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## **THE IMPACT OF THE SEVEN-YEAR LIMIT ON REFUGEES' ELIGIBILITY FOR SUPPLEMENTAL SECURITY INCOME**

### **Refugees from the Former Soviet Union and Eastern Europe are Most Affected**

By Shawn Fremstad

Refugees, persons granted asylum, Cubans and Haitians with refugee-like status, and certain other “humanitarian” immigrants who have fled persecution, often including violence and torture, in their home countries, are subject to a provision in the 1996 welfare law that limits their SSI eligibility to their first seven years in the United States unless they are able to become naturalized citizens. All of the refugees and other humanitarian immigrants who could lose SSI as a result of this provision are disabled or elderly. Many are unable to naturalize within seven-years, often for reasons beyond their control. Recent data from the Social Security Administration (SSA) provide insight into the impact of the eligibility limit.<sup>1</sup> Bipartisan legislation pending in Congress — similar to a provision in the President’s FY2005 budget — would provide needed temporary relief from the restriction.

Refugees and other humanitarian immigrants generally arrive in the United States with little more than the clothes on their backs and often have no relatives here. SSI benefits are the sole source of income for many refugees and other humanitarian immigrants who receive SSI. Those losing SSI benefits due to the seven-year limit are elderly or individuals with disabilities, generally are unable to work, and rarely qualify for Social Security or other retirement benefits. If their SSI and Medicaid benefits are terminated, many will face extreme hardships and likely destitution.

### **The Impact of the Seven-Year Limit on Refugees who are Elderly or Disabled**

Several thousand refugees and humanitarian immigrants will lose SSI eligibility — and in some cases Medicaid eligibility — in coming months because of the eligibility restriction. Some already have lost eligibility.

- As of December 2003, about 2,400 refugees and other humanitarian immigrants had lost SSI eligibility (and not regained it by naturalizing or other means) because of the limit.
- More than 7,500 refugees and humanitarian immigrants will reach the seven-year limit in 2004 and could lose eligibility for SSI.

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<sup>1</sup> The data discussed in this analysis are from two tables prepared by SSA and provided to the Center on Budget and Policy Priorities and others. All of the numbers cited in this analysis are rounded to the nearest hundred.

- Between 2004 and 2010, SSA estimates that about 48,000 refugees and humanitarian immigrants will reach the end of the seven-year limit.

The SSA data also provide information on the national origin of refugees affected by the limit. Most of the refugees and humanitarian immigrants affected by the seven-year limit are from Russia or the former Soviet Union and Eastern Europe.

- Of the 48,000 elderly and disabled immigrants who are likely to reach the seven-year limit between 2004 and 2010, nearly 57 percent are from Russia or the former Soviet Union (20,100 refugees and humanitarian immigrants) and Eastern Europe (7,100 refugees and humanitarian immigrants).
- About 17 percent are from Asia (8,200) and about 16 percent are from the Caribbean (7,600). Eight percent are from Africa (3,900).

Currently available SSA data only provide information about the *region* of origin for those affected by the SSI limitation; they do not include information on the *countries* of origin (except for the former Soviet Union) of these individuals or the reasons they were granted refugee status. Based on press accounts and other information, examples of groups of refugees and other humanitarian immigrants who have been or will be affected include:

- Jews, Baptists, and other religious minorities who fled religious persecution in the former Soviet Union;<sup>2</sup>
- Iraqi Kurds who fled persecution under the Saddam Hussein regime;<sup>3</sup>
- Cubans fleeing the Castro regime;<sup>4</sup>
- Hmong immigrants from the highlands of Laos who served on the side of the United States military during the Vietnam War;<sup>5</sup>
- persecuted minorities in Somalia who are the descendents of persons abducted from their homes in Tanzania and Mozambique and enslaved;<sup>6</sup> and

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<sup>2</sup> See “Thousands of Immigrants Being Cut Off From Welfare: Many Noncitizens Losing SSI Funding, Health Care,” Baltimore Sun, April 25, 2004.

