



DEPARTMENT OF HEALTH & HUMAN SERVICES

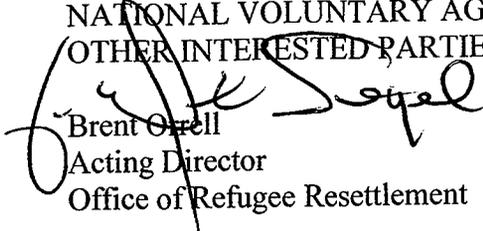
ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

**ORR State Letter**

# 08-06

Date: February 7, 2008

TO: STATE REFUGEE COORDINATORS  
REFUGEE HEALTH COORDINATORS  
NATIONAL VOLUNTARY AGENCIES  
OTHER INTERESTED PARTIES

FROM:   
Brent Orrell  
Acting Director  
Office of Refugee Resettlement

SUBJECT: Public Law 110-181: National Defense Authorization Act for  
Fiscal Year 2008: Time Limited Eligibility for ORR Benefits and  
Services of Iraqis Granted Special Immigrant Status under Section  
101 (a)(27) of the Immigration and Nationality Act (INA)

**Purpose of this ORR State Letter: ORR State Letter # 08-04 Partially Superseded**

The purpose of this ORR State Letter is to provide guidance to State benefit-granting agencies, Wilson-Fish grantees, and Refugee Service Providers on the eligibility under section 1244 of Public Law 110-181, National Defense Authorization Act for Fiscal Year 2008, of Iraqi Special Immigrants for ORR benefits and services, their date of eligibility, and the duration of benefits and services.

Section 1244 of Public Law 110-181, National Defense Authorization Act for Fiscal Year 2008, which became law on January 28, 2008, states in part:

**(g) Resettlement Support- Iraqi aliens granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed *eight months*. (Emphasis added.)**

**Duration of Eligibility of Iraqi Special Immigrants for ORR Benefits and Services**  
As noted above, effective January 28, 2008, Iraqi aliens granted special immigrant status described in section 101(a)(27) of the INA ("Iraqi Special Immigrants") are eligible for

ORR benefits and services to the same extent as are refugees for up to **eight months**, at which time their ORR eligibility ceases. Please note that this State Letter supersedes State Letter # 08-04 concerning Iraqi Special Immigrants, which announced **6 months** of ORR benefits and services for **Iraqi** Special Immigrants. This State Letter stipulates that all Iraqi Special Immigrants are eligible for 8 months of ORR benefits and services from date of entry to the U.S. ORR State Letter # 08-04 remains in effect only as to Afghan Special Immigrants, who remain eligible for 6 months of benefits.

### **Spouses and Unmarried Children Under 21 of Iraqi Special Immigrant Principal Applicant**

Spouses and unmarried children under the age of 21 may accompany an Iraqi Special Immigrant principal applicant to the U.S. or follow-to-join the Iraqi Special Immigrant principal applicant. Family members following to join the principal Iraqi Special Immigrant are not eligible for U.S. Government travel loans or travel assistance. ORR will not pay nor reimburse the travel costs of the Iraqi Special Immigrant, spouse, or child.

### **Iraqi Special Immigrant Date of Eligibility for ORR Benefits and Services is Date of Entry to the U.S.**

The date of eligibility for ORR benefits and services for an Iraqi Special Immigrant is his or her entry date, i.e., the date he or she was admitted to the U.S. as an Iraqi Special Immigrant. **The date of eligibility for ORR benefits and services is not the date of application for ORR benefits and services.** For Iraqi Special Immigrants with an entry date to the U.S. prior to January 28, 2008 when Public Law 110-181 became law, their date of eligibility for ORR benefits and services remains their date of entry to the U.S. as an Iraqi Special Immigrant and their eight month time eligibility is calculated from their date of entry.

To determine the date of eligibility for ORR benefits and services of Iraqi Special Immigrants, ORR reviewed the law and policy for other populations eligible for ORR assistance. Section 412(e)(1) of the INA outlines a refugee assistance program that provides benefits "beginning with the first month in which such refugee has entered the United States ..." As with refugees, other populations that are eligible for ORR benefits and services also receive assistance when they first enter the country or when they first receive their status. *See* ORR State Letters # 00-12, # 00-15, # 00-17, # 01-13, and # 08-04. These policies concerning entry date reinforce the statutory mandate to provide assistance as soon as possible after date of entry so that refugees and other eligible populations may achieve self-sufficiency as quickly as possible. *See* INA § 412(a)(1)(A).

### **Date of Eligibility and Eight Month Time Limit on Eligibility for ORR Benefits and Services for Iraqi Special Immigrants**

No ORR-funded benefits or services may be provided to the Iraqi Special Immigrant after eight months from their date of entry to the U.S. No additional assistance or services will be provided for the months of eligibility that occurred prior to the effective date of the law, January 28, 2008 or prior to the date of application for ORR benefits and services.

