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Supplemental Security Income (SSI)

Understanding Supplemental Security Income SSI Eligibility Requirements 2008 Edition

SSI ELIGIBILITY REQUIREMENTS

WHO IS ELIGIBLE FOR SSI BENEFITS?

Anyone who is:

- ▶ aged (age 65 or older);
- ▶ blind; or
- ▶ disabled.


And, who:

- ▶ has limited income; and
- ▶ has limited resources; and
- ▶ is a U.S. citizen or national, or in one of certain categories of aliens; and



In general, an alien who is subject to an active warrant for deportation or removal does not meet the citizenship/alien requirement.

- ▶ is a resident of one of the 50 States, including the District of Columbia, and the Northern Mariana Islands; and
- ▶ is not absent from the country for a full calendar month or more than 30 consecutive days; and
- ▶ applies for any other cash benefits or payments for which he or she may be eligible, e.g., pensions, Social Security; and
- ▶ gives SSA permission to contact any financial institution and request any financial records that the financial institution may have about you; and
- ▶ files an application; and



 meets certain other requirements.

WHAT DOES "AGED" MEAN?

"Aged" means age 65 or older.

WHAT IS "BLINDNESS" FOR AN ADULT OR CHILD?




"Blindness" in Social Security disability programs is "statutory blindness," which means:

-  you have a central visual acuity of 20/200 or less in your better eye with best correction; or
-  you have a limitation in the field of vision of your better eye, so that the widest diameter of your visual field subtends an angle no greater than 20 degrees.

If you have a visual impairment that is not "blindness" as defined above you may still be eligible for SSI benefits on the basis of disability. See the definitions of disability for children and adults below.

WHAT DOES "DISABLED" MEAN FOR A CHILD?

An individual under age 18 is "disabled" if he or she has a medically determinable physical or mental impairment, which:

-  results in marked and severe functional limitations; and
-  can be expected to result in death; or
-  has lasted or can be expected to last for a continuous period of not less than 12 months.

If the individual is age 18 or older, the adult definition of disability explained below applies.



See [SSI FOR CHILDREN](#) and [IF YOU ARE DISABLED OR BLIND](#) for more information on the childhood disability evaluation.

WHAT DOES "DISABLED" MEAN FOR AN ADULT?

An individual age 18 and older is "disabled" if he or she has a medically determinable physical or mental impairment, which:

- results in the inability to do any [substantial gainful activity](#); and
- can be expected to result in death; or
- has lasted or can be expected to last for a continuous period of not less than 12 months.

WHAT DOES "LIMITED INCOME" INCLUDE?

Income includes:

- ▼ money you earn from work;
- ▼ money you receive from other sources, such as Social Security, workers compensation, unemployment benefits, Department of Veterans Affairs, friends or relatives; and
- ▼ free food or shelter.



We do not count all kinds of income for SSI, but most income that we do count reduces your SSI benefit amount. For more information, see [SSI INCOME](#).

WHAT ARE "LIMITED RESOURCES"?

Resources are things you own such as:

- ▼ cash;
- ▼ bank account(s), stocks, U.S. savings bonds;
- ▼ land;
- ▼ vehicles;
- ▼ personal property;
- ▼ life insurance; and
- ▼ anything else you own that could be converted to cash and used for food or shelter.



We do not count all kinds of resources for SSI. For more information, see [SSI RESOURCES](#).

The SSI limits for resources that we do count are:

Individual	—	\$2,000
Couple	—	\$3,000

CITIZEN / NON-CITIZEN STATUS

To get SSI benefits, you must be:

- ▼ a citizen or national of the United States; or
- ▼ a non-citizen who meets the alien eligibility criteria under the 1996 legislation and its amendments.

When May A Non–Citizen Be Eligible For SSI Benefits?

Beginning August 22, 1996, most non–citizens must meet two requirements to be eligible for SSI benefits:

- ▶ the non–citizen must be in a [qualified alien](#) category, and
- ▶ meet a [condition](#) that allows qualified aliens to get SSI benefits.

A non–citizen must also meet all of the other requirements for SSI eligibility, including the limits on income, resources, etc.

Who is a "Qualified Alien?"

