

# Operations Memorandum - Cash - Medicaid - Food Stamps OPS080910

October 6, 2008

**SUBJECT:** Eligibility of Iraqi and Afghan Special Immigrants  
**TO:** Executive Directors  
**FROM:** Joanne Glover, Director, Bureau of Operations

## Purpose

To inform County Assistance Offices (CAOs) of the eligibility of certain Iraqi and Afghan immigrants for cash, medical and food stamp (FS) benefits. This policy is effective immediately.

## Background

Section 101(a)(27) of the Immigration and Nationality Act (INA) granted Iraqi and Afghan non-citizens special immigration status. Individuals and family members granted these special statuses are legal, permanent residents and qualified non-citizens. Section 525 of Title V of Division G of the Consolidated Appropriations Act of 2008 (Public Law 110-161), signed into law December 26, 2007, and Section 1244 (g) of the National Defense Authorization Act for Fiscal Year 2008 (NDAA 2008) (Public Law 110-181), signed into law on January 28, 2008 granted these individuals assistance and entitlement programs the same as refugees admitted under Section 207 of the INA, except that these benefits are time limited. The special immigration status temporarily exempts these individuals from the five-year ban on receipt of TANF outlined in OPS000901, Non-Citizens.

## Discussion

### **Are Iraqi and Afghan special immigrants eligible for cash, medical and FS benefits?**

Yes. Effective December 26, 2007, Iraqi and Afghan individuals granted this special immigration status may be eligible for cash, medical and FS benefits. In addition, the individual's spouse and unmarried children under 21 years of age who are granted this special immigration status and who accompany the individual or follow later to join the individual may be eligible for cash, medical and FS benefits.

Once it is determined that the applicant and/or his family meets the special immigrant status, eligibility for the benefit is determined based on the established non-financial, income and resource criteria. For instance, a family applying for cash assistance is reviewed for TANF if the family includes a TANF child and meets the applicable income and resource limits.

**What is the period of eligibility?**

The period of eligibility under this special status is as follows for the cash assistance and FS programs:

Afghan Immigrants	Begins six months from: <ul style="list-style-type: none"> <li>• the date of entry under special immigration status</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>• the date of a change in the immigration status to the special immigration status.</li> </ul>
Iraqi Immigrants	Begins eight months from: <ul style="list-style-type: none"> <li>• the date of entry under special immigration status</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>• the date of a change in the immigration status to the special immigration status.</li> </ul>

For cash assistance, the six or eight-month period of eligibility is calculated by number of eligibility periods (pay periods). For a six-month period of eligibility, there is a maximum of 12 consecutive payment dates.

**What documents will confirm both the status and the date of entry for cash, medical and FS?**

Both Iraqi and Afghan special immigrants will either enter the U.S. as lawful permanent residents with the special immigrant visa or will adjust to special immigrant status after entering the U.S. under another immigration status, such as an asylee or parolee.

The following documents will confirm both status and date of entry for Iraqi and Afghan special immigrants for all programs:

	<b>Documentation</b>
<b>Applicant</b>	
Principal Applicant Iraqi or Afghan Special Immigrant	Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa)

	<p>Category SI1 (or SQ1 for Iraqi only)</p> <p>and</p> <p>Department of Homeland Security (DHS) stamp or notation on passport or I-94 showing date of entry.</p>
Spouse of Principal Applicant Iraqi or Afghan Special Immigrant	<p>Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV Category SI2 (or SQ2 for Iraqi only)</p> <p>and</p> <p>DHS stamp or notation on passport or I-94 showing date of entry.</p>
Unmarried Child Under 21 Years of Age of Principal Applicant Iraqi or Afghan Special Immigrant	<p>Iraqi or Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV Category SI3 (or SQ3 for Iraqi only)</p> <p>and</p> <p>DHS stamp or notation on passport or I-94 showing date of entry.</p>
Principal Applicant Iraqi or Afghan Special Immigrant Adjusting Status in the U.S.	DHS Form I-551 (green card) showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV code of SI6 (or SQ6 for Iraqi only).
Spouse of Principal Applicant of Iraqi or Afghan Special Immigrant.	DHS Form I-551 (green card) showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV code of SI7 (or SQ7 for Iraqi only).
Unmarried Child Under 21 Years of Age of Principal Applicant Iraqi or Afghan Special Immigrant.	DHS Form I-551 (green card) showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV code of SI9 (or SQ9 for Iraqi only).

