

Guide to Disability and Health Care in the United States

Social Security (SS) is a government program that pays monthly benefits to:

- workers who are disabled;
- retired workers;
- certain family members of retired, disabled, or deceased workers.

Social Security also includes Medicare, a health insurance program for persons 65 and over and certain disabled workers.

Foreign workers with valid U.S. work permits may receive Social Security disability benefits if they qualify.

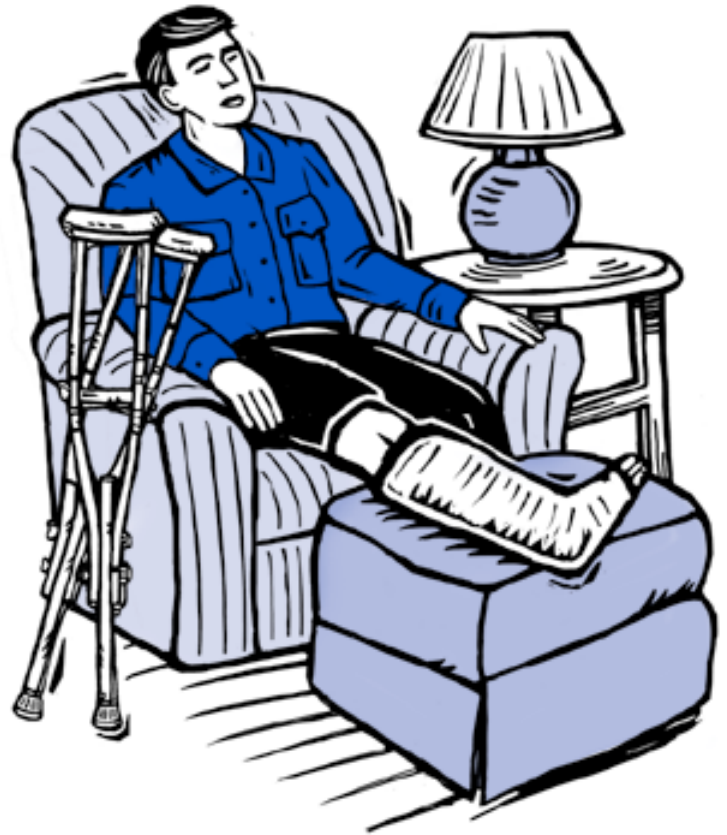
Foreign workers who are not lawfully present in the U.S. may not receive Social Security disability benefits. Most migrant health clinics provide services to workers without valid work permits, however.

This guide will discuss: disability, family support, survivor, and Medicare benefits.

For information on retirement, see [Guide to Social Security and Retirement in the United States](#).

Why is Social Security important to me?

Social Security can help workers and their families in crisis. If you become sick and cannot work, Social Security Disability Insurance benefits can help support you and family members who depend on you. Social Security Old-Age and Survivors Insurance benefits can help provide similar support after you retire or if you pass away.



Who qualifies for Social Security disability benefits?

Disability Benefit

- Disability benefits are for workers of any age who have enough Social Security credits and who have a “severe” physical or mental condition that is expected to keep them from being able to work for one year or more, or that is expected to cause their death.
- Payments do not start until five months after you become disabled.
- Disabled workers who have been getting disability benefits for two years can also get Medicare to cover their medical expenses.

Survivors of deceased workers

When you die, your family members may be able to get survivor benefits if you have enough credits. Family members can include:

- your spouse, age 60 or older (or 50 or older if he or she is disabled, or any age if he or she is caring for a child under 16 or a disabled child who qualifies for a child SS benefit);
- unmarried children under 18 (under 19 if a full-time elementary or secondary school student), or 18 and older and disabled;
- parents who depend on you as their primary means of support.

If you are divorced, your unmarried ex-spouse could be eligible for widow(er)'s benefits based on your record. The number of credits you need for survivors benefits depends on your age when you die. The younger you are, the fewer credits are required. The amount of the benefits your family will get depends on how much money you earned.

