

**ASSESSING IMPLEMENTATION OF THE 2002 FARM BILL'S
LEGAL IMMIGRANT FOOD STAMP RESTORATIONS**

**FINAL REPORT TO THE
UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE**

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SUMMARY

CONTEXT FOR THE RESTORATIONS

The expansion of food stamp eligibility for legal immigrants authorized by the Farm Security and Rural Investment Act of 2002 (“Farm Bill”) is taking place against a backdrop of high, steady levels of immigration. By 2000, one quarter of low-income children in the United States had immigrant parents. In the majority of low-income immigrant families, the children were eligible for food stamps because they were citizens, while their parents were often barred from eligibility because they were undocumented or ineligible legal noncitizens.

Since the inception of the current Food Stamp Program (FSP) in 1977, undocumented immigrants have never been eligible for benefits. However, the eligibility rules for legal noncitizens have changed several times in recent years. The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)—or welfare reform—made most legal noncitizens ineligible for food stamps, with limited exceptions. In 1998 the Agriculture Research, Extension and Education Reform Act restored eligibility to legal noncitizen children, elders, and disabled individuals who entered the United States before PRWORA’s enactment on August 22, 1996. The 2002 Farm Bill broadly restored eligibility for legal noncitizens who:

- ❖ Were disabled, regardless of date of entry, effective October 2002;
- ❖ Had been in the United States at least five years, effective April 2003; and
- ❖ Were children ages 18 and under, regardless of date of entry, effective October 2003.

STUDY PURPOSE

In terms of policy, the significance of the food stamp restorations to legal immigrants should not be understated: the provisions were expected to become the most expensive and significant portion of the \$6.4 billion in nutrition assistance authorized by the Farm Bill (Food and Nutrition Service 2002a). Moreover, for the

first time since welfare reform, the 2002 law extended a means-tested federal benefit to legal noncitizen children who had lived in the United States for less than five years. (The five-year waiting period still applies to most legal immigrant adults for the FSP and to most legal noncitizen adults and children for welfare and Medicaid.) While the Farm Bill was the third piece of legislation to restore public benefits to noncitizens since PRWORA's enactment in 1996,¹ no previous restoration has been subjected to the kind of analysis of implementations and effects we present here. The study is important, then, because it can begin to help us understand:

- ❖ Variation in state and local approaches to implementing the eligibility restorations;
- ❖ The institutional challenges to reversing previous eligibility restrictions, especially in areas with large low-income noncitizen populations;
- ❖ The degree to which restorations and other policies can overcome what might be referred to as “chilling effects” on program participation created by earlier eligibility restrictions (Fix and Passel 1999);
- ❖ The effects on differing populations—elders, children and working age adults; noncitizens with five years of legal residency and those without;
- ❖ The degree to which the restoration brought *new* immigrant households to the FSP, versus extending more benefits to households already receiving benefits but with *some* legal immigrant members;
- ❖ The potential impacts of sponsor deeming and liability policies whose impacts may only now be coming into view, and that might lead to reduced participation among newly eligible noncitizens; and
- ❖ The need for strategic investments in outreach and other efforts to improve access and boost participation among targeted populations.

¹ In 1997 Congress restored Supplemental Security Income (SSI) along with SSI-linked Medicaid to all elderly and disabled legal immigrants who had been receiving SSI when PRWORA was enacted, and made all legal immigrants who arrived in the United States before PRWORA's enactment eligible to receive SSI if they became disabled in the future (The Balanced Budget Act of 1997, PL 105-33). Congress later extended food stamp benefits to legal immigrant children and to elderly and disabled legal immigrants who arrived before enactment (The Agriculture, Research, Extension and Education Reform Act, PL 105-185, 1998) (Fix and Passel 2002).

STUDY METHODS

This report, based on a two-year study funded by the U.S. Department of Agriculture’s Food and Nutrition Service (FNS), focuses primarily on the implementation of the three legal immigrant food stamp restorations enacted under the 2002 Farm Bill. The study included six of the seven states with the largest immigrant populations (California, Texas, Florida, Illinois, New Jersey, and Massachusetts) and two “new growth” states with rapidly increasing immigrant populations (North Carolina and Tennessee). Study methods included phone calls to state food stamp administrators during fall 2002, spring 2003 and fall 2003, as well as phone calls or visits to local food stamp offices in summer 2003.

The restoration of food stamp benefits to legal noncitizens took place during a time when FNS and state food stamp agencies were trying to improve client access and when caseloads were rising generally due to a downturn in the U.S. economy. Between 2000 and 2003, total FSP enrollment grew by 24 percent nationally, from 17 to 21 million people. Study respondents attributed caseload increases in their states mostly to declining economic conditions but also to changes in FSP policies that expanded eligibility and streamlined application and recertification procedures.

IMPLEMENTATION AND PRELIMINARY IMPACT OF THE RESTORATIONS

We found that the Farm Bill’s legal immigrant restorations were implemented in a timely fashion in our study states, and short-term targets for increased noncitizen participation in the FSP were met. According to our best estimates, over 150,000 legal noncitizens were added to the FSP rolls across the eight states—above the FNS national target of 120,000 for 2003, and well on schedule to meet the FNS goal of enrolling 400,000 legal noncitizens nationwide by 2006. The April 2003 restoration, the broadest of the three, restored benefits to approximately 135,000 noncitizens with five years of legal residency. The October 2003 change restored benefits to about 18,000 legal noncitizen children, while the October 2002 restoration affected relatively small number of disabled legal noncitizens—less than 4,000.

The majority of legal noncitizens added to the caseload were former state food assistance beneficiaries in California (almost 100,000), Massachusetts (4,000) and New Jersey (2,000). While the restorations yielded a significant cost shift from these states back to the federal government, legal immigrants and their households did not see any changes in benefit levels. Following the restorations, California was the only study state that retained a separate, state-funded food assistance program for noncitizens. California's program included almost 10,000 noncitizens with less than five years of legal residency in late 2003.

There were also increases in legal noncitizen food stamp caseloads in Texas (25,000), Florida (22,000) and Illinois (4,000). For the most part, the legal noncitizens whose benefits were restored in these states lived in mixed citizenship households with U.S.-born citizen children who were already receiving benefits before the restorations. In most cases, the addition of a newly eligible member meant that these households' benefit allocations increased, although in a few cases benefits actually decreased when working adults were added and their earnings were weighted more heavily in benefit calculations.

In two states—North Carolina and Tennessee—we were told that only a small number of noncitizens were affected by the restorations, and no legal noncitizen caseload data were available. These two new growth states have a much higher share of immigrants who arrived within the last five years or are undocumented immigrants, and they also have much lower total immigrant populations when compared to the other six states in the study.

We found little evidence in the study states that the restorations extended food stamp benefits to significant numbers of immigrant households without previous food stamp participation, though with time these numbers may grow.

State and local administrators generally did not report any major challenges in implementing the Farm Bill restorations. Eligibility workers also indicated the changes were, for the most part, straightforward and easy to implement. The exception was the October 2002 restoration, which required eligibility workers to check for receipt of disability benefits across several programs in some of the states. Nonetheless, noncitizen FSP eligibility determination remains a highly complex process. One explanation why so few administrative challenges were reported could

be the limited implementation to date of the sponsor deeming and liability requirements.

NEW COMPLICATED SPONSOR DEEMING RULES

While the Farm Bill's new rules for legal immigrants simplified eligibility determination in most cases, the process may be complicated and noncitizen applicants deterred by new sponsor deeming and liability rules that went into effect at the end of 1997. These rules were legislated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and supplement the bars to legal immigrant eligibility set out in the welfare reform act. Except for refugees, most legal immigrants have individual sponsors, who must provide financial support to the immigrants until they become citizens. Whenever a sponsored legal immigrant applies for food stamps, the sponsor's income may be counted as available to the immigrant's household for purposes of food stamp eligibility, often disqualifying the immigrants' household for benefits. Additionally, states may require sponsors to pay back the value of benefits issued to the immigrants they sponsored, although no states in our study have developed policies to do so. Sponsor deeming rules currently affect a very small fraction of the noncitizens with five years of legal residency who became eligible for food stamps under the April 2003 restoration. That fraction is expected to grow over time, however, as the number of legal immigrants who entered after 1997, have completed five years of residency, and have not become U.S. citizens increases.

