



DEPARTMENT OF CHILDREN  
AND FAMILIES  
Secretary Reggie Bicha  
201 East Washington Avenue, Room G200  
P.O. Box 8916  
Madison, WI 53708-8916  
Telephone: 608-266-8684  
Fax: 608-261-6972  
www.dcf.wisconsin.gov

DEPARTMENT OF HEALTH SERVICES  
Secretary Karen E. 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

State of Wisconsin  
Governor Jim Doyle

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: **Vicki Jessup**, Section Chief  
Policy Section  
Bureau of Enrollment Policy & Systems  
Division of Health Care Access and Accountability

<b>BEPS/DFS OPERATIONS MEMO</b>					
No: 10-15 <b>Amended</b>					
DATE: 3/9/2010 <b>(08/16/10)</b>					
FS	<input checked="" type="checkbox"/>	MA	<input checked="" type="checkbox"/>	BC+	<input checked="" type="checkbox"/>
SC	<input checked="" type="checkbox"/>	CTS	<input type="checkbox"/>	FSET	<input type="checkbox"/>
BC+ Basic	<input type="checkbox"/>	BC+ CORE	<input checked="" 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 type="checkbox"/>	WIA	<input type="checkbox"/>	Other	<input type="checkbox"/> *
EP					

**SUBJECT: Extended Public Benefit Eligibility for Iraqis & Afghans with Special Immigrant Status**

**CROSS REFERENCE:** Department of Defense Appropriations Act, 2010  
BadgerCare Plus Eligibility Handbook, Section 4.3.5  
Medicaid Eligibility Handbook, Section 7.3.5  
FoodShare Handbook 3.12.1.11

**EFFECTIVE DATE:** December 19, 2009

**PURPOSE:**

This memo announces a change in policy to allow Afghan and Iraqi immigrants described in the Handbook sections listed above, to be treated as refugees when determining Medicaid, BadgerCare Plus and FoodShare eligibility as long as the immigrant has the special immigration status.

**BACKGROUND:**

The "Consolidated Appropriations Act of 2008" and the "National Defense Authorization Act for Fiscal Year 2008" granted Afghan and Iraqi aliens special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (INA). These laws required that certain Iraqi and Afghan immigrants be treated like refugees for a limited time of six (and later eight) months

in determining their eligibility for public benefits. On December 19, 2009, the Department of Defense Appropriations Act, 2010, was signed into law, eliminating the eight month restriction and requiring that these immigrants be treated like refugees for as long as they are in that status when determining their eligibility for public benefits.

### **PREVIOUS POLICY:**

#### MEDICAID/BADGERCARE PLUS

For the first eight months after their U.S. entry as special immigrants or conversion to the special immigrant status, certain Iraqi and Afghan immigrants were treated like refugees, which made them qualified immigrants without the five year ban that is applied to lawful permanent residents. Medicaid and BadgerCare Plus (BC+) eligibility for these special immigrants and family members usually ended eight months after their US entry because they reverted to lawful permanent residents, who were subject to the five year ban.

#### FOODSHARE

For the first eight months after entering the U.S. as special immigrants or conversion to the special immigrant status, certain Iraqi and Afghan immigrants were treated like refugees, which made them qualified immigrants without the five year ban that is applied to lawful permanent residents. Federal FoodShare eligibility for these special immigrants ended at the end of the eight month period, when the immigration status for these individuals reverted to lawful permanent residents, who were subject to the five year ban. Some of these individuals were eligible for continuing benefits through the State Option FoodShare Program after the six or eight months in their refugee status. However, benefits did not automatically continue and they had to submit a new application in order to continue receiving FoodShare benefits.

### **NEW POLICY:**

Beginning December 19, 2009, Special Immigrants from Iraq or Afghanistan (Class of Admission Codes SI-1, 2, 3, 6, 7, 8 and **SQ-1, 2, 3, 6, 7 and 8**) are to be treated like they are refugees when determining their eligibility for FoodShare, Medicaid or BC+ for as long as they have this Special Immigration status. This policy applies to these immigrants regardless of when they received this status.

<b>Class of Admission code</b>	<b>Description</b>	<b>CARES Alien Registration Status Code</b>
SI1	Nationals of Iraq or Afghanistan serving as interpreters with the U.S. Armed Forces	Code 04
SI2	Spouses of an SI1	Code 04
SI3	Children of an SI1	Code 04
SI6	Nationals of Iraq or Afghanistan serving as interpreters with the U.S. Armed Forces	Code 04
SI7	Spouses of an SI6	Code 04
SI8	Children of an SI6	Code 04

Class of Admission code	Description	CARES Alien Registration Status Code
SQ1	Special Immigrant Iraqi Employee (Principal)	Code 04
SQ2	Spouse of SQ1	Code 04
SQ3	Children of SQ1	Code 04
SQ6	Special Immigrant Iraqi Employee (Principal Adjusting Status in the United States)	Code 04
SQ7	Spouse of SQ6	Code 04
SQ8	Children of an SQ6	Code 04

**IMPLEMENTATION:**

Agencies are not expected to find cases that may have been denied since December 19, 2009 for individuals who have one of these immigrant statuses. If a worker becomes aware of an adversely impacted case, s/he should apply the policy to re-determine eligibility for the individual(s) meeting the new criteria. Ongoing cases should have their eligibility redetermined as indicated below.

**CARES:**

Operations Memo 08-20 was issued May 7, 2008, with CWW Processing instructions on how to accommodate the shorter certification periods for these special groups based on the end of the temporary benefit period. These instructions included changing the alien registration status code from '04 LAWFULLY PRESENT UNDER SECTION 207 to 01 LAWFULLY ADMITTED FOR PERMANENT RESIDENCE' at the end of the temporary benefit period.

With the policy change effective December 19, 2009, Iraq and Afghanistan individuals with the Special Immigration status who were previously coded as alien registration status '01' at the end of the temporary benefit period, must now be coded '04' for as long as they retain their Special Immigration status.

REPORT

The Department will issue a report, containing individuals in open cases, coded with Afghanistan or Iraq in the 'County of Origin' field, who also have an alien registration status '01'. If the individual(s) meets the new policy criteria beginning December 19, 2009, apply the policy to re-determine eligibility for the individual(s).

MEDICAID/BADGERCARE PLUS

If a worker becomes aware that an individual was incorrectly denied eligibility, s/he should apply the policy to re-determine and restore benefits for the individual back to December 19, 2009.

FOODSHARE

If a worker becomes aware of a FoodShare Assistance Group whose certification ended based on a shortened certification, the group must reapply. The worker will determine eligibility using the current policy from the date of the new application forward.

**CONTACTS:**

BEPS 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 – FoodShare Employment and Training, BC+ CORE – BadgerCare Plus Core, 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.

DHS/DHCAA/BEPS/JL/PH