

***Part I: Legislative History of
Noncitizens' Eligibility for
Supplemental Security
Income Benefits, 1972-98***

Introduction

The Supplemental Security Income (SSI) program is a nationwide, means-tested public assistance program designed to provide a minimum floor of income to aged, blind, and disabled individuals whose incomes and resources are below levels specified in Title XVI of the Social Security Act. SSI is administered by the Social Security Administration (SSA). To be eligible for SSI, an individual must be a resident of the United States and a U.S. citizen, a U.S. national, or a *qualified alien*¹ in an SSI-eligible noncitizen category.²

Currently, a noncitizen may be eligible for SSI if he or she was an SSI beneficiary on August 22, 1996, or is a *qualified alien* who is a disabled or blind individual who was not receiving SSI but who was lawfully residing in the United States on August 22, 1996. A noncitizen also may be eligible for SSI if he or she is:

- a refugee under section 207 of the Immigration and Nationality Act (INA) (during the 7 years after being admitted as a refugee);
- an asylee under section 208 of the INA (during the 7 years after asylum was granted);
- a noncitizen who has had deportation or removal withheld under INA sections 243(h) or 241(b)(3) (during the 7 years after deportation or removal was withheld);
- an Amerasian immigrant (during the 7 years after entry);
- a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (during the 7 years after status was granted);

***Noncitizens and the Supplemental Security
Income Program***

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The Supplemental Security Income (SSI) program, established by the Social Security Amendments of 1972 (Public Law 92-603), was designed to provide cash assistance to needy aged, blind, and disabled citizens, and noncitizens lawfully admitted for permanent residence or permanently residing under color of law. Since then, this means-tested program has undergone many legislative changes that affect the eligibility status of noncitizens. This article, presented in three parts, discusses the legislative history of noncitizen eligibility, and details relevant laws enacted since the program's inception; provides current data on the trends and changes of the noncitizen population; and describes the larger population of foreign-born SSI recipients, of which the noncitizens are a part. Data on the number of SSI recipients born abroad but who had become citizens before applying for SSI payments were not previously available. Analytical data are from the Supplemental Security Record (SSR) matched to the Social Security Number Identification (Numident) file.

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- a *qualified alien* who is an active duty Armed Forces personnel or honorably discharged veteran and his or her spouse and dependent children;³ or
- a lawfully admitted permanent resident who has earned 40 qualifying quarters of coverage.⁴ In addition, a child would be credited with all quarters of coverage earned by his or her parent while the child was under age 18, and a married individual (including widow(er)) would be credited with all quarters of coverage earned by his or her spouse during the marriage.

However, a noncitizen otherwise eligible for SSI who has an immigration sponsor and who recently entered the country with a legally enforceable affidavit of support (as required by the Immigration and Naturalization Service (INS)), generally is not eligible for SSI because his or her sponsor's income and resources are considered to be the noncitizen's for purposes of the SSI means-test. Accordingly, the noncitizen generally would not meet the income and resource requirement of the SSI program. This attribution of the sponsor's income and resources to the noncitizen is referred to as *deeming*. Deeming continues until the noncitizen becomes a U.S. citizen, or earlier, if he or she earns 40 qualifying quarters or can be credited with 40 qualifying quarters from a spouse's or parent's work. Exceptions to deeming are made in cases in which the sponsored noncitizen is indigent or when a sponsored noncitizen or his or her child or parent has been battered or subjected to extreme cruelty. If a sponsored noncitizen receives any means-tested public benefits during the deeming period, the sponsor is liable for repayment of the benefits and subject to legal action if benefits are not repayed.

These noncitizen SSI-eligible categories are significantly more restrictive than previous law and came about after years of protracted and often controversial congressional debate. Similar restrictions on the eligibility of noncitizens also apply in other Federal and federally assisted programs—Food Stamp, Medicaid, Temporary Assistance for Needy Families (TANF, formerly Aid to Families with Dependent Children (AFDC)), and social services block grants. Although this article focuses on the SSI program, the effects of the noncitizen restrictions on the other programs have been equally significant.

In enacting the current restrictions on noncitizens, Congress stated that:⁵

- Despite the principle of self-sufficiency, aliens have been applying for and receiving public benefits from Federal, state, and local governments at increasing rates.⁶
- Current eligibility rules for public assistance and unenforceable financial support agreements have proved wholly incapable of assuring that aliens not burden the public benefits system.
- It is a compelling government interest to enact new rules for eligibility and sponsorship agreements in order to assure that aliens be self-reliant in accordance with national immigration policy.
- It is a compelling government interest to remove the

incentive for illegal immigration provided by the availability of public benefits.

Although these concerns were the impetus for the relatively recent changes in noncitizen eligibility for public assistance, the over-arching issues surrounding the changes are not new. Even before the SSI program began, controversy existed over noncitizen eligibility for public assistance and the responsibility of immigration sponsors. Part I of this article examines these issues with regard to the SSI program by describing briefly various pieces of legislation that addressed the issues, culminating in the most significant legislative changes in noncitizen SSI eligibility in the nearly two and one-half decades of the program's existence. These changes occurred in three historic pieces of legislation—the Welfare Reform Act of 1996, the Immigration Reform Act of 1996, and the Balanced Budget Act of 1997. Another significant piece of legislation, enacted in 1998, ensured that all noncitizens who were dependent on SSI when welfare reform was enacted would continue to be eligible for benefits.

Original SSI Legislation, 1971-72

The SSI program, established by P.L. 92-603, the Social Security Amendments of 1972, represented an historic reversal of the Federal and state roles with regard to providing cash assistance to needy aged, blind, and disabled individuals. The predecessor programs—Old-Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled—were essentially state programs despite substantial levels of Federal financing. Each state was responsible for deciding its own eligibility standards and how much beneficiaries would get based on general, broad Federal guidelines. SSI replaced these state programs with federally administered, nationally uniform eligibility criteria and benefit amounts.

Federal law for the state adult assistance programs did not specify whether noncitizens were eligible for assistance. However, as a result of Supreme Court rulings, states were required to provide assistance benefits to *resident aliens* on the same basis as they provided benefits to U.S. citizens.⁷

The original SSI legislation, H.R. 1, as passed by the House on June 22, 1971, and reported by the Senate Finance Committee, provided that the only noncitizens who would be eligible for SSI benefits would be those who were *lawfully admitted for permanent residence*. (This category of noncitizens will be referred to in the remainder of the article as LPR.) Such individuals are those admitted to permanently reside in the United States with immigration visas.

During consideration of H.R. 1 on the Senate floor, Senator Chiles (D., FL) introduced two amendments expanding noncitizen eligibility for SSI. The first provided that noncitizens who were *permanently residing under color of law* (hereafter referred to as PRUCOL) could be eligible under the new Federal benefit program. The second amendment loosely defined the term PRUCOL by mentioning INA sections relating to refugees and immigration parolees.⁸ These amendments were adopted.

The Social Security Amendments of 1972, enacted on October 30, 1972, provided that noncitizens who were LPR or PRUCOL would be eligible for SSI benefits.⁹ Individuals illegally present in the United States and those admitted only for temporary residence were not eligible for SSI benefits. Despite the clarification of PRUCOL offered by Senator Chiles, the debate over the issue of which categories of noncitizens should be eligible for SSI would continue for the next 25 years.

Early Concerns About Noncitizens' Eligibility for SSI and Addressing the Concerns, 1974-78

Soon after the SSI program began in January 1974, concerns were raised about the issue of newly arrived noncitizens being eligible for SSI. Some members of the public and Congress believed that the SSI program was being abused by noncitizens who gained entry into the country with the intention of receiving public assistance despite pledges made by relatives or friends agreeing to provide financial support.

In July 1975, the General Accounting Office (GAO) reported that large expenditures of Federal and state tax money—including SSI—had been made to support immigrants and their families within 5 years after their entry into the United States.¹⁰ GAO recommended that Congress make sponsors' promises to support immigrants legally binding and to clearly define the term *public charge* to include the receipt of public assistance.^{11,12}

The first significant piece of legislation that addressed the issue of restricting public assistance for newly arrived immigrants was H.R. 7200, the Public Assistance Amendments of 1977, which passed the House on June 14, 1977. A provision in the House-passed bill would have required that the income and resources of the sponsor to be attributed (or *deemed*) to the noncitizen for a 3-year period for which the sponsor had pledged support.

In November 1977, the Senate Finance Committee replaced the House deeming provision with a provision under which a person would be considered a public charge and therefore subject to deportation for purposes of the INA if he or she received cash assistance under any Federal or state needs-based public assistance program.

A vote on H.R. 7200 was never taken on the Senate floor but the issues would resurface in the next Congress, and access to public assistance for newly arrived noncitizens and the sponsors' obligation to them and the taxpayers would remain contested issues for many years.

Sponsor-To-Immigrant Deeming, 1979-80

The Carter Administration's 1979 welfare reform proposals that were sent to Congress on June 5, 1979, included a provision that would have made a sponsor's affidavit of support a legally binding contract for 5 years, authorized legal action to secure reimbursement of public assistance paid to newly arrived noncitizens, and provided that noncitizens who received

unreimbursed public assistance would be regarded as public charges and subject to deportation.¹³

The Administration's proposal was introduced as H.R. 4321, the Social Welfare Reform Amendments of 1979, but reported out of the House Ways and Means Subcommittee on Public Assistance and Unemployment Compensation as H.R. 4904. The Subcommittee replaced the Administration's provision with a provision similar to the one in the House-passed H.R. 7200. The provision would, for SSI purposes only, have deemed the income and resources of a sponsor to the noncitizen for the length of the support agreement, or for up to 3 years unless deeming would result in a situation in which the sponsored immigrant would be left destitute. The Committee report clarified the purpose of the deeming provision in H.R. 4904.¹⁴

[I]t is not the intent of this section to shift the responsibility for meeting the financial needs of aged, blind or disabled noncitizens to state or local governments. Neither is it the intent to establish SSI policy contrary to one of the cornerstones of the Immigration and Nationality Act; i.e., encouraging the reunification of families. Instead, the intent is to prevent abuse of the SSI program which could have a deleterious effect on the public's acceptance of the Supplemental Security Income program.

H.R. 4904, passed the House on November 7, 1979. It was not taken up by the Senate.

However, during the same time period, the Senate was considering another piece of House-passed legislation—H.R. 3236, the Social Security Disability Amendments of 1980—that would make changes in the SSI and Social Security disability programs. As sent to the Senate, H.R. 3236 did not include any noncitizens provisions.

During its markup of H.R. 3236, the Senate Finance Committee added a provision requiring noncitizens to reside in the United States for 3 years before becoming eligible for SSI. The 3-year ban would not have applied to refugees or to noncitizens who became blind or disabled after their entry into the United States. H.R. 3236 passed the Senate on January 31, 1980.

House and Senate conferees on H.R. 3236 agreed to a variation of the House-passed SSI deeming provision that had been in H.R. 4904. The conference provision would deem a sponsor's income and resources to the noncitizen for the 3-year period following the noncitizen's arrival. An amount of the sponsor's income representing specific allocations for him- or herself and his or her dependents would be exempted from deeming. In addition, the noncitizen would be responsible for obtaining information on a sponsor's income and resources and could be denied SSI eligibility for failing to provide the information. Noncitizens and sponsors would be held jointly liable for any overpayment during the 3-year period resulting from incorrect information furnished to SSA. Exceptions to deeming were made for persons who became blind or disabled after their entry to the United States, refugees, asylees, and certain parolees.

On June 9, 1980, President Carter signed H.R. 3236, which became P.L. 96-265. The sponsor-to-immigrant deeming provision was effective with respect to applications for SSI benefits filed after September 30, 1980.¹⁵

Thus, more than 6½ years after the beginning of the SSI program, Congress took the first steps toward reconciling immigration and welfare policy differences by placing restrictions on the SSI eligibility of LPRs.¹⁶ The next change in SSI eligibility for noncitizens was dictated by the courts, not the Congress, and resulted in an expansion of the categories of noncitizens who would become eligible for SSI.

Efforts To Define PRUCOL, 1985-90

As described earlier, the original SSI legislation provided that noncitizens could be eligible for SSI, assuming they meet all other eligibility requirements, if they were LPR or PRUCOL. Unlike LPR status, PRUCOL was not a specific immigration status but rather a term that was used in the SSI statute that originally included noncitizens who held refugee or parole status. PRUCOL status had been defined in SSI regulations to include not only refugees and parolees, but also six other immigration statuses.¹⁷ However, as a result of the August 1985 court decision, the meaning of the term PRUCOL was redefined and noncitizen eligibility for SSI was expanded.

In the case of *Berger v. Heckler*, the U.S. Court of Appeals for the Second Circuit interpreted PRUCOL for the SSI program to include 15 specific categories of noncitizens and also provided the general principle that noncitizens are PRUCOL if the INS knows of and permits their presence in the country and *does not contemplate enforcing* their departure.¹⁸ The *Berger* decision interpreted the phrase *does not contemplate enforcing* to include noncitizens for whom the policy or practice of the INS was not to enforce their departure as well as noncitizens who INS was otherwise permitting to reside in the United States indefinitely.

Almost immediately after the Court's decision, SSA and the Department of Health and Human Services, recognizing that the court-expanded definition of PRUCOL would result in SSI eligibility for a large number of noncitizens, including certain previously undocumented noncitizens, began developing a proposal that would define the term PRUCOL as used in the Social Security Act to include only noncitizens in specified immigration statuses by means of explicit references to the INA. Such a uniform definition was offered in June 1986 by the Reagan Administration in connection with H.R. 3810, the Immigration Control and Legalization Amendments Act of 1986, which was then being considered in the House.¹⁹ This PRUCOL definition proposal was not included in H.R. 3810 as enacted.

Nonetheless, SSA and HHS continued pursuing legislation that would establish a uniform definition of PRUCOL for the SSI, AFDC, and Medicaid programs. There were difficulties both in getting complete agreement between the Federal Departments as to which immigration categories should be

covered and an appropriate legislative vehicle for the proposed definition.

Eight years later, when the Republicans gained a majority in Congress, noncitizen eligibility for public assistance—including SSI—became a major point of controversy in the ever burgeoning debate on welfare reform. However, before then, a temporary change was made to the sponsor-to-immigrant deeming provision that had little to do with the issue of SSI eligibility for noncitizens.

Temporary Deeming Extension, 1993

The deeming of the immigration sponsor's income and resources to the sponsored noncitizen required in P.L. 96-265 provided a 3-year deeming period beginning the date the noncitizen entered the United States.

On November 24, 1993, President Clinton signed H.R. 3167, the Unemployment Compensation Amendments of 1993.²⁰ The bill included a provision that temporarily extended the SSI deeming period from 3 years to 5 years for all persons except those on the SSI rolls who had already completed their 3-year deeming period. As enacted, the provision was temporary, in effect from January 1, 1994 to September 30, 1996.

The purpose of the provision was to fund emergency unemployment compensation benefits, which were being extended to long-term unemployed workers. There was no rationale for, nor consideration of, extending deeming with regard to SSI program or immigration policy purposes. The 5-year deeming period is mentioned here because it would be considered again during the upcoming debate on welfare reform.

Debate on Welfare Reform, 1994-95

Clinton Administration 1994 Welfare Reform Proposals

In keeping with his pledge to end "welfare as we know it," President Clinton sent a draft bill, the Work and Responsibility Act of 1994, to Congress on June 21, 1994. The bill contained a comprehensive welfare reform plan that would establish a new family welfare program with time-limited and transitional assistance, prepare individuals for and require employment, prevent welfare dependency, and overhaul the child support enforcement programs. Included in the draft bill were provisions relating to SSI eligibility for noncitizens.²¹

The Administration's proposal would have provided SSI eligibility for noncitizens who were:

- LPRs;
- lawful temporary residents;
- refugees;
- asylees; and
- noncitizens who had their deportations withheld or suspended.

In addition, SSI eligibility would have been provided to noncitizens who were within a class whose presence in the country served a humanitarian or other compelling public interest as determined by the Attorney General and with respect to whom the Secretary of HHS determined that such interest would be further served by not barring their eligibility for SSI.

Deeming also would have been modified by making permanent the then-temporary 5-year deeming period and providing that sponsor-to-immigrant deeming would not apply in cases in which the Secretary of HHS determined it would be inequitable or in cases in which the sponsor received SSI or AFDC benefits. After the 5-year deeming period, and until the noncitizen became a U.S. citizen, a noncitizen's SSI eligibility would hinge on whether his or her sponsor's annual income exceeded the U.S. median income for all families. If the income threshold was exceeded, the noncitizen would not be eligible for SSI. Both the eligibility and deeming provision would have affected only noncitizens who applied for SSI after enactment.