Family benefits

Family members who depend on disabled workers who receive SS benefits can also qualify for benefits. These family members can include:

- a spouse aged 62 or older, or under age 62 if he or she is caring for a child under 16 or a disabled child who qualifies for child SS benefit;
- unmarried children under age 18 (under 19 if a full-time elementary or secondary school student), or 18 or older and disabled.

If you are divorced, your unmarried ex-spouse could be eligible for benefits. There are limits to how much a single family can receive.

Medicare

- Medicare is a health insurance plan for people age 65 or older and some workers with a disability.
- Medicare has two parts. Part A, or "hospital insurance," covers overnight hospital care and certain follow-up care.
- Part B, called "medical insurance," pays for a doctor's care. You must pay a separate monthly fee to get medical insurance under Part B of Medicare.



What does "disability" mean?

- "Disability" is a physical or mental illness or injury that keeps you from being able to work.
- Some disabilities are "long-term" or "permanent." Others are "short-term" or "temporary" disabilities that keep you from working only for a while.
- The Social Security Administration (SSA) will pay benefits to workers only if their disability lasts, or is expected to last, for at least a year or is expected to result in death.
- HOWEVER, you might be able to take sick leave from your job, or your employer might provide temporary disability insurance that pays at least some of your lost wages and medical expenses.
- Puerto Rico and five states provide temporary disability insurance to workers. The states are: California, Hawaii, New Jersey, New York, and Rhode Island.

What if I can't work the way that I used to because of my disability?

- Some workers have a disability that prevents them from being able to do only certain jobs.
- But they can still do other kinds of work. This is sometimes called a "partial disability."
- The Social Security program will not pay benefits to persons with partial disabilities if they are still able to do other types of "substantial" work.
- Substantial work means work that pays at least \$800 a month (in calendar year 2003 for nonblind individuals).
- Some states provide vocational rehabilitation services for some workers who have a disability. This means that they will pay for the job training and counseling that you need and help you find a new job.
- For more information, call the Rehabilitation Services Administration at: 202-205-5474.

How does Social Security work?

For more information on who pays for Social Security and how it works, see [Guide to Social Security and Retirement in the United States](#).

Do I have enough credits to get SS benefits?

- To find out how many SS credits you have, you can contact the SSA to get a copy of your current statement. (If you are 25 or older, the SSA will mail you a statement each year.)
- The statement will tell you how many credits you have.
- You can call the Social Security Administration at: 1-800-772-1213. English and Spanish are spoken.

How much will I get in disability benefits?

- The amount will depend on how much you earned in Social Security covered employment in the past. Usually, workers who earn more get more.
- HOWEVER, low-income workers receive a larger percentage of their past covered earnings than do people who earned more money.

What if I don't have enough credits for disability benefits?

You may qualify for Supplemental Security Income (SSI).

- The SSI program makes monthly payments to people who have low income and few resources. Some people can get both Social Security benefits and SSI.
- To get SSI, you must be a U.S. citizen who is 65 or older or is blind or disabled.
- Under new U.S. laws, only certain disabled and older aliens who entered the U.S. after 1996 can receive SSI benefits. HOWEVER, elderly and disabled immigrants who received SS before 1996 can continue to get their benefits. Elderly and disabled immigrants who entered the U.S. before 1996 may qualify for SSI under the old law.
- The amount of your SSI benefit depends on your income and the state where you live.
- In general, most people who get SSI also qualify for Medicaid, food stamps and other assistance.

Health care for migrant farm workers

Migrant health clinics

- If you are a farm worker you can get low-cost health care for yourself and your children at one of the migrant health clinics throughout the country.
- Migrant health clinics provide services to foreign workers, including workers without a valid work permit.
- To locate the clinic nearest to you, contact "Call for Health" at: 1-800-377-9968. English and Spanish are spoken.
- Children who are U.S. citizens from low-income families can get health insurance under another government program called CHIP. Children who are U.S. citizens can apply even if their parents do not have a valid work permit.
- Noncitizen children of migrant farm workers can receive care at migrant health clinics as well.

Will I be able to collect disability benefits if I get hurt or sick on the job?

- If you are permanently disabled — even if it is because you were hurt on the job — you may be able to apply for and receive disability benefits.
- You may also be able to get workers' compensation, which can pay part of your wages and medical expenses.
- Every state has a worker's compensation insurance program, but migrant and seasonal farm workers are not eligible in all states.

