



SOCIAL SECURITY

MEMORANDUM

Date: July 10, 2009

Refer To:

To: The Commissioner

From: Inspector General

Subject: Supplemental Security Income Eligibility of Refugees (A-02-09-29001)

The attached final quick response evaluation presents the results of our review. Our objective was to assess the Social Security Administration's controls over Supplemental Security Income payments to refugees, asylees, and other non-citizens in refugee-like immigration status.

If you wish to discuss the final report, please call me or have your staff contact Steven L. Schaeffer, Assistant Inspector General for Audit, at (410) 965-9700.

A handwritten signature in black ink, appearing to read "Patrick P. O'Carroll, Jr." with a stylized flourish at the end.

Patrick P. O'Carroll, Jr.

Attachment

QUICK RESPONSE EVALUATION

Supplemental Security Income Eligibility of Refugees

A-02-09-29001



July 2009

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OBJECTIVE

Our objective was to evaluate the Social Security Administration's (SSA) controls over Supplemental Security Income (SSI) payments to refugees, asylees and other non-citizens in refugee-like immigration status.

BACKGROUND

The SSI program, authorized by Title XVI of the *Social Security Act*, provides payments to recipients who meet certain financial limits and are aged, blind or disabled. Refugees, asylees and other non-citizens in a refugee-like immigration status meeting income and resource requirements may receive SSI payments. As originally established, SSI eligibility for these non-citizens¹ was not time-limited.

Effective with the passage of Public Law Number (Pub. L. No.) 104-193, the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, and subsequent legislation, non-citizens² who entered the United States after August 22, 1996 were eligible for SSI payments for a maximum of 7 years. Under this Law, the 7-year period began the month the Department of Homeland Security granted immigration status. After the 7-year period, non-citizens, with a few exceptions,³ would no longer be eligible

¹ We will refer to refugees, asylees and other non-citizens in refugee-like immigration status throughout this report as non-citizens.

² *The Personal Responsibility and Work Opportunity Reconciliation Act*, Pub. L. No. 104-193 §431, 8 U.S.C. §1641(b) defines a qualified alien (hereinafter referred to as a "qualified non-citizen") as (1) an alien who is lawfully admitted for permanent residence under the *Immigration and Nationality Act*, (2) an alien who is granted asylum under section 208 of such Act, (3) a refugee who is admitted to the United States under section 207 of such Act, (4) an alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year, (5) an alien whose deportation is being withheld under section 243(h) of such Act, (6) an alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980 or (7) an alien who is a Cuban and Haitian entrant. Additionally, the statute provides for certain battered aliens to meet the requirements for a qualified alien, 8 U.S.C. §1641(c). Certain other aliens who are not qualified non-citizens may also get SSI. The *Balanced Budget Act of 1997*, Pub. L. No. 105-33 §5302, 8 U.S.C. 1612 §(a)(2), modified eligibility from 5 years to 7 years, and became law on August 5, 1997. The *Non-citizen Benefit Clarification and Other Technical Amendments Act of 1998*, Pub. L. No. 105-306 §2, which extends SSI eligibility to non-qualified non-citizens who were receiving SSI on August 22, 1996, became law on October 28, 1998.

³ According to SSA, Program Operations Manual System (POMS) SI 00502.100 *Basic SSI Alien Eligibility Requirements* – a non-citizen is exempt from the SSI non-citizen provisions of P.L. 104-193 and its amendments if one of the following conditions is met: (1) the individual was receiving SSI after July 1996 based on an application filed before January 1, 1979 and there is no convincing evidence that the recipient is an alien who would be ineligible under the P.L. 104-193; (2) the individual is an American Indian born in Canada and he/she is at least 50 percent Indian blood; or (3) the individual is a non-citizen member of a federally recognized Indian tribe.

for SSI payments unless they became naturalized United States citizens or showed they met criteria to remain eligible for SSI payments. The 7-year limit on payments did not affect blind or disabled non-citizens already receiving SSI payments or those who were already lawfully residing in the United States on or before August 22, 1996.

