

Providing Food Assistance to Immigrant Communities in an Uncertain Political Environment

Shifts in the current administration have created uncertainty and confusion in many immigrant communities, leading individuals and families to become more hesitant in seeking resources and/or voluntarily withdraw from any resources they are currently accessing. In an effort to provide individuals and organizations more support, the Hunger Coalition has reached out to local and national immigration organizations to pull together information that can be shared with clients across food assistance programming.

If your organization has any questions about the information provided in this brief, please contact:

Marcia@sdhunger.org

I. Considerations and Resources for Food Security Organizations

1) Food Distributions

Background:

Food distributions can occur at a variety of community based locations. Types of food distributions vary and may include both charitable food and food provided by federal programs, including The Emergency Food Assistance Program (TEFAP) and the Commodity Supplemental Food Program (CSFP).

Key Messaging:

- Current shifts in administration do not impact eligibility for food assistance at distributions.
- Federal AND state laws that protect privacy of people applying for public programs remain in place and cannot be overridden by Executive Order.
- While ID may be required for TEFAP, it does not need to be government issued and social security number collection is prohibited.
- The majority of food distributions do not request information about participant identity.

What You Can Do as an Organization:

- Engagement of local immigration legal services to attend food distributions when appropriate or bring food distributions directly to legal services, examples include:
 - Cabrini Immigration Services, NYC: <http://cis-nyc.org/food-pantry-2/>
 - Legal Services at Sacramento Food Bank: <http://www.sacramentofoodbank.org/immigration-legal-services/>
- Inclusion of messaging and legal service information on food bank/pantry website, examples include:
 - Sacramento Food Bank & Family Services: <http://www.sacramentofoodbank.org/immigration-legal-services/>
 - Vermont Food Bank: <https://www.vtfoodbank.org/2017/02/vermont-foodbank-extends-welcome.html>
- Use of mobile food distribution to bring food closer to identified safe spaces, including neighborhoods, ethnic markets, faith based institutions and individual homes
- Many immigrants are likely not aware of their rights. Developing messaging for pantry sites to post, reassuring recipients of commitment to serve regardless of status, examples include:
 - San Francisco Marin Food Bank: <http://www.marinij.com/article/NO/20170226/NEWS/170229859>



2) School/Youth Meals

Background:

The School Nutrition Program (SNP) is a federally assisted meal program operating in public and nonprofit private schools and residential child care institutions throughout the United States. The School Nutrition Programs consist of the following program types: National School Lunch, School Breakfast, Special Milk, Meal Supplements, and Seamless Summer Feeding Option. California's School Nutrition Programs are administered by the California Department of Education (CDE).

Key Messaging:

- Household information provided on a meals benefit application (school lunch application) is strictly confidential. An individual's information cannot be shared among schools, districts, or state and federal agencies.
- Immigration status is not requested/collected to receive school meals.
- Receiving free or reduced price school meals are not considered for public charge.
- Immigration status is not requested at no cost summer meal sites.
- It's important to provide factual information when completing applications to prevent fraud.

What You Can Do as an Organization:

- Have information about Public Charge readily available to share with community members.
- Direct households that would like further clarification to an approved immigration service.
- Provide relevant information to families: A school district's website is a valuable resource to determine if a Governance Board Resolution has been granted to create a sanctuary jurisdiction at school. For example, <https://www.sandiegounified.org/newscenter/news-release-california-education-leaders-president-trump-we-will-protect-immigrant-students>

3) CalFresh and WIC

Background:

CalFresh (SNAP) and WIC are federal supplemental food assistance programs offered through the US Department of Agriculture (USDA). San Diego County HHS administers the CalFresh program, although there are a variety of nonprofit application assistance agencies across the county. WIC is implemented by 5 regional nonprofit organizations.

Key Messaging:

- Laws and policies surrounding public charge have not changed; receiving CalFresh (SNAP) or WIC are not considered for public charge.
- Immigration status is not requested/collected for receipt of WIC.
- Federal AND state laws that protect privacy of people applying for public programs remain in place and cannot be overridden by Executive Order.
- There may be no advantage to disenrolling from a program; for those families who are extra cautious, opting out and receiving benefits for citizen children is a strong alternative.
- It's important to provide factual information when completing applications to prevent fraud.
- Additional information: www.nilc.org/issues/health-care/exec-orders-and-access-to-public-programs/

What You Can Do as an Organization:

- Post information about providing resources regardless of immigration status publicly in your organization.
- Have information about Public Charge readily available to share with community members: <http://www.sandiegohungercoalition.org/know-your-rights>
- Direct households that would like further clarification to an approved immigration service.



II. Nonprofit Organization Rights

Know your 4th Amendment rights: The 4th Amendment prohibits government officials from making “unreasonable searches and seizures” of “persons, houses, papers and effects.” What you need to know for your organization:

Officers do not need a warrant or any reason to enter areas open to the public. Officers DO need a warrant to enter nonpublic areas during working hours or to enter when a business or nonprofit is closed.