In July 1994, the Ways and Means Committee held hearings on the Administration's proposals and included several of the Medicaid, AFDC, and child support enforcement provisions in its bill, H.R. 5252, the Social Security Act Amendments of 1994, which was enacted on October 31, 1994, as P.L. 103-432. H.R. 5252 did not include provisions affecting noncitizens.

House Action on H.R. 4.—On January 4, 1995, Congress convened with a Republican majority in both the House and Senate for the first time in 40 years. On that opening day of the 104th Congress, several major pieces of legislation were introduced that were intended to carry out the Contract With America, a document that was used during the 1994 congressional campaign outlining the Republican legislative agenda.

One of those bills, H.R. 4, the Personal Responsibility Act of 1995, was designed to overhaul the Nation's welfare system. Under the bill, SSI eligibility would have been provided only to noncitizens who were LPRs aged 75 or older who had been in the United States for 5 years and refugees for their first 5 years in the United States.²² Noncitizens on the SSI rolls who would not have met the aged or refugee exceptions would remain eligible for 1 year, after which they would become ineligible. Benefits for all other noncitizens would have been prohibited.

On January 27, 1995, the House Ways and Means Committee's Subcommittee on Human Resources held a hearing on changing the eligibility criteria for the SSI program and heard from GAO about the growth in noncitizens receiving SSI benefits. GAO testified that:

The numbers of legal immigrants in the SSI aged program and the SSI disabled program have increased dramatically. In 1982, 6 percent of all SSI aged recipients were immigrants; by 1993, 28 percent were immigrants. Immigrants constitute a much smaller percentage of SSI disabled recipients—about 6 percent in 1993, having increased from less than 2 percent in 1982. If the historical growth rate in the number of legal immigrants on SSI continues, the number could reach nearly 2 million by the year 2000.^{23,24}

A GAO report issued less than a week later stated that:

Overall, immigrants as a group are more likely than citizens to be receiving SSI or AFDC benefits. Based on CPS [Current Population Survey] data, immigrants receiving SSI or AFDC represented about 6 percent of all immigrants in 1993; in contrast, about 3.4 percent of citizens received such assistance.²⁵

Having this information from GAO in hand, the Human Resources Subcommittee held hearings on the public assistance provisions in H.R. 4 on February 2 and 7, 1995. On February 13, the day of the Subcommittee's markup of H.R. 4, the Secretary of HHS, Donna E. Shalala, sent a letter to Representative Shaw (R., FL), the Chairman of the Subcommittee, providing the Administration's views on the provisions in H.R. 4. With regard to noncitizens, Secretary Shalala said:

The Administration strongly believes that illegal aliens should not be eligible for government welfare support. But the blanket prohibition of all benefits to legal immigrants who are not yet citizens is too broad, and would shift substantial burdens to state and local taxpayers. These legal immigrants are required to pay taxes. Many serve in the armed forces, and contribute to their communities. The Administration strongly favors a more focused approach of holding sponsors accountable for those they bring into this country and making the sponsors' commitment of support a legally binding contract.

During the Subcommittee's markup, two amendments that were intended to address the Administration's concerns were defeated.²⁶ On February 15, the Subcommittee forwarded the bill to the Ways and Means Committee with the provisions relating to noncitizens unchanged.

The full Ways and Means Committee began its markup of H.R. 4 on March 2, and on March 8 reported a clean bill, H.R. 1214, which included the welfare reform proposals that were based on H.R. 4. In addition to the exceptions in H.R. 4 as introduced, H.R. 1214 included an exception that would have permitted SSI eligibility for noncitizens who were active duty U.S. military personnel, honorably discharged veterans, and their spouses and unmarried children. Also included was a provision that would require sponsor-to-immigrant deeming until the noncitizen became a U.S. citizen. On March 21, the full House began deliberations on H.R. 4, and on March 22, voted to insert the text of H.R. 1214 into H.R. 4. The Administration again stated its opposition to the bill, in part due to the provisions affecting noncitizens.²⁷

A floor amendment, introduced by Representatives Ros-Lehtinen (R., FL) and Diaz-Balart (R., FL) and adopted, provided one final exception to the House provisions relating to noncitizens. Under the amendment, LPRs who were unable to take the INS naturalization examination because of physical or mental impairment or developmental disability could be eligible for SSI. H.R. 4 passed the House on March 24, 1995, by a vote of 234-199.

In summary, the House-passed bill would have prohibited SSI eligibility for noncitizens, with the following exceptions:

- refugees for the first 5 years after their entry;
- LPRs aged 75 or older who had resided in the United States for at least 5 years;
- LPRs who could not take the naturalization test because of physical or mental impairments; and
- LPRs on active military duty, honorably discharged veterans, and their spouses and children.

Noncitizens on the SSI rolls who would not meet any of these exceptions could have remained eligible for SSI for 1 year after enactment. Also, sponsor-to-immigrant deeming would have applied until citizenship, and affidavits of support would have been made legally binding.

Senate Action on H.R. 4.—H.R. 4 was received in the Senate on March 29, 1995, and referred to the Finance Committee, which held a hearing on the bill on April 27. On May 26, the Committee approved a welfare reform bill entitled The Family Self-Sufficiency Act. On June 8, the Committee officially reported bill language that replaced in full the House-passed language in H.R. 4. With regard to the noncitizens provisions, there were significant differences with the House bill.

The Senate Finance Committee's bill provided generally that noncitizens would have been ineligible for SSI except for:

- refugees (but only for 5 years after entry);
- asylees (for 5 years after entry);
- noncitizens whose deportations had been withheld (for 5 years after entry);
- LPR honorably discharged veterans, their spouses, and unmarried children; and
- noncitizens who had worked sufficient quarters of coverage for Social Security benefits.

Noncitizens on the SSI rolls who would not have met the new noncitizen eligibility criteria could have remained eligible until December 31, 1996.

The Senate Finance Committee also took a different approach than the House bill with regard to sponsor-to-immigrant deeming. Deeming would be extended for 5 years, or for the length of time specified in the affidavit of support, whichever was longer, even if the noncitizen became a U.S. citizen before the end of the deeming period.²⁸

Full Senate consideration of H.R. 4 began on August 5, 1995, and lasted for 12 days.²⁹ Senator Dole (R., KS), the Majority Leader, proposed an amendment, which was agreed to by unanimous consent, that would replace the full text of the language in the Senate Finance Committee bill and was intended as a compromise on many of the wider-ranging issues in H.R. 4. It made no changes in the SSI noncitizen eligibility provisions, but significant changes in deeming.

Under the Dole substitute, sponsor-to-immigrant deeming in the SSI program would be repealed and a new deeming provision would apply to any sponsored individual for all needs-based federally funded assistance programs during the period that the affidavit of support was in effect. The amendment also would have established new legally enforceable affidavits of support. All affidavits of support entered into, beginning 90 days after enactment, would be required to include the sponsor's agreement to support the individual until he or she worked 40 quarters in the United States, even if the individual became a U.S. citizen before then.

The Dole amendment also included a provision that would have required a determination by SSA of the noncitizens' ability to provide themselves with food and shelter in the absence of SSI benefits, taking into account their other income, including sponsors' contributions. If they were not able to do so, only the amount of the sponsors' income actually provided them would have been deemed.

In addition to the Dole amendment, two other amendments relating to SSI eligibility for noncitizens were adopted during the Senate debate. The first, sponsored by Senator Gramm (R., TX), would have prohibited public assistance eligibility for 5 years for LPRs who entered the country after enactment. Senator Wellstone (D., MN) introduced the second amendment, which would have provided SSI eligibility to noncitizens who had been battered or subjected to extreme cruelty. H.R. 4 passed the Senate on September 19, 1995, by a vote of 87-12.

In summary, the Senate-passed bill prohibited SSI eligibility for noncitizens, with the following exceptions:

- refugees, asylees, and noncitizens who had their deportations withheld (eligibility limited to the first 5 years after their entry);
- honorably discharged veterans and their spouses and dependent children lawfully living in the United States; and
- noncitizens who had worked sufficient quarters of coverage to be fully insured for Social Security benefits.

Noncitizens on the SSI rolls who would not meet any of these exceptions could have remained eligible for SSI for 1 year after enactment.

Also, any noncitizen who entered the country after the date of enactment would be barred from public assistance eligibility for 5 years unless they entered as a refugee, asylee, had their deportation withheld, or were a veteran or the spouse or dependent child of a veteran.

With regard to deeming, the Senate bill would have established new legally enforceable affidavits of support requiring the sponsor to agree to support the noncitizen until they earned 40 quarters of Social Security coverage. Deeming in the new affidavit cases would continue until the individual earned 40 quarters even if he or she became a citizen before then. Deeming would not have applied if the sponsored noncitizen could not provide themselves with food and shelter in the absence of SSI.

Conference Committee Action on H.R. 4.—The bills that emerged from the House and Senate represented dramatic changes in the Nation’s welfare programs. Both bills would have eliminated the family assistance program (then AFDC) as an entitlement program and replaced it with a block-granted state-administered program of temporary assistance (TANF). Other equally significant, if less dramatic, changes also were in the bills. In a letter to the congressional leaders, Alice M. Rivlin, Director, Office of Management and Budget (OMB), stated the Administration’s position on H.R. 4.³⁰

The Administration is pleased that Congress finally may be within striking distance of passing comprehensive welfare reform. . . . The American people have waited a long time for this historic moment. We owe it to the people who sent us here not to let this opportunity slip away by doing the wrong thing or failing to act. . . . Let us be clear: if Congress can agree on a bipartisan bill that is tough on work and fair to children, the President will sign real welfare reform into law, and the Nation will be better for it. But, if Congress tries to walk away from our common values with a bill that is weak on work and tough on children, it will kill welfare reform. . . .

The letter indicated seven general areas of the Administration’s top priorities. Among the concerns were the provisions relating to benefits for noncitizens—“Both the House and Senate bills go too far in cutting benefits to legal aliens, and shifting costs to States with high numbers of immigrants.”³¹

Shirley S. Chater, then Commissioner of Social Security, expressed SSA’s concern with the noncitizen benefit restrictions in a letter that was sent to the H.R. 4 conferees.³² In addition to reiterating the concerns already stated in the OMB letter, Commissioner Chater added:

The Administration strongly opposes the Senate provision that would discriminate against U.S. citizens by denying benefits to legal immigrants even after they become citizens. . . . The legislation would be much more acceptable to the Administration if the following features were present. Immigrants who become disabled after entering the country and the aged over 75 should be eligible. Refugees, asylees, Cuban and Haitian entrants, and others who come to the U.S. to avoid persecution should be given adequate time to naturalize before being subject to benefit reductions.

The conference committee began its deliberations on October 24, 1995. The Conference Committee report on H.R. 4 passed the House on December 21 by a vote of 245-178 and passed the Senate the next day by a vote of 52-47. H.R. 4, as sent to the President, included the following noncitizens provisions.³³

- Noncitizens generally would be ineligible for SSI, with the following exceptions for those lawfully present in the United States who are:

- refugees during the first 5 years after their arrival in the United States;
- asylees during the first 5 years after the date asylum was granted;
- entrants whose deportations had been withheld under section 243(h) of the INA during the first 5 years after deportation was withheld;
- LPRs who were credited with 40 qualifying quarters of coverage and had not received Federal means-tested benefits during any of these quarters (noncitizen spouses and children would have met the work requirement if their spouse or parent had worked for 40 quarters); and
- active duty United States military personnel or honorably discharged veterans and their spouses and unmarried dependent children.

- Noncitizens on the rolls at the time of enactment who did not meet one of the exceptions would have continued to be eligible until January 1, 1997.
- The income and resources of a noncitizen would be deemed to include all the income and resources of sponsors who executed new, legally binding affidavits of support (including the income and resources of their spouses) until:
 - the noncitizen was naturalized, or
 - had been credited with 40 quarters of coverage and had not received public assistance in any of these same quarters. (Noncitizen spouses and children would meet the requirement if their spouse or parent worked for 40 quarters.)
- The provisions would have been effective with applications filed on or after the date of enactment. The new deeming provisions would have applied to noncitizens whose entry into the United States had been based on a legally enforceable affidavit of support.³⁴

President Clinton Vetoes H.R. 4

On January 22, 1996, President Clinton vetoed H.R. 4, the Personal Responsibility and Work Opportunity Act of 1995.³⁵ He stated that he was “determined to keep working with the Congress to enact real, bipartisan welfare reform” but that H.R. 4 fell short of real reform and “was designed to meet an arbitrary budget target rather than to achieve serious reform.” The veto message went on to state that:

Making \$60 billion in budget cuts and massive structural changes in a variety of programs, including foster care and adoption assistance, help for disabled children, legal immigrants, food stamps, and school lunch is not welfare reform. The final welfare reform legislation should reduce the magnitude of these budget cuts and the sweep of structural changes that have little connection to the central goal of work-based reform.

The noncitizen provisions in H.R. 4 would reemerge in the 1996 welfare reform legislation that would be introduced in both the House and Senate on the same day in May 1996.

Immigration Reform, 1995-96

At the same time that the debate was going on over welfare reform, major legislation was being considered in both the House and Senate designed to overhaul the immigration policies of the country. During the debate on immigration reform, concerns were expressed that mirrored the concerns raised during debate on welfare reform about the growing use of public benefits by noncitizens, and the availability of such benefits as an incentive for immigration.

What began as a comprehensive effort to restrict both legal and illegal immigration in 1995, emerged as pared-down legislation in 1996 aimed at preventing illegal immigration and further restricting public benefits to legal immigrants. The same issues—eligibility of noncitizens for public assistance benefits, sponsor-to-immigrant deeming, and legally enforceable affidavits of support—that had been concerns for over 25 years and part of the recent welfare reform debate also were addressed in the immigration reform legislation.

House Action

Representative Smith (R., TX), introduced H.R. 1915, the Immigration in the National Interest Act of 1995, on June 22, 1995. As introduced, the bill would have prohibited SSI eligibility to any noncitizen who was not *lawfully present* in the United States as defined by the Attorney General. The provision specified that noncitizens would not have been considered lawfully present merely because they were PRUCOL.³⁶

H.R. 1915 also included provisions related to sponsor-to-immigrant deeming. All of the sponsor's income and resources would have been deemed to the noncitizen for the following specified periods:

- for noncitizen parents of U.S. citizens and adult children of citizens and LPRs, deeming would have ended upon naturalization;
- for spouses of U.S. citizens and LPRs, deeming would have ended 7 years after admission or upon naturalization, whichever was earlier;
- for minor children of U.S. citizens and LPRs, deeming would have ended when the child attained age 21 or upon naturalization, whichever was earlier; and
- for all other noncitizens, deeming would have ended upon naturalization.

Affidavits of support would have been made legally enforceable against the sponsor.³⁷ The House Judiciary's Subcommittee on Immigration and Claims marked up the bill on July 13, 1995. As a result of the markup, a clean bill, H.R. 2202, was reported to the full Judiciary Committee on August 4.

The Judiciary Committee spent 5 days marking up the bill,

during which several amendments relating to SSI eligibility were adopted. One amendment provided SSI eligibility to aged, blind, and disabled individuals who were not *lawfully present*, but who had been battered or subjected to extreme cruelty—or whose children had been battered or subjected to extreme cruelty—by family members living in the same household, if the noncitizen filed for an adjustment with INS to certain immigration statuses granted to battered noncitizens. The amendment also provided that deeming would not apply to such individuals for a 4-year period or longer, if there had been an order from a judge or INS concerning abuse in such cases.³⁸ H.R. 2202 was reported out of the House Judiciary Committee to the full House on March 4, 1996.

The Clinton Administration expressed its views on H.R. 2202 in a letter to the House leadership on March 13, 1996.³⁹ The Administration urged the House to include eligibility for needs-based benefits, including SSI, to veterans, their dependents, and survivors—“Those who have served faithfully in our Nation's defense have earned these entitlements, and their immigration or naturalization status has no bearing on the United States' obligations to them.” Additionally, the Administration took the position that the restrictions should not apply to noncitizens already receiving benefits in order to “minimize the disruption to current recipients, some of whom are elderly or severely disabled, and their communities.”

The debate on H.R. 2202 on the House floor began on March 19. The SSI provisions were not further amended. On March 24, H.R. 2202 passed the House by a vote of 333-87.