Only three of our eight study states—California, Florida and Massachusetts—had implemented sponsor deeming policies and encountered enough cases with sponsored legal immigrants to understand and document their experiences. Preliminary evidence from these states suggest that the new deeming rules leave noncitizen FSP applicants with tough choices: (1) agree to report the sponsor's income and have this income included as part of the household's income for eligibility purposes; (2) claim an "indigence" exemption from the deeming requirement, which results in the names of the immigrant and his or her sponsor being reported to the U.S. Attorney General; or (3) opt out of the case and have

benefits calculated as if the immigrant were ineligible. Deeming also potentially limits participation in other ways, since immigrants may be unable or unwilling to contact their sponsors or request that they share sensitive information about income and resources with a government agency.

LIMITED PUBLICITY AND OUTREACH FOR THE RESTORATIONS

The impact of the Farm Bill restorations may also be muted by limited publicity and little food stamp outreach directed to immigrant populations. Illinois is the only study state in which we encountered a major public campaign that focused specifically on the legal immigrant restorations. In the other states restoration-specific outreach activities generally consisted of notifying advocacy networks about the restoration at regularly scheduled meetings and through the dissemination of general informational materials.

The limited food stamp outreach activities we observed were conducted by non-profit organizations with little state support but in some cases, substantial funding through federal outreach grants from FNS. Only Texas had a state-funded food stamp outreach program, which did not target immigrants specifically but focused on six metropolitan counties with large immigrant populations. Illinois had a state-funded outreach program targeting immigrants for a range of benefits, including refugee assistance, the FSP and public health insurance programs. In California, Florida, Illinois, Massachusetts, New Jersey, and North Carolina, agencies that had received FNS outreach grants were conducting more general food stamp outreach using a variety of methods, including computer-based prescreening for eligibility.

OTHER NONCITIZEN FOOD STAMP ISSUES

Finally, noncitizens continue to face several barriers when applying for food stamps and other public benefit programs. Customer service had been affected by FSP administrative budget cuts in several of the study states, making it harder for noncitizens and others to get their applications completed and to follow up when

there are problems with their cases. Some food stamp offices we visited—particularly those in larger urban areas—had been hard hit by recent budget cuts, and caseloads as high as 800 or 1,000 per worker were making it more and more difficult for workers to communicate and interact with clients. Inadequate translation and interpretation continued to affect access, especially when it comes to clients who do speak neither English nor Spanish, although all of the study states were making progress in this area. Noncitizens continue to be concerned about the consequences of benefit receipt for their naturalization applications and ability to sponsor relatives; in some cases they fear deportation of undocumented family members. In California and Texas, applicants for the FSP are fingerprinted, deterring some noncitizens from applying.

DEMOGRAPHIC OVERVIEW

The expansion of food stamp eligibility for legal immigrants authorized by the Farm Security and Rural Investment Act of 2002 (“Farm Bill,” P.L. 107-171) is taking place against a backdrop of record-high immigration. Fourteen million immigrants entered the United States during the 1990s, up from 10 million in the 1980s, 7 million in the 1970s, and 4 million in the 1960s. Based on immigration flows estimated at near 1.4 million per year for 2001-2003, it seems likely this pace of immigration will continue throughout the current decade. By 2003, there were 34 million immigrants in the United States, over three times the number in 1970 (10 million). While the foreign-born share of the population rose to 12 percent by 2003—over twice the share for 1970 (5 percent)—this was still below the foreign-born population shares one hundred years ago (almost 15 percent).

The record pace of immigration has substantially increased the number of low-income immigrant families with children and as a result, the need for public benefits and services. By 2000, one fifth of all U.S. children had at least one parent born outside the country, and one quarter of all low-income children had immigrant parents. Over three quarters of these children, however, are U.S.-born citizens.

The typical immigrant family includes both citizens and noncitizens. Usually, at least one of the parents is a noncitizen—either legal or undocumented—while one or more children are U.S.-born citizens. According to our estimates, in 2003 thirty percent of all immigrants were naturalized U.S. citizens. Another 31 percent were Legal Permanent Residents (LPRs), who typically qualify for citizenship five years after receiving their green card.¹ Twenty-seven percent were undocumented immigrants without legal authorization to remain in the country. About 8 percent entered as refugees, including those who adjusted their status to become LPRs or were naturalized to become citizens. An additional small percentage were legal temporary residents (4 percent) such as students and temporary workers.²

¹ The period is three years if they marry a U.S. citizen.

² These estimates are based on March 2003 U.S. Current Population Survey (CPS) data, adjusted to include Urban Institute estimates of the size of the undocumented population. Refugees include noncitizens as well as naturalized citizens who entered as refugees.

The mixed citizenship of immigrant families has important implications for eligibility for food stamps and other public benefits. In the majority of low-income immigrant families, the children are eligible for benefits due to the fact they are citizens, while the parents may be barred from eligibility. Over a third of noncitizen families with children include undocumented adults, who are not eligible for food stamps or other federally-funded assistance programs, and who may be deterred from applying for their children because of fears about interacting with government agencies. For instance, in 2003 there were 5.6 million noncitizen families with 10.5 million children; of these 38 percent (2.1 million families including 4.1 million children) had at least one undocumented parent. Yet, about two thirds of low-income children with undocumented parents are U.S. citizens; in virtually all of these “mixed status” families, the children are eligible for food stamps and other benefits but the parents are not. Among low-income children with LPR parents, the share who are citizens is over 80 percent. In these mixed status families all of the children are eligible for benefits but *some* parents are not. Additionally, there are 1.8 million low-income noncitizen children—including nearly 1 million who are undocumented, over 600,000 LPRs, and about 150,000 refugees.³

Immigrants remain heavily concentrated in a handful of states, but are increasingly moving to new settlement areas throughout the United States. In 2000 about two thirds of all immigrants lived in six States (California, New York, Texas, Florida, Illinois and New Jersey); California alone accounted for 28 percent of the total. But the share in these six “major concentration” states was down from three quarters in 1990. Between 1990 and 2000, twenty-two “new growth” states experienced faster growth in their foreign-born populations than the six high concentration states. These states are led by North Carolina, where the immigrant population grew by 274 percent during the 1990s, and include most other Southeastern states as well as much of the Midwest and West except for California (Capps, Fix and Passel 2002). As a result of these settlement patterns, the high concentration states continue to grapple with the provision of benefits and services such as food stamps to large numbers of immigrants, but they are joined by an

³ These estimates are based on the average of March 2002 and March 2003 CPS data, also adjusted to reflect undocumented population estimates.

increasing number of new growth states that have only recently begun to deal with these issues.

WELFARE REFORM AND THE POLICY CONTEXT FOR THE FARM BILL RESTORATIONS

For over 30 years, the Food Stamp Program (FSP) has been the largest nutrition assistance program administered by the federal government and a centerpiece of the U.S. social safety net. The program's purpose is "to permit low-income households to obtain a more nutritious diet by increasing their purchasing power" (The Food Stamp Act of 1977, as amended, P.L. 95-113). Unlike other public benefit programs, the FSP has relatively few non-financial eligibility requirements and is not limited to specific needy groups such as single mothers, the elderly or disabled; instead, it is designed to meet the nutritional needs of a wide spectrum of low-income families, including both recipients of welfare and the working poor. Eligibility is standardized across the country, and FSP benefits are entirely federally funded, although administrative costs are split nearly evenly between the federal government and the state and local agencies that determine eligibility and issue benefits. Participants receive ATM-like benefit cards, which can be used at over 145,000 food stores nationwide (Rosso and Faux 2003). During fiscal year 2003, the FSP issued over \$21 billion in benefits and served 21 million people in an average month (Food and Nutrition Service 2004a). In terms of federal expenditures, the FSP is larger than the Temporary Assistance for Needy Families (TANF) program, which was funded at \$16.5 billion in 2003 (Catalogue of Federal Domestic Assistance 2004).

