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THOUSANDS OF POOR REFUGEES FACE LOSS OF SSI BENEFITS **Lawmakers Should Act to Preserve Lifeline for Vulnerable Group**

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On October 1, up to 5,600 poor refugees and other poor individuals admitted to the United States because they faced persecution in their home countries will lose badly needed benefits from the Supplemental Security Income (SSI) program, when a temporary provision of law expires. Over the next 13 months, up to 11,000 such individuals will have their SSI benefits cut off. Supplemental Security Income is the basic federal program, established under the Nixon Administration, that provides assistance to bring very poor people who are elderly or have serious disabilities to about three-fourths of the poverty line.

The people who will be affected by this cutoff are impoverished elderly or disabled refugees who fled persecution in other countries, cannot work, and have few other supports and resources. Congress should act quickly to avert the severe hardship that this small but vulnerable group would face. Lawmakers should also consider going beyond temporary stopgap measures and adopting permanent legislation that recognizes these refugees' unique circumstances.

First Group of Refugees Will Lose Eligibility on October 1

In August 1996, Congress adopted strict limits on noncitizens' eligibility for needs-tested benefits as part of welfare reform legislation. 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.¹ Before the SSI rules took full effect, however, policymakers exempted most immigrants who had entered the country before August 1996 and lengthened potential SSI eligibility for refugees who entered after that date to seven (rather than five) years — a time span that legislators assumed would give the newcomers sufficient time to become naturalized citizens and thereby retain SSI.²

Thus, the first wave of refugees affected by the seven-year limit reached that limit in 2003. In fiscal years 2003 through 2008, thousands of refugees lost their SSI benefits as a consequence.³ At

¹ PRWORA also made most immigrants ineligible for food stamps and curbed their access to Medicaid and Temporary Assistance for Needy Families (TANF). See Congressional Budget Office, *Federal Budgetary Implications of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (December 1996).

² Congressional Budget Office, *Budgetary Implications of the Balanced Budget Act of 1997* (September 1997). The BBA and subsequent legislation also softened the restrictions on immigrants' eligibility for the Food Stamp Program (now known as the Supplemental Nutrition Assistance Program, or SNAP) and Medicaid.

³ Zoe Neuberger, *Loss of SSI Aid is Impoverishing Thousands of Refugees*, Center on Budget and Policy Priorities, March 26, 2007.

that time, offices of the U.S. Citizenship and Immigration Services (USCIS) were struggling to reduce a huge backlog of naturalization applications, including some from desperate SSI recipients. Newspapers reported several suicides by people facing loss of their SSI benefits.

In September 2008, Congress overwhelmingly approved a law to temporarily extend the seven-year limit to nine years. 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. The law required refugees who sought the extension to show that they were pursuing citizenship. The temporary extension expires on September 30, 2011, three years after enactment; nevertheless, the first batch of refugees that it aided are now reaching the end of their additional two years of eligibility.

Affected Refugees Are Elderly or Have Disabilities and Have Little Income or Assets

Refugees who qualify for SSI⁴ are a uniquely vulnerable population. They have fled their homelands because they suffer a well-founded fear of persecution on the basis of their race, religion, nationality, membership in a particular social group, or political opinion. Large numbers came from the former Soviet Union, Cuba, Indochina, Iraq, Iran, Afghanistan, Somalia, Sierra Leone, Sudan, the former Yugoslavia, or other troubled places. To qualify for SSI, they must be over 65 or seriously disabled, have little or no income, and few assets. The maximum SSI payment in 2010 is \$674 per month for an individual and \$1,011 for a couple — only about three-fourths of the poverty line for individuals.⁵

The vast majority of immigrants to the United States come here to join close relatives or to take a job.⁶ Historically, legal immigrants have had to demonstrate that they would not become a “public charge” and have had to be sponsored by a family member or employer. When Congress tightened the benefit-eligibility rules for these immigrants in 1996, it reasoned that it was reasserting that principle. But refugees and similar humanitarian immigrants are distinct from other immigrants; they have fled persecution, are not typically sponsored by anyone, and often entered the United States with little more than the clothes on their backs. Congress recognized these circumstances when it carved out an exemption for them in PRWORA and subsequent legislation.

⁴ This paper generally uses “refugees” to encompass several groups: refugees (who arrived as part of an orderly resettlement program), asylees (who successfully petitioned for asylum after entering the U.S.), Cuban and Haitian entrants, people whose deportation is withheld for humanitarian reasons, Amerasians (the mixed-race children of American servicemen and Asian mothers), and victims of human trafficking. The common thread is that they all face persecution in their home countries and face identical time limits on their SSI eligibility. Sometimes these groups are collectively termed “humanitarian immigrants.”

⁵ For couples, the SSI benefit equals almost 90 percent of the Census-defined poverty level; most SSI beneficiaries, however, collect as individuals. In 2009 and 2010, SSI benefits are briefly somewhat higher, in relation to poverty, than these historical levels, because the January 2009 cost-of-living adjustment reflected the peak level of consumer prices in summer 2008.

