

QUESTION AND ANSWERS FOR IMMIGRANTS RECEIVING GENERAL ASSISTANCE WHO WANT TO APPLY FOR SSI

I am an immigrant receiving General Assistance (GA-U or GA-A). Am I eligible to receive SSI before I have become a citizen?

This brochure is divided into two sections:

- Section A for those people who got legal immigration status in the United States before August 22, 1996; and
- Section B for those people who got legal immigration status in the United States on or after August 22, 1996.

Read the section that applies to you based on when you got your immigration status.

The answer depends on two facts:

1. whether you are a “qualified immigrant”; and
2. whether you came to the U.S. **BEFORE OR AFTER AUGUST 22, 1996.**

Before you read Section A or B, check whether you are a “qualified” immigrant. In general, to be eligible for SSI an immigrant must be in one of the categories of “qualified” immigrant. (NOTE: People who were receiving SSI on 8/22/96 are the one exception to this rule.)

Immigrants who are included in the category of “qualified” (meaning that they are possibly eligible for certain federal benefits including SSI) include:

1. **Refugees** (persons with a well-founded fear of persecution based on race, religion, nationality, political opinion or membership in a social group)
2. **Victims of Trafficking** (persons brought to the US against their will to engage in labor without pay) NOTE: they are eligible for benefits as if they were refugees.
3. **Amerasians** (children—and their families—fathered by US citizens during the conflict in southeast Asia)
4. **Asylees** (same fear as refugees but apply for this status after coming to the US)
5. **Persons granted withholding of deportation or withholding of removal** (similar to asylum but granted following a deportation or removal hearing)
6. **Cuban and Haitian entrants** (created in 1980, includes those who have been granted parole, applied for asylum, etc)
7. **Persons granted conditional entry** (pre-1980 refugee status)
8. **Battered spouses of children approved or with an application pending under a family visa or under the Violence Against Women Act (VAWA)**

9. **Persons paroled into the U.S. for at least one year** (includes public interest parolees)
10. **Lawful Permanent Residents** (green card holders)

NOTE: Immigrants are eligible for General Assistance if they are considered Permanently Residing Under Color of Law (PRUCOL). This includes a lot more immigration categories than those listed as “qualified.” If you are in the US applying for some sort of immigration status you are most likely considered PRUCOL, and if you are disabled or elderly, you may qualify for GAU. For more on this category see the brochure **Washington Public Assistance for Legal Residents** available on the Northwest Justice Project website at www.nwjustice.org.

Section A. These questions will help you find out if you are eligible for SSI if you got your legal status in the US before August 22, 1996.

- If you are an immigrant who was receiving SSI on August 22, 1996, you will not lose your SSI.
- If you are a qualified immigrant but you were not receiving SSI on August 22, 1996, you will probably be eligible for SSI as long as you are disabled--unable to work due to health problems for a period of at least one year--and low-income, even if you do not become a citizen.

If I am not yet a citizen and I want to get SSI, do I have to show I am disabled even if I am 65 or older?

You may have to show you are disabled even if you are older than 65, if your immigration status (along with work history or membership in the armed services) does not make you eligible for SSI on the basis of age alone. (See below for who will qualify on basis of age 65 or older) To determine disability, the Social Security Administration (SSA) looks at your severe medical problems (both mental and physical health), your past jobs, your education, and your ability to speak English. For persons aged 72 and older, SSA will consider all health problems to be severe. It can be helpful to consult a legal advocate for advice on how to document your inability to work. Be sure to consult an attorney if you are denied.

Who can receive SSI on the basis of age alone?

If you are in one of the three groups of immigrants described below, you may receive SSI on the basis of age (65 and above) even if you are not yet disabled.

1. **The first group includes anyone who is in one of the following categories (refugees, victims of trafficking, asylees, granted withholding of deportation/removal, Amerasians, Cuban Haitian entrants) AND they have been a qualified immigrant for less than seven years.** If they have been in the US more than seven years and are still not a citizen, they may qualify under Group 2 or 3.

2. **The second group is a “qualified” immigrant who is either a member of the US armed services or a veteran.** (This includes spouses, un-remarried surviving spouses, and dependent children of a veteran or armed services member.)
3. **The third group is a lawful permanent resident who can be credited with 40 quarters (10 years) of work history.** A person can earn up to four quarters of work history a year depending on how much he earns. For the year 2001, a person who earned at least \$3,320 was credited with four quarters. For more on how to count work quarters see the brochure **Common Questions about Proof Of 40 Quarters of Earnings Under The Welfare Reform Law.** An individual can be credited with the work history of a spouse (quarters earned during the marriage) and of each of her parents (quarters they earned while she is under 18, including years before she was born).

Section B. These questions will help you find out if you are eligible for SSI if you got your legal status in the US on or after August 22, 1996. In most cases, even if you are receiving SSI right now, you will probably need to become a citizen to continue receiving SSI. Read down through this brochure to find out about your eligibility for SSI.

If I came to the United States on or after August 22, 1996, will I be able to get SSI if I haven’t yet become a citizen?

1. YES. If you are a qualified immigrant in one of the following categories --Refugees; Victims of Trafficking; Amerasians; Asylees; Persons granted withholding of deportation or withholding of removal, and Cuban and Haitian entrants—you CAN receive SSI immediately (either on the basis of age or disability).
2. YES. If you are a “qualified” immigrant and a member of the armed forces or a veteran (including your spouse or parent if a dependent child).
3. YES. If you have been in the US for five years, are a lawful permanent resident AND can be credited with a 10 year work history.

WARNING: If you qualify for SSI now because you are in group 1, your eligibility will end after you have had the status for seven years.

After that time, in order to keep getting SSI you must be one of the following:

- A citizen, or
- A lawful permanent resident credited with 10 years of work history, or
- A member of the armed services or a veteran (including spouses and dependent children).

What if I am not in any of those groups, but I came after August 22, 1996 and I'm disabled or 65 years of age and above?

Unlike the immigrants who came before August 22, 1996 the law does not allow you to receive SSI simply because you are a “qualified” immigrant and aged or disabled. You will most likely continue to be eligible for the state General Assistance Unemployable (GAU) or General Assistance Aged (GAA) program which is available for low income residents in Washington who are disabled (unable to work for at least 90 days) or 65 years old and older.

If you can be credited with 10 years work history or you (or spouse or parent—if a dependent child) become a member of the armed services or a veteran, you should apply for SSI. Otherwise you should apply once you are a citizen.

Where can I go for help with applying for citizenship?

The Department of Social and Health Services offices have the names of organizations that can help you apply for citizenship. **Be sure to get assistance before you apply for citizenship, as sometimes you may not be eligible for citizenship or may even lose your permanent residence This is because an application for citizenship means that your whole immigration file will be reviewed.** Generally you need to have been a permanent resident for five years (three years if married to a US citizen) before you can apply. You also need to be able to speak English and know some US history unless you qualify for a waiver because you have a mental or physical disability that prevents you from being able to learn. For more information on citizenship, look at the brochure entitled **Common Questions about Naturalization** and other brochures on the NJP website at www.nwjustice.org.

How long will it take for me to apply for citizenship?

It generally will take about a year for you to apply and get your citizenship interview. However, additional background checks due to increased security may mean that it can take longer. Apply as soon as you are able to be screened. You can apply 90 days before you have met the five year requirement for lawful permanent residence.

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