NONCITIZEN ELIGIBILITY FOR FOOD STAMPS

The FSP has few eligibility requirements that go beyond income, but several of the most important pertain to noncitizen applicants. Since the program's inception, undocumented immigrants have never been eligible for benefits; however, the rules for *legal* noncitizens—in particular LPRs—have changed several times in recent years. The 1996 Personal Responsibility and Work Opportunity

Reconciliation Act (PRWORA, P.L. 104-193) made most LPRs and other legal noncitizens ineligible for food stamps, with limited exceptions for some groups: refugees, legal immigrants who had served in the military and their immediate family members, and legal immigrants who could prove they or their spouses, or if minors, their parents, had worked a total of 40 quarters (10 years) in covered employment (Fix and Zimmermann 1999). In 1998 Congress passed the Agriculture Research, Extension and Education Reform Act of 1998 (P.L. 105-185), which restored food stamp eligibility to legal noncitizen children and disabled individuals who entered the United States before PRWORA's enactment on August 22, 1996, as well as to legal noncitizens who were 65 or older and residing in the United States on August 22, 1996 (Food and Nutrition Service 2001). Additionally several states authorized state-funded assistance similar to food stamps, either for some or for all legal noncitizens rendered ineligible by PRWORA.⁴

In 2002 Congress passed the Farm Bill, providing a much broader restoration to legal noncitizens who:

- ❖ Are disabled, regardless of date of entry, effective October 2002;⁵
- ❖ Have been in the United States at least five years, effective April 2003; and
- ❖ Are children ages 18 and under, regardless of date of entry, effective October 2003.

This report focuses primarily on the implementation of these three restorations.

TRENDS IN NONCITIZEN FSP PARTICIPATION

One central question motivating the research is whether the restorations have led to a significant increase in noncitizen FSP participation. Legal immigrants' food stamp participation fell dramatically in the years immediately following

⁴ In 2002 California, Connecticut, Maine, Nebraska, Rhode Island, Washington, and Wisconsin offered state-funded food assistance similar to food stamps to all otherwise eligible legal noncitizens. Food assistance was offered to a smaller subset of legal noncitizens ineligible for federally funded food stamps in Illinois, Maryland, New Jersey, and New York (Food and Nutrition Service 2002b). Massachusetts' state-funded food assistance program ran out of funding in August 2002 and was officially terminated in January 2003.

⁵ The FSP defines disability based on receipt of a disability benefit rather than self-declaration or certification by a doctor. "Disabled" individuals are those under age 65 who receive SSI, and those aged 18-61 who receive Social Security, veterans' benefits, or other government benefits (including state-funded benefits) as a result of disability.

PRWORA, due both to the law's eligibility restrictions and general declines in food stamp participation during the late 1990s. According to the U.S. Department of Agriculture (USDA)'s Food and Nutrition Service (FNS), food stamp use by legal immigrants fell 60 percent from 1994 to 1999, compared to 35 percent overall (Food and Nutrition Service 2001). These sharp declines were found not only among legal noncitizen adults made ineligible by PRWORA's restrictions, but also among refugees and among citizen children with noncitizen parents whose eligibility remained largely unchanged (Fix, Zimmermann and Passel 2001). By September 2001, legal immigrants and their children were participating at rates far lower than those for the general population: about 40 percent of eligible noncitizens and only 34 percent of citizen children living with non-citizen adults were food stamp beneficiaries, versus 62 percent for the overall eligible population (Cunnyngham 2003).

Since the late 1990s, however, deteriorating economic conditions and several FSP policy changes have reversed the trend toward lower participation generally and among legal noncitizens in particular. Total food stamp participation rose from 17 million persons in early 2001 to 23 million by the end of 2003, a figure still short of the peak in participation—nearly 28 million—in March 1994 (Food and Nutrition Service 2004a). Just after the Farm Bill passed in 2002, FNS projected that the three legal immigrant restorations would increase noncitizen participation by about 400,000 by 2006 (Food and Nutrition Service 2003a, 2002c).

FARM BILL AND OTHER PROVISIONS AFFECTING FOOD STAMP ACCESS GENERALLY

The 2002 Farm Bill also included several policy changes to broaden access, in response to concerns from advocates and others that the FSP eligibility rules and application process had become so cumbersome, time consuming and difficult that many families were effectively blocked from obtaining the benefits to which they were entitled (America's Second Harvest 2001, American Public Human Services Association 2001, Food and Nutrition Service 2001, Hayes 2002). In response, the Fiscal Year 2001 Agricultural Appropriations Act, the 2002 Farm Bill, and other

regulatory changes gave states options to change food stamp eligibility determination policies in several key ways. Most notably, states were given more flexibility in counting nonfinancial resources, primarily by allowing families to own more valuable automobiles and still be eligible for food stamps. FSP regulatory changes preceding the Farm Bill allowed applications to be taken over the phone in some cases—for instance, due to illness or conflicts with working hours—thus reducing the number of office visits required to receive benefits. States were allowed to increase reporting periods from three to six months, again requiring less contact with and fewer office visits by beneficiaries (Food and Nutrition Service 2003b).

All of these policy changes took place as a nationwide transition from paper coupons (i.e., paper “food stamps”) to electronic benefit transfer (EBT) cards was completed.⁶ EBT cards function like ATM cards, allowing beneficiaries to avoid the stigma of using paper coupons to buy food. Benefit issuance through EBT cards has also been credited with preventing fraud and lowering FSP administrative costs (Pear 2004).

OTHER POLICIES AFFECTING NONCITIZEN FSP ACCESS

Since PRWORA was implemented, there have also been several policy changes—beyond eligibility restorations—that directly affected *noncitizen* access to the FSP. Some of these changes were designed to make it easier and less intimidating for immigrants to apply for food stamps, while others have made it more difficult.

A number of policy changes have eased noncitizen access. For example, in 1999 the former Immigration and Naturalization Service determined that noncitizens receiving food stamps would not be considered a “public charge” and therefore could not be deported or denied legal status, citizenship or entry into the United States based on their food stamp use (Citizenship and Immigration Services 1999; Food and Nutrition Service 2003a). In 2000 USDA and the Department of Health and Human Services wrote a letter to states instructing them not to inquire about social security numbers or immigration status for household members not applying

⁶ California was the last state to convert from paper food stamps to EBT cards in spring 2004.

for food stamps and other benefits (Department of Health and Human Services and Department of Agriculture 2000). In 2000 President Clinton issued an executive order stating that public agencies could not discriminate against applicants who do not speak English, in keeping with Title VI of the Civil Rights Act of 1964. Following the executive order, the U.S. Department of Justice and several other agencies (though not yet FNS) have issued regulations requiring interpretation and translation services for public benefit applicants and participants who do not speak English (Civil Rights Division 2001). All three of these measures potentially widened access to benefits for immigrant families.

Other policy changes have made it tougher for noncitizens to obtain food stamps. New immigrant sponsorship rules enacted under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act and implemented in December 1997 further restricted legal immigrants' access to food stamps and other benefits. The new rules require family members and others sponsoring immigrants to prove their income is equivalent to 125 percent of the federal poverty level, and mandate that sponsors sign an affidavit of support stating they will repay any public benefits issued to the sponsored immigrant before he or she becomes a citizen. The rules require food stamp eligibility workers to check the sponsor's income and, in many cases, count the sponsor's income alongside the immigrant's household income when determining food stamp eligibility (Food and Nutrition Service 2003a).

BUDGET CUTS AND DECLINING FSP ADMINISTRATIVE RESOURCES

Finally, the Farm Bill restorations to legal immigrants occurred in a context of declining resources for program administration. During the time of our study (2002-2003), most states were in fiscal crisis; California alone was anticipating a budget shortfall of over \$15 billion for fiscal year 2004 (Lav and Johnson 2002). Across the country, budget cuts led to staffing cuts, and caseloads rose for many food stamp eligibility workers. Absent improvements in administrative efficiency, drops in administrative resources threatened to reduce the impact of the Farm Bill legal immigrant restorations and other access improvements.

STUDY OUTLINE AND METHODS

The FNS sponsored this study to obtain a detailed view of state and local implementation of the Farm Bill's legal immigrant food stamp restorations. The study focused on the following specific research questions:

- ❖ How did state and local governments implement the Farm Bill restorations? Were Farm Bill timetables for the restorations met across the study states?
- ❖ How much did states vary in their approaches to outreach and to identifying and converting differing subgroups of newly eligible noncitizens, including those receiving State-funded food stamp replacement programs and those living in households already receiving food stamps?
- ❖ Did States continue to offer state-funded replacement programs to legal immigrants who remained ineligible for the FSP?
- ❖ What implementation challenges were anticipated by food stamp offices in areas with large concentrations of immigrants? Did high flows of new applicants and conversions emerge? What mechanisms did state and local agencies implement to process them, and what practices were effective in accommodating those flows?

