

Bulletin

May 8, 2008

Minnesota Department of Human Services -- P.O. Box 64941 -- St. Paul, MN 55164-0941

OF INTEREST TO

- County Directors
- Financial Supervisors
- County Financial Workers
- Social Service Supervisors
- Tribal Human Services Directors
- Mille Lacs Tribal TANF
- Community Organizations
- Minnesota Care Operations, Managers, Workers and Supervisors

ACTION/DUE DATE

Please read, review and implement immediately.

EXPIRATION DATE

May 8, 2010

Eligibility of Iraqi and Afghani Special Immigrants for Cash, Food Support and Health Care programs

TOPIC

How to treat special immigrants who apply for Cash, Food Support, and Health Care Programs.

PURPOSE

Inform county staff and others of the new eligibility for Cash, Food Support, and Health Care Programs.

CONTACT

Policy questions related to Cash and Food Support cases and this bulletin should be directed to Policy Quest.

Policy questions related to Health Care cases should be directed to HealthQuest.

SIGNED

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I. Background

Effective December 26, 2007, Public Law 110-161 of the Consolidated Appropriations Act of 2008 granted Iraqi and Afghan aliens special immigrant status.

Section 525 of Division G states: “Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act for a period not to exceed **six months.**”

On January 28, 2008, Section 1244(g) of the National Defense Authorization Act (NDAA) of 2008, was signed into law, and states: “Iraqi aliens granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed **eight months.**”

These special immigrants are admitted as lawful permanent resident aliens (LPRs) or they can adjust to special immigrant status after entering the U.S. under another immigration status, such as an asylee or a parolee.

The Food and Nutrition Services (FNS), the Office of Refugee Resettlement (ORR), the U.S. Department of Health and Human Services – Administration for Children & Families (ACF), and the Centers for Medicare & Medicaid Services have sent instructions about these special immigrants.

This bulletin contains attachments about how these special immigrants should be treated for cash, food and the health care programs. We expect to have very few of these individuals. We have included information regarding how to determine if you have a person who meets this special status. Program and system instructions are in the attachments. You do not need to refer to the system instructions until you have someone in this status.

II. Documents for Special Immigrant Status

Review the following information to identify special immigrants. The following information from immigration documents outlines both status and date of entry for Iraqi and Afghani special immigrants:

Applicant	Documentation
Principal Applicant Iraqi or Afghani 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 Department of Homeland Security 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 Department of Homeland Security 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 passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI3 or SQ3 and Department of Homeland Security 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.	Department of Homeland Security Form I-551 (“green card”) showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV (Immigrant Visa) code for this category SI6 or SQ6.
Spouse of Principal Applicant Iraqi or Afghan Special Immigrant Principal Applicant Adjusting Status in the U.S.	Department of Homeland Security Form I-551 (“green card”) showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV (Immigrant Visa) code for this category SI7 or SQ7.
Unmarried Child Under 21 Years of Age of Iraqi or Afghan Special Immigrant; Principal Applicant Adjusting Status in the U.S.	Department of Homeland Security Form I-551 (“green card”) showing Iraqi or Afghan (or Iraqi or Afghan passport), with an IV (Immigrant Visa) code for this category SI9 or SQ9 .

As stated earlier, the number of applicants under the special immigrant status in Minnesota may be very small. **When you have special immigrant applicants, please read the following attachments for specific program information:**

Attachment A:

System Procedures for Coding for Special Immigrants

Attachment B:

Food Support Program Eligibility Information for Special Immigrants

Attachment C:

Cash Program Eligibility Information for Special Immigrants

Attachment D:

Health Care Programs Eligibility for Iraqi and Afghani Special Immigrants.

III. Special Needs

This information is available in other forms to people with disabilities by contacting Aaron Coonce at 651-431-4049 or through Minnesota Relay at 1-800-627-3529 (TDD), 7-1-1 or at 1-877-627-3848, for the Speech-to-Speech Relay.

Systems Procedures for Coding Special Immigrants

For Cash & Food Support cases:

Worker Action:

Complete STAT/IMIG panels for cases containing special immigrants with the immigrant status provided. The immigrant may meet a qualified alien status and be eligible under current program rules.