For more information see [Guide to On-the-Job Injuries in the United States](#).



How do I apply for Social Security benefits?

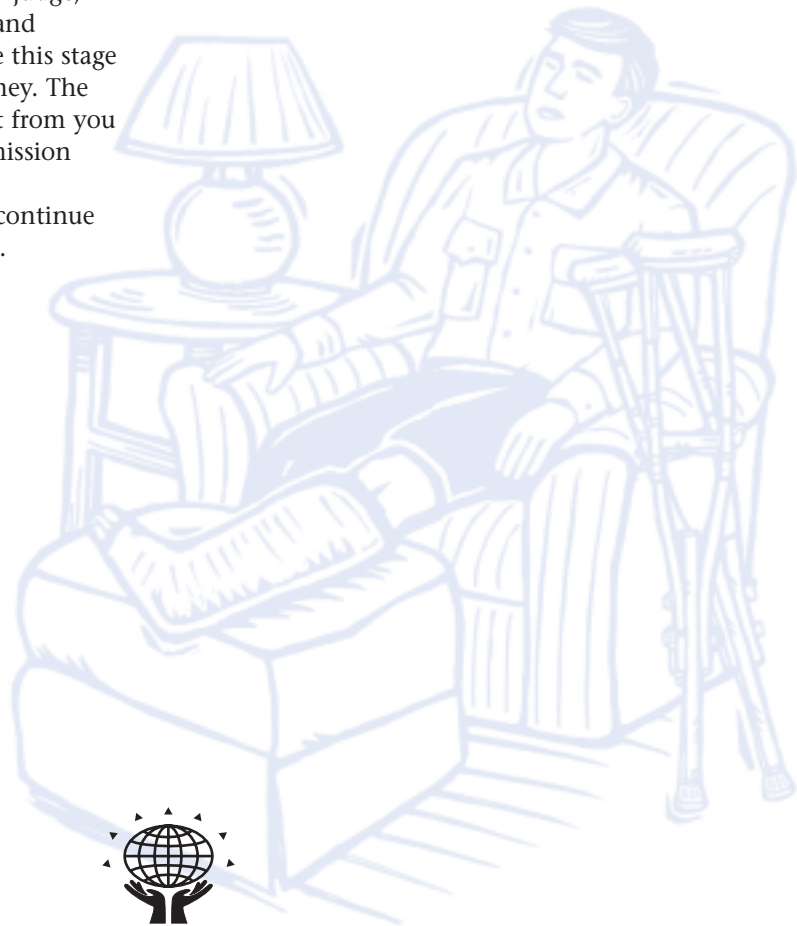
- You can apply for benefits at your nearest Social Security office. You will need to bring certain important papers with you, depending on what type of benefit you are applying for.
- You should call the SSA to find out which documents you need before you visit the office.

What happens if I apply for disability benefits and they are denied?

- If the SSA decides that you are not eligible or no longer eligible for benefits because you are not “disabled,” you can appeal the decision. (An appeal means that you are asking them to review your case again.)
- You must request an appeal in writing within 60 days. Generally, there are four levels in the appeals process:
 - 1) reconsideration;
 - 2) hearing by an administrative law judge;
 - 3) review by the Appeals Council; and
 - 4) federal court review. At or before this stage you may decide to hire an attorney. The attorney cannot collect payment from you until he or she gets written permission from the SSA.
- In some cases, you may be able to continue getting benefits during your appeal.

Will I lose my Social Security benefits if I leave the country?

- Once you begin receiving benefits, you must report to the SSA when you are staying “outside” the U.S. Outside the U.S. means that you have spent 30 days or more in a row outside the U.S. or one of its territories.
- Normally, when you leave the country, if you are not a U.S. citizen, your benefits will stop after six months, and you cannot begin to receive them again until you have been back in the U.S. for one month.
- HOWEVER, certain exceptions in the Social Security law allow some non-U.S. citizens to have their SS payments sent from the U.S. Different U.S. presence and U.S. residency requirements apply under the SSI program.



Commission for Labor Cooperation