



Questions & Answers

June 5, 2008

EXPEDITED PROCESSING AVAILABLE FOR CERTAIN SUPPLEMENTAL SECURITY INCOME (SSI) BENEFICIARIES

SSI Beneficiaries can request expedited processing of Forms I-485 and N-400

Q: Why is expedited processing available for SSI beneficiaries?

A: U.S. Citizenship and Immigration Services (USCIS) recently entered into a settlement agreement in a national class action, *Kaplan, et al. v. Chertoff, et al.*, CV 06-5304. The suit was brought by non-U.S. citizens who had lost or who were about to lose their eligibility for Supplemental Security Income (SSI) based on a statutory seven-year limit, and who were unable to become naturalized U.S. citizens before the loss of SSI benefits. Under the settlement agreement USCIS will expedite I-485 (Application to Register Permanent Residence or Adjust Status) – commonly referred to as ‘green card’ applications – and N-400 (Application for Naturalization) of current or former Supplemental Security Income (SSI) beneficiaries if the application has been pending with USCIS for more than six months.

Q: What is expedited processing under the Kaplan Settlement?

A: Expedited processing includes USCIS requesting an accelerated FBI Name Check and prioritizing any USCIS internal actions, such as scheduling an interview. USCIS will work with the Social Security Administration (SSA) to identify people who have lost or who will lose their SSI benefits within the next year and who already have an I-485 or N-400 pending with USCIS. USCIS will then expedite those cases even if the applicant has not yet requested expedited processing and if the application has not been pending for six months. Information on the Kaplan Settlement is available at www.uscis.gov/kaplan.

Q: What if I am a non-citizen who has lost my SSI benefits and am waiting for my N-400 or I-485 to be processed?

A: If you are a non-citizen who has lost eligibility for SSI benefits based on a statutory seven-year limit, and you have filed an I-485 or N-400 with USCIS, you may request expedited processing of your pending application at any time, regardless of when you lost SSI benefits. USCIS is working with SSA to identify people who have lost or who will lose their SSI benefits within the next year and who already have an I-485 or N-400 pending with USCIS. USCIS will then expedite those cases even if the applicant has not yet requested expedited processing and the application has not been pending for six months.

Q: How will USCIS contact non-citizen SSI beneficiaries with pending applications who have lost their SSI benefits?

A: USCIS and SSA will mail a blue letter to people who have lost their SSI benefits due to the seven-year statutory limit. The letter will explain that they need to do the following:

- File an I-485 or N-400, if eligible
- Be aware of the fee waiver application process
- For those who already have a pending application, how to request expedited processing

Q: What should I include with my I-485 or N-400 form?

A: If you receive a blue letter from USCIS about your eligibility for expedited processing, you should include that letter when you mail your form to USCIS. If you do not receive a blue letter from USCIS about the Kaplan settlement, you should include any other documents showing proof that that you are receiving or have received SSI benefits.

Q: How do I contact USCIS to request expedited processing based on my eligibility as a non-citizen beneficiary of SSI?

A: There are several ways you can contact USCIS to request expedited processing:

- Call the USCIS National Customer Service Center at 1-800-375-5283.
- Make an InfoPass appointment at www.infopass.uscis.gov and come to your local USCIS Field Office in person. Our website, www.uscis.gov, has a list of all field office locations.
- Include a written request for expedited processing when you submit your application.
- Mail a request for expedited processing to the office where your I-485 or N-400 is pending once you receive a USCIS receipt notice for your application. To find out where your application is pending, please call 1-800-375-5283.

Whichever option you choose, please let USCIS know that you are requesting expedited processing based on your SSI status.

Q: If I am a non-citizen receiving SSI benefits and I just submitted an N-400 or I-485, can I apply for expediting processing now or must I wait until my application has been pending for over six months?

A: Customers may request expediting processing at any time, but USCIS will not start the expedite process until the application has been pending for over six months.

Q: If an applicant is eligible for SSI, will USCIS automatically waive fees?

A: No, however, USCIS is aware that applicants in the Kaplan class receive or have received SSI. SSI is a federal means-tested benefit and generally means that household incomes are at or below the poverty level, and that individuals are age 65 or over, or disabled. Therefore, applicants are likely to establish eligibility for a fee waiver. USCIS asks that class members write a large notation, "KAPLAN" on the outside of mailing envelopes containing either the I-485 or N-400 and the fee waiver request.

Q: What happens if I have changed addresses and never receive the blue letter?

A: It is vital that customers keep USCIS informed of their current address. It is critically important to ensure that correspondence with USCIS can be maintained. Customers who move must submit a free AR-11 Change of Address Form with USCIS within 10 days of their move. USCIS will check for an updated address for any blue letters that have been returned to USCIS within 90 days of mailing.

Q: When did the Kaplan Settlement take effect, and how long will it last?

A: The settlement took effect March 5, 2008 and will remain in effect until February 5, 2011.

Q: Does this mean that if I am a non-citizen receiving SSI benefits, I will become a citizen?

A: Expedited processing will ensure that USCIS prioritizes processing these forms. However, it is not a guarantee that the benefit will be granted. USCIS still needs to make sure that applicants meet eligibility requirements before the benefit can be granted.

Q: Can I visit a Service Center or the National Benefit Center to ask questions about this settlement?

A: No. If you believe you may be eligible for expedited processing under the Kaplan Settlement Agreement, then please call the USCIS National Customer Service Center at 1-800-375-5283, or you may make an InfoPass appointment to visit your local public field office.