

## **Program Operations Manual System (POMS)**

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TN 2 (03-04)

# **GN 01702.225 Evidence of Status as Refugee or Stateless Person**

## **A. Introduction**

Some Totalization agreements include "refugees" or "stateless persons" within the scope of the agreement. The reason for doing this is to avoid application of the alien nonpayment provisions when such individuals reside in the other country.

## **B. Definitions**

### **1. Refugee**

Refugees are individuals who are outside of the country of their nationality because of a well-founded fear of persecution and are unable or, owing to their fear of persecution, unwilling to avail themselves of the protection of that country. The persecution in question must be for reasons of race, religion, nationality, membership of a particular social group or political opinion. If a person is a national of more than one country, the above conditions must apply with respect to all of the countries. The term "refugee" also includes a person who has no nationality and is outside the country of his or her former habitual residence, and who is unable or, owing to such fear of persecution, unwilling to return to it.

### **2. Stateless person**

Stateless person is defined in RS 02640.040.

## **C. Policy**

Do not develop status as a refugee or stateless person in a claim for U.S. benefits unless it is the only way to overcome suspension of benefits under the alien nonpayment provisions. It is not necessary to develop refugee or stateless person status if the applicant meets another exception to the alien nonpayment provisions; for example, the person resides in an agreement country and the agreement with that country provides for an exemption from the alien nonpayment provisions based simply on residence in that country (see GN 01701.150).

Status as a refugee or stateless person does not need to be developed in a claim for foreign benefits.

## **D. Procedure**

### **1. Refugee Status**

The procedures for establishing refugee status are evolving rapidly. Establish refugee status in accordance with the latest policy for documenting refugee status for purposes of issuing a Social Security number. If the applicant cannot submit the required documents to establish refugee status, obtain a signed statement from the applicant explaining why the documents are not available and accept any evidence he or she wishes to submit. When a determination of refugee status is needed, the Office of International Operations will submit the case to the Office of International Programs for a special determination.

### **2. Stateless Person Status**

Establish stateless person status in accordance with RS 02640.040.

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To Link to this section - Use this URL:

<http://policy.ssa.gov/poms.nsf/lnx/0201702225>

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