

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 10, 2013

The Honorable John McCain
U.S. Senator
241 Russell Senate Office Building
Washington, DC 20510

The Honorable Lindsay Graham
U.S. Senator
290 Russell Senate Office Building
Washington, DC 20510

The Honorable Marco Rubio
U.S. Senator
317 Hart Senate Office Building
Washington, DC 20510

The Honorable Jeff Flake
U.S. Senator
B85 Russell Senate Office Building
Washington, DC 20510

Dear Colleagues:

A primary concern related to a large-scale legalization of illegal immigrants is the long-term cost for taxpayers. The public comments from your group have created confusion. We therefore write to seek your clarification and to obtain concrete information about the long-term costs that will be imposed on taxpayers once millions of illegal immigrants eventually become eligible not only for our nation's major entitlements but approximately 80 different means-tested welfare and low-income assistance programs.

As we discovered through several oversight requests from the Agriculture, Budget, and Judiciary Committees, existing federal immigration law designed to protect taxpayers is not enforced by this administration. One of the biggest challenges facing any reform of our nation's immigration laws is the refusal of this administration to enforce the laws already on the books. That background is attached to this letter.

According to the framework released by your group, illegal aliens would not be eligible for certain benefits during a period of probationary status. The rejection of that principle by the Democrat members of your group during a vote on an amendment to the budget raises significant concern. Moreover, even if the bill does contain strong, loophole-free language to this effect, it will only succeed in delaying—not reducing—the cost to taxpayers. In addition, a work requirement as a condition of amnesty would do little to nothing to protect taxpayers over the long term.

Once the present illegal population receives green cards, they will be eligible under current law for a wide array of federal welfare programs including food stamps, Supplemental Security Income, Temporary Assistance for Needy Families, and Medicaid. By their very nature, these programs necessarily represent a net fiscal cost to taxpayers. The long-term costs, and the strain on resources for low-income Americans, could be enormous. This was contemplated by lawmakers when crafting and then reaffirming the public charge statute in 1996. These fiscal costs could grow once today's illegal population is granted citizenship, and could include substantial costs imposed on Medicare and Social Security as low-income former illegal immigrants retire and draw benefits in excess of what they paid into those programs.

Given these concerns and our congressional oversight responsibilities, we therefore ask that you provide the following information regarding the long-term costs of your bill:

1. Please list all federal benefits, means-tested aid, and other assistance programs explicitly denied to illegal immigrants during their probationary status.
2. Please list all federal benefits and aid programs former illegal immigrants become eligible for once granted green cards, or permanent residency.
3. Please provide an estimate of the cost to taxpayers in the first full 10-year window after illegal immigrants are granted green cards and become eligible for federal assistance.
4. Please provide an estimate of the cost to taxpayers in the first full 10 years of citizenship, including the costs of chain migration.
5. Please provide an estimate of the increase in cost to our nation's long-term unfunded obligations, including Medicare, Social Security, and Obamacare, of a pathway to citizenship for the illegal immigrant population. This should be the recognized 75-year window.
6. Please provide the specific language your legislation includes to ensure enforcement of the currently unenforced section 212 of the Immigration and Nationality Act.
7. Please provide our offices, which have the relevant expertise to analyze fiscal effects, any legislative language concerning the aforementioned questions.

Finally, we ask that you commit to us that you will seek an estimate from the Congressional Budget Office that examines your legislation's long-term impact on the Federal budget before any member is asked to vote on the bill in committee or on the Senate floor.

Thank for your attention to this matter. It is essential that we have answers to these questions before any legislation is unveiled so that the public can be informed and provide input.

Very truly yours,

Chuck Grassley

Jeff Sessions

Pat Blunts



United States Senate Budget Committee

JEFF SESSIONS | Ranking Member

Immigration And The Welfare State

How The Obama Administration Defies Federal Law

It is an explicit and unambiguous tenet in federal law that those granted entry into the U.S. must be able to support themselves financially. But the Obama Administration has aggressively defied this strict federal statute. What are new promises worth when existing law is unilaterally waived?

Last year, the Ranking Members of Budget, Finance, Judiciary, and Agriculture Committees [wrote an oversight letter](#) to Secretaries Napolitano and Clinton that said in part:

"The [Immigration and Nationality Act] specifically states: 'An alien who... is likely at any time to become a public charge is inadmissible.' ... We were thus shocked to discover that both the State Department and DHS exclude reliance on almost all governmental welfare programs when evaluating whether an alien is likely to become a public charge... Under your interpretation, an able-bodied immigrant of working age could receive the bulk of his or her income in the form of federal welfare and still not be deemed a 'public charge.'"

DHS even has a website, WelcomeToUSA.gov, that features a page promoting welfare benefits to newly arrived immigrants. (Some of these benefits, under law, should **automatically disqualify the applicants** from entry into the U.S. The page is also being updated to promote free coverage under the President's health law.) That DHS does not object to immigrant welfare use is confirmed by the Department's data: from FY 2005 through August of FY 2012, **just 9,796 applicants out of more than 116 million were turned away on the public charge basis** (amounting to a denial rate of 0.0084 percent). DHS even admitted that in the last year, *it was unable to find a single immigrant* who had become a public charge. In sum: Despite laws to the contrary, virtually no one is being turned away from the United States for relying on federal welfare.

Relatedly, USDA Secretary Tom Vilsack has stopped complying with efforts to learn more about his Department's efforts to enroll immigrants and non-citizens on 15 USDA-administered welfare programs. The Department has even produced and broadcast soap opera-like "radio novelas" featuring individuals who were pressured into accepting benefits *despite insisting that government assistance was not needed*. USDA has also entered into a partnership with Mexico to boost welfare enrollment among non-citizens. Thanks in part to such controversial tactics, food stamp usage among immigrants has quadrupled since 2001. Vilsack missed deadlines in [October](#) and [December](#) to answer questions about USDA's activities.

Against this backdrop, it should come as no surprise that a recent Center for Immigration Services [study](#) found that 36 percent of immigrant-headed households received at least one welfare benefit in 2010 (including [public housing](#)). The Heritage Foundation's Robert Rector offered this [mathematical analysis](#) in 2007: "On average, low-skill immigrant families receive \$30,160 per year in government benefits and services while paying \$10,573 in taxes, creating a net fiscal deficit of \$19,587 that has to be paid by higher-income taxpayers... It takes the entire net tax payments (taxes paid minus benefits received) of one college-educated family to pay for the net benefits received by one low-skill immigrant family."

As Ranking Member Sessions has explained, **"Encouraging self-sufficiency must be a bedrock for our immigration policy, with the goal of reducing poverty, strengthening the family, and promoting our economic values. But Administration officials and their policies are working actively against this goal."**

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United States Senate

COMMITTEE ON THE BUDGET
WASHINGTON, DC 20510-6100

MARY ANN BAYLOR, MAJORITY STAFF DIRECTOR
MARLENE PRAUSCH, MINORITY STAFF DIRECTOR
www.budget.senate.gov

July 18, 2012

The Honorable Tom Vilsack
Secretary
Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Dear Secretary Vilsack:

The USDA has an ongoing partnership with the Mexican Government as part of a campaign to increase food stamp enrollment among both citizen and non-citizen immigrants, including those who may only reside in the country part-time. My Budget Committee staff recently asked USDA's Food and Nutrition Service to furnish materials relating to this partnership and the expenditure of taxpayer dollars, such as SNAP literature that is being distributed through Mexican consular offices. Despite these requests, that material has not been provided.

I would therefore formally request that the Committee be provided with the following documents and information without delay:

1. All Memorandums of Understanding between USDA and the Mexican Government regarding the Supplemental Nutrition Assistance Program (SNAP) and other USDA welfare programs
2. A list of all programs, meetings, or other activities involving USDA and the Mexican Government to increase enrollment, as well as a copy of all literature, brochures, posters, or other outreach materials distributed or displayed by Mexican consulates related to the food stamp program
3. Any internal documents regarding guidance provided by USDA to the Mexican Government concerning strategies for increasing enrollment
4. To USDA's knowledge, is any SNAP outreach information being distributed by the Mexican Government within its own borders?
5. To USDA's knowledge, are individuals completing applications for SNAP, as well as other related benefits contained on SNAP forms such as SSI, TANF, WIC, etc., within consulate offices?

6. How many non-citizen immigrants have been enrolled in SNAP in each of the last ten years?
7. Under current regulations illegal immigrants may obtain food stamp benefits for their household if other members of the household are deemed eligible but not for themselves. States must determine if applicants (or household members for whom the benefits are sought) are citizens or are qualified aliens eligible for benefits. Verification standards, however, vary widely. Applicants need only attest that they are citizens of the United States, and the state must accept that attestation as conclusive. Some states currently voluntarily participate in the Systematic Alien Verification for Entitlements (SAVE) program, which allows administrators to run a simple check to determine if non-citizen applicants are eligible for benefits. States that do not use SAVE to verify alien status may simply accept the applicant's attestation of legal status as a substitute for verification or, alternately, may accept submitted documents without checking their veracity. Does USDA support implementing SAVE in every state to ensure existing law is enforced?

It is a sound principle of immigration policy that those who come to America be able to take care of themselves financially. This "partnership" and related consulate activity appears to assume that principle is no longer in effect.

It has become increasingly clear that the mission of the food stamp program has moved from targeted welfare assistance for those in need into an aggressive drive to expand enrollment regardless of need. To cite just one example, a character in a USDA-produced Spanish-language "radio novela" tries to convince a friend to enroll in food stamps even though that individual says, "I don't need anyone's help. My husband earns enough to take care of us." The first individual responds: "When are you going to learn?" Pride ought to be celebrated, not mocked.

The compassionate policy is not seeking to place the largest possible number of people on welfare support—pressuring, even intimidating, those who resist. Rather, the goal should be to help people move from welfare to gainful employment, to ensure benefits are targeted to those in genuine need, and to seek a future where more Americans are able to achieve financial independence.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeff Sessions", is written over a light blue circular stamp.

