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Noncitizen Eligibility for Supplemental Security Income (SSI)

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SUMMARY

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Noncitizen Eligibility for Supplemental Security Income (SSI)

Supplemental Security Income (SSI) is a federal means-tested program that provides monthly cash payments to seniors aged 65 or older, blind or disabled adults, and blind or disabled children. The program is intended to provide aged, blind, or disabled individuals with a minimum level of income to meet their basic needs for food and shelter. SSI is commonly known as a program of "last resort" because individuals must first apply for most other benefits for which they may be eligible. Cash assistance is provided only to those whose income and resources (i.e., assets) are within prescribed limits. SSI is administered by the Social Security Administration but is not part of the Social Security program.

SSI is available to U.S. citizens and certain noncitizens who meet applicable program requirements. Historically, noncitizen eligibility for SSI was limited to lawful permanent residents (LPRs; also known as *green-card holders*) and noncitizens otherwise *permanently residing under color of law* in the United States, a broad term that includes a number of different immigration categories. However, in 1996, Congress amended immigration law to establish an overarching set of noncitizen eligibility requirements for most federal public benefits as part of welfare reform. Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104-193, as amended) restricted noncitizen eligibility for most federal public benefits to *qualified aliens*, a term that includes LPRs, refugees, asylees, aliens paroled into the United States for at least one year, and aliens granted withholding of removal. PRWORA also imposed additional restrictions on noncitizen eligibility for certain federal means-tested public benefits, including SSI. As a result, noncitizen eligibility for SSI is limited largely to the following groups:

- LPRs who (1) have 40 qualifying quarters of work (about 10 years) and (2) have satisfied a five-year waiting period from their entry/grant of status;
- qualified aliens who are lawfully residing in the United States and are (1) honorably discharged veterans, (2) active duty members of the U.S. Armed Forces, or (3) the eligible spouses and children of such veterans or servicemembers;
- certain aliens who are lawfully residing in the United States and were receiving SSI on August 22, 1996;
- qualified aliens who were lawfully residing in the United States on August 22, 1996, and are now blind or disabled; and
- certain American Indians.

In addition, the following noncitizens may be eligible for SSI for a maximum of seven years:

- refugees,
- asylees,
- aliens granted withholding of removal,
- Cuban-Haitian Entrants,
- Amerasian immigrants,
- certain abused spouses and children, and
- Iraqi and Afghan special immigrants.

For most noncitizens with an immigration sponsor, PRWORA requires the income and resources of the sponsor and the sponsor's spouse (if any) to be considered in determining the sponsored noncitizen's financial eligibility

for SSI and the amount of the cash payment (if any). This process, known as *sponsor deeming*, applies until the sponsored noncitizen becomes a U.S. citizen or accumulates 40 qualifying quarters of work.

In December 2019, SSI issued payments to 430,352 noncitizens, representing 5.3% of the nearly 8.1 million SSI recipients overall. The average monthly SSI payment to noncitizens was $502.32; the average monthly SSI payment to citizens was $569.26. Nearly three-fourths (73.5%) of all noncitizens receiving SSI were aged 65 or older. Most noncitizen SSI recipients (60.0%) were female, and just over half (50.6%) concurrently received a Social Security benefit.

The number of noncitizens receiving SSI peaked in 1995 at around 785,000, representing 12.1% of all SSI recipients. The number of noncitizen SSI recipients declined markedly in 1996 and 1997, following PRWORA's enactment, rebounded slightly from 1998 through 2002, and then began a period of decline through 2019. In December 2019, noncitizens comprised 13.8% of SSI recipients aged 65 or older, 2.4% of SSI recipients aged 18 to 64 and 0.3% of SSI recipients under age 18.

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Introduction

The Supplemental Security Income (SSI) program provides cash assistance to aged, blind, or disabled individuals who have limited financial means. The availability of SSI for noncitizens depends on the noncitizen's immigration status as well as certain other factors.[1] The specific conditions under which noncitizens may be eligible for SSI are complex and generally differ from those applicable to other federal programs. To assist lawmakers in understanding the landscape of noncitizens' access to federal public benefits, this report examines noncitizen eligibility for SSI.

The report begins by providing an overview of SSI and the immigration categories under which noncitizens are often classified for purposes of federal public benefits. Next, it examines the federal laws governing noncitizen eligibility for SSI, as well as the specific eligibility requirements that noncitizens must meet to qualify for the program. Lastly, the report provides data and historical trends on noncitizens who apply for or receive SSI.

Overview of SSI

As noted, SSI is a federal assistance program that provides monthly cash payments to aged, blind, or disabled individuals who have limited income and resources (i.e., assets).[2] The program is intended to provide a minimum level of income to adults who have difficulty meeting their basic living expenses due to age or disability and who have little or no Social Security or other income. It is also designed to supplement the support and maintenance of needy children with severe disabilities. SSI is commonly known as a program of "last resort" because individuals must first apply for most other benefits for which they may be eligible. Cash assistance is provided only to those whose income and resources are within prescribed limits (i.e., the program is *means tested*). Some states supplement SSI payments with state funds. In most states, SSI recipients are automatically eligible for Medicaid.

To qualify for SSI, a person must (1) be *aged, blind, or disabled* as defined in Title XVI of the Social Security Act, (2) have limited income and resources, and (3) meet certain other requirements. *Aged* refers to individuals aged 65 or older. *Blind* refers to individuals of any age who have 20/200 or less vision in the better eye with the use of a correcting lens or tunnel vision of 20 degrees or less. For adults, *disabled* refers to the inability to perform substantial gainful activity due to any medically determinable physical or mental impairment that is expected to last for at least one year or result in death. For children, *disabled* refers to a medically determinable physical or mental impairment that causes marked and severe functional limitations in age-appropriate childhood activities and that is expected to last for at least one year or result in death.

To be financially eligible for SSI, a person's countable income and resources—gross income and resources minus applicable exclusions—must be within certain limits. The countable income limit is equal to the *federal benefit rate* (FBR), which is the maximum monthly SSI payment available under the program. In 2021, the FBR is $794 per month for an individual and $1,191 per month

[1] Throughout this report, the terms *noncitizens*, *foreign nationals*, and *aliens* are used interchangeably. Federal immigration law uses the term *alien*, defined by the Immigration and Nationality Act (INA), to mean persons who are not U.S. citizens or U.S. nationals (e.g., persons born in certain U.S. territories, such as American Samoa). For the purposes of this report, the term U.S. citizen includes U.S. nationals.

[2] For more information on Supplemental Security Income (SSI), see CRS In Focus IF10482, *Supplemental Security Income (SSI)*, and CRS Report R44948, *Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI): Eligibility, Benefits, and Financing*.

for a couple if both members are SSI eligible.[3] Countable income is subtracted from the FBR on a dollar-for-dollar basis in determining SSI eligibility and the amount of the payment (if any).[4] The countable resource limit is $2,000 for an individual and $3,000 for a couple.[5]

In addition to the categorical and financial requirements, a person must be a resident of the 50 states, the District of Columbia, or the Northern Mariana Islands to qualify for the program.[6] Residents of public institutions (such as jails or prisons) are generally ineligible for SSI. Moreover, a person must meet certain living arrangement, citizenship/immigration, and other requirements to qualify for the program.

SSI is administered by the Social Security Administration (SSA) but is not part of the Old-Age, Survivors, and Disability Insurance program, commonly known as Social Security.[7] SSI eligibility is based on financial need, and the program is funded by general revenues. In contrast, Social Security eligibility is based on work or familial-relationship requirements and the program is funded primarily by payroll taxes. However, individuals with low Social Security benefits may be eligible for SSI if they meet applicable program requirements.

In December 2020, SSI provided nearly $4.8 billion in federally administered payments to approximately 8.0 million recipients.[8] About one-third of all SSI recipients that month also received Social Security benefits.[9]

Noncitizens and Immigration Categories

Noncitizen eligibility for public benefits, including SSI, varies across categories of immigrants. Although the universe of immigration categories is vast, this report focuses on the following categories, in alphabetical order, which are frequently of interest to lawmakers in examining noncitizen eligibility for public benefits:

- **American Indian** noncitizens refers to individuals who belong to a federally recognized tribe[10] or who were born in Canada and have the right to cross the Canadian-U.S. border unhindered (so-called *Jay Treaty* Indians).[11]
- **Amerasian** immigrants are children born in certain Asian countries from 1950-1982, who were fathered by U.S. citizens (colloquially referred to as *war babies* or *G.I. babies*).[12]

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[3] Social Security Administration (SSA), Office of the Chief Actuary (OCACT), "SSI Federal Payment Amounts," at https://www.ssa.gov/oact/cola/SSIamts.html

[4] In counting income, SSI excludes the first $20 per month of any income (earned or unearned), as well as the first $65 per month of earned income plus one-half of any earned income in excess of $65 per month.

[5] In counting resources, SSI excludes the value of one's house, car, and household goods and personal effects.

[6] SSI is not available to residents of Puerto Rico, Guam, the Virgin Islands, or American Samoa, regardless of their citizenship or immigration status.

[7] See CRS In Focus IF10426, *Social Security Overview*; and CRS Report R42035, *Social Security Primer*.

[8] SSA, "Monthly Statistical Snapshot, December 2020," January 2021, Table 3, at https://www.ssa.gov/policy/docs/quickfacts/stat_snapshot/.

[9] Ibid., Table 1.

[10] As defined in 25 U.S.C. §5304(e).

[11] 8 U.S.C. §1359. For more information on Jay Treaty Indians, see U.S. Embassy and Consulates in Canada, *First Nations and Native Americans*, at https://ca.usembassy.gov/visas/first-nations-and-native-americans/.

[12] More specifically, this term refers to Amerasians admitted as immigrants (i.e., lawful permanent residents [LPRs]) who were born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950, and before October 22,

- **Certain abused spouses and children** refers to certain foreign nationals who have been abused (i.e., subject to battery or extreme cruelty) in the United States by a spouse or other household member, foreign nationals whose children have been abused, and foreign nationals children whose parent has been abused. In these cases, the foreign national must have been approved for, or have pending, an application with a prima facie case for immigration preference as a spouse or child or cancellation of removal (e.g., Violence Against Women Act [VAWA] Self-Petitioners).
- **Cuban-Haitian Entrants** are foreign nationals admitted into the United States for humanitarian reasons.[13]
- **Deferred Action for Childhood Arrivals (DACA)** recipients are unauthorized childhood arrivals who have been granted renewable two-year protection from removal.[14]
- **Freely Associated States (FAS) migrants** are citizens of the Marshall Islands, Micronesia, or Palau. They are permitted to live in the United States indefinitely under the terms of those nations' Compacts of Free Association with the United States.[15]
- **Iraqi and Afghan special immigrants** are certain Iraqi and Afghan nationals who worked as translators or interpreters, or who were employed by, or on behalf of, the U.S. government in Iraq or Afghanistan and were eligible for a *special immigrant visa* (SIV), which enables them to become lawful permanent residents.[16]
- **Lawful permanent residents (LPRs)** are foreign nationals permitted to live in the United States permanently (also referred to as *green card holders*).[17]

1982, and fathered by a U.S. citizen—as well as their spouses, children, and certain other immediate family members (8 C.F.R. §204.4).

