

The Virgin Islands Consortium

Biden D.O.J. Defends Denial of Supplemental Security Income to Americans Who Live in U.S. Territories

US / **Published On June 09, 2021 05:11 AM /**

Staff Consortium **June 09, 2021**



The U.S. Department of Justice on Monday [filed](#) a brief before the U.S. Supreme Court arguing that Congress has the power to deny otherwise eligible U.S. citizens in the territories access to Supplemental Security Income (SSI) benefits based solely on where they happen to live.

According to Equally American, which advocates for equal rights for residents of U.S. territories, the D.O.J.'s action came after President Joe Biden [issued](#) an [unusual statement](#) that his own D.O.J.'s position was "inconsistent with my Administration's policies and values."

Last September, the Trump DOJ [sought review](#) of United States v. Vaello Madero, a landmark decision from the U.S. Court of Appeals for the First Circuit that upheld a

District Court ruling that the denial of SSI benefits to residents of Puerto Rico. In March, the Supreme Court granted review.

While the D.O.J. brief defends the federal law, it also recognizes that “as a matter of policy, the Administration supports extending SSI benefits to Puerto Rico residents.”

Equally American said the brief recognizes that Mr. Vaello Madero’s “circumstances forcefully illustrate the case for enhancing aid to needy individuals in Puerto Rico.” But ultimately, D.O.J.’s position is that “Congress is fully empowered to extend SSI to Puerto Rico in light of the concerns respondent identifies, but its decision not to do so does not violate the Constitution under this Court’s precedents.”

Responding to D.O.J.’s filing, Neil Weare, President and Founder of Equally American, stated, “The SSI program is one of our Nation’s most successful social safety net programs, recognizing the inherent dignity of millions of the most vulnerable, low-income Americans who are aged, blind, or disabled by providing them with a basic income. However, while these critical benefits are taken for granted in most American communities, they are not available to otherwise eligible residents of most U.S. territories for no other reason than where they happen to live. This discrimination isn’t just wrong, it’s unconstitutional.”

In 2012, José Luis Vaello Madero began receiving SSI disability benefits after he became afflicted with severe health issues while living in New York State, according to the release. The following year, he moved from New York to Puerto Rico to help care for his wife, who also had significant health concerns. Not realizing his change in address meant he was no longer eligible for SSI, he did not question when his benefits continued.

In 2016, after Mr. Vaello Madero applied for retirement benefits, the Social Security Administration realized he now lived in Puerto Rico and ceased payments. In 2017, the U.S. Department of Justice filed a lawsuit invoking a criminal statute against Mr. Vaello Madero to recover the \$28,081 in SSI benefits he had received while he was a resident of Puerto Rico.

After the court appointed pro bono counsel, Mr. Vaello Madero argued that SSI discrimination against residents of U.S. territories violates the Constitution’s guarantee of Equal Protection. The district court and a unanimous panel of the U.S. Court of Appeals for the First Circuit agreed, concluding that discrimination against residents of Puerto Rico with respect to the SSI program fails judicial review under any standard.

More information about Vaello Madero is available at https://www.equalrightsnow.org/vaello_madero.