Jeff Sessions
United States Senator

JS:al



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

SEP 12 2012

The Honorable Jeff Sessions
Ranking Member
Committee on the Budget
United States Senate
624 Dirksen Senate Office Building
Washington, D.C. 20510-6100

Dear Senator Sessions:

Thank you again for your letter of July 18, 2012, requesting information on the partnership established in 2004 between the Department of Agriculture (USDA) and the Mexican Embassy and its consulates in the United States to raise awareness of the Supplemental Nutrition Assistance Program among those eligible for its benefits.

This letter follows up on my letter of July 24, 2012, in which I enclosed a copy of the Mexico-U.S. Partnership for Nutrition Assistance Initiative and the standard information packet regarding nutrition assistance programs that was shared with the Mexican consulates.

Our nutrition assistance programs are the first line in the Nation's defense against hunger. We are steadfast in our commitment to reduce food insecurity and end hunger. The distribution of program information and outreach to people potentially eligible for benefits has been an essential part of effective program operations for decades, to ensure that those who need assistance are aware of the eligibility requirements and benefits of nutrition assistance programs.

The Mexico-U.S. Partnership for Nutrition Assistance Initiative is just one of a wide range of USDA partnership activities intended to promote awareness of nutrition assistance among those who need benefits and meet all program requirements under current law. We do not pressure any eligible person to accept benefits, nor is our goal to simply increase the number of program participants, but we are determined to help people in need make informed decisions about whether or not to seek assistance for which they may be eligible.

I share the goal stated in your letter, which is to help people move toward gainful employment and financial independence. At the same time, the Nation's nutrition assistance programs have never been needed more to help struggling families until they get back on their feet. I hope that this information clarifies our efforts and my views on these vital programs. Enclosed are detailed answers and materials responsive to your requests.

The Honorable Jeff Sessions
Page 2

Please have a member of your staff contact Brian Baenig, Assistant Secretary for Congressional Relations, at (202) 720-7095 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack". The signature is fluid and cursive, with a large initial "T" and "V".

Thomas J. Vilsack
Secretary

Enclosures

**ENCLOSURE: RESPONSES TO QUESTIONS
FROM SENATOR SESSIONS IN HIS JULY 28, 2012 LETTER**

- 1. All Memorandums of Understanding between the Department of Agriculture (USDA) and the Mexican Government regarding the Supplemental Nutrition Assistance Program (SNAP) and other USDA welfare programs.**

Provided via letter dated July 24, 2012.

- 2. A list of all programs, meetings, or other activities involving USDA and the Mexican Government to increase enrollment, as well as a copy of all literature, brochures, posters, or other outreach materials distributed or displayed by Mexican consulates related to the food stamp program.**

USDA personnel have met periodically with embassy officials and other stakeholders to discuss nutrition assistance programs as well as to provide program updates. The majority of these activities—roughly 80 percent—occurred between 2004 and 2008. Our records indicate that:

- Between 2004 and 2012, the U.S.-Mexico Partnership for Nutrition Assistance participated in approximately 29 health fairs and similar events associated with Bi-National Health Week in 19 U.S. cities.
- Between 2004 and 2012, Food and Nutrition Service (FNS) representatives participated in approximately 91 meetings with Mexican Embassy officials and consulate staff in 25 U.S. cities.
- Between 2004 and 2012 FNS representatives and Embassy or consulate staff participated in approximately 31 roundtable discussions, conferences, or forums in 20 cities.

Please note that while we thoroughly reviewed our records to identify all such activities, it is possible that additional activities during the last 8 years were not recorded or that such records are no longer available.

We provided outreach materials used for distribution to potentially eligible people via letter dated July 24, 2012.

It should be noted that neither the meetings nor the outreach materials were intended to pressure any eligible person to accept benefits, or to simply increase the number of people enrolled in SNAP or other programs. Their purpose was to help eligible people in need make informed decisions about whether or not to seek assistance.

3. Any internal documents regarding guidance provided by USDA to the Mexican Government concerning strategies for increasing enrollment.

Official guidance provided to the government of Mexico included the Partnership Agreement (provided via letter dated July 24, 2012) and two Action Plans, developed jointly by USDA and the Mexican Government, to define specific activities to implement the Agreement. The overall purpose of this guidance was to help eligible people in need make informed decisions about whether or not to seek assistance.

Action Plans spanning the years of 2004-2005 and 2006-2007 are attached. No subsequent plans were developed.

4. To USDA's knowledge, is any SNAP outreach information being distributed by the Mexican Government within its own borders?

USDA is not aware of any such activities by the government of Mexico within that country's borders.

5. To USDA's knowledge, are individuals completing applications for SNAP, as well as other related benefits contained on SNAP forms such as SSI, TANF, WIC, etc., within consulate offices?

USDA is not aware of any individuals completing applications for SNAP, other nutrition programs, or other benefit programs within the Mexican consulate offices.

6. How many non-citizen immigrants have been enrolled in SNAP in each of the last ten years?

SNAP eligibility has never been extended to undocumented non-citizens. The Farm Security and Rural Investment Act of 2002, Public Law 107-171, restored SNAP eligibility to most lawfully present non-citizens, including individuals who reside in the United States for 5 years, children under 18 years of age, and individuals receiving disability-related assistance or benefits.

The table below shows that changes in the number of non-citizens lawfully present and eligible for SNAP who participate has essentially followed the same pattern as the total number of SNAP participants, with total legal non-citizens, including refugees, holding steady between 3.5-4.0 percent of total caseload since 2004.

**Number of Legal Non-citizens Participating in the
Supplemental Nutrition Assistance Program
(Numbers in thousands)**

Fiscal Year	Total Participants	Refugees		Other Legal Non-citizens	
		Number	Percent	Number	Percent
2001	17,297	215	1.2	425	2.5
2002	19,041	177	0.9	457	2.4
2003	20,934	196	0.9	519	2.5
2004	23,486	216	0.9	693	3.0
2005	24,881	187	0.8	760	3.1
2006	25,595	195	0.8	795	3.1
2007	25,926	193	0.7	761	2.9
2008	27,791	203	0.7	765	2.8
2009	32,889	278	0.8	994	3.0
2010	39,759	311	0.8	1,232	3.1

Source: Characteristics of [Food Stamp] Supplemental Nutrition Assistance Program Households (various years). Available at www.fns.usda.gov/ora.

- Under current regulations illegal immigrants may obtain food stamp benefits for their household if other members of the household are deemed eligible but not for themselves. States must determine if applicants (or household members for whom the benefits are sought) are citizens or are qualified aliens eligible for benefits. Verification standards, however, vary widely. Applicants need only attest that they are citizens of the United States, and the state must accept that attestation as conclusive. Some states currently voluntarily participate in the Systematic Alien Verification for Entitlements (SAVE) program, which allows administrators to run a simple check to determine if non-citizen applicants are eligible for benefits. States that do not use SAVE to verify alien status may simply accept the applicant’s attestation of legal status as a substitute for verification or, alternately, may accept submitted documents without checking their veracity. Does USDA support implementing SAVE in every state to ensure existing law is enforced?**

SNAP benefits are limited to U.S. citizens and certain legal non-citizens. Illegal immigrants are not—nor have they ever been—eligible for SNAP. Program regulations require that an individual who submits an application for SNAP must sign a statement, under penalties of perjury, attesting to the citizenship and alien status of those applying for program benefits. Non-citizen applicants must provide documentation of legal immigration status as a condition of eligibility. Under no circumstances may a non-citizen self-attest to his or her legal immigration status.

The Food and Nutrition Service (FNS) diligently supports program integrity and continually seeks to ensure that only those clients who are eligible receive benefits. If an applicant’s citizenship is questionable, the State agency must verify it. Under Federal law, the verification of immigration status may not discriminate against or target specific groups.

To be clear, States that do not have access to the Systematic Alien Verification for Entitlements (SAVE) system may not simply accept a non-citizen applicant's attestation as to legal status. Self-attestation to legal immigration status is not allowed. The State agency must verify the immigration status of all non-citizens who apply for program benefits. Non-citizens who apply for SNAP are required to provide documentation of legal immigration status as a condition of eligibility. State agencies can verify the status of these individuals through the Department of Homeland Security (DHS) with either the SAVE system or through a manual verification process by submitting a form to DHS to verify the immigrant's status.

FNS supports the use of SAVE, and most State agencies utilize SAVE to verify the status of non-citizens who apply for SNAP. States that have chosen to use SAVE to verify status are required to use it for all non-citizen SNAP applications. Regardless of the means of verification, the applicant's status is subject to quality control reviews to ensure accuracy.

THE MEXICO-U. S. PARTNERSHIP FOR NUTRITION ASSISTANCE INITIATIVE

CONSIDERING the friendship and excellent cooperation between the Governments of the United Mexican States and the United States of America.

RECOGNIZING the experience of the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) in administering 15 domestic nutrition assistance programs designed to help the most vulnerable populations meet their food needs and that program access to underserved communities in need, including the Hispanic community, has been a longstanding concern for this Administration.

ACKNOWLEDGING that many Mexican Americans, Mexican nationals working within the U.S. and migrant communities situated in border and rural areas and in many metropolitan areas throughout the U.S. may be unaware of their potential eligibility for or the avenues for accessing information about Food Stamps, Special Supplemental Nutrition Program for Women, Infants and Children – WIC, and school meal programs aimed at improving health and reducing the incidence of hunger in America.

APPRECIATING that the Mexican consulates throughout the Nation, offer the largest network of consulates in the U.S. and have the potential to complement FNS regional and State administering offices, to enhance the opportunity to cooperate on projects to address barriers and increase access to nutrition assistance programs.

TAKING INTO CONSIDERATION that nutrition education to improve eating behaviors is a concern shared by the governments of the United Mexican States and the United States of America.

