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United States
Department of
Agriculture

Food and
Nutrition
Service

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Alexandria, VA
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SUBJECT: SNAP – Guidance on Extension for Afghani Special Immigrants


TO: All Regional Directors
Supplemental Nutrition Assistance Program

The Afghan Allies Protection Act of 2009 under the Omnibus Appropriations Act of 2009 (Section 602, Division F of Public Law 111-08) enacted on March 11, 2009, extended Afghani Special Immigrant (SIV) eligibility for SNAP benefits from six months to eight months. The legislation provides that SIVs are eligible for all benefits available to refugees pursuant to Section 207 of the Immigration and Nationality Act.

Prior authority under the Consolidated Appropriations Act of 2008, Public Law 110-161 provided for eligibility of benefits for a period not to exceed six months from the date that the immigrant was granted SIV status. The new legislation extends this period by two months. Whether the Afghani SIV is eligible for an additional two months of eligibility depends on the date that they received SIV status, which may or may not coincide with the special immigrant's date of entry. The eight month time limit does not apply to eligible qualified aliens and children under 18.

Additional information about the extension and an explanation of eligibility periods is attached. Attachment A provides guidance related to implementation of the new law in a question and answer format, Attachment B illustrates how the new policy applies to Afghani recipient and new applicant households, and Attachment C provides the Quality Control hold harmless provisions for Afghani special immigrants.

State agencies that have questions regarding this guidance should contact their respective Regional Office representative. Regional office staff who have questions regarding this guidance should contact their respective liaison in the Certification Policy Branch.


for
Arthur T. Foley
Director
Program Development Division

Enclosures

AN EQUAL OPPORTU

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Attachment A

Afghan Allies Protection Act of 2009 Questions and Answers

Question 1: How did the eligibility for Afghani special immigrants change?

Answer: Effective March 11, 2009, both Afghani 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 fiscal year 2006, Public Law 109-163, as amended, are eligible for SNAP 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 Afghani special immigrants could not exceed six months.

Question 2: Does the eight-month time limit apply to all Afghani special immigrants?

Answer: No. The time limit does not apply to those Afghani special immigrants who would qualify under normal program rules, such as refugees or asylees or children under 18. State agencies may refer to FNS guidance dated March 20, 2008 for additional clarification on the eligibility of qualified aliens and minor children.

Question 3: When does the eight-month count begin?

Answer: The eight-month count begins when the individual was granted 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 Afghani special immigrant may not receive benefits after the individual has had eight months of special immigrant status unless he or she becomes eligible as a qualified alien under normal program rules.

Question 4: What is the eligibility period start date for SNAP benefits?

Answer: The eligibility period start date for SNAP 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.

Question 5: Can certification periods exceed eight months?

Answer: No, the Afghan Allies Protection Act specifically provides that eligibility for benefits may not exceed eight months; as such the calculations of eligibility for benefits under this law may differ from other time limited FNS programs. If an individual is granted status March 15th, then month one under Office of Refugee Resettlement (ORR) policy is March 15th through April 14th of the

following month. SNAP rules would look at March and April as two months of eligibility. Since States cannot end a certification period in the middle of a month, FNS policy has been to count the months as normal under program rules. This ensures eligible households will not receive more than the eight months provided for in the new law.

Question 6: Will all Afghani special immigrants who received the prior maximum limit of six months be eligible for an additional two months?

Answer: It depends on when special immigrant status was granted. However, individuals granted special immigrant status on or before July 31, 2008 will not benefit from this provision as the eight-months already expired prior to the law's effective date of March 11, 2009. These individuals will have only received up to six months of SNAP benefits and cannot receive an additional two months.

Question 7: If a household has already received benefits for six months, do they get an additional eight months?

Answer: No. Afghani special immigrants are eligible for benefits for eight months from the date special immigrant status was granted, not an additional eight months in addition to the six already received. The State agency can look at if these households can receive up to an additional two months.

Question 8: Do States need to locate households that are entitled to additional months?

Answer: No, but States that discover or become aware of any Afghani special immigrants who applied and were denied prior to the passage of the new law should reconsider those denials using this current policy.

Question 9: How do State agencies verify special immigrant status?

Answer: Afghani special immigrants must provide verification that they have been admitted under section 101(a)(27) of the INA. States may access Office of Refugee Resettlement (ORR) policy for examples of acceptable documentation of immigrant status, through ORR's State Letter #09-17 at: <http://www.acf.hhs.gov/programs/orr/policy/sl09-17.htm>.

Question 10: When does eligibility for Afghani special immigrants end?

Answer: Although there is a carry forward provision that extends through fiscal year 2014, FNS has not confirmed if or when eligibility under the Afghan Allies Protection Act ends. FNS will notify affected parties if additional information is received or if there are any additional changes in the law.

Attachment B

The following charts illustrate how this new provision could affect current recipient and new application households:

Current Recipient Households				
Granted Special Immigrant Status	SNAP 6 Month Eligibility Period End Date	SNAP 8 Month Eligibility Period End Date	Date of SNAP Eligibility Review	SNAP 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 st through 10 th 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.

New Applicant Households			
Granted Special Immigrant Status	SNAP 8 Month Eligibility Period End Date	Date of SNAP Application	SNAP 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.

Attachment C

Quality Control Review Procedures

A 120-day variance exclusion period is in effect for implementation of the Afghan Allies Protection Act of 2009. The variance exclusion period is effective 30 days from the date of the 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 the 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 the 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 this guidance memo, regardless of the date of implementation.

Any quality control (QC) variances related to determining the eligibility of Afghani special immigrants based on their status as special immigrants that occur, beginning with implementation of the guidance memorandum or 30 days from the date of the guidance memorandum, as appropriate, in cases that are new applications, recertified or have changes made during the applicable part of the 120-day variance exclusion will be excluded until the case is recertified. Any QC variances resulting from failure to provide benefits (based on the special immigration status) for an additional two months (for total of eight months) to Afghani special immigrant households certified prior to March 11, 2009, shall be excluded. This variance exclusion would only apply to Afghani special immigrant households certified on or after August 1, 2009.

Cases that have Afghani special immigrants will not have variances associated with the treatment of Afghani special immigrants included for QC error determination purposes beginning with March 11, 2009, the effective date of Afghan Allies Protection Act of 2009 and the National Defense Authorization Act for fiscal year 2006, Public Law 109-163 as amended, until 30 days from the date of the guidance memorandum. If a State agency implements the guidance prior to 30 days from the date of the guidance memo, the 120-day variance exclusion in the above paragraph takes effect at that point.).

In an effort to comply with Section 101(a)(27) if the Act, QC reviewers should be alerted to identify those cases which were inappropriately denied benefits prior to the passage of these laws and notify the local offices to ensure that the households receive the appropriate restorations.