⁶ See *2009 Yearbook of Immigration Statistics* (http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2009/ois_yb_2009.pdf). In 2000 through 2009, legal admissions averaged slightly over 1 million a year; refugees and other humanitarian immigrants represented about 10 percent of that total.

Most refugees, of course, do not become “public charges.” Although they face formidable language and cultural hurdles, the majority find work in the United States. A 2007 survey found that about 57 percent of adult refugees who entered in the previous five years were employed (compared with 63 percent of the total population); 64 percent were in the labor force; and about 32 percent of refugee households received cash-assistance benefits — including the 15 percent who received SSI.⁷

Naturalization is Difficult or Impossible for Many People Who are Affected

By large bipartisan majorities, Congress lengthened PRWORA’s initial five-year window for refugees to seven years on the assumption that this would allow them enough time to become naturalized citizens and thereby retain their SSI. Immigrants generally may not apply for naturalization until they have five years of continuous legal residence in this country; USCIS aims to act on applications within five months.⁸

Congress later temporarily expanded that seven-year window to nine years in the face of large backlogs of naturalization petitions at USCIS, backlogs that have now been reduced. But the assumption that elderly and disabled refugees on SSI can readily naturalize has turned out to be mistaken. They face application fees of \$595 to \$675, a huge amount for an individual living below the poverty line; this is roughly an entire month’s income for an SSI recipient. (USCIS has discretionary authority to waive those fees, but its instructions are not standardized and may require voluminous documentation.⁹)

In addition, applicants must pass tests in English and civics — a steep hurdle for people who are frail elderly individuals or seriously disabled, especially given the limited availability of free, accessible classes. There are limited exemptions to the English-language requirement and an accompanying option to take the civics test in the applicant’s native language, but only for older immigrants who have resided in the United States *for at least 15 years*, an accommodation that does not help refugees facing the loss of SSI.

To naturalize, these individuals also must navigate a confusing bureaucracy and are lucky if they receive help from a legal-aid attorney, advocacy organization, or concerned friend who is knowledgeable on these matters. Some mistakenly fear they will be deported if they start the process and are found to be a “public charge.”

Furthermore, even when there are no other obstacles, many individuals who have been granted asylum status find it impossible to become naturalized citizens in a timely fashion. There is no numerical limit on grants of asylum, which average about 25,000 a year, but until 2005, only 10,000 a year were permitted to convert to permanent resident (or “green card”) status. Although that cap was repealed in the REAL ID Act of 2005, USCIS is still working through the backlog of applications for adjustment of status. These processing delays matter, because asylees cannot

⁷ U.S. Department of Health and Human Services, Office of Refugee Resettlement, *Report to Congress: FY 2007* (latest available).

⁸ A shorter residency requirement applies to spouses of U.S. citizens and to immigrants who have served in the U.S. military. This provision is unlikely to affect refugees receiving SSI.

⁹ <http://www.uscis.gov/feewaiver>

naturalize until five years *after* they receive permanent-resident status (which is “backdated” by one year from the date it is granted).

At a Minimum, Congress Should Avert Looming Cutoff of Assistance

Under current law, about 11,000 SSI beneficiaries may lose their benefits by October 2011:

- Up to 5,600 beneficiaries will be cut off on October 1, 2010 (at the *start* of FY 2011). These people received an extra two years’ eligibility as a result of the 2008 extension, but that period is now expiring.
- Another 5,600 beneficiaries may be cut off sometime *during* fiscal 2011 or at the start of fiscal year 2012. These people will bump up against the nine-year limit during fiscal year 2011, or will have been here for over seven years when the law reverts from nine to seven years on October 1, 2011.

The Social Security Administration (SSA), which runs SSI, estimates that about 3,000 to 4,000 additional people will lose SSI benefits each year in fiscal years 2013 through 2020. SSA cautions, however, that these numbers are uncertain. More — or fewer — refugees than SSA expects may have naturalized in the meantime or left the program because of death or another reason.

The most urgent need is to avoid the imminent cutoff of benefits during fiscal year 2011. Preliminary estimates put the cost of temporarily extending the nine-year window to ten years — that is, allowing the people who reach the nine-year limit in 2011 to continue receiving SSI benefits for up to another year — at approximately \$20 million.¹⁰

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. That action would spare a vulnerable and deserving group of people from destitution, reduce workloads at SSA and USCIS, and bring the United States into harmony with the 1951 Convention Relating to the Status of Refugees, which provides that “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.”¹¹

The refugees who face the loss of SSI benefits are elderly or have serious disabilities, have been exiled from their homelands, and are extremely poor. Congress should act promptly to avert unnecessary suffering.

¹⁰ Estimates omit Medicaid costs; although states have the option to deny Medicaid to otherwise-qualified refugees who have lost their SSI because of the time limit, most states continue to provide coverage. Estimates also omit likely savings in food stamp (SNAP) benefits that will occur if the affected refugees can retain their SSI benefits. These omitted effects — Medicaid costs and SNAP savings — are expected to be small and roughly offsetting.

¹¹ <http://www.unhcr.org/3b66c2aa10.html>