The Ministry of Foreign Affairs of the United Mexican States (SRE) through its Embassy and consulates in the United States of America; the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food of the United Mexican States (SAGARPA), and the United States Department of Agriculture (USDA), hereinafter "the Participants", intend to establish "The Mexico-U.S. Partnership for Nutrition Assistance Initiative."

The aim of this initiative is to improve access to FNS nutrition assistance programs for eligible Mexicans in America by ensuring that information on FNS programs, including Program eligibility criteria and the health benefits of a nutritious diet, are disseminated in English and Spanish through a cooperative framework established by the Participants and to have the Participants collaborate on community-based activities and events benefiting the Mexican-Americans, Mexican nationals working within the U.S. and migrant communities situated in border and rural areas and in many metropolitan areas throughout the U.S.

To achieve this objective, the Participants intend to coordinate their efforts to implement activities and projects in the following areas:

- a. **Information Dissemination** - Provide information on eligibility criteria for FNS programs, in English and Spanish, to Mexicans in America thereby improving their access to FNS nutrition assistance programs.
- b. **Information Exchange** - Exchange information on the health benefits of a nutritious diet.
- c. **Assistance Collaboration** - Collaborate on community-based activities and events and establish a framework for future collaborative efforts in nutrition assistance utilizing consulate offices and USDA regional and field offices and the affiliated partner network.
- d. **Cooperative Enhancement** - Strengthen bi-lateral cooperation for the development and enhancement of nutrition assistance programs.

The Participants intend that this mutually beneficial working relationship will be further expanded through:

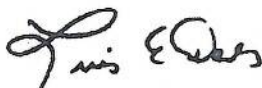
- a. **Engaging in an information forum** on the topic of nutrition assistance program information. The forum would include an orientation for SRE focusing on FNS nutrition assistance programs history, a broad overview of program success, program eligibility criteria and a discussion of barriers to participation impacting program access in the Hispanic community.
- b. **Developing an information package** containing brochures and eligibility information on nutrition assistance programs for distribution to the Mexican consulates in the U.S., with a similar distribution of Mexican Embassy and consulate information provided to each regional administrator of the seven FNS regional offices and public affairs staff.

- c. Providing public service announcements along with other recent nutrition assistance public service announcements designed to be used to communicate through consulate radio network affiliates and television, as available, to overcome potential language barriers to program access.
- d. Developing a working relationship among FNS regional offices and Mexican consulate offices, Hispanic organizations and nutrition advocates which would support potential roundtable sessions in selected cities throughout the Nation focusing on policies and procedures that may create barriers to Mexican populations in America eligible for FNS program participation; ensuring State and local agencies correctly and consistently apply eligibility policies and rules and that they educate the general and eligible population; evaluating the need for the development of outreach campaigns to address specific needs in targeted communities.
- e. Cooperating in the development of outreach plans designed to improve access to targeted communities and potentially affecting activities at the national as well as local level. The outreach plans would utilize consulate, regional and state affiliations to promote the partnership, including community and faith-based organizations.

Each Participant is responsible for the costs of its participation in all cooperative activities conducted pursuant to this initiative. All cooperative activities that may be undertaken are subject to the availability of funds, resources and personnel and are to be conducted in accordance with the laws and regulations of each respective Participant.

Done at the city of Washington, D.C., on the twenty second day of July of two thousand and four, in the Spanish and English languages.

**FOR THE GOVERNMENT OF THE
UNITED MEXICAN STATES**



**Luis Ernesto Derbez Bautista,
Minister of Foreign Affairs**

**FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA**



**Ann M. Veneman,
Secretary of Agriculture**

INICIATIVA DE SOCIEDAD PARA LA ASISTENCIA NUTRICIONAL MEXICO-EUA

CONSIDERANDO la relación de amistad y excelente cooperación entre los Gobiernos de los Estados Unidos Mexicanos y de los Estados Unidos de América.

RECONOCIENDO la experiencia del Servicio de Alimentos y Nutrición (*Food and Nutrition Service, FNS*) del Departamento de Agricultura de los Estados Unidos de América (*USDA*) en la administración de quince programas nacionales de asistencia nutricional diseñados para cubrir las necesidades alimenticias de la población más vulnerable, y que el acceso a estos programas por parte de las comunidades más desfavorecidas, incluyendo a la comunidad hispana, es una preocupación constante para la actual Administración.

CONSIDERANDO la posibilidad de que un gran número de mexicanos y mexico-americanos que trabajan en los Estados Unidos de América y los de comunidades de migrantes en la región fronteriza, en las áreas rurales y metropolitanas de los Estados Unidos de América carezcan de información sobre los criterios de elegibilidad y la forma para acceder a los programas de cupones de alimentos (*Food Stamps*), el Programa Especial de Nutrición Suplementaria para Mujeres y Niños (*Special Supplemental Nutrition Program for Women, Infants and Children - WIC*) y los programas de alimentos escolares; programas que tienen como fin mejorar la salud y reducir la incidencia de hambre en los Estados Unidos de América.

OBSERVANDO que los Consulados mexicanos en los Estados Unidos de América constituyen la red más importante de Consulados y que tienen la capacidad de apoyar a las oficinas administrativas estatales y regionales del *FNS*, para ampliar las oportunidades de cooperación en proyectos que busquen eliminar obstáculos e incrementar la participación en los programas de asistencia nutricional.

TOMANDO EN CUENTA que la educación nutricional para mejorar los hábitos alimenticios es una preocupación compartida por los Gobiernos de los Estados Unidos Mexicanos y de los Estados Unidos de América.

La Secretaría de Relaciones Exteriores de los Estados Unidos Mexicanos (SRE), a través de su Embajada y Consulados en los Estados Unidos de América; la Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación de los Estados Unidos Mexicanos (SAGARPA), y el Departamento de Agricultura de los Estados Unidos de América (USDA), denominados "los Participantes", establecen la "Iniciativa de Sociedad para la Asistencia Nutricional México - EUA".

El objetivo de esta Iniciativa es aumentar la participación de los mexicanos que residen en los Estados Unidos de América y que son elegibles para acceder a los programas nutricionales del FNS, garantizando que la información de estos programas, incluyendo los criterios de elegibilidad y los beneficios de una dieta nutritiva para la salud, sean difundidos en inglés y español a través de un marco de cooperación establecido por los Participantes; así como establecer la colaboración entre los Participantes en actividades comunitarias y eventos que beneficien a mexicanos y mexicano-americanos, que trabajan en los Estados Unidos de América, y los de comunidades de migrantes en la región fronteriza, y en las áreas rurales y metropolitanas.

Para alcanzar este objetivo, los Participantes procurarán coordinar esfuerzos para implementar actividades y diseñar proyectos en las siguientes áreas:

- a. **Difusión de Información** - Proporcionar información sobre los criterios de elegibilidad de los programas del FNS, en inglés y español, a mexicanos que residen en los Estados Unidos de América, a fin de que puedan acceder a los programas de asistencia nutricional del FNS.
- b. **Intercambio de Información** - Intercambiar información sobre los beneficios de una dieta nutritiva para la salud.
- c. **Colaboración en la Asistencia Nutricional** - Colaborar en actividades y eventos comunitarios, y establecer un marco de referencia para futuros esfuerzos de colaboración en asistencia nutricional utilizando las oficinas consulares, las oficinas regionales y locales del USDA y la red de colaboradores afiliados.
- d. **Fortalecimiento de la Cooperación** - Fortalecer la cooperación bilateral en relación con el desarrollo y el mejoramiento de programas de asistencia nutricional.

Los Participantes procurarán que esta relación de trabajo que beneficia a ambos países se amplíe a través de:

- a. La participación en un foro informativo sobre el tema de programas de asistencia nutricional. El foro incluiría orientación para funcionarios de la SRE, sobre la historia, desarrollo y criterios de elegibilidad de los programas de asistencia nutricional del FNS, y discusiones sobre los obstáculos que enfrenta la comunidad hispana y que impactan de forma negativa su acceso a estos programas.
- b. El diseño de un paquete informativo que contenga folletos e información sobre los criterios de elegibilidad de los programas de asistencia nutricional para ser distribuidos en los Consulados mexicanos en los Estados Unidos de América. Por su parte, la Embajada y los Consulados de México distribuirán su propio paquete informativo a cada uno de los administradores y funcionarios de relaciones públicas de las siete oficinas regionales del FNS.
- c. La utilización de anuncios de asistencia pública de manera conjunta con otros anuncios sobre asistencia nutricional para ser difundidos a través de las estaciones de radio afiliadas a la red consular y canales de televisión, en donde sea posible, para eliminar la posible barrera de lenguaje que impide el acceso a estos programas.
- d. El desarrollo de una relación de trabajo entre las oficinas regionales del FNS y los Consulados mexicanos, organizaciones hispanas y grupos promotores para una nutrición adecuada, que apoyaría la organización de foros en ciudades selectas de los Estados Unidos de América que se enfocarían en las políticas y los procedimientos que pudieran crear obstáculos para el acceso a los programas del FNS por parte de los mexicanos que residen en los Estados Unidos de América; garantizando que agencias estatales y locales apliquen las políticas y las normas de forma correcta y sistemática, y eduquen a la población en general y aquella que cumple con los criterios de elegibilidad; evaluando la necesidad de diseñar campañas informativas enfocadas a las necesidades específicas de ciertas comunidades.
- e. La cooperación en el desarrollo de programas de difusión para mejorar el acceso a comunidades seleccionadas a nivel nacional y local. Los programas de difusión utilizarían a los Consulados, organizaciones regionales y estatales para promover esta iniciativa, incluyendo a las comunitarias y religiosas.

Cada Participante es responsable de los costos derivados de su participación en cada una de las actividades que se realicen de acuerdo con esta Iniciativa. Todas las actividades de cooperación que se lleven a cabo estarán sujetas a la disponibilidad de fondos, recursos y personal, y deberán realizarse de conformidad con las leyes y reglamentos de cada uno de los Participantes.