[13] The term *Cuban-Haitian Entrant* is not defined in immigration law, but its usage dates back to 1980. Many of the Cubans and the vast majority of the Haitians who arrived in South Florida during the 1980 Mariel Boatlift did not qualify for asylum according to the individualized definition of persecution in 8 U.S.C. §§1157-1158. The Carter Administration labeled Cubans and Haitians as Cuban-Haitian Entrants and used the discretionary parole authority of the Attorney General to admit them to the United States. Subsequently, an adjustment of status provision was included in the Immigration Reform and Control Act of 1986 (IRCA; P.L. 99-603, §202) that enabled the Cuban-Haitian Entrants who had arrived during the Mariel Boatlift to become LPRs. While not a term in immigration law, Congress did define Cuban-Haitian Entrant in the context of eligibility for federal assistance in Title V of the Refugee Education Assistance Act of 1980 (P.L. 96-422, as amended; 8 U.S.C. §1522 note). For more information, see U.S. Citizenship and Immigration Services (USCIS), *Cuban Haitian Entrant Program (CHEP)*, at https://www.uscis.gov/archive/archive-news/cuban-haitian-entrant-program-chep.

[14] For more information, see CRS Report R45995, *Unauthorized Childhood Arrivals, DACA, and Related Legislation*.

[15] For background information on Freely Associated States (FAS) migrants, see CRS Congressional Distribution Memorandum, *Summary of S. 2218, the Covering Our FAS Allies Act, as introduced* (available to congressional clients upon request). For background information on the compacts, see CRS Report RL31737, *The Marshall Islands and Micronesia: Amendments to the Compact of Free Association with the United States*.

[16] For more information, see CRS Report R43725, *Iraqi and Afghan Special Immigrant Visa Programs*.

[17] For more information, see CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*. Please note that the Social Security Administration (SSA) refers to LPRs as aliens *lawfully admitted for permanent residence* (LAPR).

- **Nonimmigrants** are foreign nationals admitted to stay in the United States on a temporary basis and for a specific purpose (e.g., tourists, students; diplomats; temporary workers).[18]
- **Parolees** are foreign nationals granted permission to enter or remain temporarily in the United States for urgent humanitarian reasons or significant public benefit. Immigration parole is granted on a case-by-case basis.[19]
- **Refugees**[20] and **asylees**[21] are foreign nationals fleeing their countries because of persecution, or a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion. They are permitted to live in the United States indefinitely. After one year in these statuses, they may apply to adjust their immigration status to become LPRs.[22]
- **Temporary Protected Status (TPS)** holders are foreign nationals who have been granted temporary relief from removal due to armed conflict, natural disaster, or other extraordinary circumstances in their home countries that prevent their safe return.[23]
- **Unauthorized immigrants** (sometimes referred to as *undocumented* immigrants) are foreign nationals who enter without inspection, enter with fraudulent documents, or enter legally but overstay the terms of their temporary stay.
- **Victims of Trafficking**[24] and their families who have received a T nonimmigrant status are foreign nationals who can live in the United States for up to four years;[25] they may apply for LPR status after three years.
- Certain foreign nationals present in the United States are granted **withholding of removal**[26] based on persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Withholding of removal provides protection from removal. [27]

Please note that this list does not capture every type of immigration status, nor does it indicate whether members of a particular immigration category are potentially eligible for SSI. The list represents the universe of noncitizens discussed in this report and will be re-examined later (see **Table 1**) after a discussion of the laws and requirements governing noncitizen eligibility for SSI.

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[18] For more information, see CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*.

[19] 8 U.S.C. §1182(d)(5). For more information, see CRS Report R46570, *Immigration Parole*.

[20] For more information, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*.

[21] For more information, see CRS Report R45539, *Immigration: U.S. Asylum Policy*.

[22] Applying for an *adjustment of status* refers to the process of applying for LPR status (i.e., a green card) from within the United States (as opposed to applying for an immigrant visa from a U.S. embassy or consulate abroad).

[23] For more information, see CRS Report RS20844, *Temporary Protected Status: Overview and Current Issues*.

[24] 22 U.S.C. §§7101 et seq.

[25] Victims of trafficking who have not received a T visa but have received a Continued Presence document from the Department of Homeland Security (granted in order to help law enforcement prosecute human traffickers) may also remain in the United States. U.S. Department of Homeland Security (DHS), *Continued Presence: Temporary Immigration Status for Victims of Human Trafficking*, at https://www.dhs.gov/blue-campaign/materials/pamphlet-continued-presence.

[26] 8 U.S.C. §1231.

[27] For more information, see CRS Report R45993, *Legalization Framework Under the Immigration and Nationality Act (INA)*.

Laws Governing Noncitizen Eligibility

To qualify for SSI, noncitizens must meet the program's basic eligibility requirements as well as additional eligibility requirements that apply only to noncitizens (i.e., *noncitizen eligibility requirements*). Many noncitizen eligibility requirements are designed to limit the ability of certain noncitizens to participate in SSI based on their immigration status and certain other factors and, as such, are often referred to as *restrictions on noncitizen eligibility*. However, some of these requirements are intended to limit financial eligibility or the level/type of assistance for noncitizens who have an immigration sponsor—an individual who accepts legal responsibility for financially supporting the sponsored immigrant (see "Sponsor Deeming and Reimbursement" for more information).

Noncitizen eligibility for SSI is governed largely by two federal laws: (1) Title XVI of the Social Security Act[28] and (2) Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104-193, as amended), also known as the *1996 welfare reform law*.[29] This section provides a basic overview of the noncitizen eligibility requirements under these laws and discusses how the two laws interact.

Title XVI of the Social Security Act

Since SSI's enactment in 1972, the program has imposed restrictions on noncitizen eligibility.[30] Section 1614(a)(1)(B) of the Social Security Act limits eligibility for SSI to U.S. citizens, LPRs, and aliens otherwise *permanently residing under color of law* (PRUCOL) in the United States, a broad term that encompasses a number of different immigration categories.[31]

In 1980, lawmakers established provisions to limit SSI financial eligibility for noncitizens who have an immigration sponsor.[32] Sections 1614(f)(3) and 1621 of the Social Security Act require SSA to count a portion of the income and resources of a noncitizen's sponsor and the sponsor's spouse (if any) in determining the noncitizen's financial eligibility for the program and the amount of the payment (if any).[33] This process, known as *sponsor deeming*, applies for a three-year period after entry/grant of status.[34]

[28] 42 U.S.C. §§1381 et seq.

[29] 8 U.S.C. §§1601 et seq.

[30] P.L. 92-603, Title III. For a history of restrictions on noncitizen eligibility for SSI, see Thomas M. Parrott, Lenna D. Kennedy, and Charles G. Scott, "Noncitizens and the Supplemental Security Income Program," *Social Security Bulletin*, vol. 61, no. 4, October 1998, at https://www.ssa.gov/policy/docs/ssb/v61n4/v61n4p3.pdf.

[31] 42 U.S.C. §1382c(a)(1)(B). See also 20 C.F.R. §§416.202(b), 416.1610, 416.1615, and 416.1618, as well as SSA, Program Operations Manual System (POMS), "SI 00501.420 Permanent Residence under Color of Law (PRUCOL) Pre-1996 Legislation," May 25, 2012, at https://secure.ssa.gov/poms.nsf/lnx/0500501420. Initially, the PRUCOL standard was limited to certain refugees and parolees; however, subsequent agency interpretation and court decisions eventually expanded the standard to include more than a dozen different immigration categories (e.g., asylees, Cuban-Haitian Entrants). The PRUCOL standard does not include TPS holders, nonimmigrants, or unauthorized immigrants.

[32] P.L. 96-265 §504.

[33] 42 U.S.C. §§1382c(f)(3) and 1382j.

[34] For a history of SSI's sponsor deeming provisions, see Thomas M. Parrott, Lenna D. Kennedy, and Charles G. Scott, "Noncitizens and the Supplemental Security Income Program," *Social Security Bulletin*, vol. 61, no. 4, October 1998, at https://www.ssa.gov/policy/docs/ssb/v61n4/v61n4p3.pdf.

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)

Title IV of PRWORA was designed to create a "national policy with respect to welfare and immigration."[35] Enacted on August 22, 1996, PRWORA amended immigration law to establish an overarching set of noncitizen eligibility requirements for most federal public benefits. Subsequent amendments from 1996 through 1998 modified PRWORA's requirements to form the basic framework that applies today.[36] While PRWORA created blanket noncitizen eligibility requirements, noncitizen eligibility is not uniform across federal public benefit programs because PRWORA interacts with other laws, regulations, and guidance that govern each individual program.

PRWORA defines *federal public benefit* to include "any retirement, welfare, health, disability … or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States."[37] PRWORA exempts certain types of programs, usually thought of as emergency programs, from its noncitizen eligibility requirements.[38] Because SSI provides means-tested cash payments on the basis of age or disability, it is included in the definition of federal public benefit.

PRWORA explicitly states that aliens, unless they are qualified aliens (see the "Qualified Alien" section), are ineligible for federal public benefits. In addition, PRWORA places a number of additional restrictions on qualified aliens' eligibility for certain federal means-tested public benefits (FMTPBs), including SSI. Furthermore, PRWORA specifies that sponsor deeming applies to most noncitizens subject to sponsorship until they naturalize (i.e., become U.S. citizens) or meet certain work-history requirements.

How These Two Laws Interact

Title IV of PRWORA provides that its noncitizen eligibility requirements apply "notwithstanding any other provision of law."[39] Although the implications of this provision are not always clear, in the case of SSI, it is well established that PRWORA's noncitizen eligibility requirements effectively override those under Title XVI of the Social Security Act.[40] As a result, noncitizen eligibility for SSI is governed by PRWORA in most cases.[41] However, PRWORA exempts limited

[35] 8 U.S.C. §1601.