Senate Action

Senator Simpson (R., WY) introduced S. 269, the Immigrant Control and Financial Responsibility Act of 1995, on January 24, 1995. As approved by the Senate Judiciary's Subcommittee on Immigration on June 14, the bill included the following provisions affecting SSI eligibility.⁴⁰

- Only *eligible aliens* would have been able to receive benefits. *Eligible aliens* would be defined as LPRs, refugees, asylees, noncitizens whose deportations have been withheld, and parolees who have been paroled for a period of 1 year or more.
- All of the sponsor's income and resources would have been deemed—even if the noncitizen became a U.S. citizen—for a 5-year period beginning the day the noncitizen was first lawfully in the United States or, if the person entered under a legally enforceable affidavit, until the noncitizen had worked 40 quarters in United States, whichever is later.
- Sponsors' affidavits of support would have required the sponsor to support the noncitizen until the noncitizen had worked 40 quarters in the United States even after the noncitizen became a U.S. citizen. Affidavits of support would have been made legally enforceable.⁴¹
- Eligibility and deeming provisions would have been effective upon enactment.

In a letter to Senator Simpson on June 7, before the Subcommittee markup of S. 269, the Administration expressed its support for the goal of establishing a uniform definition of noncitizen eligibility, but suggested replacing the provision in S. 269 with the definition that was in the Administration's 1994 welfare reform legislation.⁴² The Administration stated its strong reservations with regard to deeming after individuals become citizens, and the effect on minor children of requiring the affidavit to be in effect for 40 qualifying quarters. The Administration also described its concerns with the effective date of the provisions.

Such an effective date would eliminate benefit eligibility for as many as 250,000 legal immigrants under the SSI program. Even more immigrants would be affected when the other federal programs are considered. These are individuals who have already entered the country and "played by the rules." We do not support penalizing this group.

On March 21, the full Committee on Judiciary took up S. 269, and on April 10, reported an original bill, S. 1664, the Immigration Control and Financial Responsibility Act of 1996.⁴³ S. 1664 included the same definition of *eligible alien* that had been in S. 269, but had some significant changes with regard to the deeming provisions. Although the noncitizen deeming period—5 years or until the noncitizen earned 40 quarters—remained the same, S. 1664 provided that deeming would end when the individual became a U.S. citizen.⁴⁴ It also included a deeming exception in cases of indigent noncitizens who did not receive support sufficient to obtain food and shelter from their sponsors or other sources.⁴⁵

The full Senate began consideration of S. 1664 on April 16. On April 29, an amendment by Senator Simpson was adopted that followed the provision in the House bill, which added noncitizens who had been battered or subjected to extreme cruelty to the list of *eligible aliens* and also made similar exceptions as the House bill with regard to deeming exceptions for such individuals.

On May 2, the House-passed H.R. 2202 was brought to the Senate floor and amended by replacing all of its text with the text of S. 1664. As amended, H.R. 2202 passed the Senate by a vote of 97-3. All that remained was for a conference committee to reconcile the differences between the House and Senate versions of the bill. However, the conference committee on H.R. 2202 would not complete work on the bill for nearly 5 months.

Welfare Reform, 1996

By the spring of 1996, the pieces were in place for making significant changes with regard to SSI eligibility requirements for noncitizens. Congress and the Administration had come to agree, in general, that the categories of noncitizens eligible for SSI should be specifically defined in the law, that the deeming period should be lengthened, that immigration sponsors should be held more responsible, and that affidavits of support should be made legally enforceable, but differed significantly in the details.

The congressional majority's proposals had been deliberated on thoroughly during the 1995 session of the 104th Congress, both in context of immigration and welfare reform. The Clinton Administration's proposals also had been put before Congress along with its positions on the congressional proposals. In 1996, in the relatively short period of 4 months, the first major changes in noncitizens' eligibility for SSI and other public assistance benefits since the enactment of sponsor-to-immigrant deeming in 1980 would be made.

Clinton Administration's Proposals

On April 26, 1996, the Administration sent to Congress a draft bill, the Work First and Personal Responsibility Act of 1996.⁴⁶ The bill included all of the noncitizen eligibility categories that were in the Administration's 1994 welfare reform legislation with two new categories: noncitizens paroled into the United States for a period of at least 1 year and Cuban or Haitian entrants.

The Administration's bill took a significantly different approach with regard to deeming than it did in its 1994 proposals. Deeming would have applied until an individual became a U.S. citizen. However, deeming would not have applied to individuals in the following categories:

- LPRs aged 75 or older who resided in the United States for at least 5 years;
- active duty military personnel, veterans, and their spouses and unmarried dependent children; and
- noncitizens who had paid, or whose spouse or parent had paid, FICA or SEI taxes in 20 different calendar quarters.

In addition, deeming would not have applied in any month in which the sponsor received SSI or other public assistance. There were no congressional hearings or further actions on the Administration's proposals.

House and Senate Proposals

On May 22, 1996, identical bills (H.R. 3507 and S. 1795) were introduced in the House by Representative Archer (R., TX), the Chairman of the Ways and Means Committee, and in the Senate by Senator Roth (R., DE), Chairman of the Finance Committee. With regard to the noncitizen provisions, the bills were virtually identical to H.R. 4 as vetoed by the President.

The House Ways and Means Committee completed markup of Social Security Act-related titles of H.R. 3507, the Personal Responsibility and Work Opportunity Act of 1996, on June 12. The noncitizen provisions were unchanged. The Committee's recommendations were sent to the Budget Committee where they were incorporated into H.R. 3734, the Welfare and Medicaid Reform Act of 1996, introduced by Representative Kasich (R., OH), Chairman of the Budget Committee, on June 27 and reported out of the Committee on the same day. H.R. 3734 passed the House on July 18 by a vote of 256-170. The title of the bill had been changed to the Welfare Reform Reconciliation Act of 1996.

The Senate Finance Committee took up the companion bill,

S. 1795, on June 26, and its provisions were included in an original bill, S. 1956, the Personal Responsibility, Work Opportunity, and Medicaid Restructuring Act of 1996, introduced by Senator Domenici (R., NM), Chairman of the Senate Budget Committee. S. 1956 was reported to the full Senate on July 16. With regard to SSI eligibility for noncitizens, the provisions in the House-passed H.R. 3734 and S. 1956 were identical.

The Senate began debate on S. 1956 on July 18. On July 23, the Senate incorporated the text of S. 1956 in lieu of the provisions in the House-passed H.R. 3734, and passed H.R. 3734 by a vote of 74-24. The conference committee filed its report July 30. The House passed the conference committee report, 328-101, on July 31, and the Senate followed suit the next day, August 1, by a vote of 78-21.

During Congress' consideration of H.R. 3734, the SSI-related noncitizen provisions remained unchanged. Thus, the conference committee report included the identical provisions from H.R. 3507 and S. 1795, which in turn were virtually identical to the provisions in H.R. 4, which the President had vetoed the prior January. This time, however, the wide-ranging changes in the welfare reform bill were acceptable to the Administration.

Noncitizen SSI beneficiaries who did not meet the new criteria could have remained on the rolls until August 22, 1997, 1 year after enactment. According to Congressional Budget Office estimates, nearly 500,000 of the approximately 750,000 noncitizens on the SSI rolls would lose their eligibility in August 1997.⁴⁷ However, such an unprecedented mass suspension of SSI beneficiaries did not occur due to an agreement (which is described later) that was worked out between Congress and the Clinton Administration shortly before the suspensions were to have begun.

President Clinton Signs the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

In his remarks before signing H.R. 3734 (which became P.L. 104-193 on August 22, 1996) President Clinton said, “[t]he bill I’m about to sign, as I have said many times is far from perfect, but it has come a long way.” He also said that in spite of his objections to some of the provisions in the bill, “I signed this bill. . . where Republicans and Democrats got together and said we’re going to take this historic chance to try to recreate the nation’s social bargain with the poor.” He vowed to change what he viewed as wrong with the bill including the concern that “the congressional leadership insisted in cuts in programs for legal immigrants that are far too deep.”⁴⁸

The restoration of benefits for many noncitizens was to become a fact in another historic piece of legislation, the Balanced Budget Act of 1997, nearly a year after the welfare reform law was enacted. Before then, however, changes were made to the just-enacted welfare reform noncitizen provisions by provisions in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996

As stated earlier, although the immigration reform bill, H.R. 2202, passed both the House and Senate in May before P.L. 104-193 was enacted, the conference committee did not complete its work on the bill until September 24, 1996, about a month after enactment of welfare reform.

The immigration bill conference committee report would have prohibited SSI eligibility for all noncitizens except:

- LPRs;
- refugees;
- asylees;
- noncitizens whose deportations had been withheld;
- parolees who had been paroled for a period of 1 year or more (eligibility limited to the first year in parole status); and
- noncitizens and their children who had been battered or subjected to extreme cruelty by a spouse or parent or a member of the spouse’s or parent’s family living in the same household as the noncitizen, if the noncitizen had a petition for adjustment of immigration status approved or pending and the Attorney General determined that there was a substantial connection between such battery or cruelty and the need for benefits.

With regard to sponsor-to-immigrant deeming, the conference report provided that all of the sponsor’s income and resources would have been deemed to the noncitizen, regardless of his or her entry or disability status. In addition:

- For noncitizens whose sponsors executed *old* affidavits—that is, those executed before the new legally enforceable affidavits were required—deeming would have applied for the 5-year period beginning the day the noncitizen was first lawfully in the United States or until citizenship, if sooner.
- For noncitizens whose sponsors executed *new* legally enforceable affidavits of support, deeming would have applied until citizenship.
- Deeming also would have ended when a noncitizen had 40 *qualifying quarters*—that is, the individual earned 40 quarters of Social Security coverage and did not receive needs-based public assistance during any such quarter.
- If a noncitizen were indigent, and the agency made a determination that without SSI benefits the noncitizen would be unable to obtain food and shelter by taking into account the noncitizen’s income and cash, food, housing, and other assistance provided by any individual including the sponsor, then only the amount of income and resources actually provided the noncitizen by the sponsor would be counted for deeming purposes.
- Deeming would not have applied for a 12-month period if noncitizens or their children had been battered or

subjected to extreme cruelty by family members while living in the same household.⁴⁹ The deeming exemption period would be extended if the battering or cruelty had led to an order from a judge or INS, and the benefit-paying agency determined that the need for benefits had a substantial connection to the battery or cruelty.

The conference report also included a public charge provision⁵⁰ and made affidavits of support legally enforceable.⁵¹

The conference report was agreed to by the House on September 25 by 305-123. In an unusual move, the Senate did not vote on the H.R. 2202 conference report. Instead, the conference-reported provisions of H.R. 2202 were added to another bill, H.R. 3610, the Omnibus Consolidated Appropriations Act, 1997, during the conference on that bill. The SSI-related provisions were then further modified during the conference on H.R. 3610 in negotiations between Senators Kennedy (D., MA) and Simpson (D., WY), and Representatives Berman (D., CA) and Smith (R., TX).

The task of these conferees was to reconcile the benefit provisions in the conference-reported immigration bill with the recently enacted benefit provisions in welfare reform. To this end, the conferees dropped the benefit provisions, except with regard to certain battered noncitizens.⁵² It should be noted that in dropping the benefit provisions, which were less restrictive than the corresponding welfare reform provisions, the conferees chose not to reinstate SSI eligibility for many LPRs—individuals who over many years prior to welfare reform had been treated like U.S. citizens with regard to benefit eligibility.

Also dropped by the conferees were the general deeming provisions, but the exemptions for indigent and battered noncitizens were adopted. The public charge provision was not included, and the affidavit of support provision was modified and replaced the affidavit of support provision that was in P.L. 104-193.

As amended, the provisions in H.R. 2202 were included as Division C, the Illegal Immigration Reform and Immigrant Responsibility Act of H.R. 3610. The House passed the conference report on H.R. 3610 on September 28 by 370-37. The Senate passed the report on September 30, and the President signed the bill the same day. The Omnibus Consolidated Appropriations Act, 1997 became P.L. 104-208.

Balanced Budget Act of 1997

The President reiterated his concern about the noncitizen provisions in the 1996 welfare reform bill during his 1997 State of the Union address:

And we must join together to do something else, too, something both Republican and Democratic governors have asked us to do: to restore basic health and disability benefits when misfortune strikes immigrants who came to this country legally, who work hard, pay taxes, and obey the law. To do otherwise is simply unworthy of a great nation of immigrants.⁵³

To this end, the President submitted proposals in his 1998

budget that would have made exceptions to the provisions in the SSI and Medicaid programs for certain noncitizens who become blind or disabled after their entry into the United States and would have allowed Medicaid eligibility for noncitizen children on the same basis as citizen children. The proposal also would have extended the 5-year eligibility limit to 7 years for refugees, asylees, and noncitizens who have had their deportations withheld.

Throughout the spring of 1997, the Administration and congressional leadership engaged in extensive negotiations that culminated on May 2, 1997, with the announcement that they had reached an agreement for a balanced budget. This historic bipartisan balanced budget agreement included the restoration of “SSI and Medicaid eligibility for all disabled legal immigrants who are or become disabled and who enter the U.S. prior to August 23, 1996.”⁵⁴ A flurry of activity began in early June 1997 in the 105th Congress to write legislation that would implement the balanced budget agreement.

Administration Proposals

With regard to the balanced budget agreement’s restoration of benefits for noncitizens, the Administration sent its first proposals to the Ways and Means Committee on June 4, 1997. The proposals would have provided SSI eligibility to noncitizens who were:

- blind or disabled and in *qualified alien* status prior to August 23, 1996;
- members of Native American tribes who were permanent residents; and
- eligible for SSI on and after July 1996 on the basis of an application filed before January 1979, if there were no clear evidence that the person was an ineligible noncitizen.⁵⁵

In addition, the 5-year period for refugees, asylees, and certain deportees would be extended to 7 years.⁵⁶ The Administration’s proposal also included provisions for facilitating the determination of disability or blindness for noncitizens aged 65 or older. Also, Amerasian immigrants would be treated as if they were refugees—that is, they could be eligible during their first 7 years in the United States.

House Action

On June 5, 1997, the Human Resources Subcommittee of the House Ways and Means Committee marked up budget reconciliation recommendations and favorably reported the recommendations to the full Committee by a vote of 8-3. The Subcommittee included the Administration’s provisions for extending the eligibility period for refugees and others to 7 years and for providing SSI eligibility to certain noncitizen Native Americans. However, with regard to blind and disabled noncitizens, the Subcommittee’s proposal provided that only those *qualified aliens* on the SSI rolls on August 22, 1996, could be eligible for SSI.

The Subcommittee's proposal generated a quick reaction from the Administration. In a letter to Representative Archer, Chairman of the Ways and Means Committee, Franklin D. Raines, Director of the Office of Management and Budget, stated that the "Administration strongly opposes the provisions that deny coverage to many legal immigrants who were in the United States when the welfare reform law was signed but who became severely disabled after that date." He described the terms of the bipartisan agreement with regard to the noncitizens and that the "Subcommittee's action fails to reflect that agreement by only grandfathering those now receiving SSI, therefore dropping those who would become disabled in the future and would be eligible for benefits under the agreement." It was estimated that the Subcommittee's proposal would not protect 75,000 individuals who would have been protected by the provision in the budget agreement by the year 2002.

The full Ways and Means Committee marked up balanced budget proposals on June 9 and 10, and adopted the Subcommittee's recommendations regarding noncitizens. An additional provision was added that would clarify that Cuban and Haitian entrants and Amerasian immigrants who had received SSI on August 22, 1996, would be considered *qualified aliens* for purposes of continued SSI eligibility. The Ways and Means recommendations were approved 21-18 and reported to the House Budget Committee on June 10.

President Clinton expressed his concern over the lack of a provision that would provide SSI eligibility to noncitizens who become disabled in the future. In a letter to Representative Spratt (D., SC), Ranking Member of the Budget Committee, the President explicitly stated his position on the issue.

One of the issues where it has proved difficult to reach consensus is the eligibility of legal immigrants for government assistance. As part of our bipartisan budget agreement, we agreed that we would 'restore SSI and Medicaid for all disabled legal immigrants who are or become disabled and who entered the U.S. prior to August 23, 1996.' I want to stress that I regard this issue to be of paramount importance. To achieve the common goal of a signable bill that balances the budget, it is essential that the legislation that is presented to me include these provisions. I will be unable to sign legislation that does not.⁵⁷

The House Budget Committee reported a bill that included budget recommendations of other House committees.⁵⁸ H.R. 2015, the Balanced Budget Act of 1997, was introduced by Representative Kasich on June 24, 1997. Despite the President's veto threat, the noncitizen provisions were unchanged from those recommended by the Ways and Means Committee. H.R. 2015 passed the House by a vote of 270-162 on June 25, 1997.

Senate Action

The issue of restoring SSI eligibility for noncitizens was taken up by the Senate Finance Committee during balanced budget agreement deliberations on June 17. The Finance

Committee's recommendations regarding noncitizens were adopted in full by the Budget Committee.