The SSI Extension for Elderly and Disabled Refugees Act of 2008 increased the maximum number of years certain qualified non-citizens can receive benefits from 7 to 9 through Fiscal Year 2011.⁴ In comments in support of the Act, a Congressman noted that SSA estimated that about 20,000 refugees would have their benefits restored over the following 3 years because of this legislative change.

Non-citizens applying for SSI must provide evidence of their immigration status to determine their eligibility for payments. SSA staff records the applicant's immigration status based on the evidence provided. SSA's Modernized Supplemental Security Income Claims System (MSSICS) uses the information input by staff to derive the appropriate alien eligibility reason (AER) code. SSA staff can also manually add an AER code to the Supplemental Security Record (SSR) based on evidence provided by SSI applicants or recipients.

The AER code on the SSR indicates whether a non-citizen's eligibility for SSI payments is time-limited or based on a provision that permits continual SSI payments as long as other eligibility factors are met. There are nine AER codes, as described in the following table.

⁴ *The SSI Extension for Elderly and Disabled Refugees Act*, Pub. L. No. 110-328 §2, 8 U.S.C. §1612(a)(2)(M)(i), generally extends SSI eligibility for 2 years for refugees, asylees, and other qualified humanitarian immigrants, including those who had benefits suspended in the past. Benefits can be extended for additional time for those awaiting a decision on a pending application for citizenship. These policies will be in effect for 3 years (Fiscal Years 2009 through 2011).

AER Code	Description
1	Qualified non-citizen admitted to the United States as a refugee
2	Qualified non-citizen whose deportation has been withheld
3	Qualified non-citizen lawfully admitted for permanent residence with 40 work credits
4	Qualified non-citizen on active duty in the military or honorably discharged veterans
5	Qualified non-citizen who is a spouse/widow(er) of an active duty military or honorably discharged veteran
6	Qualified non-citizen who is a child of an active duty military or honorably discharged veteran
7	Grandfathered qualified ⁵ non-citizen indicator
8	Aged non-citizen requiring a disability determination
9	Grandfathered nonqualified ⁶ non-citizen receiving SSI on August 22, 1996 or earlier

Each month, the Database Analysis (DABA)⁷ system selects SSRs of non-citizens for termination when their eligibility for SSI expires. The AER code, citizenship alien code and alien entry date⁸ in the SSR are used to determine whether SSI payments should continue or terminate. If payments are time-limited, the alien entry date is used to determine when a non-citizen's eligibility expires.

To accomplish our objective, we obtained a data extract from 1 segment of the SSR⁹ of 4,437 active records (as of August 1, 2008) comprising non-citizens. From this population, we selected multiple samples of records for multiple tests of the effectiveness of SSA's controls over SSI payments made to non-citizens. More specifically, we tested the completeness and accuracy of the data SSA used to determine non-citizens' SSI eligibility and the accuracy of payments made to

⁵ SSA, POMS SM 01005.642, *Alien Eligibility Code and Begin Date (AQ)*, defines "grandfathered" as a qualified alien who was receiving SSI payments on August 22, 1996.

⁶ SSA, POMS SI 00502.153, *SSI Eligibility for Nonqualified Aliens Who Were Receiving SSI on 8/22/96 — 1998 "Grandfathering" Legislation*, defines "grandfathered" as a nonqualified alien who was receiving SSI payments on August 22, 1996 does not lose SSI eligibility effective October 1, 1998, provided all other factors of eligibility continue to be met.

⁷ The DABA system selects records 2 calendar months before the month of termination. DABA also sends notices to SSI recipients informing them that their SSI payments are stopping and provides the criteria for remaining eligible for SSI payments. The notices also include the recipient's appeals rights.

⁸ According to SSA, POMS SI 00502.106, *Time-Limited Eligibility for Certain Aliens*, the 7-year period begins with the month the Department of Homeland Security grants the immigration status. In general, the status attained date for asylees and Cuban/Haitian entrants can be the same or later than the alien's entry date to the United States posted on the SSR.

