

# QUESTIONS AND ANSWERS ON IMMIGRANTS WHO MAY LOSE ELIGIBILITY FOR SUPPLEMENTAL SECURITY INCOME (SSI)

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This brochure is provided to help you educate immigrants who have come to the United States **on or after August 22, 1996** and may be receiving SSI because they are disabled or 65 and over. **THESE IMMIGRANTS MAY NEED TO BECOME CITIZENS IN ORDER TO CONTINUE TO KEEP GETTING THEIR SSI.**

**NOTE:** This is not true for immigrants who came to the US legally **before August 22, 1996** who usually can continue to receive SSI as long as they are disabled or elderly and low income.

## **I am an immigrant receiving Supplemental Security Income (SSI). Will I lose my SSI if I don't become a citizen?**

The answer depends on whether you are a “qualified immigrant” and whether you came to the United States **BEFORE OR AFTER AUGUST 22, 1996.**

- **If you came before 8/22/96**, and you were receiving your SSI on that date, you will not lose your SSI.
- **If you came before 8/22/96** but started receiving SSI after that date, you will not lose your SSI as long as you are disabled and low-income, even if you do not become a citizen. That is because the law allows “**qualified**” immigrants to get SSI as long as they can show they are disabled—unable to work due to health problems for a period of at least one year.
- **If you came on or after 8/22/96**, you will probably need to become a citizen to continue receiving SSI.

**The rest of this brochure explains eligibility for SSI for immigrants coming to the US on or after August 22, 1996.**

## **How do I know if I am a “qualified” immigrant?**

If you came to the US on or after 8/22/96 and you are already receiving SSI, the Social Security Administration has already determined you are in this category. Immigrants who are included in the category of “qualified” (meaning that they are possibly eligible for certain federal benefits) include:

1. **Refugees** (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)

**If I am a qualified immigrant and I am receiving SSI, will I lose it if I don't become a citizen?**

- **YES - if you are in one of the following groups of "qualified" immigrants (refugees, victims of trafficking, asylees, granted withholding of deportation/removal, Amerasians, Cuban Haitian entrants) AND you have had that status for over seven years, you will lose your SSI. (Remember if you have had your status for seven years you may be able to continue getting SSI if you are in either of the groups below).**
- **NO - if you are a "qualified" immigrant who is either a member of the United States armed services or a veteran, you will not lose your SSI. (This includes spouses, un-remarried surviving spouses, and dependent children of a veteran or armed services member.)**

**NO - if you are a lawful permanent resident who has been in the United States at least five years and can be credited with 40 quarters (10 years) of work history you will not lose your SSI.** You can earn up to four quarters of work history a year depending on how much you earn. 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**). Also you can be credited with the work history of your spouse (quarters earned during the marriage) and each of your parents (for quarters they earned while you were under 18, including years before you were born).

**What if I am not in either of those groups, but I am disabled or 65 years of age and above?**

**Unlike the immigrants who came before August 22, 1996 the law does not allow you to keep getting SSI simply because you are disabled.** You will most likely 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. You should go to the Department of Social and Health Services (DSHS) office near you to apply for GAU **as soon as you get a letter from the**

**Department of Social and Health Services telling you your SSI will end.** You will get this letter approximately 45 days before you SSI stops. By applying at DSHS right away, you will be able to start getting General Assistance and an increased amount of Food Assistance benefits the very month your SSI benefits stop.

**(NOTE: If you think that you should keep getting your SSI because you qualify on the basis of work history or armed services/veteran status, you should appeal your SSI termination and ask for continuing SSI benefits while your appeal is decided).**

### **How much assistance will I get on GAU or GAA?**

The amount for one person is \$339 a month, the amount for a couple who are both eligible is \$440 a month.

### **Will the people who lose their SSI all be eligible for GAU or GAA?**

Most probably will, but those whose family income is too high (for example, from a spouse who is working) or who have resources (such as money in the bank) over the GAU/GAA limit will not be eligible. The General Assistance resource limit is \$1000, lower than the resource limit of \$2000 for an individual on SSI, and \$3000 for a couple on SSI. For those who are under 65, the fact that they have already met the disability level for SSI means they will meet the disability level for GAU assuming their health has not improved. If they are on SSI because of age (65 and above) they will also be eligible for GAU/GAA on that basis.

### **If I lose my SSI and start getting GAU or GAA will I still get medical coupons?**

YES, you should continue to be eligible for Medicaid since you are a “qualified” immigrant who is 65 years old or disabled according to SSI standards. Your medical coupons will continue even if you do not get SSI, but you will need to give the DSHS office information on your income level so that they can continue your medical coupons. If for some reason you are not eligible, the DSHS office cannot terminate your medical benefits without sending you a letter, but if, by accident, your medical benefits coupons do not continue, call the DSHS office right away and ask for a fair hearing. Because you are still receiving Medicaid (a federal program) and not the medical coupons for people on GAU, you should be able to get coverage for dental and mental health services. Call a legal services office for advice if your medical benefits have been reduced.

### **Will I keep getting Food Assistance if I lose my SSI and start to receive GAU or GAA?**

YES, in fact, since your income is lower on GAU or GAA than it is on SSI, your food assistance will likely increase. Even if you are not getting food assistance right now, be sure to go to the DSHS office and apply as soon as possible, taking with you the letter from DSHS saying that your SSI benefits are going to end, that way your food assistance will start or increase the very

month your SSI ends. If you have been getting your food assistance through WASHCAP, a special program for recipients of SSI who do not receive any cash assistance from a DSHS office, you should apply at the DSHS office closest to you so that there is a food assistance case opened for you before your SSI ends.

### **How will I pay my rent now that my monthly cash benefit is lower?**

**If you are in public housing** or using a Section 8 voucher to pay for private housing, your rent will decrease once your income decreases because you have lost your SSI. That is because the law requires that your rental payment be no more than 30% of your income. Be sure to take your letter terminating your SSI to the Housing Authority right away so that they will decrease your rent as soon as your SSI ends. **If you are in private housing** and have a rent that is larger than the amount of cash you can receive on GAU or GAA (\$339 for an individual and \$440 for a spouse) you should be sure to apply for public housing right away. If you have already applied and are on a waiting list, contact the Housing Authority and explain that you no longer have enough income to pay your rent. You may also be eligible for some extra help from community organizations to help pay the rent, but this will probably only be available on an emergency basis. It can help you pay the costs of moving to a different residence.

### **What if I have applied for citizenship but my interview has not yet happened. Can I still keep my SSI?**

Most likely not. The Social Security Administration is in the process of providing information about what proof of citizenship is needed to continue to get SSI. Make sure to check to see if any new rules have passed by contacting your SSA office or a legal services advocate.

### **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](http://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.

## **Can I get back on SSI once I have become a citizen?**

YES! As soon as you have become a citizen, you can probably receive SSI again. If you have only been off of SSI for less than a year, you should be able to start receiving benefits again quickly without having to prove your disability again. If you are 65, you will be eligible on the basis of age. Contact your Social Security Administration office right away to show them your certificate of naturalization. For questions, call your local legal services office.

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