These questions were addressed through four waves of data collection in eight states beginning in October 2002 and ending in February 2003. During the first wave—fall and winter of 2002-2003—telephone discussions were conducted with state-level food stamp administrators and advocates to learn about the October 2002 restoration of FSP eligibility to disabled legal immigrants. In the winter and early spring of 2003, as states were preparing for the April restoration of benefits to noncitizens with five years of legal residency, a second wave of telephone discussions with state-level informants was conducted. For the third wave, researchers conducted site visits to two local food stamp offices in each of four states during May and June 2003, as states were enrolling noncitizens newly eligible under the April restoration. Discussions were also held with local food assistance advocates. We found that in May and June, most offices were only just beginning to enroll newly eligible noncitizens, and so we delayed data collection in the other four states until the fall. In early fall 2003 we contacted one local food stamp office and a local advocate in each of the other four states by telephone, again to inquire about the

April 2003 restoration. Finally, later in the fall we conducted the last series of telephone discussions—this time returning to our original state-level informants in all eight states. This last wave focused on the October 2003 restoration to legal immigrant children.

We selected six of the seven states with the largest immigrant populations and two “new growth” states with rapidly increasing immigrant populations for the study. The six large immigrant population states are California, Texas, Florida, Illinois, New Jersey, and Massachusetts.⁷ In 2000, these six states accounted for 60 percent of all noncitizens below the federal poverty level (table 1). In California over a quarter of all poor persons were noncitizens, and noncitizen shares of the poverty population were above the national average (11 percent) in the other five large states. North Carolina (with 5 percent) and Tennessee (with 3 percent) had noncitizen poverty population shares below the national average, but were among the top 10 states with fastest growing immigrant populations during the 1990s. North Carolina had the fastest immigrant population growth rate (274 percent), and Tennessee had the sixth fastest rate (169 percent) (Capps, Fix and Passel 2002).

<u>State</u>	<u>Noncitizen share of total population</u>	<u>Noncitizen poverty population (1000s)*</u>	<u>Poverty rate* for noncitizens</u>	<u>Poverty rate for citizens</u>
United States	11%	4,175	23%	12%
California	26	1,300	25	12
Florida	17	319	22	12
Illinois	12	150	16	10
Massachusetts	12	79	19	9
New Jersey	18	116	15	8
North Carolina	5	70	22	12
Tennessee	3	24	23	13
Texas	14	555	28	14

*Number and share of noncitizens living in families with incomes below the federal poverty level—\$16,700 for a family of four in 1999, and slightly higher for larger families and lower for smaller families.

Source: Urban Institute tabulations of Census 2000 data.

⁷ New York State has the second largest population of immigrants—as well as of noncitizens below the poverty level—but was not included in the study.

The eight study states had varying noncitizen poverty rates in 2000. Texas and California had rates above the national average (23 percent), while Massachusetts, Illinois, and New Jersey had rates below the national average (table 1). Thus demand for food stamps among noncitizens should have been highest in Texas and California, where immigrants were the neediest. Additionally, noncitizens were about twice as likely as citizens to be poor nationally and in most of the study states, suggesting that households with noncitizens have a relatively high need for the FSP and other public benefits designed to alleviate poverty.

The importance of the FSP in preventing hunger has arguably grown since 2000, as food stamp caseloads grew substantially following a recession in 2001 and higher poverty and unemployment rates in 2002 and 2003. For instance, between federal fiscal year 2000 and 2003, total FSP enrollment grew by 24 percent nationally, from 17.1 to 21.3 million people. Between 2000 and 2003, food stamp participation grew faster than the national average in most of our study states: Tennessee (47 percent), Texas (40 percent), North Carolina (33 percent),⁸ Massachusetts (26 percent) and Illinois (25 percent). Growth was somewhat slower in Florida (18 percent), and the total number of food stamp participants actually fell by 7 percent in California and 2 percent in New Jersey (Food and Nutrition Service 2004b).

Study respondents attributed caseload increases in their states mostly to declining economic conditions but also to changes in FSP policies that expanded eligibility and streamlined application and recertification procedures. For instance, administrators in Massachusetts attributed caseload growth to several recent changes designed to make the FSP more “user-friendly.” These changes were implemented in response to criticism regarding the State’s low FSP participation rates and included a shortened application form, more outreach, and waivers for the in-person application requirement. Massachusetts also changed its policy regarding vehicles—exempting all vehicles from eligibility calculations.⁹ Eligibility workers in Texas

⁸ North Carolina’s caseload growth was inflated somewhat by one-time disaster relief recipients following Hurricane Isabel in August 2003.

⁹ Tennessee also began exempting all vehicles from eligibility calculations in January 2004, after our study was completed. Illinois and North Carolina excluded one vehicle per adult at the time of our study; California did so starting in January 2004. Florida excluded the first \$8,500 in combined value for all household automobiles. New Jersey excluded up to \$9,500, and Texas excluded up to \$15,000 in value for one vehicle (Center on Budget and Policy Priorities 2004).

began taking applications over the phone from some applications with work schedule conflicts or transportation difficulties, and reporting periods were changed from three to six months. Texas also began extending food stamps automatically to Supplemental Security Income beneficiaries under its Simplified Nutrition Assistance Program. Tennessee moved its TennCare health insurance program from separate locations into food stamp offices, and began screening more TennCare recipients for food stamps. Some of the other study states also took steps to streamline eligibility and improve access—for instance by offering transitional FSP benefits to former TANF recipients and by simplifying the way in which shelter and utility expenses are calculated.

Along with the declining economy, these improvements in access contributed to higher caseloads in six of the eight study states. The policy changes also established inclusionary norms that set the institutional context for the restoration of benefits to several hundred thousand legal immigrants.

PRELIMINARY IMPACT OF THE FARM BILL LEGAL IMMIGRANT RESTORATIONS

When projecting the impact of the Farm Bill restorations, USDA originally estimated that about 400,000 legal immigrants would be added to the food stamp rolls by 2006, with about 100,000 adults and 20,000 children newly participating immediately following the restorations in 2003 (Food and Nutrition Service 2002c, 2004b). Our initial look at the restorations suggests that the short-term projections have been met or surpassed. The longer-term impact of the restorations, however, was not within the purview of our study.

Our best estimate is that at least 150,000 legal immigrants were added to the caseloads in the eight study states (table 2) between October 2002 and the end of 2003. Most (nearly 135,000) were generated by the April 2003 restoration to noncitizens who had five years of legal residency. The October 2003 restoration, to legal immigrant children regardless of length of residency, generated about 18,000 new participants. The first of the three restorations—to disabled legal immigrants regardless of length of residency, in October 2002—affected a substantially smaller

number of individuals (less than 4,000). These estimates are based on a variety of sources, including: data on caseload trends for legal noncitizen participants (where available); the number of transfers from state food assistance programs; and estimates by individuals we interviewed for the study. Note that these figures likely yield an underestimate, since we obtained a partial estimate for New Jersey and were unable to obtain any data for North Carolina or Tennessee. Moreover, we do not include estimates for any of the other 42 states, which included over one third of all poor noncitizens in 2000 and almost two thirds of the food stamp caseload in October 2003 (Food and Nutrition Service 2004a).

Most legal immigrants added to the caseload by the restorations were former state food assistance beneficiaries in California (almost 100,000), Massachusetts (4,000) and New Jersey (2,000) (table 2). While the restorations produced a significant cost shift from these states to the federal government, for the most part legal noncitizens and their households did not see any changes in benefit levels. In California, the restorations were “seamless”: eligibility staff simply transferred payment of benefits from a state to a federal account. Beneficiaries were not notified of the restorations, because their benefit levels were not affected at all. In Massachusetts the state food assistance program lost its funding in August 2002, and so legal noncitizens there experienced a gap in benefits between August and the date of the restoration (October 2002, April 2003 or October 2003). However, the federal restorations did not change benefit calculations for former state program beneficiaries in Massachusetts either. In New Jersey and Illinois, smaller numbers of state program beneficiaries were transferred to the FSP, in most cases without affecting their benefit levels. Following the restorations, California—the only study state that still had an active state food assistance program for noncitizens—was providing benefits to almost 10,000 legal noncitizen adults without five years of legal residency who remained ineligible for the federal FSP.