⁹ One segment of the SSR represents 5 percent of the total population.

non-citizens. In total, we reviewed 383 records. We forwarded cases we believed were questionable to SSA for verification and a determination of the cause of any inaccuracies. Additional details of our scope and methodology are found in Appendix B.

Results of Review

We found SSA's controls over SSI payments to refugees, asylees and other non-citizens in refugee-like immigration status were generally effective. SSA made proper payments to eligible non-citizens in almost all cases. We identified a few cases where non-citizens beyond their 7-year eligibility period received SSI payments because of inaccurate AER codes in the SSR. We found 5 of the 383 recipients we reviewed received SSI payments after their 7-year eligibility period and were improperly paid \$11,386.

ACCURACY OF AER CODES

The AER codes for three of the five recipients who received payments beyond the 7-year period of eligibility were incorrectly recorded on the SSR. The three recipients' records contained AER codes indicating their SSI payments were not time-limited, though they should have been limited to the 7-year period.

- Two of the recipients' AER codes were recorded as '7,' indicating their SSI eligibility was based on a "grandfathered" status. However, the two recipients' dates of entry into the United States were later than August 1996, so they were not eligible for the "grandfathered" status their records indicated. Their payments should have stopped 7 years after the Department of Homeland Security granted them immigration status. The two recipients received payments for 9 and 11 months past their 7-year time limit and were improperly paid \$5,076 and \$689, respectively.
- The third recipient had an AER code '4,' which meant her SSI eligibility was based on active duty in the military or an honorably discharged veteran status. The payments for SSI recipients with an AER code '4' are not limited to the 7-year time period. However, the recipient should have had an AER code of '1' since she entered the United States as a refugee, and her SSI payments should have been limited to 7 years. She obtained her alien status in May 2001. Based on this date, SSA should have stopped payments in June 2008, but payments continued for an additional 4 months resulting in \$4,196 in improper payments.

We found another case in addition to the three discussed above that contained an incorrect AER code. The recipient's AER code was recorded as '7,' indicating his SSI eligibility was based on a "grandfathered" status even though his date of entry into the United States was later than August 1996. The Agency agreed with our assessment that the AER code was inaccurate.

After its review of our analysis, the Agency completed an unscheduled redetermination on this case in May 2009. The recipient had not had a redetermination since his SSI payments were effectuated in 2001. During the redetermination process, SSA discovered that the recipient became a naturalized U.S. citizen in 2003. As a citizen, the recipient was then eligible to receive SSI payments without time limitation, meeting

all other eligibility factors. Although the recipient's SSR contained inaccurate alien information that made it appear he received SSI payments for which he was not eligible, the recipient actually had attained U.S. citizenship status before the 7-year expiration on SSI payments to non-citizens. Accordingly, the recipient did not receive any improper payments even though the AER coding was inaccurate.

Additional Errors

We identified two cases where non-citizens had the appropriate AER codes, but they still received payments beyond their period of eligibility. We were able to identify the cause of the error in the first case, but were not able to identify the cause in the second case. We conferred with SSA staff on the second case, but the staff was unable to determine the cause of the improper payment at the time of our review. The details of each case are explained below.

- The first recipient's SSI payments should have ceased in December 2006 because she attained alien status¹⁰ in November 1999. She continued to receive SSI payments until February 2007—2 months beyond the 7-year limit—resulting in \$727 in improper payments. According to SSA, in December 2006, the DABA system was not programmed to select alien records for termination. Therefore, this recipient was not selected for termination when her SSI eligibility expired in December 2006. SSA resolved the system issue and reported this situation had not recurred.
- The second recipient's SSI payments should have ceased in July 2006 because he attained alien status in June 1999. His SSI payments stopped in August 2006 resulting in an overpayment of \$698. We referred this case to SSA, but staff was unable to determine why the DABA system failed to timely terminate the SSI payments for this recipient.

¹⁰ SSA, POMS SM 01601.475, *Person Related Data – PRSN*. Alien status attained date represents the date the alien attained his/her specific status.

