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Noncitizen Eligibility for Supplemental Security Income (SSI)

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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 eligible individuals with a guaranteed minimum income to meet their basic needs, such as food and shelter. SSI is commonly known as a program of last resort because individuals must first apply for certain other benefits for which they may be eligible. Cash assistance is provided only to those whose income and resources from all applicable sources (if any) are within prescribed limits. SSI is administered by the Social Security Administration but is not part of the Old-Age, Survivors, and Disability Insurance program, commonly known as Social Security.

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,
- Iraqi and Afghan special immigrants,
- human trafficking victims, and

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- certain Afghan and Ukrainian parolees.

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 2021 (the most recent month for which noncitizen SSI data are available), SSI issued payments to 365,714 noncitizens, representing 4.8% of the nearly 7.7 million SSI recipients overall. The average monthly SSI payment to noncitizens was \$503.75; the average monthly SSI payment to citizens was \$588.13. Over three-fourths (76.1%) of all noncitizens receiving SSI were aged 65 or older. Most noncitizen SSI recipients (60.3%) were female, and over half (54.6%) 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 2021. In December 2021, noncitizens comprised 12.1% of SSI recipients aged 65 or older, 2.0% of SSI recipients aged 18 to 64, and 0.2% of SSI recipients under 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 certain other benefits for which they may be eligible. Cash assistance is provided only to those whose income and resources from all applicable sources (if any) 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 which is expected to result in death or which has lasted, or is expected to last, for at least one full year.³ For children under age 18, *disabled* refers to a medically determinable physical or mental impairment that causes marked and severe functional limitations in age-appropriate childhood activities and which

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*.

³ The Social Security Administration (SSA) uses a monthly earnings threshold to determine substantial gainful activity. In general, disabled SSI applicants with countable earnings above \$1,470 per month in 2023 are considered to be engaging in substantial gainful activity. See SSA, Office of the Chief Actuary (OCACT), "Substantial Gainful Activity," <https://www.ssa.gov/oact/cola/sga.html>.

is expected to result in death or which has lasted, or is expected to last, for at least one full year. In addition, the child must not engage in substantial gainful activity.

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 2023, the FBR is \$914 per month for an individual and \$1,371 per month for a couple if both members are SSI eligible.⁴ 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).⁵ The countable resource limit is \$2,000 for an individual and \$3,000 for a couple.⁶

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.⁷ 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.⁸ 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 January 2023, SSI provided nearly \$5.3 billion in federally administered payments to approximately 7.6 million recipients.⁹ About one-third of all SSI recipients that month also received Social Security benefits.¹⁰

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 when examining noncitizen eligibility for public benefits:

⁴ SSA, OCACT, “SSI Federal Payment Amounts,” at <https://www.ssa.gov/oact/cola/SSIamts.html>

⁵ 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. The income exclusions are not adjusted for inflation.

⁶ In counting resources, SSI excludes the value of one's house, car, and household goods and personal effects. The countable resource limits are not adjusted for inflation.

⁷ SSI is not available to residents of Puerto Rico, Guam, the Virgin Islands, or American Samoa, regardless of their citizenship or immigration status.

⁸ See CRS In Focus IF10426, *Social Security Overview* and CRS Report R42035, *Social Security Primer*.

⁹ SSA, “Monthly Statistical Snapshot, January 2023,” February 2023, Table 3, at https://www.ssa.gov/policy/docs/quickfacts/stat_snapshot/.

¹⁰ SSA, “SSI Monthly Statistics, January 2023,” February 2023, Table 1, https://www.ssa.gov/policy/docs/statcomps/ssi_monthly/index.html.

- **Afghan parolees** are Afghan nationals¹¹ paroled into the United States between July 31, 2021, and September 30, 2023.¹²
- **American Indian** noncitizens refers to individuals who belong to a federally recognized tribe¹³ or who were born in Canada and have the right to cross the Canadian-U.S. border unhindered (so-called *Jay Treaty* Indians).¹⁴
- **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*).¹⁵
- **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.¹⁶
- **Deferred Action for Childhood Arrivals (DACA)** recipients are unauthorized childhood arrivals who have been granted renewable two-year protection from removal.¹⁷
- **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.¹⁸

¹¹ Or individuals with no nationality who last habitually resided in Afghanistan.

¹² Or those paroled after September 30, 2023, with a qualifying family connection (e.g., child, spouse, parent of specified individuals).

¹³ As defined in 25 U.S.C. §5304(e).

¹⁴ 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/>.

¹⁵ 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, 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).

¹⁶ 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>.

¹⁷ For more information, see CRS Report R45995, *Unauthorized Childhood Arrivals, DACA, and Related Legislation*.

¹⁸ For background information on Freely Associated States (FAS) migrants, see CRS Congressional Distribution

- **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.¹⁹
- **Lawful permanent residents (LPRs)** are foreign nationals permitted to live in the United States permanently (also referred to as *green card holders*).²⁰
- **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).²¹
- **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.²²
- **Refugees**²³ and **asylees**²⁴ 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.²⁵
- **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.²⁶
- **Ukrainian parolees** are Ukrainian nationals²⁷ paroled into the United States between February 24, 2022, and September 30, 2023.²⁸
- **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.

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*.

¹⁹ For more information, see CRS Report R43725, *Iraqi and Afghan Special Immigrant Visa Programs*.

