

MONITORING POVERTY AND WELL-BEING IN NYC

SPOTLIGHT ON FOOD ASSISTANCE IN NEW YORK CITY:

Food pantry use spikes among non-U.S.
Citizens amid changing immigration rules

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Introduction

As millions of New Yorkers come together this holiday season to enjoy food with family and friends, it is important to remember that New Yorkers from all walks of life continue to struggle paying for food. Preliminary findings¹ show that, in 2021, 30% of New York City adults faced food hardship and 6% faced severe food hardship. Those same preliminary data show that 4 in 10 families with children faced food hardship and 1 in 10 faced severe food hardship. **Food hardship** is defined as sometimes or often running out of food or worrying food would run out before they had money to buy more; **severe food hardship** is defined as often facing these situations.

As we have highlighted in prior reports,² both the public and private safety net help a large share of the city's population cope with food insecurity and avoid hunger. As the city and the country continue to recover from COVID's effects and grapple with rapidly rising inflation, it is clear that, in addition to public benefits, the city's pantries and food distribution system have been critical lifelines for many. This spotlight looks at one often overlooked facet of this system's response to unmet food need: the degree to which emergency food services like food pantries have helped compensate for the widespread fear felt by non-citizen New Yorkers in the wake of recent changes to immigration law. Specifically, researchers and government agencies have documented the so-called "chilling effect"³ that the prior presidential administration's change to the "public charge"⁴ rule has placed on non-citizens' willingness to seek assistance affording food. Though the magnitude of such effects is still being understood, this spotlight documents how the city's private safety net, in the form of pantries, soup kitchens, and other emergency food providers, have stepped in to fill the gap.

While the economic challenges brought on by the pandemic resulted in expansions to SNAP⁵ and other forms of government assistance,⁶ undocumented immigrants, specifically those seeking a permanent citizenship status, have long faced challenges in accessing government assistance.^{7,8,9} In 1999, for example, a new interpretation of an 1882 law allowed U.S. Citizenship and Immigration Services to deny citizenship to applicants who imposed a "public charge" due to participation in specific government benefits programs.

¹ These numbers were calculated using Poverty Tracker data from 2021. They are labeled preliminary because the data is weighted using the most recently available year of American Community Survey data (2020). When available, they will be updated using 2021 ACS data for weighting.

² Bannerman, C., Collyer, S. Friedman, K. (2021).

³ New York City DSS & MOIA (2019); Haley, J.M., Kenney, G.M., Bernstein, H., Gonzalez, D. (2020); Bernstein, H., Karpman, M., Gonzalez, D., Zuckerman, S. (2021).

⁴ Inadmissibility on Public Charge Grounds, 83 Fed. Reg. 51114 (proposed Oct. 10, 2018).

⁵ USDA (2022).

⁶ U.S. DOL (2020).

⁷ 1996 welfare reform limited access to programs like EITC and SNAP among non-citizens by preventing access for those recently in the country, creating limits based on the income of a non-citizen's sponsor, and through administrative burden. Acevedo-Garcia, D., Joshi, P.K., Ruskin, E., Walters, A.N., Sofer, N. (2021).

⁸ Disaster Housing Recovery Coalition. (2021).

⁹ Loweree, J., Reichlin-Melnick, A., Ewing, W. (2020).

30% 

**OF NEW YORK CITY ADULTS
FACED FOOD HARDSHIP**



6% 

**FACED SEVERE
FOOD HARDSHIP**



The 1999 interpretation included the Temporary Assistance to Needy Families (TANF) and the Supplemental Security Income (SSI) programs, disincentivizing use of these programs among those seeking a permanent citizenship status.¹⁰ Under this interpretation, use of the largest federal anti-hunger program, the Supplemental Nutrition Assistance Program (SNAP), did not constitute a public charge, preserving access for eligible non-U.S. citizens.

Shortly after President Trump took office, his administration began alluding to forthcoming changes to immigration law that would change the definition of public charge to include receipt of SNAP benefits. These plans were formally announced in September 2018 when the Department of Homeland Security unveiled a draft proposal of a new definition of public charge that included receipt of SNAP benefits. These changes were adopted into law in 2020.^{11,12} Between the Trump Administration’s consideration and subsequent implementation of the public charge rule changes, many expected a “chilling effect” among immigrants seeking citizenship, resulting in a drop in SNAP take-up, similar to what was seen after the 1996 welfare reform.^{13,14} While the Trump Administration’s new interpretation of what is included as a public charge was recently reversed by the Biden Administration, the chilling effect is still being understood and may potentially persist, as those seeking citizenship remain afraid to access benefits and confused about how they are affected.