Matters for Consideration

The DABA system uses the AER code in the SSR to select records of non-citizens for termination when their eligibility for SSI expires. Our work demonstrated that SSA's DABA system generally selects the SSRs of non-citizens for termination in a timely manner. However, inaccurate AER codes led to a few improper payments.

To ensure only eligible non-citizens are receiving SSI payments, SSA staff should review the accuracy of a recipient's AER code for those with an alien status attained date after August 22, 1996 and an AER code indicating their SSI payments are not time-limited when completing redeterminations. Generally, SSI payments with an alien status attained date after August 22, 1996 should be limited to a 7-year period. Also, to ensure accurate payment decisions are made, SSA should consider reinforcing the importance of entering accurate immigration status information into the SSR with its staff.

The SSI Extension for Elderly and Disabled Refugees Act, effective October 1, 2008, increased the maximum number of years qualified non-citizens can receive benefits from 7 to 9. Additionally, the Act authorized a third year of payments if citizenship applications are pending or approved. As SSA is in the planning and analysis phase of the project to determine what changes to the DABA and other systems will be required as a result of the new legislation, we believe our review provides useful information for SSA to meet its objectives and minimize improper payments.

SSA has already corrected one of the five cases we identified, and the remaining four cases have been referred to SSA for development.¹¹ Particular attention should be given to the case where the cause of the improper payment was not identified. SSA should continue work to establish the cause and whether the payment error has implications beyond this one case in determining the SSI eligibility of non-citizens.

¹¹ We previously provided SSA with the details of each case.

Appendices

APPENDIX A – Acronyms

APPENDIX B – Scope and Methodology

APPENDIX C - OIG Contacts and Staff Acknowledgments

Acronyms

AER	Alien Eligibility Reason
DABA	Database Analysis
MSSICS	Modernized Supplemental Security Income Claims System
OIG	Office of the Inspector General
Pub. L. No.	Public Law Number
POMS	Program Operations Manual System
SSA	Social Security Administration
SSI	Supplemental Security Income
SSR	Supplemental Security Record

Scope and Methodology

To meet our objective, we:

- Reviewed applicable Federal laws and regulations as well as Social Security Administration (SSA) policies and procedures regarding non-citizens and the Supplemental Security Income (SSI) program.
- Obtained a data extract of 4,437 records from 1 segment of the Supplemental Security Record (SSR) containing refugees, asylees and other non-citizens with a date of entry into the United States of August 2001¹ or earlier and a non-terminated SSR. The details of the alien codes in our sample selection are shown in Table 1.

Table 1: Summary of Citizenship Alien Codes in Data Extract

Type of Alien	Number of Records
Refugee	3,655
Asylee	359
Cuban/Haitian Entrant	356
Deportation Withheld	58
Amerasian Immigrant	9
Total	4,437

- Created five categories for review from the population.
 - 1) Randomly selected 50 records from the total population to determine alien eligibility and whether payments were terminated correctly and timely.
 - 2) Identified 507 records from the total population with an entry date into the United States after August 1996 and randomly selected another 50 records to review from this group.
 - 3) Analyzed Alien Eligibility Reason (AER) codes on sampled records from the original data extract. From the population, we identified 3,419 records with an AER code and selected 183 records to review.² The details of the number of

¹ We chose this date because SSI payments for those who entered the United States in August 2001 would generally stop no later than fall 2008, which is 7 years after they entered the United States.

² There are nine AER Codes. Our data extract did not contain AER codes 5 and 6. Code 5 is a spouse/widow(er) of an active duty military or honorably discharged veteran. Code 6 is a child of an active duty military or honorably discharged veteran. We selected the first 50 records in each AER category in ascending Social Security number order. When a specific code included 50 or fewer records, we reviewed all the records with that code.

records for each AER code in our data extract and the number of records selected from each code are shown in Table 2.