Senator Domenici, Chairman of the Budget Committee, introduced a comprehensive bill, S. 947, also titled the Balanced Budget Act of 1997, on June 20, 1997. Similar to the House bill, S. 947 provided that *qualified aliens* on the SSI rolls on August 22, 1996, including Cuban and Haitian entrants as defined by section 501(e) of the Refugee Education Assistance Act of 1980, would be grandfathered, and the eligibility for refugees, asylees, and certain deportees would be extended to 7 years.⁵⁹ The Senate bill also would extend SSI eligibility to noncitizen members of Native American tribes.

Unlike the House bill, however, S. 947 included a provision under which noncitizens who were *lawfully residing* on August 22, 1996, and who were (or became) disabled could be eligible for SSI as long as they applied for SSI on or before September 30, 1997. S. 947 also included the Administration's proposal for continued eligibility for individuals who had been receiving SSI since before 1979.

Although the Senate Budget Committee bill partly addressed the Administration's concerns about eligibility for disabled noncitizens, it would limit eligibility to disabled noncitizens who applied for SSI before October 1997. The Administration again stated its position that the provision would not reflect the budget agreement in that it did not provide "a safety net for all immigrants in the country when the welfare law was signed who have suffered—or may suffer in the future—a disabling accident or illness."⁶⁰

The Senate began consideration of S. 947 on June 23, 1996. On June 25, three amendments to the noncitizen provisions were adopted. They were:

- Senator McCain's (R., AZ) amendment that would provide for treating Amerasian immigrants as if they were refugees (that is, eligible for benefits for the first 7 years that they were in the United States);
- Senator Lautenberg's (D., NJ) amendment that eliminated the September 30, 1997, filing date requirement that disabled noncitizens who were residing in United States on August 22, 1996, would have to file an application for benefits by; and
- Senator Kennedy's (D., MA) amendment for waiving the September 30, 1997, SSI application requirement for persons who have been determined by the Attorney General to be so severely disabled that they are unable to take the naturalization oath.⁶¹

The McCain amendment reflected a proposal that had been made by the Administration to the House Ways and Means Committee earlier in the month, and the Lautenberg amendment removed the major problem that the Administration had with the Senate noncitizen provisions with regard to restrictions on disabled noncitizens. In addition, the provision for Cuban and Haitian entrants was expanded so that they would be treated as refugees for SSI eligibility purposes.

Also on June 25, the Senate received the House-passed

H.R. 2015 and immediately replaced the text of H.R. 2015 with the text of S. 947, as amended. The Senate then passed its version of H.R. 2015 by unanimous consent.

Conference Committee Action on H.R. 2015

The Senate appointed conferees on June 27, 1997, and the House appointed conferees on July 10, 1997, to reconcile the differences between the two versions of H.R. 2015. These differences in the noncitizen provisions were that the Senate-passed bill included three provisions that were not in the House-passed bill. These provisions were:

- SSI eligibility for noncitizens who were disabled but had not yet applied for benefits and for those who would become disabled in the future;
- Amerasian immigrants and Cuban and Haitian entrants would be treated as refugees in that they would be eligible for SSI for up to 7 years after their entry into the United States; and
- Individuals who have been on the SSI rolls since before 1979 would be considered citizens for SSI purposes if there is no convincing evidence that they are noncitizens.

The Senate prevailed during the conference with regard to the noncitizen provisions and the conference-reported bill included these three provisions along with the other provisions that were both in the House- and Senate-passed bill that grandfathered *qualified aliens* who were receiving benefits on August 22, 1996, and extended from 5 to 7 years the time period during which certain noncitizens could receive benefits.

In addition to these substantive provisions, there were a number of technical correction provisions taken up during the conference. These provisions were in the Senate-passed H.R. 2015, but not in the House-passed bill. However, the provisions in the Senate bill were identical to provisions previously passed by the House on April 29, 1997, in H.R. 1048, the Welfare Reform Technical Corrections Act of 1997.

Several of the technical provisions relating to noncitizens are noteworthy in that they either provided eligibility for SSI or addressed issues relating to noncitizen eligibility for specific groups of individuals. These provisions:

- Provided *qualified alien* status to noncitizen children whose parents were battered or abused.
- Clarified that all quarters of coverage earned by a parent before a child is age 18, including those earned before the child was born, may be credited to the noncitizen child for purposes of the child's eligibility for SSI.
- Made the following clarifications with regard to the veterans' exemption for noncitizen eligibility:
 - provided SSI eligibility to an unremarried surviving spouse of a noncitizen veteran or active duty military personnel generally if they were married for at least 1 year;
 - provided that the term *veteran* includes military

personnel who died during active duty service; and

- provided that certain Filipinos who fought for the United States military during World War II would be considered veterans for benefit eligibility purposes.

- Expressed the sense of Congress that, based on their service on behalf of the United States during the Vietnam War, Hmong veterans should be treated like other noncitizen veterans for purposes of continued eligibility for assistance benefits.⁶²

The House passed the conference-reported bill by a vote of 346-85 on July 30, 1997, and the Senate followed suit the next day by passing it by a vote of 85-15. President Clinton signed H.R. 2015 on August 5, 1997, and the Balanced Budget Act of 1997 became P.L. 105-33.

Grandfathering Nonqualified Noncitizens, 1998

The balanced budget act restored the SSI eligibility of *qualified aliens* who had been receiving SSI benefits on August 22, 1996, the date of enactment of welfare reform legislation. However, there was still one group of noncitizen SSI beneficiaries who were still at risk of losing their benefits because they were not *qualified*.⁶³

The welfare reform legislation temporarily continued the SSI eligibility of these so-called *nonqualified* noncitizens on the SSI rolls until August 22, 1997.⁶⁴ The date was further extended until September 30, 1998, by the balanced budget act.

As the date that nonqualified noncitizens would lose their SSI benefits approached, a concern arose that SSA's records might not have accurately reflected the current immigration status of some of the individuals shown as nonqualified, and many may actually have been citizens or qualified noncitizens. Although SSA had notified all noncitizens on the SSI rolls several times about the changes in the law, informing them of the new eligibility criteria, and urging them to contact their local SSA offices to update the SSI record concerning their immigration status, some did not do so.

On September 14, 1998, Representative Shaw and Representative Levin (D., MI)—the Chairman and Ranking Member of the House Ways and Means Subcommittee on Human Resources—introduced H.R. 4558, the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998. The bill would continue—*grandfather*—the SSI and Medicaid eligibility of nonqualified noncitizens who were receiving SSI on August 22, 1996. Chairman Shaw said of the bill: “We are ensuring that every elderly or disabled noncitizen already dependent on benefits remain eligible completing the 1997 Balanced Budget Act effort to grandfather current recipients.”⁶⁵

The Ways and Means Committee report further explained the reason for the provision:

This [grandfathering] will protect those who are in fact citizens or qualified aliens as well as those who could, perhaps only with great difficulty, adjust their immigra-

tion status in order to maintain benefits. Most importantly, however, this measure will protect those who due to age or infirmity are incapable of documenting their true immigration status and thus would have no opportunity to verify their eligibility for continued benefits.⁶⁶

Kenneth S. Apfel, the Commissioner of Social Security, provided the Administration's views on the grandfathering provision.

The Clinton Administration supports the effort to preserve SSI and Medicaid eligibility for these hardship cases. Chairman Shaw and Representative Levin have shown a great deal of compassion for these vulnerable individuals and I applaud them and thank them for their efforts.⁶⁷

The bill was approved by the Human Resources Subcommittee on September 15, and reported out of the Ways and Means Committee by a unanimous vote on September 18. It passed the House on September 23 by a voice vote, and passed the Senate on October 9 by unanimous consent.

President Clinton signed H.R. 4558 on October 28, 1998, and the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998 became P.L. 105-306.

Conclusion

SSI eligibility for noncitizens has come more than full circle over the past 25 years. When the SSI program was designed in 1972, only LPRs were to have been eligible for benefits. Shortly before the original SSI law was enacted, PRUCOL was added as an eligibility category. Nearly 8 years after the original legislation, the implementation of sponsor-to-immigrant deeming prevented newly arrived immigrants from immediate access to the SSI program. Five years later, in 1985, the PRUCOL category was expanded by the courts to include virtually any noncitizen in the United States whom the INS was not aggressively seeking to have deported. Now, more than 25 years after the original SSI legislation, except for noncitizens who were on the SSI rolls on August 22, 1996, only certain restricted groups of LPRs and only a few statuses within the PRUCOL category may be eligible.

The current SSI-eligible noncitizen categories generally can be characterized as covering individuals who were lawfully in the United States as of August 22, 1996, individuals who are refugees or in refugee-like situations, and individuals who have contributed to the country either by service in the military or through extended periods of work. These categories came into SSI law after years of concern about too many noncitizens too easily becoming eligible for benefits, and are the result of nearly 4 years of often intense debate. Noncitizen eligibility in other Federal and federally assisted programs also have been severely restricted by the recent legislative changes. Sponsors have been forced to take more responsibility for the immigrants that they sponsor, and are liable if they do not live up to that responsibility.

Even though none of the noncitizens who received SSI benefits prior to the enactment of welfare reform lost their SSI eligibility, many aged, blind, and disabled noncitizens, including most LPRs, who entered the United States after August 1996, will never be eligible for SSI unless they become U.S. citizens. This is a significant change from the beginning of the SSI program when LPRs could become eligible for SSI 30 days after they entered the United States.

Perhaps the greatest significance of the recent legislative changes is that they represented the first time that Congress addressed longstanding issues of public assistance benefits for noncitizens in terms of both welfare and immigration law. Although the debate remains over whether Congress went too far, or not far enough, in its restrictions, there is little argument about the significant effects that the provisions will have on eligibility of immigrants after August 1996 for SSI, Food Stamp, Medicaid, and TANF.

Part II: Trends and Changes in SSI Participation by Noncitizens

Since 1974, the Supplemental Security Income (SSI) program has made cash payments to aged, blind, and disabled persons whose income and resources fall below specified amounts, and who meet certain other criteria. One of these other criteria is that the applicant must be a citizen of the United States or, if not a citizen, must be *lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law*.⁶⁸

In December 1997, about 650,000 of the 6.5 million SSI recipients were noncitizens.⁶⁹ The purpose of part II of this article is to discuss the characteristics of this population and to look at the impact that noncitizens have had on the SSI program since its beginnings in 1974.

Methodology

Although applicants for SSI who were not U.S. citizens were always required to present evidence of their lawful admission, citizenship status was not retained on the Supplemental Security Record (SSR), the basic administrative file for the SSI program, until September 1978. At that time, the Social Security Administration (SSA) began to annotate the records of applicants newly awarded payments. Over the intervening years, almost all recipients have had this information added to their record.

In 1979, SSA reviewed the records of persons awarded SSI during the first 8 months since the citizenship status code was activated. This review identified almost 18,000 noncitizen recipients, just over 6 percent of all awards during the period under review.⁷⁰ Beginning in 1982, the development of valid and reliable sample files from the SSR made it feasible to track changes in the number of SSI recipients, as well as various characteristics of those recipients.

Unless otherwise noted, the data shown in part II are based on sample files taken from administrative records. Information about these files, data limitations, and sampling errors for estimated counts are contained in the Technical Note on p. 23.

Trends

Immigration

Since 1980, immigration into the United States has increased, but the number of immigrants admitted annually has varied:⁷¹

| Fiscal year | Number |
|-------------|-----------|
| 1980..... | 530,639 |
| 1985..... | 570,009 |
| 1990..... | 1,536,483 |
| 1991..... | 1,827,167 |
| 1992..... | 973,977 |
| 1993..... | 904,292 |
| 1994..... | 804,416 |
| 1995..... | 720,416 |
| 1996..... | 915,900 |

For fiscal years (FYs) 1994-96, over half of the immigrants admitted were under age 30, and just less than 5 percent (115,000) were aged 65 or older at the time of admission. A total of about 7.7 million immigrants were admitted during FYs 1990-96.

As of April 1996, the Immigration and Naturalization Service (INS) identified about 10.5 million *Legal Permanent Residents* in the United States, about half of whom had been in this country long enough to apply for naturalization. Fifty percent of the 10.5 million lived in either California or New York.⁷²

SSI Applications

Between 1982 and 1993 the number of noncitizens applying for SSI increased each year, from 51,500 in 1982 to 162,100 in 1993 (table 1). However, this upward trend changed from 1994 through 1997, when the number of alien applicants decreased each year.

Much of this decrease is attributable to a decline in the number of noncitizens aged 65 or older applying for SSI. Other reasons for the decrease may be the 1994 extension of the sponsor deeming period from 3 to 5 years, as well as the declining number of immigrants, as indicated earlier.

The decline in applications by noncitizens mirrored a similar decline in all SSI applications since 1993. In that year, almost 2.3 million applications were submitted. By 1997, the number of applications had dropped to 1.4 million.

Table 1.—Total number of SSI applications and percent filed by noncitizens: Applications filed by noncitizens, by eligibility category, 1982-97

| Year | Total applications | | Eligibility category of noncitizen applicants | | |
|-----------|--------------------|------------------------|---|--------|----------------|
| | Number | Percent by noncitizens | Total | Aged | Blind/disabled |
| 1982..... | 978,300 | 5.3 | 51,500 | 21,300 | 30,200 |
| 1983..... | 1,101,700 | 5.0 | 55,600 | 23,900 | 31,700 |
| 1984..... | 1,220,800 | 5.1 | 61,900 | 31,100 | 30,800 |
| 1985..... | 1,350,200 | 5.1 | 69,200 | 30,800 | 38,400 |
| 1986..... | 1,438,900 | 5.0 | 71,900 | 32,500 | 39,400 |
| 1987..... | 1,404,300 | 5.5 | 76,900 | 38,200 | 38,700 |
| 1988..... | 1,309,700 | 6.7 | 87,100 | 46,200 | 40,900 |
| 1989..... | 1,342,100 | 7.6 | 101,600 | 49,400 | 52,200 |
| 1990..... | 1,593,100 | 7.4 | 118,500 | 58,900 | 59,600 |
| 1991..... | 1,783,400 | 7.6 | 135,900 | 67,900 | 68,000 |
| 1992..... | 2,079,400 | 7.4 | 154,100 | 67,000 | 87,100 |
| 1993..... | 2,273,500 | 7.1 | 162,100 | 76,800 | 85,300 |
| 1994..... | 2,208,200 | 6.7 | 147,200 | 60,200 | 87,000 |
| 1995..... | 2,024,600 | 6.7 | 136,300 | 51,900 | 84,400 |
| 1996..... | 1,834,700 | 6.4 | 117,100 | 47,400 | 69,700 |
| 1997..... | 1,403,700 | 4.6 | 64,800 | 23,500 | 41,300 |

Source: SSI 1-Percent Sample files.

SSI Recipients

In December 1982, 127,900 noncitizens received SSI payments, 3.3 percent of the 3.9 million total recipients (table 2). This caseload grew steadily, both in number and as a percentage of all recipients, from 1982 through 1995, when the 785,000 noncitizen recipients comprised 12 percent of SSI recipients.

By the end of 1997, the number had dropped to 651,000, a decrease of almost 20 percent. There are a number of reasons for this, including the changes in immigration and application data already shown. 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 Public Law 104-193 in August 1996, and other legislative changes in 1996 and 1997, modified the eligibility requirements for SSI payments 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.

Table 2.—Number of noncitizens receiving SSI payments, by percentage of all SSI recipients and eligibility category, 1982-97

| December | Total | | Aged | | Blind/disabled | |
|-----------|-----------------------|----------------------|-----------------------|---------------------|-----------------------|-------------------------------|
| | Number of noncitizens | Percent of total SSI | Number of noncitizens | Percent of all aged | Number of noncitizens | Percent of all blind/disabled |
| 1982..... | 127,900 | 3.3 | 91,900 | 5.9 | 36,000 | 1.6 |
| 1983..... | 151,200 | 3.9 | 106,600 | 7.0 | 44,600 | 1.9 |
| 1984..... | 181,100 | 4.5 | 127,600 | 8.3 | 53,500 | 2.1 |
| 1985..... | 210,800 | 5.1 | 146,500 | 9.7 | 64,300 | 2.4 |
| 1986..... | 244,300 | 5.7 | 165,300 | 11.2 | 79,000 | 2.8 |
| 1987..... | 282,500 | 6.4 | 188,000 | 12.9 | 94,500 | 3.2 |
| 1988..... | 320,300 | 7.2 | 213,900 | 14.9 | 106,400 | 3.5 |
| 1989..... | 370,300 | 8.1 | 245,700 | 17.1 | 124,600 | 4.0 |
| 1990..... | 435,600 | 9.0 | 282,400 | 19.4 | 153,200 | 4.6 |
| 1991..... | 519,660 | 10.2 | 329,690 | 22.5 | 189,970 | 5.2 |
| 1992..... | 601,430 | 10.8 | 372,930 | 25.4 | 228,500 | 5.6 |
| 1993..... | 683,150 | 11.4 | 416,420 | 28.2 | 266,730 | 5.9 |
| 1994..... | 738,140 | 11.7 | 440,000 | 30.0 | 298,140 | 6.2 |
| 1995..... | 785,410 | 12.1 | 459,220 | 31.8 | 326,190 | 6.3 |
| 1996..... | 724,990 | 11.0 | 417,360 | 29.5 | 307,630 | 5.9 |
| 1997..... | 650,830 | 10.0 | 367,200 | 27.0 | 283,630 | 5.5 |

Source: SSI 10-Percent Sample files.