²⁰ 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).

²¹ For more information, see CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*.

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

²³ For more information, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*.

²⁴ For more information, see CRS Report R45539, *Immigration: U.S. Asylum Policy*.

²⁵ 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).

²⁶ For more information, see CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure*.

²⁷ Or non-Ukrainian individuals who habitually resided in Ukraine.

²⁸ Or those individuals' spouses or unmarried children under the age of 21 who are paroled into the United States after September 30, 2023.

- **Victims of human trafficking**²⁹ 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;³⁰ they may apply for LPR status after three years.
- Certain foreign nationals present in the United States are granted **withholding of removal**³¹ 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.³²

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.

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 Act³³ 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*.³⁴ 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.³⁵ Section 1614(a)(1)(B) of the Social Security Act limits eligibility for SSI to U.S. citizens, LPRs,

²⁹ 22 U.S.C. §§7101 et seq.

³⁰ Victims of trafficking who have not received a T visa, but who 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>.

³¹ 8 U.S.C. §1231.

³² For more information, see CRS Report R45993, *Legalization Framework Under the Immigration and Nationality Act (INA)*.

³³ 42 U.S.C. §§1381 et seq.

³⁴ 8 U.S.C. §§1601 et seq.

³⁵ 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>.

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.³⁶

In 1980, lawmakers established provisions to limit SSI financial eligibility for noncitizens who have an immigration sponsor.³⁷ 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).³⁸ This process, known as *sponsor deeming*, applies for a three-year period after entry/grant of status.³⁹

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.”⁴⁰ 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.⁴¹ 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.”⁴² PRWORA exempts certain types of programs, usually thought of as emergency programs, from its noncitizen eligibility requirements.⁴³ Because SSI provides means-tested cash payments on the basis of age or disability, it is included in the definition of federal public benefit.

³⁶ 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.

³⁷ P.L. 96-265 §504.

³⁸ 42 U.S.C. §§1382c(f)(3) and 1382j.

³⁹ 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>.

⁴⁰ 8 U.S.C. §1601.

⁴¹ 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).

⁴² 8 U.S.C. §1611(c)(1).

⁴³ 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.

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.”⁴⁴ 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.⁴⁵ As a result, noncitizen eligibility for SSI is governed by PRWORA in most cases.⁴⁶ However, PRWORA exempts limited 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.⁴⁷

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”).

⁴⁴ 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*.

⁴⁵ Ibid.

⁴⁶ SSA, POMS, “SI 00502.100 Basic SSI Alien Eligibility Requirements,” July 25, 2019, at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502100>.

⁴⁷ Ibid.

Qualified Alien

PRWORA explicitly states that aliens, unless they are qualified aliens,⁴⁸ are ineligible for federal public benefits.⁴⁹ *Qualified aliens* are LPRs,⁵⁰ refugees,⁵¹ asylees,⁵² aliens paroled into the United States for at least one year,⁵³ and aliens granted withholding of removal.⁵⁴ 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.⁵⁵ The Balanced Budget Act of 1997 (BBA 97; P.L. 105-33) added Cuban-Haitian Entrants.⁵⁶ Qualified aliens are not automatically eligible for federal benefit programs; they are still subject to all eligibility and availability restrictions of a program.⁵⁷

Some groups of noncitizens qualify for federal benefit programs to the same extent as refugees and thus are effectively included in the definition of qualified alien. For example, 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 human trafficking eligible for benefits and services “under any Federal or State program” to the same extent as refugees.⁵⁸ 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.⁵⁹ Consequently, Iraqi and Afghan special immigrants may be eligible for SSI.

Congress has extended similar provisions for certain Afghan and Ukrainian parolees. After the elected Afghan government’s collapse and Taliban takeover in August 2021, Congress passed the

⁴⁸ PRWORA created the term *qualified alien*, which did not previously exist in immigration law (8 U.S.C. §1641[b]).

⁴⁹ 8 U.S.C. §1611(a).

⁵⁰ 8 U.S.C. §1641(b)(1).

⁵¹ 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*.

⁵² 8 U.S.C. §1641(b)(2).

⁵³ 8 U.S.C. §1641(b)(4).

⁵⁴ 8 U.S.C. §1641(b)(5).

⁵⁵ 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)).

⁵⁶ 8 U.S.C. §1641(b)(7).

⁵⁷ 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 In Focus IF11912, *Noncitizen Eligibility for Medicaid and CHIP*.

⁵⁸ P.L. 106-386, §107; 22 U.S.C. §7105(b)(1)(A).

⁵⁹ 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.

Extending Government Funding and Delivering Emergency Assistance Act (P.L. 117-43, Division C, §2502), which provided Afghan parolees with benefits to the same extent as refugees until March 31, 2023, or the end of their parole term, whichever is later. In response to Russia’s renewed invasion of Ukraine in February 2022, Congress passed the Additional Ukraine Supplemental Appropriations Act, 2022 (P.L. 117-128, Title IV, §401), which provided Ukrainian parolees with benefits to the same extent as refugees⁶⁰ until the end of their parole term. Thus, these groups of Afghan and Ukrainian parolees 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,⁶¹ 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.⁶² 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.⁶³

Exception Conditions for Qualified Aliens under SSI

PRWORA includes additional restrictions on noncitizen eligibility for certain federal public benefit programs, including SSI.⁶⁴ Although qualified aliens may be potentially eligible for most other programs, PRWORA states that qualified aliens are generally ineligible for SSI.⁶⁵ However, PRWORA allows qualified aliens to overcome this general prohibition on SSI eligibility if they meet the requirements of one of the applicable exceptions listed in PRWORA.⁶⁶ Consequently, noncitizens may be eligible for SSI if they are qualified aliens *and* meet a listed 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:

⁶⁰ With the exception of the initial resettlement program (i.e., the State Department’s Reception and Placement Program).

