



August 30, 2011

PM-602-0047

Policy Memorandum

SUBJECT: Field Guidance for Processing Form N-400, Application for Naturalization, for Applicants Who Will Have Their Supplemental Security Income (SSI) Benefits Terminated Because Their Time-limited Eligibility Ends

Purpose

This memorandum provides field guidance to all United States Citizenship and Immigration Services (USCIS) employees about their responsibilities regarding the priority processing of Form N-400, Application for Naturalization, when filed by applicants who will soon lose Supplemental Security Income (SSI) benefits because they have reached their eligibility time limit.

Scope

This memorandum applies to all USCIS personnel involved in the processing and adjudication of Form N-400, Application for Naturalization.

Authority

INA 103, 8 CFR 103; INA 335, 8 CFR 335.

Background

Supplemental Security Income (SSI) is a federal income supplement program funded by general tax revenues and is designed to assist certain individuals with low income and limited resources. Some refugees and other noncitizens residing in the United States are eligible to receive SSI for up to seven years. On September 30, 2008, the “SSI Extension for Elderly and Disabled Refugees Act,” (P.L. 110-328) modified this policy. The new law temporarily extended the SSI eligibility period for refugees, asylees, and certain other humanitarian immigrants from seven to nine years during the period of October 1, 2008, through September 30, 2011. It also exempted noncitizens from time limitations during the effective period of the law in situations when the applicant had already filed a Form N-400 or was awaiting the swearing-in ceremony.

The Social Security Administration (SSA) notifies noncitizens at several different points that their SSI benefits are time-limited. The first notification occurs when the noncitizen initially becomes eligible for SSI benefits (or eligible for the SSI extension). SSA explains that payments can only be made during a specific eligibility period. In addition, SSA sends an annual notice [see Appendix A] to all noncitizens receiving SSI benefits on a time-limited basis to remind them of the general 7-year period of eligibility. This notice also reminds the recipient of the SSI

temporary extension and the circumstances under which eligibility can continue beyond the time limits in certain situations, for example, if the recipient naturalizes. Around 30 days before the recipient's SSI eligibility terminates, SSA sends a personalized notice to noncitizens [see Appendix B]. This personalized notice explains situations in which benefits can be continued.

Policy

Generally, individuals who receive SSI have low income and limited access to resources; therefore, termination of SSI benefits will likely cause hardship for those noncitizens. USCIS will prioritize the processing of Form N-400, Application for Naturalization, filed by individuals (1) who are within one year or less of having their SSI benefits terminated **and** (2) whose Form N-400 has been pending for four months or more from the date of receipt. Although USCIS will prioritize processing of these applications, each applicant is still required to meet all eligibility requirements for naturalization, and there is no guarantee that USCIS will approve a particular application.

USCIS instructs noncitizens receiving SSI benefits who are applying for naturalization and are within one year or less of having their SSI benefits terminated, to notify USCIS by: (1) placing the acronym "SSI" at the top of page 1 of Form N-400 (see example below); and (2) including a copy of their most recent SSA letter identifying when their SSI benefits will be terminated [see Appendix B].

Department of Homeland Security
U.S. Citizenship and Immigration Services

SSI

**N-400 Application
for Naturalization**

Print clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use black ink.

Part 1. Your Name (*Person applying for naturalization*)

Write your USCIS A-Number here:

A

A. Your current legal name.

Family Name (*Last Name*)

Given Name (*First Name*)

Full Middle Name (*If applicable*)

For USCIS Use Only

Bar Code

Date Stamp

For applicants who had more than one year remaining on their SSI benefits at the time of filing their Form N-400, but who could not or neglected to comply with the instructions above, USCIS is instructing these applicants to contact USCIS after filing their form N-400 to inform USCIS that their SSI benefits are terminating within one year. Applicants are instructed to inform USCIS of the approaching termination of benefits by INFOPASS appointment or by United States postal mail or other courier service by providing:

- a cover letter or cover sheet to explain that SSI benefits will be terminated within one year or less and that Form N-400 has been pending for four months or more from the date of receipt; and
- a copy of the applicant's most recent SSA letter identifying when the SSI benefits will be terminated. The USCIS alien number must be written at the top right of the SSA letter.

Whenever USCIS encounters the “SSI” acronym on the Form N-400, or a letter from the applicant that he or she is receiving SSI benefits, USCIS will locate and review the SSA letter to determine if the applicant meets the criteria to have his or her naturalization application prioritized. (The SSA letter will provide the date on which the applicant’s SSI benefits will be terminated.) If Form N-400 has been pending for four months or more from the date of receipt, and the applicant’s benefits will be terminated within one year or less, USCIS will prioritize the processing of the individual’s Form N-400.

