

## .12 Qualified Disabled Noncitizens

A noncitizen who is [lawfully residing\(g\)](#) in the U.S. AND is permanently disabled based on any of the following criteria, is potentially eligible for NA:

- Receives SSI benefits under Title XVI or SSA disability or benefits for the blind under Title I, II, X, XIV, or XVI of the Social Security Act.
- Certified for, but not actually receiving SSI or RSDI. They are considered disabled when they present an SSA Disability Notice or when they have been approved for either of the following:
  - SSI presumptive disability payments
  - SSI emergency advanced payments

### WARNING

A participant may remain certified for disability benefits or payments when their checks are entirely recouped to recover an overpayment. When this is the case, continue to consider the participant disabled.

Is a veteran with a service connected or nonservice connected disability. The Veteran's Administration (VA) must have rated the disability as total or PAID as total under Title 38 of the U.S. Code. Veterans may be rated as having total disability, yet not be paid 100% of VA benefits. DO NOT confuse the percentage of payment with a rating of disability in determining disabled status for NA.

- Is a veteran the VA considers to be in need of regular aid and attendance, or permanently housebound under Title 38 of the U.S. Code.
- Is a veteran's surviving spouse and considered in need of aid and attendance or permanently housebound under Title 38 of the U.S. Code. (There is no requirement that they receive payments from the VA.)
- Is a veteran's surviving spouse or child who the VA considers to be entitled to benefits for a service connected death OR pension benefits for a nonservice connected death under Title 38 of the U.S. Code. In addition, the surviving spouse or child has a disability considered to be permanent under Section 221(i) of the Social Security Act. There is no requirement that

the survivor actually receive entitled VA benefits. ENTITLED to benefits means they are APPROVED for the benefits, whether they ARE OR ARE NOT receiving the benefits yet.

- Receives disability retirement benefits from a federal, state or local government agency because of a disability considered permanent under Section 221(i) of the Social Security Act.
- Receives a disability annuity under Section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and meets either of the following conditions:
  - Has been determined eligible for Medicare by the Railroad Retirement board.
  - Is considered disabled based on the criteria used under Title XVI of the Social Security Act.
- Receives Medicare under Title XIX, Part A of the Social Security Act.