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Field Operations Memo 2010-19
March 16, 2010

To: Transitional Assistance Office Staff

From:  John Augeri, Assistant Commissioner for Field Operations

Re: TAFDC and SNAP: Elimination of the Eligibility Time Limit for Iraqi and Afghan Special Immigrants

Overview

Field Operations Memo 2009-36 advised TAO staff about Federal legislation that allowed Iraqi and Afghan noncitizens with special immigrant status eligibility for certain public assistance programs, including TAFDC and SNAP, for a period not to exceed eight months from the date the individual was granted special immigrant status.

New Federal legislation, entitled the *Department of Defense Appropriations Act of 2010*, enacted on December 19, 2009, allows Iraqi and Afghan special immigrants eligibility for Federal public assistance programs to the same extent and for the same time period as refugees. This law replaces prior laws regarding eligibility duration.

Refugees are eligible for TAFDC and SNAP without a time limit, provided all other TAFDC and SNAP eligibility requirements are met.

Purpose Of Memo

This Field Operations Memo:

- informs TAO staff that Iraqi and Afghan noncitizens with special immigrant status must now be treated as refugees;
 - informs TAO staff about the elimination of the eligibility time limit for Iraqi and Afghan noncitizens with special immigrant status;
 - provides acceptable verifications to prove immigration status and date of entry for Iraqi and Afghan special immigrants; and
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Purpose Of Memo (continued)

- provides instructions for implementing the eligibility duration change.

Verification of Special Immigrant Status

Iraqi and Afghan noncitizens and their families who claim special immigrant status must provide verification that they have been admitted into the U.S. under section 101(a)(27) of the INA and their date of entry.

The following documents verify Iraqi and Afghan special immigrant status and date of entry:

Applicant	Documentation
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 or SQ1 and Department of Homeland Security (DHS) stamp or notation on passport or I-94 showing date of entry
Spouse 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 SI2 or SQ12 and a DHS stamp or notation on passport or I-94 showing date of entry
Unmarried Child Under Age 21 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 or SQ3 and a DHS stamp or notation on passport or I-94 showing date of entry
Iraqi or Afghan Special Immigrant 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 Category SI6 or SQ6
Spouse of Iraqi or Afghan Special Immigrant 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 Category SI7 or SQ7
Unmarried Child Under Age 21 of Iraqi or Afghan Special Immigrant 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 Category SI9 or SQ9

Implementing the Eligibility Duration Change Implementation of the change in eligibility duration for Iraqi and Afghan special immigrants is **not retroactive**. Individuals whose eligibility for TAFDC and SNAP expired due to the eight-month eligibility time period must reapply for benefits but must now be treated as refugees with no time limit imposed.

For TAFDC, case managers must check their “Appointments to Schedule” view in TAO Office Explorer, weekly, for cases due for a reevaluation interview. If an Iraqi or Afghan special immigrant case appears on the “Reevaluation Due” list, the case manager must:

- send the client a reevaluation appointment letter for determination of current TAFDC eligibility;
- complete the reevaluation following established procedures; and
- if ineligible, close the case for the appropriate TAFDC closing reason.

For SNAP, special immigrant households certified prior to the *Department of Defense Act of 2010* were given a certification period based on the number of months remaining in the eight-month eligibility period.

At recertification, the SNAP case manager must:

- review the case for continued eligibility for household members who are qualified noncitizen refugees;
- recertify the case, if eligible; or
- if ineligible, close the case for the appropriate SNAP ineligibility reason.

A certification period must be assigned according to SNAP regulations at 106 CMR 364.700 and 106 CMR 710.

**BEACON
Noncitizen
Window**

Though DTA will treat Iraqi and Afghan special immigrants as refugees, there is no change to their INS designation. When completing the Noncitizen window in BEACON, the case manager must:

- select **Other** in the INS Designation field;
 - in the Other Section Reference field, type in Special Immigrant Iraqi with Refugee status or Special Immigrant Afghan with Refugee status;
 - select **No** on the Legal FS Disqualified radio button; and
 - annotate the BEACON Narratives tab with: Special Immigrant Iraqi with Refugee status or Special Immigrant Afghan with Refugee status.
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Obsolete Memo

Field Operations Memo 2009-36 is obsolete.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline.