If that is not the case, and the immigrant is determined INELIGIBLE on MAXIS, the worker would then have to FIAT that individual to ELIGIBLE on their CITIZENSHIP Person Test if they meet the IRAQI/AFGHANI special immigrant status. Create a TIKL as a reminder to redetermine the status of the immigrant at 6 months for AFGHANI special immigrant or 8 months for IRAQI special immigrants. CASE/NOTE's should be used to document eligibility.

NOTE: Even if Eligible RCA results are received for the Afghani special immigrants, create a TIKL to close RCA after 6 months, because RCA will always auto close after 8 months.

MA and RMA:

Worker Action:

Complete STAT/IMIG panels for cases containing special immigrants with the immigrant status provided. The immigrant may meet a qualified alien status and be eligible for federal funded MA or RMA under current program rules.

If not, and the immigrant is determined INELIGIBLE on MAXIS, use FIAT to create ELIGIBLE results for MA or RMA by passing the CITIZENSHIP test. If the immigrant is determined ELIGIBLE on MAXIS under the state funded Major Program 'NM', use FIAT to update the Major Program type to 'MA'. The Major Program type field is listed on the Basic HC Summary and Approval (BHSM) panel. To update the Major Program type from 'NM' to Major Program type 'MA', workers must first put the case in FIAT mode from the Basic HC Budget Summary (BSUM) panel and then navigate to the BHSM panel. Create a TIKL as a reminder to redetermine the status of the immigrant at 6 months for AFGHANI special immigrant or 8 months for IRAQI special immigrants.

MinnesotaCare

Follow current case entry procedures to establish a MinnesotaCare case for applicants who have an Iraqi or Afghan special immigrant status and their families. Enter specific information on the following screens as usual; RIND, REMP, RIMG, RELG. The eligibility date in RELG is the date the person obtains special immigrant status.

Complete RINC and enter case notes. If the special immigrant or any family member will be enrolled in a federally-funded MinnesotaCare program (as a parent, pregnant woman or child) code the immigrant as a refugee for the duration of the temporary period (6 or 8 months). When the temporary period has ended, convert the enrollee to the appropriate state-funded MinnesotaCare program, as an LPR within the five-year

bar. convert the enrollee to the appropriate state-funded MinnesotaCare program, as an LPR within the five-year bar.

Special tracking is not needed for Iraqi or Afghan special immigrants who apply for or are enrolled in MinnesotaCare for adults without children, since this is a state-funded MinnesotaCare program. Code Iraqi or Afghan special immigrants who are adults without children as LPR's regardless of the temporary period of federal eligibility.

CASE/NOTE's should be used to document eligibility.

Food Support Eligibility and Effective Date for Afghani & Iraqi Special Immigrants

Eligibility of Iraqi Special Immigrants for Food Support:

Iraqi special immigrants were also eligible under Public Law 110-161 of The Consolidated Appropriations Act of 2008, Public Law 110-181, The National Defense Authorization Act for Fiscal Year 2008 (that includes Section 1244, Special Immigrant Status for Certain Iraqis), effectively extended program eligibility to affected Iraqi aliens for a period not to exceed eight months.

Adult Iraqi special immigrants can receive up to **eight** months of Food Support from the date they are granted special immigrant status. Most adult Iraqi special immigrants will apply sometime after they have been granted status; the period of eligibility could be eight months or less.

Below are examples of different Food Stamp application dates and date of eligibility for Food Support:

Granted Special Immigrant Status	8 Month Eligibility End Date	Date of Food Stamp Application	Date of Eligibility
September 10, 2007	April 30, 2008	December 17, 2007	5 months—from December 26, 2007 through April 30, 2008 (household is ineligible prior to the effective date of the law).
January 26, 2008	August 31, 2008	March 31, 2008	6 months—from March 31, 2008 through August 31, 2008.
August 1, 2008	March 31, 2009	August 15, 2008	8 months—from August 15, 2008 through March 31, 2009.

Eligibility for Afghani Special Immigrants for Food Support:

Effective December 26, 2007, Public Law 110-161, the Consolidated Appropriations Act of 2008, granted certain Afghani aliens special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (INA). Adult individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits to the same extent as are refugees admitted under section 207 of the INA, except the period of eligibility cannot exceed **six** months. This provision is part of an appropriations bill and is in effect through the end of the fiscal year (September 30, 2008). DHS will be notified by FNS if this provision is not extended or if there are any changes in the law that affects the eligibility for these Afghani special immigrants. Adult Afghani special immigrants can receive up to six months of Food Support from the date that special immigrant status is granted.

