



March 26, 2019

Submitted via www.regulations.gov

Dan O'Brien, Office of Disability Policy
Social Security Administration (SSA)
6401 Security Boulevard
Baltimore, MD 21235-6401

Re: Removing Inability to Communicate English as an Education Category, Docket number SSA-2017-0046

Dear Mr. O'Brien,

The Southeast Asia Resource Action Center (SEARAC) offers our comments in opposition to the Social Security Administration's (SSA) proposal to eliminate the education category "inability to communicate in English" when evaluating claims for adults seeking access to Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). As a national civil rights organization that empowers Cambodian, Laotian, and Vietnamese American communities to create a socially just and equitable society, **SEARAC feels strongly that this proposal will disproportionately harm many low-income Southeast Asian Americans (SEAA) from receiving social security benefits that are critical to their health and survival.**

Under current law, English proficiency is one of the considerations used by SSA when making a disability determination for people who don't meet a medical impairment listing. While a limited English proficiency (LEP) is not alone sufficient to establish disability, it may be considered in coordination with other factors, including the skill level of the person's previous jobs, whether any of those skills could be transferred to a new job, and the physical residual functional capacity of the claimant. We submit the following comment to oppose the proposed rule and provide insight on the continuing challenges SEAA immigrants and LEP individuals living with disabilities face in our economy.

The Southeast Asian Refugee Legacy

SEAAAs make up the largest refugee community ever to resettle in the United States, relocating to this country due to the US-backed war in Southeast Asia. Today, SEAAAs total nearly 2.7 million across the nation¹ and are active community members contributing to the fabric of our society. Many SEAA refugee elders are former soldiers who were recruited and fought alongside US forces during the Vietnam War era, fleeing their homelands in fear of persecution for their efforts in supporting the US government during this time. As a result of the immense trauma from their experience of surviving mass genocide, many of these individuals face significant challenges upon resettlement into the US. From the untreated physical scars from the war, to the emotional toll of post-traumatic stress

¹ American Community Survey (ACS) - U.S. Census Bureau, 2013 3-year estimates

disorder (PTSD), intergenerational poverty, and lack of cultural and linguistic support to build a new life, many SEAA elders and community members rely on SSI benefits, to survive.

Due to the SEAA refugee legacy, poverty continues to disproportionately harm our community members. According to the American Community Survey (ACS), 11% of Lao families, 13% of Vietnamese families, 14.9% of Cambodian families, and 16.3% of Hmong families live below the poverty line.² Additionally, 35.4% of Cambodians, 32.1% of Hmong, 32.9% of Lao, and 45.1% of Vietnamese immigrants speak English less than “very well”³. These rates are much higher for SEAA elders whose LEP rates are as high as 90%.³

Limited English Proficiency Limits Job Opportunities

While this proposed rule claims that “work opportunities have expanded for individuals who lack English proficiency” and that “claimants who are unable to read, write, or speak English often have formal education that could provide a vocational advantage”, studies demonstrate the opposite affect. Navigating the job market is difficult for many SEAA refugees and immigrants who are LEP. Research show that people with the lowest level of English-speaking ability are less likely to be employed, less likely to find full-time work when employed, and, even having found full time employment, experience lower median earnings overall compared to those who speak only English.⁴ LEP workers with disabilities face an even great number of challenges to participating in the workforce. Punishing these already vulnerable populations by taking away SSI and SSDI support is inhumane and counterproductive.

Conclusion

This proposal harms SEAA immigrant and refugees, many of whom have fought alongside the US and whom our government has a humanitarian responsibility to support. By discounting “inability to communicate in English” as a valid measure for granting SSI and SSDI benefits, we risk putting many vulnerable SEAAAs into poverty.

SEARAC strongly opposes this proposed rule that would expose even more people to the arbitrary SSI and SSDI cutoff policy. It is counter to our values as Americans to deprive families in need of support from this critical lifeline. We encourage the SSA to instead dedicate its efforts to expanding access to social security programs for more low-income immigrant and refugee communities to help them to thrive.

Sincerely,

A handwritten signature in blue ink that reads "Quyen Dinh". The signature is fluid and cursive, with the first name "Quyen" and last name "Dinh" clearly visible.

Quyen Dinh
Executive Director
SEARAC

² American Community Survey (ACS) - U.S. Census Bureau, 2017 1-year estimates

³ American Community Survey (ACS) - U.S. Census Bureau, 2017 1-year estimates

⁴ Jennifer Cheeseman and Hyon B. Shin, Population Division, U.S. Census Bureau, *How Does Ability to Speak English Affect Earnings?*, https://www.census.gov/hhes/socdemo/language/data/acs/PAA_2005_AbilityandEarnings.pdf