

## **Announcement from the National Immigration Law Center**

### **SSI Extension for Refugees Signed Into Law**

Refugees and other humanitarian immigrants whose Supplemental Security Income (SSI) benefits were available only during a seven-year time period, may receive SSI for at least two additional years. Under a new law effective today, October 1, 2008, humanitarian immigrants whose SSI was cut off or who were denied SSI due to the expiration of this time period should contact the Social Security Administration (SSA) immediately to apply for the extension. The new law provides a third year of benefits for humanitarian immigrants who have a naturalization application pending at the end of the two-year extension. The extensions of SSI eligibility expire in the year 2011 under a sunset provision in H.R. 2608, "The SSI Extension for Elderly and Disabled Refugees Act." Advocates have developed a fact sheet about the new law that is shown on the following two pages.

SSI provides a lifeline of minimal income support for very low-income seniors and persons with disabilities. Although humanitarian immigrants are among the few categories of immigrants eligible to receive SSI under the restrictive 1996 welfare law, their eligibility ends after a limited period. Congress rationalized the time limits as providing an incentive for humanitarian immigrants to naturalize quickly; U.S. citizens are free from these arbitrary time limits. However, citizenship is elusive for immigrants who are caught in the Department of Homeland Security's processing delays on applications for lawful permanent residence (LPR or green-card status, a prerequisite for a citizenship application) or naturalization (citizenship). The new law recognizes that humanitarian immigrants face destitution while waiting for these applications to be processed.

Humanitarian immigrants include refugees, asylees, persons granted withholding of deportation or removal, Cuban and Haitian Entrants, Amerasians, and victims of trafficking in persons. Current or former SSI recipients who were granted any of these statuses may be eligible for the extension. Those under 18 years old or 70 years of age or older are eligible. Those who are over 18 or under 70 are eligible if:

- a) they have been a lawful permanent resident (green card holder) for less than six years; OR
- b) they applied to become a lawful permanent resident (get a green card) within four years after you started receiving SSI; OR
- c) they are or were granted status as a Cuban or Haitian Entrant OR
- d) they have been granted withholding of deportation or removal.

Humanitarian immigrants who have lost their SSI due to the time limits can contact the Social Security Administration (SSA) immediately to apply for the extended benefits by visiting their local office or by calling 1-800-772-1213. The new law requires SSA to ask applicants to declare that they are "making a good faith effort to apply for citizenship" to the best of their physical and mental abilities. Persons who lost SSI within the last 12 months should have their benefits reinstated the following month. Those who lost SSI more than 12 months ago but who are 65 or older should also receive expedited receipt of monthly benefits.

While the new law will help many very vulnerable immigrants, advocates will continue to seek legislation that repeals the time limits altogether. Naturalization is unattainable for persons who cannot pass the citizenship test because of their age, disability or other factors. The United States has invited refugees to come, and has offered safe haven to other humanitarian immigrants. Our laws do not force indigent seniors or persons with disabilities who are citizens into destitution at the end of an arbitrary time period. Similarly, we should not cut off support from refugees who, because of factors beyond their control, have not been able to become citizens, despite their long presence in the U.S.

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## Frequently-Asked Questions

### New Law Extending SSI Benefits for Humanitarian Immigrants Effective October 1, 2008

Supplemental Security Income (SSI) provides income assistance to very low-income seniors and persons with disabilities. Since 1996, SSI benefits for refugees and certain other “humanitarian” immigrants have been available only during a seven-year period. A new law extends SSI eligibility for these immigrants, allowing them to receive at least two more years of SSI.

- **Are you or were you ever granted status as an asylee, refugee, Cuban/Haitian entrant, Amerasian, a victim of trafficking or have you been granted withholding of deportation or removal?**
- **Was your SSI stopped or were you denied SSI because of the seven-year limit?**
- **Are you currently receiving SSI but were told you would only qualify for a limited time unless you became a citizen?**

If your answer to any of these questions is **YES**, a new law called the “SSI Extension for Elderly and Disabled Refugees Act” **may** let you receive SSI for at least two more years!