⁶¹ 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)).

⁶² 8 U.S.C. §1611(b)(5).

⁶³ 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>.

⁶⁴ 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), Medicaid, and the Social Services Block Grant (SSBG). PRWORA classifies SSI and SNAP as *specified federal programs* under 8 U.S.C. §1612(a)(3), and TANF, Medicaid, and SSBG as *designated federal programs* under 8 U.S.C. §1612(b)(3). For more information, see CRS Report R46510, *PRWORA’s Restrictions on Noncitizen Eligibility for Federal Public Benefits: Legal Issues*.

⁶⁵ 8 U.S.C. §1612(a)(1).

⁶⁶ 8 U.S.C. §1612(a)(2).

- LPRs with 40 qualifying quarters of work (see “40 Qualifying-Quarters Requirement for LPRs” for more information);⁶⁷
- 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);⁶⁸
- 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);⁶⁹
- qualified aliens who were lawfully residing in the United States on August 22, 1996, and are now blind or disabled;⁷⁰
- certain American Indians;⁷¹
- qualified aliens who are receiving SSI after July 1996 based on an application filed before January 1, 1979, and who meet certain other requirements;⁷² and
- qualified aliens in one of the following categories who acquired their status within seven years of filing for SSI (see the “Time-Limited Eligibility for Certain Humanitarian Groups (Seven-Year Limit)” section for more information):
 - refugees,⁷³
 - asylees,⁷⁴
 - aliens granted withholding of removal,⁷⁵
 - Cuban-Haitian Entrants,⁷⁶ or

⁶⁷ 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.

⁶⁸ 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>.

⁶⁹ 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>.

⁷⁰ 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>.

⁷¹ 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,” July 25, 2019, at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502105>.

⁷² 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>.

⁷³ 8 U.S.C. §1612(a)(2)(A)(i).

⁷⁴ 8 U.S.C. §1612(a)(2)(A)(ii).

⁷⁵ 8 U.S.C. §1612(a)(2)(A)(iii).

⁷⁶ 8 U.S.C. §1612(a)(2)(A)(iv).

- Amerasian immigrants.⁷⁷

Nonqualified aliens who were receiving SSI on August 22, 1996, are not required to meet an exception condition to be potentially eligible for SSI.⁷⁸

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.⁷⁹ A *qualifying quarter* is equivalent to a *Social Security quarter of coverage* (also known as a *Social Security credit*), but with two notable modifications.⁸⁰ First, qualifying quarters are based on earnings covered by Social Security as well as earnings *not covered* by Social Security.⁸¹ 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.⁸² 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 (i.e., the LPR, eligible spouse, or eligible parent) received an FMTPB⁸³ during the calendar quarter in which the qualifying quarter was earned.⁸⁴

⁷⁷ 8 U.S.C. §1612(a)(2)(A)(v).

⁷⁸ 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.

⁷⁹ 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.

⁸⁰ 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 2023, workers earn one credit for each \$1,640 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, “Social Security Credits,” at <https://www.ssa.gov/benefits/retirement/planner/credits.html>.

⁸¹ 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>. For more information on Social Security coverage, see CRS In Focus IF11824, *Social Security: Who Is Covered Under the Program?*.

⁸² 8 U.S.C. §§1612(a)(2)(B)(ii)(I) and 1645. Qualifying quarters earned by a biological parent, an adoptive parent, or a 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>.

⁸³ 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.”

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

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.⁸⁵ This *seven-year limit* applies to refugees, asylees, aliens granted withholding of removal, Cuban-Haitian Entrants, Amerasian immigrants, victims of trafficking, Iraqi and Afghan special immigrants, and Afghan and Ukrainian parolees. 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.⁸⁶

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.⁸⁷

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.⁸⁸ 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.”⁸⁹

In 2004, the George W. 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.⁹⁰ 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.

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.⁹¹ The following year, lawmakers

⁸⁵ 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>.

⁸⁶ 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.

⁸⁷ 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>.

⁸⁸ U.S. 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>.

⁸⁹ 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.

⁹⁰ 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.

⁹¹ 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-110hrg43762/pdf/CHRG->

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 FY2011.⁹² 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 FY2012.⁹³

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

Five-Year Bar on Eligibility for Certain Qualified Aliens

PRWORA includes additional restrictions on eligibility for *federal means-tested public benefits* (FMTPBs).⁹⁴ 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.⁹⁵ 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.⁹⁶ 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, Afghan and Ukrainian parolees, certain American Indians, qualified aliens who entered the United States before August 22, 1996, and qualified aliens with a military connection.⁹⁷

Most SSI-eligible groups are not subject to the five-year bar. The only SSI-eligible group that is subject to the five-year bar is LPRs who are within the five-year period after entry/grant of status and do not qualify as a member of another exempted group (e.g., those with a military connection). However, the practical effect of the five-year bar on such LPRs' SSI eligibility may be limited, because LPRs must also have at least 40 qualifying quarters to be eligible for SSI, which takes about 10 years (or twice as long) to obtain based solely on one's own work record. That said, the five-year bar may have a practical effect on such LPRs' SSI eligibility if they happen to satisfy the 40-qualifying quarter requirement before the end of the five-year period because they were, for example, credited with sufficient quarters based on the work record of an

110hrg43762.pdf.