The majority of noncitizens on SSI have always been classified as Aged; that is, they first became eligible at or after age 65, and their eligibility depends on nonmedical factors.⁷³ However, the size of this majority has decreased over the years since 1982, from 71 percent to 56 percent in 1997. As a result, noncitizens quickly became a major presence in the total SSI Aged caseload, rising to almost 32 percent in 1995, then dropping to 27 percent in 1997.

During the same time, the number of SSI Aged dropped by almost 200,000, from 1.55 million to 1.36 million, while the number of Blind/disabled more than doubled, from 2.3 to 5.2 million. Without the 367,000 Aged noncitizens, the number of persons receiving SSI on the basis of age would have been less than one million at the end of 1997. The number of blind or disabled noncitizens increased from under 2 percent of all Blind/disabled recipients in 1982, to over 6 percent in 1995, then also dropped through 1997.

Characteristics of the December 1997 Noncitizen Recipients

State of Residence

The 650,830 noncitizens who received an SSI payment at the end of 1997 were clustered geographically, with more than three-fourths of them living in five states: California, New York, Florida, Texas, and Massachusetts (table 3). In 11 states, there were fewer than 500 noncitizens in the SSI caseload. In this respect, they are very similar to the state distribution of all

Legal Permanent Residents identified by the INS as of April 1996, of whom 68 percent lived in the same five states. Among all SSI recipients, 40 percent lived in these states.

Age and Sex

Noncitizen recipients were significantly older than all SSI recipients, with two-thirds being aged 65 or older, compared with just less than one-third of the entire caseload (table 4). These recipients are also older than the groups of persons who immigrated into the United States during FYs 1994-96. Of the latter group, only 5 percent were aged 65 or older.⁷⁴

At the other end of the age scale, about 1 percent of the noncitizens were under age 18, compared with 13 percent of the caseload. Somewhat more of the noncitizen recipients were women, 62 percent, compared with 59 percent of the caseload.⁷⁵

Living Situations

Over 85 percent of SSI recipients, citizens or noncitizens, live in a home that they, their spouse, or their parent own or rent, or in a group facility that does not receive its primary support from the Medicaid program. However, noncitizens who get SSI are more often residing in a household headed by someone other than themselves or their spouse. Eleven percent of them were classified as living in *another's household*, while only 4 percent of all recipients are so classified. For SSI purposes, this means that the person not only lives in someone else's home, but also receives significant support from that

Table 3.—Number of noncitizens receiving SSI payments, by eligibility category and state, December 1997

| State | Total | Aged | Blind/disabled |
|---------------------------|---------|---------|----------------|
| Total..... | 650,830 | 367,200 | 283,630 |
| Alabama..... | 450 | 300 | 150 |
| Alaska..... | 630 | 320 | 310 |
| Arizona..... | 7,290 | 3,600 | 3,690 |
| Arkansas..... | 340 | 160 | 180 |
| California..... | 254,550 | 139,970 | 114,580 |
| Colorado..... | 5,120 | 2,740 | 2,380 |
| Connecticut..... | 3,830 | 2,300 | 1,530 |
| Delaware..... | 350 | 200 | 150 |
| District of Columbia..... | 840 | 470 | 370 |
| Florida..... | 63,190 | 38,970 | 24,220 |
| Georgia..... | 4,620 | 2,910 | 1,710 |
| Hawaii..... | 3,310 | 2,470 | 840 |
| Idaho..... | 430 | 220 | 210 |
| Illinois..... | 20,320 | 11,580 | 8,740 |
| Indiana..... | 960 | 590 | 370 |
| Iowa..... | 1,000 | 460 | 540 |
| Kansas..... | 1,430 | 610 | 820 |
| Kentucky..... | 690 | 380 | 310 |
| Louisiana..... | 2,270 | 1,310 | 960 |
| Maine..... | 510 | 140 | 370 |
| Maryland..... | 6,430 | 4,850 | 1,580 |
| Massachusetts..... | 23,920 | 13,340 | 10,580 |
| Michigan..... | 6,550 | 3,350 | 3,200 |
| Minnesota..... | 6,720 | 2,330 | 4,390 |
| Mississippi..... | 410 | 210 | 200 |
| Missouri..... | 1,700 | 960 | 740 |
| Montana..... | 130 | 80 | 50 |
| Nebraska..... | 660 | 340 | 320 |
| Nevada..... | 2,350 | 1,540 | 810 |
| New Hampshire..... | 340 | 200 | 140 |
| New Jersey..... | 19,980 | 12,980 | 7,000 |
| New Mexico..... | 3,310 | 1,480 | 1,830 |
| New York..... | 103,100 | 58,400 | 44,700 |
| North Carolina..... | 2,520 | 1,430 | 1,090 |
| North Dakota..... | 200 | 60 | 140 |
| Ohio..... | 4,850 | 3,080 | 1,770 |
| Oklahoma..... | 1,200 | 730 | 470 |
| Oregon..... | 3,940 | 1,980 | 1,960 |
| Pennsylvania..... | 10,240 | 5,720 | 4,520 |
| Rhode Island..... | 3,180 | 1,480 | 1,700 |
| South Carolina..... | 510 | 320 | 190 |
| South Dakota..... | 160 | 60 | 100 |
| Tennessee..... | 1,430 | 870 | 560 |
| Texas..... | 50,190 | 29,590 | 20,600 |
| Utah..... | 1,350 | 600 | 750 |
| Vermont..... | 170 | 50 | 120 |
| Virginia..... | 6,000 | 4,360 | 1,640 |
| Washington..... | 12,210 | 5,290 | 6,920 |
| West Virginia..... | 170 | 80 | 90 |
| Wisconsin..... | 4,740 | 1,720 | 3,020 |
| Wyoming..... | 30 | 20 | 10 |
| Northern Marianas..... | 10 | 0 | 10 |

Source: SSI 10-Percent Sample file, December 1997.

person. This reduces the maximum monthly Federal SSI payment by one-third.

Other Income

While 37 percent of all SSI recipients in December 1997 also received a monthly benefit from the Old-Age, Survivors, and Disability Insurance program (average monthly amount, \$371), a much smaller proportion of the noncitizen recipients, 21 percent, had such a benefit (average monthly amount, \$352). This difference reflects the shorter *working life* that the noncitizens had because they were older when they came to the United States, and perhaps also a higher incidence of work in noncovered employment.

The two groups were similar in that, for a large majority of the cases, the benefit was based on the individual's own work record. Noncitizens were far less likely to be getting an auxiliary benefit (as a spouse, widow, or child), and they were also less likely to have earnings along with their SSI payment (table 4).

Type of SSI payment

The distribution by type of SSI payment indicates that noncitizens received both Federal SSI and a state-supplementation payment twice as often than the total caseload. This is mostly a reflection of the states of residence. California, Massachusetts, and New York, where many noncitizens live, also have substantial supplementation programs.

The average SSI payment over the total caseload was \$351 in December 1997; and for the noncitizens the average was \$433. This reflects not only the presence of state supplementation more often among the latter group, but also the lack of other income, part of which would reduce their Federal SSI payment.

Country of Origin

Almost 90 percent of the noncitizens who received SSI had immigrated to the United States from Latin America (42 percent), Asia (35 percent), or from one of the nations that formerly made up the Soviet Union (12 percent) as shown in table 5. The five largest countries-of-origin were:

| | |
|-----------------------|---------|
| Mexico..... | 125,980 |
| Soviet Republics..... | 78,540 |
| Cuba..... | 48,990 |
| Vietnam..... | 46,910 |
| China..... | 30,710 |

Of these five, only those from Vietnam were more often eligible on the basis of blindness or disability.

Length of U.S. Residence Before SSI Application

One out of five noncitizens (131,640) applied for SSI within a year of the beginning of their legal residence in this country,

and another 12 percent applied by the time they had been residents for 3 years (table 6). The fact that two-thirds did not apply for SSI until 3 years after their arrival is almost surely related to the SSI program provision called sponsor deeming.

Sponsor deeming is the requirement that portions of the income and resources of an immigration sponsor be deemed to the noncitizen applicant, for purposes of determining his or her Federal SSI payment. In many cases, this process could reduce the SSI payment to zero.

This requirement has been part of the SSI eligibility criteria for noncitizens since 1981, when deeming was imposed for 3 years after entry into the United States. Beginning in 1994, the deeming period was extended to 5 years, and, in October 1996, it was reduced again to 3 years. Certain classes of applicants are exempt from the sponsor deeming provision, notably some refugees and asylees, and some types of sponsors, such as organizations, are not considered *deemors* for this purpose.

In light of this requirement, the data in table 6 can be interpreted generally as follows:

- the 206,000 persons who applied for SSI less than 3 years after they came to the United States were either

Table 4.—Number and percentage distribution of all SSI recipients and noncitizens, by selected characteristics, December 1997

| Characteristic | All SSI recipients | | Noncitizen recipients | |
|-----------------------------|--------------------|---------|-----------------------|---------|
| | Number | Percent | Number | Percent |
| Total..... | 6,481,690 | 100.0 | 650,830 | 100.0 |
| Age: | | | | |
| Under 18 | 876,610 | 13.5 | 6,540 | 1.0 |
| 18 to 39 | 1,474,180 | 22.7 | 45,430 | 7.0 |
| 40 to 49 | 826,890 | 12.8 | 39,930 | 6.1 |
| 50 to 64 | 1,249,030 | 19.3 | 117,970 | 18.1 |
| 65 to 74..... | 1,082,150 | 16.7 | 245,920 | 37.8 |
| 75 or older..... | 972,830 | 15.0 | 195,040 | 30.0 |
| Sex: | | | | |
| Male..... | 2,676,330 | 41.3 | 245,190 | 37.7 |
| Female..... | 3,805,360 | 58.7 | 405,640 | 62.3 |
| Living arrangements: | | | | |
| Own household..... | 5,319,910 | 82.1 | 564,810 | 86.8 |
| Another's household.... | 265,610 | 4.1 | 68,720 | 10.6 |
| Parents' household..... | 738,660 | 11.4 | 6,310 | 1.0 |
| Medicaid institution.... | 149,530 | 2.3 | 9,980 | 1.5 |
| Unknown..... | 7,980 | .1 | 1,010 | .2 |
| Income: | | | | |
| Social Security..... | 2,403,060 | 37.1 | 139,050 | 21.4 |
| Worker..... | 1,549,500 | 23.9 | 101,730 | 15.6 |
| Auxiliary..... | 853,560 | 13.2 | 37,320 | 5.7 |
| Earnings..... | 293,860 | 4.5 | 10,610 | 1.6 |
| Type of SSI payment: | | | | |
| Federal SSI only..... | 4,114,300 | 63.5 | 218,930 | 33.6 |
| State supplement only.. | 283,190 | 4.4 | 27,920 | 4.3 |
| Both..... | 2,084,200 | 32.2 | 403,980 | 62.1 |

Source: SSI 10-Percent Sample file, December 1997.

exempt from the deeming provision or the income of their sponsor was quite low;

- of the 180,000 persons who applied in their 4th, 5th, and 6th years, many had been impacted by the sponsor deeming provision to some extent, while others were

Table 5.—Number of noncitizens receiving SSI payments, by country of origin, December 1997 and change since 1989

| Country of origin | Total | Aged | Blind/ disabled | Change, 1989-97 |
|----------------------------------|---------|---------|--------------------|--------------------|
| Total..... | 650,830 | 367,200 | 283,630 | 307,331 |
| Africa | 7,440 | 3,680 | 3,760 | 4,750 |
| North America: | | | | |
| Canada..... | 3,130 | 870 | 2,260 | 1,140 |
| Other..... | 80 | 20 | 60 | 60 |
| Latin America: | | | | |
| Columbia..... | 6,170 | 4,080 | 2,090 | 1,800 |
| Cuba..... | 48,990 | 27,250 | 21,740 | 15,080 |
| Dominican Republic..... | 28,940 | 12,230 | 16,710 | 17,860 |
| Ecuador..... | 5,230 | 3,310 | 1,920 | 2,330 |
| El Salvador..... | 9,670 | 6,660 | 3,010 | 6,330 |
| Guyana..... | 3,560 | 1,810 | 1,750 | 1,350 |
| Haiti..... | 9,640 | 6,120 | 3,520 | 5,710 |
| Jamaica..... | 8,310 | 4,420 | 3,890 | 3,730 |
| Mexico..... | 125,980 | 69,020 | 56,960 | 72,970 |
| Other..... | 26,330 | 16,200 | 10,130 | 12,550 |
| East Asia: | | | | |
| China..... | 30,710 | 26,420 | 4,290 | 9,590 |
| South Korea..... | 17,810 | 13,930 | 3,880 | 2,280 |
| Other..... | 2,070 | 1,320 | 750 | (400) |
| South Asia: | | | | |
| Afghanistan..... | 3,840 | 1,910 | 1,930 | 1,640 |
| Cambodia..... | 19,920 | 3,260 | 16,660 | 7,530 |
| India..... | 15,260 | 11,060 | 4,200 | 7,000 |
| Iran..... | 17,940 | 11,590 | 6,350 | 10,520 |
| Laos..... | 25,160 | 6,070 | 19,090 | 11,720 |
| Philippines..... | 22,550 | 18,770 | 3,780 | (2,720) |
| Taiwan..... | 3,660 | 3,250 | 410 | 510 |
| Vietnam..... | 46,910 | 19,380 | 27,530 | 27,210 |
| Other | 19,880 | 10,120 | 9,760 | 9,250 |
| Europe: | | | | |
| Italy..... | 3,450 | 1,830 | 1,620 | 850 |
| Portugal..... | 5,930 | 3,720 | 2,210 | 1,220 |
| Romania..... | 2,760 | 1,560 | 1,200 | 530 |
| United Kingdom..... | 3,260 | 1,500 | 1,760 | 1,690 |
| Other..... | 16,310 | 8,000 | 8,310 | 7,720 |
| Former Soviet Union | 78,540 | 48,970 | 29,570 | 61,400 |
| Oceania | 2,080 | 970 | 1,110 | 1,010 |
| Unidentified | 29,320 | 17,900 | 11,420 | (1) |

¹ Data not available.

Note: Figures in parentheses represent a decrease.

Source: SSI 10-Percent Sample file, December 1997.

Table 6.—Number of noncitizens receiving SSI payments, by eligibility category and time between date of U.S. residency and date of SSI application, December 1997

| Months of residency to application | Total | Aged | Blind/disabled |
|------------------------------------|---------|---------|----------------|
| Total..... | 650,830 | 367,200 | 283,630 |
| 0-11..... | 131,640 | 80,580 | 51,060 |
| 12-23..... | 40,680 | 18,130 | 22,550 |
| 24-35..... | 33,940 | 14,360 | 19,580 |
| 36-47..... | 94,860 | 68,950 | 25,910 |
| 48-59..... | 38,260 | 20,370 | 17,890 |
| 60-71..... | 47,450 | 30,130 | 17,320 |
| 72-83..... | 30,290 | 16,130 | 14,160 |
| 84-95..... | 26,390 | 13,610 | 12,780 |
| 96-107..... | 22,320 | 11,650 | 10,670 |
| 108-119..... | 18,990 | 9,200 | 9,790 |
| 120-131..... | 17,840 | 8,350 | 9,490 |
| 132-143..... | 16,130 | 7,520 | 8,610 |
| 144 or more..... | 114,470 | 58,770 | 55,700 |
| Converted cases..... | 6,990 | 3,510 | 3,480 |
| Unknown date..... | 10,580 | 5,940 | 4,640 |

Source: SSI 10-Percent Sample file, December 1997.

either under age 65, or not blind or disabled when they immigrated; and

- the remainder, who did not apply for SSI until they had been in this country 6 years or more, included many who worked until they met the age or disability requirements for SSI.

Year of First SSI Payment

Most of the noncitizens who received SSI in December 1997 had been getting payments for a relatively short time. Almost half, 46 percent, received their first payment in 1993 or later (table 7). An additional 35 percent were first eligible between 1988 and 1992, and only 3 percent had been recipients since the early years of the program, 1974-77.