<u>State</u>	<u>October 2003 caseload</u>	<u>October 2002 restoration</u>	<u>April 2003 restoration</u>	<u>October 2003 restoration</u>
8 states total	8.2 million	3,600-3,800	134,900	17,900
California	1.8 million	1,200*	79,200*	16,500*
Texas	2.2 million	500-700	24,700**	N/A
Florida	1.1 million	1,300	20,900**	N/A
Massachusetts	324,000	600*	4,200*	1,000*
Illinois	995,000	N/A	3,700	400
New Jersey	357,000	N/A	2,200*	N/A
North Carolina	679,000	N/A	N/A	N/A
Tennessee	785,000	N/A	N/A	N/A

* Former State program beneficiaries.
** Total legal immigrants added to the caseload, restored and new applicants.

Source: state administrative data on caseload trends for legal noncitizens as of late 2003 (where available), and Urban Institute conversations with state food stamp administrators.

There were also significant increases in legal immigrant food stamp caseloads in Texas (25,000), Florida (22,000) and Illinois (4,000).¹⁰ Illinois transferred a few hundred individuals from its relatively limited state food assistance program, but otherwise all of these legal immigrants represented new additions to the caseload. For the most part, the legal immigrants restored in these states lived in mixed citizenship households with U.S.-born citizen children who were already receiving benefits before the restorations. In most cases, the addition of a newly eligible member meant that these households' benefit allocations increased. In a limited number of cases, however, the restorations actually *decreased* the benefits received by mixed citizenship households, because the earnings of working immigrant adults who had been restored raised the income counted for eligibility purposes.¹¹

¹⁰ We were told that there was a significant increase in the number of legal immigrant cases in New Jersey as well, but no estimate was provided beyond the number of state program beneficiaries who were restored.

¹¹ Food stamp benefits are calculated primarily based on household size and income. Following welfare reform, the income of ineligible legal immigrants was discounted by the share they represented of all household members. For instance, in a family of four with two ineligible legal noncitizen adults and two eligible citizen children, only half of the adults' income would be counted for purposes of eligibility determination. The Farm

In two states—North Carolina and Tennessee—we were told that only a small number of noncitizens were affected by the restorations, and no legal immigrant caseload data were available. These two “new growth” states have higher shares of immigrants who arrived within the last five years or are undocumented immigrants, and they also have much lower total immigrant populations when compared to the other six “major concentration” states in the study. Eligibility workers in these states told us that they see households with undocumented adults and U.S. citizen children far more often than they see households with eligible legal immigrants. The Farm Bill did not restore eligibility to adults who are undocumented or recent legal immigrants, nor did it change the eligibility of their citizen children. As a result, the impact of the restorations on noncitizen FSP participation has been more limited in these and the other 20 new growth states.

Our study did not systematically collect legal immigrant caseload data across the country, and the restorations had been in effect a short time—less than a year—when the study was conducted. Thus, we cannot make generalizations about the long-run impact of the restorations. We can conclude, however, that a majority of immigrants restored were either already receiving state-funded benefits or living in mixed citizenship households where other members had been receiving benefits—and in some of these cases, the restorations resulted in little or no benefit gain to the household. There was little evidence that the restorations have significantly increased food stamp participation among immigrant households that were not previously receiving food stamps in the study states, though with time these numbers may grow.

IMPLEMENTATION OF THE FARM BILL RESTORATIONS

TIMELY IMPLEMENTATION

The eight study states and all local offices we contacted acted in a timely manner to implement the three legal immigrant food stamp restorations, regardless

Bill restorations ended this discounting, in some cases raising income enough to reduce or even terminate benefits for a small fraction of households with noncitizen adults. In one Texas region, we heard that benefits declined in 5 percent of mixed citizenship households that had noncitizen members restored, and that benefits stayed the same in 6 percent of these households.

of whether they transferred newly eligible immigrants from state-funded programs, or added members in mixed eligibility households. The restoration of benefits to disabled immigrants was implemented in all eight states by the end of 2002, and by April 2003 all the states had begun accepting and processing food stamp applications for noncitizens with five years of legal residency in the United States. Many began converting formerly ineligible individuals (from either state food programs or mixed eligibility households) in March. In some states, however, it took several months for all the newly eligible immigrants in mixed eligibility households to be added to the caseload, since these additions were generally done at regularly scheduled recertification and some households did not have a recertification scheduled until fall 2003. Similarly, all states began implementing the restoration for legal immigrant children by October 2003, but it took some states a few months to add legal immigrant children to existing food stamp cases at recertification.

The restorations were implemented most rapidly in California and Massachusetts—where legal immigrants were transferred from state food programs, and in Texas, where the addition of newly eligible immigrants was automated and centralized. California sent lists of newly eligible state program beneficiaries to the counties, and staff in the counties transferred these individuals from the state program to the FSP. Beneficiaries were not notified that their eligibility had changed from state to federal, since their benefit amounts did not change. In Massachusetts, the state food program terminated before the Farm Bill restorations took effect, and so the state had to use an outdated list of former state beneficiaries. In some cases the former state beneficiaries lived in mixed eligibility households, and so they were added to the cases automatically. In other cases, household benefits had been terminated altogether, and the state sent notices asking former beneficiaries to come to local food stamp offices to reapply. In Texas, the state sent lists of newly eligible legal immigrants in mixed eligibility households to regional and local offices; in most cases these offices added these individuals to the caseload within three months following each of the restorations. The restorations were implemented somewhat more slowly in the other five study states, where most newly eligible individuals in mixed eligibility households were added to the caseload during recertification.

MINOR WORKLOAD IMPACT AND FEW IMPLEMENTATION CHALLENGES

State and local administrators generally did not report any major challenges in implementing any of the restorations. Eligibility workers also indicated that the changes were, for the most part, straightforward and easy to implement, with the exception of the October 2002 restoration, which required workers in some states to verify receipt of disability benefits across several programs before food stamp eligibility could be established. The October 2002 restoration, however, affected few noncitizens because those who arrived prior to August 1996 were already eligible and those arriving after August 1996 were ineligible for SSI, so only those receiving state-funded general assistance or disability benefits could qualify.

The immigrant restorations required only minor changes in state food stamp policy, and little, if any, training for eligibility workers was viewed as necessary. Generally, states issued policy memos to county, regional and local offices, and then updated their automated eligibility systems and policy manuals. As a rule, states offered little training specific to the restorations beyond information provided through conference calls with senior staff and trainers at the county and regional levels. Local office administrators, in turn, informed eligibility workers through regular staff meetings and more general training sessions.

Study respondents reported that the Farm Bill legal immigrant restorations did not substantially increase their workload, except in California. In fact, study respondents cited office closings, staff reductions, and implementation of Farm Bill options and other administrative changes as having much greater impact on their workload. Local food stamp offices in most of the states experienced only a modest added administrative burden from conversions or new applications and did not report a surge in noncitizen applications following any of the restorations. In California, however, the sheer volume of transfers from the state food program to the FSP (nearly 100,000 statewide for all three restorations) swamped offices in some parts of the states. In the local office we contacted, for example, it took several months to conduct all of the transfers, because eligibility workers were recalculating benefits paid out of federal and state funds on paper—the automated eligibility system was not sophisticated enough to handle this change.

Our study revealed several main reasons why the Farm Bill restorations were relatively easy to implement across the eight study states:

- ❖ The April 2003 restoration required verifying only five years of residency in the United States to establish legal noncitizens' eligibility. Prior to the restoration, caseworkers had to verify a long list of seemingly unrelated criteria for noncitizen eligibility: that either the applicant or their immediately family members had worked for 40 quarters or served in the military; or that the applicant had been admitted as a refugee; or that the applicant resided in the United States legally before August 22, 1996 and either was under 18, disabled or had turned 65 prior to August 22, 1996.
- ❖ The October 2003 restoration dropped the length of residency requirement altogether for children.
- ❖ Some cases were processed centrally, with the aid of lists of newly eligibility immigrants generated at the state level, particularly in Massachusetts and Texas.
- ❖ Most immediate additions to the caseload were either former State program beneficiaries or members of current FSP households, and eligibility workers had already collected most of the information they needed for these households.
- ❖ In most places the Farm Bill restorations did not generate many new cases. In some places—particularly in the new growth states of North Carolina and Tennessee—the restorations did not affect many ongoing food stamp cases either.