Below are examples of different Food Stamp application dates and date of eligibility for Food Support:

Granted Special Immigrant Status	6 Month Eligibility End Date	Date of Food Stamp Application	Date of Eligibility
October 11, 2007	March 31, 2008	December 17, 2007	4 months—from December 26, 2007 through March 31, 2008 (household is ineligible prior to the effective date of the law).
February 26, 2008	July 31, 2008	March 31, 2008	5 months—from March 31, 2008 through July 31, 2008.
August 1, 2008	January 31, 2009	August 15, 2008	6 months—from August 15, 2008 through January 31, 2009.

Effective date of Eligibility for Food Support:

The effective date of eligibility for both Iraqi and Afghani special immigrants can be no earlier than December 26, 2007 (under P.L 110-161). Both Iraqi and Afghani special immigrants will either enter the U.S. as Lawful Permanent Residents (LPR's) with the special immigrant visa or will adjust to special immigrant status after entering the U.S. under another immigration status (such as an asylee or parolee). This means that unless the immigrant is a qualified alien and is eligible under current program rules, the date of eligibility for adult Iraqi and Afghani special immigrants will depend on when the individual has been granted special immigrant status. Thus the beginning date for eligibility may or may not coincide with the special immigrant's date of entry.

Iraqis and Afghanis who entered the U.S. as special immigrants or who adjust to that status before December 26, 2007, may not be eligible for the full 8 or 6 months of benefits.

For example, asylees are qualified aliens and are eligible under current program rules. Even if the asylee later adjusts and becomes a special immigrant, the six or eight month time limit would not apply.

In another example, aliens who are paroled into the U.S. for one year are qualified aliens and would be eligible for food stamps after five years or by meeting another condition. If the parolee later adjusts to special immigrant status, the period of eligibility would begin from the date the special immigrant status is approved, and the six or eight-month time limit would apply.

The Iraqi and Afghani special immigrant time limits do not apply to qualified alien children under 18, who are eligible under normal program rules until they reach the age of 18.

Recertification Periods

Recertification periods should be created for six or eight months to reflect the period of time that the special immigrant is eligible for Food Support.

Cash Eligibility and Effective Date for Afghani & Iraqi Special Immigrants

Minnesota Family Investment Program (MFIP) and Diversionary Work Program (DWP)

Individuals and family members granted Iraqi and Afghan special immigrant status are considered Lawful Permanent Resident (LPR) by law. If they apply, their eligibility for MFIP and DWP depends upon their date of arrival in the U.S. as Iraqi or Afghan special immigrants and/or adjustment to that status from a different immigration status (e.g., paroled into the country for less than a year, etc.).

Eligibility Criteria

- Those who arrived in the U.S. within the last 12 months may be eligible for the state-funded Family Stabilization Services (FSS) under the FSS “Newly Arrived Immigrant” criteria if they meet all the other eligibility requirements of MFIP/DWP programs.
- Those who arrived in the U.S. as Afghan or Iraqi special immigrants between January 2006 and April 2007 should meet appropriate TANF citizenship and immigrant eligibility criteria. If found eligible, they may be eligible for state-funded cash and food like all other LPRs. It should be noted that the FSS “Newly Arrived Immigrant” criteria does not apply in such cases because they would exceed the 12 months requirement.

Sponsor Deeming - MFIP/DWP sponsor deeming rules do not apply to Iraqi and Afghan special immigrants LPR's.

Refugee Cash Assistance (RCA): Single persons and married couples without children who are Iraqi special immigrants would be eligible for RCA for the eight months. Single persons and married couples without minor children who are Afghani special immigrants would only be eligible for RCA for six months. (Note: On the Cash Review Date on STAT/REVIEW enter the first of the 9th month for Iraqi special immigrants, and the first of the 7th month for Afghani special immigrants to ensure that the RCA will auto close correctly.) After RCA eligibility ends, determine if the participant is eligible for another cash program.

General Assistance (GA): Generally there is no eligibility for GA during the eight or six month period of special eligibility for MFIP or RCA because the immigrant would be otherwise provided for. A possible exception would be for persons who fit the GA ESL / high school student eligibility category.