**CASH Benefit Examples for Special Immigrant Status:**

The CAO will authorize TANF if the family meets all program requirements using Program Status Code (PSC) 00. The CAO will set an alert to change the PSC from 00 to 04 (TANF alien subject to 5-year bar) for the second payment date of the 6<sup>th</sup> or 8<sup>th</sup> month, dependant on the country of origin. No special notices are needed.

NOTE: Determine eligibility under this special status for TANF, not for the Work Support Component.

**Example 1:** An Afghan man, his wife and two minor children are admitted to the U.S. as special immigrants on February 14, 2008. The family applies for cash assistance during April 2008. The 6-month exemption period begins February 14, 2008. The family meets all program requirements. TANF with PSC 00 is authorized until July 2008. The PSC is changed to 04 for the second payment date in July.

If the family in the example above is Iraqi, then the PSC 00 is changed to PSC 04 for the second payment date in September.

**Example 2:** An Iraqi family enters the U.S. as aliens paroled into the country in December 2007. On January 15, 2008 their status is adjusted to special immigrant status. The family applies for cash assistance on January 28, 2008. They meet program requirements and TANF is authorized with PSC 00 until August 2008. In August, the PSC 00 is changed to 04.

The CAO will authorize General Assistance (GA) for a single individual who meets the income and resource requirements for GA using category D and PSC 02 according to SHB 730.6, Authorizing Refugee Assistance. The period of eligibility for individuals in this special immigration status is the same as for TANF: six months for Afghans and eight months for Iraqis. The CAO must set an alert to determine continued eligibility for GA based on all GA eligibility requirements.

**Example 3:** An Iraqi man enters the U.S. on April 15, 2008 in special immigrant status. He applies for cash assistance in May. The eight-month exemption period begins on April 15, 2008. He meets all program requirements and the CAO authorizes GA with PSC 02 and sets an alert to determine continued GA eligibility in November 2008. If he is no longer eligible, the CAO sends a 162A to close the cash budget.

In the example above, the man's wife and child enter the U.S. as special immigrants in June 2008. The CAO will close the GA budget and open TANF 00 for the family until November 2008. The PSC is changed to 04 for the second payment date in November.

### **FS Benefits Examples for Special Immigrant Status:**

FS eligibility cannot begin on a date prior to December 26, 2007 for Afghan and Iraqi immigrants. The period of eligibility cannot exceed six months for Afghan immigrants or eight months for Iraqi immigrants from the date the special immigrant enters the U.S. or the date of a change in the immigrant status to the Special Immigrant Status, with the month of entry counting as a full month, as the following illustrates:

Afghan Examples:

Date of Entry	Date of Food Stamp	Certification Period
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	<b>Application</b>	
October 11, 2007—Six months from date of entry is October 11 through March 31.	January 8, 2008	3 months—January 8, 2008 through March 31, 2008.
December 12, 2007—Six month from date of entry is December 12 through May 31.	February 26, 2008	4 months—February 26, 2008 through May 31, 2008.
September 30, 2008—Six month from date of entry is September 30 through February 28.	October 16, 2008	5 months—October 16, 2008 through February 28, 2009.
<b>Change in Immigration Status</b>	<b>Date of Food Stamp Application</b>	<b>Certification Period</b>
Change to special immigration status occurred on October 11, 2007.	January 8, 2008	3 months—January 8, 2008 through March 31, 2008.
Change to special immigration status occurred on December 12, 2007.	February 26, 2008	4 months—February 26, 2008 through May 31, 2008.