Some states were able to accelerate implementation of the Farm Bill's legal immigrant restorations through the use of sophisticated automated eligibility systems. Those states with systems that had more comprehensive information—such as codes identifying receipt of Supplemental Security Income and other disability benefits—appeared to be able to identify and convert legal immigrants more easily and efficiently. Three states (California, Massachusetts, and New Jersey) were able to identify potential new beneficiaries for the April 2003 restoration using their state food program databases. Three other states (Florida, Illinois, and Texas) attempted to use their data systems to generate lists of potentially eligible legal immigrants among mixed eligibility households currently receiving food stamps. Only Massachusetts and Texas, however, were able to add these members of current food stamp households centrally.

While the Farm Bill's legal immigrant restorations were relatively straightforward, determining noncitizen FSP eligibility remains complex. Automation has standardized the process somewhat, but aspects of eligibility determination can be complicated, for instance determining "qualified" legal status and verifying immigration documents in comparatively uncommon cases. For instance, in Florida determining benefit eligibility for Cuban/Haitian entrants is complicated by the fact that they often do not carry the same documents as other refugees or legal noncitizens. Determining food stamp eligibility for larger households, for those with undocumented members, and for those whose members work informally can also be difficult.

INITIAL FINDINGS REGARDING SPONSOR DEEMING AND LIABILITY

While the Farm Bill's new rules simplified legal immigrant eligibility determination in many ways, eligibility determination could potentially be complicated, and noncitizen applicants deterred, by new sponsor deeming and liability rules enacted in 1996. Many legal immigrants enter under the sponsorship of U.S. citizens or legal permanent residents, who are often close relatives. In most cases these sponsors must provide financial support to the immigrants until they become citizens. Whenever a sponsored legal immigrant applies for benefits such as food stamps, he or she is required to provide information about the sponsor's income, and that income is "deemed," or counted as available to the sponsored immigrant's household for purposes of food stamp eligibility. These sponsor deeming rules do not apply to immigrants admitted as refugees (or under similar humanitarian provisions), those sponsored by institutions, or those who were admitted before December 17, 1997, when the new sponsorship rules went into effect (Food and Nutrition Service 2003a).¹² Under new sponsor liability rules, state and local food stamp agencies also have the right to request repayment and possibly to sue sponsors in court for the value of food stamps and other public benefits provided to the sponsored immigrant. These new sponsor deeming and liability

¹² In practice, however, states and local governments are unlikely to pursue sponsors under these "liability" rules since they pay the costs of pursuing sponsors while all the federal government recovers all the benefits.

rules were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996,¹³ and they complemented the legal immigrant eligibility restrictions passed in the welfare reform law the same year.

LIMITED APPLICATION OF SPONSOR RULES

According to our interviews, sponsor deeming rules currently affect a very small fraction of legal immigrants who became eligible under the April 2003 restoration. When this report was written in August 2004, legal immigrants were required to have been in the country by or before August 1999 to be considered eligible for food stamps. The deeming rules, however, only apply to those entering after December 1997. Thus in July 2004, only those immigrants gaining legal admission during a short window of a year and a half were eligible for food stamps *and* subject to the sponsorship rules. This group will grow over time, however, as the number of post-1997 immigrants with five years of legal residency increases.

There are several important exceptions to the FSP deeming rules which could have a significant impact on the number of immigrants to which deeming applies. First of all, children under 18 are now exempt from deeming in the FSP, following the October 2003 restoration. Second, adult immigrants who can show they worked for 10 years or more are also exempt from deeming (i.e., the 40-quarters of covered employment rule is reintroduced for all programs). Third, if immigrants live in the same household with their sponsors, then deeming is irrelevant because all of the sponsor's income would already be counted as available to the household under regular FSP rules. Fourth, if the sponsor lives in a household that also qualifies for food stamps, deeming does not apply. Finally, immigrants with incomes below 130 percent of federal poverty level can be exempted from deeming by claiming "indigence" if they receive no support from their sponsors. The indigence exemption is perhaps the most complex and controversial exception to sponsor deeming, because immigrants who take this exception must agree to have their names and their sponsors' names reported to the U.S. Attorney General (Food and Nutrition Service 2003a). But the indigence exemption is also potentially the most

¹³ Pub L. 104-208, September 30, 1996. For details see Citizenship and Immigration Services 1997.

common, as 130 percent of the poverty level is the income cutoff for food stamp eligibility generally, and so individuals eligible for the FSP should also in theory be eligible for the indigence exemption.

Only three of our eight study states—California, Florida and Massachusetts—had adopted and were enforcing deeming policies, and encountered enough cases with sponsored legal immigrants to comment meaningfully on implementation. We did not hear that deeming policies had been fully implemented or that significant numbers of sponsored immigrants had been encountered in Illinois, New Jersey, North Carolina, Tennessee or Texas, although it is possible that some deeming activity was occurring in parts of these states where we did not collect data.

Among the three states where we found deeming being implemented, we discovered some variation in the degree to which sponsored immigrants were subjected to deeming at all, largely as a result of the exceptions described above. In California, for instance, many immigrants from Mexico live in the same households with their sponsors, while others have sponsors that fall below income thresholds for food stamp eligibility. Deeming applies in neither of these types of cases. In Florida, by contrast, many Cuban immigrants are sponsored by more distant relatives who live in other households and often earn sufficient incomes, and so deeming is often applied in these cases.

VARIATION IN INTERPRETING THE INDIGENCE EXCEPTION

We also found some variation in the interpretation of “indigence” that different eligibility workers apply to deeming cases. Some workers defined indigence for sponsored immigrants as having an income below 130 percent of the federal poverty level (the same threshold for food stamp eligibility) with no receipt of income or in-kind support from sponsors. In practice, this interpretation would allow almost any sponsored immigrant—with the exception of those directly supported by their sponsors—to choose to take the indigent exemption. Other eligibility workers, however, defined indigence more narrowly requiring that the immigrant be “destitute” and “abandoned” by the sponsor. These narrower

definitions do not meet FNS guidelines (Food and Nutrition Service 2003a), and it seems they reflect the interpretations of individual caseworkers rather than state policy. All study respondents agreed that immigrants were generally unlikely to choose the indigent exemption due to the U.S. Attorney General reporting provision.

VARIATION IN ALLOWING SPONSORED IMMIGRANTS TO “OPT OUT” OF HOUSEHOLDS

A third area where interpretations vary is whether sponsored immigrants should be allowed to “opt out” of the household (i.e., withdraw themselves from the food stamp case in order to protect the benefits of other household members). In practice, only Massachusetts had developed a system for allowing sponsored immigrants to opt out of cases; this system gives immigrant applicants three choices: (1) agree to report the sponsor’s income and have this income deemed (i.e., included as part of the household’s income for eligibility purposes); (2) take the indigent exemption and be reported to the U.S. Attorney General; or (3) opt out of the case and have benefits calculated as if the immigrant were ineligible. (The third option has the same impact on the household’s benefit allocation—the loss of benefits for the individual immigrant—as if that immigrant were ineligible due to less than five years of legal residency or unqualified due to lack of legal immigration status.) None of these three choices works to the benefit of the immigrant who either (1) risks losing food stamp eligibility for the entire household,¹⁴ (2) risks possible immigration repercussions once reported to the U.S. Attorney General, or (3) must accept a reduction in household benefits.

Our first look at implementation of the sponsor deeming rules suggests that there are several other ways in which these rules may substantially “chill” noncitizen FSP participation. To begin with, immigrants may not be in contact with their sponsors; in many cases, they may not even know who they are or where they live.¹⁵ Immigrants may also be reluctant to contact their sponsors and request that they

¹⁴ Allowing the sponsor’s income to be deemed as available to the sponsored immigrant could result in the loss of benefits to the entire household.

¹⁵ U.S. Citizenship and Immigration Services has information linking immigrants to their sponsors but it has not yet been automated, so finding and verifying information on sponsors can be difficult and time consuming.

share sensitive information about income and resources. Once sponsors have been contacted, they must continue to share information on income and resources on an ongoing basis, just like beneficiaries in food stamp households. The preliminary evidence from California and Florida suggests that many immigrants are withdrawing their applications altogether once they learn about the sponsor deeming and liability requirements.¹⁶

FOOD STAMP OUTREACH TO IMMIGRANTS

LIMITED PUBLICITY ABOUT THE LEGAL IMMIGRANT RESTORATIONS

The impact of the Farm Bill legal immigrant restorations may also be muted by relatively limited publicity about the restorations and little food stamp outreach specifically targeting immigrant populations. Limited publicity may explain the limited response from newly eligible immigrants not already involved with the Food Stamp Program.