In this brief, we first highlight results from the New York City’s Department of Social Services (DSS) and the Mayor’s Office of Immigrant Affairs (MOIA), which find evidence consistent with a chilling effect among New York City’s non-citizen population following discussions of the rule change. Given this finding, and research from others, it seems clear that since the new interpretation of what constitutes a public charge entered the public discourse, there has indeed been a chilling effect resulting in non-citizens avoiding non-cash benefits like SNAP.¹⁵ We then turn to the Poverty Tracker to examine the role that food pantries played in partially compensating for this chilling effect among non-citizens.

¹⁰ DOJ. (1999).

¹¹ Beier, J., Workie, E. (2022).

¹² Immigrant Legal Resource Center. (2021).

¹³ Kaushal, N., Kaestner, R. (2005).

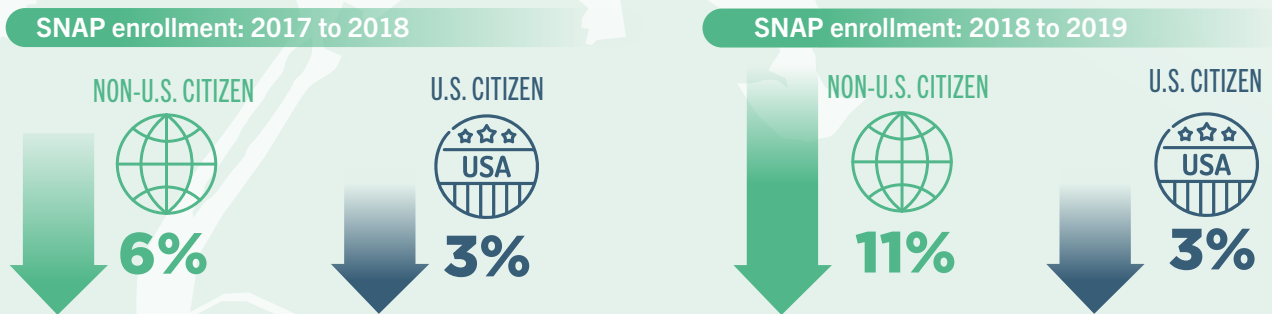
¹⁴ Van Hook, J. (2003).

¹⁵ Haley, J.M., Kenney, G.M., Bernstein, H., Gonzalez, D. (2020).

WE HIGHLIGHT THAT:

In addition to a chilling effect nationally, there is evidence of a chilling effect in New York City.

Results published by New York City's DSS and MOIA show that SNAP enrollment among eligible non-U.S. citizens in New York City decreased by 6% between 2017 and 2018 (compared to 3% among citizens) and by 11% between 2018 and 2019 (compared to 3% among citizens). This is consistent with emerging findings nationally, as well as survey findings from the Poverty Tracker.

