

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

April 4, 2008

Page: 1

TO: WMS Coordinators; IM Directors, Food Stamp Directors

FROM: Russell Sykes, Deputy Commissioner, Center for Employment & Economic Supports

SUBJECT: Guidance of Afghan and Iraqi Nationals Granted Special Immigrant Status by the U.S. Citizenship and Immigration Services (USCIS)

EFFECTIVE DATE: Immediately

CONTACT PERSON: Temporary Assistance, Paul Dichian @ 1-800-343-8859, extension 4-0886, Food Stamps, Frank Essien @ 1-800-343-8859, extension 4-9340

Effective December 26, 2007, Afghan nationals granted special immigrant status by the USCIS and having a valid Special Immigrant Visa (SIV) are eligible for resettlement assistance, entitlement programs and other benefits available to refugees admitted under Section 207 of the Immigration and Nationality Act (INA) for a period not to exceed six months.

Effective January 28, 2008, Iraqi nationals granted special immigrant status by the USCIS and having a valid SIV are eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under Section 207 of the INA for a period not to exceed eight months.

This means that if otherwise eligible, Afghan and Iraqi special immigrants may receive Family Assistance (FA), Safety Net Assistance (SNA) and/or Food Stamps during their respective six or eight month SIV eligibility period.

Afghan or Iraqi nationals granted special immigrant status generally are interpreters and/or translators who performed work for the U.S. Armed Forces or under the authority of the Chief of Mission.

The six or eight month special immigrant eligibility period begins on the date an Afghan or Iraqi national enters the U.S. as a special immigrant with a SIV or their date of adjustment to special immigrant status.

The special immigrant eligibility period for SIV family members who arrive in the U.S. on a different date than the principal SIV is based on their date of entry into the U.S., not the date of entry of the principal SIV holder.

The effective date of eligibility for benefits for both Afghan and Iraqi special immigrants can be no earlier than December 26, 2007. Thus, the beginning date for benefit eligibility may or may not coincide with beginning the date of the special immigrant eligibility period (date of entry or adjustment to special immigrant status).

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

April 4, 2008

Page: 2

For Temporary Assistance, districts are to count the period of eligibility from the date the Afghan or Iraqi national entered the U.S. with a valid SIV or the date such status was granted. For example, an Afghan national who entered on December 26, 2007 would be eligible for resettlement assistance, entitlement programs and other benefits as a special immigrant until June 26, 2008. An Iraqi SIV holder who entered the U.S. on January 3, 2008 would be eligible for resettlement assistance, entitlement programs and other benefits as a special immigrant until September 3, 2008.

The SIV holders' eligibility period does not replace the Temporary Assistance date of eligibility policy. The SIV holder's eligibility period is the time period that the SIV holder can receive benefits as if he or she was a refugee. The SIV holder still must apply for TA benefits and districts must determine eligibility in accordance with policies and procedures applicable to TA.

For example, an Afghan SIV holder and his family enter the U.S. on 11/12/07. He applies for benefits on December 12, 2007. The household is categorically eligible for FA and the applicant provides all required documentation on December 28, 2007. Because of their special immigrant status the family can receive FA for the balance of the SIV holder eligibility period from December 28, 2007 until May 12, 2008.

Afghan and Iraqi special immigrants who are categorically eligible for FA will be subject to employment requirements in accordance with 18 NYCRR Part 385. Afghan and Iraqi immigrants special immigrants who are categorically eligible for SNA will receive Refugee Cash Assistance (RCA) provided under case type 16 (SNA cash) during the SIV eligibility period. They will be subject to the RCA employment rules until the end of the SIV eligibility period.

Districts must use WMS Alien/Citizenship Code "R" (Refugee) for Afghans and Iraqis with a valid SIV who are determined eligible for benefits for the six or eight month SIV eligibility period. The date of entry into the U.S. of an Afghan or Iraqi special immigrant with a valid SIV or the SIV designation date must be input in the Date Entered Country (DEC) field on Screen 4 (Upstate).