Illinois is the only study state in which we encountered a major public campaign to announce any of the legal immigrant restorations. In March 2003 the Illinois Hunger Coalition (IHC) conducted a media campaign involving public service announcements in English and Spanish on radio and television. The campaign resulted in thousands of phone calls to IHC's hunger hotline to inquire about the April 2003 restoration, though we did not hear about any major impact on noncitizen food stamp enrollment in the state.

In the other states, restoration-specific outreach activities were also conducted by non-profit organizations but generally consisted of notifying advocacy networks about the restoration at regularly scheduled meetings or trainings and disseminating materials covering the restorations. In Tennessee, outreach workers from Manna (an anti-hunger group in Nashville) made presentations to local advocate networks about FSP rules and the restorations. Manna also developed a series of materials about the FSP and restorations in Spanish, Arabic and Kurdish. West Tennessee Legal Services designed an English/Spanish language coloring book

¹⁶ In a California Immigrant Welfare Collaborative survey of 312 health care providers and other agencies, concerns about being required to repay benefits arose frequently as barriers to public benefit participation among these agencies' immigrant clients (National Immigration Law Center 2004).

for children that included information about the April and October 2003 restorations on the back cover; the coloring book was distributed at elementary schools and a children’s fair. The North Carolina Justice Center developed a series of bilingual materials about the FSP that included the April and October 2003 restorations, and distributed them at community events. The Massachusetts Reform Law Institute (MLRI) distributed a food advocacy guide and trained local CBOs and legal services groups regarding the FSP. MLRI also helped Project Bread, a Boston food advocacy organization, develop flyers for public schools. These flyers included three main messages: (1) food stamp receipt does not result in a public charge determination; (2) children may receive benefits even if their parents are not eligible; and (3) the food stamp office does not report clients to immigration authorities. The outreach director of a local food bank in New Jersey disseminated 6,000 FNS posters about the restoration to a network of food pantries and soup kitchens.

Publicity and outreach surrounding the Farm Bill legal immigrant restorations were conspicuously absent in California. Advocates felt that outreach about the restorations might confuse immigrants about their eligibility, since *all* legal immigrants were already eligible for the state food program before the Farm Bill restorations took effect. In fact, a significant number of noncitizens *without* five years of legal residency (perhaps as many as 9,000 or 10,000) were still receiving state-funded benefits *after* all three restorations were implemented.¹⁷ Advocates were concerned that outreach workers might send the wrong message—that some legal immigrants are eligible for federal benefits while others are not—and thereby depress participation in the state food program.

LIMITED STATE FUNDING FOR FSP OUTREACH

We also examined general food stamp outreach strategies—beyond those focused on the Farm Bill restorations—in all eight study states. Most of the strategies we encountered were funded by a combination of FNS grants and private sources. Several States were implementing outreach activities funded through the

¹⁷ California was the only study state with an active state food assistance program for legal immigrants following the restorations.

second round of FNS outreach grants.¹⁸ Among the study states, grantees in California, Florida, Illinois, Massachusetts, New Jersey, and North Carolina were implementing a variety of outreach activities through this funding stream. Overall, the grantees targeted a variety of audiences; those in California, Illinois, and New Jersey included Spanish speakers and/or immigrants among their target populations. In addition, during the time of our study (2002-2003), FNS made available several outreach tools and supports including an online prescreening tool that helps people determine if they may be eligible for food stamp benefits; informational materials translated into 35 languages--including “Changes in the Food Stamp Program Make More Legal Immigrants Eligible for Benefits;” and several free posters and flyers promoting use of food stamps. FNS also initiated a campaign to insert a Spanish-language flyer into community newspapers to publicize the Farm Bill restorations.

In late 2003, only one of the study states—Texas—had a state-funded food stamp outreach program. The Texas Department of Human Services, working in collaboration with the Texas Association of Community Action Agencies (TACAA), funded outreach contractors in six major metropolitan counties with high poverty and low food stamp participation rates. Although the TACAA program did not target immigrants specifically, the six counties with outreach providers all had large immigrant populations. Most of the TACAA outreach contractors had bilingual outreach staff, and one organization partnered with the United Farm Workers to reach rural immigrant populations.

While Illinois provided no state funding dedicated to food stamp outreach in 2003, the Illinois Department of Human Services had a \$4.6 million line item in its budget for outreach to immigrants “for any public benefit.” The Illinois Coalition for Immigrant and Refugee Rights (ICIRR) received a portion of that money, which in turn was distributed to member organizations for outreach on refugee assistance, food stamps, SSI, Supplemental Food Program for Women, Infants, and Children (WIC), Medicaid, KidCare (Illinois’ State Children’s Health Insurance Program), and other public benefits. Information on benefits, though not food stamp specific, was

¹⁸ Under a separate contract with FNS, the Urban Institute is conducting the national evaluation of these outreach grants, formally known as “Food Stamp Research Grants to Improve Access through the Use of New Technology and Partnerships.”

translated into eight different languages for this project. ICIRR has also provided application assistance for the FSP, Medicaid and KidCare.

In 2003 New Jersey supported outreach with food stamp administrative funds.¹⁹ The state sponsored a series of Spanish-language television advertisements encouraging people to apply for the FSP and Medicaid. The commercials did not, however, specifically mention the legal immigrant eligibility restorations.

ELECTRONIC PRESCREENING OF APPLICATIONS

Most of the food stamp outreach providers we contacted were assisting immigrants in the application process, and an increasing number were using prescreening software to do so. Outreach providers in six study States—all but North Carolina and Tennessee—were using some version of an electronic prescreening tool in 2003. These prescreening programs vary in their sophistication with regard to determining noncitizen food stamp eligibility. Of the seven prescreening tools we reviewed,²⁰ three include detailed questions on immigration status. (These were: RealBenefits in Florida, Illinois and Massachusetts; Project Bread's Food Stamp Calculator in Massachusetts; and 2.0 Helpline Access in Florida). Two of these (Real Benefits and Project Bread's Food Stamp Calculator) also probe sponsor deeming requirements. Of the other four prescreening tools, two (New Jersey Helps, and Texas Assistance and Referral System) simply ask whether or not the applicant is a U.S. citizen, and the other two (New Jersey Food Stamp Screening Tool and Texas Lonestar Card Benefit Estimator) do not include any questions on citizenship or immigration status. None of the states or outreach agencies included in the study were using the FNS prescreening tool. Respondents told us that they developed their own tools or used private vendors because they

¹⁹ The state subsidized outreach by reinvesting FSP administrative funds that would otherwise have been returned to the federal government. FNS sanctioned New Jersey—i.e., cut the state's administrative funding for the FSP—because of a high payment error rate in the program. FNS allowed New Jersey to reallocate some of the sanctioned federal administrative funding to food stamp outreach.

²⁰ California's tool, which was developed by two food banks and funded by USDA, was not reviewed for this study because it was not yet available on the Internet (www.food-stamp.org) in June 2004.

wanted shorter, simpler prescreening tools, or software tailored to state-specific eligibility requirements for other benefit programs.

Stepped up outreach, application assistance and the emergence of prescreening software in most of our study states could potentially increase legal immigrant participation in the FSP. One important challenge facing outreach providers—even when aided by prescreening tools—is the complexity of noncitizen food stamp eligibility determination. Like workers in local food stamp offices, outreach providers need extensive training in the nuances of immigrant eligibility, as well as language and cultural competency to reach various immigrant populations.

ACCESS ISSUES FACING IMMIGRANT APPLICANTS

Despite the Farm Bill restorations, noncitizens continue to face several important barriers when applying for food stamps and other public benefit programs. The food stamp application process varies in complexity from office to office. In addition, as noted in previous Urban Institute research, “any difficulties faced by individuals attempting to navigate the application process are compounded for noncitizens and limited English speakers” (Holcomb et al 2003). Over the course of our current study, we asked questions about how FSP operations—in particular customer service in local food stamp offices—were affected by state budget crises during 2002-2003. We also asked respondents about other issues that might affect noncitizen access to food stamps: language access and fears about immigration consequences came up most frequently.

