

For Immediate Release
Dec.4, 2006

Contacts: Jonathan Stein
Community Legal Services, Inc.
(215) 981-3742

Judi Bernstein-Baker
Hebrew and Immigrant Aid Society
(HIAS) and Council Migration Service
(215) 832-0906

Thomas Roberts
Ballard Spahr Andrews & Ingersoll, LLP
(215) 864-8211

Disabled and Elderly Refugees and Asylees Sue Federal Government to Restore Supplementary Security Income Benefits

PHILADELPHIA, PA — Elderly and disabled humanitarian immigrants fleeing persecution abroad are filing a class action lawsuit in federal court in Philadelphia against the federal government to restore their Supplemental Security Income (SSI) benefits. These benefits — paid to severely disabled, blind and elderly poor people — were cut off because, despite the immigrants' best efforts, they have not been able to become U.S. citizens due to governmental delays.

The lawsuit is being filed by Community Legal Services, the Hebrew and Immigrant Aid Society (HIAS) and Council Migration Service and pro bono counsel at the Ballard Spahr Andrews & Ingersoll. The named plaintiffs are refugees and asylees who have been welcomed into the country based on the long-standing national policy offering refuge to those at risk for their lives abroad. These lawful immigrants are being terminated from the subsistence SSI benefit that the Social Security Administration provides to low income disabled, blind and elderly people. SSI pays \$603 a month to a person, \$904 monthly to a couple.

The 1996 welfare reform law, for the first time required immigrants entering the country after August 22, 1996, to become U.S. citizens in order to continue to receive SSI benefits, even though they met all other eligibility criteria. Refugees and asylees were only allowed to receive SSI during their first seven years in the country. At the time, Congress assumed that these humanitarian immigrants could continue their SSI without interruption by becoming naturalized citizens.

But bureaucratic delays in processing green card and naturalization applications have caused nearly 6,000 disabled and elderly refugees and asylees to be terminated from SSI. Another 46,000 are expected to be terminated between

2006 and 2012, according to Social Security Administration data cited in the complaint.

The class is represented by Shmul Kaplan, an 80-year-old Holocaust survivor and resident of Levittown, PA, who had had his right leg amputated in the former Soviet Union. The victim of anti-Semitic persecution in the former Soviet Union, Mr. Kaplan was granted asylum in 1997 and began receiving SSI and Medicaid. The Government delayed five years in ruling on his application for his “green card” before it was granted in 2003. Mr. Kaplan must now wait to begin to apply for citizenship until mid-2007. Having lived in the country for seven years, Social Security ended his SSI in 2004.

Mr. Kaplan says that, “America is for me a dream, I am thankful to American people, and I wait until I can apply to become a U.S. citizen.”

Other named plaintiffs include Jewish refugees fleeing the former Soviet Union; an elderly couple persecuted and imprisoned in Albania; a 17-year-old Iranian boy with severe cognitive disabilities, whose mother was imprisoned in Tehran for being outspoken about the lack of freedom there; and a blind Ethiopian man who obtained asylum in the U.S. after his life was threatened because of his efforts to promote democracy in his former country. All have been terminated from SSI benefits.

The refugees have sued the Department of Homeland Security and its Citizenship and Immigration Service; the Attorney General and the Federal Bureau of Investigation; and the Social Security Administration. The plaintiffs claim that these agencies have violated the United States Constitution and the federal Administrative Procedure Act by not fairly and promptly processing green card and naturalization applications, resulting in an unintended hardship for a group of humanitarian immigrants who have done all that they could do to become U.S. citizens.

“We have ‘lifted the lamp of freedom’ for these refugees and asylees,” said Jonathan Stein, general counsel at Community Legal Services, “but have not afforded them the fair and humane treatment that would provide these disabled and elderly immigrants with bare necessities of life through SSI.”

This past October, nearly 300 national and local organizations providing services to immigrants and the disabled and elderly wrote a joint letter, led by the Hebrew and Immigrant Aid Society, to Congress urging a change in law. The 1997 bipartisan U.S. Commission on Immigration Reform had criticized placing time limits on a refugee’s eligibility for public benefits, concluding that providing SSI “would strengthen the U.S. capacity to offer resettlement to some of the world’s most vulnerable refugees — the aged and disabled.” Congress has not to date legislated any remedy for this problem.

The lawsuit asks the federal court to reinstate SSI benefits to those terminated to date, and to continue SSI to the class suing until they have had a fair opportunity to complete the Lawful Permanent Resident (known as “green card”) and naturalization processes.

#

For 40 years, Community Legal Services Inc. (CLS) of Philadelphia has provided the highest quality legal assistance to low-income Philadelphians who cannot afford legal counsel when they most need it. Created by the Philadelphia Bar Association in 1966, CLS is widely recognized as one of the most sophisticated, respected legal services programs in the nation. It is also the largest and most experienced legal services provider with the broadest scope in Pennsylvania. In the past year alone, CLS has helped over 19,000 Philadelphians, fighting consumer fraud and predatory lending, preventing homelessness, ensuring fair treatment in the workplace, stabilizing families, and protecting women, children and the elderly. Since inception, CLS has served well over a million individuals at the most critical time of their lives. For more information on Community Legal Services of Philadelphia, visit www.clsphila.org.