⁹² 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," April 20, 2022, at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502301>.

⁹³ 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, *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>.

⁹⁴ 8 U.S.C. §1613. See CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*.

⁹⁵ 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>.

⁹⁶ 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).

⁹⁷ Refugees, asylees, aliens granted withholding of removal, Cuban/Haitian Entrants, Amerasian immigrants, victims of 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 five-year bar under 8 U.S.C. §1613(a).

eligible spouse or parent (see the “40 Qualifying-Quarters Requirement for LPRs” section) or worked for 10 years under another immigration status (e.g., an H-1B visa) before adjusting to LPR status.

SSI Eligibility by Immigration Category

Table 1 provides information on which immigration categories are potentially eligible for SSI and which categories are not (see the “Noncitizens and Immigration Categories” section). 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 Seven-Year Limit?	Additional Requirements or Other Information
Afghan parolees	Yes	Yes	—
American Indian noncitizens	Yes	No	Must belong to a federally recognized tribe or be a <i>Jay Treaty</i> 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	—	—
Parolees	Yes, in limited circumstances	No	(1) Eligible if parole granted for at least 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	—	—
Ukrainian parolees	Yes	Yes	—
Unauthorized immigrants	No	—	—
Victims of Human 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.

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 FMPBs 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.⁹⁸ These prospective LPRs are required to submit a legally enforceable affidavit of support when applying for an immigrant visa or *adjusting*⁹⁹ to LPR status.¹⁰⁰ An affidavit of support is a contract between the LPR applicant, the applicant’s petitioner (in most cases),¹⁰¹ and the government.¹⁰² The person who signs the affidavit of support becomes the *sponsor* of the alien and accepts financial responsibility for them.¹⁰³

⁹⁸ 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*.

⁹⁹ 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).

¹⁰⁰ 8 U.S.C. §1182(a)(4)(C) and (D).

¹⁰¹ 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>.

¹⁰² 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.

¹⁰³ Sponsors must be at least 18 years old and reside in the United States. They must also submit evidence that they can

Only the aforementioned noncitizens applying for LPR status require a U.S. sponsor. Other noncitizens—such as refugees, asylees, diversity immigrants,¹⁰⁴ 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.¹⁰⁵ *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.¹⁰⁶

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).¹⁰⁷ However, PRWORA exempts certain sponsored LPRs from its sponsor 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.¹⁰⁸

Because PRWORA does not specify the manner in which income and resources should be considered for purposes of sponsor deeming,¹⁰⁹ SSA uses the sponsor deeming methodology specified in Title XVI of the Social Security Act in implementing PRWORA’s sponsor deeming requirements.¹¹⁰ 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).¹¹¹

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 2023,” at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.

¹⁰⁴ For more information, see CRS Report R45973, *The Diversity Immigrant Visa Program*.

¹⁰⁵ 8 U.S.C. §1631.

¹⁰⁶ SSA sometimes refers to *sponsor deeming* as *sponsor-to-alien deeming*.

¹⁰⁷ 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.

¹⁰⁸ 8 U.S.C. §1631(e) and (f). See also SSA, POMS, “SI 00502.200 Sponsor-to-Alien Deeming (1996-1997 Legislation),” July 25, 2019, at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502200>.

¹⁰⁹ 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.medicare.gov/federal-policy-guidance/downloads/sho19004.pdf>.

¹¹⁰ Social Security Act, §1621(b) and (c); 42 U.S.C. §1382j(b) and (c).

¹¹¹ *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

In 2009, the Government Accountability Office (GAO) issued a report on the implementation of PRWORA's sponsor deeming requirements for selected FMTPBs, including SSI.¹¹² 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.¹¹³

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.¹¹⁴ In other words, if an alien receives an FMTPB, then the granting agency can seek reimbursement from the immigrant's sponsor.

SSA's policy guidance on sponsor reimbursement notes that the agency "has the authority to seek repayment from the sponsor for SSI benefits paid to the sponsored alien within the last 10 years."¹¹⁵ However, SSA will not seek repayment or refer the case to the Department of Justice if more than 10 years have passed from the month that the sponsored alien last received an SSI payment.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

Legally Enforceable/New Version Affidavit of Support (I-864)," July 13, 2021, 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)," July 25, 2019, at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0500502200>.

¹¹² 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/gao-09-375>.

¹¹³ *Ibid.*, p. 12.

¹¹⁴ 8 U.S.C. §1183a(b).

¹¹⁵ SSA, POMS, "SI 02220.065 Repayment by Alien Sponsors," August 12, 2022, at <https://secure.ssa.gov/poms.nsf/lnx/0502220065>.

¹¹⁶ *Ibid.*

¹¹⁷ 8 U.S.C. §1182(a)(4).