Examples of Public Spaces:

- Open lobby, or area of the organization that does not require permission to enter
- Open parking lot or parking lot that is easy to visually inspect
- Exterior of building (private property does not prevent search if accessible to public)

Examples of Nonpublic Spaces:

- Spaces that require participant registration, appointment or permission to enter
- Gated, visually barricaded parking lots

The Department of Homeland Security has “policies concerning enforcement actions at or focused on sensitive locations,” such as schools, hospitals, clinics and places of worship; however, these policies have exceptions and **ARE NOT BINDING LAW**

The strongest form of protection is preparation. Strong internal protocols and policies (and practice) can prepare staff in the case ICE or Border Patrol arrives. If an ICE officer or Border Patrol agent comes to the organization, consider taking the following steps:

1. Remain calm- breathe.
2. Contact (and have ready) a lawyer immediately
3. Ask the officer(s) for name, identification, and agency.
4. Ask to see a copy of the warrant; verify your organization’s information, the type of warrant, and if it’s signed by a judge.
5. State clearly that you do not consent to search or entry of any non-public area.
6. State clearly that you decline to answer questions you don’t want to answer.
7. Document everything in writing immediately and thoroughly. Video, if you can. (You should have the First Amendment right to videotape law enforcement officers, but ICE or Border Patrol may not recognize that right. Do not risk arrest or assault by officers if they order you to stop videotaping.)

III. Opportunities to Engage in Legislative Policy Around Immigration

- AB 3 (Bonta) Stronger Public Defenders Act: will help public defenders competently represent immigrant Californians and help them avoid deportation consequences.
- SB 54 (de León) CA Values Act: would prohibit state and local law enforcement agencies, including school police and security departments, from engaging in immigration enforcement or using any state or local resources in carrying out enforcement activities.
- SB 6 (Hueso) Due Process for All Act: takes significant strides towards providing universal access to representation by launching a state-funded program to provide attorneys to people in removal proceedings.

IV. Legislative Policy Resources

- California Immigrant Policy Center – Public Benefits: <https://caimmigrant.org/what-we-do/healthcare/>
- California Immigrant Policy Center – State Budget: <https://caimmigrant.org/what-we-do/state-budget/>
- American Immigration Lawyers Association: <http://www.aila.org/advo-media/whats-happening-in-congress/pending-legislation>
- ACLU: <https://www.aclu.org/action> and <https://www.aclusandiego.org/our-work/legislative-advocacy/>



V. Considerations and Resources for Clients

If clients you're serving ask for additional information, here are resources to begin the conversation:

1) Considerations

- **Everyone has basic rights, no matter what a person's immigration status is.** For individuals who are stopped by immigration enforcement or the police, it's important for them to know they have the right to remain silent and they have the right to speak to a lawyer. Clients can carry a "Know Your Rights" card when leaving their homes. If a client is ever stopped by an officer, they can provide the card.
- **If Immigration and Customs Enforcement (ICE) or Border Patrol comes to a client's home, they have the right to ask for a warrant.** If ICE or Border Patrol does not have a warrant signed by a judge, the client can refuse to open the door until the ICE members present a valid warrant signed by a judge.
- **Clients should always carry with them any valid immigration documents,** like a work permit or green card, in the event they are stopped by an immigration official.
- **For mixed status families, it is recommended to create an emergency plan** in the event an undocumented family member is detained. The plan should include a child care plan for any children in the household and information about trusted immigration legal help: http://readynowsandiego.org/wp-content/uploads/2016/12/family_preparedness_plan.pdf
- **Not all immigration advice is equal!** Clients should only work with an accredited organizations.
 - List of free to low cost options in San Diego: <https://tinyurl.com/krmwgo2>
 - Tips to avoid immigration law fraud: <http://readynowsandiego.org/avoid-fraud/>
- **If detained, clients should always have a lawyer present** before signing any documents presented by ICE or Border Patrol.
- **If you encounter a raid, and once it is safe to do so, clients can report and document** raids and arrests by calling United We Dream's hotline: 1-844-363-1423.
- **Make the best decision for yourself surrounding AB60 CA Driver's License,** <http://driveca.org/resources/> can provide additional resources to make informed choices.

2) Resources

- Know Your Rights cards for clients in English, Spanish, Chinese, Arabic, Korean, Farsi, and Somali: <https://www.nilc.org/issues/immigration-enforcement/everyone-has-certain-basic-rights/>
- Know Your Rights With Border Patrol: <https://www.aclusandiego.org/border-patrol-checkpoint-resources/>

Organizations offering to host workshops for your clients:

- **UURISE**
Type of training: Know Your Rights, DACA, Naturalization, Safety Planning, Immigration Relief for Marginalized Immigrants and Immigration Relief for Victims of Domestic Violence
Website: <http://uurise.org/> **Contact:** 760.477.7537 or info@uurise.org
- **Legal Aid Society of San Diego**
Type of training: Naturalization clinic, Immigration
Website: <https://www.lasdsd.org/content/outreach-community-education> **Contact:** 877.534.2524
- **Ready Now San Diego**
Type of training: Know Your Rights and Other Forms of Immigration Relief, Citizenship Assessment
Website: <http://readynowsandiego.org/> **Contact:** 619.363.3423 or info@readynowsandiego.org