Firmada en la ciudad de Washington, D.C., el veintidós de julio de dos mil cuatro, en los idiomas español e inglés.

**POR EL GOBIERNO DE LOS ESTADOS
UNIDOS MEXICANOS**

**POR EL GOBIERNO DE LOS ESTADOS
UNIDOS DE AMERICA**



**Luis Ernesto Derbez Bautista,
Secretario de Relaciones Exteriores**



**Ann M. Veneman,
Secretaria de Agricultura**

U.S. – MEXICAN PARTNERSHIP FOR NUTRITION ASSISTANCE

Action Plan 2004-2005

A collaboration between the USDA Food and Nutrition Service and the Mexican Embassy to promote improved nutrition assistance program information and access by the traditionally underserved Hispanic population.

INTRODUCTION

The U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS) administers 15 domestic nutrition assistance programs designed to help the most vulnerable populations meet their food needs. Ensuring program access to underserved communities in need has longstanding been a particular concern for this Administration. For the Hispanic community, access is further complicated by language barriers and residency impacts relating to citizenship and immigrant status.

Meetings between FNS and the Mexican Ministry of Agriculture and the Embassy of Mexico's Office of Migration Affairs/Ministry of Foreign Affairs revealed a common interest in communicating eligibility criteria and access information relating to nutrition assistance programs. Many Mexican Americans, Mexican nationals working within the United States and migrant communities situated in border and rural areas and in many metropolitan areas throughout the U.S. may be unaware of their potential eligibility for, or the avenues for accessing information about Food Stamps, Special Supplemental Nutrition Programs for Women, Infant and Children and school meal programs aimed at improving health and reducing the incidence of hunger in America. Preliminary discussions presented possibilities for partnership among Mexican consulate offices situated across the U.S. and seven FNS regions, further complemented by FNS field offices and State agencies directly responsible for the administration of nutrition assistance programs.

Establishing a partnership to improve access to nutrition assistance programs is in accordance with the strong, longstanding relationship between the United States and the Mexican government and supports the Secretary of Agriculture's efforts to ensure minority community access to USDA programs through efforts such as the USDA Southwest Border Initiative and the White House Faith-based and Community Initiative.

GOALS

Utilize established consular network to:

- Inform Mexicans in the United States of eligibility criteria for FNS programs, in English and Spanish, thereby improving their access to FNS nutrition assistance programs
- Exchange information on the health benefits of a nutritious diet

- Collaborate on community-based activities and events
- Establish a framework for future collaborative efforts utilizing consulate community-based offices and USDA regional and field offices and affiliated partner network
- Establish a framework to strengthen bi-lateral cooperation for the development and enhancement of nutrition assistance programs in Mexico.

PARTICIPANTS

USDA Secretary Ann M. Veneman
 Mexican Secretary of Foreign Affairs, Luis Ernesto Derbez Bautista
 Mexican Ambassador Juan José Bremer Martino
 USDA Food, Nutrition, and Consumer Services Under Secretary Eric M. Bost
 Mexican Minister of Migration Affairs or Foreign Affairs Carlos Félix-Corona
 Agricultural Counselor Froylán Gracia
 Mexican Embassy and consulates
 USDA Food and Nutrition Service Headquarters
 USDA Office of Communications
 USDA Foreign Agriculture Service
 USDA Food and Nutrition Service Regional Offices
 State agencies administering nutrition assistance programs

TARGET COMMUNITIES

- Mexican Americans in metropolitan areas
- Mexican nationals legally working in the United States
- Rural-based migrant communities
- Mexican-American border communities
- Working poor who are legal immigrants
- Immigrant children and families
- Elderly legal immigrants

TIME FRAME FOR IMPLEMENTATION

July 2004 through April 2005

OBJECTIVE 1

Develop a Partnership Initiative Document

FNS will work with the Mexican Embassy to develop an official partnership initiative document to reflect the concept behind the Partnership for Nutrition Assistance and specific goals and objectives mutually agreed upon by USDA, FNS, and Mexican Embassy signature parties. FAS will assist with the coordination effort. The U.S. Secretary of Agriculture and the Mexican Secretary of Foreign Affairs will sign the agreement.

OBJECTIVE 2

Conduct FNS orientation at the Mexican Embassy, Washington, D.C.

FNS headquarters staff will conduct an information forum to provide nutrition assistance program information to embassy staff. Orientation will include a history and broad overview of FNS nutrition assistance programs, eligibility criteria and a discussion of barriers to participation impacting program access in the Hispanic community.

OBJECTIVE 3

Distribute English and Spanish language brochures to Mexican consulates and establish a network for information exchange

FNS will develop an information package containing brochures and eligibility information on nutrition assistance programs for distribution to the approximate 45 Mexican consulates. A joint letter from the Under Secretary, Food, Nutrition, and Consumer Services (FNCS) and the Mexican Minister of Migration Affairs endorsing and explaining the collaborative effort will accompany the package. In addition to FNS regional contact information, the package will enable consular staff to request additional FNS products for initial distribution to target audiences and subsequent outreach, on an as needed basis.

A similar distribution of Mexican Embassy and consulate information will be provided to each regional administrator of the seven FNS regional offices and public affairs staff. Information provided will include information about relating to partnership goals and objectives, consulate contact information and encouragement to utilize available staff and material resources to advance partnership objectives at each available opportunity.

Information exchange includes links from the FNS web site to the Mexican Embassy and consulate webs.

OBJECTIVE 4

Disseminate existing FNS Spanish language public service announcements to consular media affiliates

FNS is currently developing public service announcements as part of a broad-based media plan to improve food stamp access by addressing specific issues relating to eligibility. The media campaign directly relates to the restoration of eligibility to legal immigrants (legal permanent residents) who have lived in America for at least 5 years and legal immigrant children and legal immigrants receiving other disability benefits without the waiting period. Consulates will utilize these public service announcements along with other recent nutrition assistance public service announcements to communicate through consulate radio network affiliates, and television, as available to overcome potential language barriers to program access.

OBJECTIVE 5

Conduct Roundtable sessions across the country on eliminating barriers to nutrition program participation

The Mexican Embassy and FNS headquarters will work with FNS regional offices and Mexican consulate offices, Hispanic organizations and nutrition advocates to plan and implement roundtable sessions in selected cities throughout the Nation to discuss concerns relative to policies and procedures that may create barriers to Mexican populations in America relative to FNS program participation; to ensure State and local agencies correctly and consistently apply immigration policies and rules and that they educate the general and eligible population; and to evaluate need for the development of outreach campaigns to address specific needs in targeted communities.

OBJECTIVE 6

Establish multi-layered partnerships between regional, State, and consulate offices

FNS regional and administering State offices will collaborate with Mexican consulate offices to develop outreach plans to improve access to targeted communities. Plans and implementation guidelines will include objectives and related activities at the national level in addition to actions geared to address local access concerns. The outreach plans will utilize consulate, regional and state affiliations to promote the partnership, including community and faith-based organizations.

OBJECTIVE 7

Partner with the Institute for Mexicans Abroad and similar programs for collaborative efforts to promote healthy lifestyles among targeted Mexican populations

Collaborative efforts on activities and events to enhance hunger awareness and the benefits of a nutritious diet will be encouraged between consulates and FNS affiliated offices at the local level. Partnering efforts with the Institute for Mexicans Abroad, formerly the Mexican Communities Abroad Program, will occur subsequent to the program's current reorganization. The program for the betterment of Mexican communities situated in other countries, promotes education, cultural, health, business and technological interface through U.S. State and municipalities and affiliated organizations.

OBJECTIVE 8

Enhance cooperation with Mexico in food assistance and nutrition programs

FNS will provide technical assistance to Mexican officials responsible for food and nutrition programs in Mexico. The collaboration will enhance cooperation between

Mexico and the United States for food assistance and nutrition development programs in Mexico.

COSTS

There will be no costs other than nutrition education and outreach production costs and postage to mail FNS information packets to consulate staging areas. Headquarters FNS staff and Mexican Embassy staff in the Washington, D.C. area will accomplish initial FNS program orientation. Regional and local outreach efforts, including the roundtable sessions, will fall under general FNS outreach activities to targeted communities and will not require the development of a budget or specific funding source that impacts international relations. Collaborative efforts to develop nutrition programs in Mexico will not incur additional costs. No exchange of funds will occur without advance consultation, specific involvement and approval of the USDA Foreign Agricultural Service.

EXPECTED OUTCOMES

- Improved access reflected in a 10 percent increase in applications for benefits within targeted communities
- Enhanced awareness of the long-term health benefits of a nutritious diet, addressing obesity concerns and nutrition-related illness such as diabetes and heart disease.
- Established framework for future collaborative effort between FNS and the Mexican Embassy and consulates, and other Mexican Government agencies implementing food and nutrition programs in Mexico

U. S. – MEXICO PARTNERSHIP FOR NUTRITION ASSISTANCE INITIATIVE

Action Plan for FY 2006/2007

A collaboration between the USDA Food and Nutrition Service and the Mexican Embassy to promote improved nutrition assistance program information and access by the traditionally underserved Hispanic population.

INTRODUCTION

The U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS) administers 15 domestic nutrition assistance programs designed to help the most vulnerable populations meet their food needs. Ensuring program access to underserved communities in need continues to be a priority for this administration. For the Hispanic community, language barriers and residency as it relates to citizenship and immigrant status have further complicated access to nutrition assistance.

On July 22, 2004 Agriculture Secretary, Ann Veneman, and Mexican Secretary of Foreign Affairs, Luis Ernesto Derbez signed the US – Mexico Partnership for Nutrition Assistance Initiative. The overall goal of the Initiative is to improve nutrition education and eating habits of eligible Mexican-Americans and Mexicans living in the United States.

