



United States
Department of
Agriculture

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Food and
Nutrition
Service

3101 Park
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Alexandria, VA
22302-1500

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – Elimination of the Eight-Month Time Limit for Iraqi and Afghan Special Immigrants

TO: All Regional Directors
Supplemental Nutrition Assistance Program

The Department of Defense Appropriations Act of 2010 (Section 8120, P. L. 111-118) enacted on December 19, 2009, provides that Iraqi and Afghan Special Immigrants (SIVs) are eligible for federal public benefits to the same extent and for the same time period as refugees. The new legislation supersedes prior legislative authority that limited SIVs to refugee status for an 8 month time period. Specifically, the legislation amends prior authority under the National Defense Authorization Act of 2008 (P.L. 110-181) and the Afghan Allies Protection Act of 2009 (P.L. 111-8) that provided SIV eligibility of benefits for a period not to exceed 8 months from the date the immigrant was granted SIV status. The new legislation provides that SIVs are eligible for all benefits available to the same extent and for the same period of time as refugees pursuant to Section 207 of the Immigrations and Nationality Act. Provided that other eligibility requirements are met, refugees are eligible for SNAP indefinitely.

The application of this provision is not retroactive, and therefore, those persons whose eligibility expired due to the 8 month eligibility time period under the prior legislation must reapply for benefits. However, current SIV recipients who were certified prior to the legislation remain eligible until their certification period ends and can be recertified. State agencies that discover or become aware of any Iraqi and Afghani special immigrants who were denied because of the expiration of their eligibility time period on or after the date of enactment of this provision should reconsider those denials pursuant to the new eligibility provisions. State agencies are encouraged to develop outreach strategies to encourage Iraqi and Afghan SIVs who had reached the 8 month time limit prior to the enactment of the legislation to reapply for SNAP benefits.


Quality Control (QC) Guidance

A 120-day variance exclusion period is in effect for implementation of this provision. The variance exclusion period is effective 30 days from the date of this guidance memorandum and continues for 120-days from that date. If a State implements the revised guidance prior to 30 days from the date of this guidance, the 120-day variance exclusion period begins on the date of the State agency's implementation and continues for 120 calendar days from that date. If the State agency's implementation is later than 30 days from the date of this guidance, the variance exclusion will begin on the date of implementation and end on the date 120 days from the date 30 days after the date of the guidance memo, regardless of the date of implementation.

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Any variances that occur which are related to the treatment of Iraqi and Afghan SIV during the variance exclusionary period will be excluded until the case is recertified. In addition, cases that have Iraqi and Afghani SIV will not have variances associated with the treatment of Iraqi and Afghan SIV for QC error determination purposes beginning December 19, 2009, the effective date of Public Law 111-118, thru 30 days from the date of the guidance memorandum.

State agencies that have questions regarding this guidance should contact their respective Regional Office representative. Regional office staffs who has questions regarding this guidance should contact Angela Kline, Chief, Certification Policy Branch, at (703) 305-2495.



Arthur T. Foley
Director
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Enclosures