Use

This memorandum is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions concerning the operational guidance published to implement this policy should be directed through official channels to the Field Operations Directorate.

Appendix A: Social Security Administration Annual Notice

Social Security Administration
Supplemental Security Income
Important Information

SOCIAL SECURITY
1 WALL ST
SUITE 201
MANCHESTER NH 03101
Date: April 12, 2011
Claim Number:

012 11S1315C31503

We are writing to tell you important information about your Supplemental Security Income (SSI).

SSI Rules for Non-Citizens

SSI for non-citizens in certain alien categories may be limited to 7 years.

If your SSI benefits cease prior to September 30, 2011, you may still be eligible for benefits under the SSI Extension for Elderly and Disabled Refugees Act (Public Law 110-328) if:

- you have applied for U.S. citizenship with the Department of Homeland Security (DHS), and your application is pending or has been approved, but you have not yet been sworn in as a U.S. citizen; or
- you sign a declaration under the penalty of perjury stating that you have made or are making an effort to become a U.S. citizen, and if you do not qualify for citizenship at this time, that you plan to become a U.S. citizen if and when the law allows.

Eligibility under the SSI Extension for Elderly and Disabled Refugees Act will expire on September 30, 2011.

If you have applied for citizenship, please visit your local Social Security office. Bring with you the DHS Form I-797 that proves your application for citizenship is pending. If you wish to make a declaration that you are making an effort to become a U.S. citizen, please visit your local Social Security office.

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U.S. Citizens Are Not Subject to the 7-Year Rule or the Extension

In general, a person who meets all of the SSI eligibility rules can get SSI with no time limit, if he or she becomes a U.S. citizen. U.S. Citizenship and Immigration Services (USCIS) in DHS is the U.S. Government agency that decides who can become a U.S. citizen.

USCIS Expedited Processing and Fee Waivers

If you have a pending application for naturalization (Form N-400) or adjustment of status (Form I-485), you (or your representative) may request expedited processing from USCIS. Be sure to tell USCIS that you are an SSI recipient. You may also apply for a waiver of the application fee by contacting USCIS. If you are eligible for naturalization or adjustment of status but have not filed an application with USCIS, we encourage you to do so.

Other Categories of Eligible Aliens

An alien who is getting SSI under the time-limited rules may continue getting SSI after the end of the time-limited period, even if he or she does not become a U.S. citizen, if the alien:

- is a lawfully admitted permanent resident who can be credited with at least 40 qualifying quarters of work (certain restrictions may apply); or
- was lawfully residing in the U.S. on August 22, 1996 and is blind or disabled at any age; or
- is lawfully residing in the U.S. and was receiving SSI on August 22, 1996; or
- is an honorably discharged veteran or current active duty member of the U.S. armed forces who meets certain rules; or
- is a spouse or dependent child of a veteran or active duty member of the U.S. armed forces who meets certain rules.

Contact SSA Right Away

Let us know right away if you become a U.S. citizen, if your immigration status changes, or if you could meet one of the other categories of eligible aliens.

Things You Should Know

This information is also being sent to your representative payee.

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Where to Find More Information

- To request expedited processing of your application for naturalization or adjustment of status, or to request a fee waiver, please call the USCIS toll free number at 1-800-375-5283 (wait for the SSI option on the main menu). If you are deaf or hearing impaired, call their TTY number at 1-800-767-1833. You also can contact your local USCIS office in person or in writing. If you (or your representative) have not yet filed an application for naturalization or adjustment of status and you are eligible to file, you can also apply for a fee waiver when you file the application.
- To learn more about fee waivers, how to become a U.S. citizen, how to apply for adjustment of status, or to become a lawful permanent resident, please visit the USCIS website at www.uscis.gov.
- To learn more about SSI benefits for aliens, please call our toll free number at 1-800-772-1213. If you are deaf or hearing impaired, call our TTY number at 1-800-325-0778. You also can visit any Social Security field office or visit SSA's websites at www.socialsecurity.gov and www.socialsecurity.gov/ssi/spotlights/spot-non-citizens.htm.

