
SENATE COMMITTEE ON HUMAN SERVICES

Senator Becker, Chair
2025 - 2026 Regular

Bill No: AB 1049
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Version: February 20, 2025
Urgency: No
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Hearing Date: June 1, 2026
Fiscal: Yes

Subject: California Food Assistance Program: sponsor deeming rules

SUMMARY

This bill deletes the requirement that applicants to the California Food Assistance Program (CFAP) must abide by the federal sponsor deeming rules required of qualified immigrants applying to the Supplemental Nutrition Assistance Program (SNAP).

ABSTRACT

Existing Law:

- 1) Establishes under federal law, SNAP to promote the general welfare and to safeguard the health and wellbeing of the nation's population by raising the levels of nutrition among low-income households. (*7 USC Section 2011 et seq.*)
- 2) States that any immigrant visa or green card applicant 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, unless they meet certain exceptions. Factors to determine inadmissibility for public charge concerns include, at a minimum:
 - a. Age;
 - b. Health;
 - c. Family status;
 - d. Assets, resources, and financial status; and
 - e. Education and skills. (*8 USC 1182 (a)(4)*)
- 3) Requires an affidavit of support [United States Citizenship and Immigration Services Form I-864] to be submitted for an immigrant visa or green card applicant to establish that the applicant is excludable as a public charge and be executed as a contract that includes all of the following:

- a. The sponsor agrees to provide support to maintain the sponsored applicant at an annual income that is not less than 125 percent of the Federal poverty line during the period in which the affidavit is enforceable;
 - b. Enforceability against the sponsor by the sponsored person, the Federal Government, any State, or by any other entity that provides any means-tested public benefit;
 - c. Agreement by the sponsor to submit to the jurisdiction of any Federal or State court for the purpose of actions brought this law. (*8 USC 1183a (a)(1)*)
- 4) Establishes citizenship requirements for SNAP benefits, including that undocumented immigrants are not eligible for SNAP. (*7 CFR 273.4*)
 - 5) Requires state agencies, if a sponsored immigrant applies for SNAP, to deem the income and resources of the sponsor and the sponsor's spouse as the unearned income and resources of the SNAP applicant that they sponsored until the applicant gains U.S. citizenship, has worked 40 qualifying quarters of work, or the sponsor dies. (*7 CFR 273.4(c)(2)*)
 - 6) Establishes the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting specified criteria. (*WIC 18900 et seq.*)
 - 7) Requires the California Department of Social Services (CDSS) to establish CFAP to provide food assistance to people who are not eligible for federal SNAP benefits due solely to their immigration status. (*WIC 18930 et seq.*)
 - 8) Requires CFAP to utilize existing CalFresh and electronic benefits transfer (EBT) system infrastructure to the extent permissible by federal law. (*WIC 18930(b)*)
 - 9) Provides that noncitizens of the United States are eligible for CFAP if the person's immigration status meets the SNAP eligibility criteria in effect on August 21, 1996, but is not eligible for SNAP benefits solely due to their immigration status under Public Law 104-193 and any subsequent amendments thereto. (*WIC 18930(c)(2)*)
 - 10) Requires the CFAP benefits provided to household be identical to amount of CalFresh received if household was eligible. (*WIC 18930(d)(1)*)
 - 11) Requires, except as otherwise stated, the federal and state laws and regulations governing SNAP to also govern the CFAP, including federal sponsor deeming rules and exemptions, unless the person has a qualifying affidavit for exemptions, which provides the period for deeming of a sponsor's income and resources shall be three years from the date of the sponsor's execution of the affidavit of support. (*WIC 18932(a-b)*)

This Bill:

- 1) Removes the requirement that applicants for CFAP that are sponsored for citizenship must abide by the federal sponsor deeming rules and exemptions, which are required for

qualified immigrants applying for the SNAP program, which consider the income and resources of a sponsor and the sponsor's spouse to be the unearned income of the CFAP applicant.

FISCAL IMPACT

According to the Assembly Appropriations Committee:

“CDSS estimates a one-time General Fund cost of approximately \$163,500 to reprogram the California Statewide Automated Welfare System (CalSAWS) to remove sponsor deeming rules from regulation and execute automation. CDSS indicates CalSAWS can automate this change nine to 12 months after the final policy guidance is issued.”