There are seven categories of non–citizens who are qualified aliens. You are a qualified alien if the Department of Homeland Security (DHS) says you are in one of these categories:

- ▶ Lawfully Admitted for Permanent Residence (LAPR) in the United States, including "Amerasian immigrant" as defined in Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988, as amended;
- ▶ granted conditional entry under Section 203(a)(7) of the Immigration and Nationality Act (INA) as in effect before April 1, 1980;
- ▶ paroled into the United States under Section 212(d)(5) of the INA for a period of at least one year;
- ▶ refugee admitted to the United States under Section 207 of the INA;
- ▶ granted asylum under Section 208 of the INA;
- ▶ deportation is being withheld under Section 243(h) of the INA as in effect before April 1, 1997, or removal is withheld under Section 241(b)(3) of the INA;
- ▶ "Cuban or Haitian entrant" under Section 501(e) of the Refugee Education Assistance Act of 1980 or in a status that is to be treated as a "Cuban or Haitian entrant" for SSI purposes; or

In addition, you can be a "deemed qualified alien" if, under

certain circumstances, you, your child, or your parent has been subjected to battery or extreme cruelty while in the United States.



DHS does not determine this status.

Under What Conditions May a "Qualified Alien" be Eligible for SSI Benefits?

If you are in one of the seven qualified alien categories listed above, or have been determined to be a "deemed qualified alien" because you have been subjected to battery or extreme cruelty, you may be eligible for SSI benefits if you have limited income and resources and are aged, blind, or disabled and also meet one of the following conditions:

1. You were receiving SSI benefits and lawfully residing in the United States on August 22, 1996.
2. You are LAPR with 40 qualifying quarters of work.
 - ▶ Work done by your spouse or parent may also count toward the 40 quarters of work, but only for getting SSI benefits.
 - ▶ We cannot count quarters of work earned after December 31, 1996 if you, your spouse, or your parent worked or received certain benefits from the U.S. government based on limited income and resources during that period.

IMPORTANT: If you entered the United States for the first time on or after August 22, 1996, then you may not be eligible for SSI benefits for the first five years as LAPR, even if you have 40 qualifying quarters of work.

3. You are currently on active duty in the U.S. Armed Forces, or you are an honorably discharged veteran and your discharge is not because you are an alien. This condition may also apply if you are the spouse, widow(er), or dependent child of certain U.S. military personnel.
4. You were lawfully residing in the United States on August 22, 1996, and you are blind or disabled.

5. You may receive SSI benefits for a maximum of seven years from the date DHS granted you a status in one of the following categories, and the status was granted within seven years of filing for SSI benefits:

- ▶ refugee under Section 207 of the Immigration and Nationality Act (INA);
- ▶ asylee under Section 208 of the INA;
- ▶ alien whose deportation was withheld under Section 243(h) of the INA or whose removal is withheld under Section 241(b)(3) of the INA;
- ▶ "Cuban or Haitian entrant" under Section 501(e) of the Refugee Education Assistance Act of 1980 or in a status that is to be treated as a "Cuban or Haitian entrant" for SSI purposes; or
- ▶ "Amerasian immigrant" under Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as amended.

IMPORTANT: You may be eligible for SSI beyond the seven year period if you are in one of these categories, and you also meet one of the other conditions (1–4) above.

Exemption From the August 22, 1996, Law for Certain Non–Citizen Indians

Certain categories of non–citizens may be eligible for SSI benefits and are not subject to the August 22, 1996, law.

These categories include:

- ▶ American Indians born in Canada who are in the United States under Section 289 of the INA; or
- ▶ non–citizen members of a federally recognized Indian tribe under Section 4(e) of the Indian Self–Determination and Education Assistance Act.

Additional Eligible Alien Category

You may be eligible for SSI benefits under certain circumstances if the Department of Health and Human Services' Office of Refugee Resettlement (<http://www.acf.hhs.gov/programs/orr/>) determines that you meet the requirements of the Trafficking Victims Protection Act of 2000.



See the SSI Spotlight on [SSI Benefits for Aliens](#).

WHAT IS RESIDENCY?

You must:

- live in the United States, District of Columbia, or the Northern Mariana Islands with the intent to continue living within the geographic limits of the United States; or
- be a child living with a parent in the military service assigned to permanent duty ashore anywhere outside of the United States; or
- be a student temporarily abroad for the purpose of conducting studies as part of an educational program.



