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TO: WMS Coordinators, Temporary Assistance Directors, Food Stamp Directors, Staff Development Coordinators

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

SUBJECT: Elimination of the Eight Month Time Limit for Afghan and Iraqi Special Immigrants to Receive Refugee Benefits

EFFECTIVE DATE: Immediately

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extension 4-0886, Food Stamps, Frank Essien @ 1-800-343-8859,
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Background

GIS 08 TA/DC008, dated April 4, 2008 informed local districts about the eligibility of Afghan and Iraqi special immigrants for public benefits. Afghan and Iraqi nationals granted special immigrant status generally are interpreters and/or translators (or members of their families) who worked in Afghanistan or Iraq with the U.S. Armed Forces or under the authority of the Chief of Mission.

The Refugee Crisis in Iraq Act of 2007 and the Afghan Allies Protection Act of 2009 provided that Afghan and Iraqi special immigrants could receive refugee and entitlement benefits available to refugees admitted under Section 207 of the Immigration and Naturalization Act (INA) for up to eight months from the date they entered the U.S as special immigrant.

This meant that, if otherwise eligible, Afghan and Iraqi special immigrants could receive Family Assistance, Safety Net Assistance and/or Food Stamps during their eight month special immigrant eligibility period.

Purpose

The purpose of this GIS is to inform local districts that the eight-month limitation on the benefit eligibility of Afghan and Iraqi special immigrants was removed effective December 19, 2009 by the Department of Defense Appropriations Act of 2010 (Public Law 111-118). Section 8120(a) (Iraqi) and Section 8120(b) (Afghan) provide for Afghan and Iraqi special immigrants to receive benefits like any other refugee admitted under Section 207 of the INA. Refugees are specially qualified aliens and do not need five years in a qualifying status to receive federally-funded Family Assistance or Food Stamps, if

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otherwise eligible. Refugees not categorically eligible for Family Assistance can receive Safety Assistance (SNA), if otherwise eligible. Refugees can continue to receive cash assistance and food stamps for as long as they meet the programs' eligibility requirements. Federal guidance on this matter was provided to states on January 29, 2010.

Temporary Assistance

Effective immediately, local districts will determine the cash assistance eligibility for Afghan and Iraqi special immigrants like any other refugee whose eligibility for federal benefits is not restricted by his/her immigration status. Afghan and Iraqi special immigrants who are currently receiving cash assistance and began receiving before December 19, 2009 are no longer limited to an eight month eligibility period.

Afghan and Iraqi special immigrants whose cash assistance cases were closed before December 19, 2009 would have to reapply for benefits.

Districts are to use WMS Alien Citizenship (ACI) code **R** for Afghan and Iraqi special immigrants.

Districts are reminded that single and childless couples Afghan and Iraqi special immigrants can be claimed to Refugee Cash Assistance (100% federal reimbursement) for the first 8 months of their date of entry.

Food Stamps

Sections 8120(a) and 8120(b) extend the length of time that Afghan and Iraqi special immigrants have refugee status in the United States.

Effective immediately, the certification period for Afghan and Iraqi special immigrants for Food Stamp benefits will be similar to individuals with ACI code **R** (Refugees). Afghan and Iraqi special immigrants who currently receive Food Stamp benefits or who apply for Food Stamp benefits will continue to be coded R and receive Food Stamp benefits for as long as they meet the program's eligibility requirements.

The application of this change is not retroactive for either Temporary Assistance or Food Stamps, and therefore, those persons whose eligibility expired due to the 8-month eligibility time period under the prior legislation must re-apply for benefits, and are not eligible for any restored or retroactive benefits.

If a local district is aware of any Iraqi or Afghani Special Immigrants who were denied or had their food stamp eligibility terminated after the effective date of the federal legislation (December 19, 2009), the denial or termination should be reconsidered.