After the eight or six month period ends, the immigrant may be converted to state funded GA provided he or she meets all the usual GA eligibility requirements such as eligibility category, income and resources, and ineligibility for other programs such as MFIP.

Minnesota Supplemental Aid (MSA): If at any point the immigrant becomes eligible for SSI, he or she could be eligible for MSA depending on the usual MSA living arrangement and payment standards.

Health Care Eligibility for Iraqi & Afghani Special Immigrants

Recently passed federal legislation temporarily lifts the five-year bar for the first eight months Iraqi special immigrants are in the U.S. or are adjusted to this status and for the first six months Afghani special immigrants are in the U.S. or are adjusted to this status. During this temporary period, Iraqi and Afghan special immigrants may be eligible for federally-funded MA, federally-funded MinnesotaCare, or Refugee Medical Assistance (RMA). After the temporary period has expired, Iraqi or Afghan special immigrants revert to regular Lawful Permanent Resident (LPR) status and may be eligible for state-funded health care programs.

Health Care Programs

Iraqi and Afghan Special Immigrants and Family Members

The primary immigration status for Iraqi and Afghan special immigrants and their spouses and unmarried children under age 21 is lawful permanent resident (LPR). However, if they have special immigrant status, they may be eligible for federally-funded Medical Assistance (MA), or MinnesotaCare with federal financial participation for up to eight months for Iraqis or up to six months for Afghans if they apply and are determined otherwise eligible during the initial eight months as with Iraqi special immigrant status or the initial six months with Afghan special immigrant status.

Date of Eligibility for Temporary Federally-Funded Benefits

The date of eligibility for federally-funded benefits for an otherwise eligible Iraqi or Afghani special immigrant or family member is the date the immigrant was admitted to the U.S. as a special immigrant or the date he or she was granted special immigrant status.

Special immigrants who apply for health care after the date of entry or adjustment are only eligible for the remainder of the six or eight months. Eligibility may begin mid-month.

Those who apply for health care coverage after the expiration of the temporary period for federal benefits are not eligible for federal benefits until the end of the five-year bar or until they acquire another status that qualifies them for federally-funded health care.

EXAMPLE

Sasha applies for Minnesota Health Care Programs for herself and her three year old daughter in April. She entered the U.S. as an Iraqi special immigrant in March.

Action: Sasha and her daughter may be eligible for federally-funded health care programs for the temporary period of March through October (the initial eight months of their special immigrant status). Determine eligibility for MA. If otherwise eligible, Sasha and her daughter may be enrolled in federally-funded MA through the month of October. Beginning November 1, they may continue coverage under state-funded MA.

Retroactive MA Eligibility

Special immigrants may be eligible for retroactive MA coverage.

EXAMPLE

Ari, his wife Mari and three year old daughter Elena enter the U.S. as Iraqi special immigrants on May 1st. They apply for MA in July. They are eligible for federally-funded MA through December 31st. They may also be eligible for retroactive MA for medical bills incurred in May and June.

Sponsor Deeming

There is no deeming of sponsor income for health care program eligibility, since the sponsor requirement does not apply to Iraqi and Afghan special immigrants.

End of Temporary Period of Federally-funded Benefits

After the temporary period for Iraqi or Afghan special immigrants has expired, eligibility must be determined for state-funded benefits as with all other LPRs under the five-year bar.

Pregnant Women

Special consideration and system coding may be needed for Iraqi or Afghan special immigrants who are pregnant women. Send a HealthQuest if an applicant or enrollee who is an Iraqi or Afghan special immigrant or family member reports pregnancy.

Eligibility for RMA

If an Iraqi or Afghan special immigrant is not eligible for MA, consider RMA for the balance of the temporary period of eligibility for federally-funded programs.

Systems Instructions

See Attachment A

LEGAL AUTHORITIES

National Defense Authorization Act for Fiscal Year 2006, Public Law 109-163, § 1059

National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181, § 1244(g)

Immigration and Nationality Act, § 101(a)(27)

The Consolidated Appropriations Act of 2008, Title V of Division G, Public Law 110-161

Personal Responsibility and Work Opportunity Act of 1996 (PRWORA)

Questions

Questions about this policy for Health Care Programs should be directed to HealthQuest.