

DEPARTMENT OF WORKFORCE
DEVELOPMENT
Secretary Roberta Gassman
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-7552
FAX: (608) 266-1784
www.dwd.state.wi.us



State of Wisconsin
Governor Jim Doyle

DEPARTMENT OF HEALTH AND
FAMILY SERVICES
Secretary Karen Timberlake
1 West Wilson Street
P.O. Box 7850
Madison, WI 53707-7850
Telephone: (608) 266-9622
FAX: (608) 266-7882
www.dhfs.wisconsin.gov

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: Janice Peters, Director
Bureau of Wisconsin Works
Division of Family Supports

DFS OPERATIONS MEMO					
No: 08-23					
DATE: 5/14/2008					
FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	CC	<input checked="" type="checkbox"/>
W-2	<input checked="" type="checkbox"/>	FSET	<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: Iraqi and Afghan Aliens and Eligibility for Refugee Cash Assistance,
Wisconsin Works, and Child Care

CROSS REFERENCE: TANF-ACF-PI-2008-01, National Defense Authorization Act for
Fiscal Year 2008; W-2 Manual Chapters 2, 3, and 20

EFFECTIVE DATE: Same as Issuance Date

PURPOSE

This Operations Memo notifies Wisconsin Works (W-2) agencies that they may see an increase in the number of Iraqi and Afghan refugees requesting assistance. This memo also addresses the eligibility for W-2, Refugee Cash Assistance (RCA), and Child Care of Iraqi and Afghan immigrants who have been granted special immigrant status.

BACKGROUND

Over the next five (5) years, W-2 agencies may see an increase in the number of Iraqi and Afghan immigrants who request assistance for W-2, RCA, and Child Care. Under section 1059 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109- 163, up to 50 Iraqi and Afghan translators working for the U.S. military have been eligible for special immigrant visas (SIV) each year. President Bush signed Public Law 110- 36 into law on June 15, 2007 which expands the number to 500 per year for FY 2007 and FY 2008. The National Defense Authorization Act 2008 expanded the Iraqi special immigrant visa to 5,000 per FY for the next five years for those Iraqi nationals who provided faithful and valuable service for or on behalf of the U.S. Government for a period of at least one year, and who have experienced or

are experiencing a serious threat as a consequence of that employment. Spouses and children of these immigrants are also eligible for SIVs.

As immigrants with special visas, these family groups are admitted as lawful permanent resident aliens (LPRs) and are eligible to receive a Federal Temporary Assistance for Needy Families (TANF) benefit and therefore, W-2.

Iraqi aliens granted special immigrant status may be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of 8 U.S.C. 1157 for up to eight months and Afghan aliens with this special immigrant status may be eligible for the same benefits for up to six months.

POLICY

W-2 and Refugee Cash Assistance

In order to provide W-2 benefits to a non-citizen applicant, the agency must verify that the individual has satisfactory immigration status in accordance with the Federal law at 8 U.S.C. 1611 and section 1137(d) of the Social Security Act. According to Federal legislation, 8 U.S.C 1613, a qualified alien who enters the U.S. on or after August 22, 1996, is not eligible for any Federal means tested public benefit (e.g. federally funded TANF assistance) for a period of five years beginning on the date of the alien's entry into the United States.

Wisconsin uses State Maintenance of Effort (MOE) funds to serve qualified aliens, instead of imposing the five year bar. As long as qualifying status listed in the Chapter 2, section 2.2.1.1 is maintained, these additional qualified aliens may be eligible for W-2, provided that all other non-financial and financial eligibility criteria are met.

The W-2 agency should first determine eligibility for W-2. If ineligible for W-2, the W-2 agencies should determine eligibility for Refugee Cash Assistance (RCA). As long as these individuals remain programmatically eligible, Refugee Assistance will be available for a period not to exceed eight months for Iraqis, and six months for Afghans.

W-2 and RCA eligibility cannot be backdated to the date of entry.

Refugee Medical Assistance

Refugee Medical Assistance (RMA) is considered a separate benefit from Medical Assistance (MA) but provides the same level of benefits as full MA. RMA is available only in the first eight months after Iraqi refugee arrival and the six months after Afghani refugee arrival. If it is not applied for in that period, it cannot be applied for later.

While W-2 agencies have contract responsibility for providing RMA, they will need to coordinate with economic support agencies to ensure eligibility for all regular MA subprograms is tested first. If the individual fails non-financial eligibility for MA, including BadgerCare Plus (BC), then test for RMA at that point. If the individual fails financial eligibility for MA then s/he would not be eligible for RMA. Eligibility processing for RMA needs to be done manually using form HCF 10110 (previously DES 3070).

Child Care

Children who are Afghan or Iraqi refugees may be considered qualified aliens for Child Care. Disregard Refugee Resettlement Reception and Placement income from the financial eligibility calculation for both W-2 and Child Care. All other child care subsidy financial and nonfinancial policies apply to this population.

CARES

Alien status codes are recorded on the Alien/Refugee Information page in CWW. Legal Permanent Residents will be coded 01 and Refugees 04. There are no new codes and no changes to CARES. Applications for services by qualified aliens identified in this Operations Memo are processed in CARES the same as all other qualified alien applications.

DOCUMENTATION

The following chart lists the types of documentation Afghan and Iraqis with Special Immigrant Visas under Section 1059 of the NDAA 2008; PL 109-163 may present:

Applicant	Documentation
Principal Applicant 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 and DHS stamp or notation on passport or I-94 showing date of entry.
Spouse of Principal Applicant 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 and DHS stamp or notations on passport or I-94 showing date of entry.
Unmarried Child Under 21 Years of Age 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 and DHS stamp or notations on passport or I-94 showing date of entry.
Principal Applicant Iraqi or Afghan Special Immigrant Principal 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 SI6.
Spouse of Principal Applicant Iraqi or Afghan Special Immigrant in P6 Category	DHS Form I551 ("green card") showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV ("immigrant visa") code of SI7.
Unmarried Child under 21 years of Age of Iraqi or Afghan Special Immigrant in P6 Category	DHS Form I-551("green card") showing Iraqi or Afghan nationality (or Iraqi or Afghan passport), with an IV ("immigrant visa") code of SI9.

The following chart lists the types of documentation Iraqis with Special Immigrant Visas under Section 1244 of PL 110-181 may present:

Applicant	Documentation
Principal Applicant Iraqi Special Immigrant	Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SQ1 and DHS stamp or notation on passport or I-94 showing date of entry.

Applicant	Documentation
Spouse of Principal Applicant Iraqi Special Immigrant	Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SQ2 and DHS stamp or notation on passport or I-94 showing date of entry.
Unmarried Child Under 21 Years of Age of Iraqi Special Immigrant	Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SQ3 and DHS stamp or notation on passport or I-94 showing date of entry.
Principal Applicant Iraqi Special Immigrant Principal Adjusting Status in the U.S.	DHS Form I-551 ("green card") showing Iraqi nationality (or Iraqi passport), with an IV (immigrant visa) code of SQ6.
Spouse of Principal Applicant Iraqi Special Immigrant in P6 Category	DHS Form I-551 ("green card") showing Iraqi nationality (or Iraqi passport), with an IV (immigrant visa) code of SQ7.
Unmarried Child Under 21 Years of Age of Principal Iraqi Special Immigrant in P6 Category.	DHS Form I-551 ("green card") showing Iraqi nationality (or Iraqi passport), with an IV (immigrant visa) code of SQ9.

CONTACTS

For Policy Related Questions: BW-2 Regional Office Staff

For CARES Processing Questions: W-2/CC Help Desk

*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare 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.

DWD/DFS/BW2/RMP