

Guide to Social Security and Retirement

in the United States

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

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

Foreign workers with valid U.S. work permits may earn credits towards Social Security benefits. They can eventually get benefits if they achieve the required number of credits and otherwise qualify.

Foreign workers who are not lawfully present in the U.S. may not receive Social Security benefits.

Some foreign workers (even those with valid work permits) may not collect supplemental security income benefits, which are also part of the government program.

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

This guide explains retirement, family support and survivors benefits.

For information on disability and Medicare, see [Guide to disability and health care in the United States](#).

Why is Social Security important to me?

- Knowing whether you qualify for Social Security can help you plan your life after retirement.
- Social Security can also help workers and their families in crisis. SS benefits can help support you and family members who depend on you after you retire or if you become disabled or pass away.



Who qualifies for Social Security benefits?

Retirement benefits

- Workers can retire as early as age 62 and get reduced Social Security benefits. Or they can wait until full retirement age and receive full benefits.
- The full retirement age before 2003 is 65. But, starting in 2003, it will increase gradually until it reaches 67 for people born in 1960 or later.

Survivors of deceased workers

When you die, certain family members may be able to get survivors 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 or 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 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 retired workers who receive SS benefits can also qualify for benefits. These family members can include:

- a spouse age 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 a child SS benefit; and
- 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 on your record. There are limits to how much any single family can receive.

Medicare

- Medicare is a health insurance plan for people aged 65 or older and disabled workers who receive disability benefits.
- For more information on how Medicare works, see [Guide to Disability and Health Care in the United States](#).

Who pays for the Social Security program?

- The Social Security system is paid for by workers and employers.
- Your employer withholds Social Security taxes from your pay, matches this amount, and sends the funds to the Internal Revenue Service (IRS, the government office that collects taxes).
- The law requires your employer to report your earnings to the Social Security Administration (SSA). The SSA uses your social security number to keep track of your earnings.

What are "credits"?

- As you pay into the system, you earn "credits," which allow you to qualify for SS benefits.
- You can earn up to four credits each year.
- To earn each credit, you must earn a minimum amount of money. In 2003, you earn one credit for each \$890, up to four credits. Each year the minimum amount of earnings needed to earn a credit rises.
- Most people need 40 credits (or credits equal to about ten years of work) to get retirement benefits.

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 SS statement. (If you are 25 or older, the SSA will mail you a statement each year.)
- The statement tells you how many credits you have.
- You can call the Social Security Administration at: 1-800-772-1213. Both English and Spanish are spoken.

What is the Social Security number for?

The Social Security Administration uses the number to keep track of the money you earn and to keep track of your benefits once you start getting them.

If you are in the U.S. on a temporary work visa, you need a Social Security number to work and pay taxes.

If your employer has never asked you for your SS number, the employer is NOT paying into the SS system for you.

I am in the United States on a temporary work visa. Must I pay the SS tax?

- Only certain classes of visas allow aliens to work in the United States.
- If you are working on most valid temporary work visas, your employer must withhold SS taxes from your wages.
- If you have a valid H-2A visa, you do not get Social Security benefits and your employer may not withhold Social Security taxes from your wages.
- You can qualify for SS benefits by earning enough credits, even if you are a citizen of another country.



Visa classifications that allow you to work

- E-1, E-2 — Treaty trader or Treaty investor
- F-1 — Foreign academic student, when certain conditions are met
- H-1B, H-1C, H-2A, H-2B, H-3 — Temporary worker
- I — Foreign information media representative
- J-1 — Exchange visitor, when certain conditions are met
- K-1 — Fiancé or fiancée of a U.S. citizen
- L-1 — Intracompany transferee
- M-1 — Foreign vocational student
- O-1, O-2 — Temporary worker in the sciences, arts, education, business, or athletics
- P-1, P-2, P-3 — Temporary worker in the arts or athletics in an exchange or cultural program
- Q-1, Q-2 — Cultural exchange visitor
- R-1 — Temporary religious worker with a nonprofit organization
- TC — Professional business worker admitted under the U.S.-Canada Free Trade Act
- TN — Professional business worker admitted under the North American Free Trade Agreement (NAFTA)

What about migrant and seasonal farm workers?

Under federal law, your employer must tell you about any deductions taken out of your wages, including Social Security taxes, and must give you a statement in writing. This law is called the Migrant and Seasonal Agricultural Worker Protection Act (MSAWPA). For more information about MSAWPA, see [Guide to the Law Protecting Migrant and Seasonal Farm Workers in the United States](#)

If you are a migrant worker, you probably work only during certain parts of the year. Therefore, it might be difficult or it might take longer for you to reach the number of credits needed to receive Social Security.

What about household workers?

- A “domestic” or “household” worker is someone who works in the employer’s household, such as a gardener, housekeeper, cook, or baby-sitter.
- If you are a temporary or permanent legal resident with permission to work in the U.S., you are covered by Social Security laws.
- If you are paid a certain minimum amount in a year (in 2003, at least \$1,400) from one employer, that employer must pay Social Security and Medicare taxes and report your earnings to the SSA.
- Domestic workers begin earning credit in a given year if they have the required minimum earnings for the year.

How can I make sure my employer is making Social Security contributions?

- If you are paid by check, the SS deduction should be labeled FICA on your pay slip.
- BUT, even if you are paid in cash, your employer must withhold SS taxes. By law, your employer must pay those taxes to the IRS.
- It is critical that your employer reports your earnings to the Social Security Administration to earn credits.
- You can make sure that your employer has paid SS taxes and reported your earnings by getting a copy of your SS statement from the SSA.
- If your employer makes FICA deductions but does not send them to the IRS, your employer can be fined or in some cases jailed.

How much will I get in retirement 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 become disabled or reach retirement age and do not have enough credits?

You may be eligible 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 had been receiving 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 in which you live.
- In general, most people who get SSI also qualify for Medicaid, food stamps and other assistance.

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.
- You can reach the Social Security Administration at: 1-800-772-1213. Both English and Spanish are spoken.

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. For example, under U.S. law citizens of some specific countries can have their SS payments sent outside the U.S. Many Latin American countries (including Mexico) have this type of arrangement. But many of these countries allow you to get only certain types of SS benefits sent to you. Different U.S. presence and U.S. residency requirements apply under the SSI program.
- Also, if you are a citizen of another country and are still eligible for social security benefits there, you may be able to have payments sent to you in the U.S.
- If you are planning to leave the U.S. for a while, call or visit the SS office nearest to you to find out whether you will be able to continue getting your SS benefits.



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