



## WHO ARE THE HUMANITARIAN IMMIGRANT VICTIMS OF THE 7-YEAR STATUTORY LIMITATION ON RECEIPT OF SSI?

On September 30, 2011, the SSI Extension for Elderly and Disabled Refugees Act, P.L. 110-328 (2008) will sunset. Beginning in October, 1,529 elderly, blind, and severely disabled refugees and asylees will lose their federal Supplemental Security Income (SSI) each month because of the seven-year statutory limitation. Thereafter 400 to 500 a month will lose their SSI due to the expiration of the extension law. The federal SSI payment of \$674 per month is less than 75% of the poverty line, but allows these immigrants to pay for their very basic needs.

In order to be determined a humanitarian immigrant, the U.S. government found that the refugee or asylee has fled persecution abroad, and thus is being welcomed into the country whatever their age, health or income status. These have included Jewish refugees fleeing anti-Semitism in Russia; Christians fleeing persecution in Muslim countries; Kurds and Iraqis who fled Saddam Hussein; Afghanis fleeing the Taliban; Burmese and Cubans fleeing dictatorships; and Hmong who fought with U.S. forces who fled Vietnam.

### **There are three major sub-groups of refugees and asylees affected by this time limit:**

1. Refugees and asylees who obtained this status before October 2004 who have not yet become U.S. citizens because their disability or age prevents them from passing the citizenship test. Many of these immigrants have not qualified for a disability-based waiver of the test for a variety of reasons. They will hit their seven-year limit in October 2011 and either (a) need additional time to become U.S. citizens, or (b) need an exemption that continues their benefits given the great unlikelihood of their ever being able to pass the test..
2. Refugees or asylees who are not yet eligible to apply for naturalization. These include refugees or asylees who did not apply for lawful permanent resident (LPR) status promptly although they were eligible to do so. Many immigrants in this category did not apply for LPR status because they are too disabled to understand the process; do not understand that they need to do this in order to continue to receive SSI; or are isolated from assistance or advocacy groups. Since most immigrants must be in LPR status for five years before becoming naturalized U.S. citizens, any delay in applying for LPR status means they must additionally wait to apply for naturalization.
3. Victims of human trafficking seeking refuge can never meet the seven-year limit. They must be granted and hold a T-visa for at least three years before applying for

LPR status. Most immigrants must have LPR status for an additional five years before applying for naturalization.

### **Other obstacles that preclude naturalization for humanitarian immigrants**

Because these humanitarian immigrants eligible for SSI, are all elderly or severely disabled and are very poor, they find it especially difficult to naturalize for many reasons, including:

1. Expense of filing an immigration benefit application. Applying for a green card and naturalization each costs more than an entire month's SSI benefit. Although the Citizenship and Immigration Service (CIS) administers a fee-waiver process, the process is not well-known or understood by many of the disabled and elderly humanitarian immigrants receiving SSI. These immigrants are often thwarted by bureaucratic obstacles, such as the lack of standardization or regularity in the administration of the program and their illiteracy in English and even in their native language. Language courses to learn English are very expensive, and free or affordable classes are scarce and have long waiting lists.
2. Obstacles of the naturalization examination: Many humanitarian immigrants lack any formal education, and their advanced age prevents them from learning a new set of civics knowledge or study skills necessary to pass a written examination. A significant portion do not speak English or possesses the ability to read or write in any language. Waivers of portions of the naturalization process are rarely obtainable by SSI beneficiaries because one cannot get a waiver based solely on advanced age or lack of education or illiteracy. Beyond the very narrow medical exemption, other waivers of the English language portion of the exam require an immigrant to reside in the U.S. for more than 15 years and are therefore not available to humanitarian immigrants facing termination of their SSI within seven years.

For more information on barriers in obtaining U.S. citizenship, see the National Immigration Law Center's [Why Many Humanitarian Immigrants Who Are Seniors or Persons with Disabilities Have Difficulty Naturalizing](#), July 13, 2010.

An extension of the sunseting SSI Extension for Elderly and Disabled Refugees Act, requested by President Obama, is critical for impoverished refugees and asylees. However, one should not fail to understand the underlying barriers to naturalization that these immigrants face, making it highly unlikely that, despite their best good faith efforts, many will never naturalize due to their advanced age or documented severe disabilities.

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