Under the provisions of the Partnership, the Mexican Embassy and Mexican consulates in the United States disseminate information about eligibility criteria and access to the programs administered by the USDA Food and Nutrition Service, including Food Stamps, Special Supplemental Nutrition Programs for Women, Infant and Children (WIC) and school meal programs, to Mexican-Americans, Mexican nationals working within the U.S. and migrant communities situated in border and rural areas and in many metropolitan areas throughout the U.S. that may be unaware of their potential eligibility.

GOALS

Utilize established consular network to

- Provide nutrition education information to Mexicans in America to diminish incidence of obesity and chronic disease in the Mexican community
- Inform Mexicans in America of eligibility criteria for FNS programs, in English and Spanish, thereby improving their access to FNS nutrition assistance programs
- Disseminate information on the health benefits of a nutritious diet
- Collaborate on community-based activities and events
- Establish a framework for future collaborative efforts utilizing consulate community-based offices and USDA regional and field offices and affiliated partner network

- Establish a framework for FNS to provide technical assistance to Mexican Government Agencies responsible for implementing food nutrition programs in Mexico (SAGARPA)

TARGET COMMUNITIES

- Mexican Americans in metropolitan areas
- Mexican nationals legally working in America
- Rural-based migrant communities
- Mexican American border communities
- Working poor who are legal immigrants
- Immigrant children and families
- Elderly legal immigrants

TIME FRAME FOR IMPLEMENTATION

- January - December 2006

STATUS OF THE INITIATIVE (2005)

Partnering objectives designated under the original Partnership action plan are implemented and complete.

- Mexican Ministry of Foreign Affairs (SRE) – Food, Nutrition and Consumer Services (FNCS) Orientation in Washington, D.C.
- Four joint regional training seminars introduced FNS programs to Mexican Consul Generals or designated officials representing Mexican consulates in the U.S.; seminars held in San Antonio, San Francisco, Chicago and Atlanta. Each seminar focused on eligibility criteria, perceived barriers to program participation, and steps to follow to properly implement the agreement.
- An approximate 26 roundtable discussions and significant meetings and 68 partnering activities and events conducted throughout the U.S, through September 2005
- English and Spanish language nutrition assistance and nutrition education materials were disseminated to Mexican consulates to establish a network for information exchange and subsequent use by the consulates
- Collaborative networks established between consulates and state and local providers, Faith- and Community-based Organizations, and nutrition-related advocacy groups
- Established a web or internet link to the Partnership web page and Food Stamp toll free number.
- Nutrition assistance program spots are broadcast and materials displayed in consulate waiting rooms
- Regional participation in mobile consulates, Mexican community health fairs and consulate Binational Health Week activities

OBJECTIVES FOR 2006

OBJECTIVE 1

U.S.-Mexico collaboration on nutrition education initiatives and activities

In addition to nutrition assistance, FNS provides children and adults of all ages with nutrition education materials on how to move to a healthier lifestyle by improving nutrition and physical activity habits. The U.S. President's *HealthierUS* Initiative promotes the benefits of a nutritious diet and physical activity. *MyPyramid (MiPiramide – Spanish language)* is the food guidance system that promotes a healthier lifestyle. Other initiatives include *Eat Smart.Play Hard*. That encourages children and their caregivers to eat healthier and be active. *Team Nutrition* that promotes healthier eating and physical activity in the school environment. Programs such as Food Stamps Nutrition Education and WIC Breastfeeding Promotion and Support target nutrition assistance program participants for lifetime changes in diet and physical activity.

FNS will work with SRE to broaden Mexican collaboration in nutrition education initiatives and activities at the headquarters and consulate-regional level.

FNS and SRE will explore the potential for joint communications efforts to Mexican communities in the U.S., including participation in community-based activities and use of nutrition-focused PSAs for media broadcast.

An FNS-SRE editorial team will work to develop messaging for simplified, specifically targeted nutrition assistance and nutrition education materials to be produced in Mexico for outreach use in the Mexican consulates in the U.S.

OBJECTIVE 2

Develop best practices from Partnership for Nutrition Assistance outreach

FNS and SRE will collaborate on the development of success stories derived from Partnership for Nutrition Assistance activities.

FNS HQ and the Mexican Embassy will use consulate-regional Partnership activity reports and the FNCS monthly outreach report to develop success stories to chronicle and highlight the progress of Partnership goals and objectives.

In addition to internal use relating to the status of the initiative, the compilation of success stories will assist in identifying where there is a need for enhanced partnering to reach underserved audiences within the consulate community.

OBJECTIVE 3

Expand multi-layered partnerships between regional, State, and consulate offices

As a consequence of this or our ongoing planning activity, outreach planning will utilize consulate, regional and state affiliations to promote the Partnership to ensure eligible Mexicans know about and how to apply for nutrition assistance programs.

Partnering activities will expand to include faith- and community-based organizations as well as advocacy groups in the area of nutrition and health.

SRE will make use of the "Train the trainer" methodology to invite community representatives to become new trainers that will spread and disseminate information on the FNS programs within their communities. The initiative will be accomplished in two phases:

- 1. FNS regions will conduct refresher information sessions to update consulates on nutrition assistance programs and nutrition education initiatives*
- 2. Consulates will use existing networks to conduct the train the trainer seminars with faith- and community-based organizations*

FNS Regions will partner with State and local nutrition assistance cooperators and the advocacy community to support Mexican health offices and Mexican interests in disease prevention.

OBJECTIVE 4

Expand partnering with the Institute for Mexicans Abroad (IME) and similar programs for collaborative efforts to promote healthy lifestyles among targeted Mexican populations

Increase collaborative efforts on activities and events to enhance hunger awareness and the benefits of a nutritious diet will be encouraged between consulates and FNS affiliated offices at the local level. This program, for the betterment of Mexican communities situated in other countries, promotes education, cultural, health, business and technological interface through U.S. state and municipalities and affiliated organizations. The promotion of healthy lifestyles includes the observance of Binational Health Week.

FNS will provide emerging and highlighted nutrition assistance and nutrition education information to SRE and IME for dissemination through applicable media and partner communication networks.

FNS will utilize IME's "Lazos," weekly email bulletin to Mexican community leadership to convey important information relating to nutrition assistance and nutrition education programs. Proposals for FNS information appropriate for "Lazos" inclusion will be coordinated through SRE and IME

FNS will share Faith- and Community-based organization information with SRE and IME for expansion of partnering efforts at the consulate level. Information will consist of contacts at the national and regional levels.

The Mexican Embassy and FNS HQ will take a national approach to Binational Health Week collaboration, providing encouragement, guidance and assistance to the coordination of observances at the consulate-regional level.

OBJECTIVE 5

Bi-lateral cooperation in food assistance and nutrition education programs

FNS and SRE will continue to work together in a mutual exchange of information and experiences to strengthen bi-lateral cooperation on nutrition-related programs.

SAGARPA will consider the use of the *MiPirámide* food guidance system, adapted for use in Mexico.

Technical assistance is an ongoing aspect of the initiative that is implemented upon SRE or consulate request for specific information relating to nutrition assistance and nutrition education program guidance and procedures.

OBJECTIVE 6

Institutionalize the Partnership for Nutrition Assistance within the framework of U.S.-Mexico government relations

SRE and FNCS will conduct semi-annual partnership meetings to ensure continued emphasis on Partnership for Nutrition Assistance goals and objectives at the Secretariat level. The FNS Administrator will serve as a delegate for the FNCS Under Secretary on matters relating to the initiative.

Consulates and regions will continue training seminars to implement local action plans and ensure understanding and implementation of objectives established under the Partnership initiative and subsequent 2005 and 2006 action plans.

The Mexican Embassy and FNS HQ will maintain an ongoing dialog and meet as needed to discuss Partnership status, monitor activities relating to the Partnership, and assess the effectiveness of implementation strategies. Meetings should include IME staff to facilitate and enhance dialog on partnering objectives identified under Objective 4.

Consulates and regions will collaborate on community-focused partnering activities and meet at scheduled intervals to plan and implement targeted communication strategies. Consulates and regions will incorporate activities relating to 2006 Partnership Action Plan objectives into the work-planning process.

COSTS

There will be no costs other than nutrition education and outreach production costs. Regional and local outreach efforts related to this initiative, including scheduled meetings and collaborative activities, will fall under general FNS outreach activities to targeted communities and will not require the development of a budget or specific funding source that affects international relations. Technical assistance to Mexican officials to develop nutrition programs in Mexico will be covered by existing funds under the Cochran Fellowship Program and other similar training programs. No exchange of funds will occur without advance consultation, specific involvement and approval of the USDA Foreign Agricultural Service.

EXPECTED OUTCOMES

1. Enhanced awareness of the long-term health benefits of a nutritious diet, addressing obesity concerns and nutrition-related illness such as diabetes and heart disease.
2. Improved program access and diminished barriers to program participation through documented utilization of FNS outreach materials and collaborative outreach and SRE "Train the trainer" seminars.
3. Expanded framework for future collaborative effort between FNS and the Mexican Embassy and consulates, SAGARPA, and other Mexican Government agencies.

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COMMITTEE ON THE BUDGET

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October 9, 2012

The Honorable Tom Vilsack
Secretary
Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Dear Secretary Vilsack:

Thank you for your response regarding USDA's partnership with Mexican consulates to encourage foreign nationals, migrant workers, and non-citizen immigrants to enroll in food stamps and fourteen other USDA-administered welfare programs. I appreciate your thoughtful reply.

As I expressed in my previous letter, I have serious concerns about this initiative. It defies rational thinking for the United States – now dangerously \$16 trillion in debt – to partner with foreign governments to help us place more foreign nationals on American welfare, and it is contrary to good immigration policy for the United States. Yet the current Administration has conducted approximately 30 meetings and activities with the Mexican government in furtherance of this controversial alliance.