LANGUAGE ACCESS

Availability and quality of interpretation and translation services can affect immigrants’ food stamp access, as we have found in our previous work (Holcomb et al 2003). By the end of 2003, seven study States had translated their food stamp applications and many supporting materials into Spanish, and North Carolina—the eighth state—was in the process of translating its application. Translation into other languages was less common. Food stamp offices employed several strategies to provide interpretation during application interviews and other client contacts,

including: bilingual staff, contracts with interpreters from other agencies, and language lines which use a third person as the interpreter over the telephone.

Across all eight States, we heard that improvements were being made in providing interpretation, especially through bilingual staff, but that some serious problems remained—particularly in rural areas and for less common languages. In California, for example, the office we contacted had bilingual staff speaking more than half a dozen languages; yet, advocates indicated that bilingual staff were not always available and that there were problems covering the many other languages spoken in the area. In Florida we heard that most offices in the Miami area had bilingual staff speaking Spanish and Haitian Creole—the two predominant foreign languages there—but that interpretation problems were common in other parts of the state, especially in rural areas. Similarly, in Tennessee we heard that Nashville area offices had Spanish and Arabic speaking staff, but interpretation resources were much scarcer in other parts of the state.

PUBLIC CHARGE AND OTHER IMMIGRATION-RELATED FEARS

Throughout the study, respondents noted that many noncitizens harbor “public charge” concerns. That is, immigrants are afraid that participation in the FSP may affect their applications to become citizens, ability to sponsor relatives, or in some cases, the ability of undocumented family members to remain in the United States.

Despite the fact that various federal agencies have declared that receipt of food stamps should not trigger a public charge determination or in any way affect immigration benefits and proceedings (Citizenship and Immigration Services 1999; Food and Nutrition Service 2003a), there still appears to be a great deal of misinformation on this subject in immigrant communities. According to study respondents, sources of misinformation include immigration lawyers, consultants such as *notarios*²¹, and, on rare occasions, staff in local food stamp offices. Lawyers,

²¹ *Notarios* are informal immigration consultants who often have close personal links with immigrant communities but generally lack legal qualifications and experience. *Notarios* are often thought to be a source of misinformation in these communities.

in particular, want immigrants to have a “clean record” in order to make their cases for receiving visas and other immigration benefits easier to argue.

Public charge concerns are motivated in large part by immigrants’ general anxiety about dealing with government agencies, and as such they are very difficult to dispel. Across the study states, anecdotes and rumors about these issues abound—for instance, undocumented immigrants who have been picked up by immigration authorities and deported after visiting a food stamp office, or citizenship applicants who are denied based on previous food stamp receipt. Furthermore, some food stamp offices engage in practices that may heighten noncitizens’ anxiety, for instance fingerprinting applicants (e.g., in California and Texas).

The true extent to which these public charge concerns depress noncitizen participation in the FSP is extremely difficult to measure, and these issues are challenging to address. Yet, it is unlikely that the full impact of the Farm Bill restorations on noncitizen participation will be felt without outreach and other measures to reduce immigrant fears about approaching food stamp offices and other public agencies for assistance.

BUDGET CUTS, CUSTOMER SERVICE AND RELATED ISSUES

At the time of this study, the study states were facing fiscal crises that affected their FSP operations, but the extent of the crisis varied considerably from state to state. During recent years, budget crises have resulted in significant reductions in food stamp administrative staff in California, Florida, Illinois, Massachusetts and Texas—particularly in the major metropolitan areas. Budget problems and FSP staffing cuts were not as acute, however, in New Jersey, North Carolina or Tennessee.

At the same time, participation in the FSP rose substantially in six of the eight study states (see page 19). All states used Farm Bill options and other FSP policy changes to increase access and lower workloads—for instance by lengthening reporting and recertification periods—although again there was great variation among the states. By 2003 all study states except California had converted to EBT cards from paper food stamp coupons, also facilitating participation in the program;

California did so in spring 2004. In general, workers across the states face increasingly high caseloads due to both staffing cuts and participation increases.

In some states we heard that high workloads and application processing procedures have affected customer service in ways that could depress noncitizen food stamp participation. One problem across several states was the apparent failure of food stamp offices to process applications that were prescreened by outreach providers. The Illinois Hunger Coalition found that a significant share of applications that they prescreened were lost even before they made it to eligibility workers in food stamp offices. Advocates in California had similar complaints about applications submitted by food banks there. A second problem involves the time and effort required to follow up on pending applications when eligibility workers must obtain additional information—verification of employment or housing expenses, e.g.—to complete the case. Eligibility workers need time to send letters, make phone calls and check databases carefully in such cases.

Workers have less and less time to process each application as their caseloads rise; we heard about caseloads of 600, 800, and even 1,000 per worker in some of the larger offices we contacted for the study. These high workloads make it nearly impossible for workers to respond to inquiries from applicants, and so applicants are experiencing increasing difficulty in finding out the disposition of their applications. Language and communication difficulties exacerbate all of these customer service problems for immigrants, and poor customer service also reinforces immigrants' stereotype of government agencies as unresponsive and unfriendly.

CONCLUSIONS

Overall, we found that the Farm Bill legal immigrant restorations were implemented in a timely fashion in our study states, and short-term targets for increased noncitizen participation in the FSP have been met. According to our best estimates, over 150,000 legal immigrants were added to the FSP rolls across the eight states—above the USDA target of 120,000 for immediate impact in 2003, and well on schedule to meet the goal of enrolling 400,000 legal immigrants by 2006. For these immigrants and their families, the Farm Bill represents a significant policy

success in terms of supplanting the legal immigrant restrictions in PRWORA. The full impact of the legal restorations, however, has yet to be seen or measured.

The Farm Bill's legal immigrant restorations were implemented in a generally inclusionary institutional environment: food stamp participation was rising and states were implementing many other measures to streamline application procedures and improve access. These improvements—especially the use of EBT cards, relaxation of vehicle asset tests, and the acceptance of applications through the mail and over the telephone—appear to have increased participation among the eligible population generally in several of our study states. In other states, implementation of these options lagged and participation has yet to show substantial increases. California, for instance, had not implemented EBT or liberalized its vehicle policy until early 2004, after our study was completed. Automation and streamlined application procedures also helped eligibility workers handle increasing workloads in some of the study states. Additionally, translation and interpretation services for immigrants who do not speak English well were improving in many of the states. Over time, these access improvements and streamlined procedures may have as much or more of a positive impact on noncitizen FSP participation as the restorations themselves.

Despite initial signs that the Farm Bill restorations have successfully raised noncitizen food stamp participation, several important questions remain about their long-term impact:

- ❖ Will the restorations reach many new immigrant households, or will the restorations be limited mainly to transferring individuals from state to federally funded benefits and increasing the number of beneficiaries in households already receiving food stamps? Ongoing Urban Institute research into trends in FSP participation among legal immigrants, funded by the Economic Research Service at USDA, should shed light on this question.
- ❖ Will the Farm Bill's legal immigrant restorations have a relatively large impact on future trends in noncitizen FSP participation, or will other access improvements and streamlined procedures have a greater impact than the restorations themselves?
- ❖ Will outreach be effective in further raising FSP participation among immigrants? How will outreach providers deal with the nuances of immigrant eligibility and craft messages to allay immigrant fears about government benefit receipt?

- ❖ Will immigrant fears about public charge, deportation and other issues continue to dampen their participation? How best can these fears be overcome?
- ❖ Will staffing and capacity issues limit immigrant participation, particularly in terms of language access? Will states continue to implement procedures that improve customer service and ameliorate staff workload in local food stamp offices? Or will the effects of budgetary and staffing cutbacks impose special disadvantages on non-English speaking clients and other noncitizens?
- ❖ Will sponsor deeming result in the denial of increasing numbers of legal immigrant food stamp applicants? Will immigrants agree to be reported to the U.S. Attorney General or choose to have themselves removed from food stamp cases, where possible? Or will a large share of noncitizens be deterred from applying at all?
- ❖ Will states decide to enforce sponsor liability provisions, or be forced to do so by advocacy or legal action? Will states begin requiring sponsors to pay back benefits?

These questions may take several years to answer, but in the shorter term our research finds that the Farm Bill legal immigrant restorations reached a significant share of their target population.

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