Special Considerations for Immigration and Residency

Supplemental Security Income for Non-Citizens

An individual who is not a U.S. Citizen is potentially eligible for Supplemental Security Income (SSI) under certain circumstances described below. This resource is not exhaustive of all ways that a non-citizen may be eligible for SSI benefits. If there is any question about eligibility or other immigration issues, case managers should contact the Social Security Administration (SSA) directly.

# Immigrants Eligible Indefinitely for Benefits

* Permanent residents who have worked 40 qualifying quarters (or credits), which are reported to SSA (This generally takes 10 years or more)
* Veterans with an honorable discharge
* Active military in the U.S. Armed Forces
* Spouse or unmarried dependent child of Veteran or individual who is on active military duty
* Individual who was a legal permanent resident as of August 22, 1996 and became disabled after that date
* Individual lawfully residing in the U.S. and receiving SSI benefits on August 22, 1996

# Immigrants Eligible for up to Seven Years of Benefits (after immigration status is obtained)

* Refugee
* Asylee
* Immigrant whose deportation is withheld

# What Happens after Seven Years?

During the seven-year period of potential eligibility, immigrants are expected to work toward becoming U.S. citizens. If they do not, eligibility will stop after seven years.

* Example: Elliot arrives in 2008, and is given refugee status, which establishes his potential SSI eligibility for seven years through 2015. In 2009, he becomes disabled and applies for SSI. Once approved, he would receive six years of benefits as there are six years left of his SSI eligibility. During this time, he needs to apply for citizenship, if he has not already done so.

SSA will send reminders to notify immigrants when their seven-year eligibility period ends. Beneficiaries will receive another letter explaining their rights to appeal before SSA stops payments.

* We encourage current or former SSI recipients subject to these SSI eligibility limits to contact the U.S. Citizenship and Immigration Services (USCIS) to find out how to:
	+ Expedite processing of their pending naturalization (N-400) or adjustment of status (I-485) application; and
	+ Waive fees for the cost associated with filing the application
		- More information: [www.USCIS.gov/feewaiver](http://www.USCIS.gov/feewaiver) or call USCIS at 1-800-375-5283

# Who is a Refugee or Asylee?

A refugee or asylee is any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution.

* Persecution or the fear thereof must be based on the individual's race, religion, nationality, membership in a particular social group, or political opinion
* Refugees and asylees are eligible to adjust to lawful permanent resident status after one year of continuous presence in the United States
* All refugees and asylees have employment authorization based on their status

# History of Battery and Cruelty for Immigrants

* A history of battery and cruelty within the U.S. may extend SSI eligibility for those immigrants who do not fit the above categories
* Applicants will need to know that this question will be asked and may need help in talking about their experiences
	+ Question 13(a) on the SSA-8000 (SSI application) is the first question about this issue
	+ Question 13(b) addresses whether or not a formal petition has been submitted with Homeland Security for a change in immigration status because of battery or cruelty
* SSA should be consulted regarding how to proceed to assist an applicant more fully in this area

# SSA Translator Services

SSA offers written materials about SSI in 15 different languages and has interpreters available to assist applicants who have difficulty with English. For more information, visit SSA’s Multilanguage Gateway (<http://www.ssa.gov/multilanguage/>) and their interpreter services page (<http://www.ssa.gov/multilanguage/langlist1.htm>).