#### **1. I lost my SSI because of the seven-year limit. Will I benefit from this law?**

You will benefit only if you meet one of the following conditions:

- a) You are under 18 years old or over 70 years old; OR
- b) You have been a lawful permanent resident (green card holder) for less than six years; OR
- c) You applied to become a lawful permanent resident (get a green card) within four years after you started receiving SSI; OR
- d) You are or were granted status as a Cuban or Haitian Entrant; OR
- e) You have been granted withholding of deportation or removal OR
- f) You have a pending application for citizenship but are not yet a U.S. citizen.

#### **2. How many more years of SSI may I receive?**

If you are eligible, you may receive SSI for another two years. If after that time, you are still not a citizen, but have applied for citizenship, you can receive SSI for an additional, third year.

#### **3. What do I need to do to start my SSI benefits again?**

Contact your local Social Security office immediately about your SSI extension. You may need to re-apply for SSI to qualify for the extension. Please call the Social Security Administration at 1-800-772-1213 between 7 a.m. and 7 p.m. Monday through Friday. If you are deaf or hard of hearing, call the toll-free TTY number, 1-800-325-0778.

If your SSI benefits have been stopped for less than 12 months, Social Security will not require you to file a new application and should start your SSI benefits the following month.

If your SSI benefits have been stopped for more than 12 months AND you are 65 years or older, Social Security will require you to file a new application, but should start your SSI benefits soon.

If your SSI benefits have been stopped for more than 12 months AND you are disabled or blind, Social Security will require you to file a new application and prove that you are still disabled or blind. If your eyesight is extremely limited, be sure to tell SSA because some states will provide a higher payment to you.

## Frequently-Asked Questions

**4. I am still receiving SSI benefits, but the seven-year limit applies to me. Do I need to do anything to make sure that I get two additional years of SSI?**

No. If the seven-year limit applies to you but you are still receiving SSI, Social Security may ask you to sign a statement that you are making a “good faith effort to pursue United States citizenship.” But otherwise, you do not need to do anything. Social Security will automatically extend your benefits.

**5. What should I do if I’m still not a citizen after nine years?**

If you are still not a citizen after receiving SSI for two additional years, you can continue to receive SSI for a third additional year if you applied to become a citizen and are still waiting. This new two-year extension law will expire in the year 2010 with the additional third year expiring in 2011. You must become a citizen by then in order to continue receiving SSI benefits, unless Congress passes a new law that removes time limits on SSI for qualified humanitarian immigrants like yourself.

**6. Will I need to take the English and citizenship tests to become a U.S. citizen?**

The new law does not change the requirements to become a U.S. citizen. Unless you are under 18 years old, Social Security will require you to sign a statement that you are making a “good faith effort to pursue United States citizenship” to the best of your physical and mental abilities. (If you have a disability that affects your ability to learn English, talk with an immigration specialist. The government may be able to excuse you from taking the English language, history and government tests.)

**7. It’s been over six months since I applied to become a lawful permanent resident (green card holder) or U.S. citizen. Is there anything I can do to make the U.S. Citizenship and Immigration Services (CIS) process my application faster?**

Yes. As a result of a recent lawsuit called *Kaplan v. Chertoff*, immigrants who are subject to the seven-year limit are eligible to receive “expedited” (fast) processing of their applications. If you have been waiting for more than six months, call CIS at 1-800-889-4369 and ask for your application to be expedited.

If you have not yet applied for a green card or citizenship, tell CIS when you apply that your application should be expedited because you are in the “Kaplan class.”

**8. I can’t afford to apply for a green card or citizenship. Is there any help available for me?**

Yes. As a result of a recent lawsuit called *Kaplan v. Chertoff*, immigrants whose SSI has a time limit are likely to be excused from application fees if they ask. When applying for a green card or citizenship, be sure to ask for a “fee waiver,” and tell the U.S. Citizenship and Immigration Services that you are in the “Kaplan class.”

Please contact your local legal services, legal aid office or advocacy organization to assist you with any additional questions you have.