Among all SSI recipients in the same month, the data show somewhat longer periods of recipiency, although even here, 38 percent had received their first SSI check since the beginning of 1993. However, 14 percent had been SSI recipients since the period 1974-77.

For the noncitizens, the first payment is probably related to their arrival in the United States (see previous section on applications, and table 6). In the larger recipient population, the recency of the first payment may reflect more the impact of regulatory changes and court cases in the late 1980s and early 1990s, which resulted in substantial increases in the number of disabled adults and children coming on the SSI rolls.

Table 7.—Number and percentage distribution of SSI recipients and noncitizen recipients, by year of first SSI payment, December 1997

| Year of first SSI payment | SSI recipients | Noncitizens |
|---------------------------|----------------|-------------|
| Total number..... | 6,481,690 | 650,830 |
| Total percent..... | 100.0 | 100.0 |
| 1993-97..... | 38.2 | 45.6 |
| 1988-92..... | 26.3 | 34.6 |
| 1983-87..... | 13.5 | 11.1 |
| 1978-82..... | 7.8 | 5.3 |
| 1974-77..... | 14.2 | 3.4 |

Source: SSI 1-Percent Longitudinal and 10-Percent files, December 1997.

Amount of SSI Payments, December 1997

Federally administered SSI payments to noncitizens in the month of December 1997 totaled more than \$292 million, compared with \$2.4 billion paid to all persons who received SSI in that month (table 8). If these monthly amounts are annualized, calendar 1997 SSI payments to noncitizens may be estimated at \$3.5 billion, out of total 1997 payments of \$29 billion.

One-fifth of the December total was state supplementation, \$56 million. The totals by state were: California, \$133 million (\$46 million in supplementation); Florida, \$25 million (no supplementation); Massachusetts, \$8 million (\$2.5 million in supplementation); New York, \$45 million (\$6.5 in supplementation); and Texas, almost 16 million (no supplementation).

Comparisons With Previous Years

By using sample data files from December of 1992, 1987, and 1982, we were able to make some limited comparisons between the noncitizens who received SSI in those years and the 1997 population.⁷⁶ Although a substantial majority of the noncitizens continue to be aged 65 or older (two-thirds in 1997), as a group they have become somewhat younger during the last 15 years. In 1992, the proportion was 77 percent; in 1987, 85 percent; and in 1982, 88 percent. As indicated earlier, this downward shift in age also means that, as time has passed, more noncitizens have become eligible for SSI based on blindness or disability. This in turn suggests that these recipients will remain on the SSI rolls unless their medical conditions improve.

One characteristic that has not changed is the proportion of noncitizens who receive a Social Security benefit in addition to SSI. From the 19 percent in December 1982, it has grown only slightly, to 21 percent in 1997. While we cannot directly compare type of Social Security for years before 1997, it is reasonable that, because the noncitizen population in previous years was much older, they were less likely to be receiving a

Table 8.—Total federally administered payments to noncitizens, by eligibility category and state, December 1997

| State | Total | | Aged | | Blind/disabled | |
|---------------------------|---------------|--------------------|---------------|--------------|----------------|--------------|
| | Federal | State ¹ | Federal | State | Federal | State |
| Total..... | \$235,601,200 | \$56,755,890 | \$123,482,740 | \$30,754,840 | \$112,119,300 | \$26,001,050 |
| Alabama..... | 168,480 | (2) | 113,330 | (2) | 55,150 | (2) |
| Alaska..... | 186,930 | (2) | 78,430 | (2) | 108,500 | (2) |
| Arizona..... | 2,463,610 | (2) | 1,147,860 | (2) | 1,315,750 | (2) |
| Arkansas..... | 116,720 | 0 | 47,700 | 0 | 69,020 | 0 |
| California..... | 87,345,150 | 45,606,470 | 43,968,100 | 24,488,590 | 43,377,050 | 21,117,880 |
| Colorado..... | 2,069,870 | 4,680 | 1,079,280 | 3,120 | 990,590 | 1,560 |
| Connecticut..... | 1,392,800 | (2) | 842,400 | (2) | 550,400 | (2) |
| Delaware..... | 116,820 | 3,320 | 58,140 | 3,320 | 58,680 | 0 |
| District of Columbia..... | 319,990 | 400 | 150,930 | 400 | 169,060 | 0 |
| Florida..... | 24,865,460 | (2) | 14,252,960 | (2) | 10,612,500 | (2) |
| Georgia..... | 1,752,700 | 3,130 | 1,076,770 | 1,570 | 675,930 | 1,560 |
| Hawaii..... | 1,227,540 | 71,020 | 820,760 | 48,700 | 406,780 | 22,320 |
| Idaho..... | 184,430 | 2,160 | 65,230 | 600 | 119,200 | 1,560 |
| Illinois..... | 7,994,570 | (2) | 4,263,710 | (2) | 3,730,860 | (2) |
| Indiana..... | 368,950 | (2) | 224,070 | (2) | 144,880 | (2) |
| Iowa..... | 371,150 | 16,830 | 158,440 | 4,840 | 212,710 | 11,990 |
| Kansas..... | 696,410 | 0 | 234,510 | 0 | 461,900 | 0 |
| Kentucky..... | 271,230 | (2) | 153,380 | (2) | 117,850 | (2) |
| Louisiana..... | 796,020 | 0 | 426,520 | 0 | 369,500 | 0 |
| Maine..... | 175,690 | (2) | 47,420 | (2) | 128,270 | (2) |
| Maryland..... | 2,569,140 | (2) | 1,799,750 | (2) | 769,390 | (2) |
| Massachusetts..... | 8,279,590 | 2,550,450 | 4,316,760 | 1,537,670 | 3,962,830 | 1,012,780 |
| Michigan..... | 2,571,730 | 27,240 | 1,265,290 | 10,160 | 1,306,440 | 17,080 |
| Minnesota..... | 3,305,610 | (2) | 1,094,270 | (2) | 2,211,340 | (2) |
| Mississippi..... | 150,480 | 0 | 82,580 | 0 | 67,900 | 0 |
| Missouri..... | 673,170 | (2) | 376,770 | (2) | 296,400 | (2) |
| Montana..... | 43,290 | (2) | 26,750 | (2) | 16,540 | (2) |
| Nebraska..... | 248,150 | (2) | 134,260 | (2) | 113,890 | (2) |
| Nevada..... | 879,550 | 64,360 | 559,610 | 56,550 | 319,940 | 7,810 |
| New Hampshire..... | 112,680 | (2) | 69,510 | (2) | 43,170 | (2) |
| New Jersey..... | 6,925,750 | 1,061,460 | 4,380,080 | 647,020 | 2,545,670 | 414,440 |
| New Mexico..... | 1,285,620 | (2) | 421,010 | (2) | 864,610 | (2) |
| New York..... | 38,813,970 | 6,552,970 | 20,851,250 | 3,607,550 | 17,962,720 | 2,945,420 |
| North Carolina..... | 932,170 | (2) | 514,210 | (2) | 417,960 | (2) |
| North Dakota..... | 79,420 | (2) | 25,630 | (2) | 53,790 | (2) |
| Ohio..... | 1,898,060 | (2) | 1,148,430 | (2) | 749,630 | (2) |
| Oklahoma..... | 437,450 | (2) | 273,570 | (2) | 163,880 | (2) |
| Oregon..... | 1,649,160 | 2,230 | 801,440 | 0 | 847,720 | 2,230 |
| Pennsylvania..... | 4,263,990 | 271,670 | 2,221,910 | 147,350 | 2,042,080 | 124,320 |
| Rhode Island..... | 1,059,190 | 202,210 | 453,320 | 93,940 | 605,870 | 108,270 |
| South Carolina..... | 172,330 | (2) | 116,180 | (2) | 56,150 | (2) |
| South Dakota..... | 59,340 | (2) | 20,160 | (2) | 39,180 | (2) |
| Tennessee..... | 554,500 | (2) | 336,000 | (2) | 218,500 | (2) |
| Texas..... | 15,615,440 | (2) | 8,219,650 | (2) | 7,395,790 | (2) |
| Utah..... | 538,080 | 550 | 222,480 | 300 | 315,600 | 250 |
| Vermont..... | 64,130 | 14,310 | 16,530 | 3,360 | 47,600 | 10,950 |
| Virginia..... | 2,370,750 | (2) | 1,637,690 | (2) | 733,060 | (2) |
| Washington..... | 4,990,390 | 300,430 | 2,151,280 | 99,800 | 2,839,110 | 200,630 |
| West Virginia..... | 57,710 | (2) | 20,060 | (2) | 37,650 | (2) |
| Wisconsin..... | 2,105,860 | (2) | 711,230 | (2) | 1,394,630 | (2) |
| Wyoming..... | 9,980 | (2) | 5,140 | (2) | 4,840 | (2) |
| Northern Marianas..... | 840 | 0 | 0 | 0 | 840 | 0 |

¹ Total includes \$84,000 not distributed by state.

² State has state-administered supplementation program.

Source: SSI 10-Percent Sample file, December 1997.

benefit based on their own earnings record, and more likely to have an auxiliary benefit.

Countries of origin for noncitizen recipients can be compared for 1987, 1992, and 1997 (in the 1982 file, country coding was not complete). In all three years, Mexico was most frequently identified, and the next five countries were Cuba, Vietnam, China, the countries of the former Soviet Union, and the Philippines.

Summary

At the end of 1997, the 650,830 noncitizen recipients constituted 10 percent of the SSI caseload, the second consecutive year of decline in both the number and the proportion of caseload. The changes in conditions of SSI eligibility for noncitizens made by legislation in 1996 and 1997 appear to have resulted in some recipients, who had become citizens since they first applied for SSI, updating their status on SSA records.

Compared to the full caseload, noncitizens are older, less likely to be disabled, less likely to have other sources of income such as Social Security benefits or earnings, more likely to be women, and much more likely to receive a supplementary payment from the state where they live. Noncitizens receiving SSI most often came to the United States from Mexico, China, Cuba, Vietnam, and the countries of the former Soviet Union.

With the current eligibility rules, it may be expected that the number of noncitizens will continue to decline, as ongoing recipients become citizens or leave the rolls, and the number of new applicants declines.

Technical Note

Data presented in part II of this article come from two SSI sample files—the monthly SSI 1-Percent Sample and the semi-annual SSI 10-Percent Sample. These files are, in turn, derived from the Supplemental Security Record (SSR), the main computer file used to administer the SSI program.

Two potential problems exist with the Social Security Administration's (SSAs) data on aliens. The first problem is that since SSA only began recording the alien status of applicants on the SSR in 1979, aliens are undercounted. Data in this section of the article on current alien recipients should be read with this limitation in mind. The second problem is that SSA does not update the SSR to reflect changes in citizenship status. A potential overcount exists in our data, because some of the people classified as aliens may have become United States citizens. Based on matches to agency survey data, we estimate that each of these two groups is in the 50,000 to 100,000 range. In addition, an unknown number of color-of-law aliens have changed their status to lawfully admitted aliens.

All of the data are based on samples. Estimates based on sample data may differ from the figures that would have been obtained had all, rather than a sample, of the records been used. These differences are termed sampling variability. The standard error is a measure of sampling variability; that is, the variation that occurs by chance because a sample is used. The standard error is used to describe confidence intervals. The confidence interval represents the extent to which the sample results can be relied upon to describe the results that would occur if the entire population (universe) had been used for data compilation rather than the sample.

In about 68 percent of all possible probability samples with the same selection criteria, the universe value would be included in the interval from one standard error below to one standard error above the sample estimate. Similarly, about 95 percent of all possible samples will give estimates within two standard errors, and about 99 percent will give estimates within two and one-half standard errors.

Tables I, II, and III provide approximations of standard errors of estimates shown in part II of this article. Table I presents approximate standard errors for the estimated number of recipients from the 1-percent and 10-percent sample files. Table II presents approximations of standard errors for the estimated percentage of persons from the 1-percent file. Similar information about the 10-percent file is shown in table III. Linear interpolation may be used to obtain values not specifically shown.

Table I.—Approximations of standard errors of estimated number of persons

| Size of estimate (inflated) | Standard error: 1-percent file |
|-----------------------------|---------------------------------|
| 500..... | 250 |
| 1,000..... | 300 |
| 2,500..... | 500 |
| 5,000..... | 800 |
| 7,500..... | 900 |
| 10,000..... | 1,100 |
| 25,000..... | 1,700 |
| 50,000..... | 2,400 |
| 75,000..... | 3,000 |
| 100,000..... | 3,400 |
| | Standard error: 10-percent file |
| 100..... | 30 |
| 500..... | 70 |
| 1,000..... | 100 |
| 5,000..... | 225 |
| 10,000..... | 300 |
| 50,000..... | 700 |
| 100,000..... | 1,000 |
| 500,000..... | 2,200 |
| 1,000,000..... | 3,200 |
| 5,000,000..... | 6,500 |

Table II.—Approximations of standard errors of estimated percentages of persons from the 1-percent file

| Size of base (inflated) | Estimated percentage | | | | |
|----------------------------|----------------------|---------|----------|----------|------|
| | 2 or 98 | 5 or 95 | 10 or 90 | 20 or 75 | 50 |
| 1,000..... | 4.7 | 7.3 | 10.1 | 14.5 | 16.8 |
| 10,000..... | 1.5 | 1.2 | 3.2 | 4.6 | 5.3 |
| 50,000..... | .7 | 1.0 | 1.4 | 2.1 | 2.4 |
| 100,000..... | .5 | .7 | 1.0 | 1.5 | 1.7 |

Table III.—Approximations of standard errors of estimated percentages of persons from the 10-percent file

| Size of base (inflated) | Estimated percentage | | | | |
|----------------------------|----------------------|---------|----------|----------|-----|
| | 2 or 98 | 5 or 95 | 10 or 90 | 20 or 75 | 50 |
| 500..... | 1.9 | 3.0 | 4.1 | 5.9 | 6.8 |
| 1,000..... | 1.3 | 2.1 | 2.9 | 4.1 | 4.8 |
| 2,500..... | .8 | 1.3 | 1.8 | 2.6 | 3 |
| 10,000..... | .4 | .6 | .9 | 1.3 | 1.5 |
| 50,000..... | .2 | .3 | .4 | .6 | .7 |
| 100,000..... | .1 | .2 | .3 | .4 | .5 |
| 1,000,000..... | (1) | .1 | .1 | .1 | .2 |
| 10,000,000..... | (1) | (1) | (1) | .1 | .1 |

¹ Less than 0.05 percent.

Part III: Matching SSI Recipients to Data on Foreign Birth

Supplemental Security Income (SSI) payments to lawfully admitted aliens have been a controversial issue for several years, leading up to Public Law 104-193 passed in August 1996 and P.L. 105-33 passed in August 1997. The Social Security Administration (SSA) has attempted to inform the debate by providing periodic reports using data from the Supplemental Security Income Record (SSR), the main computer file used to administer the SSI program. This file contains data on the citizenship or residency status of each recipient and, for noncitizens, the country of origin, involvement of sponsor, and the date that residency began. The previous section in this article, part II, reports findings for December 1997 based on information in the SSR.

However, there is an important related piece of information that is not contained on the SSR; namely, country of birth for citizens. This piece of information permits analysis on the full extent to which SSI serves those from other countries and U.S. territories that do not offer SSI payments. The country of birth can be obtained by matching data on the SSR to SSA's Social

Security Number Identification (Numident) file, which contains information from applications for Social Security numbers.

The purpose of part III of this article is to describe SSI recipients and awardees in terms of their citizenship and foreign birth, and to show how patterns of awards have differed among countries and over time.

Methodology

Two groups of recipients were taken from the SSR:

- (1) 6.5 million persons receiving federally administered SSI payments as of December 1997, and
- (2) a 1-percent sample of 18,327,500 persons awarded SSI benefits since the beginning of the program in January 1974. These two groups of cases were then matched to the Numident file. This file contains information on all persons who have ever submitted a form SS-5 application for a Social Security number. The application contains data on name, date of birth, city of birth, state or country of birth, sex, race, mother's and father's names and Social Security numbers, and information concerning citizenship. There is also a record of death for each deceased number holder. Numident is a huge file containing about 689 million records for 389 million people. One reason that there are more records than people is that new forms are submitted when lost cards are replaced or when names or other information change. The file is in numerical order by Social Security numbers.

Matching the 6.5 million SSI recipients to the Numident yielded 16.5 million Numident records, or about 2.5 records per person. Matching the 183,275 SSI sample award records to the Numident produced 462,449 Numident records, also about 2.5 records per person.

Since there were multiple records for each SSI recipient or awardee, there needed to be some rules used to select data on foreign births. We chose to select the most recent Numident record that contained a place of birth outside the United States. The most recent record was chosen in case we wanted to be able to amplify on recent political events, such as identifying recipients in the new Soviet Republics.

