

May 5, 2010

Food Stamp Program Guide (PG) Letter No. 549

Subject **Eligibility of Afghan Special Immigrants for Benefits and Services**

Effective Date Upon receipt

References All County Letter (ACL) 09-39 and ACL 08-35
[FSPG letter #537](#) for detailed policy information on Afghan Special immigrant Visa

Purpose The purpose of this letter is to inform staff of the:

- Extension of Federal Eligibility to the Food Stamp Program for Afghans with Special Immigrant Visas (SIVs) from six months to eight months;
- Revised on-line USCIS Class of Admissions Codes Table to include update on the Afghan federal eligibility extension;
- Different Federal eligibility periods for these individuals with special immigration;
- Requirement to change the funding from state to federal; and
- Food stamp questions and answers regarding Afghans SIV eligibility.

Background For Federal Fiscal Years (FFY) 2009 through 2013, up to 1,500 Afghan applicants may be granted Special Immigrant Visa (SIV) Status annually. Spouses and unmarried children under the age of 21 may accompany the applicant. There is no authority to provide federally funded benefits and services to Afghan Special Immigrants beyond September 30, 2014.

Changes

Effective March 11, 2009, Afghans with SIV status and their eligible family members may be eligible for federal benefits for eight (8) months from their date of entry into the United States (U.S.) or if applying for Special Immigrant Status from within the U.S., their date of adjustment of immigration status.

Note: Previously, the federal eligibility period for Afghan Special Immigrants and their eligible family members was six (6) months.

Once federal eligibility has been terminated for the Afghan with SIV status and their eligible family members, they may be entitled to receive California State-only Food Stamps (CFAP) benefits, as long as all other eligibility criteria are met.

Worker Action

Afghans with SIV status who have lost federal food stamp funding in March 2009 or later based solely on the six-month time limit must have retro Food Stamps Federal Eligibility, if otherwise eligible, to assure that they are provided with eight-months of Federal funding.

Afghans with SIV who lost Food Stamps Federal Eligibility Funding (FSFEF) prior to March 2009 based solely on the previous six-month Federal time limit are **not** eligible for additional Federal coverage.

Workers are to ensure that:

- SIV requirements are met by entering correct funding in CalWIN.
- All information regarding the eligibility determination of non-citizen Afghan clients must be documented in the **Maintain Case Comments** window in CalWIN.

If...	Then...
The Afghan with SIV has applied for FS after March 11, 2009	Allow the eight-month time limit for Food Stamps Federal Eligibility Funding (FSFEF).
The Afghan with a SIV is currently Federally eligible and still within this the eight-month time limit	Extend coverage to the eight-month time limit.
Afghan with SIV lost FSFEF in March or later based solely on the six-month limit	Change eligibility funding from CFAP to Federal funding to assure that they are provided with the eight-month time limit.
Afghan with SIV lost eligibility prior to March 2009 based solely on the previous six-month FSFEF limit	Do nothing as they are not eligible for additional FSFEF coverage. Leave as CFAP funding.

Worker Action
(continued)

Note: Workers who discover or become aware of any Afghan Special Immigrant who applied for and was denied food stamps prior to the passage of the new law must reevaluate those denials using this current policy.

Afghan Special
Immigrant
Documentation

Refer to Afghan Special Immigrant Documentation table below to verify Afghan Special Immigrant Status

Afghan Special Immigrant Documentation	
Applicant	Documentation
Principal Applicant Afghan Special Immigrant	Afghan passport with an immigrant visa stamp noting that the individual has been admitted under Immigrant Visa (IV) Category SQ1 or SI1
Spouse of Principal Applicant Afghan Special Immigrant	Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV Category SQ2 or SI2
Unmarried Child Under 21 Years of Age of Afghan Special Immigrant	Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV Category SQ3 or SI3
Principal Applicant Afghan Special Immigrant Principal Adjusting Status in the U.S.	DHS Form I-551 ("green card") showing Afghan nationality (or Afghan passport), with an IV code of SQ6 or SI6
Spouse of Principal Applicant Afghan Special Immigrant in SI6 Category	DHS Form I-551 showing Afghan nationality (or Afghan passport), with an IV (immigrant visa) code of SQ7 or SI7
Unmarried Child Under 21 Years of Age of Afghan Special Immigrant in SI6 Category	DHS Form I-551 showing Afghan Nationality (or Afghan passport), with an IV code of SQ9 or SI9

Automation
Impact

Refer to How To(s) # 322, 323 and 324 for instructions on:

- Entering Special Immigrant Visa (SIV) Status, and
- Entering special indicators, creating and sending a case level alert as well as changing the funding from Federal to CFAP or vice versa.

CalWORKs
Impact

A separate letter will be issued for the CalWORKs Program. The worker is to follow CalWORKs procedures for Afghan PAFS cases.

Forms/Imaging
Impact

None

Access Impact

ACCESS Customer Service Representative will provide and clarify the extension of Federal Eligibility to the Food Stamp Program from six (6) months to eight (8) months for Afghans with Special Immigrant Visas (SIVs) as described in this FSPG Letter. All information regarding the eligibility determination of non-citizen Afghan clients must be documented in the case comments.

Operational
Impact

None

FSPG Section	Title	Description
63 -154.2	Qualified Noncitizens	<p><i>Deleted:</i> “The same extent as refugees for 6/8 months”</p> <p><i>Added:</i> “The same extend as refugees for 8 month”</p>
63 -154.3	Conditions of Eligibility for Qualified Noncitizens	<p><i>Deleted:</i> “the six or eight month”</p> <p><i>Added:</i> “eight month”</p>
63-154.5	<p>Noncitizens Failing to Qualify to Federal Food Stamps</p> <p>The USCIS Class of Admission Codes (COA) Tables;</p>	<p><i>Deleted:</i> “Afghan – for six months” (on page 15 &16)</p> <p><i>Added:</i> “Afghan – for eight month”</p> <p><i>Deleted:</i> “Afghan eligibility is in effect until the end of current FFY 09/30/2008” (on page 15 & 16)</p> <p><i>Added:</i> “Afghan eligibility is in effect until the end of current FFY 09/30/2014”</p> <p><i>Deleted Note:</i> “These noncitizens are eligible to CFAP after six/eight months”.</p> <p><i>Added:</i> these noncitizens are eligible to CFAP after eight months” (on page 15 and 16).</p>

Quality Control/Quality Assurance Impact

QC/QA will cite the appropriate error when the requirements in this material have not been followed.

Manager
Approval



Sylvia Melena for
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Strategic Planning & Operational Support

MB