



30 East Broad Street Columbus, Ohio 43215-3414
jfs.ohio.gov

ACTION CHANGE TRANSMITTAL LETTER No. 245
FOOD ASSISTANCE CHANGE TRANSMITTAL No. 30

EFFECTIVE DATE: Immediately
OAC RULES: 5101:4-3-07, 5101:1-2-30, 5101:1-2-40, 5101:1-2-40.2

TO: All Cash Assistance Manual Holders
All Food Stamp Certification Handbook Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Iraqi and Afghan Special Immigrant Status – Eligibility for Public Assistance

Reason for Change: This letter is to provide information recently received from the Office of Refugee Resettlement and the Office of Family Assistance, Administration for Children and Families, Health and Human Services, and the Food and Nutrition Service, United States Department of Agriculture, regarding Public Law (PL) 110-161 of the Consolidated Appropriations Act of 2008, and PL 110-181, National Defense Authorization Act for Fiscal Year 2008, granting special immigrant status to Afghan and Iraqi aliens for a time-limited period.

The law pertaining to Iraqi special immigrants is in effect for five federal fiscal years, for FFY 2008 through FFY 2012. The law pertaining to Afghan special immigrants is contained in an appropriations bill, and thus is only in effect through the end of the federal fiscal year (FFY), September 30, 2008, unless extended by Federal law. Historically, such appropriation bills remain in effect after the end of the fiscal year through continuing resolutions and it is anticipated to be extended.

Prior Policy: None

New Policy: Effective December 26, 2007, PL 110-161 granted Iraqi and Afghan aliens special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits the same as refugees admitted under section 207 of the INA.

The period of eligibility for Afghan special immigrants cannot exceed six months from the date of entry into the United States (U.S.). Effective January 28, 2008, PL 110-181 extended eligibility for Iraqi special immigrants from six to eight months from the date of entry into the

U.S. However, PL 110-181 did not extend the six-month period of eligibility for Afghan special immigrants.

No services can be provided prior to the effective date of the law, December 26, 2007, or prior to the application date for benefits and services.

The policies contained in this ACT/FACT will be incorporated into a future CAMTL and FSTL.

Food stamp eligibility: Under the authority of PL 110-161, the Afghan special immigrant's food stamp certification period for food stamps cannot exceed six months from the date of entry. For example, if the date of entry is October 10, 2007, the six month period is October through March; if the food stamp application file date of this individual with an entry date of October 10, 2007 is not until sometime in February 2008, the certification period would only be for two months, February 2008 through March 2008.

Under the authority of PL 110-181, the Iraqi special immigrant's food stamp certification period for food stamps cannot exceed eight months from the date of entry. For example, if the date of entry is December 12, 2007, the eight month period is December through July 2008; if the food stamp application file date of this individual with an entry date of December 12, 2007 is not until sometime in March 2008, the certification period would only be for five months, March 2008 through July 2008.

Ohio Works First (OWF) or Refugee Cash Assistance (RCA) eligibility: Qualified aliens are the only non-citizens eligible to receive a Federal TANF public benefit. A qualified alien who enters the U.S. on or after August 22, 1996 is not eligible for any Federal means-tested public benefit (e.g., federally funded TANF assistance) for a period of five years beginning on the date of the alien's entry into the U.S.

Iraqi and Afghan special immigrants are exempt from the five year bar on receipt of Federal means-tested TANF public benefit for a time-limited period. The time-limited exemption period for Afghan special immigrants is six months from the date of entry into the U.S. The time-limited exemption period for Iraqi special immigrants is eight months from the date of entry into the U.S.

Once the six or eight month exemption period ends, these special immigrants would meet the definition of lawful permanent residents and would no longer be exempt from the five year bar on receipt of a Federal means-tested public benefit.

When an application is received, eligibility under "entitlement programs" (i.e., TANF/OWF) would be explored first. If eligibility for OWF exists, it is limited to the six or eight months of this program. If eligibility for OWF does not exist, Afghan and Iraqi special immigrants could qualify for benefits under the RCA program for six or eight months.

The date of eligibility for OWF or RCA benefits cannot precede the date of application or the date that the law went into effect. No provision exists to provide benefits between the date of

entry and the date that the county department of job and family services (CDJFS) receives an application.

Refugee Social Services Program (RSSP) eligibility: In accordance with PL 110-161, effective December 26, 2007, and extended under PL 110-181, effective January 28, 2008, an Iraqi special immigrant is eligible for RSSP services for eight months from the date he or she was admitted to the U.S. with special immigrant status under section 101(a)(27) of the INA. For Iraqis who acquire special immigrant status while in the U.S., the date of eligibility for benefits and services is the grant date of Iraqi special immigrant status. No services can be provided prior to the effective date of the law, December 26, 2007, or prior to the application date for benefits and services.

In accordance with PL 110-161, effective December 26, 2007, an Afghan special immigrant is eligible for RSSP services for six months from the date of admission to the U.S. with special immigrant status under section 101(a)(27) of the INA. No services can be provided prior to the effective date of the law, December 26, 2007, or prior to the application date for benefits and services.

