

Report Summary

Social Security Administration Office of the Inspector General

September 2009



Objective

To assess the Social Security Administration's (SSA) compliance with certain laws that restrict noncitizens' eligibility for benefits under Title II of the *Social Security Act* (Title II).

Background

A number of Federal laws have established additional eligibility requirements that noncitizens must meet before SSA processes their Title II benefit claims. Our review included SSA's compliance with the provisions of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (IIRIRA), the *Social Security Protection Act of 2004* (SSPA) and the Ensign Amendment, which is language incorporated into the *Consolidated Appropriations Act of 2008*.

To view the full report, visit <http://www.ssa.gov/oig/ADO/BEPDF/A-08-09-19108.pdf>

Quick Response Evaluation: The Social Security Administration's Compliance with Certain Evidence Requirements that Restrict Noncitizens' Eligibility for Title II Benefits (A-08-09-19108)

Our Findings

Based on our limited review, SSA complied with the IIRIRA, SSPA, and Ensign Amendment provisions restricting noncitizens' eligibility for Title II benefits. To address each provision and ensure only eligible noncitizens received Title II benefits, SSA implemented numerous policies and procedures instructing field office personnel on how to develop and meet the additional evidence requirements before processing their benefit claims.

SSA field office personnel complied with Agency policies and procedures when processing noncitizens' Title II claims. For each of our sample items, the evidence we reviewed supported field office personnel's compliance determinations regarding the IIRIRA's lawful presence provision, SSPA's work-authorized Social Security number restriction, and the Ensign Amendment's 2008 wage restriction.

Matters for Consideration

Because immigration reform is an evolving issue in American culture, SSA should anticipate that new or revised laws may impact its programs. Based on our review of the effective dates for the 2008 and 2009 Ensign Amendments and SSA policy, it appears SSA did not implement or revise its policies and procedures until about 4 months after the Ensign Amendment became effective. Although we did not identify any noncitizen Title II claims impacted by this late implementation, we believe timely development and communication of new or amended procedures are crucial to SSA program integrity. As such, we encourage the Agency to timely monitor pending legislation and make changes to its policies and procedures as expeditiously as feasible.