BACKGROUND AND DISCUSSION

Purpose of the Bill:

According to the author, “We must commit to making sure we streamline the processes to ensure families are able to access the resources they need, especially when it comes to food assistance. Currently, many eligible low-income immigrant families in California fear accessing public programs in our state because of concerns with the status of their green cards. AB 1049 seeks to make a change to the California Food Assistance Program. Currently, the income and resources of an immigrant’s sponsor are used when determining eligibility, even if the sponsor is not actively able to provide financial support to the sponsored immigrant. AB 1049 would remove that requirement and allow eligible low-income immigrant families to gain access to food assistance without feeling stigmatized or fearful of accessing essential food assistance. AB 1049 is a step forward in improving food security and overall well-being of our communities.”

Food Insecurity Among Immigrant Populations

Food insecurity is a statewide problem that affects people from all backgrounds. While California is the greatest food-producing state in the country, 22% of households and 27% of households with children faced food insecurity in 2024, according to the California Association of Food Banks. Food insecurity disproportionately affects certain communities. According to the same California Association of Food Banks study, 35% of Black households and 31% of Latino households reported food insecurity in September 2024.¹ According to the Public Policy Institute of California, “Black and Latino households (18%) and households with children (17%) are more likely to experience food insecurity compared to white and Asian American households (7%) and households without children (11%).”²

Among immigrant families, concerns that participating in public assistance programs could endanger their citizenship or residence process discourages them from accessing services they may be eligible to receive. One study found that 28 percent of the immigrant families they

¹ www.cafoodbanks.org/food-insecurity-data/

² Thorman, T.; Malagon P. California’s Nutrition Safety Net. Public Policy Institute of California. May, 2025. www.ppic.org/publication/californias-nutrition-safety-net

surveyed faced food insecurity, that families had “concerns about safety net program participation... especially salient during discussions about the Trump administration’s expanded public charge rule, which considered the use of noncash public benefits, such as SNAP, Medicaid, or housing assistance, in applications for green cards or temporary visas”.³ Many of these families were afraid accessing benefits will make it harder to get a green card. The study also found that families with children were more likely to avoid benefits than those without children. The impacts of childhood hunger are well known. Children who live in households experiencing food insecurity are at higher risk of health, academic, behavioral, and emotional problems than those who are not.

CalFresh

CalFresh is California’s version of federal SNAP, an entitlement program that provides eligible households with federally funded monthly benefits to purchase food. Currently, CalFresh food benefits are 100 percent federally funded, but recent changes in federal law will require states to pay a portion of the benefit. CalFresh administration costs are funded with 50 percent federal funds, 35 percent General Fund, and 15 percent county funds, except for state-mandated program changes. Benefits are delivered through an EBT card which cardholders can use at point-of-sale terminals authorized by the USDA. Grocers and other retailers are paid directly by the federal government for the dollar value of purchases made with CalFresh food benefits. Monthly benefits per household vary based on household size, income, and deductible living expenses. Larger households generally receive more benefits than smaller households and relatively higher-income households generally receiving fewer benefits than lower-income households. The average benefit in 2025-2026 is approximately \$333 a month for all households.

California Food Assistance Program

Under federal law, CalFresh benefits are not available to certain non-citizens. However, California provides state-funded food assistance through CFAP for a limited group of qualified non-citizens who are not eligible for federal benefits due to their immigration status. Like CalFresh, CFAP benefits are provided via EBT cards and can only be used to purchase food products authorized under CalFresh.

CFAP was created in response to passage of the Personal Responsibility and Work Opportunity Reconciliation Act in 1996 (discussed more below), which restricted federal eligibility for aid to immigrant populations entering the United States. However, income and other federal eligibility requirements, as well as benefit amounts, for CFAP align with those for CalFresh.

California law identifies specific categories of lawfully present immigrants who are eligible for CFAP benefits as follows:

- Lawful permanent residents (green card holders);

³ Gonzalez, et. al., 2023. “One in Six Adults in Immigrant Families with Children Avoided Public Programs in 2022 Because of Green Card Concerns.”

