



ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

## ORR State Letter


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# 10-02

Date: March 23, 2010

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**TO:** STATE REFUGEE COORDINATORS  
NATIONAL VOLUNTARY AGENCIES  
ANTI-TRAFFICKING COALITIONS AND TASK FORCES  
OTHER INTERESTED PARTIES

**FROM:** Eskinder Negash  
Director  
Office of Refugee Resettlement 

**SUBJECT:** Afghan and Iraqi Special Immigrants Are Now Eligible for ORR Benefits and Services to the Same Extent and for the Same Time Periods of Time as Refugees

**Purpose of this ORR State Letter: Afghan and Iraqi Special Immigrants are now Eligible for ORR Benefits and Services to the Same Extent and for the Same Time Period as Refugees (ORR State Letters # 08-04, # 08-06, # 09-02, and # 09-17 partially superseded)**

The purpose of this ORR State Letter is to provide guidance to Refugee Service Providers on Section 8120 of Pub. L. No. 111-118, Department of Defense Appropriations Act, 2010 (Dec. 19, 2009; 123 Stat. 3409) as it affects the **duration of eligibility** for ORR benefits and services of Afghan and Iraqi Special Immigrants.<sup>1</sup>

Under Section 8120 of Pub. L. No. 111-118, Department of Defense Appropriations Act, 2010, Afghan and Iraqi Special Immigrants are now eligible for ORR benefits and services **for the same time period as refugees**, beginning on their date of entry to the U.S. or date of adjustment of status if applying from within the U.S. for Special Immigrant Status.

This change applies to both Afghan Special Immigrants admitted to the U.S. under Section 602 of Pub. L. No. 111-08 and those admitted under Section 1059 of the NDAA as amended.

### **Section 8120 of Public Law Number 111-118 and ORR Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA)**

Please note that ORR cash and medical benefits (ORR RCA and ORR RMA) are already limited to eight (8) months for all eligible categories, so Section 8120 of Pub. L. No. 111-118 has no impact on the eligibility of Afghan and Iraqi Special Immigrants eligibility for ORR RCA and RMA. The effect of Section 8120 is to make Afghan and Iraqi Special Immigrants eligible

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<sup>1</sup> Important: For background, please review ORR State Letter # 08-04, ORR State Letter #08-06, ORR State Letter # 09-02, and ORR State Letter # 09-17.

beyond the eight month mark (up to 5 years) for ORR Refugee Social Services (RSS), and for services under ORR discretionary grants as available.

**Section 8120 of Pub. L. No. 111-118, December 19, 2009**

SEC. 8120. (a) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN IRAQI REFUGEES.—Section 1244(g) of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 398) is amended by striking “for a period not to exceed eight months” and inserting “to the same extent, and for the same periods of time, as such refugees”.

(b) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN AFGHAN ALLIES.—Section 602(b)(8) of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111–8; 123 Stat. 809) is amended by striking “for a period not to exceed 8 months” and inserting “to the same extent, and for the same periods of time, as such refugees”

**Iraqi and Afghan Special Immigrants Admitted to the U.S. after the Effective date of the Law AND Afghan/Iraqi Special Immigrants Already in the U.S. on Such Date are Eligible for ORR Benefits and Services for the Same Time Period as Refugees, Subject to Laws in Effect for Each Time Period**

Iraqi and Afghan Special Immigrants Admitted to the U.S. on or after the new law’s effective date of December 19, 2009 are eligible for ORR benefits and services for the same time period as a refugee.

Iraqi and Afghan Special Immigrants who were already in the U.S. in Special Immigrant status on the effective date of the law, December 19, 2009 are eligible for ORR benefits and services for the same time period as a refugee. Note that in Section 8120 there is no provision for retroactive eligibility for ORR Social Services for such Special Immigrants for that time period *after* they reached eight months in the U.S., but *before* December 19, 2009. After December 19, 2009, Afghan/Iraqi Special Immigrant eligibility for ORR Social Services is calculated as illustrated in the following examples.

Example I: Iraqi Special Immigrant who was admitted to the U.S. on December 18, 2009. His eligibility for ORR benefits and services began on December 18, 2009. His eligibility for ORR Refugee Cash Assistance (RCA) and for Refugee Medical Assistance (RMA) ends August 17, 2010 (or July 31, 2010 if using whole month counting method), eight months from date of entry to U.S. as an Iraqi Special Immigrant. The Iraqi Special Immigrant is eligible for Refugee Social Services (RSS) for up to five years from date of admission to the U.S. as an Iraqi Special Immigrant, until December 17, 2014.

Example II: Iraqi Special Immigrant who was admitted to the U.S. on February 20, 2008. His eligibility for ORR benefits and services including ORR RSS ended on October 19, 2008, eight months from date of entry to U.S. as an Iraqi Special Immigrant. For the period October 20, 2008 to December 18, 2009, he was not eligible for ORR benefits and services because for that period he had already passed his eight month mark in the U.S. in Iraqi Special Immigrant status *AND during that time period there was no law in effect to make him eligible for ORR benefits and services beyond eight months.*

On December 19, 2009, the effective date of the new law, this Iraqi Special Immigrant becomes eligible once again for ORR RSS, now for the same time period as a refugee: up to February 19, 2013, five years from his date of admission to the U.S. On this date, the Iraqi Special Immigrant has been in the U.S. for one year and ten months, *all of which count toward his first five years in the U.S.* As noted above, he was not eligible for ORR RSS from October 20, 2008, to December 19, 2009. This period of ineligibility *does count* toward the five year eligibility limit on ORR RSS.

### **Impact of Section 8120 of Pub. L. No. 111-118 on Afghan and Iraqi Special Immigrants' Eligibility for Non-ORR Federal Public Benefits**

Under the language in Section 8120 of Pub. L. No. 111-118 and previous applicable legislation described in the four earlier ORR State Letters on Afghan and Iraqi Special Immigrants, in addition to resettlement assistance, Iraqi Special Immigrants are eligible for “entitlement programs, and other benefits available to refugees admitted under section 207 of such Act.....” As noted in earlier ORR State Letters on Afghan and Iraqi Special Immigrants, these programs and benefits would appear to include federal public benefits such as Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program (formerly Food Stamps), Medicaid, Children’s Health Insurance Program (CHIP), and Supplemental Security Income (SSI). In order to receive such benefits, Afghan and Iraqi Special Immigrants, like any applicant, would also need to meet the income, resource, and other eligibility requirements. These benefit programs are not administered by the Office of Refugee Resettlement, and questions about them should be directed to the appropriate office or agency.

This policy change is effective immediately.

If you have questions regarding any of the information contained in this State Letter, please contact Thomas Pabst at (202) 401-5398 or by email at [thomas.pabst@acf.hhs.gov](mailto:thomas.pabst@acf.hhs.gov).