In Upstate, for Case Types 11, 12, 20, 24, 31, 32 districts should use an Anticipated Future Action Code 302 – End of Authorization Period when limiting the Afghan/Iraqi special immigrants authorization period and enter the appropriate Authorization To Date. For Case Types 16 or 17 a Special Program Code of R – Refugee Cash Assistance should be used. This Special Program Code will limit the authorization period up to 8 months. In conjunction with the Special Program Code R, State/Federal Code 30 – Refugees will be required as well as Anticipated Future Action Code 351.–Refugees, Cuban/Haitian Entrants.

Centers in NYC must input special federal charge code 30 on Eligibility Screen (NCEM15-Individual Information) or through an unformatted screen in undercare (NUCMCL). The Date Entered Country is also inputted on these screens.

The Date of Status will be the same as the DEC for the Afghan and Iraqi special immigrants.

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

April 4, 2008

Page: 3

Required Documentation for Afghani and Iraqi SIV Holders

- USCIS Form I-94 (Arrival/Departure Record) noting that the individual has been admitted under Section 101(a)(27) of the INA, or;
- Afghan or Iraqi passport with a stamp noting that the individual has been admitted under Section 101 (a) (27 or the INA, or;
- Afghan or Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (immigrant visa) Category SI-1, SI-2 or SI-3 or SQ-1, SQ-2 SQ-3, or;
- USCIS Form I-551 (“green card”) showing Afghani or Iraqi nationality (or Afghan or Iraqi passport) with an IV (immigrant visa) code of SQ-6, SQ-7, SQ-9 or SI-6, SI-7 or SI-9.

Food Stamp Certification Period

Iraqi and Afghan special immigrants’ certification period for Food Stamp benefits cannot exceed eight and six months respectively.

Iraqi Special Immigrants

Adult Iraqi special immigrants may be eligible to receive up to eight months of food stamps from the date they are granted special immigrant status. United States Department of Agriculture (USDA) rules require that the month an Iraqi was granted special immigrant status be counted as one month in the eight month eligibility period. Because most adult Iraqi special immigrants will apply sometime after they have been granted status, the period of eligibility could be eight months or less, as the following illustrates:

Granted Special Immigrant Status	8 Month Eligibility End Date	Date of Food Stamp Application	Date of Eligibility/Certification Period
September 10, 2007	April 30, 2008	December 17, 2007	5 months—from December 26, 2007 through April 30, 2008 (household is ineligible prior to the effective date of the law).
January 26, 2008	August 31, 2008	March 31, 2008	6 months—from March 31, 2008 through August 31, 2008.
August 1, 2008	March 31, 2009	August 15, 2008	8 months—from August 15, 2008 through March 31, 2009.

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

April 4, 2008

Page: 4

Afghani Special Immigrants

Adult Afghan special immigrants may be eligible to receive up to six months of food stamps from the date they are granted special immigrant status. USDA rules require that the month an Afghan was granted special immigrant status be counted as one month in the six month eligibility period. Because most adult Afghan special immigrants will apply sometime after they have been granted status, the period of eligibility could be six months or less, as the following illustrates:

Granted Special Immigrant Status	6 Month Eligibility End Date	Date of Food Stamp Application	Date of Eligibility/Certification Period
October 11, 2007	March 31, 2008	December 17, 2007	4 months—from December 26, 2007 through March 31, 2008 (household is ineligible prior to the effective date of the law).
February 26, 2008	July 31, 2008	March 31, 2008	5 months—from March 31, 2008 through July 31, 2008.
August 1, 2008	January 31, 2009	August 15, 2008	6 months—from August 15, 2008 through January 31, 2009.

At the end of the six or eight month eligibility period, districts will have to re-determine eligibility based on whether or not the Afghan or Iraqi special immigrant has a satisfactory immigration status for benefit eligibility. Districts should refer the Alien Eligibility Desk Aid (LDSS-4579) for a listing of satisfactory immigration statuses and the respective program eligibility.

Special Immigrants who are eligible for SNA after the SIV eligibility period would not have a 45-day wait so long as there was no break in Temporary Assistance eligibility. A separate Medicaid determination will be required for all Afghan and Iraqi special immigrants at the end of their six or eight month eligibility period.

Federal legislation limits the number of Special Immigrant Visas. OTDA anticipates that relatively few Afghans or Iraqis SIV holders will apply for benefits. This message will be followed by a policy release on these special immigrants.