Action Required: The CDJFS shall process applications submitted by Iraqi and Afghan special immigrants as detailed in this transmittal. It is imperative that the six or eight month period be manually tracked from the date of entry into the U.S. to ensure that receipt of benefits do not exceed the maximum time-limited period of six or eight months. Eligibility determination examples are provided in Appendix A.

To facilitate tracking, ODJFS will provide the counties a list of Iraqi and Afghan immigrants each month from CRIS-E. The CDJFS will need to review documentation and Systematic Alien Verification for Entitlement (SAVE) to determine which have special immigrant status and ensure benefits are granted and terminated appropriately.

If the CDJFS discovers or becomes aware of any special immigrants who were denied any benefits or services prior to the passage of these provisions, the CDJFS should reconsider those denials using this current policy. Restorations or under issuances back to the date of application, but no earlier than December 26, 2007, not to exceed the periods of eligibility based on the date of entry for each special immigrant status, may be appropriate.

Acceptable verification is described in Appendix B.

CRIS-E Instructions: Review the documentation of status and verify it on SAVE. If the documentation confirms that the person holds one of the statuses explained above, complete the CRIS-E screen AEICZ following these instructions:

- Enter the appropriate code for the country of origin from the TCOU table (001 for Afghanistan or 045 for Iraq).
- Enter the entry date into the U.S. and the date from the document presented granting such status in the respective fields (usually the same date).

- For people with Iraqi/Afghan SIV documentation described above: use code “SI” as the Alien Status Code. This will trigger CRIS-E to explore eligibility for OWF, Food Stamps, and Medicaid prior to exploring eligibility for Refugee Cash Assistance and Refugee Medical Assistance.
- Enter the 8 or 9 digit alien number in the “Document Number” field on CRIS-E. This is the number following the “A” that is usually found on the back of the I-94 form or is on the front of the I-551 “Permanent Resident Card”.
- Enter "Y" or “N” in the 40 quarter section.

Following the eight or six month eligibility period, Iraqi and Afghan special immigrants are treated as any other Lawful Permanent Resident and are subject to the 40 quarter requirement.

Case entry instructions will also be issued in a CRIS-E View Flash Bulletin.

Appendix A to ACT 245/FACT 30
Iraqi and Afghan Special Immigrants - Eligibility for Public Assistance
Eligibility Period Chart

Iraqi SIV Holders:

Effective December 26, 2007, an Iraqi special immigrant is eligible for benefits and services for six months from the date he or she was admitted to the U.S. as an Iraqi special immigrant or was granted such status after already being in the U.S. As of January 28, 2008, the time period for eligibility for Iraqi special immigrants was extended to eight months from the date special immigrant status is granted. No benefits or services can be provided prior to the effective date of Public Law 110-161, December 26, 2007, or prior to the application date for benefits and services.

Provided that all eligibility factors are met and the Iraqi special immigrant is eligible from the date of application, the following is an example of how the eligibility period would be determined:

Date of Entry or Date SIV Status is Granted - Iraqi	Date of Application (JFS 07200)	Eligibility Period (Cash and Food Stamps)
October 11, 2007 – Eight months from date of entry is October 11 through May 31.	January 8, 2008	5 months – January 8, 2008 through May 31, 2008.
December 12, 2007 – Eight months 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 months from the date of entry is September 30 through April 30.	October 16, 2008	7 months – October 16, 2008 through April 30, 2009.

Afghan SIV Holders

Effective December 26, 2007, an Afghan special immigrant is eligible for benefits and services for *six* months from the date he or she was admitted to the U.S. as an Afghan special immigrant. No benefits or services can be provided prior to the effective date of the law, December 26, 2007, or prior to the application date for benefits and services.

Therefore, provided that all eligibility factors are met and the Afghan special immigrant is eligible from the date of application, the following is an example of how the eligibility period would be determined:

Date of Entry or Date SIV Status is Granted - Afghan	Date of Application (JFS 07200)	Eligibility Period (Cash and Food Stamps)
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 months 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 months from the date of entry is September 30 through February 28.	October 16, 2008	5 months – October 16, 2008 through February 28, 2009.

Appendix B to ACT 245/FACT 30
Iraqi and Afghan Special Immigrants - Eligibility for Public Assistance
Verification of Special Immigrant Status

Follow all existing rules concerning eligibility for refugees to document Iraqi/Afghan special immigrants. This eligibility determination includes confirmation of the individual's status and date of entry through appropriate documentation.

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

Applicant	Documentation
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) Category SI1 or SQ1 and DHS stamp or notation on passport or I-94 showing date of entry
Spouse of 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) Category SI2 or SQ2 and DHS stamp or notation on passport or I-94 showing date of entry
Unmarried Child Under 21 Years of Age of 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) Category SI3 or SQ3 and DHS stamp or notation on passport or I-94 showing date of entry
Principal Applicant Iraqi or Afghan Special Immigrant Principal 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 (immigrant visa) code of SI6 or SQ6
Spouse of Principal Applicant Iraqi or Afghan Special Immigrant Principal Applicant 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 (immigrant visa) code of SI7 or SQ7
Unmarried Child Under 21 Years of Age of Iraqi or Afghan Special Immigrant Principal Applicant 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 ("immigrant visa") code of SI9 or SQ9