



CDSS

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August 13, 2009

ALL COUNTY LETTER NO. 09-39

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY REFUGEE COORDINATORS
ALL COUNTY FOOD STAMP COORDINATORS
ALL COUNTY CALIFORNIA WORK OPPORTUNITY AND
RESPONSIBILITY TO KIDS PROGRAM SPECIALISTS
ALL STATE ADVISORY COUNCIL MEMBERS
ALL MUTUAL ASSISTANCE ASSOCIATIONS
ALL VOLUNTARY AGENCIES
ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: ELIGIBILITY OF AFGHAN SPECIAL IMMIGRANTS FOR
BENEFITS AND SERVICES

REFERENCE: ALL COUNTY LETTER NO. 08-35 AND 00-07; MANUAL OF POLICIES
AND PROCEDURES SECTIONS 69-200 AND 42-431; OFFICE OF
REFUGEE RESETTLEMENT STATE LETTER NO. 09-17, DATED
APRIL 9, 2009

This letter is to provide updated information regarding the eligibility of Afghan Special Immigrants and their eligible family members for federal and state public assistance programs.

Effective March 11, 2009, Afghan Special Immigrants may be eligible for federal benefits for eight months from their date of entry to the United States (U.S.) or, if applying for Special Immigrant Status from within the U.S., their date of adjustment of immigration status. This extension is authorized by Section 602 of Public Law (PL) 111-08, of the Omnibus Appropriations Act, 2009. Previously, the federal eligibility period for Afghan Special Immigrants and their eligible family members was six months.

In accordance with PL 111-08, for Federal Fiscal Years (FFY) 2009 through 2013, up to 1,500 Afghan principal applicants may be granted Afghan Special Immigrant Status annually. Spouses and unmarried children under the age of 21 may accompany the

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

principal applicant to the U.S., but do not count against the annual quota. If less than 1,500 Afghan principal applicants are granted Special Immigrant Status for FFY 2013, the new law allows a continuation of eligibility for federal benefits and services into 2014 until a combined total of 1,500 Afghan principal applicants are granted Special Immigrant Status during FFY 2013 and FFY 2014. There is no authority to provide federal benefits and services to Afghan Special Immigrants beyond September 30, 2014. A copy of the federal Office of Refugee Resettlement (ORR) State Letter No. 09-17, which informed states of Section 602 of PL 111-08, can be accessed at: <http://www.acf.hhs.gov/programs/orr/policy/sl09-02.htm>.

Enclosure A lists the types of documents that confirm both status and date of entry for Afghan Special Immigrants. The California Department of Social Services will inform counties of any further changes regarding Afghan Special Immigrants eligibility for federal benefits and services.

Benefits and services available to Afghan Special Immigrants include those that are provided under the Refugee Resettlement Program (RRP), the California Work Opportunity and Responsibility to Kids (CalWORKs) Program, and the Food Stamp Program (FSP) as described below.

REFUGEE RESETTLEMENT PROGRAM ELIGIBILITY

Afghan Special Immigrants and their eligible family members may receive RRP benefits and services to the same extent as persons who are admitted to the U.S. as refugees. Specific RRP benefits and services available to them include Refugee Cash Assistance (RCA), Refugee Social Services and Targeted Assistance employment and training services, and ORR discretionary grant services. The spouses and unmarried children (under 21 years old) of Afghan Special Immigrants who can provide documentation that demonstrates their status can also receive RRP benefits and services, if they meet all other applicable program eligibility criteria. Eligibility for these spouses and children begin from their date of entry into the U.S., not from the date of entry of the principal applicant. Eligibility for principals begins from their date of entry or date of adjustment to Afghan Special Immigrant status within the U.S.

The maximum length of time that any Afghan Special Immigrants and eligible family members can receive RRP benefits and services is eight months from their date of entry to the U.S. or, if applying for Special Immigrant Status from within the U.S., their date of adjustment of immigration status. The start date for benefits and services is the date of application.

Counties are reminded that, in accordance with Manual of Policies and Procedures (MPP) Section 69-210.13, when an Afghan Special Immigrant is notified of the termination from RCA due to reaching his/her time-limit on aid, a county must review the client's case file to determine possible eligibility for CalWORKs or General

Assistance/General Relief. The notice of action to terminate that individual from RCA must also indicate the result of the county's determination of eligibility for CalWORKs and/or General Assistance/General Relief. The Notice of Action RCA/Entrant Cash Assistance (ECA) MA-Decrease/Expiration (Time Expiration) (NA 991) is being revised to indicate the result of the determination, and will be sent out to counties under separate cover.