[36] Title V of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA; P.L. 104-208, Division C), Title V of the Balanced Budget Act of 1997 (BBA 97; P.L. 105-33), and the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 (P.L. 105-306).

[37] 8 U.S.C. §1611(c)(1).

[38] This includes short-term, in-kind emergency disaster relief and services or assistance designated by the Attorney General as (1) delivering in-kind services at the community level, (2) providing assistance without individual determinations of each recipient's needs, and (3) being necessary for the protection of life and safety. Aliens who do not meet the definition of qualified aliens are eligible for these emergency programs.

[39] For more information on the legal framework governing Title IV of PRWORA, see CRS Report R46510, *PRWORA's Restrictions on Noncitizen Eligibility for Federal Public Benefits: Legal Issues*.

[40] Ibid.

[41] SSA, POMS, "SI 00502.100 Basic SSI Alien Eligibility Requirements," July 25, 2019, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502100.

groups of noncitizens from some or all of its noncitizen eligibility requirements. For these groups, the noncitizen eligibility requirements under Title XVI of the Social Security Act may apply.[42]

The next several sections of the report discuss PRWORA's noncitizen eligibility requirements in more detail and note the limited instances in which the noncitizen eligibility requirements under Title XVI of the Social Security Act apply.

Restrictions on Noncitizen Eligibility

PRWORA imposes a number of restrictions on noncitizen eligibility for SSI. These restrictions are structured to prohibit noncitizens from being eligible for SSI unless they meet specified criteria. In general, noncitizens must meet the following requirements to be potentially eligible for SSI:

- be a qualified alien, and
- meet an exception condition (i.e., a set of additional requirements that permits qualified aliens to overcome a general prohibition on eligibility for SSI).

In addition, LPRs must typically satisfy a five-year waiting period requirement, known as the *five-year bar*, to be potentially eligible for SSI.

PRWORA exempts certain noncitizens from some or all of the aforementioned restrictions on noncitizen eligibility for SSI.

This section discusses PRWORA's restrictions on noncitizen eligibility for SSI in more detail. **Table 1** at the end of the section displays information on SSI eligibility for the immigration categories discussed in the report (see "Noncitizens and Immigration Categories").

Qualified Alien

PRWORA explicitly states that aliens, unless they are qualified aliens,[43] are ineligible for federal public benefits.[44] *Qualified aliens* are LPRs,[45] refugees,[46] asylees,[47] aliens paroled into the United States for at least one year,[48] and aliens granted withholding of removal.[49] The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA; P.L. 104-208, Division C) added certain abused spouses and children (e.g., VAWA Self-Petitioners) as another class of qualified aliens.[50] The Balanced Budget Act of 1997 (BBA 97; P.L. 105-33) added Cuban-Haitian

[42] Ibid.

[43] PRWORA created the term *qualified alien*, which did not previously exist in immigration law (8 U.S.C. §1641[b]).

[44] 8 U.S.C. §1611(a).

[45] 8 U.S.C. §1641(b)(1).

[46] 8 U.S.C. §1641(b)(3) and (6). For the purposes of this report, the term *refugee* includes refugee-like aliens who arrived prior to 1980 and were granted *conditional entry*. For more information, see CRS Report R45539, *Immigration: U.S. Asylum Policy*.

[47] 8 U.S.C. §1641(b)(2).

[48] 8 U.S.C. §1641(b)(4).

[49] 8 U.S.C. §1641(b)(5).

[50] Certain battered aliens are eligible for federal public benefits if they can demonstrate (in the opinion of the agency providing such benefits) that "there is a substantial connection between such battery or cruelty and the need for the benefits to be provided" (P.L. 104-193 §431(c)(1)(A); 8 U.S.C. §1641(c)).

Entrants.[51] Qualified aliens are not automatically eligible for federal benefit programs; they are still subject to all eligibility and availability restrictions of a program.[52]

Subsequent to the enactment of PRWORA, lawmakers enacted the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386). Although this law did not amend PRWORA, it made victims of trafficking eligible for benefits and services "under any Federal or State program" to the same extent as refugees.[53] As a result, victims of trafficking may be eligible for SSI.

Similarly, Iraqi and Afghan special immigrants are also treated like refugees for purposes of federal public benefits. The Refugee Crisis in Iraq Act of 2007 (P.L. 110-181, as amended), and the Afghan Allies Protection Act of 2009 (P.L. 111-8, Division F, Title IV, as amended) enabled certain Iraqi and Afghan nationals to become eligible for a special immigrant visa (SIV) and qualify for the same federal assistance available to refugees.[54] Consequently, Iraqi and Afghan special immigrants may be eligible for SSI.

Nonqualified aliens are all other noncitizens, including nonimmigrants, DACA recipients, TPS holders, short-term parolees, asylum applicants, and unauthorized immigrants. Nonqualified aliens are ineligible for most federal public benefits.

PRWORA exempts certain aliens from having to meet the qualified-alien requirement. Specifically, certain American Indians,[55] as well as nonqualified aliens who were receiving SSI on August 22, 1996 (i.e., the date of PRWORA's enactment), are not subject to the qualified-alien requirement and thus may be eligible for SSI.[56] However, nonqualified aliens who were receiving SSI on August 22, 1996, are required to meet the noncitizen eligibility requirements under Title XVI of the Social Security Act (including SSI's PRUCOL standard) to remain eligible for the program.[57]

Exception Conditions for Qualified Aliens under SSI

PRWORA includes additional restrictions for certain federal public benefit programs.[58] For SSI, PRWORA specifies that qualified aliens are ineligible for the program unless they meet a listed

[51] 8 U.S.C. §1641(b)(7).

[52] Section 208(c) of Division CC of the Consolidated Appropriation Act, 2021 (P.L. 116-260) amended 8 U.S.C. §1641 to add FAS migrants to the list of qualified aliens for the purposes of Medicaid only. For more information, see CRS Congressional Distribution Memorandum, *Summary of S. 2218, the Covering Our FAS Allies Act, as introduced* (available to congressional clients upon request).

[53] P.L. 106-386, §107; 22 U.S.C. §7105(b)(1)(A).

[54] This SIV was available for individuals who worked as translators or interpreters, or who were employed by, or on behalf of, the U.S. government in Iraq or Afghanistan. Iraqi special immigrants: P.L. 110-181, §1244(g); 8 U.S.C. §1157 note. Afghan special immigrants: P.L. 111-8, §602(b)(8); 8 U.S.C. §1101 note. Under current law, Iraqi and Afghan SIV recipients are eligible for resettlement assistance, entitlement programs, and other benefits on the same basis as refugees. Initially, their eligibility was limited to eight months. However, P.L. 111-118 struck the eight-month limit, enabling Iraqi and Afghan SIV recipients to qualify for federal support for the same duration as refugees.

[55] The exemption applies to American Indians born in Canada who are admitted to the United States under certain conditions and American Indians who are members of certain federally-recognized tribes (8 U.S.C. §§1612(a)(2)(G) and 1613(d)(1)).

[56] 8 U.S.C. §1611(b)(5).

[57] SSA, POMS, "SI 00502.153 SSI Eligibility for Nonqualified Aliens Who Were Receiving SSI on 8/22/96—1998 Grandfathering Legislation," July 25, 2019, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502153.

[58] 8 U.S.C. §1612. The other programs subject to additional eligibility requirements are the Supplemental Nutrition Assistance Program (SNAP; formerly the Food Stamp Program), Temporary Assistance for Needy Families (TANF),

exception, also known as an *exception condition*. In some cases, the exception condition consists of a specific immigration category and an additional eligibility requirement. In other cases, the exception condition consists of a certain status that is not based on a particular immigration category. Below is a list of exception conditions under which qualified aliens may be eligible for SSI:

- LPRs with 40 qualifying quarters of work (see "40 Qualifying-Quarters Requirement for LPRs" for more information);[59]
- qualified aliens who are lawfully residing in the United States and have a *military connection* (i.e., the qualified alien is [1] an honorably discharged veteran, [2] an active duty member of the U.S. Armed Forces, or [3] the spouse, unmarried surviving spouse, or unmarried dependent child of such veteran or servicemember);[60]
- qualified aliens who are lawfully residing in the United States and were receiving SSI on August 22, 1996 (i.e., the date of PRWORA's enactment);[61]
- qualified aliens who were lawfully residing in the United States on August 22, 1996, and are now blind or disabled;[62]
- certain American Indians;[63]
- qualified aliens who are receiving SSI after July 1996 based on an application filed before January 1, 1979, and who meet certain other requirements;[64] and
- qualified aliens in one of the following categories who acquired their status within seven years of filing for SSI (see "Time-Limited Eligibility for Certain Humanitarian Groups (Seven-Year Limit)" for more information):
  - refugees,[65]

Medicaid, and the Social Services Block Grant (SSBG). PRWORA classifies SSI and SNAP as *specified federal programs*, and TANF, Medicaid, and SSBG as *designated federal programs*. For more information, see CRS Report R46510, *PRWORA's Restrictions on Noncitizen Eligibility for Federal Public Benefits: Legal Issues*.

[59] 8 U.S.C. §1612(a)(2)(B). The Social Security Act does not require individuals to meet work requirements to qualify for SSI. However, PRWORA effectively imposes work requirements on LPRs to qualify for the program, unless they (1) can be credited with the work history of an eligible spouse or parent or (2) meet another exception condition.

[60] 8 U.S.C. §1612(a)(2)(C). A veteran must fulfill minimum-active duty service requirements and have been released with a discharge characterized as honorable and not on account of alienage (see CRS Report R42324, *Who Is a "Veteran"?—Basic Eligibility for Veterans' Benefits*). A member of the U.S. Armed Forces must be on active duty, other than active duty for training. For more information, see SSA, POMS, "SI 00502.140 Veteran or Active Duty Member of the Armed Forces, a Spouse, or a Dependent Child," October 26, 2017, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502140.

[61] 8 U.S.C. §1612(a)(2)(E). For more information, see SSA, POMS, "SI 00502.150 Qualified Aliens Receiving Benefits On 8/22/96 (Balanced Budget Act of 1997, P.L. 105-33)," August 5, 2014, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502150.

[62] 8 U.S.C. §1612(a)(2)(F). For more information, see SSA, POMS, "SI 00502.142 Qualified Aliens Who Are Blind Or Disabled And Were Lawfully Residing In The U.S. On 8/22/96," April 14, 2018, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502142.