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.

From 1999-2019, agency guidance (formerly the Department of Justice’s Immigration and Naturalization Service, now the Department of Homeland Security’s (DHS’s) USCIS) 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.¹¹⁸ This guidance identified four types of assistance, including SSI, considered in public charge determinations. This definition was changed by an August 15, 2019, USCIS Final Rule,¹¹⁹ which expanded the list of public benefits considered in public charge determinations, keeping SSI on the list.¹²⁰ However, in September 2022, DHS published a new final rule codifying a definition of public charge that is similar to the 1999 guidance.¹²¹ In sum, the inclusion of SSI in public charge determinations has remained consistent and was not affected by the 2019 Final Rule or the reversal back to the 1999 guidance.¹²²

Data

This section of the report describes the characteristics of noncitizens receiving SSI payments in December 2021, the latest month for which data were available on noncitizen receipt of SSI 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, 365,714 noncitizens received an SSI payment in December 2021, representing 4.8% of the nearly 7.7 million SSI recipients overall.¹²³ The average SSI payment to noncitizens that month was \$503.75, compared with an average SSI payment to citizens of \$588.13.¹²⁴

Table 2 outlines the characteristics of noncitizens receiving SSI payments in December 2021. Over three-fourths (76.1%) were aged 65 or older, 23.3% were adults with disabilities aged 18 to 64, and 0.6% were children with disabilities under age 18. About three-fifths (60.3%) were

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, established in 2002, includes the agencies that are currently responsible for most federal immigration functions.

¹¹⁹ For more information on the 2019 final rule, see archived report, 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 DHS, USCIS, “Public Charge Ground of Inadmissibility,” 87 *Federal Register* 55472, September 9, 2022, at <https://www.federalregister.gov/documents/2022/09/09/2022-18867/public-charge-ground-of-inadmissibility>.

¹²² For more information, see CRS Insight IN11217, *Immigration: Public Charge 2022 Final Rule*.

¹²³ SSA, *SSI Annual Statistical Report, 2021*, September 2022, Table 29, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/2021/sect05.html#table29.

¹²⁴ SSA, *SSI Annual Statistical Report, 2021*, September 2022, Table 6, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/2021/sect02.html#table6.

female. Over half (54.6%) concurrently received a Social Security benefit and 1.0% reported earnings from work.

The top five states of residence among noncitizens receiving SSI in December 2021 were California (31.0%), Texas (14.6%), New York (12.6%), Florida (12.4%), and New Jersey (2.5%). In general, these five states have the largest foreign-born populations.¹²⁵ All other states combined accounted for the remaining 26.8% of noncitizens receiving SSI.¹²⁶

The top five countries of origin among noncitizens receiving SSI in December 2021 were Mexico (36.7%), Cuba (9.6%), Dominican Republic (7.4%), Vietnam (4.1%), and China (3.7%). All other countries of origin combined accounted for 38.5% of noncitizens receiving SSI.

Table 2. Characteristics of Noncitizens Receiving SSI Payments, December 2021

Characteristic	Number of Recipients	Percentage Distribution
Total	365,714	100.0
Age		
Under 18	2,111	0.6
18-64	85,191	23.3
65 or older	278,412	76.1
Gender		
Female	220,650	60.3
Male	145,064	39.7
Income Sources		
Social Security		
Yes	199,585	54.6
No	166,129	45.4
Earnings		
Yes	3,643	1.0
No	362,071	99.0
State of Residence		
California	113,369	31.0
Texas	53,413	14.6
New York	46,052	12.6
Florida	45,504	12.4
New Jersey	9,293	2.5
All Others	98,083	26.8
Country of Origin		
Mexico	134,091	36.7
Cuba	35,121	9.6

¹²⁵ Migration Policy Institute, “U.S. Immigrant Population by State and County, 2017-2021,” at <https://www.migrationpolicy.org/programs/data-hub/charts/us-immigrant-population-state-and-county>.

¹²⁶ Totals may not sum to 100% due to rounding.

Characteristic	Number of Recipients	Percentage Distribution
Dominican Republic	27,108	7.4
Vietnam	14,862	4.1
China	13,602	3.7
All Others	140,930	38.5

Source: CRS, based on data from Social Security Administration (SSA), *SSI Annual Statistical Report, 2021*, September 2022, Tables 30, 31, and 32, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/2021/sect05.html.

Notes: Percentage distributions may not sum to 100% due to rounding.

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 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

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.

¹²⁸ In December 2021, approximately 32,000 noncitizens in the humanitarian categories received SSI payments, representing almost 9% of all noncitizens receiving SSI payments and about 0.4% of all SSI recipients. See SSA, OCACT, *Annual Report of the Supplemental Security Income Program*, July 2022, p. 6, footnote 2, at <https://www.ssa.gov/oact/ssir/SSI22/ssi2022.pdf>.

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

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.

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

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)").

