
Temporary Assistance for Needy Families Program Instruction

U.S. Department of Health and Human Services
Administration for Children and Families
Office of Family Assistance
Washington, DC 20201

No. TANF-ACF-PI-2021-06

Date: October 18, 2021

TO: State and territorial agencies (hereafter, states) administering the Temporary Assistance for Needy Families (TANF) Program

SUBJECT: Afghanistan Parolees Now Eligible for TANF

REFERENCES: Extending Government Funding and Delivering Emergency Assistance Act, Division C - Afghanistan Supplemental Appropriations Act, 2022 (Public Law 117-43)

PURPOSE: To explain how citizens or nationals of Afghanistan paroled into the United States under emergency evacuation are now eligible for TANF.

BACKGROUND:

Due to the urgent, basic needs of citizens or nationals of Afghanistan who assisted the U.S. government overseas and have now been relocated in the United States, the Afghanistan Supplemental Appropriations Act, 2022 has changed the TANF eligibility criteria for non-special immigrant parolees (non-SI parolees) also known as “humanitarian parolees.” We are providing this information to explain the new eligibility criteria that now allow these parolees to receive other benefits available to refugees, including TANF.

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), enacted on August 22, 1996, provided that qualified aliens are the only non-citizens eligible to receive a TANF-funded federal public benefit. Section 403 of PRWORA specified that some qualified aliens arriving after the date of enactment of that law are not immediately eligible for means-tested federal public benefits (such as TANF), but rather are subject to a five-year bar. However, the law exempted the following qualified from this five-year bar: refugees, asylees, aliens whose deportation is being withheld, Amerasians, Cuban/ Haitian entrants, as well as veterans, members of the military on active duty, and their spouses and unmarried dependent children.

POLICY:

Afghan Humanitarian Parolees (Non-SI Parolees) Now Immediately Eligible for TANF

On September 30, 2021, Congress passed the Afghanistan Supplemental Appropriations Act, 2022 (Public Law 117-43). Section 2502 of this legislation provides that Afghan humanitarian

parolees (also known as non-SI parolees)¹ are now eligible to receive federal benefits, including TANF, from the date of enactment. Specifically, the following individuals are all eligible for TANF until March 31, 2023, (or the term of parole, whichever is longer) in the same way a refugee is eligible for TANF²:

- Afghan citizens and nationals paroled into the US between July 31, 2021, and September 30, 2022;
- their spouses or children paroled after September 30, 2022; and
- their parents or guardians paroled after September 30, 2022, if the Afghan citizen or national is an unaccompanied child.

Afghan Special Immigrants Treated as Refugees Retain Status

States should have already been treating Afghan special immigrants (SI LPRs, SIVs, SI/SIV parolees, and SI CPRs) the same as refugees for the purpose of federal public benefits, meaning they were immediately eligible for benefits available to refugees, including TANF. See 8 U.S.C. 1101 note. In other words, Afghan special immigrants were already not subject to a waiting period if they met other eligibility requirements. Therefore, this new legislation does not affect their existing eligibility status.

Afghan special immigrant children under age 18 were already immediately eligible for TANF.

It is important to remember that states may only provide federally funded TANF assistance and most MOE-funded state assistance to a financially needy family that consists of, at a minimum, a child living with a relative, or consists of a pregnant woman.

INQUIRIES:

Please direct inquiries to the TANF Program Manager in your region.

**Susan J.
Golonka -S**

Susan J. Golonka
Acting Director
Office of Family Assistance

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¹ “Humanitarian parolees” are individuals paroled into the United States under section 212(d)(5) of the INA (8 USC 1182(d)(5)). That section gives the Attorney General the discretion to parole individuals into the United States “for urgent humanitarian reasons.” Such paroled individuals are qualified aliens but are not exempted from the five-year bar, like refugees or asylees. The new legislation discussed above removes the five-year bar for the specified Afghan parolees.

² The full statutory text can be found here <https://www.congress.gov/117/bills/hr5305/BILLS-117hr5305enr.pdf>. Section 2502 begins on page 34 of this document.