[63] 8 U.S.C. §1612(a)(2)(G). For more information, see SSA, POMS, "SI 00502.105 Exemption from Alien Provisions for Certain Noncitizen Indians," August 5, 2014, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502105.

[64] 8 U.S.C. §1612(a)(2)(H). To qualify under this exception, SSA must lack clear and convincing evidence that the individual is an alien who would otherwise be ineligible for SSI benefits under 8 U.S.C. §1612. For more information, see SSA, POMS, "SI 00502.120 Eligibility on the Basis of Receiving SSI Benefits on an Application Filed Before January 1, 1979," November 26, 2013, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502120.

[65] 8 U.S.C. §1612(a)(2)(A)(i).

- asylees,[66]
- aliens granted withholding of removal,[67]
- Cuban-Haitian Entrants,[68] or
- Amerasian immigrants.[69]

Nonqualified aliens who were receiving SSI on August 22, 1996, are not required to meet an exception condition to be potentially eligible for SSI.[70]

40 Qualifying-Quarters Requirement for LPRs

PRWORA requires LPRs to have worked or be credited with 40 qualifying quarters, which is about 10 years of work, to be potentially eligible for SSI.[71] A *qualifying quarter* is equivalent to a *Social Security quarter of coverage* (also known as a *Social Security credit*), but with two notable modifications.[72] First, qualifying quarters are based on earnings covered by Social Security as well as earnings *not covered* by Social Security.[73] Second, LPRs may be credited with qualifying quarters based on their own work record and/or the work record of an eligible spouse or parent.[74] This crediting process may allow LPRs with little or no work history (e.g., children) to meet the 40 qualifying-quarters requirement. However, PRWORA prohibits the crediting of a qualifying quarter if, after December 31, 1996, the LPR or the worker who earned the qualifying quarter

[66] 8 U.S.C. §1612(a)(2)(A)(ii).

[67] 8 U.S.C. §1612(a)(2)(A)(iii).

[68] 8 U.S.C. §1612(a)(2)(A)(iv).

[69] 8 U.S.C. §1612(a)(2)(A)(v).

[70] 8 U.S.C. §1611(b)(5). Nonqualified aliens are not subject to the requirements of 8 U.S.C. §1612(a), which apply to qualified aliens.

[71] 8 U.S.C. §1612(a)(2)(B)(ii). See also SSA, POMS, "SI 00502.135 LAPR with 40 Qualifying Quarters of Earnings," June 21, 2017, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502135. LPRs who meet another exception condition (e.g., military connection) may be eligible for SSI without having to meet the 40-qualifying quarters requirement.

[72] Under Social Security, workers qualify for benefits by accruing a sufficient number of *quarters of coverage* (or *credits*) based on their earnings from jobs covered by the program (i.e., earnings subject to the Social Security payroll tax). In 2021, workers earn one credit for each $1,470 in covered earnings, up to the maximum of four credits per year. The amount of earnings needed for a Social Security credit is adjusted annually for average wage growth in the national economy. Because workers can earn no more than four credits per year, 40 credits is equivalent to about 10 years of work. (Note that 40 credits is the minimum requirement to qualify for Social Security retired-worker benefits.) For more information, see SSA, *How You Earn Credits*, publication no. 05-10072, January 2021, at https://www.ssa.gov/pubs/EN-05-10072.pdf.

[73] Memorandum Opinion from Dawn E. Johnsen, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice (DOJ), to the General Counsel, SSA, *Qualification Requirement for Aliens Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, March 27, 1997, at https://www.justice.gov/file/19841/download.

[74] 8 U.S.C. §§1612(a)(2)(B)(ii)(I) and 1645. Qualifying quarters earned by a biological, adoptive, or stepparent may be credited to an LPR of any age through the quarter the LPR attains age 18, regardless of whether the parent is currently living. In addition, qualifying quarters earned by a current or deceased spouse during the marriage may be credited to an LPR. Because an LPR may be credited with qualifying quarters based on his or her own work record as well as a combination of work records attributable to one or more parents, a current spouse, and one or more deceased spouses, the LPR may meet the 40-qualifying quarters requirement with little or no personal work history (i.e., fewer than 10 years of work on his or her own record). For more information, see SSA, POMS, "SI 00502.135 LAPR with 40 Qualifying Quarters of Earnings," June 21, 2017, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502135.

(i.e., the LPR, eligible spouse, or eligible parent) received an FMTPB[75] during the calendar quarter in which the qualifying quarter was earned.[76]

Time-Limited Eligibility for Certain Humanitarian Groups (Seven-Year Limit)

PRWORA allows certain qualified aliens to be SSI eligible for up to seven years after their entry/grant of status.[77] This *seven-year limit* applies to refugees, asylees, aliens granted withholding of removal, Cuban-Haitian Entrants, Amerasian immigrants, victims of trafficking, and Iraqi and Afghan special immigrants. Seven years after their entry/grant of status, these noncitizens are no longer eligible for SSI unless they become citizens (i.e., naturalize) or qualify under an exception condition without a time limit (e.g., LPR status with 40 qualifying quarters or a military connection). If one of these individuals adjusts to LPR status during the seven-year period, then the individual remains eligible for the full seven-year period and is not subject to the five-year bar (discussed below) during that period.[78]

History of the Time Limit on SSI Eligibility for Certain Humanitarian Groups

When PRWORA was enacted in 1996, lawmakers limited the eligibility of certain humanitarian categories for selected federal means-tested public benefits (including SSI) to a maximum of five years. The five-year limit was designed to allow noncitizens in these categories (e.g., refugees, asylees, aliens granted withholding of removal) to meet the necessary residency requirements before applying for citizenship. However, some observers noted that delays in processing naturalization applications resulted in some noncitizens exhausting their program eligibility before becoming citizens.[79]

To address this situation, the Clinton Administration offered a proposal in its FY1998 budget to increase the time limit for selected federal means-tested public benefits (including SSI) from five to seven years.[80] Lawmakers incorporated this proposal into the BBA 97 (P.L. 105-33). The House report accompanying the BBA 97 noted, "by extending the exception to allow these groups 7 instead of 5 years of eligibility, these noncitizens would be given more time to naturalize while continuing to receive welfare benefits without interruption."[81]

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[75] For purposes of the 40-qualifying quarters requirement, a *federal means-tested public benefit* (FMTPB) is a benefit subject to the requirements of the five-year bar under 8 U.S.C. §1613. FMTPBs include SSI, TANF, SNAP, non-emergency Medicaid, and the State Child Health Insurance Program (CHIP). See "Five-Year Bar on Eligibility for Certain Qualified Aliens."

[76] 8 U.S.C. §§1612(a)(2)(B)(ii)(II) and 1645.

[77] 8 U.S.C. §1612(a)(2)(A)(i)-(v). See also SSA, POMS, "SI 00502.106 Time-Limited Eligibility for Certain Aliens," July 11, 2019, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502106.

[78] SSA, POMS, "SI 00502.106 Time-Limited Eligibility for Certain Aliens," July 11, 2019, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502106. In addition, the seven-year limit does not reset if the qualified alien adjusts to another status that is also subject to the time limit.

[79] Testimony of Susan Golanka et al., in U.S. Congress, House Committee on Ways and Means, Subcommittee on Human Resources, *Technical Corrections to Welfare Reform Legislation*, hearing, 105th Cong., 1st sess., February 26, 1997, H.Hrg. 105-1 (Washington, DC: GPO, 1997), p. 34, at https://hdl.handle.net/2027/pst.000031682350.

[80] Office of Management and Budget, *Budget of the U.S. Government Fiscal Year 1998*, p. 109, at https://www.govinfo.gov/content/pkg/BUDGET-1998-BUD/pdf/BUDGET-1998-BUD.pdf. See also testimony of Carolyn Colvin, Deputy Commissioner for Programs and Policy, SSA, in U.S. Congress, House Committee on Ways and Means, Subcommittee on Social Security, *President's Fiscal Year 1998 Budget*, hearing, 105th Cong., 1st sess., February 13, 1997, H.Hrg. 105-2 (Washington, DC: GPO, 1997), pp. 2 and 23, at https://hdl.handle.net/2027/pst.000031687706.

[81] U.S. Congress, House Committee on the Budget, *Balanced Budget Act of 1997*, report to accompany H.R. 2015, 105th Cong., 1st sess., June 24, 1997, H.Rept. 105-149, p. 1183, at https://www.congress.gov/105/crpt/hrpt149/CRPT-105hrpt149.pdf.

In 2004, the Bush Administration offered a proposal in its FY2005 budget to temporarily increase the time limit on SSI eligibility from seven to eight years for a three-year period.[82] The proposal was designed to address situations in which some noncitizens receiving SSI were unable to obtain U.S. citizenship within the seven-year limit.[83]

In 2007, the House Committee on Ways and Means held a hearing at which witnesses testified that some refugees and asylees receiving SSI were unable to naturalize within the seven-year limit.[84] The following year, lawmakers enacted the SSI Extension for Elderly and Disabled Refugees Act (P.L. 110-328), which temporarily increased the time limit on SSI eligibility from seven to nine years for FY2009 through FY2011.[85] Although the Obama Administration offered a proposal in its FY2012 budget to temporarily extend the nine-year limit on SSI eligibility for an additional two-year period, lawmakers elected not to adopt the proposal, and the time limit reverted to seven years at the start of FY2012.[86]

In recent years, lawmakers have introduced proposals to either eliminate the time limit on SSI eligibility permanently (e.g., H.R. 7401 from the 115th Congress) or increase it temporarily (e.g., S. 4307 from the 116th Congress).

Five-Year Bar on Eligibility for Certain Qualified Aliens

PRWORA includes additional restrictions on eligibility for FMTPBs.[87] For FMTPBs, determination of program eligibility or the level/type of assistance to be provided is based on income, resources, or other measure of financial need. In 1997, SSA issued a notice in the *Federal Register* designating SSI as an FMTPB for purposes of PRWORA.[88] Many qualified aliens are barred from FMTPBs for five years after entry/grant of status, including certain LPRs, aliens paroled into the United States for at least one year, and certain abused spouses and children.[89] Categories of noncitizens who are not subject to the five-year bar include refugees, asylees, aliens granted withholding of removal, Cuban/Haitian Entrants, Amerasian immigrants, victims of trafficking, Iraqi and Afghan special immigrants, certain American Indians, qualified aliens who entered the United States before August 22, 1996, and qualified aliens with a military connection.[90] Because most SSI-eligible groups are exempt from the requirement, for the

[82] Letter from Jo Anne B. Barnhart, Commissioner of Social Security, to the Honorable J. Dennis Hastert, Speaker of the House of Representatives, March 8, 2004, at https://www.ssa.gov/legislation/Bills/SSIRefugee.pdf. A version of this proposal was offered again in the President's budgets for FY2006 through FY2008.