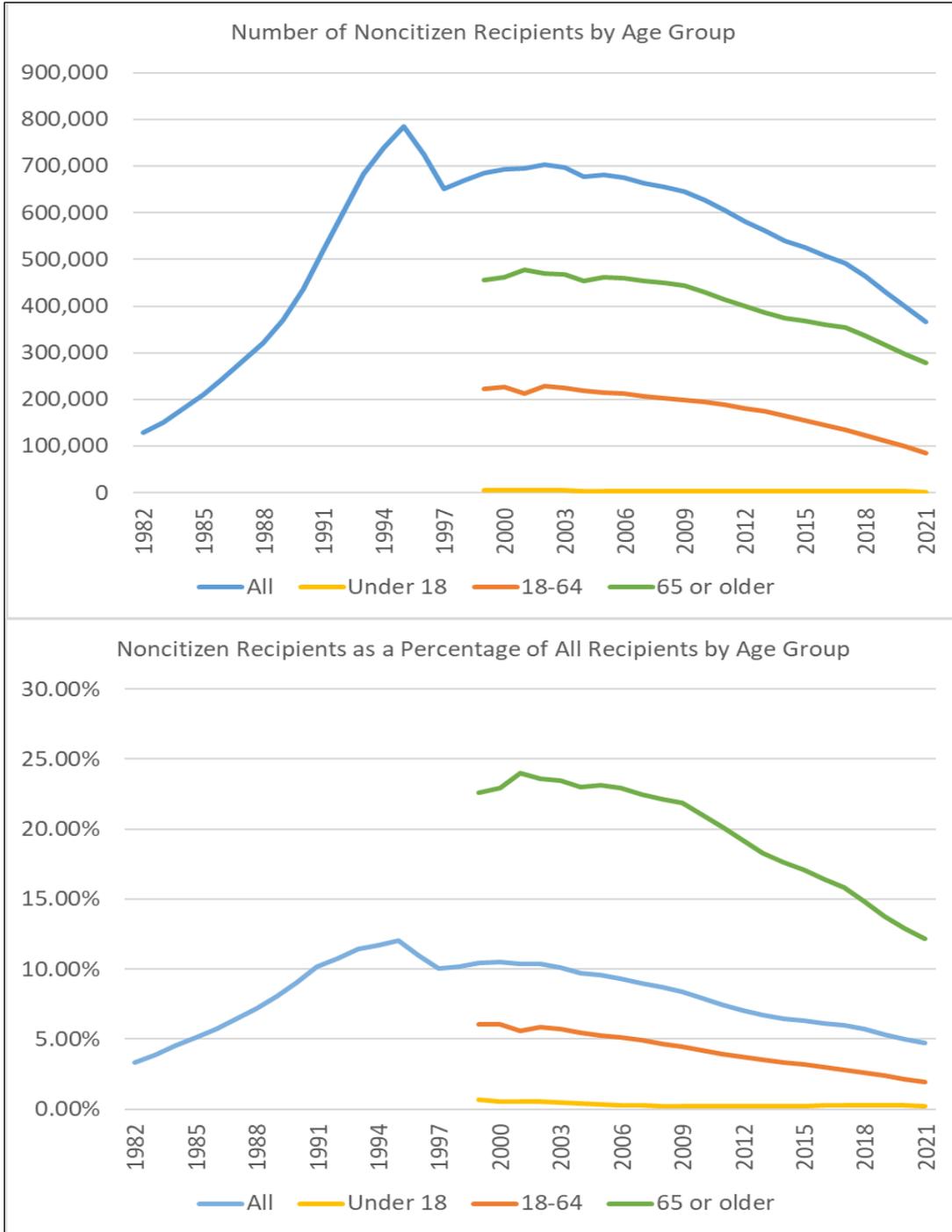
¹³¹ Jeanne Batalova, Michael Fix, and Mark Greenberg, "Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefits Use," *Migration Policy Institute*, June 2018, p. 14, at <https://www.migrationpolicy.org/sites/default/files/publications/ProposedPublicChargeRule-Final-Web.pdf>.

¹³² Jennifer Van Hook, "Welfare Reform's Chilling Effects on Noncitizens: Changes in Noncitizen Welfare Reciprocity 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>.

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

Figure I. Noncitizens Receiving SSI, by Age Group, 1982-2021



Source: CRS, based on data from SSA, *SSI Annual Statistical Report, 2021*, September 2022, Tables 4 and 29, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/2021/index.html.

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

The number of noncitizens receiving SSI rebounded slightly from 1998 through 2002, and then began a period of decline through 2021.¹³⁵ Individuals aged 65 or older remained the largest group of noncitizens receiving SSI throughout this period. In 2021, noncitizens accounted for 12.1% of all SSI recipients aged 65 or older, compared with 2.0% of SSI recipients aged 18 to 64 and 0.2% 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

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 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 steadily declined through 2020, particularly among noncitizens aged 18 to 64 and 65 or older. The notable decrease in SSI applications among noncitizens in 2020 may be attributable, in part, to SSA field office closures due to the COVID-19 pandemic and the overall associated decrease in SSI applications.¹³⁸

Applications among noncitizens aged 65 or older showed a marked increase in 2021 while applications among noncitizens under age 18 and aged 18 to 64 continued to decrease. 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 24.6% in 2021. Since 1982, 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 in 2019 through 2021. 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 2021 period.

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. An

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>.

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 GAO, *Social Security Administration: Remote Service Delivery Increased during COVID-19, but More Could Be Done to Assist Vulnerable Populations*, GAO-23-104650, November 2022, at <https://www.gao.gov/assets/gao-23-104650.pdf>.