Enclosure B provides examples of time-eligibility for Afghan Special Immigrants receiving RRP benefits and services in accordance with MPP Section 69-205.24, in which the month of arrival in the U.S. is counted as the first month of time-eligibility.

CALWORKS PROGRAM ELIGIBILITY

Afghan Special Immigrants and their eligible family members may receive state-only CalWORKs benefits after their federal eligibility period elapses, if all other eligibility criteria are met. These Afghan Special Immigrants meet the CalWORKs eligibility requirement of "permanently residing (in the U.S.) under the color of law" or PRUCOL, in accordance with MPP Section 42.431.22 and ACL No. 00-07.

The period of eligibility for federally-and state-funded benefits will vary depending upon the U.S. entry or adjustment date as described below:

- 1) Afghan Special Immigrants with a U.S. entry or adjustment date on or before September 30, 2008, have a six-month federal eligibility period. For example:

An Afghan Special Immigrant whose date of entry to the U.S. is September 15, 2008, is eligible for federally-funded CalWORKs benefits up to February 28, 2009.

- 2) Afghan Special Immigrants who are still within the six-month federal eligibility period as of March 11, 2009, have an eight-month federal eligibility period. For example:

An Afghan Special Immigrant whose date of entry to the U.S. is October 7, 2008, is eligible for federally-funded CalWORKs benefits up to May 31, 2009.

- 3) Afghan Special Immigrants with a U.S. entry or adjustment date on or after March 11, 2009, have an eight-month federal eligibility period. For example:

An Afghan Special Immigrant whose date of entry to the U.S. is March 12, 2009, is eligible for federally-funded CalWORKs benefits up to October 31, 2009.

Enclosure C provides a chart illustrating additional information regarding arrival dates and eligibility for CalWORKs benefits.

Counties are reminded to refer to ACL No. 08-35 for directives and/or information related to CalWORKs benefits for Afghan Special Immigrants and their families, including required documentation, verification of documentation, relevant aid codes, and denial of benefits.

A copy of the federal Administration for Children and Families (ACF) State Letter No. TANF-ACF-PI-2009-03, dated April 27, 2009, which informed the states of the change in the time-eligibility period applicable to Afghan Special Immigrants, can be accessed at:

<http://www.acf.hhs.gov/programs/ofa/policy/pi-ofa/2009/200903/200903.htm>

FSP AND CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP) ELIGIBILITY

Both Afghan Special Immigrants and their eligible family members admitted to the U.S. under the Afghan Allies Protection Act of 2009 and Section 1059 of the National Defense Authorization Act are eligible for federal food stamp benefits for a period of eight months. Afghan Special Immigrants must provide proof that they have been admitted under Section 101(a) (27) of the Immigration and Naturalization Act (refer to Enclosure A for acceptable verification).

The Afghan Special Immigrant eligibility period for federal benefits extends through FFY 2014; however, the Food and Nutrition Service has not confirmed if or when eligibility under the Afghan Allies Protection Act ends. Counties will be notified if further changes are made to the extension of federal benefits. Federal benefits cannot exceed eight months, and new applicants must be given an eight-month certification period.

After eight months of federal FSP benefits, a qualified applicant may receive state CFAP benefits. Current Afghan Special Immigrant household eligibility must be reviewed for continued eligibility under CFAP rules or for qualified noncitizen status (MPP Sections 63-405.11 and .12) prior to the expiration of federal benefits.

Depending upon the date on which Afghan Special Immigrant Status is granted, the start date for federal food stamp benefits is either the date of application, the date the individual was granted Special Immigrant Status, or the effective date of the new law (March 11, 2009). All beginning dates for issuance of federal benefits are determined from the date Special Immigrant Status is granted. If a Special Immigrant's six-month time-eligibility period ends prior to March 11, 2009, the recipient household is not entitled to two additional months of federal benefits. The following scenarios illustrate the start and end dates for federal benefits for various Special Immigrant cases.

1) Federal Benefits Effective On Date of Application

A new applicant is granted Special Immigrant Status on February 2, 2009, and the eight-month time-eligibility period ends on September 30, 2009. The date of application is March 6, 2009. The start date for benefits would be the date of application, March 6, 2009. Since the household is eligible for federal benefits on or before March 11, 2009 (still within the six-month eligibility period as of March 6, 2009, the date of application) the household is entitled to federal benefits from March 6, 2009, through September 30, 2009.