Table 2: Details of Sample Records Reviewed With an AER Code

AER Code	Description of AER Code	Number of Records in Data Extract Per AER Code	Sample Size
1	Qualified non-citizen admitted to the United States as a refugee	640	50
2	Qualified non-citizen whose deportation has been withheld	9	9
3	Qualified non-citizen lawfully admitted for permanent residence with 40 work credits	1	1
4	Qualified non-citizen on active duty in the military or honorably discharged veterans	5	5
7	Grandfathered qualified alien indicator	2,696	50
8	Aged alien requiring a disability determination	50	50
9	Grandfathered nonqualified alien receiving SSI on 8/22/96 or earlier	18	18
Total		3,419	183

- 4) Identified 1,018 records without an AER code from the original data extract and selected 50 in current payment status to review.
- 5) Selected 50 records not in current payment status from the 1,018 records without an AER code to review.

In total, we reviewed 383 sample records. The details of our sample selection are shown in Table 3.

Table 3: Details of Sample Records Selected for Review

Category of Review	Population	Sample Size
Eligibility and Payment Expiration		
Random Selection from Population	4,437	50
Post August 1996 Entry Date	507	50
Alien Eligibility Reason Codes		
Blank AER Code in Current Pay (PSY C01)	637	50
Blank AER Code and PSY Other Than C01	381	50
Specific AER Codes	3,419	183
Total		383

- Determined whether each recipient was eligible for an SSI payment based on the information recorded in SSA's systems. Specifically, we reviewed the date of entry, alien code, SSI disability reason (aged, blind, disabled) and AER code posted on each record to determine whether the record supported continued eligibility for SSI payments. If the recipient filed for aged SSI payments, we determined whether the recipients were age 65 when they filed their application. If the recipient filed for disability payments, we determined whether disability information was recorded on the SSR.
- Determined whether each recipient's payment eligibility expired. We reviewed each record to determine whether SSI payments to the recipients stopped before August 2008 for non-citizens subject to the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*. If payments continued after August 2008, we determined whether the recipients' status changed, allowing for the continuation of payments. Specifically, we reviewed the payment status code 7 years and 1 month after the date of entry³ for each record in our sample with a date of entry into the United States of August 1996 or later.
- Determined whether SSA made the proper payment decision, based on the AER code, for records with payments beyond the 7-year time limit. We reviewed the SSR, electronic data in SSA's Modernized Supplemental Security Income Claims System (MSSICS) or electronic data in other SSA systems for information to support the AER code recorded to determine whether the Agency made the proper payment decision.
- Reviewed the MSSICS code for records with no AER code to determine whether the record was established in MSSICS or outside MSSICS with a direct manual input.
- Referred questionable cases to SSA for review to confirm our conclusions and to determine the cause of any inaccurate records and/or improper payments.

³ According to SSA, Program Operations Manual System SI 00502.106, *Time-Limited Eligibility for Certain Aliens*, the 7-year period begins with the month the Department of Homeland Security grants the immigration status. In general, the status attained date for asylees and Cuban/Haitian entrants can be the same or later than the alien's entry date to the United States posted on the SSR.

We did not validate the authenticity of the documentation used by SSA as proof of refugee status. We determined the data used for our review were sufficiently reliable given our objective and their intended use and should not lead to incorrect or unintended conclusions.

We performed our review in the New York Audit Division from October 2008 through March 2009. The entities reviewed were the Offices of Retirement and Disability Policy, Income Security Programs, and Eligibility and Enumeration Policy, Eligibility and Evidence. We conducted our review in accordance with the President's Council on Integrity and Efficiency's *Quality Standards for Inspections*.⁴

⁴ In January 2009, the President's Council on Integrity and Efficiency was superseded by the Council of the Inspectors General on Integrity and Efficiency, *Inspector General Reform Act of 2008*, Pub. L. No. 110-409 § 7, 5 U.S.C. App. 3 § 11.

OIG Contacts and Staff Acknowledgments

OIG Contacts

Tim Nee, Director, New York Audit Division

Neha Smith, Acting Audit Manager

Acknowledgments

In addition to those named above:

Susan Yuen, Program Analyst

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