The state/country of birth is entered as a two-digit alphabetic code on the Numident. Since some states (CALifornia) are coded identically to countries (CANada), a separate indicator is used on the file to designate foreign birth. This coding process is not verified, and there was some concern that the file might contain errors either with the state/country code or the foreign indicator. Samples of cases for the most frequently cited countries were checked against the cities of birth and surnames. Special attention was paid to potential problem areas such as **PO** for Portugal and **PL** for Poland. In general, we found few errors and were encouraged to complete the process.

Foreign Birth Status of December 1997 SSI Recipients

In December 1997, there were 6,494,985 persons who received a federally administered SSI payment. Some of those recipients were lawfully admitted noncitizens, and distributions of that group have been reported in part II of this article. Of the total number of recipients, 652,155 were listed on the SSR as noncitizens at the time they applied for SSI.⁷⁷ The match to the Numident indicates that another 556,614 recipients were born outside the United States and the Northern Marianas (table 9), and were citizens by the time they applied. SSI benefits are paid to persons who reside in the 50 states, the District of Columbia, and The Northern Mariana Islands. Other places, including the U.S. territories of Guam, the Virgin Islands, American Samoa, and the Commonwealth of Puerto Rico, do not offer SSI payments. The distinction is useful if one wants to consider the potential attractiveness/usefulness of the SSI program for those residing outside the United States. For purposes of this section of the article, the term *outside the United States* means not within the 50 states, the District of Columbia, and the Northern Mariana Islands.⁷⁸ If one adds the noncitizens to the citizens born outside the United States, about 19 percent of all December 1997 SSI recipients were born outside the United States.

The biggest contributor to the citizen group is Puerto Rico with over 150,000 recipients. Other countries with large citizen SSI populations are Mexico, the Philippines, Cuba, and the components of the former Soviet Union. Recipients from some countries are more likely to have sought citizenship than those from others. Puerto Ricans are citizens, and it is not clear how 510 of them are listed as noncitizens. Of the countries contributing large populations to the SSI rolls, only the Philippines has more U.S. citizens than noncitizens.

It is important to note that some foreign-born recipients were citizens at birth. This became clear when we looked at the surnames and dates of birth for many recipients shown on our records as born in Germany. Presumably, they are children or spouses of Americans living abroad. Therefore some of those shown in this report as foreign born were citizens from birth. Overall then, once the Puerto Rican group is excluded, the majority (62 percent) of all SSI recipients born outside the United States were born as citizens or have become citizens.

Citizens born outside the United States show some differences from their noncitizen counterparts (table 10). They are a bit younger than noncitizens, but not nearly as young as U.S.-born citizens. Racially, the citizens look much like the noncitizens. Both groups are much less likely to be black or white than the overall SSI population.⁷⁹ By sex, most citizens born outside the United States are female as are their noncitizen counterparts. Both groups are more likely to be female than the overall SSI recipient population.

Table 9.—Number of SSI recipients born outside the United States and the Northern Marianas, by country of birth, December 1997

| Country of birth | Total born outside the United States | Noncitizens | Citizens |
|--------------------------------|--------------------------------------|-------------|----------|
| All persons..... | 1,208,769 | 652,155 | 556,614 |
| U.S. territories: | | | |
| Puerto Rico..... | 151,466 | 510 | 150,956 |
| Other..... | 2,937 | 100 | 2,837 |
| Africa..... | 13,292 | 7,178 | 6,114 |
| North America: | | | |
| Canada..... | 9,608 | 3,417 | 6,191 |
| Other..... | 262 | 76 | 186 |
| Latin America: | | | |
| Colombia..... | 12,644 | 6,719 | 5,925 |
| Cuba..... | 88,361 | 48,589 | 39,772 |
| Dominican Republic.... | 44,289 | 29,269 | 15,020 |
| Ecuador..... | 8,117 | 5,075 | 3,042 |
| El Salvador..... | 13,492 | 10,021 | 3,471 |
| Guatemala..... | 6,340 | 4,477 | 1,863 |
| Guyana..... | 7,645 | 3,842 | 3,803 |
| Haiti..... | 14,088 | 10,612 | 3,476 |
| Jamaica..... | 13,776 | 8,738 | 5,038 |
| Mexico..... | 175,983 | 127,411 | 48,572 |
| Nicaragua..... | 5,956 | 3,674 | 2,282 |
| Peru..... | 6,919 | 4,452 | 2,467 |
| Other..... | 29,256 | 15,721 | 13,535 |
| East Asia: | | | |
| China..... | 47,473 | 26,007 | 21,466 |
| South Korea..... | 34,002 | 18,874 | 15,128 |
| Other..... | 7,210 | 2,901 | 4,309 |
| South Asia: | | | |
| Cambodia..... | 22,360 | 19,108 | 3,252 |
| India..... | 21,684 | 15,031 | 6,653 |
| Iraq..... | 5,582 | 3,430 | 2,152 |
| Iran..... | 24,134 | 17,989 | 6,145 |
| Laos..... | 29,648 | 25,295 | 4,353 |
| Lebanon..... | 6,644 | 3,353 | 3,291 |
| Philippines..... | 68,987 | 23,293 | 45,694 |
| Syria..... | 5,054 | 3,094 | 1,960 |
| Taiwan..... | 17,976 | 8,336 | 9,640 |
| Turkey..... | 5,491 | 3,407 | 2,084 |
| Vietnam..... | 71,739 | 47,705 | 24,034 |
| Other..... | 18,486 | 9,633 | 8,853 |
| Europe: | | | |
| Germany..... | 12,270 | 2,128 | 10,142 |
| Greece..... | 6,726 | 3,521 | 3,205 |
| Italy..... | 8,528 | 3,839 | 4,689 |
| Poland..... | 6,342 | 3,205 | 3,137 |
| Portugal..... | 9,136 | 6,152 | 2,984 |
| Romania..... | 6,392 | 3,175 | 3,217 |
| United Kingdom..... | 8,182 | 3,959 | 4,223 |
| Other..... | 17,613 | 9,083 | 8,530 |
| Former Soviet Union.... | 107,207 | 76,421 | 30,786 |
| Oceania..... | 4,523 | 2,122 | 2,401 |
| Unidentified..... | 30,949 | 21,213 | 9,736 |

Source: Revised Management Information Counts (REMICS), SSR, and Numident files.

Table 10.—Number and percentage distribution of SSI recipients, by citizenship status, foreign birth, age, race, and sex, December 1997

| Age, race, and sex | Citizens born in the United States | | Citizens born outside the United States | | Noncitizens born outside the United States | |
|--------------------|------------------------------------|---------|---|---------|--|---------|
| | Number | Percent | Number | Percent | Number | Percent |
| All persons..... | 5,286,216 | 100.0 | 556,614 | 100.0 | 652,155 | 100.0 |
| Age: | | | | | | |
| Under 18..... | 808,106 | 15.3 | 12,040 | 2.2 | 5,534 | .8 |
| 18-29..... | 658,665 | 12.5 | 22,353 | 4.0 | 17,963 | 2.8 |
| 30-39..... | 690,549 | 13.1 | 32,129 | 5.8 | 25,599 | 3.9 |
| 40-49..... | 751,535 | 14.2 | 46,003 | 8.3 | 38,845 | 6.0 |
| 50-59..... | 694,970 | 13.1 | 66,305 | 11.9 | 61,136 | 9.4 |
| 60-69..... | 664,218 | 12.6 | 123,393 | 22.2 | 152,923 | 23.4 |
| 70-85..... | 779,726 | 14.8 | 214,066 | 38.5 | 291,906 | 44.8 |
| 86 or older..... | 238,447 | 4.5 | 40,325 | 7.2 | 58,249 | 8.9 |
| Race: | | | | | | |
| Black..... | 1,935,348 | 36.6 | 75,219 | 13.5 | 77,168 | 11.8 |
| White..... | 2,710,856 | 51.3 | 214,895 | 38.6 | 213,424 | 32.7 |
| Other..... | 303,679 | 5.7 | 263,635 | 47.4 | 356,107 | 54.6 |
| Unknown..... | 336,333 | 6.4 | 2,865 | .5 | 5,456 | .8 |
| Sex: | | | | | | |
| Male..... | 2,230,277 | 42.2 | 207,339 | 37.3 | 245,255 | 37.6 |
| Female..... | 3,055,939 | 57.8 | 349,275 | 62.7 | 406,900 | 62.4 |

Source: Revised Management Information Counts, SSR, and Numident files.

Foreign Birth Status of Persons Awarded SSI Payments, 1974-97

By looking for foreign-born recipients in the December 1997 SSI caseload, the analyst tends to concentrate on the most recent immigrants. If one looks instead at the group of foreign-born persons awarded payments over the life of the program, it is possible to get a better feel for the demands placed on the SSI program by immigrants over time.

Since the beginning of the SSI program in January 1974 and through December 1997, there have been approximately 18 million people awarded SSI payments. By matching a 1-percent sample of these awardees to the Numident computer file, we can see that the percentage of immigrant awardees has increased steadily over time (table 11). In 1974, the first year of the SSI program, just over 5 percent of the large number of persons converted to SSI from the previous state programs were born outside the United States. From 1975 to 1993, the number of awardees born outside the United States increased steadily, and was at 17 percent as late as 1996.

By studying awardees, it is also possible to look for trends or patterns in benefit receipt for persons from different countries. Looking at the timing of award for several of the birthplaces of the largest number of awardees reveals some differences (table 12). Cubans came onto the SSI rolls earlier than the average for all recipients born outside the United States. Puerto Ricans were awarded at rates similar to the average for

the entire group of countries, and people from the other countries—Mexico, the Philippines, Vietnam, China, and the former Soviet Republics—were awarded more recently than the average for those born outside the United States.

It is possible to make a comparison between the data shown on caseloads and that shown for awardees. Overall, about 12 percent of SSI recipients awarded payments over the life of the program were born outside the United States. This figure is much smaller than the 19 percent figure cited earlier for the December 1997 caseload. Why would there be such a difference? Part of the explanation is the fact that a large percent of the awardees have come onto the rolls in recent years and were still receiving benefits as of December 1997. But that does not explain all of the difference. Another explanation is that depending on how old they were when they came to this country, persons born outside the United States are much less likely to have worked long enough to qualify for Social Security benefits, and are therefore unlikely to leave the rolls when they become age 65.⁸⁰

Summary

An important contribution to the debate on SSI payments to noncitizens can be made by looking at place of birth for the current SSI caseload and for awards over time. This information can be obtained by matching SSI program data from the SSR to the Numident file.

Table 11.—Number of all of SSI awardees and awardees born outside the United States and the Northern Marianas, by percent and year of all awards

| Year of award | All awards | Awards to all persons born outside the United States | Percent of all awards |
|-----------------|------------|--|-----------------------|
| All persons.... | 18,327,500 | 2,156,400 | 11.8 |
| 1974..... | 3,754,700 | 199,400 | 5.3 |
| 1975..... | 832,600 | 49,100 | 5.9 |
| 1976..... | 604,200 | 45,400 | 7.5 |
| 1977..... | 555,700 | 45,300 | 8.2 |
| 1978..... | 500,800 | 42,100 | 8.4 |
| 1979..... | 436,900 | 43,700 | 10.0 |
| 1980..... | 447,400 | 55,200 | 12.3 |
| 1981..... | 339,600 | 36,600 | 10.8 |
| 1982..... | 300,500 | 33,700 | 11.2 |
| 1983..... | 369,200 | 38,600 | 10.5 |
| 1984..... | 491,500 | 54,400 | 11.1 |
| 1985..... | 461,800 | 54,200 | 11.7 |
| 1986..... | 520,000 | 63,000 | 12.1 |
| 1987..... | 533,000 | 70,800 | 13.3 |
| 1988..... | 532,400 | 77,900 | 14.6 |
| 1989..... | 588,900 | 92,900 | 15.8 |
| 1990..... | 702,500 | 117,100 | 16.7 |
| 1991..... | 789,700 | 136,200 | 17.2 |
| 1992..... | 1,000,400 | 159,700 | 16.0 |
| 1993..... | 1,040,800 | 178,500 | 17.2 |
| 1994..... | 956,200 | 151,700 | 15.9 |
| 1995..... | 946,100 | 156,300 | 16.5 |
| 1996..... | 877,600 | 149,100 | 17.0 |
| 1997..... | 745,000 | 105,500 | 14.2 |

Source: SSI 1-Percent Sample and Numident files.

Such a match indicates that nearly 19 percent of all SSI recipients in December 1997 were born outside the United States. Since 1974, the annual percentage of SSI awardees born outside the United States has averaged 12 percent and has increased steadily. That percentage went down sharply in 1997, and will presumably drop steadily as the effects of recent laws become evident.

Notes

¹ The term *qualified alien* is defined in section 431 of P.L. 104-193, as amended by P.L. 104-208 and P.L. 105-33. In order to be a qualified alien an individual must be:

- lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
- a refugee under section 207 of the INA;
- an asylee under section 208 of the INA;
- a person whose deportation is withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal has been withheld under section 241(b)(3) of the INA;
- a parolee under section 212(d)(5) of the INA for at least one year;
- a person granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980;
- a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980; or
- a certain alien, or an alien parent of a child, or an alien child of a parent who has:
 - been battered or subjected to extreme cruelty in the United States by a spouse, parent, or certain other family members the alien, parent, and/or child lived with;
 - been determined to need SSI because of this abuse; and
 - a determination from the Immigration and Naturalization Service (INS) for a certain change in status.

Table 12.—Number and percent of all SSI awards: Patterns of awards for persons in selected countries, 1974-97

| Country | Total | 1974-78 | 1979-83 | 1984-88 | 1989-93 | 1994-97 |
|-----------------------------|------------|---------|---------|---------|---------|---------|
| All awardees..... | 18,327,500 | 34.1 | 10.3 | 13.9 | 22.5 | 19.2 |
| Foreign born awardees..... | 2,156,400 | 17.7 | 9.6 | 14.9 | 31.7 | 26.1 |
| Puerto Rico..... | 313,900 | 19.1 | 9.2 | 16.2 | 28.9 | 26.6 |
| Cuba..... | 168,500 | 26.4 | 13.9 | 16.0 | 22.8 | 20.8 |
| Mexico..... | 307,700 | 15.1 | 8.0 | 13.4 | 35.5 | 27.9 |
| Philippines..... | 127,200 | 9.1 | 11.0 | 20.0 | 36.3 | 23.6 |
| Vietnam..... | 83,000 | 3.4 | 7.7 | 14.0 | 37.7 | 37.2 |
| China..... | 68,800 | 9.9 | 10.0 | 17.9 | 34.3 | 27.9 |
| Former Soviet Union..... | 153,200 | 12.2 | 10.1 | 6.0 | 33.4 | 38.4 |
| Other Foreign awardees..... | 934,100 | 20.4 | 9.4 | 15.3 | 31.5 | 23.5 |

Source: SSI 1-Percent Sample and Numident files.

² Noncitizen American Indians born outside of the United States to whom the provisions of section 289 of the INA apply or who are members of an Indian tribe defined in section 4(e) of the “Indian Self-Determination and Education Assistance Act” may be eligible for SSI without being *qualified* aliens.

³ This is the only SSI noncitizen eligibility category that does not require a specific immigration status. Thus, individuals in this category may be eligible if they meet any of the *qualified alien* immigration statuses listed in note 1.

⁴ A quarter earned after 1996 would not count as one of the required 40 quarters if the alien or person whose quarters are being credited to the alien has received federally funded public assistance during the same period.

⁵ In section 401, “Statements of National Policy Concerning Welfare and Immigration,” of P.L. 104-193.

⁶ With regard to the growth in the number of noncitizens receiving SSI benefits, see “Noncitizens and the SSI Program, 1974-97,” by Lenna Kennedy, in the *Social Security Bulletin*, Vol. 61, No. 4, 1998.

⁷ In 1971, the Supreme Court ruled that state governments cannot deny government benefits to aliens by restricting such assistance to citizens or by imposing a duration of residence requirement upon noncitizens. In the *Graham v. Richardson* and *Sailer v. Leger* decisions, the Court ruled that, with regard to the payment of welfare benefits to noncitizens in the United States, welfare laws which discriminate against noncitizens as a class violate the equal protection clause of the 14th Amendment of the Constitution. After the *Graham* and *Sailer* decisions, all such duration of residency or citizenship requirements were stricken from state public assistance programs.

⁸ Section 212(d)(5)(A) of the Immigration and Nationality Act allows the Attorney General the discretion to parole into the country any noncitizen “temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.” Parolee status does not constitute a formal admission to the United States and, in most cases, allows the noncitizen to remain in the country only for a temporary period of time. The INA requires parolees to leave the country when the condition on which their parole is based ceases to exist. Noncitizens may be granted parole status for medical, legal, humanitarian, or other reasons.

