

Barriers to Citizenship, SSI and the Poverty Impact on Disabled and Elderly Refugee and Humanitarian Immigrants

Good afternoon. First of all, I would like to thank the Chairman for his extensive work with refugee communities and for highlighting this very important issue of the impact of the SSI time limit on elderly and disabled refugees and other humanitarian immigrants. My name is Doua Thor and I currently serve as the Executive Director of the Southeast Asia Resource Action Center, also known as SEARAC. Based in Washington, DC, SEARAC is a national nonprofit refugee organization managed primarily by and for Americans with heritage in Cambodia, Laos and Vietnam.

I was born in Laos, escaped to Thailand, lived in Ban Vinai refugee camp, and came to the United States with my own family fleeing persecution. I am a former refugee and the daughter of a Hmong soldier who was recruited by the United States CIA in what is now known as the “Secret War” in Laos.

People from the Southeast Asian countries of Cambodia, Laos, and Vietnam constitute the largest group of refugees ever to build new lives in the United States. Nearly all Hmong entered the U.S. as refugees or as relatives of refugees at various times after the end of the Vietnam War. The Hmong have a unique history with the United States and began to relocate to this country in 1975, after fighting alongside the U.S. soldiers, rescuing downed American pilots, and gathering intelligence for America’s military forces during the Vietnam War. At the end of the “Secret War,” the American-supported South Vietnamese government succumbed to the military pressures of their communist neighbors to the north. The Hmong were then targeted for persecution and had to leave our home country for fear of losing their lives. Many fell victim to the genocide that ensued after the takeover. Desperate families fled by the thousands, on foot, by boat, or, if they were lucky, on the few U.S. planes that returned for them.¹

Through the refugee resettlement process I fully understand, first hand, how difficult it is to start over in a new home, living in poverty.

The U.S. has historically been a safe haven for many fleeing persecution and war in their homelands. Most of the humanitarian immigrants who are affected by the seven-year SSI eligibility time limit are from Russia or the former Soviet Union and Eastern Europe, including Russian Jews who fled the former Soviet Union and former Yugoslavs displaced by the Balkan war; other recent groups of humanitarian immigrants include Iraqi Kurds fleeing persecution under the Saddam Hussein regime, Cubans fleeing the Castro regime, and persecuted minorities from Somalia.^{2,3} Many, such as the Hmong and Montagnards, risked everything that they had to fight bravely and honorably alongside American soldiers in times of war.

¹ Pha Lo, Visiting the Hmong: America's Forgotten Refugees, Pacific News Service.

² Zoe Neuberger, “Loss of SSI Aid is Impoverishing Thousands of Refugees,” Center on Budget and Policy Priorities, February 8, 2007.

³ For more information on the national origin of humanitarian immigrants who would be affected by the SSI eligibility limit, see Fremstad, “The Impact on the Seven-Year Limit on Refugees’ Eligibility for Supplemental Security Income—Refugees from the Former Soviet Union and Eastern Europe are Most Affected.”

In the U.S., according to the 2000 Census, Southeast Asians from Cambodia and Laos with disabilities are more likely to live in poverty, than Americans and other Asian Americans in general. Approximately 18 percent of Americans with disabilities live in poverty. However, the rates for Southeast Asians are much higher in comparison; approximately 28 percent of Cambodians, 39 percent of Hmong, 22 percent of Laotians and 18 percent of Vietnamese Americans with disabilities live in poverty.

Disabilities are closely linked with poverty among Southeast Asian Americans. In fact, the 2000 Census found that in 1999, 44 percent of Cambodian households in poverty had disabled householders, as did 48 percent of Hmong, 45 percent of Laotian and 38 percent of Vietnamese households below the poverty level.⁴

In addition, Southeast Asian, elderly individuals who also have disabilities are at higher risk of poverty. For example, in the state of California alone, the disability rates for people aged 65 and over range from 63 percent for Laotians, to 68 percent for Cambodians, and 71 percent for Hmong compared to approximately 42 percent for Californians overall.

According to the Social Security Administration’s 2004 SSI Annual Statistical Report, refugees and humanitarian immigrants account for only 9.7% of all SSI recipients.⁵ It is estimated that 12,000 refugees and other humanitarian immigrants have already lost SSI benefits and another 40,000 will lose benefits over the next decade.⁶ It is unacceptable to force thousands of some the most vulnerable people into destitution, amongst them, those like K’Keng who have risked their lives on behalf of America in the exact same way that American veterans and soldiers have.

For many elderly and disabled refugees and other humanitarian immigrants, Supplemental Security Income (SSI) is their lifeline. Many arrived in the U.S. having had little to no access to formal education and are either unable to obtain employment due to language barriers, disabilities, advanced age or a combination of all the above. Because of the trauma that many humanitarian immigrants have faced, barriers to employment can also include wide ranging disabilities such as life threatening or serious illness and mental health issues. For these populations, SSI provides the bare minimum for many, no more than \$623 per month for an individual and \$934 for a couple, to afford the most basic needs of survival such as food, clothing and shelter. The average monthly payment in January 2007 was \$466.70.⁷ However, with the seven year time limit, refugees and other humanitarian immigrants face destitution once they are no longer eligible for SSI.