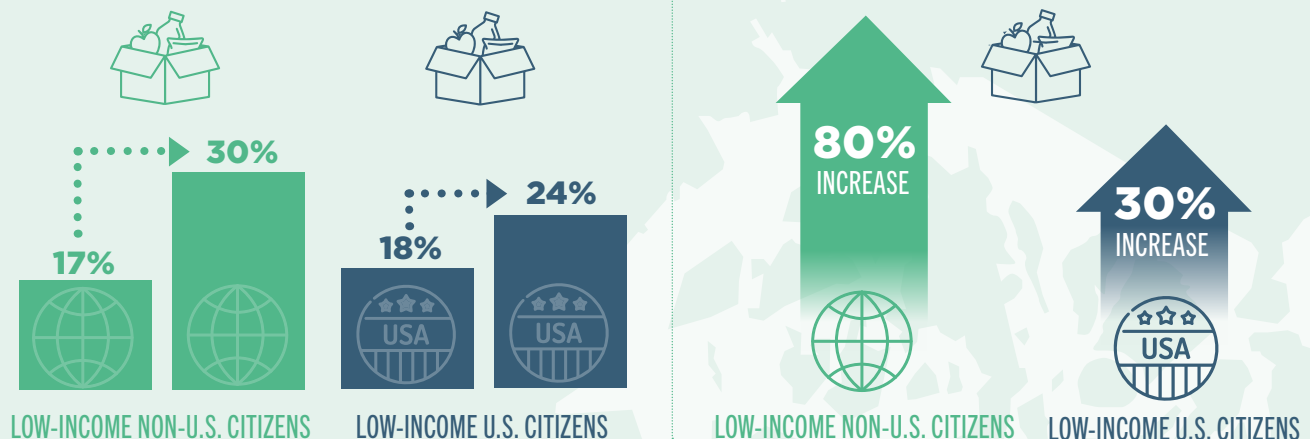


Source: Reproduced with permission from the NYC Department of Social Services (DSS) & Mayor's Office of Immigrant Affairs (MOIA). See: NYC DSS & MOIA (2019).

Perhaps to compensate, we find that non-citizens were more likely than citizens to have to turn to food pantries and other private food providers as time went by.

In the time since the new public charge interpretation was introduced, pantry use among low-income non-citizens rose from 17% to 30% versus from 18% to 24% among low-income citizens.

This translates to an 80% increase in food pantry use among low-income non-citizen adults (compared to a 30% increase among low-income citizen adults).



DATA

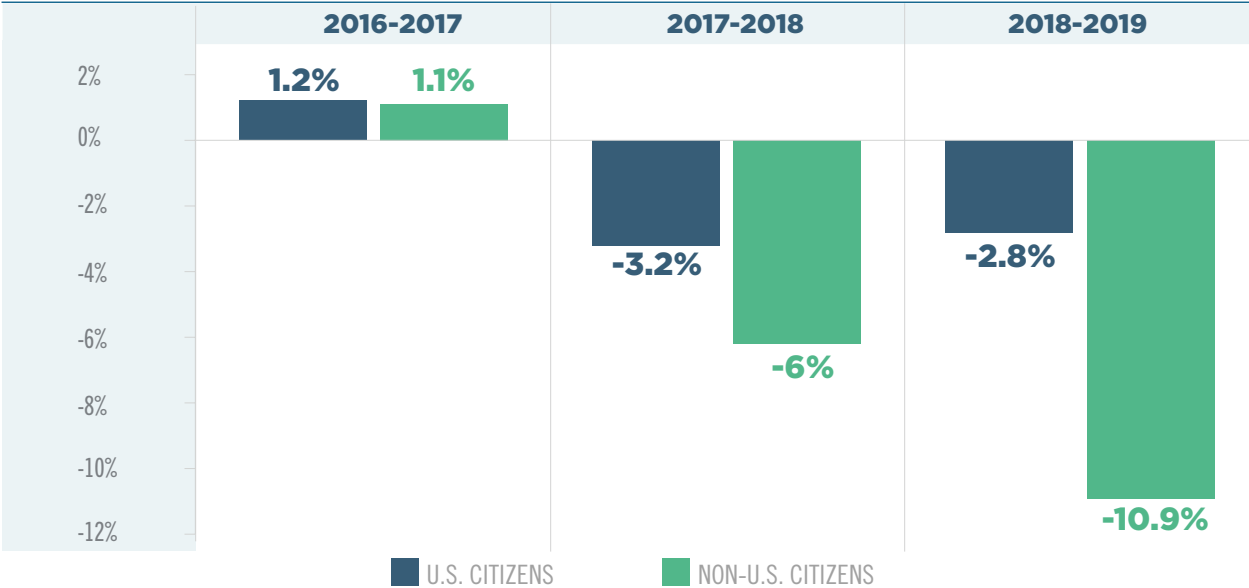
We use SNAP caseload data from recently-published analyses by New York City's DSS and MOIA, which describe changes in SNAP enrollment among citizens and non-citizens since the public charge rule was announced. We then use data from the second Poverty Tracker panel, sampled in 2015, to examine rates of food pantry use before and after the rule change was announced. These results represent rates in food pantry use, before and after the rule was published, among a representative sample of New York City adults in 2015. We define respondents as non-citizens if either they or their spouse or partner did not hold U.S. citizenship. All respondents are asked annually about their receipt of free food from pantries. We examine pantry use among all New York City adults, comparing non-citizens and citizens, and among those with low annual incomes, who are more likely to be eligible for assistance. We define a low annual income as that which is below 200% of the federal poverty line (FPL).