[83] Ibid.

[84] U.S. Congress, House Committee on Ways and Means, Subcommittee on Income Security and Family Support, *Assistance for Elderly and Disabled Refugees*, hearing, 110th Cong., 1st sess., March 22, 2007, H.Hrg. 110-29 (Washington, DC: GPO, 2008), at https://www.govinfo.gov/content/pkg/CHRG-110hhrg43762/pdf/CHRG-110hhrg43762.pdf.

[85] 8 U.S.C. §1612(a)(2)(M). See also SSA, POMS, "SI 00502.301 Supplemental Security Income (SSI) Extension for Elderly and Disabled Refugees Act," September 16, 2013, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502301.

[86] SSA, *Full Justification of Estimates for Appropriations Committees, Fiscal Year 2012*, February 14, 2011, p. 25, at https://www.ssa.gov/budget/hist/FY2013/2013FullJustification.pdf. A version of this proposal was offered again in the President's budgets for FY2013 through FY2017. For a cost estimate of the proposal, see Congressional Budget Office (CBO), *Proposals for Supplemental Security Income - CBO's Estimate of the President's Fiscal Year 2017 Budget*, March 29, 2016, at https://www.cbo.gov/system/files/2020-03/56250-2016-03-29-ssi.pdf.

[87] 8 U.S.C. §1613. For more information, see CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*.

[88] SSA, "Personal Responsibility and Work Opportunity Reconciliation Act of 1996: Federal Means-Tested Public Benefits Paid by the Social Security Administration," 62 *Federal Register* 45284, August 26, 1997, at https://www.govinfo.gov/content/pkg/FR-1997-08-26/pdf/97-22697.pdf. Other FMTPBs include TANF, SNAP, non-emergency Medicaid, and CHIP.

[89] The five-year bar applies to qualified aliens entering the United States on or after August 22, 1996, who are not exempted from the requirements of 8 U.S.C. §1613(a).

[90] Refugees, asylees, aliens granted withholding of removal, Cuban/Haitian Entrants, Amerasian immigrants, victims of

purposes of SSI, the five-year bar effectively applies only to LPRs who have at least 40 qualifying quarters of work and who do not meet another exception condition (see the "Exception Conditions for Qualified Aliens under SSI" section).[91]

SSI Eligibility by Immigration Category

Table 1 provides information on which immigration categories are potentially eligible for SSI and which categories are not (see "Noncitizens and Immigration Categories"). The table takes into account the applicable noncitizen eligibility requirements discussed in this section (i.e., the qualified-alien requirement, SSI exceptions conditions, and the five-year bar). Noncitizens who are potentially eligible for SSI must also meet the program's basic eligibility requirements as well as any applicable sponsor deeming requirements (see the "Sponsor Deeming and Reimbursement" section) to ultimately qualify for and receive SSI payments.

Table 1. SSI Eligibility by Immigration Category

Immigration Categories	Potentially Eligible for SSI?	Subject to the 7-Year Limit?	Additional Requirements or Other Information
American Indian noncitizens	Yes	No	Must belong to a federally recognized tribe or be a *Jay Treaty* Indian
Amerasian immigrants	Yes	Yes	—
Certain abused spouses and children (e.g., VAWA Self-Petitioners)	Yes, in limited circumstances	No	Must have a military connection[a] or be in a grandfathered group[b]
Cuban-Haitian Entrants	Yes	Yes	—
Deferred Action for Childhood Arrivals (DACA)	No	—	—
Freely Associated States (FAS) Migrants	No	—	—
Iraqi and Afghan special immigrants	Yes	Yes	—
Lawful permanent residents (LPRs)	Yes, with restrictions	No	(1) Subject to the five-year bar; and (2) must have 40 qualifying quarters of work
Nonimmigrants (e.g., tourists, students, temporary workers)	No	—	—

trafficking, and Iraqi and Afghan special immigrants are exempted under 8 U.S.C. §1613(b)(1)(A)-(E). Certain American Indians are exempted under 8 U.S.C. §1613(d)(1). Qualified aliens who entered the United States before August 22, 1996, are exempted under 8 U.S.C. §1613(a). Qualified aliens with a military connection are exempted under 8 U.S.C. §1613(b)(2). Nonqualified aliens, as well as qualified aliens who entered the United States before August 22, 1996, are not subject to the requirements of 8 U.S.C. §1613(a).

[91] LPRs who satisfy the five-year bar but have fewer than 40 qualifying quarters are ineligible for SSI unless they can qualify under another exception condition (e.g., a military connection).

Immigration Categories	Potentially Eligible for SSI?	Subject to the 7-Year Limit?	Additional Requirements or Other Information
Parolees	Yes, in limited circumstances	No	(1) Eligible after one year; and (2) must have a military connection[a] or be in a grandfathered group[b]
Refugees and asylees	Yes	Yes	—
Temporary Protected Status (TPS)	No	—	—
Unauthorized immigrants	No	—	—
Victims of Trafficking	Yes	Yes	—
Withholding of Removal	Yes	Yes	—

Source: Congressional Research Service (CRS).

Notes: Not all immigration categories have a corresponding exception condition that permits them to be potentially eligible for SSI. For instance, parolees who are qualified aliens must generally have a military connection or be in a grandfathered group (see definitions below) to qualify for SSI because 8 U.S.C. §1612(a) does not provide a specific exception condition for parolees.

a. The term *military connection* refers to a qualified alien who is lawfully residing in the United States and is (1) an honorably discharged veteran, (2) an active-duty member of the U.S. Armed Forces, or (3) the spouse, unmarried surviving spouse, or unmarried dependent child of such veteran or servicemember.

b. The term *grandfathered group* collectively refers to (1) nonqualified aliens who were receiving SSI on August 22, 1996, (2) qualified aliens who are lawfully residing in the United States and were receiving SSI on August 22, 1996, (3) qualified aliens who were lawfully residing in the United States on August 22, 1996, and are now blind or disabled, and (4) qualified aliens who are receiving SSI after July 1996 based on an application filed before January 1, 1979, and who meet certain other requirements.

It is important to note that some noncitizens may qualify for SSI in more than one way. In such cases, SSA will generally determine the noncitizen's eligibility for SSI under the pathway with the least level of restriction. For example, if a noncitizen is eligible under both a time-limited exception condition and a military-connection exception condition, then SSA will typically determine the noncitizen's eligibility for SSI under the military-connection exception condition because it does not have a time limit.

Sponsor Deeming and Reimbursement

Sponsor deeming and reimbursement are immigration policies that can affect certain LPRs' eligibility for FMTPBs or the level/type of assistance. They apply to LPRs who are subject to an *affidavit of support*, as described below.

Affidavit of Support and Immigrant Sponsors

Most family-based and certain employment-based immigrants must have a relative or employer in the United States petition for them to be eligible for LPR status.[92] These prospective LPRs are required to submit a legally enforceable affidavit of support when applying for an immigrant visa

[92] For more on obtaining LPR status, see CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*; and CRS Report R43145, *U.S. Family-Based Immigration Policy*.

or *adjusting*[93] to LPR status.[94] An affidavit of support is a contract between the LPR applicant, the applicant's petitioner (in most cases),[95] and the government.[96] The person who signs the affidavit of support becomes the *sponsor* of the alien and accepts financial responsibility for them.[97]

Only the aforementioned noncitizens applying for LPR status require a U.S. sponsor. Other noncitizens—such as refugees, asylees, diversity immigrants,[98] and many employment-based immigrants—do not need an affidavit of support when applying for an immigrant visa or adjusting to LPR status.

Sponsor Deeming

PRWORA requires most sponsored LPRs to meet sponsor deeming requirements for purposes of FMTPBs, including SSI.[99] *Sponsor deeming* refers to the consideration of the income and resources of the sponsor and the sponsor's spouse (if any) in determining a sponsored LPR's financial eligibility for an FMTPB or the level/type of assistance provided by the program.[100]

PRWORA's sponsor deeming requirements are designed to limit the ability of sponsored LPRs to meet an FMTPB's financial tests for assistance. In other words, the income and resources of the LPR, the sponsor, and the sponsor's spouse (if any) are combined in determining whether the LPR meets the financial eligibility threshold for the program, potentially decreasing the likelihood that the LPR will qualify for assistance. If the LPR meets the FMTPB's financial eligibility threshold, then sponsor deeming may limit the level/type of assistance provided under the program.

Under PRWORA, sponsor deeming applies until the sponsored LPR becomes naturalized or has accumulated 40 qualifying quarters of work (see the "40 Qualifying-Quarters Requirement for LPRs" section).[101] However, PRWORA exempts certain sponsored LPRs from its sponsor

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[93] Applying for an *adjustment of status* refers to the process of applying for LPR status (i.e., a green card) from within the United States (as opposed to applying for an immigrant visa from a U.S. embassy or consulate abroad).

[94] 8 U.S.C. §1182(a)(4)(C) and (D).

[95] In certain circumstances, affidavits of support can be signed by a joint sponsor willing to accept legal responsibility for the intending immigrant or by a substitute sponsor, if the petitioner has died. For more information, see DHS, USCIS, "Affidavit of Support," at https://www.uscis.gov/green-card/green-card-processes-and-procedures/affidavit-of-support.

[96] See 8 U.S.C. §1183a(a)(1) (describing affidavit of support as a "contract ... that is legally enforceable against the sponsor by the sponsored alien, the Federal Government, any State ... or by any other entity that provides any means-tested public benefit"); Wenfang Liu v. Mund, 686 F.3d 418, 423 (7th Cir. 2012) (holding affidavit enforceable against sponsor for support payment to sponsored alien); and USCIS Form I-864, *Affidavit of Support Under Section 213A of the INA*, at https://www.uscis.gov/i-864. See also 8 C.F.R. §§213a.1-213a.5.

[97] Sponsors must be at least 18 years old and reside in the United States. They must also submit evidence that they can support both their own family and that of the sponsored alien at an annual income no less than 125% of the federal poverty line. The income requirement for sponsors who are members of the U.S. military is 100% of the federal poverty line. PRWORA defines *federal poverty line* as the applicable poverty guideline published by the Department of Health and Human Services (HHS), which varies by family size and, in some cases, state of residence. See 8 U.S.C. §1183a(h) and HHS, Office of the Assistance Secretary for Planning and Evaluation, "HHS Poverty Guidelines for 2020," at https://aspe.hhs.gov/poverty-guidelines.