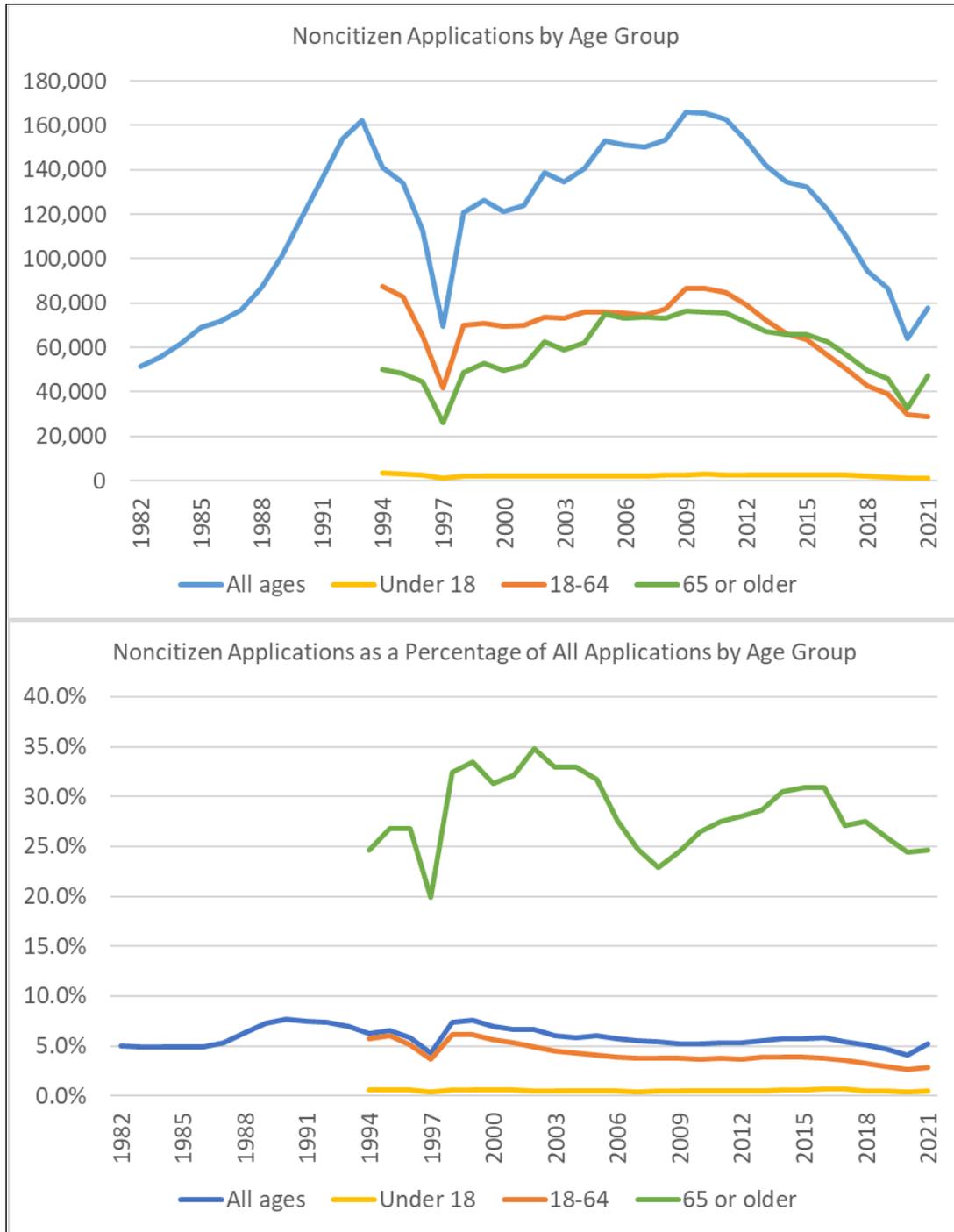
award is “an administrative determination that an individual is entitled to receive monthly benefits.”¹³⁹ Awards to both groups almost fully rebounded in 1998, followed by long-term declines through 2020. As with applications, part of the decrease in awards in 2020 may be attributable to SSA field office closures during the COVID-19 pandemic.¹⁴⁰ Although the number of SSI awards to noncitizens under age 18 and aged 18 to 64 decreased further in 2021, the number of SSI awards to noncitizens aged 65 or older increased in 2021, almost to its 2019 level. 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 12.8% in 2020 before rebounding to 14.4% in 2021. 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 8.0% in 1998 to 2.1% in 2021. Historically, few SSI awards have been made to noncitizens under age 18.¹⁴¹

¹³⁹ SSA, *SSI Annual Statistical Report, 2021*, September 2022, glossary, at https://www.ssa.gov/policy/docs/statcomps/ssi_asr/2021/glossary.html.

¹⁴⁰ *Ibid.*

¹⁴¹ 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 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>.