⁴ 36 percent of U.S. households overall below the poverty level were found to have disabled householders, as were 30.8 percent of such Asian American households overall, see Southeast Asian American Elders in California: Demographics and Service Priorities Revealed by the 2000 Census, October 2003, <http://www.searac.org/sea-eldersrpt-fin.pdf>

⁵ U.S. Social Security Administration, “SSI Annual Statistical Report, 2004,” http://www.ssa.gov/policy/docs/statcomps/ssi_asr/2004/sect05.pdf

⁶ Zoe Neuberger, “Loss of SSI Aid is Impoverishing Thousands of Refugees,” Center on Budget and Policy Priorities, February 8, 2007.

⁷ U.S. Social Security Administration, SSI Monthly Statistics, January 2007, http://www.ssa.gov/policy/docs/statcomps/ssi_monthly/2007-01/table07.html

In order to continue receiving SSI benefits, refugees and humanitarian immigrants must obtain their citizenship within an often unrealistic timeframe of seven years. It is unrealistic for many because the path to citizenship is lengthy and complete with barriers and bureaucratic road blocks. Refugees and humanitarian immigrants must reside in the U.S. for at least one year before they can be eligible to apply for lawful permanent residency (green card) after which they must wait an additional five years to be eligible to apply for naturalization. Within those six years, a number of obstacles may prolong the process. Increasing fees, backlogs, processing delays, background checks, fingerprinting and preparation for English language proficiency and U.S. history and civics are among barriers to timely naturalization. The median number of years between legal immigration and naturalization for persons who became U.S. citizens between 2002 and 2005 has been eight years.⁸ The path to obtaining citizenship can take much longer for many refugees and humanitarian immigrants who are eligible and receive SSI.

As one of the steps to attaining citizenship, individuals must demonstrate their comprehension of the English language and also pass an exam on U.S. history and civics. While applicants over the age of 55 who have been in the U.S. for over 15 years and those over 50 who have been in the U.S. for over 20 years are eligible to take the exam in their native language and be exempt from the English language requirement, these exemptions are not helpful for disabled or elderly refugees.⁹ Many refugees and humanitarian immigrants have had little or no form of formal education which makes learning very difficult. For some, even the written form of their native language is foreign. In addition to learning disabilities, it is known that with advanced age, the ability to learn and retain new information becomes less likely and often impossible for many. Because of such barriers, simply attaining the English capacity to naturalize becomes a goal that is unachievable for a number of the most vulnerable disabled and elderly refugees.

Increasing application fees also contribute to the delay in naturalization. The current cost of the naturalization application alone is \$330 which is over 70% of the average SSI payments made in January 2007. Recently, USCIS has proposed fee increases to citizenship and change of status applications that would bring the cost of the naturalization application up to \$595—well over the average SSI payments in made January 2007. High fees further delay and often prohibit those who receive and depend on modest SSI benefits from attaining citizenship.

These and other barriers to citizenship not only prohibit many refugees and humanitarian immigrants from becoming fully integrated into American society and civically engaged through citizenship, but they also pose as threats to the loss of SSI eligibility and the risks of falling further into poverty.

I urge Congress to ensure that the needs of disabled and elderly refugees are made a priority in the 110th Congress to prevent this vulnerable population from further hardship and setbacks. Congress should enact legislation to de-link SSI eligibility from U.S. Citizenship for refugees and humanitarian immigrants. At the very least, Congress should provide a stop-gap measure of extending the seven-year limit on SSI eligibility. Seven years is certainly not sufficient time for thousands who have been affected and thousands more who will be affected by this cut off.

⁸ Jeanne Batalova, “Spotlight on Naturalization Trends,” Migration Policy Institute, <http://www.migrationinformation.org/USfocus/display.cfm?ID=421#14>, September, 1, 2006.

⁹ Melanie Nezer, “America’s Broken Promise: The Dire Consequences of Welfare Reform for Jewish Refugees,” Summer 2006

The U.S. has been a leader in providing refuge for people from around the world who, among many unimaginable circumstances, have faced persecution and dislocation because of conflict and war. Many who find refuge in the U.S. have been longtime allies and supporters of this country and as such, have risked their lives and those of their loved ones to be here. It is unimaginable that we would allow our disabled and elderly refugee and humanitarian immigrants to endure the unfair hardships of losing their SSI.

Examples and Stories of Refugees Affected by the Seven Year Limit:

- Bounta Xasiengpat, was 81 years old and was resettled in the U.S. as a refugee in 1996. Because of the seven year time limit on her SSI, her benefits were discontinued in December of 2004. SSI was her only source of income. She had to move in with her daughter and grandson. Bounta was seriously ill and required dialysis treatments three times a week. Since her husband’s death a few years ago, she had been very depressed; a feeling only compounded with the loss of her SSI benefits. She felt hopeless and unsure of what to do next. She wanted to become a U.S. citizen and was participating in programming at the Fresno Interdenominational Refugee Ministries in Fresno, California. Bounta passed away early this year.
- An Ethiopian asylee received political asylum in the U.S. in 1999 based on credible fear of persecution if he returned to Ethiopia. When he received asylum in 1999, he was blind and completely insulin dependent and was qualified to receive SSI. His health deteriorated and he ultimately required daily home health care due to the life threatening nature of his illness. He lost his SSI in 2006 because of the seven year limit and subsequently lost his Medicaid as well because of this. Despite his best efforts to obtain citizenship within seven years, his path to obtaining lawful permanent residency and U.S. citizenship were set back by delayed background checks and a national cap for asylees of 10,000 a year (the cap was lifted in 2005) which held up his application for an excess of four years.