Manuel J. Vaz

Manuel J. Vaz
Regional Commissioner

Appendix B: Social Security Administration 30 Day Notice

**Social Security Administration
Supplemental Security Income**
Notice of Planned Action

SERVICING FO ADDRESS
CITY, ST ZIP CODE

Date: MM/DD/YYYY
Claim Number: XXX-XX-XXXX AI

CLAIMANT NAME
STREET ADDRESS
CITY ST ZIP CODE

Type of Eligibility:
Individual—Age 65 or
Older

You Will Lose Your SSI on MM/DD/YYYY

We plan to stop your Supplemental Security Income (SSI) payments beginning Month 1, YYYY. This is 7 years after Month YYYY, the month you were granted asylum under section 208 of the Immigration and Nationality Act (INA).

We urge you to read this entire letter, including the information about Medicaid eligibility and the information about appeal rights.

Contact Us Immediately If You Think You May Be Eligible

You may still be eligible for SSI if:

- you have applied for U.S. citizenship with the Department of Homeland Security, and your application is pending or has been approved, but you have not yet been sworn in as a U.S. citizen; or
- you sign a declaration under the penalty of perjury stating that you have made or are making an effort to become a U.S. citizen, and if you do not qualify for citizenship at this time, that you plan to become a U.S. citizen if and when the law allows.

If you have applied for citizenship, please visit your local Social Security office. Bring with you proof that your application for citizenship is pending.

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If Your Application For U.S. Citizenship Is Pending

A recent class action settlement called the "Kaplan Class" may help you. Under this settlement, you can ask the Department of Homeland Security (DHS) to expedite a pending application for U.S. citizenship. You can also ask them to waive the fee. Please contact the DHS for additional information.

For questions, please visit www.uscis.gov/portal/site/uscis or call the Citizenship and Immigration Services National Center at 1-800-375-5283.

If You Become A U.S. Citizen

Please let us know if you become a citizen. We may be able to continue your payments as long as you meet all other SSI eligibility rules.

You Must Now Be In One Of The Categories Below To Be Eligible For SSI

Since we do not have proof that you are eligible based on a category listed below, we are stopping your SSI beginning Month 1, YYYY.

1. Citizens or nationals of the U.S.
2. Aliens who are lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) and who have worked long enough to have at least a total of 40 qualifying quarters of work. An alien may get the 40 quarters of work himself or herself. Also, work done by a spouse or parent may count toward the 40 quarters of work for getting SSI only.

We can help you get the information you need to prove how many quarters of work you, your spouse, or your parents have.

We cannot count any quarter of work acquired after December 31, 1996 if the alien or the worker received certain types of federally funded assistance during that quarter.

To qualify based on 40 quarters of work:

- the alien had to enter the U.S. before August 22, 1996, or
 - if the alien entered the U.S. on or after August 22, 1996, the alien had to have been in one or more of the alien eligibility categories listed in this letter for 5 years or more.
3. Certain aliens who are blind or disabled and were lawfully residing in the U.S. on August 22, 1996.
 4. Certain aliens who were lawfully residing in the U.S. and who were receiving SSI benefits on August 22, 1996.

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5. American Indians born outside the U.S. who are admitted under section 289 of the INA or who are members of federally recognized Indian tribes under section 4(e) of the Indian Self-Determination and Education Assistance Act.
6. Certain aliens who are:
 - active duty members of the U.S. Armed Forces (except for training purposes only), or
 - honorably discharged veterans of the U.S. Armed Forces but not discharged because of alien status, or
 - spouses, including unremarried widows or widowers, or unmarried dependent children of people in the above two groups.

AND

Under categories 3 and 6, the alien must also be one of the following:

- lawfully admitted for permanent residence under the INA; or
- a refugee under section 207 of the INA; or
- an asylee under section 208 of the INA; or
- 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; or
- a parolee under section 212(d)(5) of the INA for at least one year; or
- a person granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980; or
- 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 U.S. by a spouse, parent, or certain other family members the alien, parent and/or child lived with; and
 - been determined to need SSI because of this abuse; and
 - a determination from Immigration and Naturalization Service (INS) for a certain change in status.

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7. Aliens who are eligible under P.L. 110-328, "The SSI Extension for Elderly and Disabled Refugees Act." This law temporarily extends the 7 year eligibility limit for certain refugees, asylees, and certain other immigrants, including victims of human trafficking, for 2 or 3 years during the period October 1, 2008, through September 30, 2011. To qualify under P.L. 110-328, the alien must:
 - have a pending or approved citizenship application and not yet have been sworn in as U.S. citizen; or
 - sign a declaration under the penalty of perjury stating that the alien has made or is making an effort to become a U.S. citizen, and if the alien does not qualify for citizenship at this time, that the alien plans to become a U.S. citizen if and when the law allows.

