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TO: **Income Maintenance Supervisors**  
**Income Maintenance Lead Workers**  
**Income Maintenance Staff**  
**W-2 Agencies**  
**Workforce Development Boards**  
**Job Center Leads and Managers**  
**Training Staff**  
**Child Care Coordinators**

FROM: Amy Mendel-Clemens  
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Bureau of Enrollment Management  
Division of Health Care Access and  
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**BEM/DFS OPERATIONS MEMO**

No: 08-20

DATE: 5/7/2008

FS	<input checked="" type="checkbox"/>	MA	<input checked="" type="checkbox"/>	BC+	<input checked="" type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	FSET	<input type="checkbox"/>
CC	<input type="checkbox"/>	W-2	<input type="checkbox"/>	EA	<input type="checkbox"/>
CF	<input type="checkbox"/>	JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>
RAP	<input checked="" type="checkbox"/>	WIA	<input type="checkbox"/>	Other	<input type="checkbox"/>
				EP	

**PRIORITY: HIGH**

**SUBJECT: Time Limited Public Benefit Eligibility For Iraqis & Afghans With Special Immigrant Status**

**CROSS REFERENCE:** National Defense Authorization Act for Fiscal Year 2008;  
Consolidated Appropriations Act 2008  
FoodShare Handbook 3.12.1, Citizenship and Immigration;  
Medicaid Handbook 7, U.S. Citizen or Qualifying Immigrant;  
BadgerCare+ Handbook 4, Citizenship and Immigration  
Status

**EFFECTIVE DATE:** Immediately

**PURPOSE:**

Some Afghan and Iraqi aliens have been granted special immigrant status. This memo describes FoodShare (FS), Medicaid (MA) and BadgerCare Plus (BC+) benefits available to this immigrant group and how to process these cases.

## **BACKGROUND**

The “Consolidated Appropriations Act of 2008” (effective 12-26-07) and the “National Defense Authorization Act for Fiscal Year 2008” (effective 1-28-08) have granted Afghan and Iraqi aliens special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (INA).

This legislation allows for a set number of special immigrant visas per year, for the next five years, for Iraqi and Afghan nationals who provided faithful and valuable service for or on behalf of the U.S. Government for at least one year and who have experienced or are experiencing a serious threat as a consequence of that employment. Individuals and family members granted this special status are eligible for resettlement assistance, entitlement programs and other benefits the same as refugees admitted under section 207 of the INA. These groups have been admitted to the U.S. in Lawful Permanent Resident (LPR) status; however, for a limited time upon arrival they are treated as if they are in Refugee status for public benefits purposes.

Five thousand special immigrants will be allowed entry to the United States in 2008. There is currently no information on how many will choose to settle in Wisconsin.

## **POLICY CHANGE**

For public benefits purposes, Afghan and Iraqi individuals and families granted this special immigration status under section 101(a)(27) of the Immigration and Nationality Act (INA) are to be treated as refugees for the first six months for Afghan or eight months for Iraqi after their date of arrival.

At the end of the six or eight month period, the immigration status for these populations becomes Lawful Permanent Resident (LPR). According to federal law, LPRs are subject to the five year bar on receiving public benefits.

The policy for BC+/MA outlined below is in effect for this population of immigrants until further notice. Although the legislation authorizing these benefits sunsets on September 30, 2008, Federal guidance for BC+/MA states that it is expected that the provisions will be extended and that eligibility should not be ended for anyone unless it is confirmed that the legislation is not extended.

Any Iraqi or Afghan immigrant granted the special status, who applied after 12/26/2007 and was denied FS or MA/BC+ benefits due to citizenship or immigration status, may request FS or MA/BC+ benefits back to the original application filing date.

## **TEMPORARY BENEFIT PERIOD**

Some refugee populations are entitled to seven years of Federal FS benefits and MA/BC+ benefits as long as they continue to meet the eligibility criteria; however, the individuals in this special immigrant status category are only able to access benefits for a limited time.

Afghan special immigrants are eligible for Federal FS and MA/BC+ benefits for up to six months from the date they enter the country.

Iraqi special immigrants are eligible for Federal FS and MA/BC+ benefits for up to *eight* months from the date they enter the country.

- **NOTE:** Spouses and unmarried children under age 21, who accompany or follow-to-join the principal special immigrant applicant are eligible for the same benefits as the principal applicant.

### END OF TEMPORARY BENEFIT PERIOD

#### **Medicaid/BC+**

Medicaid eligibility for special immigrants and family members must end within six or eight months after their US entry as special immigrants or conversion to special immigrant status, regardless of rules that are otherwise applied for their eligibility group (e.g. coverage of pregnant women until the end of their postpartum period).