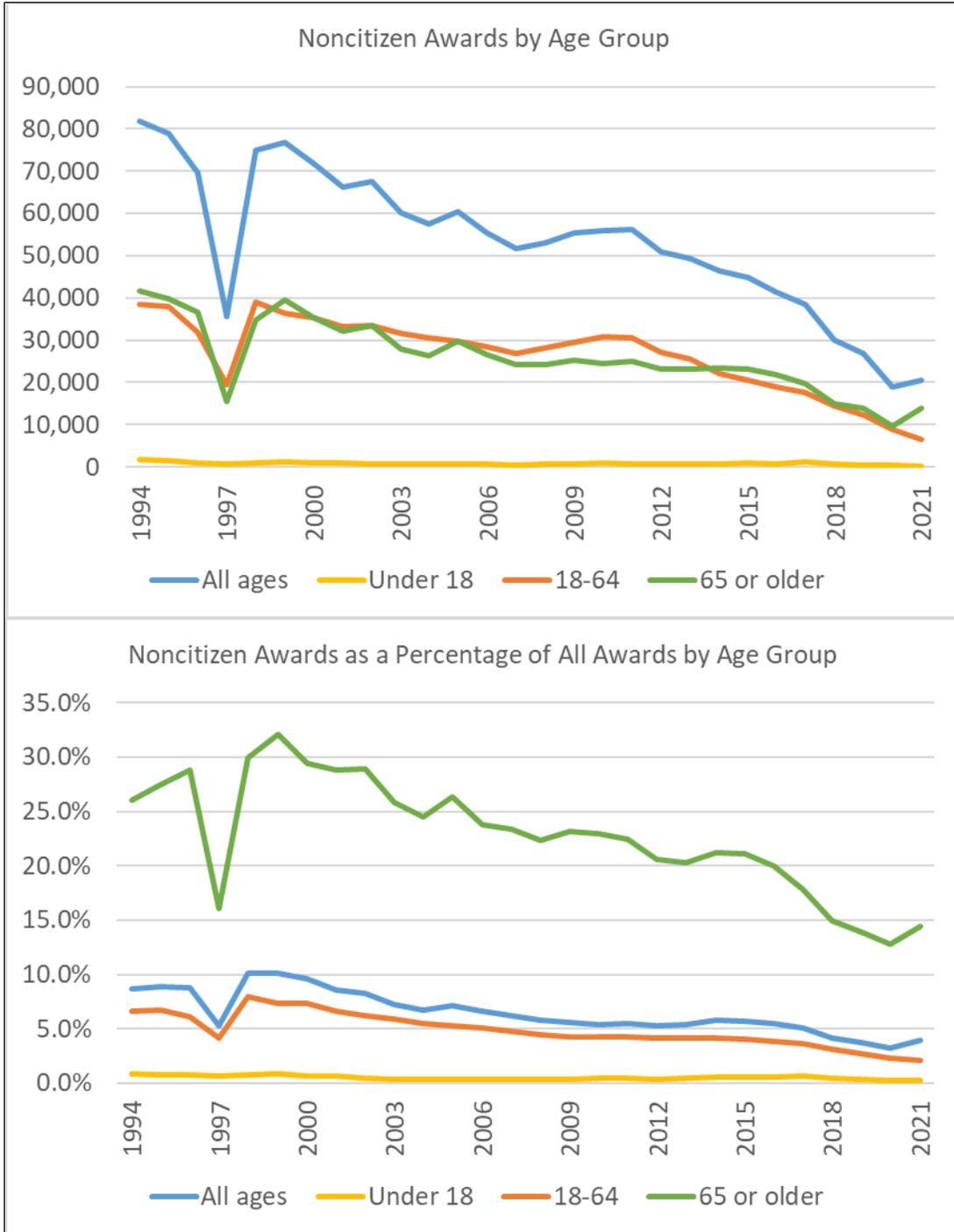
Figure 2. SSI Applications by Noncitizens, by Age Group, 1982-2021



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 I, p. 17, at <https://www.ssa.gov/policy/docs/ssb/v61n4/v61n4p3.pdf>; for 1994-2021: 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.

Figure 3. SSI Awards to Noncitizens, by Age Group, 1994-2021



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.

Appendix. Selected Resources on Noncitizen Eligibility for SSI

General Information

- Social Security Administration (SSA), “Spotlight on SSI Benefits for Aliens—2022 Edition,” at <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>.
- SSA, *Supplemental Security Income (SSI) for Non-Citizens*, Publication No. 05-11051, January 2023, at <https://www.ssa.gov/pubs/EN-05-11051.pdf>.
- SSA, “Understanding Supplemental Security Income SSI Eligibility Requirements—2022 Edition,” at <https://ssa.gov/ssi/text-eligibility-ussi.htm>.
- SSA, Office the Chief Actuary (OCACT), *Annual Report of the Supplemental Security Income Program, 2022*, July 8, 2022, pp. 6-8 and 12-13, at <https://www.ssa.gov/oact/ssir/SSI22/index.html>.
- SSA, Office of Legislation and Congressional Affairs (OLCA), *Congressional Update*, “Supplemental Security Income (SSI) Eligibility for Certain People from Afghanistan,” no. 9, April 2022. p. 1, at https://www.ssa.gov/legislation/Congressional_Update_April2022.pdf.
- SSA, OLCA, “President Signs H.R. 7691, the ‘Additional Ukraine Supplemental Appropriations Act of 2022,’” *Social Security Legislative Bulletin*, no. 117-9, June 8, 2022, at https://www.ssa.gov/legislation/legis_bulletin_052122.html.

Policy Manual

- SSA, Program Operations Manual System (POMS), “SI 00502.000 SSI Alien Eligibility,” July 13, 2021, 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

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