Your letter asserts that "we do not pressure any eligible person to accept benefits, nor is our goal to simply increase the number of program participants." But the content of USDA's advertisements and promotion campaigns demonstrate otherwise. For instance, there is the Spanish radio "novella" – taken down only weeks ago after criticism – whose entire premise is pressuring an individual to accept food stamps benefits despite her protestations. Your department provides a document on how to "overcome the word 'No'" and awarded a recruitment worker for overcoming people's "mountain pride." There is even a promotional guide suggesting those targeted for enrollment harm their communities by not accepting benefits: "Each \$5 dollars in new SNAP benefits generates almost twice that amount in economic activity for the community... Everyone wins when eligible people take advantage of benefits to which they are entitled." These are only a few of many examples.

I would therefore ask that you at once eliminate all materials, training and recruitment efforts that contradict your above statement.

October 9, 2012

Page 2

It is time to restore the moral principles of the 1996 welfare reform law. Envisioning welfare benefits as temporary programs to assist those in need achieve financial independence is the compassionate goal for sound policy.

In order to learn more about USDA's operations as such reforms are considered, I would ask that the following additional information be provided to the Senate Budget Committee as soon as it becomes available, but no later than October 18, 2012:

1. A summary of each of the meetings, events, and activities alluded to in your most recent letter regarding the SNAP-Mexico partnership that have occurred since 2009
2. An estimate of how much is spent each year on food stamp benefits for non-citizens from 2001 through today, broken down by year
3. An explanation of USDA's legal understanding of the federal "public charge" immigration law as it applies to USDA-administered welfare and nutrition programs
4. Any guidance, including memos or emails, shared between USDA, DOS, or DHS concerning the "public charge" standard and USDA-administered welfare and nutrition programs
5. One 2011 USDA document entitled "The Benefits of Increasing the Supplemental Nutrition Assistance Program (SNAP) Participation in Your State" declares that "[i]n Fiscal Year 2009, only 72 percent of those eligible for SNAP benefits participated," adding: "their communities lose out on the benefits provided by new SNAP dollars flowing into local economies." Forty-seven million Americans now receive food stamps. What share of the eligible population, including those categorically eligible, does USDA believe to be currently enrolled? If USDA's enrollment goals were reached, how many people would currently be receiving food stamps?

Thank you for your continued attention to these crucial matters.

Very truly yours,

A handwritten signature in blue ink that reads "Jeff Sessions". The signature is fluid and cursive, with the first name "Jeff" being particularly prominent.

Jeff Sessions
Ranking Member

JS:ph

United States Senate
WASHINGTON, DC 20510

December 11, 2012

The Honorable Thomas J. Vilsack
Secretary
US Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Dear Secretary Vilsack:

This is to follow-up on a request for information concerning USDA's efforts to increase enrollment in food stamps and fourteen other nutrition assistance programs, including among non-citizens. Both of our offices would appreciate a response to Senator Sessions' October 9th letter by December 17th.

Very truly yours,



SENATOR JEFF SESSIONS



SENATOR PAT ROBERTS



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

FEB - 4 2013

The Honorable Jeff Sessions
Ranking Member
Committee on the Budget
United States Senate
624 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Sessions:

Thank you for your letter of October 9, 2012, requesting additional information on the partnership established in 2004 between the Department of Agriculture and the Mexican Embassy and its consulates in the United States to raise awareness of the Supplemental Nutrition Assistance Program (SNAP) among those eligible for its benefits. Your letter also requested information on a number of other SNAP-related issues. I apologize for the delayed response.

With respect to USDA's partnership with the Mexican Embassy, USDA personnel have met periodically with Embassy officials and other stakeholders to discuss nutrition assistance programs as well as to provide program updates. As noted in our previous correspondences, most of these activities—roughly 80 percent—occurred between 2004 and 2008. Our records indicate that the following activities have occurred since the beginning of 2009:

- The U.S.-Mexico Partnership for Nutrition Assistance participated in approximately 3 health fairs and similar events associated with Bi-National Health Week in 3 U.S. cities;
- Food and Nutrition Service (FNS) representatives participated in approximately 18 meetings with Mexican Embassy officials and consulate staff in 9 U.S. cities;
- FNS representatives and Embassy or consulate staff participated in approximately 7 roundtable discussions, conferences, or forums in 4 U.S. cities.

SNAP eligibility has never been extended to undocumented non-citizens. The Farm Security and Rural Investment Act of 2002, Public Law 107-171, restored SNAP eligibility to most lawfully present non-citizens, including individuals who have resided in the United States for 5 years, children under 18 years of age, and individuals receiving disability-related assistance or benefits.

The table below shows that total benefits to legal lawfully present, eligible non-citizens, including refugees, have held steady as a share of overall SNAP benefits, accounting for between 3.5 and 4.0 percent of total caseload since 2004.

Percentage of Total SNAP Benefits Going to Lawfully Present Non-citizens

Fiscal Year	Refugees	Other Legal Non-citizens
	Percent	Percent
2001	1.3%	2.4%
2002	0.9%	2.3%
2003	0.9%	2.2%
2004	0.9%	2.9%
2005	0.8%	3.0%
2006	0.8%	3.1%
2007	0.7%	2.9%
2008	0.8%	2.8%
2009	0.9%	3.1%
2010	0.8%	3.1%
2011	0.8%	3.2%

Source: *Characteristics of [Food Stamp] Supplemental Nutrition Assistance Program Households* (various years). Available at www.fns.usda.gov/ora.

“Public charge” determinations are governed by Section 212(a)(4) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(a)(4). Both the Department of Homeland Security (DHS) and the Department of State (DOS) are responsible for making public charge determinations and have defined public charge as applying to those non-citizens who have become or are likely to become primarily dependent on the government for subsistence, as demonstrated by either (i) the receipt of public cash assistance for income maintenance or (ii) institutionalization for long-term care at government expense. USDA’s understanding is that DHS has a longstanding policy of not considering for public charge purposes SNAP and other nutrition assistance programs administered by FNS (see <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=829b0a5659083210VgnVCM100000082ca60aRCRD&vgnnextchannel=829b0a5659083210VgnVCM100000082ca60aRCRD>).

FNS provided guidance on DHS’s public charge policy in an All State Commissioners letter on February 1, 2010, available at <http://www.fns.usda.gov/snap/rules/Memo/2010/020110.pdf>. The SNAP Guidance on Non-Citizen Eligibility, available at http://www.fns.usda.gov/snap/government/pdf/Non-Citizen_Guidance_063011.pdf, also addressed DHS’ policy on public charge.

With respect to SNAP participation rates, the most recent available data shows that in 2010, an average of 51 million individuals were eligible for benefits each month, and 38 million received them, resulting in a participation rate of 75 percent among all SNAP-eligible individuals in that year.

The Honorable Jeff Sessions
Page 3

USDA's strategic plan includes a goal to reach 75 percent of the SNAP-eligible population by 2015—the same rate reached in 2010. USDA does not set goals for the number of people enrolled in the program but is committed to making benefits available to all eligible people who choose to apply. Our expectation is that, as economic conditions improve and the number of SNAP-eligible people drops, the program will continue to reach a high proportion of those eligible, but participation levels and cost will decline.

Please feel free to contact Brian Baenig, Assistant Secretary for Congressional Relations, at (202) 720-7095, if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wilsack". The signature is fluid and cursive, with a large initial "T" and "W".

Thomas J. Wilsack
Secretary

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United States Senate

COMMITTEE ON THE BUDGET

WASHINGTON, DC 20510-6100

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March 15, 2013

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Dear Secretary Vilsack:

Thank you for your latest letter regarding the USDA-Mexico SNAP partnership. While we may have policy disagreements about how best to help those in need and protect the public interest, there can be no denying that the public is entitled to transparent information about how their tax dollars are being spent.

As you may know, the Senate is scheduled next week to vote on the budget resolution. To assist Senators in their work on the budget, and as well as work on future government funding measures, it would be helpful to have certain additional details about the food stamp program as well as the 14 other nutrition-support programs administered by USDA.

1. In cumulative dollar terms, how much is spent on *all* of USDA's means-tested nutrition support programs for non-citizens?
2. Given what USDA knows about changes in eligibility between 2010 and 2012 and the information you provided about program participation rates, I am interested in learning more about the number of Americans who are currently eligible for food stamps. You stated that 75 percent of SNAP-eligible individuals received the benefit in 2010. With almost one in six Americans currently receiving food stamps, do you estimate that the participation rate is still roughly 75 percent? In other words, are one in four Americans currently eligible for food stamp benefits?
3. You emphasized that food stamp eligibility "has never been extended" to illegal aliens. However, as you know, illegal immigrants *can* apply for food stamp benefits on behalf of eligible members of their households. To the extent that illegal immigrants do not have to expend their own resources to purchase food on behalf of others, they obviously benefit from that taxpayer-funded assistance. Does your Department have any estimates of total SNAP benefits provided to households headed by an illegal immigrant on behalf of eligible dependents?

4. Conversely, with respect to legal immigrants whose households include illegal immigrants, does your Department have any way to verify that every dependent an applicant claims is eligible to receive food stamp benefits?

Regarding the federal law that prohibits admission of immigrants deemed likely to become welfare reliant, your letter confirms that the Departments "responsible for making public charge determinations... have defined public charge as applying to those non-citizens who have or are likely to become primarily dependent on government for assistance, as demonstrated by either (i) the receipt of public cash assistance for income maintenance or (ii) institutionalization for long-term care at government expense." However, as the Congressional Research Service reported last fall, direct cash assistance comprises only a fraction of total means-tested financial assistance to low-income individuals.

In other words, according to the standards you referenced, immigrants can access 85 percent of the welfare state and still not be deemed public charges. You may also be interested to know that even this eviscerated standard is not enforced: Homeland Security astonishingly confirmed that, through August of 2012, they failed to identify a single non-citizen immigrant in the United States who was turned away as a public charge.

The public charge law originated because Congress intended that immigrants not come to the United States if they were likely to become welfare dependent. Yet a report by the Center for Immigration Studies found that "36 percent of immigrant-headed households used at least one major welfare program (primarily food assistance and Medicaid)" in 2010.