Proofs To Bring If You Contact Us

If you contact us, the types of documents you can show us include:

- U.S. naturalization papers or U.S. passport; or
- Proof of your alien status (for example, an unexpired Department of Homeland Security immigration document such as Form I-94, Arrival Departure Record, or Form I-551, Permanent Resident Card); or
- An order from an immigration judge withholding deportation or granting asylum; or
- U.S. military service identity card (U.S. Form DD-2 or HSPD-12, Armed Forces Identity Card); or
- Discharge Certificate from U.S. Military (Department of Defense Form 214); or
- Proof that you are a member of a federally recognized Indian tribe.

You can also give us information about qualifying quarters of work. But remember that we can help you prove how many quarters of work you, your spouse, or your parents have.

Information About Medi-Cal

If you are getting medical assistance from the Medi-Cal, even though you will not be eligible for SSI, you may still be eligible for medical assistance if you need help with medical bills. That's because some aliens may still be eligible for medical assistance if they have little or no income or resources.

If the Medi-Cal decides that you are eligible to remain on Medi-Cal, your Medi-Cal benefits will continue.

If the Medi-Cal decides that you are not eligible to continue on Medi-Cal, it must send you a separate letter and information about how to appeal that decision. If you appeal, you will continue to receive Medi-Cal benefits until the appeal is decided. If you have not heard from them in 60

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days, you may want to contact your local medical assistance office or your local county welfare program. If you call or visit that agency, please have this letter with you.

You Can Review The Information in Your Case

The decisions in this letter are based on the law and information in our records. You have a right to review and get copies of the information in our records that we used to make the decisions explained in this letter. You also have a right to review and copy the laws, regulations, and policy statements used in deciding your case. To do so, please contact us. Our telephone number and address are shown under the heading "If You Have Questions."

Things You Should Know

- Let us know if your alien status changes and you think you may be eligible for SSI.
- If we stop your SSI and you do not become eligible again before MM/YYYY, you may have to file a new application to get SSI.

You Have Important Appeal Rights

If you disagree with the decision, you have the right to appeal. We will review your case and consider any new facts you have.

- You have 60 days to ask for an appeal.
- The 60 days start the day after you get this letter. We assume you got this letter 5 days after the date on it unless you show us that you did not get it within the 5-day period.
- You must have a good reason for waiting more than 60 days to ask for an appeal.
- To appeal, you must fill out a form called "Request for Reconsideration." The form number is SSA-561. To get this form, contact one of our offices. We can help you fill out the form.

Appeal In 10 Days To Keep Getting The Same Check

You can ask for an appeal any time within 60 days. But if you want to keep getting the same check until we decide your case, you must ask for the appeal within the first 10 days.

- The 10 days start the day after you get this letter.
- If you lose your appeal, you might have to pay back some or all of this money.

However, even if you appeal in 10 days, we may not send you the check in MM/YYYY if both of the following are true:

- The decision we make on your appeal is the same as our earlier decision, and
- We send or give you a letter with our new decision in time to stop the check from being sent.

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How To Appeal

There are three ways to appeal. You can pick the one you want. If you meet with us in person, it may help us decide your case.

- Case Review. You have a right to review the facts in your file. You can give us more facts to add to your file. Then we'll decide your case again. You won't meet with the person who decides your case.
- Informal Conference. You'll meet with the person who decides your case. You can tell that person why you think you're right. You can give us more facts to help prove you're right. You can bring other people to help explain your case.
- Formal Conference. This is a meeting like an informal conference. The difference is you can ask us to make people come to help prove you're right. We can make them bring important papers about your case, even if they don't want to help you. You can question these people at your meeting.

If You Want Help With Your Appeal

You can have a friend, lawyer or someone else help you. There are groups that can help you find a lawyer or give you free legal services if you qualify. There are also lawyers who do not charge unless you win your appeal. Your local Social Security office has a list of groups that can help you with your appeal.

If you get someone to help you, you should let us know. If you hire someone, we must approve the fee before he or she can collect it.

If You Have Questions

For general information about SSI, please visit our website at www.socialsecurity.gov on the Internet. You will find the law and regulations about SSI eligibility and SSI payment amounts at www.socialsecurity.gov/SSIRules/.

For general questions about SSI or specific questions about your case, please call us toll-free at 1-800-772-1213 or call your local Social Security office at 123-456-7890. Our lines are busiest early in the week and early in the month, so if your business can wait, it's best to call at other times. We can answer most questions over the phone. If you need assistance for any reason, you can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
22 SUSSEX ST
HACKENSACK NJ 07601

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

Regional Commissioner