



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
600 Washington Street • Boston, MA 02111

MITT ROMNEY
Governor


KERRY HEALEY
Lieutenant Governor

RONALD PRESTON
Secretary

JOHN A. WAGNER
Commissioner

Field Operations Memo 2003-30
October 9, 2003

To: Transitional Assistance Office Staff

From:  Cescia Derderian, Assistant Commissioner for Field Operations

Re: EAEDC Elderly: Review for SSI Eligibility

Background

Certain EAEDC elderly recipients (age 65 or older) may now be eligible and must reapply for SSI benefits because of a change in their noncitizen status or more up-to-date information on their work history. They were initially denied SSI because of their noncitizen status. Some of these recipients may also be disabled with a disability expected to last 12 months or more.

In addition to reducing Department costs, encouraging applicants/recipients to apply for and follow through with the SSI process ensures a greater cash benefit for the recipient once the SSI is approved.

Purpose of Memo

This memo:

- explains which EAEDC elderly noncitizen recipients must reapply for SSI;
 - defines a specific group that must apply for SSI immediately; and
 - instructs AU Managers to assist in the SSI application process.
-

**Reviewing
EAEDC
Recipient's
Noncitizen
Status**

Several categories of EAEDC elderly noncitizen recipients who are age 65 or older (who may or may not be disabled with a disability expected to last 12 months or more) must be reviewed when determining who must reapply for SSI.

The categories of noncitizen EAEDC recipients to be reviewed are:

- Individuals who are entered on BEACON as noncitizens, who have received citizenship since the last TAO contact;
 - Asylees who may have applied for SSI when their asylee application or petition for deportation withheld was pending; This pending status would have made the applicant ineligible for SSI, even though he or she was eligible for EAEDC. If an applicant's asylee or deportation withheld status has been approved, he or she may now be eligible for SSI. (This is true for an asylee for up to seven years from the date the asylee or deportation withheld status was granted.)
 - Refugees or asylees who applied for SSI after their status was adjusted to Legal Permanent Resident (LPR); Their status may have been unintentionally misinterpreted by SSA as LPRs who entered the country after August 22, 1996, when in fact the status of refugee or asylee made them eligible for up to seven years from the date the refugee or asylee status was granted.
 - LPRs lawfully residing in the United States as of August 22, 1996, but who had not yet adjusted to a qualified status at the time of their SSI application; This status includes a nonimmigrant status, applicant for LPR or asylee status or alien known to INS and admitted to the U.S. who has not violated the terms of his or her status.
 - LPRs who may have credit for forty quarters of work history; These LPRs initially denied SSI during their first five years in the U.S. may now be eligible if their first five years have elapsed. These LPRs may not have understood how their work history periods were calculated or may not be aware how to update or correct errors or unrecorded earnings in their work history.
 - LPRs and other immigrants who can claim forty quarters of work history through a spouse (including a separated, but not divorced spouse) or parent before the LPR turned age 18; and
 - LPRs who had old affidavits of support (I-134s) issued until December 19, 1997, which required a three- or five-year sponsor deeming period; They may not be aware of their right to reapply for SSI when their deeming periods ended, if their sponsor's income changed or if the sponsor became disabled or died.
-

**Priority Action:
EAEDC Elderly
Recipients
Scheduled For
Review by
November 14,
2003**

A listing of approximately 300 EAEDC elderly recipients will be sent electronically to TAOs. These recipients **must** be given priority to be scheduled for review and **must** (re)apply for SSI. These recipients have been identified as age 65 or older and:

- Coded as U.S. Citizens; or
- Noncitizens who entered prior to 8/22/96 and coded as Legal Permanent Residents, Parolees, Conditional Entrants or Battered Noncitizens.

For this group, AU Managers must:

- follow the AP-SSI-1/AP-SSI-1A procedures found in *A User's Guide, Transitional Assistance Programs and BEACON*, Chapter XIII, Section H, pages 18 through 20;
- schedule all recipients for review no later than November 14, 2003;
- at the review, explain to the recipient that it appears they are eligible for SSI, that they must (re)apply for SSI and return verification of the appointment/application no later than ten days from the review date;
- assist the recipient with the SSI application process (including helping them schedule the appointment by calling 1-800-772-1213), as needed;

Important: If a recipient described in this section fails to apply for or refuses to comply with the SSI process, AU Managers should inform their Hotline designee. The Hotline designee must call the Policy Hotline before the AU Manager takes any action to close the AU.

- annotate the report with the action taken on the AU:
 - applied for SSI and appointment/application date;
 - did not apply for SSI and the date the Policy Hotline was contacted;
 - received an “informal” denial (SSA Form SSA L-991); and

Note: If a recipient receives an “informal” denial, the form should be faxed to Julie Noble at 617-348-5659.

 - did not apply for SSI/Coded incorrectly on Report; and
- submit the completed (annotated) report to the AU Supervisor for review no later than December 12, 2003.

AU Supervisors must:

- review the annotated report for completeness; and
- submit the report to the TAO Director by close of business December 19, 2003.

The TAO Director must review the reports and fax them to Julie Noble at 617-348-5659 no later than December 22, 2003.

**Additional
AU Manager
Actions**

For all other EAEDC noncitizen, elderly recipients not on the report, at the next scheduled contact/reevaluation, the AU Manager must:

- determine if the recipient has a status listed on page 2 of this memo that appears to make him or her eligible for SSI;
- review the status of the current SSI application with the recipient;
- assist the recipient with the SSI application process (including helping them schedule the appointment by calling 1-800-772-1213), as needed; and
- if appropriate, send the recipient to reapply for SSI. See *A User's Guide: Transitional Assistance Programs and BEACON*, Chapter XIII, Section H, pages 18-20.

Note: If, while the SSI application is pending, the EAEDC recipient's noncitizen status changes, the AU Manager must encourage the recipient to report the change in status to SSA.

Important: If a recipient described in this section fails to apply for or refuses to comply with the SSI process, AU Managers should inform their Hotline designee. The Hotline designee must call the Policy Hotline before the AU Manager takes any action to close the AU.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline at 617-348-8478.
