

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.