[98] For more information, see CRS Report R45973, *The Diversity Immigrant Visa Program*.

[99] 8 U.S.C. §1631.

[100] SSA sometimes refers to *sponsor deeming* as *sponsor-to-alien deeming*.

[101] This deeming requirement only applies to LPRs who enter on or after December 19, 1997, the effective date of the new legally binding affidavit of support.

deeming requirements if they (1) would be unable to obtain food and shelter without the benefit or (2) have been battered or subjected to extreme cruelty.[102]

Because PRWORA does not specify the manner in which income and resources should be considered for purposes of sponsor deeming,[103] SSA uses the sponsor deeming methodology specified in Title XVI of the Social Security Act in implementing PRWORA's sponsor deeming requirements.[104] Specifically, SSA excludes certain amounts/types of income and resources attributable to the sponsor and the sponsor's spouse (if any) in determining a sponsored LPR's financial eligibility for SSI and the amount of the payment (if any).[105]

In 2009, the Government Accountability Office (GAO) issued a report on the implementation of PRWORA's sponsor deeming requirements for selected FMTPBs, including SSI.[106] The report found that relatively few noncitizens who applied for or received SSI were subject to sponsor deeming because the exception condition specific to LPRs requires such individuals to have 40 qualifying quarters of work to participate in SSI, which is the same requirement needed to be exempt from sponsor deeming. GAO noted the following:

> Officials from SSA also reported a low incidence of sponsor deeming during the processing of SSI benefits. For example, officials from all 10 SSA regional offices reported that deeming has occurred either rarely or never since PRWORA became effective. Specifically, because the sponsor deeming policy does not apply to sponsored noncitizens credited with 40 quarters of work, and most sponsored noncitizens are only eligible for SSI if they have satisfied the 40-quarter work eligibility requirement, deeming is inevitably rare. As a result, only sponsored noncitizens who apply for SSI and are exempted from the 40-quarter work eligibility criteria, such as those with military connections, are subject to sponsor deeming.[107]

[102] 8 U.S.C. §1631(e) and (f). See also SSA, POMS, "SI 00502.200 Sponsor-to-Alien Deeming (1996-1997 Legislation)," August 5, 2014, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502200.

[103] See 8 U.S.C. §1631 and Letter from Calder Lynch, Acting Deputy Administrator and Director, Center for Medicaid & CHIP Services (CMCS), Centers for Medicare & Medicaid Services (CMS), to State Health Official, *Sponsor Deeming and Repayment for Certain Immigrants*, August 23, 2019, p. 4, at https://www.medicaid.gov/federal-policy-guidance/downloads/sho19004.pdf.

[104] Social Security Act §1621(b) and (c); 42 U.S.C. §1382j(b) and (c).

[105] Ibid. See also 20 C.F.R. §§416.1160, 416.1161(b), 416.1166a, and 416.1204, as well as SSA, POMS, "SI 00502.240 New Version Affidavit of Support," July 25, 2019, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502240. Noncitizens with an affidavit of support who filed a visa or status adjustment application before December 19, 1997, are subject to the sponsor deeming requirements under Title XVI of the Social Security Act. However, because the maximum duration of sponsor deeming under Title XVI of the Social Security Act is three years, such noncitizens would presumably no longer be subject to sponsor deeming today. That said, it is unclear if the sponsor deeming requirements under Title XVI of the Social Security Act currently apply to any applicable classes of aliens who are not subject to PRWORA's sponsor deeming requirements. For more information, see SSA, POMS, "SI 00502.200 Sponsor-to-Alien Deeming (1996-1997 Legislation)," August 5, 2014, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502200.

[106] U.S. Government Accountability Office (GAO), SPONSORED NONCITIZENS AND PUBLIC BENEFITS: More Clarity in Federal Guidance and Better Access to Federal Information Could Improve Implementation of Income Eligibility Rules, GAO-09-375, May 19, 2009, at https://www.gao.gov/products/A86193.

[107] Ibid., p. 12.

Sponsor Reimbursement

The federal government has the authority to seek reimbursement from an alien's sponsor for the cost of FMTPBs provided to the sponsored alien.[108] In other words, if an alien receives an FMTPB, then the granting agency can seek reimbursement from the immigrant's sponsor.

When SSA determines that an alien who is sponsored under an affidavit of support is receiving SSI payments, the agency seeks repayment from the sponsor or refers the case to the Department of Justice (DOJ) for appropriate action against the sponsor.[109] However, SSA will not seek repayment or refer the case to DOJ if more than 10 years have passed from the month that the sponsored alien last received an SSI payment.[110]

Recent Administrative Actions

A May 2019 presidential memorandum directed relevant agencies to "update or issue procedures, guidance, and regulations" to ensure existing immigration laws related to sponsor deeming and reimbursement are enforced.[111] In September 2020, U.S. Citizenship and Immigration Services (USCIS), within the Department of Homeland Security (DHS), announced that it would launch a new initiative of the Systematic Alien Verification for Entitlements (SAVE)[112] "to help federal means-tested public benefit-granting agencies comply with federal laws, regulations and policies related to financial support of aliens by their sponsors and agency reimbursement."[113] Under this new initiative, SAVE implemented a sponsorship compliance functionality that consists of four questions about benefit eligibility, deeming, and reimbursement.[114] USCIS requests that agencies "share how they use the SAVE sponsorship information in their sponsor assessment and agency reimbursement processes."[115] The goal is that this information will allow them to improve compliance with sponsor deeming and reimbursement laws and regulations.

The May 2019 presidential memorandum did not require SSA to issue any new guidance or procedures to implement PRWORA's sponsor deeming requirements. However, the memorandum instructed SSA to coordinate with other relevant agencies and departments in sharing information related to efforts to improve identification and collection of reimbursement.

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[108] 8 U.S.C. §1183a(b).

[109] SSA, POMS, "SI 02220.065 Repayment by Alien Sponsors," December 28, 2020, at https://secure.ssa.gov/poms.nsf/lnx/0502220065.

[110] Ibid.

[111] White House, *Memorandum on Enforcing the Legal Responsibilities of Sponsors of Aliens*, Presidential Memorandum, May 23, 2019, at https://trumpwhitehouse.archives.gov/presidential-actions/memorandum-enforcing-legal-responsibilities-sponsors-aliens/.

[112] SAVE is an online service administered by USCIS and used by federal, state, and local benefit-granting agencies. SAVE is utilized to obtain immigration status information to determine eligibility for public benefits based on noncitizen eligibility restrictions. The SAVE system does not determine eligibility for specific programs, but rather provides information on the noncitizen's status so that the program's administrators can make an eligibility determination. For more information, see DHS, USCIS, "SAVE," at https://www.uscis.gov/save.

[113] DHS, USCIS, "SAVE Launches Sponsor Deeming and Agency Reimbursement Initiative," at https://www.uscis.gov/save/save-whats-new/save-launches-sponsor-deeming-and-agency-reimbursement-initiative.

[114] DHS, USCIS, *SAVE Sponsorship Guide*, September 2020, at https://www.uscis.gov/sites/default/files/document/guides/SAVE%20Sponsorship%20Guide.pdf.

[115] DHS, USCIS, "SAVE Launches Sponsor Deeming and Agency Reimbursement Initiative," at https://www.uscis.gov/save/save-whats-new/save-launches-sponsor-deeming-and-agency-reimbursement-initiative.

In December 2020, SSA updated its guidance on how it "maintains records regarding each financial sponsor's reimbursement obligations and status with law."[116]

Public Charge

Under the Immigration and Nationality Act (INA), an alien may be denied admission into the United States or LPR status if he or she is "likely at any time to become a public charge."[117] The INA does not define the term *public charge*. Thus, the determination of whether an alien is inadmissible on public charge grounds turns largely on standards set forth in agency guidance materials.

Since 1999, agency guidance[118] has defined public charge to mean a person who is or is likely to become primarily dependent on public cash assistance or government-funded institutionalization for long-term care. This guidance identified four types of assistance, including SSI, considered in public charge determinations.[119] On August 15, 2019, DHS published a final rule that expanded the list of public benefits considered in public charge determinations to include nine programs, keeping SSI on the list.[120] The final rule also defined public charge as someone "more likely than not at any time in the future to receive one or more public benefits … for more than 12 months within any 36-month period."

During the comment period, some members of the public expressed their views on the rule's continued consideration of SSI for public charge purposes. According to DHS,

> Multiple commenters opposed the inclusion of SSI and stated that SSI supports children with disabilities, and that a child who begins receiving SSI is less likely to fall below the poverty line. The commenters stated that the inclusion of SSI in the public charge rule threatens the health, safety, and well-being of the children and families that receive it.[121]

DHS also noted, "other commenters asserted that only U.S. citizens should receive SSI."[122]

In response to these comments, DHS stated that it would continue to include SSI as a public benefit "because it provides monthly income payments for people with limited resources, is financed through general revenues, and has high expenditures."[123] Furthermore, DHS stated that

[116] SSA, POMS Recent Change, "SI 02220 TN 60" Recovery Procedures for Supplemental Security Income Overpayments," December 28, 2020, https://secure.ssa.gov/apps10/reference.nsf/links/12282020080113PM. (See also footnote 109.) For SSA's prior guidance on repayment by sponsors, see SSA, POMS, "SI 02220.065 Recovery from Alien's Sponsor of Payments Made to the Alien," September 12, 2008, https://secure.ssa.gov/poms.nsf/lnx/0502220065.

[117] 8 U.S.C. §1182(a)(4).

[118] DOJ, Immigration and Naturalization Service, "Field Guidance on Deportability and Inadmissibility on Public Charge Grounds," 64 *Federal Register* 28689, March 26, 1999, at https://www.govinfo.gov/content/pkg/FR-1999-05-26/pdf/99-13202.pdf. The Department of Homeland Security, founded in 2002, is the agency currently responsible for most federal immigration functions.

[119] For more information, see CRS In Focus IF11467, *Immigration: Public Charge*.

[120] DHS, USCIS, "Inadmissibility on Public Charge Grounds," 84 *Federal Register* 41292, August 14, 2019, at https://www.federalregister.gov/documents/2019/08/14/2019-17142/inadmissibility-on-public-charge-grounds.

[121] Ibid., p. 41372.

[122] Ibid., p. 41373.