RESULTS

In Figure 1, we present findings from New York City's DSS and MOIA, which show the year-over-year change in the SNAP caseload among eligible New Yorkers by citizenship status. Drops in the SNAP caseload were much more pronounced among non-citizens than citizens, consistent with the notion of a chilling effect highlighted in recent research nationally. DSS and MOIA find that among eligible non-citizens, the drop from 2017 to 2018 was 6%, compared to 3% among citizens. And between 2018 and 2019, this drop was even

Figure 1

Year-over-year change in New York City SNAP caseload by recipient citizenship status



Source: Reproduced with permission from the NYC Department of Social Services (DSS) & Mayor's Office of Immigrant Affairs (MOIA). See: NYC DSS & MOIA (2019).

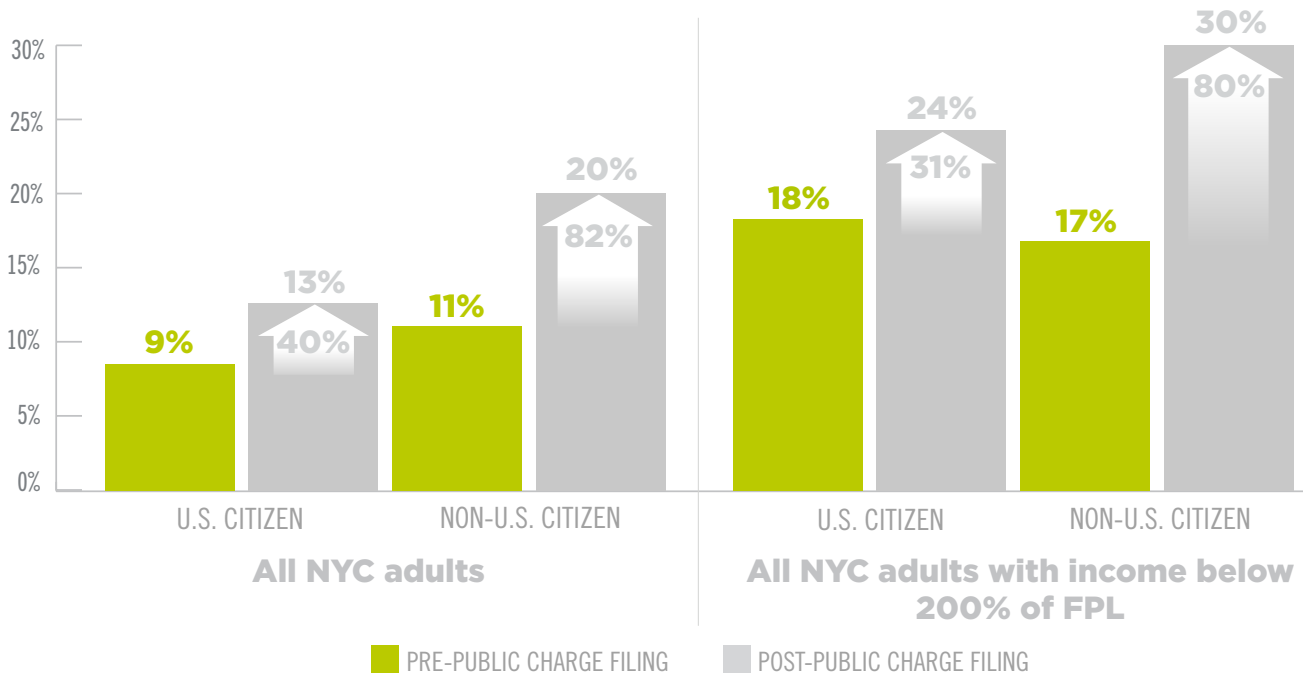
larger, at 11% for non-citizens compared to just 3% for citizens. Data from the Poverty Tracker are largely consistent with the drops found in New York City’s administrative data.¹⁶

Given this documented decline in SNAP receipt around the time of the public charge rule change, it raises the question of how non-citizens coping with low incomes and food insecurity coped. In Figure 2, we use Poverty Tracker data to examine the share of New York City adults, both citizens and non-citizens, who received free food from a pantry in the last 12 months, focusing on changes from before (using data from 2015 to 2018) and after (using data from 2018 to 2022) the public charge rule was filed in 2018.

