
Immigration: Understanding Fears and the Right to Food

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Presentation overview

1. New immigration policies and trends
2. What has and has not changed about immigrant eligibility for food assistance
3. What is Immigration and Customs Enforcement (ICE)'s authority?
4. Resources for getting more information
5. Break out session - Strategies for confronting challenges and barriers

New immigration policies and trends

Cristina Parker, Immigration Programs Director, Grassroots Leadership

Current law - eligibility for food assistance

- **U.S. citizens**, no matter who lives in their household, are eligible for SNAP
- Certain **lawfully present immigrants** can qualify for SNAP
 - Examples: Refugees, asylees certain abused immigrants, certain survivors of trafficking
 - Lawful permanent residents, or LPRs (people with green cards): Must show that they have had LPR status for 5 years prior to qualifying
- Federal rules for emergency food assistance program don't place limits based on immigration status

Current law - Effect of receiving SNAP or emergency food on immigration status

- **Public charge:** Application for permanent residence (not citizenship) can be denied if found likely to become a public charge
 - SNAP and emergency food not currently considered in assessment of whether likely to become public charge (i.e., depend on public benefits)
 - *Totality of circumstances* - health, age, income, education and skills, employment, family circumstances, and affidavits of support
- Also, **certain types of immigrants are exempt** from being denied permanent residence under public charge ground
 - Examples: Refugees, asylees, special immigrant children

Current law - Sponsor liability for SNAP benefits

Affidavits of support: Only required in certain circumstances

- US citizens and LPRs sign affidavit to sponsor a person, usually a relative, who is applying for lawful permanent residence (green card)
- Affidavit promises to maintain the immigrant at 125% of poverty guidelines, until certain conditions are met
- Sponsor may be required to repay certain public benefits the immigrant later receives, including SNAP benefits

Leaked public benefits memo (not law)

- Executive order about public benefits leaked in February 2017 - was never signed, **is not in effect**
- What does it say?
 - Public charge assessment would include any benefits based on financial need (i.e., SNAP would lead to a finding of public charge)
- Chilling effect

Risks/benefits analysis

- Consider referring concerned clients to an immigration attorney
- If already enrolled, no advantage to disenrolling
- Public charge applies to benefits the immigrant has received, not the U.S. citizen household member, unless public benefit is sole means of support
- As always, very important not to misrepresent information on public benefits applications

ICE enforcement authority

- ICE can enter **public** areas without a search warrant
- If ICE wants to enter **private** areas, must have a search warrant signed by a judge or receive consent
 - Area is private if there is a reasonable expectation of privacy (locks, signs)
- If ICE wants to obtain **data or documents**, must have a search warrant or subpoena
 - Documents indicating immigration status can be used against an immigrant in deportation proceedings
- If ICE wants to **question people (in a public space)** about their immigration status, they do not need a warrant
 - Individuals have the right to remain silent and not answer ICE questions

Possible policies and procedures

- Designate a point person on immigration-related policies
 - Only this person is able to review validity of search warrant or provide consent to search
- Identify public v. private areas
 - Add security measures and signs
 - Written policy
- Share resources with clients to learn more about their rights
 - Make relationships with local immigration non-profit agencies, how to make referrals
 - Keep printed resources on hand
- Create policies about information-gathering and storage
- Staff training

Resources

- National Immigration Law Center - www.nilc.org
- Immigration Legal Resource Center - www.ilrc.org
- RAICES - www.raicestexas.org
- Immigration Advocates Network - www.immigrationadvocates.org
- Grassroots Leadership Community Defense Hotline - **(512) 270-1515**
- United We Dream Hotline - **(844) 363-1423**

Service provider perspective

Iliana Gilman, Chief Executive Officer, El Buen Samaritano

Small group discussion

1. Is this an issue for your agency?
2. What steps will you take to lessen the fear, reassure clients, or help clients make informed decisions about whether to access benefits?
3. Would you consider creating a policy about how to handle requests for information or access to property from ICE?
4. How will you make a policy?
5. Who will be the point person for your policy?
6. What is the next step you will take regarding this issue when you go home?