- Refugees, those receiving asylum, persons granted withholding of deportation/removal, conditional entry (in effect prior to April 1, 1980), or paroled into the U.S. for at least one year;
- Cuban/Haitian entrants;
- Battered spouses and children with one of the following, whether it be pending or approved: a self-petition for an immigrant visa; an immigrant visa filed for a spouse or child by a U.S. citizen or lawful permanent resident; or, an application for cancellation of removal/suspension of deportation, whose need for benefits has a substantial connection to the battery or cruelty. Parent/child of such battered child/spouse are also “qualified”;
- Victims of trafficking and their derivative beneficiaries who have obtained a T visa or whose application for a T visa sets forth a prima facie case.

Recent changes in the federal bill, H.R. 1, change the CalFresh eligibility rule for noncitizens and disqualifies certain noncitizen groups from being eligible for CalFresh assistance, including asylees, refugees, parolees, battered noncitizens, and trafficking victims, among others. According to CDSS, about 34,000 individuals enrolled in CalFresh will lose assistance because of this change. According to the Legislative Analysts Office, participation in CalFresh and CFAP has declined in 2026 due to eligibility requirements and possibly a chilling effect. Participation in CFAP has had a steeper decline than CalFresh.

Public Charge Final Rule

In 1996, the federal government changed the way social service benefits are provided through a major reform of the Aid to Families with Dependent Children welfare program. The reform bill was called the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Act codified benefit restrictions to certain immigrants, specifically those who are undocumented or do not have a qualifying citizenship status. The law states that unqualified immigrants cannot receive federal public benefits except for a limited number of exceptions.

One way benefits are restricted to unqualified immigrants is the Inadmissibility on Public Charge Grounds final rule administered by the Department of Homeland Security (DHS) United States Citizenship and Immigration Services (USCIS). Per the 2019 final rule, DHS officers were directed to consider all factors that are relevant and listed minimum factors to consider which include age, health, family size, assets and resources, and education and skills. This created a chilling affect causing immigrants who might be eligible for CalFresh to not seek out the benefits out of concern that accepting such assistance might jeopardize their future efforts to change their immigration status.

On December 23, 2022, DHS implemented a new final rule to narrow how DHS USCIS will interpret the “public charge” ground of inadmissibility to focus on the use of cash aid programs and long-term institutional care. The new rule also requires DHS officers to consider potential future use and not the past use of benefits. Under this final rule, DHS USCIS states it “will not penalize individuals who choose to access the vast majority of health-related benefits and other supplemental government services available to them, including most Medicaid (Medi-Cal) benefits.... and will also not consider non-cash benefits provided by other government agencies

including food and nutrition assistance such as SNAP (CalFresh), disaster assistance received under the Stafford Act; pandemic assistance; benefits received via a tax credit or deduction; and government pensions or other earned benefits. Receipt of cash-based benefits, such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and other similar programs, will not automatically exclude an individual from admission or green card eligibility, and will instead be considered in a ‘totality of the circumstances’ analysis.”⁴

In November 2025, DHS proposed rescinding the 2022 Final Rule because, as the proposal states, the 2022 rule “straitjacket[s] DHS officers' ability to make public charge inadmissibility determinations that are consistent with Congress's express national policy on welfare and immigration enacted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.” The new rule proposal brings back the broader interpretation of the 2019 rule including the past and future use of all benefits like food assistance and Medicaid. One of the proposed changes also requires DHS officers to consider the “minimum factors,” listed above, when determining admissibility or green card eligibility, including a person’s assets and resources.

Sponsor Deeming Rules

To satisfy the inadmissibility on public charge grounds requirement, an immigrant visa or green card applicant’s sponsor must fill out form USCIS I- 864 Affidavit of Support, where they commit to supporting the green card applicant at an income level of at least 125 percent of the federal poverty level, to prevent the person from needing to use public benefits. After a person is admitted into the United States with a visa or obtains a green card, if they apply for public benefits, the sponsor must also report a portion of their income on those public benefit applications. This means a sponsor’s income is deemed unearned income for the noncitizen applicant for the purpose of determining eligibility. This also means the applicant’s reported income will be larger than what they earn whether the sponsor is providing that additional reported income to the noncitizen applicant or not. Deeming rules apply to people applying for SSI, the State Cash Assistance Program for Immigrants, CalFresh, CalWORKs and CFAP.