[123] Ibid.

including SSI in the rule "is important in ensuring that aliens are self-sufficient and rely on their own capabilities and the resources of their families, their sponsors, and private organizations."[124]

Data

This section of the report describes the characteristics of noncitizens receiving SSI payments in December 2019, the latest month for which data were available at the time of publication. It then presents trends among noncitizens over time for SSI recipients, SSI applications, and SSI awards by age group.

Characteristics of Current SSI Recipients

According to the most recent data publicly available from SSA, in December 2019, 430,352 noncitizens received an SSI payment, representing 5.3% of the nearly 8.1 million SSI recipients overall.[125] The average SSI payment to noncitizens that month was $502.32, compared with an average SSI payment to citizens of $569.26.[126]

Table 2 outlines the characteristics of noncitizens receiving SSI payments in December 2019. Nearly three-fourths (73.5%) were aged 65 or older, 25.7% were adults with disabilities aged 18 to 64, and 0.7% were children with disabilities under age 18. Three-fifths (60.0%) were female. Just over half (50.6%) concurrently received a Social Security benefit and 1.2% reported earnings from work.

The top five states of residence among noncitizens receiving SSI in December 2019 were California (30.8%), Texas (14.3%), New York (12.6%), Florida (12.4%), and New Jersey (2.5%). All other states combined accounted for 27.4% of noncitizens receiving SSI.

The top five countries of origin among noncitizens receiving SSI in December 2019 were Mexico (35.6%), Cuba (9.8%), Dominican Republic (7.1%), Vietnam (4.1%), and China (3.4%). All other countries of origin combined accounted for 40.0% of noncitizens receiving SSI.

Table 2. Characteristics of Noncitizens Receiving SSI Payments, December 2019

Characteristic	Number of Recipients	Percentage Distribution
Total	**430,352**	**100.0**
Age		
Under 18	3,056	0.7
18-64	110,783	25.7
65 or older	316,513	73.5
Gender		
Male	172,161	40.0
Female	258,191	60.0

[124] Ibid.

[125] SSA, *SSI Annual Statistical Report, 2019*, August 2020, Table 29, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/2019/sect05.html#table29.

[126] SSA, *SSI Annual Statistical Report, 2019*, August 2020, Table 6, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/2019/sect02.html#table6.

Characteristic	Number of Recipients	Percentage Distribution
Income Sources		
Social Security		
Yes	217,966	50.6
No	212,386	49.4
Earnings		
Yes	5,320	1.2
No	425,032	98.8
State of Residence		
California	132,472	30.8
Texas	61,647	14.3
New York	54,092	12.6
Florida	53,291	12.4
New Jersey	10,886	2.5
All Others	117,964	27.4
Country of Origin		
Mexico	153,295	35.6
Cuba	42,150	9.8
Dominican Republic	30,564	7.1
Vietnam	17,505	4.1
China	14,830	3.4
All Others	172,008	40.0

Source: CRS, based on data from Social Security Administration (SSA), *SSI Annual Statistical Report, 2019*, August 2020, Tables 30, 31, and 31, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/2019/sect05.html.

Trends

As noted earlier, PRWORA established restrictions on the eligibility of noncitizens for public benefits. These policy changes were at least partially in response to growth in noncitizens' receipt of means-tested public benefits in the 1980s and early 1990s.[127] As described in detail in the section on "Restrictions on Noncitizen Eligibility" and summarized in **Table 1**, currently, most qualified aliens are deemed to be ineligible for SSI, with certain exceptions. PRWORA generally

[127] In the early 1990s, reports and congressional testimony by GAO, as well as academic research, had focused attention on the growth in welfare program participation by immigrants relative to native-born individuals. The number of legal immigrants receiving SSI had increased from 3% of all SSI recipients in 1982 to over 11% of all SSI recipients in 1993, with the growth concentrated among SSI recipients aged 65 or older. See GAO, *Supplemental Security Income: Recent Growth in the Rolls Raises Fundamental Program Concerns*, Statement of Jane L. Ross, Director, Income Security Issues, Health, Education, and Human Services Division, GAO/T-HEHS-95-67, 1995, at https://www.gao.gov/assets/110/105770.pdf. See also GAO, *Welfare Reform: Implications of Proposals on Legal Immigrants' Benefits*, GAO/HEHS-95-58, 1995, at https://www.gao.gov/assets/230/220854.pdf; George J. Borjas, "The Economics of Immigration," *Journal of Economic Literature*, vol. 32, no. 4, 1994, at https://www.jstor.org/stable/pdf/2728791.pdf; and George J. Borjas, "Immigration and Welfare, 1970-1990," National Bureau of Economic Research Working Paper No. 4872, 1994, at https://www.nber.org/system/files/working_papers/w4872/w4872.pdf.

requires LPRs to amass 40 qualifying quarters of work after entering the United States. It also bars many qualified aliens from receiving federal means-tested public benefits for five years after entry/grant of status. Certain humanitarian categories of noncitizens are permitted to receive SSI on a time-limited basis for the first seven years after entry/grant of status.[128]

The figures and discussion below present data on SSI recipients, applications, and awards in various years. *Recipients* refers to individuals who received an SSI payment in a given year, *applications* refers to individuals who submitted an application for SSI payments in a given year, and *awards* refers to individuals who were newly added to the SSI rolls upon being awarded SSI payments in a given year (i.e., applicants who became recipients).

Figure 1 shows the trends in noncitizen SSI recipients, in terms of both the absolute number of noncitizens receiving SSI and the number of noncitizens receiving SSI as a percentage of all SSI recipients. Both measures increased substantially between 1982 and their peaks in 1995, when approximately 785,000 noncitizens received SSI payments, representing 12.1% of all SSI recipients.[129] Contributing to the growth in noncitizens receiving SSI payments, in 1995 noncitizens accounted for 31.8% of SSI recipients who first became eligible for SSI payments at age 65 or older.[130]

The number of noncitizens receiving SSI declined markedly in 1996 and 1997 following PRWORA's enactment. Some studies characterize PRWORA as having had a *chilling effect* that "deterred many immigrants entitled to public benefits and services from using them due to confusion about eligibility criteria and fears that users would be unable to sponsor family members in the future."[131] Others note that a portion of the decline in receipt of public benefits can be explained by growth in the number of naturalizations among noncitizens during the 1990s.[132] A research paper published by SSA notes that at least part of the decline is from the reclassification of noncitizens who had previously become citizens but had not updated their status with SSA, which was not required at the time.[133] They updated their status in the wake of PRWORA to continue to receive SSI payments. The paper notes,

> There are a number of reasons for this.... Another reason is that many recipients who had not been citizens when they applied for SSI, had become citizens later but had never changed their status with SSA. There was no requirement to do so, as it did not then affect their eligibility for payments.

[128] In December 2019, approximately 46,000 noncitizens in the humanitarian categories received SSI payments, representing almost 11% of all noncitizens receiving SSI payments and about 0.6% of all SSI recipients. See SSA, OCACT, *Annual Report of the Supplemental Security Income Program*, May 2020, p. 8, footnote 2, at https://www.ssa.gov/oact/ssir/SSI20/ssi2020.pdf.

[129] Although the SSI program first paid benefits in 1974, data on noncitizens receiving SSI are publicly available beginning with 1982.

[130] Thomas M. Parrott, Lenna D. Kennedy, and Charles G. Scott, "Noncitizens and the Supplemental Security Income Program," *Social Security Bulletin*, vol. 61, no. 4, October 1998, Table 2, p. 18, at https://www.ssa.gov/policy/docs/ssb/v61n4/v61n4p3.pdf (hereinafter, "Parrott, Kennedy, and Scott (1998)").

[131] Jeanne Batalova, Michael Fix, and Mark Greenberg, "Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefits Use," *Migration Policy Institute*, June 2018, p. 14, at https://www.migrationpolicy.org/sites/default/files/publications/ProposedPublicChargeRule-Final-Web.pdf.

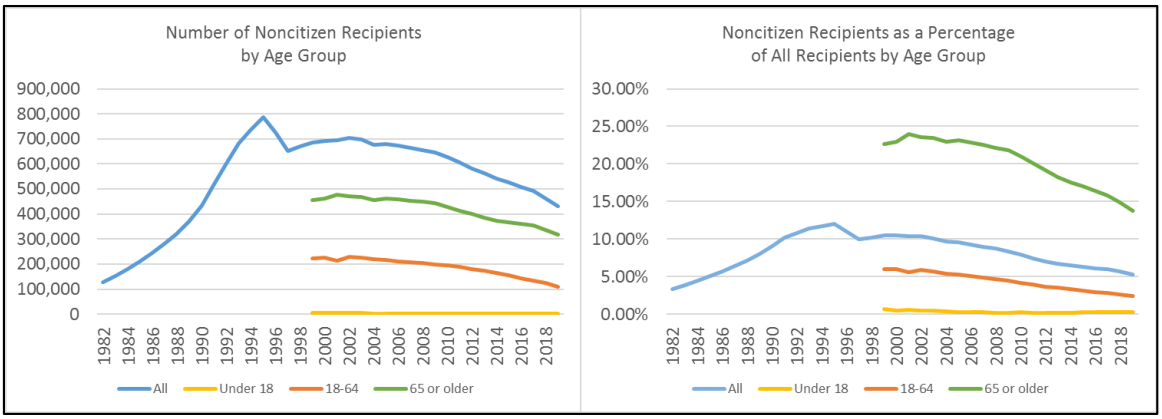
[132] Jennifer Van Hook, "Welfare Reform's Chilling Effects on Noncitizens: Changes in Noncitizen Welfare Recipiency or Shifts in Citizenship Status?" *Social Science Quarterly*, vol. 84, no. 3, September 2003, at https://www.jstor.org/stable/42955891.

[133] SSA now requires SSI recipients to report changes in citizenship or immigration status. See SSA, "Understanding Supplemental Security Income Reporting Responsibilities, 2020 Edition," at https://www.ssa.gov/ssi/text-report-ussi.htm.

