



FAMILY INDEPENDENCE ADMINISTRATION

Seth W. Diamond, Executive Deputy Commissioner



James K. Whelan, Deputy Commissioner
Policy, Procedures and Training

Lisa C. Fitzpatrick, Assistant Deputy Commissioner
Office of Procedures

POLICY DIRECTIVE #06-15-ELI

(This Policy Directive Replaces PD #06-09-ELI)

SOCIAL SECURITY NUMBERS FOR NONCITIZENS

Date: May 5, 2006	Subtopic(s): Public Assistance, Food Stamps, Medicaid
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AUDIENCE

The instructions in this policy directive are for all staff at the Job/Model Centers and Non-Public Assistance Food Stamp (NPA FS) Offices, and are informational for all other staff.

POLICY

Furnishing or applying for a Social Security number (SSN) is a condition of eligibility for public assistance (PA), food stamps (FS) and medical assistance (MA). Each member of a household who is applying for any of these programs must furnish, or apply for, an SSN.

REQUIRED ACTION

When a lawfully admitted noncitizen applies for PA/NPA FS but does not have an SSN, it must be determined whether or not the applicant is otherwise eligible before addressing the SSN issue.

Note: "Otherwise eligible" means that all other eligibility requirements with the exception of the SSN have been met.

If the applicant is deemed to be otherwise eligible:

- Inform the applicant that s/he must apply for an SSN as a condition of eligibility and that failure to furnish or apply for an SSN for all members of the household will result in a denial of or disqualification for benefits.
- Give the applicant a Referral Letter to Social Security Administration (SSA) (see **Attachment A**).

New form

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 2 at the prompt followed by 765 or
send an e-mail to *FIA Call Center*

- Give the applicant the address of the SSA office nearest his/her address. A Guide to Social Security Offices in New York City (**M-50b**) is attached to this policy directive for Worker use.

Note: Brooklyn residents must be sent to the Social Security Card Center, established for Brooklyn residents only, to process Social Security card applications. It is located at 10 Metrotech Center, 625 Fulton Street, Brooklyn, NY 11201.

- Inform the applicant that s/he must provide the SSA with original documents showing his/her age, identity and lawful alien status, including any permission to work in the United States.
- Direct the applicant to return the Receipt for Application for a Social Security Number (**SSA-5028**) issued by the SSA as proof of application and initial compliance.
- Photocopy the Referral Letter to Social Security Administration and give the applicant the original.
- Scan/image and index a copy in the case file.

Note: Assistance must not be denied, delayed or discontinued pending issuance or verification of an SSN if the applicant has complied.

When the applicant returns from the SSA with the **SSA-5028**:

NPA FS Offices

- Photocopy the **SSA-5028** and give the applicant the original;
- Scan/image and index a copy of the **SSA-5028**;
- If because of time constraints, the case must be activated prior to the receipt of the actual SSN, enter Validation Code **2** in Element **321** of the Turn-Around (TAD).

When the individual returns with the SSN:

- Photocopy the SSN card and give the applicant the original;
- Scan/image and index the photocopy;
- Enter the SSN as follows:
 - If the case is still in Applying (AP) status, instruct the Unit Clerk to enter the SSN into the system via the **Application Maintenance** option.
 - If the case is in Single Issue (SI) or Active (AC) status, enter the SSN in Element **322** and SSN Validation Code **1** in Element **321** of the TAD.

- Job/Model Centers When the individual returns from the SSA with the **SSA-5028**:
- In the **Individual Detail** window, select option **2** (SSN Applied For) for the **SSN Valid** field;
 - Enter the date the SSN was applied for and select “(**SSA-5028**) Receipt for Application for a Social Security Card” as the document to be scanned;
 - Scan/image and index the **SSA-5028** into the electronic case file.

When the individual returns with the SSN:

- If the case is still in AP status:
 - Use the **Application Modification** activity to enter the new SSN.
- If the case is in SI or AC status:
 - Use **Change Case Data** activity to update the SSN field;
 - Enter the SSN on the **Individual Detail** window;
 - Update the **SSN Validation Code** field with the appropriate validation code; and
 - Scan/image and index the Social Security card into the case file.

The TAD will show the entered SSN and, upon completion of the transmission to the Welfare Management System (WMS), the SSN will be posted to WMS.

A case comment must be entered. Enter a case comment by clicking on the **case comments** icon or pressing <ALT>M on the keyboard.

Note: All non-Paperless Office System (POS)-generated forms and notices that are signed by an applicant/participant must be scanned and indexed into the electronic case file except Domestic Violence–related documents.

Denial of an SSN to Certain Noncitizens

Refer to PB #06-63-ELI

The SSA will not issue an SSN to noncitizens without lawful immigration status or work authorization who are otherwise eligible for public benefits. In these instances, the affected individuals will be sent an SSA denial letter indicating they failed to submit verification of citizenship or lawful alien (noncitizen) status. In this instance:

- Scan/image and index a copy of the denial letter from SSA into the electronic case file;
- Update the SSN Validation code in the **Individual Detail** window with the SSN Validation Code **3**;
- Make a case entry explaining that the noncitizen is without lawful immigration status or work authorization. The SSN indicator in this instance will remain **3**.

