

### Appendix B: Failing to Acquire Citizenship within Seven Years

–Overall, eligibility for Supplemental Nutrition Assistance Program (SNAP) appears to be the only “Federal Means Tested Benefit” (TANF, CHIP, Medicaid, SSI, & SNAP) that does NOT expire after 7 years without first obtaining citizenship

–For notes on the history and recent failures to extend availability of Social Security Supplemental Security Income to refugees see Appendix C

–Refugees also eligible for Energy Assistance Program, General Relief Program, Foster Care Services, and any other program of Department of Social Service **pending financial and non-financial requirements**

–Loss of these programs disproportionately affects the frail elderly and illiterate as they have the most difficulty passing the English comprehension and Civics portions of the naturalization process

a) Frail elderly must have resided in US as an Long-term Permanent Resident (LPR/Green Card) for an extended amount of time (>15 years if >55 years old and >20years if >50 years old) before they can receive any exception in testing (see Naturalization). They frequently try and fail to receive *medical exceptions* (see Appendix A). Thus, there is obviously a considerable time gap between benefits (like SSI) expiring at 7 years and testing exceptions not occurring until 15 years or more after arrival

Exceptions to English and Civics Requirements for Naturalization		
Exceptions <a href="#">INA 312(b)</a>	Educational Requirements	
	English Read, write, speak and understand	Civics Knowledge of U.S. history and government
Age 50 or older and resided in U.S. as an LPR for at least 20 years at time of filing	Exempt	Still required. Applicants may take civics test in their language of choice using an interpreter.
Age 55 or older and resided in U.S. as an LPR for at least 15 years at time of filing	Exempt	
Age 65 or older and resided in U.S. as an LPR for at least 20 years at time of filing	Exempt	Still required but officers administer specially designated test forms. Applicants may take the civics test in their language of choice using an interpreter.
Medical Disability Exception <a href="#">(Form N-648)</a>	May be exempt from English, civics, or both	

b) Illiterate refugees often arrive unable to write or read their native language. These can occasionally be relatively young persons who have never received formal school training, and thus, struggle in western education systems. We have limited programing and resources to help them remediate this, so they often fall further behind and never adequately grasp written language.

–Additionally, the citizenship in 7 years requirement is unduly burdensome for a variety of reasons...

- i. USCIS has a tremendous backlog of LPR and citizenship applications to work through after the *REAL ID Act of 2005* repealed caps on naturalization approvals. Thus, new applications with time sensitive materials may not be processed quickly, causing many to lose their benefits despite their best efforts
- ii. Family stress, acculturation, resettlement, work requirements, etc could all delay application for LPR status, after which an applicant for citizenship must wait an additional 5 years before applying to be naturalized
- iii. Limited resources (both in government and the individual) can retard educational development significantly in at risk populations
- iv. Application fees are astronomical (~\$700), already taxing a thin income
- v. Difficult to navigate government bureaucracy can confuse and paralyze action in anyone not well versed in the jargon and red-tape

–Furthermore, the 1951 UNHCR Convention and Protocol on Relating to Refugees states: “The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.” Thus a 7 year limit seems relatively arbitrary.

**EXCEPTIONS:** The following two classes of refugees can be considered potentially eligible for ALL federal means-tested benefits at seven years despite not receiving citizenship:

- 1) *Long term workers* (cumulative >40 quarters of work) and certain family members\* are eligible if they have already received LPR status and not received TANF, AFDC, SSI, food stamps, Medicaid, CHIP during these quarters (ie. no “federal means-tested public benefits” received during this time)
- 2) *Armed Forces Active Personnel*, veterans, and certain of their family members\*: either currently or with honorable discharges who have met minimum active-duty requirements can also apply

\*applies to unmarried dependent spouses/children

### Summary of Benefits and Recent Legislation:

#### I. SNAP: Federal funding for a state administered nutrition program formerly known as Food Stamps,

–some provide state-funded food assistance to certain refugees/immigrants who have lost federal eligibility

...History...