2) Federal Benefits from Date Granted Special Immigrant Status

A new applicant is granted Special Immigrant Status on April 21, 2009, and the eight-month time-eligibility period ends on November 30, 2009. The date of application is April 7, 2009. The start date for benefits would be the date the Special Immigrant Status was granted on April 21, 2009, because the household did not have Special Immigrant Status on April 7, 2009, when the application was filed.

3) Federal Benefits Effective on March 11, 2009

A current recipient was granted Special Immigrant Status on September 1, 2008. A six-month time-eligibility period ended on February 28, 2009, and an eight-month time-eligibility period ended on April 30, 2009. The six-month period ended prior to the effective date of the new law on extended benefits, March 11, 2009. Extending the time-eligibility period for two months cannot begin until March 11, 2009. There is ineligibility for federal benefits from March 1, 2009, through March 10, 2009. Federal benefits begin on March 11, 2009, and continue through April 30, 2009.

4) No Federal Eligibility

A current recipient was granted Special Immigrant Status on July 8, 2008. A six-month time-eligibility period ended on December 31, 2008, and an eight-month time-eligibility period ended on February 28, 2009. Because the eight-month eligibility period ended before March 11, 2009, the effective date of the new law, the recipient is ineligible for the additional two months of federal benefits. The county should process the individual(s) for CFAP.

Afghans whose Special Immigrant Status was granted on or before July 31, 2008, will not benefit from the eight-month provision due to expiration of the eight-month eligibility period before the effective date of the new law on March 11, 2009.

Enclosure E also summarizes how the start and end dates for federal benefits are determined based on the application date and the date Special Immigrant Status was granted. Questions and answers regarding the recent changes in Afghan Special Immigrants eligibility for federal food stamps are enclosed (refer to Enclosure D).

Quality Control (QC) Hold Harmless Period

A QC hold harmless period will be in effect for 120 days from June 27, 2009. Specifically, any QC variances related to determining eligibility will be excluded during the 120 day hold harmless period.

California Food Assistance Program

At the end of the eight-month certification period for federal benefits, Afghan Special Immigrants may claim eligibility for CFAP by filing a new application for food stamp benefits. If a normal certification period has been assigned and the eight-month federal eligibility period has ended within the assigned certification period, food stamp eligibility will continue, but as a CFAP household. A new application for CFAP benefits is not necessary when federal benefits are converted to state CFAP benefits during a certification period.

If you have any questions regarding Afghan Special Immigrants within a specific program, please contact the appropriate program staff, as identified below:

Refugee Resettlement Program:

Mr. Michael Villalovos, Policy Analyst, Refugee Programs Bureau, at (916) 654-7327.

CalWORKs Program:

Please contact your CalWORKs County Consultant at (916) 654-1322.

Food Stamp Program:

Ms. Sharon Campbell, Program Analyst, Food Stamp Policy Implementation Bureau, at (916) 654-0737.

Sincerely,

Original Document Signed By:

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Attachments

Afghan Special Immigrant Documentation

Applicant	Documentation
Principal Applicant Afghan Special Immigrant	Afghan passport with an immigrant visa stamp noting that the individual has been admitted under Immigrant Visa (IV) Category SQ1 or SI1
Spouse of Principal Applicant Afghan Special Immigrant	Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV Category SQ2 or SI2
Unmarried Child Under 21 Years of Age of Afghan Special Immigrant	Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV Category SQ3 or SI3
Principal Applicant Afghan Special Immigrant Principal Adjusting Status in the U.S.	DHS Form I-551 (“green card”) showing Afghan nationality (or Afghan passport), with an IV code of SQ6 or SI6
Spouse of Principal Applicant Afghan Special Immigrant in SI6 Category	DHS Form I-551 showing Afghan nationality (or Afghan passport), with an IV (immigrant visa) code of SQ7 or SI7
Unmarried Child Under 21 Years of Age of Afghan Special Immigrant in SI6 Category	DHS Form I-551 showing Afghan Nationality (or Afghan passport), with an IV code of SQ9 or SI9

Afghan Special Immigrants

**Eight-month Time-Eligibility Period
for Refugee Resettlement Program Benefits and Services**

Date of Arrival or Adjustment	Period of Eligibility
Any date during January 2008	Eligible up to August 31, 2009
Any date during February 2009	Eligible up to September 30, 2009
Any date during March 2009	Eligible up to October 31, 2009