Iraqi Examples:

<b>Date of Entry</b>	<b>Date of Food Stamp Application</b>	<b>Certification Period</b>
October 11, 2007—Eight months from date of entry is October 11 through May 31.	December 5, 2007	6 months—December 26, 2007 through May 31, 2008.
December 12, 2007—Eight month from date of entry is December 12 through July 31.	February 26, 2008	6 months—February 26, 2008 through July 31, 2008.
September 30, 2008—Eight month from date of entry is September 30 through April 30.	October 16, 2008	7 months—October 16, 2008 through April 30, 2009.
<b>Change in Immigration Status</b>	<b>Date of Food Stamp Application</b>	<b>Certification Period</b>
Change to special immigration status occurred on October 11, 2007.	December 5, 2007	6 months—December 26, 2007 through May 31, 2008.
Change to special immigration status occurred	February 26, 2008	6 months—February 26, 2008 through July 31, 2008.

on December 12, 2007.

### **Medical Assistance Benefits:**

The Centers for Medicare and Medicaid Services (CMS) has determined that Iraqis and Afghans with this special immigration status are permanent residents and qualified non-citizens. Therefore, there is no time limit for MA benefits for these individuals. If otherwise eligible, they are to be opened as any other qualified non-citizen.

### **How long is this policy effective?**

For Afghan immigrants, eligibility for benefits remains in effect until the Food and Nutrition Service advises that the provision of the appropriation expires. For Iraqi immigrants, the policy is effective for five Federal Fiscal Years (FFY), (FFY 2008 through FFY 2012, which ends September 30, 2012).

### **What notice should be sent when benefits are opened?**

#### **For cash benefits openings:**

A manual Notice to Applicant must be sent explaining the reason that cash assistance benefits are limited.

You may get cash assistance benefits in a special immigrant status for \_\_\_\_\_ months. This time period starts from the date you entered the United States or the date of your special immigrant status. Since you applied for cash assistance on \_\_\_\_\_, you may receive cash assistance benefits from \_\_\_\_\_ through \_\_\_\_\_.

LAW: Public Law 110-161, The Consolidated Appropriations Act, 2008      Public Law 110-181, The National Defense Authorization Act, 2008 8 U.S.C. §1101(a)(27)

#### **For FS benefit openings:**

A manual Notice to Applicant must be sent explaining the reason that FS benefits are limited.

You may get food stamp benefits in a special immigrant status for \_\_\_\_\_ months. This time periods starts from the date you entered the United States or the date of your special immigrant status. Since you applied for food stamp benefits on \_\_\_\_\_, you may receive food stamp benefits from \_\_\_\_\_ through \_\_\_\_\_.

LAW: Section 525 of Public Law 110-161, The Consolidated Appropriations Act, 2008  
Public Law 110-181, The National Defense Authorization Act, 2008 8 U.S.C. §1101(a)(27)

## **What notice should be sent to close benefits when the time limit period ends?**

### **For cash benefit closings:**

For TANF budgets being transferred to PSC 04, no special notice is required.

For other closings, a confirming notice must be sent explaining the reason for the closing. The CAO should enter reason code 803 with a "0" option code. Suggested wording for the notice is:

You may only receive cash assistance benefits in special immigrant status for \_\_\_\_\_months. Your time limit will end \_\_\_\_\_. If you applied for or are receiving food stamp or medical benefits, you will receive a separate notice regarding those benefits or if there is a change to those benefits.

LAW: Section 525 of Public Law 110-161, The Consolidated Appropriations Act, 2008 8 U.S.C. §1101(a)(27)

### **For FS benefit closings:**

A confirming notice must be sent explaining the reason for the closing. The CAO should enter reason code 620 with a "0" option code. Suggested wording for the notice is:

You may only receive food stamp benefits in special immigrant status for \_\_\_\_\_months. Your time limit will expire effective\_\_\_\_\_. If you applied for or are receiving cash assistance benefits or medical benefits, you will receive a separate notice regarding your eligibility or if there is a change to your benefits.

LAW: Section 525 of Public Law 110-161, The Consolidated Appropriations Act, 2008 8 U.S.C. §1101(a)(27)

### **Next Steps**

1. Share this information with all appropriate staff.
2. Refer any questions to your Area Manager.
3. Maintain this Operations Memorandum until further notice.