- a. *Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)* had limited eligibility of humanitarian immigrants like refugees and asylees to seven years.  
–Only legal permanent residents with a significant work history (“40 quarter work hours”) and immigrants serving in the armed forces, or who had been honorably discharged, and their families remained eligible for food stamps without restriction.
- b. *Farm Security and Rural Investment Act of 2002 (HR 2646)* seemingly stated that eligible non-citizens can receive SNAP for an unlimited amount of time as long as they meet income criteria  
–Refugees don’t endure 5-year wait period before receiving benefits regardless of status or changes in status (LPR, new refugee, etc)  
–Amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to: (1) eliminate the seven-year eligibility limit for supplemental security income (SSI) benefits for blind or disabled aliens who were lawfully residing in the United States on August 22, 1996; (2) **make all legal immigrant children under 18 years old, regardless of U.S. entry date, eligible for the SSI and food stamp programs**, beginning in FY 2004, and (3) as of April 1, 2003, **makes aliens eligible for the food stamp program who have resided in the United States as a “qualified alien” for at least five years from the date of U.S. entry.**”

...Work Requirements...

–“Able-bodied adults between the ages of 18 and 50 who do not have dependent children will be ineligible to continue receiving food stamps if they have received food stamps for any 3 months in a 36-month period while not working or participating in a work program at least 20 hours per week or working off their benefits in a food stamp workfare program”

–Students enrolled at least half-time in a recognized training program, persons with physical or mental conditions preventing them from working, and pregnant women are exempt from work requirement

–Most states have waivers of the three-month food stamp work requirement in areas of high unemployment or insufficient jobs

–**Refugee participation in employability services under ORR for at least 20hrs/week qualifies for work requirement**

–Refugees are eligible for several other nutritional assistance programs to the same extent as citizens: emergency food assistance; school breakfasts and lunches; summer food service and child care food programs; the Women, Infants, and Children (WIC) program; the Commodity Supplemental Food, Homeless Children Nutrition, and Special Milk Programs; and the Nutrition Program for the Elderly.

#### II. Medicaid:

a) During the *first 8 months of residence* in the U.S. (from arrival date), all refugees will qualify for Medicaid or Refugee Medical Assistance  
–RMA coverage for those who qualify for Medicaid on financial grounds but fail to meet non-categorical criteria

b) During the *first 7 years of residence* in the U.S., refugees are eligible for the full package of Medicaid benefits available (if they meet all other Medicaid eligibility requirements), even if their status is adjusted later to LPR  
–this is, if they arrived in U.S. after 8-22-96 when PRWORA passed  
–if they arrived before 8/22/96, they will receive Medicaid indefinitely

c) *After the 7 year period* if they have not achieved citizenship, they become an **“emergency services” alien** (VDSS Medicaid Manual)  
– SSI Extensions of 2008 did not change this status

–**Emergency Services** (M0220.400 VDSS Manual): refugees are eligible for emergency Medicaid services only, even if he or she meets all of the Medicaid nonfinancial and financial eligibility requirements

–Types of services provided include emergency room and inpatient services in a hospital (M0220.700)

–If more services are required in within six month period from index case, no other Medicaid application need be filed; if services required after six months, another application must be filed

d) Allegedly starting in 2014: Medicaid will be available to anyone (including parents and childless adults) under 65 with income up to 133% of federal poverty level in accordance with ACA in participating states

\*NOTE: **Children under 18 year’s old and pregnant women who are in lawfully residing, non-citizen alien groups in Virginia will receive coverage regardless of time spent in US**

–States have option to provide Medicaid and FAMIS/FAMIS MOMS to these groups (M0220.314 VDSS Policy)

#### III. Social Security Supplemental Income: See Appendix C

#### IV. TANF:

–Often determined on a state to state basis; however, refugees and asylees are exempted from the state determination of eligibility for their first 5 years in the U.S. for TANF

–If they continue to receive benefits on a state basis thereafter, they will fail to qualify for benefits after seven years.