If the noncitizen is denied an SSN for this reason, do not request that s/he apply again until s/he has obtained lawful immigration status and/or work authorization.

**PROGRAM
IMPLICATIONS**

Public Assistance
Implications

The failure of an applying noncitizen, parent/caretaker or relative to furnish or apply for an SSN will result in an incremental nondurational sanction.

When the parent/caretaker refuses to furnish or apply for an SSN for a minor child, both the parent/caretaker and the child will be ineligible for assistance. Any other children will remain eligible.

If a non-applying noncitizen household member whose needs and income are considered in determining the amount of assistance granted to the household fails to furnish or apply for an SSN, the entire household is ineligible for assistance.

Food Stamp
Implications

Any household member who refuses to apply for or provide an SSN will be disqualified until compliance.

Medicaid
Implications

The failure of an applying noncitizen to apply for or provide an SSN will result in the case being rejected. If a parent/caretaker refuses to apply for or provide an SSN for a minor child, the parent/caretaker will be rejected; the minor child will remain eligible.

Documented and undocumented noncitizens who are seeking Medicaid only for the treatment of an emergency medical condition or prenatal care are not required to supply an SSN.

LIMITED ENGLISH SPEAKING ABILITY (LESA) AND HEARING IMPAIRED IMPLICATIONS

For Limited English Speaking Ability (LESA) and hearing-impaired applicant/participants, make sure to obtain appropriate interpreter services in accordance with PD #06-12-OPE and PD #06-13-OPE.

FAIR HEARING IMPLICATIONS

Avoidance/
Resolution

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that the applicant must receive either adequate or timely and adequate notification of all actions taken, on their case.

Conferences at the
Job Centers

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS I/Supervisor I at any time. If an applicant/participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen.

The FH&C AJOS I/Supervisor I will listen to and evaluate any material presented by the applicant/participant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS I/Supervisor I will explain the reason for the Agency's action(s) to the applicant/participant.

If the determination is that the applicant/participant has presented good cause for the infraction or that the outstanding Notice of Intent needs to be withdrawn for other reasons, the FH&C AJOSI/Supervisor I will settle in conference (SIC), enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken.

In addition, if the adverse case action still shows on the "Pending" **(08)** screen in WMS, the AJOS I/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form (**LDSS-3722**), change the **02** to an **01** if the case has been granted aid continuing (ATC), or prepare and submit a PA Recoupment Data Entry Form (**LDSS-3573**) to delete a recoupment. The AJOS I/Supervisor I must complete a conference Report (**M-186a**).

Conferences at the NPA FS Office

If an applicant/participant comes to the NPA FS Office and requests a conference, the Receptionist must alert the Site Manager’s designee that the applicant/participant is to be seen. If the applicant contacts the Eligibility Specialist directly, the Eligibility Specialist must advise the applicant/participant to call the Site Manager’s designee.

The Site Manager’s designee will listen to and evaluate the applicant/participant’s complaint regarding the case denial. After reviewing the documentation and case file and discussing the issue with the group Supervisor/Eligibility Specialist, the Site Manager’s designee will make a decision. The Site Manager’s designee will decide to resolve or defend the case based on all factors and on whether the case was denied appropriately. The Site Manager’s designee is responsible for ensuring that further appeal by the applicant/participant through a Fair Hearing request is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Evidence Packets for the Job Center

All Evidence Packets must contain a detailed History, copies of relevant WMS screen printouts, other documentation relevant to the action taken and copies of NYCWAY “Case Notes” screens, when applicable.


Evidence Packets for the NPA FS Office

All Evidence Packets for NPA FS Offices must include the returned envelope, address verification, WMS screen printouts, notices sent and any other pertinent information to support the Agency’s action.

REFERENCES

18 NYCRR 351.2 (c)
 18 NYCRR 387.9 (a) (5)
 02 INF 40
 Food Stamp Source Book (Section 5; page 47–49)
 Temporary Assistance Source Book (Section 5, pages 56–58)
 Guide to Immigrant Eligibility for Federal Programs 2002 (page 206)

ATTACHMENTS

 Please use Print on Demand to obtain copies of forms.

Attachment A Referral Letter to Social Security Administration
M-50b Guide to Social Security Offices in New York City

Draft



To: Social Security Administration

A Social Security number is a Federal and New York State Public Benefit Eligibility Requirement.

_____ and all others indicated below have been deemed
(Alien/Immigrant's Name)

otherwise eligible for:

- Federal Public Benefits, and under 42 U.S.C. 1320b-7(a)(1), (b)(1) for Family Assistance; 7 C.F.R. § 273.6 for food stamps; 42 C.F.R. § 435.910(a) for Medicaid; a Social Security number will be required.
- State Public Benefits and, under New York State Social Services Law Section 134-a and Regulation 351.2 (c) of the New York State Office of Temporary and Disability Assistance, all applicants and legally responsible relatives must provide a Social Security number as a condition of eligibility for receipt of Temporary Assistance.