5. In order to better understand the fiscal impact of the failure to enforce the public charge standard, please provide an estimate of the total amount spent on SNAP and other USDA-administered benefits for immigrant-headed households, to include both citizen and non-citizen immigrants.

Thank you for your continued attention and responses.

Very truly yours,



Jeff Sessions
Ranking Member

02/13/2013

ICE union head on deporting welfare-dependents: 'We are not permitted to enforce that statute. Period'

By: Caroline May

The legal prohibition on new immigrants becoming primarily reliant on government assistance for subsistence — or public charges — is never enforced, Chris Crane, an ICE agent and president of the ICE agent's union told reporters on a conference call Thursday afternoon.

"It is certainly part of what we are supposed to be doing, it is definitely a federal statute within the [Immigration and Nationality Act]," he said when asked about the enforcement of the century-old public charge restriction. "However I will say this: that in my career, I have never seen or heard of the charge being applied in any case to anyone."

Crane — whose union is in the midst of a lawsuit against Department of Homeland Security Secretary Janet Napolitano, ICE Director John Morton, and U.S. Customs and Immigration Services Director Alejandro Mayorkas over the administration's changes to immigration policy — noted that even officers who have been in the agency longer than his ten years have told him they have never seen or heard it employed.

"I will say that when I went to the academy for my basic training, that was one of those laws we were told 'you are never going to get to enforce this law out in the field, it just is not going to happen,'" Crane continued.

"It clearly has been true, because we are not permitted to enforce that statute," he added. "Period."

Crane explained that though he has never received a specific reason the statute is ignored, he chalks it up to image concerns and politics.

"I think they don't want it to be seen in the media that potentially some story that might be compelling to the American public — that we are removing somebody that is a public charge. And it is very unfortunate because in so many cases it would be a very necessary and useful tool for us to make arrests and remove people."

The Daily Caller reported Wednesday that the Department of Homeland Security admitted — in their response to a four Republican lawmakers' oversight request — that DHS does not keep track or keep records on new immigrants who become public charges once they obtain their visas or otherwise enter the country.

After reviewing FY 2012 on a case-case-by-case basis to appease a portion of the oversight letter, DHS explained that they found just one case of an immigrant being brought up on public charge grounds. The charge was later withdrawn.

According to the Federal Register, deportations of immigrants due to becoming public charges after entry are relatively rare due to exemptions and legal burdens on the federal government.

Crane's union, the National Immigration and Customs Enforcement Council, represents over 7,000 ICE agents and employees.

###

United States Senate
WASHINGTON, DC 20510

August 6, 2012

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
301 7th Street, SW
Washington, D.C. 20528

The Honorable Hillary Clinton
Secretary
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Secretary Napolitano and Secretary Clinton:

We write to express our concern with your agencies' interpretation of section 212 of the Immigration and Nationality Act (INA) regarding inadmissible aliens. It was recently brought to our attention that the U.S. Department of Agriculture has an ongoing partnership with Mexico through which Mexican consular offices encourage non-citizen enrollment in USDA welfare programs. It is our understanding that the materials distributed by the consular offices assure those being recruited that reliance on SNAP benefits, or food stamps, will not be taken into account when considering the merits of an application for a visa or adjustment of status. Further review of Department of State and Department of Homeland Security protocols indicate that this policy applies to dozens of other welfare programs as well.

Because Congress intended that immigrants who come to the United States should not become dependent on our expanding welfare system, the INA specifically states:

"An alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission or adjustment of status, is likely at any time to become a public charge is inadmissible."

It has long been a sound principle of immigration law that those who seek citizenship in this country ought to be financially self-sufficient. We were thus shocked

to discover that both the State Department and DHS exclude reliance on almost all governmental welfare programs when evaluating whether an alien is likely to become a public charge. Your agencies apply a cramped interpretation of the law in this regard, considering reliance on only two of nearly 80 federal welfare programs as evidence of likelihood of becoming a public charge: Supplemental Security Income (SSI) and Temporary Assistance for Needy Families (TANF).

In fact, guidance from your agencies specifically prevents consular and DHS officials from considering the likelihood that an alien will receive SNAP benefits, WIC payments, Medicaid, child-care benefits, foster care, energy assistance, educational assistance, other medical and health benefits, and assistance from at least fifteen different nutritional welfare programs. This interpretation of the law, along with the actions of the USDA to recruit new immigrants to sign up for SNAP benefits, undermines both congressional intent and sound immigration policy. Indeed, under your interpretation, an able-bodied immigrant of working age could receive the bulk of his or her income in the form of federal welfare and still not be deemed a "public charge."

Additionally, as you may be aware, food stamp enrollment is being aggressively pushed to individuals solely on the basis of their receipt of non-cash TANF benefits (such as brochures or phone hotlines). If applications from a large number of food stamp recipients—who may have only received that benefit because they were categorically made eligible through TANF—were still approved, it would necessarily raise the question of whether the "public charge" criterion is being meaningfully applied in relation to any form of welfare support.

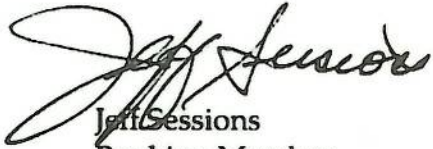
Given the extraordinary implications for both our nation's finances and the standards of U.S. citizenship, we ask that you provide information responsive to the following:

1. An explanation of why receipt of most welfare benefits is excluded from consideration of citizenship eligibility, and how this complies with the INA and congressional intent.
2. From 2001 to 2011, how many visa applicants and applicants for admission through the Visa Waiver Program were denied visas or admission because they were deemed likely to become a public charge?
3. From 2001 to 2011, how many visa applicants were found likely to become a public charge but were nevertheless granted a visa and admitted into the United States because they presented an affidavit of support?
4. How many aliens issued visas or otherwise admitted into the United States from 2001 to 2011 became public charges as defined by your agency after entering the United States?

5. If your answers to the above questions are that your agencies do not track this information, then please explain why this information is not tracked.

Thank you for your prompt attention to this matter and for responding no later than August 20, 2012. We look forward to your detailed reply.

Very truly yours,



Jeff Sessions
Ranking Member
U.S. Senate Committee on the Budget



Chuck Grassley
Ranking Member
U.S. Senate Committee on the Judiciary



Orrin Hatch
Ranking Member
U.S. Senate Committee on Finance



Pat Roberts
Ranking Member
U.S. Senate Committee on Agriculture,
Nutrition and Forestry

United States Senate

WASHINGTON, DC 20510

September 25, 2012

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, DC 20393

Dear Secretary Napolitano:

On August 6, 2012, you received a letter from us that posed several questions regarding your Department's apparent waiver of the legal requirement that those seeking citizenship and residency in the United States not be welfare reliant.

Your failure to respond to our oversight request is deeply troubling, and suggests that your Department is attempting to conceal information from the American people. We request that you provide us with all data requested by October 1, and stress the importance of responding to every item in the letter, and of breaking down the data in questions 2, 3, and 4 for each year, including total applications received. Congress and the American people have the right to a serious, prompt, and complete response to our questions.

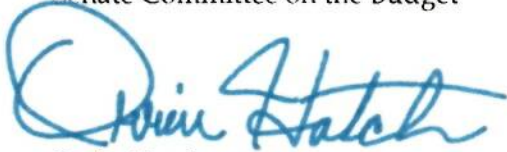
Sincerely,



Jeff Sessions
Ranking Member
Senate Committee on the Budget



Charles E. Grassley
Ranking Member
Senate Committee on the Judiciary



Orrin Hatch
Ranking Member
Senate Committee on Finance



Pat Roberts
Ranking Member
Senate Committee on Agriculture,
Nutrition and Forestry

United States Senate
WASHINGTON, DC 20510

September 25, 2012

The Honorable Hillary Clinton
Secretary
Department of State
Washington, D.C. 20520

Dear Secretary Clinton:

On August 6, 2012, you received a letter from us that posed several questions regarding your Department's apparent waiver of the legal requirement that those seeking citizenship and residency in the United States not be welfare reliant.

Your Department's September 17, 2012 response provided very little data, and failed to explain why most welfare programs have been exempted from consideration for the purposes of determining 'public charge' status of prospective foreign U.S. residents. While we appreciate the information regarding the total data for public charge and affidavits of support for the last ten years, your Department did not provide the statistics broken down by year. We would appreciate an updated response by October 1, 2012, with data for each year since 2001, including total applications received.

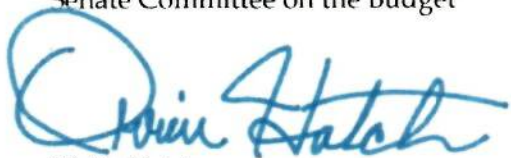
Sincerely,



Jeff Sessions
Ranking Member
Senate Committee on the Budget



Charles E. Grassley
Ranking Member
Senate Committee on the Judiciary



Orrin Hatch
Ranking Member
Senate Committee on Finance



Pat Roberts
Ranking Member
Senate Committee on Agriculture,
Nutrition and Forestry



Homeland
Security

February 8, 2013

The Honorable Jeff Sessions
Committee on the Budget
United States Senate
Washington, DC 20510

Dear Senator Sessions:

Thank you for your August 6, 2012 letter to Secretary of Homeland Security Janet Napolitano and Secretary of State Hillary Clinton regarding the interpretation of section 212(a)(4) of the *Immigration and Nationality Act* (INA) concerning aliens inadmissible under the public charge ground of inadmissibility. In addition to answering your questions below, we have also provided you with more detailed information on the public charge provisions.

As you may know, public charge has been part of U.S. immigration law for more than 100 years as a ground of inadmissibility and deportation. With limited exceptions, an individual who is likely at any time to become a public charge is inadmissible to the United States and ineligible to become a lawful permanent resident.¹ Under Section 212(a)(4) of the INA, an individual seeking admission to the United States or seeking to adjust status to that of an individual lawfully admitted for permanent residence (green card) is inadmissible if the individual, "at the time of application for admission or adjustment of status, is likely at any time to become a public charge." If an individual is inadmissible, admission to the United States or adjustment of status is not granted.