⁹ Duration of residency requirements were not considered by Congress because of the 1971 Supreme Court decision described in note 7. Congress did require a suspension of payments to an individual who is outside the United States for 30 consecutive days “until he has been in the United States for 30 consecutive days.” This provision was not intended to be a residency requirement, but rather a prohibition from receiving SSI benefits outside the United States.

¹⁰ “Need to Reduce Public Expenditures for Newly Arrived Immigrants and Correct Inequity in Current Immigration Law,” (GGD-75-107), 7/15/75 Based on a random sample of immigrant cases in Los Angeles County, California, GAO concluded that more than one-half of immigrants had applied for benefits within 2 years after entry, and 44 percent within 5 years after entry.

¹¹ The INA provided that noncitizens who are likely to become public charges are excludable from entry to the United States and noncitizens who become public charges within 5 years of entry are liable to be deported. However, neither of these provisions proved to

be an adequate deterrent to noncitizens filing for and receiving SSI benefits. A noncitizen who was likely to be excluded as a public charge was permitted to enter the United States if a sponsor executed an affidavit of support on his behalf. Though the sponsor pledged to provide the financial support necessary to prevent the noncitizen’s need for governmental assistance, this did not always deter the noncitizen from filing for assistance. Several courts determined that the affidavits then in effect were not legally binding. Moreover, the threat of deportation did not effectively deter noncitizens from receiving public assistance because the Immigration and Naturalization Service (INS), guided by court decisions, determined that a noncitizen was liable for deportation only if he or she refused to repay assistance that he or she is legally liable to repay. Most forms of public assistance including SSI, had no provisions for liability for repayment of benefits for which the individual was eligible.

¹² In February 1978, considerable publicity was generated by another GAO report—“Number of Newly Arrived Noncitizens Who Receive Supplemental Security Income Needs To Be Reduced,” February 22, 1978 (HRD-78-50)—indicating that about 37,500 newly arrived noncitizens—that is, those residing in the United States for 5 years or less in 1976—in five states (CA, FL, IL, NJ, and NY) received about \$72 million annually in SSI benefits. It was estimated that on a nationwide basis, 42,000 newly arrived noncitizens received SSI benefits, and 63 percent of them became beneficiaries within 1 year of arrival in the United States. GAO also estimated that one-third of all the noncitizens aged 65 or older who entered the country between 1973 and 1975 were receiving SSI in December 1976. These findings led GAO to recommend that a length-of-residency requirement be established for noncitizen receipt of SSI.

¹³ These provisions would not have applied to refugees who were admitted to the country for humanitarian reasons or political asylum.

¹⁴ House of Representatives, H. Rept. 96-451, Part I, p. 162.

¹⁵ Deeming proved an effective method in keeping immigrants off of the SSI rolls during their first 3 years in the United States. For example, fewer than 5,000 immigrants with sponsors who were on the SSI rolls in December 1994 came on the rolls before their deeming period ended. This was only about 1 percent of all immigrants lawfully admitted for permanent residence then receiving SSI benefits.

¹⁶ Refugees and noncitizens in refugee-like situations were exempt from deeming. Congress did not restrict eligibility at this point on other noncitizens in the PRUCOL category because they generally either did not have sponsors or had been in the United States for many years.

¹⁷ Six additional immigration statuses that met PRUCOL under SSI regulations in 1985 were asylees and individuals placed under orders of supervision, individuals who have continuously resided in the United States since June 30, 1948 (this *registry date* was subsequently changed to January 1, 1972 by amendment to the INA), individuals in voluntary or indefinite voluntary departure status, and individuals who were granted indefinite stays of deportation.

¹⁸ Another category of noncitizens was added to the list of PRUCOL categories subsequent to the *Berger* decision. These were previously undocumented noncitizens who had continuously resided in the United States since before January 1, 1982, and who were legalized under provisions in P. L. 99-603, the Immigration Reform and Control Act of 1986. Such noncitizens had to apply for and be granted lawful temporary resident (LTR) status. The law provides

that noncitizens granted LTR status would be considered PRUCOL for purposes of the SSI program.

¹⁹ PRUCOL would have been defined to include only: refugees under INA-section 207, asylees under INA-section 208, conditional entrants under INA-section 203(a)(7) prior to 4/1/80, parolees under INA-section 212(d)(5) who had been paroled at least 5 years earlier, and individuals who have had their deportations withheld under INA-section 243(h).

²⁰ P.L. 103-152.

²¹ The Administration's bill was introduced on behalf of the Administration in the House by Representative Gibbons (D., FL) as H.R. 4605, and by Senator Moynihan (D., NY) in the Senate as S. 2224.

²² As introduced, the bar on eligibility for noncitizens would have not only applied to SSI but also to 51 other specifically listed Federal or federally assistance benefit programs. These programs included Medicaid and public health assistance, Food Stamp, AFDC, foster care and adoption assistance, HUD rental and loan programs, and education assistance.

²³ "Recent Growth in the Rolls Raises Fundamental Concerns," statement of Jane L. Ross, Director, Income Security Issues, Health, Education, and Human Services Division, United States General Accounting Office (GAO/T-HEHS-95-67)

²⁴ In January 1995, there were approximately 785,410 noncitizens receiving SSI.

²⁵ Implications of Proposals on Legal Immigrants' Benefits, United States General Accounting Office, February 2, 1995 (GAO/HEHS-95-58)

²⁶ Representative Stark's (D., CA) amendment would have provided public assistance eligibility for persons who have paid U.S. taxes for 5 years, and Representative Rangel's (D., NY) amendment would have permitted LPRs who are military veterans to retain benefits.

²⁷ From Statement of Administration Policy on H.R. 4, issued by the Office of Management and Budget, on March 21, 1995—"H.R. 4 would deny public assistance to legal immigrants—who pay taxes and contribute to their communities—thereby shifting substantial burdens to state and local taxpayers."

²⁸ At this juncture, there was no provision requiring the affidavit to specify a length of time. However, both the Dole amendment and provisions being considered in other committees in connection with immigration reform included specified deeming time periods longer than 5 years.

²⁹ Debate was interrupted by the August recess and resumed on September 7, 1995.

³⁰ October 18, 1995. Identical letters sent to Senators Dole and Daschle, and Representatives Gingrich and Gephardt.

³¹ From p. 7 of Rivlin letter of October 18, 1995.

³² Letter dated October 26, 1995.

³³ Provisions from the House- and Senate-passed H.R. 4 were added to H.R. 2491, the Balanced Budget Act of 1995. On October 26, 1995, the House passed H.R. 2491 by a vote of 227 to 203. On October 27, the Senate passed H.R. 2491 by a vote of 52 to 47. The conference report that was approved by the Senate (52 to 47) on

November 17, 1995 and by the House (235-192) on November 20, 1995, included provisions relating to noncitizens that were identical to the conference provisions in H.R. 4 on noncitizens.

President Clinton vetoed H.R. 2491 on December 6, 1995 saying that "excessive program cuts in human terms—to working families, single mothers with small children, abused and neglected children, low-income legal immigrants, and disabled children—would be grave."

³⁴ The bill also included a provision that would have made the sponsorship affidavit of support legally enforceable by the Federal, state, or local government that provides means-tested support—including SSI—to a noncitizen for a period of 10 years after the noncitizen last receives benefits. The bill required the Federal, state, or local government that provided assistance to the noncitizen to request reimbursement from the sponsor. If the sponsor does not respond or refuses to abide by repayment plans, the government entity may take legal action against the sponsor.

³⁵ *Congressional Record*, January 22, 1996, p. H342.

³⁶ The Attorney General would be required to promulgate regulations defining *lawfully present* within 30 days after enactment, and the provision would be effective on a date specified in the regulations within 30-60 days after the regulation was published.

³⁷ Affidavits would have been enforceable until the noncitizens' applicable deeming period ends by requiring the Federal, state, or local government agencies to seek reimbursement from the sponsor for any assistance the agency provides the noncitizen; if the sponsor does not reimburse, the agency could take legal action to recover monies.

³⁸ Amendment offered by Representative Smith adopted by unanimous consent.

³⁹ Letter from Jamie S. Gorelick, Deputy Attorney General, Department of Justice. Identical letter sent to Minority Leader Gephardt.

⁴⁰ SSI was not the only program affected by the restriction. Noncitizen eligibility for any Federal, state, or local program under which eligibility for benefits is based on need, or the receipt of any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any state or local government entity would be restricted under the bill. Exceptions were made for certain programs of emergency medical assistance, immunizations, short-term disaster relief, school lunches, and child nutrition programs.

⁴¹ The benefit paying agencies would be required to seek reimbursement from the sponsor for any assistance the noncitizen received before the affidavit period expired. If the sponsor did not reimburse, the agency would have been able to take legal action to recover monies.

⁴² In letter from Kent Markus, Acting Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, to Senator Alan K. Simpson, Chairman Subcommittee on Immigration, Committee on the Judiciary, June 7 1995.

⁴³ S. 269 was a comprehensive immigration reform bill that addressed both legal and illegal immigration. During markup, an amendment offered by Senator Abraham (R., MI) was adopted, which split the bill in two. S. 1664 dealt with illegal immigration and restrictions on benefit payments, while S. 1665, the Legal Immigra-

tion Act of 1996 was intended to reform the standards and procedures for the lawful admission of immigrants and nonimmigrants into the United States.

⁴⁴ Amendment offered by Senator Feinstein (D., CA) passed, 11-5.

⁴⁵ Amendment offered by Senator Simpson agreed to by unanimous consent.

⁴⁶ The bill was introduced on behalf of the Administration on June 11, 1996, again in the House by Representative Gibbons and in the Senate by Senator Moynihan as H.R. 3612 and S. 1841, respectively.

⁴⁷ The suspension date was extended to September 30, 1997, by section 6005 of P. L. 105-18, the "1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia," enacted June 12, 1997. The reason for the 1-month extension was that Congress and the Administration were in negotiations for restoring eligibility for many noncitizens beneficiaries who were scheduled to lose their benefits that fall.

⁴⁸ "Remarks by the President at the Signing of the Personal Responsibility and Work Opportunity Reconciliation Act," The White House, Office of the Press Secretary, August 22, 1996.

⁴⁹ The exemption would *not* apply for any month in which the noncitizen continues to live in the same household as the person responsible for the battery or extreme cruelty.

⁵⁰ Noncitizens who receive most types of Federal means-tested benefits for more than an aggregate of 12 months within the 7 years after the date of his or her entry would be considered deportable as a *public charge*. The provisions would not have applied to refugees or asylees. The provisions also would not apply to LPRs if it could have been shown that causes for receipt of benefits (for example, disability) have arisen since entry and if the noncitizen had physical illness or injuries so serious that they could not work at any job, or a mental disability that required continuous hospitalization.

In cases in which the noncitizen or his or her child were battered or subjected to extreme cruelty by a family member while living in the same household, the 12-month period would be extended to 36 months if the battery or cruelty has been recognized in an order of a judge or the INS. However, the 12-month limit would apply for months in which the noncitizen lives in the same household as the person responsible for the battery or extreme cruelty.

⁵¹ Affidavits become legally enforceable contracts under which the sponsor agrees to provide support at an annual income that is not less than a specified percentage of the poverty line (generally, 200 percent; 140 percent, if sponsor is spouse or parent; or 100 percent, if sponsor is in the military.) Affidavits of support would be made legally enforceable against the sponsor by the sponsored immigrant, the Federal, state, and local governments and the sponsor would be required to support the noncitizens until they become U.S. citizens or until they (or, under certain conditions, their spouses or parents) have worked 40 quarters in the United States, whichever is earlier.

Affidavits would be in effect until the noncitizen became a U.S. citizen, and would be enforceable for a period of 10 years after the noncitizen last received public assistance benefits, including SSI, if he or she received such benefits prior to citizenship.

⁵² Noncitizens who are battered or subjected to extreme cruelty or whose children are battered or subjected to extreme cruelty are

considered to be *qualified aliens*. As such they may be eligible for a number of Federal and state benefits. However, in order to be eligible for SSI, they not only have to be *qualified aliens* they also have to meet the more restrictive SSI eligibility criteria. For example, an LPR meets the definition of *qualified alien* but LPRs are eligible for SSI only if they have 40 quarters of coverage.

⁵³ "Remarks by the President in the State of the Union Address," The White House, Office of the Press Secretary, February 4, 1997.

⁵⁴ From Franklin D. Raines, OMB Director, letter to Representative Bill Archer, Chairman, House Ways and Means Committee, June 9, 1997.

⁵⁵ This provision was intended to alleviate the hardship of very elderly and disabled individuals who had been receiving SSI for a long time of having to prove their citizen or immigration status. These individuals became eligible for SSI before SSA was able to record all individual's citizenship/alien status although those statuses were checked at the time the individual filed for benefits.

⁵⁶ Generally, a noncitizen has to have been lawfully present in the United States for 5 years before he or she may apply for citizenship. The 2-year extension proposed by the Administration was intended to give certain noncitizens benefits during the time it took them to complete the naturalization process.

⁵⁷ Letter from President Clinton to Representative John M. Spratt, Jr., June 20, 1997.

⁵⁸ Agriculture, Banking and Financial Services, Commerce, Education and the Workforce, Government Reform and Oversight, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means.

⁵⁹ Unlike the House bill, S. 947 did not specify that Amerasian immigrants would be grandfathered. It was generally understood that such specificity was not needed because Amerasian immigrants were generally lawfully admitted permanent residents and, as such, needed no special provision to be grandfathered.

⁶⁰ From letter from Franklin D. Raines, OMB Director, to Senator William Roth, Chairman, Senate Finance Committee, June 17, 1998.

⁶¹ This provision would turn out to be unnecessary in light of the approved Lautenberg amendment. However, it remained in the bill as passed by the Senate.

⁶² "Sense of Congress" resolutions do not have force of law. Thus, there is no authority to provide SSI benefits to Hmong veterans unless they meet one of the other eligibility categories.

⁶³ See note 1.

⁶⁴ This date was subsequently changed to September 30, 1997 by P.L. 105-18. (See note 47.)

⁶⁵ From Legi-Slate Inc., "Report of Markup of H.R. 4558," September 15, 1998.

⁶⁶ House of Representatives, H. Rept. 105-735, Part 1, p. 8.

⁶⁷ Social Security Administration Press Release: "Statement by Kenneth S. Apfel, Commissioner of Social Security, Concerning SSI for Elderly Non-Citizens," September 18, 1998.

⁶⁸ Section 1614(a)(1)(B) of the Social Security Act.

⁶⁹ Another group of SSI recipients, more than 500,000 were not born in the United States, but had become citizens before applying for SSI. (See part III of this article.)

⁷⁰ See Lenna D. Kennedy and Jack Schmulowitz, "SSI Payments to Lawfully Resident Aliens, 1978-79," *Social Security Bulletin*, Vol. 43, No. 3 (March) 1980, pp. 3-10.

⁷¹ Data for 1980-93 are from the *Statistical Abstract of the United States: 1995*, p. 10; Data for 1994-96 are from the Immigration and Naturalization Service website (www.ins.usdoj.gov). The INS indicates that the sharp drop in FY 1995 is a result of delays in implementing 1994 legislation.

⁷² These data are developed by INS using their data on immigrants and 1990 Census data on noncitizens.

⁷³ Unlike the Old-Age, Survivors, and Disability Insurance program, SSI does not change program category when the recipient attains age 65. Almost all recipients retain the category of their initial eligibility.

⁷⁴ Data from the same website cited in note 71 above.

⁷⁵ For more information on women aged 65 or older receiving SSI, including noncitizens, see Lenna D. Kennedy, "Women Aged 65 or Older Receiving SSI Payments, December 1996," *Social Security Bulletin*, Vol. 60, No. 4, 1997, pp. 39-44.

⁷⁶ Because of changes and additions to the files over the years, we were able to compare only age, receipt of Social Security benefits, and country of origin.

⁷⁷ The 652,155 figure differs slightly from the 650,830 figure cited in part II of this article because the latter number was based on a 10-percent sample.

⁷⁸ It is important to point out that a person is considered to be a citizen for purposes of SSI if they are born in the 50 states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, Swain's Island, and the Northern Mariana Islands.

⁷⁹ The large number of *other* races comes from two sources. For those filing for an account number prior to 1979, *other* was used as an alternative to *black* or *white*. After 1979, *other* refers to a combination of people identifying themselves as *Asian*, *Asian-American*, or *Pacific Islander*, *Hispanic*, or *North American Indian* or *Alaskan Native*.

⁸⁰ See part II of this article for data on Social Security receipt rates.