity than those headed by U.S.-born mothers,¹⁴ they are less likely to participate in SNAP due, in part, to language barriers and anti-immigrant rhetoric that can discourage eligible immigrants from participating.¹⁵



- Only 44 percent of SNAP-eligible mixed-status households participate in SNAP (based on 2009 data), compared with 65.5 percent of eligible citizen families.¹⁶
- However, when immigrant households do participate in SNAP, their U.S.-born children experience less food insecurity and the household as a whole makes fewer tradeoffs between food and other necessities.¹⁷

The national immigration debate has important implications for food insecurity. Evidence suggests that since 2016, challenges have grown among immigrant families:

- fears of deportation;¹⁸
- financial strain;¹⁸
- poor mental health;¹⁸
- utilization of public services;¹⁹ and
- less visiting of public spaces including parks and stores, due to fear of violence²⁰ which may reduce access to healthy foods and physical activity.

Already, one in five low-income immigrant families report avoiding noncash government benefit programs due to fear of potential immigration consequences.¹⁹

CURRENT POLICY

The Public Charge Rule limits ability to obtain a green card based on participation in public assistance program. It classifies as a possible “public charge” anyone who participates in particular public programs for an aggregate of 12 out of 36 months. (This means that participation in two programs within one month counts as two months.) A recent change to the rules on Inadmissibility on Public Grounds Charges (“Public Charge Rule”) became effective on February 24, 2020 for both the Department of Human Services (governing adjustment of status from inside the U.S. and reentry for legal permanent residents return) and the Department of State (governing applications from outside the U.S.).

- Previously, only cash programs such as the Temporary Aid for Needy Families (TANF) program (known as “the welfare program”) and long-term care paid for by the government were considered towards the Public Charge Rule.
- The new change broadens the programs to include some non-cash programs, including SNAP.
- Several categories of humanitarian immigrants, such as refugees and asylees, are not subject to the Public Charge Rule.

Although the vast majority of immigrants who are subject to the public charge rule are not eligible for SNAP, misunderstanding of the rule and fear threaten to reduce SNAP enrollment and consequently increase food insecurity in immigrant families.

Spillover effects may occur for families not targeted by changes in the Public Charge Rule. For example, enrollment of immigrant families could decrease in other safety net programs that are not impacted by the proposed changes, such as:

- The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);
- The National School Lunch Program (NSLP); and
- The School Breakfast Program (SBP).
- The effects of the rule change on household safety net program enrollment could affect the community level.
- Reduced enrollment in SNAP limits the ability for schools to provide school meals to students through the Community Eligibility Provision (CEP) of the NSLP and SBP.²¹ The CEP allows high poverty school districts—in which more than 40 percent of students’ families participate in public safety net programs—to provide free school meals to all students while waiving student application requirements.²²
- Further, decreased use of benefits could also affect spending in local economies as well as jobs in related industries.²³

RECOMMENDATIONS

- In order to support the food security of immigrant families in the U.S., the Department of Homeland Security should remove all non-cash safety net programs from the Public Charge Rule.

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