

DSS ADMINISTRATIVE LETTER NO. ECONOMIC AND FAMILY SERVICES 6-2009

New Update - Guidance on Afghani Special Immigrants

(Food and Nutrition Services)

TO: County Directors of Social Services

ATTENTION: Food and Nutrition Services Managers and Supervisors

DATE: June 16, 2009

SUBJECT: Extension for Afghani Special Immigrants

EFFECTIVE: **June 1, 2009**

I. GENERAL INFORMATION

In light of recent legislative changes, USDA is issuing the following new guidance on the eligibility of Afghani special immigrants. Due to these changes in legislation, Afghanis eligibility will now be extended from six months to eight. This new guidance supersedes our previous guidance on Afghani Special immigrants.

II. POLICY PROCEDURES

Afghani Special Immigrants

Effective March 11, 2009, The Afghan Allies Protection Act of 2009 under the Omnibus Appropriations Act of 2009 (Section 602, Division F of Public Law 111-08) extended Afghani Special Immigrant (SIV) and their eligible family members admitted to the U.S. under the Afghan Allies Protection Act of 2009 and those admitted under Section 1059 of the National Defense Authorization Act for fiscal year 2006, Public Law 106-163 as amended, benefits from six months to eight months.

Previously under The Consolidated Appropriations Act of 2008, Public Law 110-161, eligibility for Afghani special immigrant could not exceed six months. The new time limit of eight months does not apply to those Afghani special immigrants who would qualify under normal program rules, such as refugees or asylees or children under 18.

Verification of Special Immigrant Status

Afghani special immigrants must provide verification that they have been admitted under section 101(a)(27) of the INA. Counties may access Office of Refugee Resettlement (ORR) policy for examples of acceptable documentation of immigrant status, through ORR's State Letter #09-17 at: <http://www.acf.hhs.gov/programs/orr/policy/si09-17.htm>.

Date of Eligibility

The eligibility period start date for FNS benefits is either from the date of application, the date the individual was granted special immigrant status, or the effective date of the new law (March 11, 2009), whichever is later.

It is critical for eligibility worker to carefully examine the immigration documents of Afghani special immigrants and their family members to ensure that appropriate policies are applied to all household members.

Certification Periods and Time Limits

The eight-month count begins when the individual was granted special immigrant status, either from the date of entry or the date of adjustment to special immigrant status within the U.S., whichever is later. An Afghani special immigrant may not receive benefits after the individual has had eight months of special immigrant status unless he or she becomes eligible as a qualified alien under normal program rules.

The Afghan Allies Protection Act specifically provides that eligibility for benefits may not exceed eight months; as such the calculations of eligibility for benefits under this law may differ from other time limited FNS programs. If an individual is granted status March 15th, then month one under Office of Refugee Resettlement (ORR) policy is March 15th through April 14th of the following month. FNS policy would look at March and April as two months of eligibility. Since counties cannot end a certification period in the middle of a month, FNS policy has been to count the months as normal under program rules. This ensures eligible households will not receive more than the eight months provided for in the new law.

Depending on when special immigrant status was granted, Afghani special immigrants who received the prior maximum limit of six months may be eligible for an additional two months. However, individuals granted special immigrant status on or before July 31, 2008 will not benefit from this provision as the eight-months already expired prior to the law's effective date of March 11, 2009. These individuals will have only received up to six months of FNS benefits and cannot receive an additional two months.

Afghani special immigrants are eligible for benefits for **eight** months from the date special immigrant status was granted, not an additional eight months in addition to the six already received. Counties can look at if these particular households can receive up to an additional **two** months.

Counties do not need to locate households that are entitled to additional months; however, counties that discover or become aware of any Afghani special immigrants who applied and were denied prior to the passage of the new law should reconsider those denials using this current policy.

The following chart illustrates how this eight month extension could affect current recipient and new application households:

Current Recipient Households				
Granted Special Immigrant Status	FNS 6 Month Eligibility Period End Date	FNS 8 Month Eligibility Period End Date	Date of FNS Eligibility Review	FNS Eligibility Period
July 8, 2008	December 31, 2008	February 28, 2009	December 15, 2008	Ineligible for an additional 2 months as 8-month period expired prior to March 11, 2009, effective date of law.
September 1, 2008	February 28, 2009	April 30, 2009	February 11, 2009	March 11, 2009 through April 30, 2009. (ineligible March 11 through 10th as prior to the effective date of the law).
December 16, 2008	May 31, 2009	July 31, 2009	May 15, 2009	June 1, 2009 through July 31, 2009


New applicant Households			
Granted Special Immigrant Status	FNS 8 Month Eligibility Period End Date	Date of FNS Application	FNS Eligibility Period
December 16, 2008	July 31, 2009	March 31, 2009	5 months-March 31, 2009 through July 31, 2009.
February 2, 2009	September 30, 2009	March 6, 2009	7 months-March 6, 2009 through September 30, 2009
April 21, 2009	November 30, 2009	April 7, 2009	8 months-April 21, 2009 (the date special immigrant status was granted) through November 30, 2009

III. IMPLEMENTATION INSTRUCTIONS

This change is effective with each application, change in situation, or recertification taken or processed on or after June 1, 2009.

If you have any questions, please contact your Food and Nutrition Services & Energy Programs Representative.

Sincerely,



Dean Simpson, Chief
Economic and Family Services Section

DS/ej