

**DSS ADMINISTRATIVE LETTER  
FAMILY SUPPORT AND CHILD WELFARE SERVICES FSCWS-05-08**

**TO:** County Directors of Social Services

**ATTENTION:** Work First Administrators, Program Managers, and Supervisors

**DATE:** March 20, 2008

**SUBJECT:** Eligibility of Iraqi and Afghan aliens who have been granted special immigrant status for Federal TANF and State Maintenance of Effort (MOE) benefits

**EFFECTIVE DATE:** Upon Receipt

Under section 1059 of the National Defense Authorization Act (NDAA), up to 50 Iraqi and Afghan translators working for the U.S. military have been eligible for special immigrant visas each fiscal year. Public Law 110-39, which President Bush signed into law on June 15, 2007, amended section 1059 by expanding the coverage to certain translators working under civilian authority and by increasing the total number of principal beneficiaries from 50 to 500 for fiscal years 2007 and 2008 only. Special immigrants are admitted as lawful permanent resident aliens (LPRs).

Iraqi and Afghan aliens granted special status under section 101 (a) (27) of the Immigration and Nationality Act (INA) are exempt from the 5 year ban on receipt of Federal means-tested TANF public benefits for a time limited period. Iraqi and Afghan special immigrants will possess an immigrant visa and/or documentation as described at the end of this letter. County departments of social services should contact the United States Citizenship and Immigration Services (USCIS) to resolve any issues regarding the individual's immigration status. Contact USCIS at 800-375-5283 and refer to Work First Policy Section 111 for further guidance.

The time-limited exemption period for Iraqi special immigrants is 8 months. The 8 month count begins on the date the individual entered the U.S. as a special immigrant, i.e., was admitted as an LPR either at the port of entry or by adjustment of status within the United States. The exemption date for Iraqi special immigrants was extended to 8 months effective January 28, 2008 under section 1244(g) of NDAA.

According to Section 525 of Division G of Public law 110-161, the time limited exemption period for Afghan special immigrants is 6 months. The six month count begins on the date the individual entered the United States as a special immigrant, i.e. was admitted as an LPR either at the port of entry or by adjustment of status within the United States. The 8 month exemption policy does not include the Afghan special immigrants.

The period of eligibility begins December 26, 2007. Once the 6 or 8 month exemption period ends, these special immigrants would no longer be exempt from the 5 year ban on receipt of a Federal means tested public benefits. They are subject to the same treatment in terms of eligibility for TANF benefits and/or Maintenance of Effort (MOE) funded public benefits as other LPRs. Refer to Work First Policy section 111 for further guidance.

The following example illustrates the application of the time limit exemption period. An Afghan individual, his/her spouse, and minor child were admitted in the U.S. as special immigrants on February 12, 2008 and settled in North Carolina. The family applies for TANF in April 2008. The 6 month exemption period begins February 12, 2008. If the family meets all the programmatic requirements, then the family may receive four (4) months of TANF. This same rule applies for Iraqi special immigrants with the exception that the exemption period is 8 months.

Iraqi and Afghan special immigrants must meet all programmatic requirements to receive TANF benefits. The immigrant documentation requirements are listed below:

Documentation: For Afghan and Iraqi Special Immigrants under Section 1059 of the National Defense Authorization Act 2006, PL 109-163.

<b>Applicant</b>	<b>Documentation</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) category SI1 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 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 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 S16.
Spouse of Principal applicant Iraqi or Afghan Special Immigrant in P6 category	DHS form I-551 (“green card”) showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV (immigrant visa) code of S17.
Unmarried child under 21 years of age of Iraqi or Afghan Special Immigrant in P6 category	DHS form I-551 (“green card”) showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV (immigrant visa) code of S19.

Documentation: For Iraqi Special Immigrants under Section 1244 Public Law 110-181

<b>Applicant</b>	<b>Documentation</b>
Principal applicant Iraqi Special Immigrant	Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (immigrant visa) category SQ1 and DHS stamp or notation on passport or I-94 showing date of entry.
Spouse of principal applicant Iraqi Special Immigrant	Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (immigrant visa) category SQ2 and DHS stamp or notation on passport or I-94 showing date of entry.
Unmarried child under 21 years of age of Iraqi Special Immigrant	Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (immigrant visa) category SQ3 and DHS stamp or notation on passport or I-94 showing date of entry.
Principal applicant Iraqi Special Immigrant	DHS form I-551 (“green card”) showing Iraqi

Principal adjusting status in the U.S.	nationality (or Iraqi passport), with an IV (immigrant visa) code of SQ6.
Spouse of Principal Applicant Iraqi Special Immigrant in P6 category	DHS form I-551 (“green card”) showing Iraqi nationality (or Iraqi passport), with an IV (immigrant visa) code of SQ7.
Unmarried child under 21 years of age of Iraqi or Afghan Special Immigrant in P6 category	DHS form I-551 (“green card”) showing Iraqi nationality (or Iraqi passport), with an IV (immigrant visa) code of SQ9.

If you should have any questions, please contact your Work First Representative or Carla McNeill at (919)-733-4622.

Sincerely,



Charisse Johnson, Chief  
Family Support and Child Welfare Services

cc: Sherry Bradsher  
Jo Ann Lamm  
Sarah Barham  
Family Support and Child Welfare Team Leaders  
Children’s Programs Representatives  
Local Business Liaisons