We find that, among all New York City adults, there was a rise in pantry use between these periods, but that this increase was larger among non-citizens compared to citizens. While citizen adults increased their pantry use from about 9% to 13%, a 40% increase, non-citizen adults saw an 82% increase (from 11% to 20%). When we focus on those with incomes below 200% of the FPL, we find an even bigger gap in the increase in pantry use between citizens and non-citizens. Among non-citizens with incomes less than 200% of the FPL, we observe an increase in pantry use from 17% to 30%, again an 80% increase among non-citizens, compared to a 31% increase among U.S. citizens, from 18% to 24%.

Figure 2

Share of New York City adults who received food from a pantry in the last 12 months (by citizenship status)



Source: Second Poverty Tracker Sample (2015). Data for pre-public charge filing collected between 2015 and 2018. Data for post-public charge filing collected between 2018 and 2022.

¹⁶ The Poverty Tracker follows the same recipients over time, and it only collects information on citizenship status for select cohorts, making year-over-year comparisons difficult. Nevertheless, when tracking the Poverty Tracker’s 2015 cohort over a five-year period, we also see drops in reports of SNAP receipt that largely mirror the administrative data trends, if not a bit larger (results available upon request).

These findings paint a picture consistent with an economic crisis and rising inflation, which increase the need to rely upon social assistance for affording basic, everyday needs like food, housing, and utilities. Given temporary expansions of the social safety net through pandemic-related aid, it is likely that the need for food pantries city-wide would have been even higher if not for these programs. But many non-citizens were ineligible for some of this aid, or faced barriers in accessing it. When compounded by the established “chilling effect” of rules like the expanded public charge rule, it seems that non-citizen New Yorkers increasingly turned to food pantries and private food assistance for help making ends meet.

Given temporary expansions of the social safety net through pandemic-related aid, it is likely that the need for food pantries city-wide would have been even higher if not for these programs.

Conclusion

As the holiday season approaches, a time when communities, families, and loved ones come together to share food, it is important to acknowledge the challenges many New Yorkers face in feeding themselves, their families, and their children. Food assistance programs like public benefits and private emergency food assistance play major roles in helping New Yorkers have enough to eat. As we have seen in previous Poverty Tracker research, while food hardship rates have remained steady since the pandemic began, increases in public benefit receipt and food pantry use have risen considerably. The result has been the prevention of millions of New Yorkers from entering poverty and an increased role of food assistance programs in preventing food hardship. Concerningly, we know that non-citizens have long faced challenges in accessing these programs, which have only been made worse by the public charge rule's "chilling effect" on the likelihood of non-citizens accessing government food aid.

In this report we highlight findings from New York City's DSS and MOIA that are consistent with a chilling effect stemming from the re-interpretation of the public charge law by DHS during the Trump administration. These findings show a decrease in SNAP participation among non-citizens in New York City relative to citizens who are not affected by the rule change. While this reading of the law represented a new and, many believe, draconian interpretation, it is just one of many ways non-citizens are excluded from benefits others are afforded. Despite being on the books for over a hundred years, the public charge law was not formally interpreted to explicitly bar those seeking citizenship from receiving certain public benefits until 1999. While the Trump administration's interpretation faced challenges in the courts and was eventually reversed by the Biden administration in September 2022, this action highlights an often-overlooked aspect of the policy formation process: rulemaking. Without federal legislation or legal intervention, as presidential administrations change, the potential for re-interpretation of the public charge law remains.

We also document changes in food pantry use among citizen and non-citizen New Yorkers over the time period covered by the public charge rule change. Since the new interpretation was first published in 2018, the world has faced immense economic challenges of mass unemployment, supply-chain disruptions, and accelerating inflation, which have all imposed shocks to income and increases in expenses among those already struggling to make ends meet. While many across the country and in New York City were provided access to benefits helping them stay afloat, many non-citizens faced barriers, blocking access to such policies. For that reason, it is perhaps unsurprising that non-citizen New Yorkers were more likely to turn to food pantries for support since 2018. While food pantries are not a panacea,¹⁷ they represent a critical lifeline for non-citizen New Yorkers and their families in putting food on the table.

¹⁷ Eicher-Miller, H.A. (2020); Byrne, A.T., Just, D.R., Barret, C.B. (2021).

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