As stated above, California state law requires many of the federal requirements for CalFresh to also apply to CFAP, including the sponsor deeming rule. A portion of the sponsor’s income must be reported for the first three years the person is accessing CFAP. There are a few exceptions to the requirement for sponsor deeming including a person being at risk of indigence, meaning they are unable to access food or shelter; their sponsor dies; they are victims of domestic violence; or the sponsor is also a recipient of public food assistance. However, CFAP is a state funded nutrition assistance program, and the federal law only explicitly requires sponsor deeming for federally funded programs.

This bill would remove the requirement that the state deem the assets and resources of a sponsor applicable sponsored immigrant individuals and families applying for CFAP.

Related/Prior Legislation:

AB 311 (Santiago, 2024) would have removed the 55 years and older age limit for noncitizens eligible for the CFAP if the noncitizens satisfy all eligibility criteria for participation in CalFresh

⁴ <https://www.federalregister.gov/documents/2022/09/09/2022-18867/public-charge-ground-of-inadmissibility>

except any requirements related to immigration status. This bill was held in the Senate Appropriations Committee.

SB 628 (Hurtado, Chapter 879, Statutes of 2023) declares that it is the established policy of the state that every human being has the right to access sufficient affordable and healthy food and requires relevant agencies to consider that right when making policies.

SB 187 (Committee on Budget and Fiscal Review, Chapter 50, Statutes of 2022) among other things, removes the requirement that CFAP applicants provide a social security number if they do not have one and eliminates the work requirement for CFAP participants when the CFAP expansion is implemented.

AB 135 (Committee on Budget, Chapter 85, Statutes of 2021) provides \$5 million in the 2021 Budget Act to expand food assistance CFAP to individuals 55 years of age or older, who are ineligible for CalFresh benefits due solely to their immigration status.

COMMENTS

AB 1049 removes the requirement that, when applying for CFAP, a sponsored immigrant, like a green card holder, include their sponsor’s income as their as part of the eligibility determination for the green card holder. When CFAP was created, the state mirrored many of the requirements for CalFresh including the application process. Today an applicant for food assistance and other benefit program uses the BenefitsCal website and/ or works with a county eligibility worker to learn what help they can access, and if required, include their sponsor’s income information. Including the income of a sponsor may cause the applicant to exceed the income threshold for eligibility. Sponsors may also be hesitant to want their income listed on an application for public assistance if they also have a green card. Since sponsor deeming is not a federal requirement to access CFAP, this bill would remove the requirement as part of a larger effort to streamline access to food assistance and remove barriers that could cause a chilling effect for applicants.

PRIOR VOTES

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| Assembly Floor: | 54 - 15 |
| Assembly Appropriations Committee: | 11 - 3 |
| Assembly Human Services Committee: | 5 - 1 |

POSITIONS

Support:

- California Immigrant Policy Center (Co-Sponsor)
- Nourish California (Co-Sponsor)
- Alameda County Community Food Bank
- Alchemist CDC
- Api Forward Movement

Asian Pacific Islander Forward Movement
California Association of Food Banks
California Food and Farming Network
California Pan - Ethnic Health Network
California Primary Care Association
California Wic Association
Ceres Community Project
Coalition for Humane Immigrant Rights (CHIRLA)
Farm2people
Food Access LA
Fresh Approach
Glide
Healthright 360
Interfaith Sustainable Food Collaborative
Latino Coalition for a Healthy California
Los Angeles County
Los Angeles Food Policy Council
Marin Food Policy Council
Organizing Rooted in Abolition Liberation and Empowerment
Pesticide Action Network North America
Roots of Change
San Diego Food System Alliance
Second Harvest Food Bank of Orange County
Second Harvest of Silicon Valley
Sierra Harvest
Survivors of Torture, International
The Children's Partnership
Vision Y Compromiso (UNREG)
What We All Deserve

Oppose:

None received

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