These individuals would not be able to receive benefits until they have been here for five years from the date of entry. The five year clock begins from the individual's original date of entry and it does not start over once the limited special status benefits expire.

- **NOTE:** An infant born in the U.S to a woman who was MA/BC+ eligible on the baby's date of birth as an Iraqi or Afghan special immigrant, the infant is a U.S. citizen and deemed MA/BC+ eligible as a newborn until turning age one.

#### **FoodShare**

These individuals may be eligible for continuing benefits through the State Option FoodShare Program after the six or eight months. However, benefits will not automatically continue, these individuals will need to submit a new application in order to continue receiving benefits.

### COUNTING REFUGEE RELATED INCOME

Since the individuals in special immigrant status are to be considered as refugees for their first six or eight months, they are eligible for payments and assistance funded by the federal Office of Refugee Resettlement in the Department of Health and Human Services. Below is information on how this income should be counted for the FS and MA/BC+ programs.

#### **Foodshare**

Refugee payments received as a nonrecurring lump sum are considered to be an asset and are not counted for FS. A recurring payment, received in two or more monthly installments, is considered as income and should be counted for FS.

#### **MA/BC+**

Refugee Cash Assistance (RCA) program payments are not counted as income for MA/BC+. RCA is administered by Wisconsin Works agencies and is made available for refugees who do not qualify for Wisconsin Works.

Refugee "Reception and Placement" (R&P) payments are not counted as income for MA/BC+. R & P payments are made to refugees during the first 30 days after their arrival in the U.S. R & P payments are made by voluntary resettlement agencies and may be a direct payment to the refugee individual/family or to a vendor .

### REFUGEE MEDICAID

If an individual does not meet the other eligibility requirements for MA/BC+, s/he may apply for Refugee Medical Assistance (RMA), which is not funded by Medicaid. RMA is considered a separate benefit from MA/BC+ but provides the same level of benefits as these programs. RMA

is available only in the first eight months after a special immigrant's date of entry. If it is not applied for in that eight-month period, it cannot be applied for later. Iraqi immigrants may be eligible for RMA for eight months and Afghan immigrants may be eligible for RMA for six months.

While W-2 agencies have contractual responsibility for providing RMA, they need to coordinate with economic support agencies to ensure eligibility for all regular MA/BC+ subprograms is tested first.

More information about this program is in the W-2 Manual Chapter 20

[http://www.dwd.state.wi.us/w2/manual/tables\\_of\\_contents/TOC\\_06\\_01.htm#chapter%2020](http://www.dwd.state.wi.us/w2/manual/tables_of_contents/TOC_06_01.htm#chapter%2020)

- **NOTE:** The Federal FS and MA/BC+ eligibility for all other refugees admitted under Alien Status Code 04 remains the same.

## **PROCESS**

### VERIFICATION

For FS and MA/BC+ purposes, the special immigrant status for Afghan and Iraqi immigrants and family members admitted under section 101(a)(27) of the INA must be verified. Workers should follow normal immigrant status verification processes using SAVE to obtain verification. Attached is a table of SAVE responses and document types that may be returned by SAVE to verify the immigrant status.

If their status cannot be verified by SAVE, accept other forms of documentation such as:

- ✓ an Iraqi or Afghan passport with an immigrant visa showing the individual has been admitted under the appropriate visa category, or
- ✓ a DHS Form 551 ("Green Card") with the appropriate visa code, or
- ✓ an I-94 showing date of entry.

See the table at the end of this memo for more details on acceptable documentation.

### DATE OF ELIGIBILITY AND CERTIFICATION PERIOD

- FS and MA/BC+ eligibility as a qualified immigrant granted under this special status cannot begin prior to 12/26/2007.
- The certification period for Afghan special immigrants applying for FS or MA/BC+ cannot exceed six months from date of entry.
- The certification period for Iraqi special immigrants applying for FS or MA/BC+, cannot exceed eight months from date of entry.
- The certification end date for principal applicants, spouses and dependents is calculated from the date of entry into the U.S., not from the date of application for benefits. Some of the special immigrants and their families will not be covered by MA/BC+ for the full 6 or 8 month period because they entered the US before the relevant public law took effect or they applied several months into the 6/8 month period.
- Calculate the eligibility timeline of these individuals on the basis of calendar months, not on the basis of the specific date of arrival.

- **NOTE:** Some Afghan and Iraqi nationals were not admitted under the special status but under another immigrant category. Their status may change to the special status after having been in the U.S. Therefore, their six or eight month certification period begins from the date the individual's status changes to special status immigrant. Until the status changes, their eligibility is based on whatever status they have been given upon initial arrival to the U.S.

