

Title II Beneficiaries Receiving Benefits Under the Lawful Presence Payment Provisions

A-09-12-21288



May 2014

Office of Audit Report Summary

Objective

To assess the effectiveness of the Social Security Administration's (SSA) controls to ensure it pays beneficiaries in accordance with the lawful presence payment provisions.

Background

The *Social Security Act* restricts the payment of Title II benefits to noncitizens in the United States. Any noncitizen applying for benefits must be lawfully present in the United States to receive benefits.

Under the lawful presence payment provisions, claimants must submit appropriate original documents issued by the Department of Homeland Security (DHS), such as the Alien Registration Receipt Card (I-551) or Arrival/Departure Record (I-94), documenting their lawful presence in the United States when they apply for benefits. SSA employees use DHS' online Systematic Alien Verification for Entitlements (SAVE) program to validate the claimant's lawful presence status before awarding benefits. Finally, SSA policy requires that it maintain all supporting material pertinent to an individual's claim.

Our Findings

SSA needs to improve its controls to ensure it pays beneficiaries in accordance with the lawful presence payment provisions. SSA did not obtain or retain evidence of lawful U.S. presence for 16 (32 percent) of the 50 beneficiaries in our sample. We subsequently obtained evidence of lawful U.S. presence from 11 of the 16 beneficiaries. The remaining 5 (10 percent) did not provide evidence of their lawful U.S. presence. As a result, we could not confirm whether benefit payments totaling \$384,582 were proper. SSA had retained sufficient evidence of the remaining 34 beneficiaries' (68 percent) lawful presence in the United States.

Our Recommendations

We recommend that SSA:

1. Take appropriate action to determine whether the five beneficiaries identified by our audit are lawfully present in the United States and should be paid benefits.
2. Document evidence of lawful presence in the United States for the 16 beneficiaries identified by our audit.
3. Remind employees that they must retain evidence of lawful presence in the United States.

SSA agreed with our recommendations.