<sup>3</sup> See “For Some Immigrants a Lifeline May Soon be Cut,” The Tennessean, February 7, 2004.

<sup>4</sup> See “‘96 Citizenship Clause Haunts Refugees Haunts Immigrants Losing Federal Aid,” Miami Herald, December 24, 2003.

<sup>5</sup> See “Thousands of Refugees in US About to Lose Supplemental Security Income Benefits,” Voice of America, April 19, 2004, <http://www.voanews.com/article.cfm?objectID=19FE4F11-6D56-4F0F-96A371B789FF6D95>.

<sup>6</sup> See “For Some Immigrants a Lifeline May Soon be Cut,” The Tennessean, February 7, 2004.

persons from various regions of the former Yugoslavia displaced by the Balkan war.<sup>7</sup>

Most of the immigrants affected by the limit are refugees, but substantial numbers of asylees as well as Cubans and Haitians with refugee-like status (technically known as Cuban-Haitian entrants) also are affected.

- Approximately 74 percent (35,782) of the 48,000 immigrants who are likely to reach the seven-year limit are refugees.
- Almost 12 percent (5,700) of the immigrants projected to reach the limit are Cuban-Haitian entrants and 13.5 percent (6,500) are asylees.<sup>8</sup>

California and Florida have the largest number of immigrants likely to reach the limit. Ten other states — Illinois, Massachusetts, Michigan, Minnesota, New York, Ohio, Oregon, Pennsylvania, Texas, and Washington — each have more than 800 immigrants likely to reach the limit. Every state except Wyoming has some immigrants affected by the limit.

### **Bipartisan Legislation and the President's Budget Would Provide Temporary Extension of Benefits**

The President's budget proposal for fiscal year 2005 acknowledges that the seven-year limit on refugees' eligibility for SSI is flawed and proposes a short-term extension of benefits for some refugees. Under the proposal, refugees would be able to receive SSI for their first *eight* — rather than the current seven — years in the United States. As proposed, this policy change would take effect in fiscal year 2005 (which starts October 1, 2004) and expire at the end of fiscal year 2007. In fiscal year 2008, refugees and asylees would again be subject to a seven-year limit. As a rationale for the change, the Administration notes that “some individuals have been unable to obtain citizenship within seven years due to a combination of processing delays, and for asylees, statutory caps on the number who can become permanent residents.”

If enacted, the President's proposal would offer short-term relief for some of the refugees and other humanitarian immigrants who will lose eligibility as a result of the seven-year limit. Humanitarian immigrants who have hit the seven-year cut-off point but have lived in the United States for no more than eight years would remain eligible for SSI until they reach the end of their eighth year in the United States. However, because the proposal simply changes the seven-year limit to an eight-year limit, it would not help many refugees who have already lost eligibility or who will lose eligibility in fiscal year 2004, even if they have been unable to naturalize because of delays in the processing of their applications by the federal government.

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<sup>7</sup> See “Refugee Aid in Bush's Budget,” Waterloo-Cedar Falls Courier, February 9, 2004.

<sup>8</sup> Like refugees, asylees are granted legal status in the United States because they have a well-founded fear of persecution in their home country. Unlike refugees, asylees are not able to adjust automatically to lawful-permanent-resident (LPR) status. Because LPR status is a prerequisite for citizenship, it is even more difficult for asylees than for refugees to obtain citizenship before they have resided in the United States for seven years.

### **Is Seven Years Enough Time for All Elderly and Disabled Refugees to Naturalize?**

To obtain U.S. citizenship, refugees and other humanitarian immigrants must first become lawful permanent residents (LPRs). After living for five years in the United States as LPRs, they are eligible to *apply* for citizenship. Thus, it is technically possible for humanitarian immigrants to obtain U.S. citizenship before the seven-year point. As a practical matter, however, for many refugees and other humanitarian immigrants obtaining citizenship within this time frame (or at all for some immigrants) is either impossible or extremely difficult.

