

### Appendix C: Social Security Supplemental Security Income (SSI)

- SSI is a federally-funded program that provides cash benefits to low-income people who are aged, blind, or disabled to help fund basic needs for food, clothing, and shelter.
  - Since SSI is a federal program, the rules about which noncitizens are eligible are the same regardless of the state in which one lives.
- Federal law generally prohibits noncitizens from receiving SSI. However, **certain immigrants admitted to the United States for humanitarian reasons may be eligible on a time-limited basis (~7 years)**
  - Refugees, asylees, aliens granted withholding of deportation or removal, Cuban/Haitian entrants, Amerasian immigrants, victims of trafficking in persons, and certain Afghan/Iraqi immigrants
- SSI is administered by the Social Security Administration.

#### -Eligibility Criteria:

- Must have limited income/resources, be elderly (>65years), or disabled (unable to engage in substantial gainful employment for >12 months) AND meet one of the following criteria:
  - 1) All refugees *in first seven years* in US (qualify for SSI under same rules as native-born citizens)
  - 2) *Long term workers* (>40 quarters) and certain family members—must have received LPR status and not received TANF, AFDC, SSI, food stamps, Medicaid, CHIP during these quarters (or any “federal means-tested public benefits”)
  - 3) *Armed Forces active personnel* and veterans, and certain of their family members:—currently or with honorable discharges who have met minimum active-duty requirements; applies to unmarried dependent spouses/children
  - 4) *Citizens/Naturalized Status*
  - 5) Refugee arriving and receiving benefits on/before August 22, 1996 when PRWORA bill passed

#### -Application:

- Apply for Social Security card and benefits at SS administration office, often with help of a representative and/or interpreter
  - by law, determination on case should be made in three months
- Use I-94 Card (stamped with refugee status) or I-551 card (Green/LPR) to verify status as refugee

#### Benefits

- Qualified refugees **lose benefits after seven years** unless achieve citizenship or other criteria above
  - This population often has difficulty achieving citizenship for a variety of reasons, mostly due to difficulties with testing (see further discussion in Appendix B)
- For couples, the SSI benefit equals almost 90 percent of the Census-defined poverty level; most SSI beneficiaries, however, collect as individuals.

#### History:

**Pre-1996**—Refugees received public benefits on the same basis as US citizens, in line with 1951 UNHCR *Convention Relating to the Status of Refugees* which stated “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.” This doesn’t imply providing the burden on them to actually become citizens and was expanded in 1967 Protocol to provide universal coverage to those fleeing their home country

**1996—The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)** made most legal immigrants — regardless of when they arrived in this country — ineligible for SSI, except for refugees during their first five years in the United States

- The stated purpose of the restrictions was to control costs, promote self-sufficiency and ensure that “the availability of public benefits not constitute an incentive for immigration to the United States.”
- Lawmakers assumed that refugees who still needed help could become citizens and qualify for benefits within the time limit. But for many refugees that proved impossible—due to health reasons, senility, or simply long waits/delays in processing of applications

**1997—Balanced Budget Act** exempted most immigrants who had entered the country before August 1996 from five year limit and lengthened potential SSI eligibility for refugees who entered after that date to seven (rather than five) years

- Although initially limiting access to TANF, SNAP, Medicaid, an amendment in the Balanced Budget Act of 1997 softened these restrictions as well

**2003**—First wave of refugees affected by the seven-year limit reached

- In fiscal years 2003–2008, thousands of refugees lost their SSI benefits
- USCIS was also processing a huge backlog of naturalization applications, both due to PRWORA and due to REAL ID act of 2005, including some desperate SSI recipients
- Typical goal is to act on applications within 5 months
- Newspapers documented several suicides by those losing benefits during in this time

**2008–SSI Extension for Elderly and Disabled Refugees** overwhelmingly approved 110<sup>th</sup> Congress HR 2608 (similar to S.821 bill) to temporarily extend the seven–year limit to nine years during the period October 1, 2008, through September 30, 2011. Former SSI recipients whose benefits had ended when they reached the seven–year limit could also return to the rolls for an additional two years of benefits.

- Signed (P.L. 110–328) by president Bush on Sept 30, 2008
- Required refugees who sought the extension to show that they were pursuing citizenship (signed a statement of intent to pursue citizenship.)
- Recipients who had filed for citizenship were exempt from time–limitations, and could receive up to three additional years of SSI during the effective period of the law (ie. through Sept 2011)
- “An act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud.”
- In effect, Congress acknowledged humanitarian immigrants may be unable to attain citizenship within the 7year period of SSI eligibility, even if they apply as soon as they are eligible

**2010–2011**–About 11,000 SSI beneficiaries were scheduled to lose their benefits by October 2011 after expiration of 2008 law. It was also estimated that about 3,000–4,000 additional people would lose SSI benefits each year in fiscal years 2013 through 2020.

- Preliminary estimates put the cost of temporarily extending the nine–year limit in 2008 bill to ten years at approximately \$20 million
- A more permanent solution would allow qualified refugees and other humanitarian immigrants to receive SSI without a time limit. Preliminary estimates put the cost of such an option at about \$70 million in 2011 and \$3 billion over the 2011–2020 period.

**2011–SSI Extension for Elderly and Disabled Refugees Act of 2011** Failed to pass 112<sup>th</sup> congress as part of FY 2012 budget

- Would have extended for 1 year the refugee eligibility policy, that was previously authorized for a 3–year period (fiscal years 2009 through 2011) by the 2008 extension law
- Would continue to extend the 7 year SSI eligibility period for refugees, asylees, and certain other humanitarian immigrants (including victims of human trafficking) to 9 years, if they sign a declaration indicating they have made a good faith effort to pursue U.S. citizenship
- Would continue to exempt from time–limited SSI eligibility if they have naturalization applications pending or if they are awaiting the citizenship swearing–in ceremony
- Would be effective retroactively, beginning October 1, 2011, and would expire September 30, 2013.
- After September 2013, eligibility would revert back to seven years
- S 1618 died in committee, S. 1721 passed in the Senate (Oct 2011) but died in the house, HR 3083 died in committee (identical to S. 1721)
- CBO estimated cost would have net decrease in deficit due to institution of Diversity Visa Program associated with \$30 fee

**May 2012**–SSA FY 2013 budget proposal temporarily extends SSI eligibility from 7 to 9 years during FYs 2013 and 2014

- Done in recognition that although naturalization applications are being processed much faster today, “We must continue our commitment to refugees, asylees, and other humanitarian immigrants who come to America with very little, and who have nowhere else to go.”