Thus an Iraqi Special Immigrant whose date of entry to the U.S. was November 1, 2007 will not be eligible for ORR benefits and services after June 30, 2008, regardless of his date of application for ORR benefits and services. Refer to 45 CFR 400.220, Counting time eligibility for refugees. Most states have opted to count time-eligibility on the basis of calendar months, as shown in this example.

It is useful here to reference the following:

45 CFR Sec. 400.220 “Counting Time-Eligibility of Refugees”

“A state may calculate the time-eligibility of a refugee under this part in either of the following ways (a) On the basis of calendar months, in which case the month of arrival in the United States must count as the first month; or (b) On the basis of the actual date of arrival, in which case each month will be counted from that specific date.” {54 FR 5483, Feb. 3, 1989}

An Iraqi Special Immigrant who arrives in the U.S. on March 1, 2008, and first applies for ORR benefits and services on May 1, 2008, is eligible to receive benefits and services only up to October 31, 2008, eight months after date of entry to the U.S. as a Special Immigrant on March 1, 2008. There is no provision to provide benefits and services to make up for the delay between date of entry to the U.S. and date of application for ORR benefits and services. **The date of eligibility for ORR benefits and services is not the date of application for ORR benefits and services.**

For Iraqi Special Immigrants who acquire Special Immigrant Status while in the U.S., the date of eligibility for ORR benefits and services (their “entry” date) is their date of grant of Iraqi Special Immigrant status. Those will be cases of Iraqis who were paroled into the U.S. or entered the U.S. in some other status, and then while in the U.S. made application for and were granted Iraqi Special Immigrant status. **Until an Iraqi in parole or some other non-immigrant status becomes an Iraqi Special Immigrant with documentation of this status, he/she is not eligible for ORR benefits and services.**

Because no ORR-funded benefits or services may be provided to the Iraqi Special Immigrants beyond eight months from their date of entry to the U.S., State benefit-granting agencies, Wilson-Fish grantees, and Refugee Service providers should take this eight month limitation into account in provision of benefits and services to Iraqi Special Immigrants. For example, ORR-funded social services beyond eight months, including employability services are not available to Iraqi Special immigrants, thus making early, focused job search assistance particularly critical.

The eight-month time eligibility period may require manual tracking independent of existing automated eligibility systems programmed for eight months of RCA and RMA. Other standard ORR benefit time frames, such as social services, may require special tracking for Iraqi Special Immigrants, given their eight month eligibility.

**Eligibility for ORR Benefits and Services of Family Members of Iraqi Special Immigrants**

Spouses and unmarried children under the age of 21 may accompany to the U.S. or follow-to-join the Iraqi Special Immigrant under this section, as noted above. Any family member of an Iraqi Special Immigrant who applies for ORR-funded benefits and services should produce documentation to demonstrate identity and immigration status as an Iraqi Special Immigrant.

**Documentation of Eligibility for ORR Benefits and Services of Iraqi Special Immigrants**

Providers will be required to determine eligibility in accordance with ORR regulations. This eligibility determination includes confirmation of the individual’s status and date of entry through appropriate documentation.

**The following documents will confirm both status and date of entry for Iraqi Special Immigrants:**

<b>Applicant</b>	<b>Documentation</b>
Principal Applicant Iraqi Special Immigrant	Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI1 or SQ1 and DHS stamp or notation on passport or I-94 showing date of entry
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 SI2 or 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 SI3 or 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 for this category SI6 or SQ6

<p>Spouse of Principal Applicant Iraqi Special Immigrant Principal Applicant Adjusting Status in the U.S.</p>	<p>DHS Form I-551 (“green card”) showing Iraqi nationality (or Iraqi passport), with an IV (immigrant visa) code for this category SI7 or SQ7</p>
<p>Unmarried Child Under 21 Years of Age of Iraqi Special Immigrant Principal Applicant Adjusting Status in the U.S.</p>	<p>DHS Form I-551 (“green card”) showing Iraqi (or Iraqi passport), with an IV (“immigrant visa”) code for this category SI9 or SQ9</p>

**Iraqi Special Immigrants Eligibility for Federal Public Benefits Other Than ORR Benefits and Services**

Under the language in section 1244 of Public Law 110-181, 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 for a period not to exceed 8 months.” These programs and benefits would appear to include federal public benefits, such as Temporary Assistance for Needy Families, and Food Stamps, Medicaid, or Supplemental Security Income (SSI). In order to receive the benefits, they 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.

**Comparison of Provisions for Iraqi and Afghan Special Immigrants Eligible for ORR Benefits and Services**

Please note that section 1244 of Public Law 110-181 only increased benefits eligibility from 6 months to 8 months for Iraqis. **Public Law 110-181 did not increase benefits eligibility for Afghans.** All Afghan Special Immigrants remain eligible for 6 months of benefits, per ORR State Letter # 08-04.

**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).