A primary barrier to citizenship within the seven-year period is lengthy delays in processing of citizenship and adjustment applications by the U.S. Citizenship and Immigration Service (USCIS). Even for those humanitarian immigrants who are able to meet all of the citizenship requirements, delays in processing have made it impossible for many refugees and asylees to naturalize in the two years or less before their SSI eligibility expires. These backlogs have been caused by increases in the number of applications, computer problems, insufficient staffing levels in some areas, lengthy background checks put in place after the September 11 attack have led to significant delays, and, even, in one extreme case, the deliberate destruction of documents by USCIS regional employees. For a detailed discussion of these issues, see Shawn Fremstad, "Thousands of Refugees who are Elderly or Disabled Could Lose SSI in Coming Months," Center on Budget and Policy Priorities, November 2003.

For elderly and disabled humanitarian immigrants who are able to adjust to LPR status, there are a number of formal and informal barriers to citizenship that may make it difficult or impossible to complete the citizenship process in the two years or less before their SSI eligibility expires, even if the USCIS is able to process their application quickly. The application process involves multiple steps including a lengthy application, an in-person interview with the USCIS, a test of English proficiency and civic knowledge, and fingerprinting. Applicants also must pay a \$250 fee. The English language and civics test presents a significant barrier to citizenship for many humanitarian immigrants. Many humanitarian immigrants have low education levels and limited or no proficiency in English. Some even lack literacy in their own language.

Bipartisan legislation modeled on the President's proposal was recently introduced in the House. H.R. 4035, sponsored by Representative Benjamin Cardin (D-MD) and Representative Amo Houghton (R-NY), would extend the seven-year limit to a nine-year limit for all refugees and other humanitarian immigrants who lose SSI eligibility because of the seven-year limit in fiscal years 2005 to 2007. Refugees and other humanitarian immigrants who lost SSI eligibility because of the seven-year limit prior to fiscal year 2005 would be eligible for two additional years of SSI. Similar bipartisan legislation may be introduced soon in the Senate.

Ultimately, Congress should eliminate the seven-year limit altogether. There is no reasonable policy justification for the limit.<sup>9</sup> The U.S. Commission on Immigration Reform — a bipartisan commission established by Congress in the 1990s — repeatedly called for an end to

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<sup>9</sup> One possible justification is to encourage rapid naturalization by penalizing those refugees who do not naturalize within the seven-year period. This justification is highly problematic because it effectively forces refugees to choose citizenship for reasons of economic necessity, rather than to "show ... [their] commitment to the United States ... [and their] loyalty to its Constitution and its people." See "A Guide to Naturalization," U.S. Citizenship and Immigration Services, Form M-476, revised February 2004.

restrictions on humanitarian refugees' eligibility for SSI and Medicaid based on their immigration and citizenship status after the restrictions were enacted. Even advocates calling for more restrictive immigration policies in the United States support lifting the seven-year limit. Mark Krikorian, executive director of the Center for Immigration Studies, one of the leading organizations calling for reductions in immigration, has said that immigrant eligibility rules in SSI unfairly affect legal immigrants, explaining in a recent news story that "[w]hen we admit people lawfully, the idea of applying different welfare rules to them just doesn't make sense  
.....<sup>10</sup>

Such a change would bring SSI in line with other federal programs, including food stamps, in which refugees' and other humanitarian immigrants' eligibility for benefits is not linked to their length of residency in the United States. Although Congress is unlikely to eliminate the seven-year limit this year, passage of the bipartisan Cardin-Houghton legislation would be a step in the right direction, and provide substantial relief for most immigrants currently affected by the limit.

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<sup>10</sup> "Noncitizen Refugees Face Loss of Disability Aid," April 27, 2004, San Jose Mercury News.