**Example:**

Shakir, his wife Leila and their child enter the U.S. from Iraq on March 1, 2008 in special immigrant status. By the time they get settled and find out about the benefits available to them, it is May. They apply for FS and MA/BC+ benefits on May 8, 2008. They are determined eligible and may receive benefits from May 1, 2008 until October 31, 2008. The maximum certification period for the family is eight months which began in March 2008 when they arrived until October 2008. While they didn't apply for benefits until May their certification period still has to end on October 31, 2008.

At the end of this eight month period, the family's status becomes Lawful Permanent Resident. They will now be subject to the five year bar before being eligible for MA/BC+ benefits again. The five year bar will be calculated from the original entry date, March 1, 2008 so they can't be eligible again until March 2013. They will be able to get FS benefits under the state option program without waiting five years as long as they submit a new application.

**CWW PROCESSING:**

There have been no CWW system changes made to accommodate the shorter certification period for these special groups. Once the status has been verified by SAVE, enter the 04 LAWFULLY PRESENT UNDER SECTION 207 code for the alien registration status and the individual's date of U.S. entry on the **Alien/Refugee Information Page** in CWW and certify the requested benefit as would be done for immigrants in 04 refugee status.

After the case is open in CWW, follow the procedures below for each benefit type.

**Foodshare**

Wisconsin's FoodShare (FS) program uses state only funds to provide FS benefits to qualifying aliens. However, FS policy requires a new application to get State Option FS at the end of the initial six or eight month period, so workers will need to change the FS AGOR review due date to reflect this special shortened certification period. CWW will then generate the review notice at the appropriate time so that these recipients know to re-apply.

If the Afghan or Iraqi special immigrants do not re-apply, FS will close. If they do re-apply at the end of the six or eight month period, the alien registration status code needs to be changed from 04 LAWFULLY PRESENT UNDER SECTION 207 to 01 LAWFULLY ADMITTED FOR PERMANENT RESIDENCE. If the case is determined eligible for State Option FS, the new certification period should be twelve months like any other FS assistance group.

**MA/BC+**

There is no provision for continuing MA/BC+ benefits once the six or eight month certification ends. This population is subject to the five year bar from the end of that initial certification as described above in "End of Temporary Benefit Period". Ensure that the alien registration status code is changed from "04" to "01" which will then correctly apply the five year bar for MA/BC+ benefits. The entry date field should not be changed, as the five year clock starts from the individual's original date of entry. Iraqi and Afghan special immigrants and their families may qualify for Medicaid coverage of emergency services, until they meet the 5-year bar for qualified immigrants.

**CONTACTS**

BEM CARES Information & Problem Resolution Center

\*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – Food Stamp Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DHFS/DHCAA/BEM/MR/MM

## S.A.V.E. RESPONSES AND DOCUMENT TYPES

(Confirm status and date of entry for Iraqi and Afghan Special Immigrants)

Iraqi or Afghan Special Immigrant Category	Documentation
Principal Applicant	<p>Iraqi or Afghan passport with immigrant visa stamp noting that individual has been admitted under immigrant visa category <b>SI1 or SQ1</b></p> <p style="text-align: center;"><i>and</i></p> <p>Dept of Homeland Security (DHS) stamp/notation on passport or I-94 showing date of entry</p>
Spouse of Principal Applicant	<p>Iraqi or Afghan passport with immigrant visa stamp noting that individual has been admitted under immigrant visa category <b>SI2 or SQ2</b></p> <p style="text-align: center;"><i>and</i></p> <p>DHS stamp/notation on passport or I-94 showing date of entry</p>
Unmarried child (under 21 years of age) of principal applicant	<p>Iraqi or Afghan passport with immigrant visa stamp noting that individual has been admitted under immigrant visa category <b>SI3 or SQ3</b></p> <p style="text-align: center;"><i>and</i></p> <p>DHS stamp/notation on passport or I-94 showing date of entry</p>
Principal applicant adjusting status after arrival in the U.S.	DHS Form I-551 ("green card") showing Iraqi or Afghan nationality or a Iraqi or Afghan passport with immigrant visa category <b>SI6 or SQ6</b>
Spouse of principal applicant in P6 category, or adjusting status after arrival in the U.S.	DHS Form I-551 ("green card") showing Iraqi or Afghan nationality or a Iraqi or Afghan passport with immigrant visa category <b>SI7 or SQ7</b>
Unmarried child (under 21 years of age) of principal applicant in P6 category, or adjusting status after arrival in the U.S.	DHS Form I-551 ("green card") showing Iraqi or Afghan nationality or a Iraqi or Afghan passport with immigrant visa category <b>SI9 or SQ9</b>