> The passage of P.L. 104-193 in August 1996, and other legislative changes in 1996 and 1997 [associated with PRWORA], modified the eligibility requirements for SSI payment to people who were not citizens. In notifying the current recipients of these changes, SSA urged them to make the agency aware of changes in their citizenship status. In addition, SSA reviewed its various record systems to find information that would allow updating of citizenship status for some recipients. Thus, while there has been a drop in the number of noncitizens, many of these people continue to receive SSI payments. They just are no longer counted as noncitizens.[134]

The number of noncitizens receiving SSI rebounded slightly from 1998 through 2002, and then began a period of decline through 2019.[135] Individuals aged 65 or older remained the largest group of noncitizens receiving SSI throughout this period. In 2019, noncitizens accounted for 13.8% of all SSI recipients aged 65 or older, compared with 2.4% of SSI recipients aged 18 to 64 and 0.3% of SSI recipients under age 18. The declining percentage for those aged 18 to 64 may reflect PRWORA's eligibility limitations, such as the requirement for LPRs to have 40 qualifying quarters of work (or be credited with such qualifying quarters from an eligible spouse or parent). Historically, the number of noncitizens under age 18 receiving SSI has been small.[136]

Figure 1. Noncitizens Receiving SSI, by Age Group, 1982-2019



Source: CRS, based on data from SSA, *SSI Annual Statistical Report, 2019*, August 2020, Tables 4 and 29, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/index.html.

Notes: Data by age group are not consistently available prior to 1999.

Underlying the trends in the number of noncitizens receiving SSI are the trends in SSI applications from, and awards to, noncitizens. **Figure 2** displays the number of SSI applications from noncitizens, as well as noncitizen SSI applications as a percentage of all SSI applications (by age group when available) for 1982 through 2019. **Figure 3** presents the number of SSI

[134] Parrott, Kennedy, and Scott (1998), p. 17.

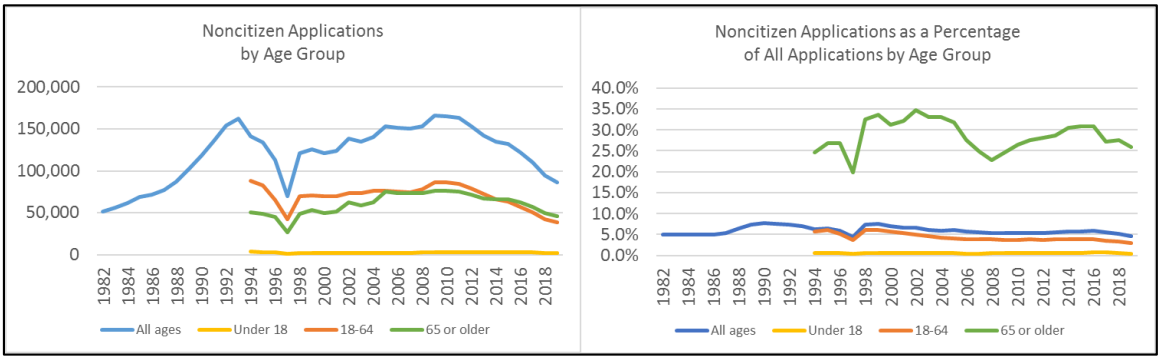
[135] In recent years, some of the decline may have been due to *chilling effects* in anticipation of the new public charge final rule, published by DHS on August 15, 2019. See, for example, the analysis by Jeanne Batalova, Michael Fix, and Mark Greenberg, "Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefits Use," *Migration Policy Institute*, June 2018, at https://www.migrationpolicy.org/sites/default/files/publications/ProposedPublicChargeRule-Final-Web.pdf. For more information, see the "Public Charge" section above.

[136] For estimates for 1990-1995, see Clark D. Pickett and Charles G. Scott, "Reinventing SSI Statistics: SSA's New Longitudinal File," *Social Security Bulletin*, vol. 59, no. 2, April 1996, Appendix Table C, at https://www.ssa.gov/policy/docs/ssb/v59n2/v59n2p31.pdf.

awards to noncitizens, along with noncitizen SSI awards as a percentage of all SSI awards, by age group, for 1994 through 2019.[137]

The applications data in **Figure 2** show sharp decreases from 1994 through 1997, most pronounced among applicants aged 18 to 64, but also evident for applicants aged 65 or older. Applications quickly rebounded in the late 1990s and continued to rise through 2010, after which they have steadily declined among noncitizens aged 18 to 64 and 65 or older. Applications from noncitizens aged 65 or older previously had accounted for as much as one-third of all SSI applications from individuals aged 65 or older. They accounted for 26.0% in 2019. SSI applications from noncitizens aged 18 to 64 have generally ranged from about 3% to about 6% of all SSI applications from individuals aged 18 to 64, and remained relatively stable from 2006 through 2018 before declining slightly in 2019. SSI applications from noncitizens under age 18 have been less than 1% of all SSI applications from individuals under age 18 for the entire 1994 to 2019 period.

Figure 2. Applications for SSI by Noncitizens, by Age Group, 1982-2019



Source: CRS, based on data from the following sources: For 1982-1993, Thomas M. Parrott, Lenna D. Kennedy, and Charles G. Scott, "Noncitizens and the Supplemental Security Income Program," *Social Security Bulletin*, vol. 61, no. 4, October 1998, Table 1, p. 17, at https://www.ssa.gov/policy/docs/ssb/v61n4/v61n4p3.pdf; for 1994-2019: SSA, *SSI Annual Statistical Report*, various years, applications section, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/index.html.

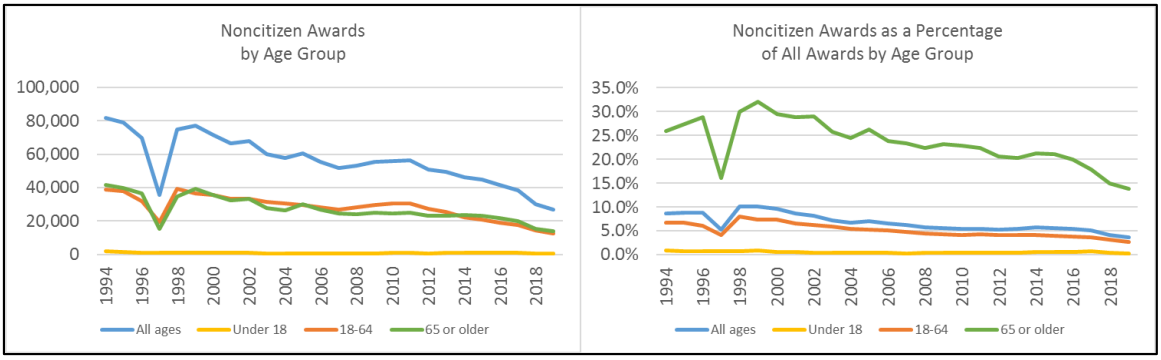
Notes: Data by age group are not available for 1982-1993.

The SSI awards data in **Figure 3** show the same sharp declines for 1994 through 1997, driven almost equally by declines among noncitizens aged 65 or older and noncitizens aged 18 to 64. Awards to both groups almost fully rebounded in 1998, followed by long steady declines through 2019. SSI awards to noncitizens aged 65 or older as a percentage of all SSI awards to individuals aged 65 or older have historically been larger than analogous measures for the 18 to 64 and under 18 age groups. SSI awards to noncitizens aged 65 or older as a percentage of all SSI awards to individuals aged 65 or older decreased from 32.1% in 1999 to 13.9% in 2019. SSI awards to noncitizens aged 18 to 64 as a percentage of all SSI awards to individuals aged 18 to 64 have also been gradually declining, from as high as 8.0% in 1998 to 2.7% in 2019. Historically, few SSI awards have been made to noncitizens under age 18.[138]

[137] Data on SSI applications from and awards to noncitizens *by age group* are not publicly available for years prior to 1994. Parrott, Kennedy, and Scott (1998) included data on all SSI *applications* from noncitizens going back to 1982, but did not include data on SSI applications from noncitizens by age group until 1994. They did not include data on SSI *awards* to noncitizens until 1994. This is why the time frame and age group details differ between **Figure 2** and **Figure 3**.

[138] For estimates for 1990-1995, see Clark D. Pickett and Charles G. Scott, "Reinventing SSI Statistics: SSA's New

Figure 3. SSI Awards to Noncitizens, by Age Group, 1994-2019



Source: CRS, based on data from SSA, *SSI Annual Statistical Report*, various years, awards section, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/index.html.

Longitudinal File," *Social Security Bulletin*, vol. 59, no. 2, April 1996, Appendix Table I, at https://www.ssa.gov/policy/docs/ssb/v59n2/v59n2p31.pdf. See also Lenna Kennedy and Jack Schmulowitz, "SSI Payments to Lawfully Resident Aliens, 1978-79," *Social Security Bulletin*, vol. 43, no. 3, March 1980, Table 1, at https://www.ssa.gov/policy/docs/ssb/v43n3/v43n3p3.pdf.

Appendix. Selected Resources on Noncitizen Eligibility for SSI

General Information

- Social Security Administration (SSA), "Spotlight on SSI Benefits for Aliens—2020 Edition," at https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm.
- SSA, *Supplemental Security Income (SSI) for Non-Citizens*, Publication No. 05-11051, September 2019, at https://www.ssa.gov/pubs/EN-05-11051.pdf.
- SSA, "Understanding Supplemental Security Income SSI Eligibility Requirements—2020 Edition," at https://ssa.gov/ssi/text-eligibility-ussi.htm.
- SSA, Office the Chief Actuary, *Annual Report of the Supplemental Security Income Program, 2020*, May 29, 2020, pp. 7-9 and 13-14, at https://www.ssa.gov/oact/ssir/SSI20/index.html.

Policy Manual

- SSA, Program Operations Manual System (POMS), "SI 00502.000 SSI Alien Eligibility," April 20, 2020, at https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502000.
- U.S. Department of Homeland Security, U. S. Citizenship and Immigration Services, *Appendix: Eligibility for Public Benefits*, at https://www.uscis.gov/sites/default/files/document/policy-manual-resources/Appendix-EligibilityforPublicBenefits.pdf.

Historical Background

- Thomas M. Parrott, Lenna D. Kennedy, and Charles G. Scott, "Noncitizens and the Supplemental Security Income Program," *Social Security Bulletin*, vol. 61, no. 4, October 1998, at https://www.ssa.gov/policy/docs/ssb/v61n4/v61n4p3.pdf.
- SSA, *Annual Statistical Supplement, 2020*, "Supplemental Security Income Program Description and Legislative History," pp. 19-20 and 23-24, at https://www.ssa.gov/policy/docs/statcomps/supplement/2020/ssi.html.
- SSA, Office of the Chief Actuary, *Annual Report of the Supplemental Security Income Program, 2020*, May 29, 2020, pp. 7-9 and 67-68, at https://www.ssa.gov/oact/ssir/SSI20/index.html.

Data

- SSA, *SSI Annual Statistical Report, 2019*, August 2020, Tables 6, 19, 29-33, 58-60, and 64-66, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/2019/index.html.

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