Section 212(a)(4)(C) of the INA requires that family-based and certain employment-based immigrant visa and adjustment applicants provide a satisfactory affidavit of support from a sponsor, as described in section 213A of the INA. The affidavit of support must demonstrate that the sponsor meets certain specific income criteria. Section 213A also requires sponsors to reimburse the costs of certain public benefits if the sponsored individual should receive those benefits in the future. It also expressly allows for joint sponsors and co-sponsors if the income of the petitioner is insufficient to meet the section 213A criteria.

Determination of whether an immigrant has or is likely to become a public charge is not part of the statutory eligibility rules for citizenship. For aliens who are subject to the public charge grounds, the determination is made pursuant to INA section 212(a)(4) when they seek admission or adjustment of status. Such aliens may also be found deportable on public charge grounds in accordance with INA section 237(a)(5), but only if they became public charges within the first five years after entry for causes that have not been affirmatively shown to have arisen since entry.

¹ Certain aliens, such as refugees and asylees, are statutorily exempt from the public charge ground of inadmissibility. See, e.g., INA, sections 207(c)(3)(refugee admission); 209(c)(refugee and asylee adjustment).

Although it is a very significant factor, information within the affidavit of support does not provide the sole basis for determining whether an immigrant visa applicant is likely to become a public charge. While most family-based and certain employment-based immigrant visa and adjustment of status applicants must have an approved affidavit of support, it is only one factor that the officer considers when making a public charge determination. An applicant who presents a satisfactory affidavit of support can still be found inadmissible as a public charge if other negative factors are found to outweigh the affidavit. Department of State consular officers and DHS officers must, at a minimum, consider the alien's age, health, family status, assets, resources, financial status, and education and skills. INA § 212(a)(4)(B).

Your letter asks about denials of visas relating to a public charge determination through the Visa Waiver Program (VWP). The VWP permits eligible citizens or nationals of designated countries to travel to the United States for tourism or business for stays of 90 days or less without first obtaining a visa, so there are no visa denials for VWP travelers. However, from Fiscal Year (FY) 2005 through August 9, 2012, a total of 9,796 applicants for admission under the VWP were denied admission as likely to become a public charge based on INA 212(a)(4). See attached year-by-year statistics; we do not have relevant data prior to FY 2005.

From FY 2005 to August 9, 2012, there have been a total of eight referrals to secondary inspection by the initial inspecting CBP officer for public charge reasons. There is no record that those individuals were admitted.

Historical data responsive for the number of aliens issued visas or otherwise admitted into the United States from 2001 to 2011 who became public charges and who were later issued Notices to Appear is unavailable. This is due to data entry quality and system changes that did not account for statistical tracking at this level. A case by case review for FY 2012 as of August 9, 2012, found only one case where the charge of public charge was lodged. However, the charge was later withdrawn. U.S. Immigration and Customs Enforcement is currently addressing these data tracking issues and intends to capture such data in a reliable manner in the future.

Again, thank you for your letter. I appreciate your inquiry and look forward to working with you on these issues in the future. An identical response was sent to the other Senators who *co-signed your letter*. Should you need additional assistance, please do not hesitate to contact me at (202) 447-5890.

Respectfully,



Nelson Peacock
Assistant Secretary for Legislative Affairs

Enclosure

February 14, 2013



United States Senate Budget Committee

JEFF SESSIONS | Ranking Member

Sessions: DHS Letter Confirms Public Charge Immigration Law Not Being Enforced

WASHINGTON—U.S. Sen. Jeff Sessions (R-AL), Ranking Member of the Senate Budget Committee, issued a statement today regarding the long-delayed response from the Department of Homeland Security about the Administration’s apparent waiving of federal law with respect to welfare restrictions for immigrants. The response indicated that, in 2012, not a single immigrant was identified by the federal government as being a public charge:

“The law that excludes immigrants from entry if they are likely to become a public charge is not being enforced, a response from DHS to four Senate committees reveals. The response exposes a major weakness in our immigration system and violates core immigration principles of the United States, and indeed the principles of most developed nations. This failure further demonstrates the dysfunction in our immigration system. We turn down countless people seeking to immigrate who have every prospect of being successful and self-sufficient while admitting large numbers who are statistically likely to become dependent on federal assistance.”

BACKGROUND:

In August of last year, the Ranking Members of the Senate Budget, Judiciary, Finance, and Agriculture Committees requested basic information about visa denials after learning that only two of roughly 80 federal welfare programs were officially considered when evaluating whether a visa applicant was likely to become a “public charge”; *i.e.*, dependent on government assistance. Immigration law clearly states that “An alien who... is likely at any time to become a public charge is inadmissible.”

Despite this prohibition, the Administration has engaged in an aggressive campaign to actively recruit immigrants to sign up for welfare. DHS even has a page, WelcomeToUSA.gov, that advises new immigrants of all the welfare benefits they may wish to sign up for (including some which, by law, should automatically make them inadmissible). Yet even with campaigns designed to enroll more immigrants on welfare, the response received from DHS this week revealed that the Department could not find a single immigrant who received such benefits in the last year. DHS data also shows that virtually no one—just 9,700 applications out of more than 116 million—was turned away on the public charge basis between FY 2005 and FY 2011.

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United States Department of State

Washington, D.C. 20520

FEB 21 2013

Dear Senator Sessions:

Thank you for your letter of September 25, 2012, concerning the interpretation of Section 212 of the Immigration and Nationality Act (INA) on inadmissible aliens, specifically the public charge ground of inadmissibility in INA 212(a)(4). We sincerely apologize for the delay in our response.

You requested data on the total number of nonimmigrant and immigrant visa applications received, the number found ineligible under Section 212(a)(4), and the number of Section 212(a)(4) refusals overcome, broken down by fiscal year, between 2001 and 2011. Please find those figures detailed in the chart attached.

Section 213A of the INA establishes very specific income criteria for determining visa eligibility under INA 212(a)(4). The provision requires petitioners in family immigrant petition cases to file an affidavit of support certifying that the petitioner meets the statute's income criteria and agrees to reimburse the costs of any public charge benefits received by the recipient of an immigrant visa. Section 213(A) expressly allows for joint sponsors, if the income of the petitioner is insufficient to meet the Section 213A criteria, *i.e.*, if the petitioner cannot demonstrate the means to maintain an annual income equal to at least 125 percent of the federal poverty line.

In accordance with 9 Foreign Affairs Manual (FAM) 40.41 Note 11.2, affidavits of support are rarely used for nonimmigrant visa applicants. This is because INA 214(b) places the burden on every nonimmigrant applicant to prove that he or she is entitled to a nonimmigrant classification. Nonimmigrants are presumed to be ineligible for a nonimmigrant visa until the applicant can establish entitlement to such status. In general, a nonimmigrant applicant who presents public charge concerns is denied a visa pursuant to INA 214(b) rather than 212(a)(4), and therefore, would not be required to present an affidavit of support.

The Honorable
Jeff Sessions,
United States Senate.

Again, thank you for your letter. We trust this information is responsive to your inquiry. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas B. Gibbons".

Thomas B. Gibbons
Acting Assistant Secretary
Legislative Affairs

Enclosure:

As stated.

March 1, 2013



United States Senate Budget Committee

JEFF SESSIONS | Ranking Member

Sessions: Data In New State Dept. Letter Further Proves Immigrant Welfare Prohibition Being Ignored

“A central economic principle of American immigration is that those seeking entry into the United States must be able to care for themselves financially. This is logical and necessary and common to virtually all nations... But the data provided leaves no doubt: this principle is no longer being applied—despite a firm and unambiguous legal requirement.”

WASHINGTON—U.S. Sen. Jeff Sessions (R-AL), Ranking Member of the Senate Budget Committee, issued the following statement today regarding newly released data from the State Department demonstrating that only 0.0033 percent of net applications for admission to the United States were denied on “public charge” grounds in 2011, despite the federal law prohibiting admission of any individual deemed likely to be a public charge:

“The data just provided by the State Department, like that recently provided by the Department of Homeland Security, dramatically confirms that federal public charge law is not being enforced. This helps explain the results of a study showing that 36 percent of immigrant-headed households receive at least one major welfare program, adding billions to the cost of such programs.

A central economic principle of American immigration is that those seeking entry into the United States must be able to care for themselves financially. This is logical and necessary and common to virtually all nations. It is not good for the immigrant or for the United States to allow entry to people unlikely to thrive in America, especially when millions who would thrive await, entry legally. But the data provided leaves no doubt: this principle is no longer being applied—despite a firm and unambiguous legal requirement.

It is further proof that even the most fair and basic immigration laws of our country are being ignored. When basic principles and laws like this are ignored, it is no wonder the American people doubt any promises of future enforcement.”

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FY2001-FY2011

Total non-immigrant visa applications	85,193,456
Total denied on public charge grounds	13,115
Percentage of applications denied on public charge grounds	0.015%

Total immigrant visa applications	5,831,603
Total denied on public charge grounds	125,019
Percentage of applications denied on public charge grounds	2.14%

Total immigrant and non-immigrant visa applications	91,025,059
Total denied on public charge grounds	138,134
Percentage of all applications denied on public charge grounds	0.15%

Percentage of all applications denied on public charge grounds, minus overcomes	<u>0.02%</u>
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FY2011

Total non-immigrant visa applications	8,808,031
Total denied on public charge grounds	208
Percentage of applications denied on public charge grounds	0.0024%

Total immigrant visa applications	595,210
Total denied on public charge grounds	6,861
Percentage of applications denied on public charge grounds	1.15%

Total immigrant and non-immigrant visa applications	9,403,241
Total denied on public charge grounds	7,069
Percentage of applications denied on public charge grounds	0.075

Percentage of all applications denied on public Charge grounds, minus overcomes	<u>0.0033%</u>
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