**Chart Illustrating Arrival Dates and Eligibility for Federal CalWORKs Benefits
for Afghan Special Immigrants**

Afghan Special Immigrant Arrival or Status Adjustment Date	Period of Federal Eligibility	Length of Federal Eligibility Period
Any date during June 2008	Eligible for federally-funded CalWORKs up to November 31, 2008	6 months
Any date during July 2008	Eligible for federally-funded CalWORKs up to December 31, 2008	6 months
Any date during August 2008	Eligible for federally-funded CalWORKs up to January 31, 2009	6 months
Any date during September 2008	Eligible for federally-funded CalWORKs up to February 28, 2009	6 months
Any date during October 2008	Eligible for federally-funded CalWORKs up to May 31, 2009	8 months
Any date during November 2008	Eligible for federally-funded CalWORKs up to June 30, 2009	8 months

Afghan Allies Protection Act of 2009

Food Stamp Questions and Answers

Question 1:

How did the eligibility for Afghan Special Immigrants change?

Answer:

Effective March 11, 2009, Afghan Special Immigrants 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 Federal Fiscal Year (FFY) 2006, Public Law 109-163, as amended, are eligible for federal food stamp benefits for a period of time not to exceed eight months. Previously under The Consolidated Appropriations Act of 2008, Public Law 110-161, eligibility for Afghan Special Immigrants could not exceed six months.

Question 2:

Does the eight-month time limit apply to all Afghan Special Immigrants?

Answer:

No. The time limit does not apply to those Afghan Special Immigrants who would qualify under normal program rules, such as asylees, refugees, or children under eighteen.

Question 3:

When does the count for the eight-month time-limit begin?

Answer:

The count for the eight-month time-limit begins when the individual was granted Afghan 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 Afghan Special Immigrant may not receive federal benefits after the individual has had eight months of time-eligibility unless he or she becomes eligible as a qualified noncitizen under normal program rules.

Question 4:

What is the start date for the Afghan Special Immigrant's federal eligibility period?

Answer:

The eligibility period start date for federal food stamp 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. Refer to Enclosure E.

Question 5:

Can certification periods for Afghan Special Immigrants exceed eight months?

Answer:

No, the Afghan Allies Protection Act specifically provides that eligibility for federal benefits may not exceed eight months.

Question 6:

Will all Afghan Special Immigrants who received the prior maximum limit of six months be eligible for an additional two months of federal benefits?

Answer:

It depends on when Afghan Special Immigrant status was granted. However, individuals granted that status on or before July 31, 2008, will not benefit from this provision as the eight-month time-eligibility period already expired prior to the law's effective date of March 11, 2009. These individuals will have only received up to six months of food stamp benefits and cannot receive an additional two months. Refer to Enclosure E.

Question 7:

If a household has already received federal benefits for six months, do they get an additional eight months?

Answer:

No. Afghan Special Immigrants are eligible for federal benefits for eight months from the date that status was granted, not an additional eight months in addition to the six months of benefits already received by the individual. Counties may review files to evaluate if these individuals can receive up to an additional two months of federal benefits.

Question 8:

Do counties need to locate households that are entitled to additional months of federal benefits?

Answer:

No, but counties that discover or become aware of any Afghan Special Immigrant who applied for and were denied food stamps prior to the passage of the new law should reconsider those denials using this current policy.

Question 9:

How do counties verify Afghan Special Immigrant Status?

Answer:

Refer to Enclosure A.

Question 10:

When does eligibility of Afghan Special Immigrants for federal benefits end?

Answer:

Although there is a carry forward provision that extends through FFY 2014, the Food and Nutrition Service has not confirmed if or when eligibility for benefits under the Afghan Allies Protection Act ends. Counties will be notified if there are any additional changes in law.

Food Stamp Time Eligibility for Federal Benefits

The following charts illustrate how to calculate the eight-month federal eligibility period for Afghan Special Immigrant Visa (SIV) individuals who are current recipients and new applicants.

Current Recipients				
Granted Special Immigrant Status	Food Stamp Benefit 6 -Month Eligibility Period End Date	Food Stamp Benefits 8- Month Eligibility Period End Date	Date of Food Stamp Benefit Eligibility Review	Food Stamp Benefit 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 1 through 10 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.

Food Stamp Time Eligibility for Federal Benefits

New Applicants			
Granted Afghan SIV Status	Food Stamp Benefit 8-Month Eligibility Period End Date	Date of Food Stamp Benefit Application	Food Stamp Benefit 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.