See the SSI Spotlight on [Special SSI Rules for Children of Military Personnel Living Overseas](#).

WHO IS NOT ELIGIBLE FOR SSI BENEFITS?

Some examples of who is not eligible for SSI benefits include, but are not limited to:

SOMEONE WHO IS A FUGITIVE FELON

An individual is ineligible to receive SSI benefits for any month during which he or she has:

- ▶ an unsatisfied warrant for a crime that is a felony or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding one year regardless of the actual sentence imposed under the laws of the place from which the warrant is issued. The Social Security Administration defines this individual as a "fugitive felon";
- ▶ an unsatisfied warrant for avoiding custody or confinement after conviction for a crime which is a felony or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding one year regardless of the actual sentence imposed under the laws of the place from which the person flees; or
- ▶ violated a condition of probation or parole imposed under Federal or State law.

The Social Security Administration will continue to pay an individual's benefit if a court of competent jurisdiction has found the individual not guilty, dismissed the charges, vacated the warrant for arrest, or issued any similar exonerating order or taken similar exonerating action. The Social Security Administration also will continue to pay an individual's benefit if the individual was erroneously implicated in connection with the criminal offense by reason of identity fraud.

Also, the Social Security Administration may continue to pay an individual's benefit if the individual establishes that the offense underlying the warrant or imposition of the probation or parole (as well as the violation of probation or parole) was both nonviolent and not drug-related and there were mitigating circumstances for not satisfying the warrant.

SOMEONE WHO IS IN PRISON OR JAIL

If you are receiving SSI benefits, and you go to prison or jail, you are not eligible to receive SSI benefits for any full calendar month you are in prison or jail.

Please see our pamphlet, "What Prisoners Should Know About Social Security," or view it [online](http://www.socialsecurity.gov/pubs/10133.html), at <http://www.socialsecurity.gov/pubs/10133.html>, if you want more information about how being in prison or jail affects your SSI benefits.

In most instances, you can apply for SSI benefits and Food Stamps several months before you expect to be released from prison or jail. See the SSI spotlight on the [Prerelease Procedure](#).

SOMEONE WHO IS IN A PUBLIC INSTITUTION AND MEDICAID IS NOT PAYING 50% OR MORE OF THE EXPENSES

If you are in any institution for a whole month that is run by a Federal, State or local government you are not eligible for SSI for that month. If you expect to leave the institution, you may use the prerelease procedure described in the SSI spotlight on the [Prerelease Procedure](#).

SOMEONE WHO GIVES AWAY RESOURCES

If you give away a resource or sell it for less than it is worth in order to reduce your resources below the SSI resource limit, you may be ineligible for SSI for up to 36 months.



See [SSI RESOURCES](#) and the SSI Spotlight on [Transfers of Resources](#).

SOMEONE WHO IS A NON-CITIZEN SSI RECIPIENT WHO FAILS TO MEET THE ALIEN STATUS REQUIREMENTS

- ▶ If you are receiving SSI benefits as a non-citizen and you lose your status as an eligible alien, you are not eligible to receive SSI benefits. For example, your SSI benefits will stop if you lose your status as a [qualified alien](#) because there is an active warrant for your deportation or removal from the United States.
- ▶ If you are a [qualified alien](#) but you no longer meet one of the [conditions](#) that allow SSI eligibility for [qualified aliens](#), then we will stop your SSI benefits.

SOMEONE WHO IS AN SSI BENEFICIARY WHO IS ABSENT FROM THE UNITED STATES FOR A FULL CALENDAR MONTH OR MORE THAN 30 CONSECUTIVE DAYS

Except for certain students temporarily abroad for study purposes or a child of military parents stationed abroad, an individual is not eligible for SSI benefits for any month during all of which he has been outside the United States. Once an individual has been outside the United States for 30 consecutive days or longer, he must be present in the United States for 30 consecutive days to be eligible for SSI benefits.

THIS INFORMATION IS GENERAL. FOR MORE INFORMATION, CALL 1-800-772-1213 (TTY 1-800-325-0778), OR CONTACT YOUR LOCAL SOCIAL SECURITY OFFICE.