Please assign a Social Security number to _____
(Alien/Immigrant's Name)

and to any household members named below. They have met all eligibility requirements for a Public Benefit(s), except for possession of a Social Security number.

	Names of Household Members	Sex	Date of Birth
1.			
2.			
3.			
4.			
5.			

If you have any questions regarding this request, you may contact _____
at _____.

Sincerely,

Seth W. Diamond
Executive Deputy Commissioner

Guide to Social Security Offices in New York City

Bronx	Brooklyn *	Manhattan	Queens
Baychester 1578 East 233rd Street Bronx, NY 10466 Phone: (718) 325-8163	Avenue X 10 Bouck Court Brooklyn, NY 11223-5937 Phone: (718) 627-7240	Chinatown 32 Mercer Street, 8th Fl. New York, NY 10013 Phone: (212) 226-4111	Astoria 28-18 Steinway Street, 4th Fl. Astoria, NY 11103 Phone: (718) 545-7807
Bronx Hub 349 East 149th Street 10th Floor Bronx, NY 10451 Phone: (718) 585-5421	Bay Ridge 6011 Fort Hamilton Pkwy Brooklyn, NY 11219 Phone: (718) 972-3971	Downtown 26 Federal Plaza Room 31-120 New York, NY 10278 Phone: (212) 264-5372	Far Rockaway 617 Beach 20th Street Far Rockaway, NY 11691 Phone: (718) 868-0848
Bronx River Parkway 3315 White Plains Road Bronx, NY 10467 Phone: (718) 324-3441	Bedford-Stuyvesant 1196 Fulton Street Brooklyn, NY 11216 Phone: (718) 857-3907	East Harlem 1595 Lexington Avenue New York, NY 10029 Phone: (212) 831-8960	Flushing 136-65 37th Avenue Flushing, NY 11354 Phone: (718) 463-1349
East Bronx 1380 Parker Street Bronx, NY 10461 Phone: (718) 239-9572	Boro Hall 195 Montague Street Third Floor Brooklyn, NY 11201 Phone: (718) 330-7601	East Village 650 East 12th Street New York, NY 10009 Phone: (212) 614-1908	Glendale 6710 Myrtle Avenue Glendale, NY 11385 Phone: (718) 417-1601
Hunts Point 1029 East 163rd Street Third Floor Bronx, NY 10459 Phone: (718) 542-7172	Bushwick 790 Broadway Brooklyn, NY 11206 Phone: (718) 963-9400	Grand Central/United Nations 755 Second Avenue Third Floor New York, NY 10017 Phone: (212) 599-4765	Jamaica 1 Jamaica Center Plaza Third Floor Jamaica, NY 11432-3820 Phone: (718) 557-6295
North Bronx 2720 Jerome Avenue Bronx, NY 10468 Phone: (718) 367-5822	Canarsie 1329 Rockaway Pkwy Brooklyn, NY 11236 Phone: (718) 272-8310	Midtown 237 West 48th Street Fifth Floor New York, NY 10036 Phone: (212) 399-5320	Long Island City 42-15 Crescent Street LIC, NY 11101 Phone: (718) 392-3814
South Bronx 226 East 161st street Second Floor Bronx, NY 10451 Phone: (718) 337-6300	Crown Heights 350 Troy Avenue Brooklyn, NY 11213 Phone: (718) 773-5407	Uptown 55 West 125th Street Fifth Floor New York, NY 10027 Phone: (212) 860-6161	Rego Park 63-44 Austin Street Rego Park, NY 11374 Phone: (718) 896-6591
West Farms 1829 Southern Boulevard Bronx, NY 10460 Phone: (718) 991-2208	Cypress Hills 3386 Fulton Street Brooklyn, NY 11208 Phone: (718) 827-3858	Washington Heights 4292 Broadway New York, NY 10033 Phone: (212) 923-2570	Forest Avenue 595 Forest Avenue Staten Island, NY 11354 Phone: (718) 816-9714
	East New York 27 Pennsylvania Avenue Brooklyn, NY 11207 Phone: (718) 385-4483		Staten Island 2389 Richmond Avenue Staten Island, NY 10314 Phone: (718) 983-8673
	Flatbush 2250 Nostrand Avenue Brooklyn, NY 11210 Phone: (718) 859-2260		
	Kings Plaza 4123 Avenue U Brooklyn, NY 11234 Phone: (718) 951-1005		
	Williamsburg 217 Havemeyer Street Brooklyn, NY 11211 Phone: (718) 218-7914		
	Social Security Card Center * 10 Metrotech Center 625 Fulton Street Brooklyn, NY 11201 (718) 552-1209		

*All Brooklyn residents must be sent to the Social Security Card Center at 10 Metrotech Center to apply for a social security card. For more information contact Social Security at (800) 772-1213 or TTY (800) 325-0778.