



December 19, 2008

## **Transition Memo on the Passage and Implementation of the SSI Extension for Elderly and Disabled Refugees Act**

### Background

Since 1974, the U.S. government has provided low-income, elderly, blind, and disabled individuals with financial support through the Supplemental Security Income (SSI) program. In 2009, the maximum federal SSI amount for an individual is \$674 per month. When SSI was enacted, and for over two decades after its enactment, lawfully residing non-citizens were eligible to the same extent as US citizens.

The 1996 welfare legislation, however, barred almost all non-citizens from SSI benefits. An exception to the restriction was made for certain humanitarian immigrants, a group that now includes refugees, asylees, persons granted withholding of deportation or removal, victims of trafficking in human beings, Cuban and Haitian entrants, Amerasians, and Hmong or Highland Laotians. Still, even these exempted groups were provided access to the program for only their first five, and later seven, years in the U.S. The reasoning behind the time limit was that the immigrants would be able to naturalize and retain their benefits as U.S. citizens within that time period. Such a timeline, however, has been impossible for many of the elderly and disabled individuals in this group to meet because of reasons ranging from difficulties in learning English to bureaucratic delays and backlogs.

### 2008 SSI Extension

On September 30<sup>th</sup>, 2008, the SSI Extension for Elderly and Disabled Refugees Act (P.L. 110-328) was signed into law. The law grants an extension of SSI benefits for two, and in some circumstances, three additional years. The law is temporary and will expire on September 30, 2011. Some 30,000 elderly and disabled refugees and other humanitarian immigrants who have already been cut off from SSI benefits and 19,000 who were projected to lose their benefits will be helped by this legislation. Despite this achievement, the new law provides only temporary and very narrow relief for vulnerable populations. Additionally, the Act's complexity created many difficulties with implementation of the extension.

As Senator, Mr. Obama was a co-sponsor of the Senate version of the enacted SSI Extension legislation. During the campaign, he expressed his support for SSI eligibility for elderly or disabled refugees and asylees, without reference to time limits.

### Implementation Challenges

The legislation requires the Social Security Administration (SSA) to develop, in consultation with the Department of Homeland Security (DHS), procedures for SSA to obtain a declaration from an immigrant applicant for the extension that he or she has made a good faith effort to pursue U.S. citizenship. While the U.S. Citizenship and Immigration Service (USCIS) of DHS, and the SSA have formed a working group to consider a draft proposal of this declaration, delays have prevented the completion of this process, resulting in thousands of eligible individuals who have already had their benefits cut off not being informed of their rights under the new law or having their



benefits reinstated.

### Need for a Permanent Solution

While the new law will help many very vulnerable immigrants, many lawfully-residing immigrants are still without access to the program, due to the legacy of the 1996 restrictions. Naturalization is unattainable for persons who cannot pass the citizenship test because of their age, a disability, or other factors. SSI was created to provide a vital life support to the most vulnerable persons in our communities. The opportunity to benefit from this lifeline should be available to more of those in our communities who become elderly and/or disabled and in need of assistance. We would like to see a full restoration of SSI benefits for all lawfully-residing immigrants so that these individuals are eligible to the same extent as U.S. citizens.

### Request

We would like to work with the new Administration to include in the President's budget a provision restoring SSI eligibility for all lawfully-residing immigrants. There is no sound rationale for why SSI, which serves people who by definition are elderly or disabled, should impose the most restrictive immigrant rules of all benefits programs. The restrictions, like any cuts to welfare programs, generated federal budgetary savings, but at enormous human cost, as well as a shift of financial burden to states. There may be an opportunity for SSI legislation in 2009, and we are especially hopeful that the problems for lawfully-residing immigrants that were created by the 1996 welfare law can be resolved in the 2010 reauthorization of the Temporary Assistance for Needy Families (TANF) program.

In the meantime we ask for your full support in helping to fix interagency problems to ensure that the 2008 SSI Extension will be fully implemented as quickly as possible.

To discuss this issue further, please contact Stephanie Grosser from the Hebrew Immigrant Aid Society (HIAS) at [REDACTED] or [REDACTED].

Sincerely,

Community Legal Services, Inc. Philadelphia

Disability Law Center

Empire Justice Center

Florida Legal Services, Inc.

Fresno Interdenominational Refugee Ministries (FIRM, Inc.), Fresno, CA

Hebrew Immigrant Aid Society (HIAS)

HIAS Chicago (Hebrew Immigrant Aid Society of Chicago)

Idaho Office for Refugees

Mass Law Reform Institute

National Immigration Law Center

National Organization of Social Security Claimants' Representatives

National Senior Citizens Law Center

Refugee Immigration Project, Jacksonville (FL) Area Legal Aid

Sargent Shriver National Center on Poverty Law

South Florida Interfaith Worker Justice

United Jewish Communities