



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #07-12-ELI

(This Policy Directive Replaces PD #06-15-ELI and PB #06-63-ELI)

SOCIAL SECURITY NUMBERS FOR NONCITIZENS

Date: April 4, 2007	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.

REVISIONS TO THE ORIGINAL DIRECTIVE

This policy directive is being revised to:

- inform staff that the Noncitizen Referral to SSA for a Social Security Number Application (**Attachment A**) is now obsolete and has been replaced with two individual referrals: one for a noncitizen who has been deemed eligible for Family Assistance (FA), Medical Assistance (MA) and/or food stamps (FS) (**Attachment B**), and another for noncitizens who have been deemed eligible for Safety Net Assistance (SNA) only (**Attachment C**);
- include additional instructions regarding the denial of a Social Security number (SSN) to certain noncitizens and provide a sample denial notice (**Attachment E**);
- remind staff that the following procedures were declared obsolete prior to the publication of this directive:
 - PB #04-171-ELI
 - PD #06-09-ELI
 - PD #04-19-ELI
 - PD #03-24-ELI
 - PD #03-11-ELI

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*

POLICY

Furnishing or applying for an SSN is a condition of eligibility for public assistance (PA), FS and MA. Each member of a household who is applying for any of these programs must furnish, or apply for, an SSN. In addition, all nonapplying household members whose needs and income are considered in determining the amount of assistance granted to the household must also provide or apply for an SSN.

REQUIRED ACTION

When a lawfully admitted noncitizen applies for PA and/or 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 providing or applying for an SSN have been met and documented or verified.

If the applicant is deemed to be otherwise eligible for PA, MA and/or FS:

- 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 or disqualification of benefits.
- Complete the appropriate noncitizen referral to the Social Security Administration (SSA) for an SSN application for each noncitizen applicant without an SSN as follows:
 - Complete the Federal-benefits-eligible referral for those individuals deemed eligible for FA, MA and/or FS (see **Attachment B**); and/or
 - Complete the State-benefits-eligible referral for those individuals eligible for SNA only (see **Attachment C**).

Example:

A noncitizen mother and her 8-year-old foreign-born daughter apply for assistance. They are in qualified alien status as Lawful Permanent Residents (LPRs) but have only been in that status for two months and have had no other previous qualified alien status.

Although the noncitizen mother and daughter are qualified aliens, because they have only been LPRs for two months and entered the U.S. after 8/22/96, they are ineligible for federally funded FA and MA until they have five years in qualified alien status. However, they are both eligible for State-funded SNA and may be eligible for State-funded MA. The mother is also ineligible for FS until she has five years in her qualified status or 40 qualifying quarters.

A separate SSA referral is required for each noncitizen applicant who is without an SSN.

Attachment A, formerly used to refer noncitizens to SSA, is now obsolete.

The daughter, however, as a qualified alien under 18 years of age, is eligible for FS.

As part of the SNA application process it is discovered that neither the mother nor the child has an SSN.

The Worker must provide **two** letters in this situation. The mother and child each need a separate letter that indicates the benefits they are eligible for. The mother is eligible only for State-funded SNA and needs to be provided with the letter that indicates her eligibility for a State benefit (**Attachment C**). The child is eligible for State-funded SNA and food stamps (a federally-funded program), and needs to be provided with the letter for her specific eligibility for the Federal benefit (**Attachment B**). No separate letter on SNA eligibility is needed for the child.

Note: In situations where a noncitizen is eligible for both federally funded food stamps, State-funded SNA or State-funded MA, Workers are to provide the noncitizen with a letter regarding the noncitizen's eligibility for the Federal benefit (**Attachment B**). The noncitizen's application for an SSN will meet the eligibility requirements for food stamps, SNA and State-funded MA.

- Scan/image and index the referral into the case file. (locations without imaging capabilities must photocopy the referral[s] and send for day forward imaging.)
- Give the Documentation Requirements and/or Assessment Follow-Up (**W-113K**) (Paperless Office System (POS) locations) or the Notice of Outstanding Required Documentation (**W-120D**) (NPA Food Stamp Offices without POS capabilities)
- Give the referrals along with the address of the SSA office nearest his/her address (use the Guide to Social Security Offices in New York City [**M-50b**]).
- 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.
- Give the applicant at least ten business days to bring verification that s/he applied for a SSN (e.g., an **SSA-5028** or other documentation issued by the SSA). The **SSA-5028** or other documentation issued by the SSA as proof of application and initial compliance (see sample **Attachment D**).

Note: Assistance must not be denied, delayed or discontinued pending issuance or verification of an SSN if the applicant has complied. If an applicant is deemed otherwise eligible for Expedited Food Stamps (EFS) service, EFS benefits must be issued and must not be delayed for Social Security number application and/or verification.

Verification of
Application for SSN

When the applicant returns from the SSA with verification of applying for an SSN:

NPA FS Offices without POS capabilities

- Photocopy and submit the documentation for day forward imaging.
- Give the individual the original SSN documentation along with a Documentation Receipt (**EXP-76R**) annotated that the SSN documentation was received;
- Enter Validation Code **2** (SSN Applied For but Not Yet Available) in Element **321** of the Turn-Around Document (TAD).

Job Centers and NPA FS Offices with POS capabilities

- In the **Individual Detail** window, select option **2** for the **SSN Valid** field;
- Select “Receipt for Application for a Social Security Card” as the document to be scanned;
- Scan/image and index the verification into the electronic case file.
- Give the individual the original SSN documentation along with a copy of the **W-113K** as a receipt of that the SSN documentation was received;

When the individual returns with the SSN:

NPA FS Offices without POS capabilities

- Photocopy and submit the Social Security card for day forward imaging and give the applicant the original.
- Give the individual an **EXP-76R** annotated that the SS card was received;
- 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 change the SSN Validation Code from **2** to **1** (SSN Present but Not Yet Validated) in Element **321** of the TAD.

Job Centers and NPA FS Offices with POS capabilities

- If the case is still in AP status:
 - Scan/image and index the Social Security card into the case file.
 - Give the individual an **EXP-76R** annotated that the SS card was received;
 - 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;
 - In the **Individual Detail** window, change the SSN Validation Code from “2” to “1”. Then enter the Social Security Number in the “SSN” field; and
 - Scan/image and index the Social Security card into the case file.
 - Give the individual an **EXP-76R** annotated that the SS card was received;

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 SSN to Certain Noncitizens

SSA will not issue an SSN to noncitizens who do not have work authorization or who are not in a satisfactory immigration status.

Attachment E is a sample of a denial notice from SSA.

The SSA will not issue an SSN to noncitizens without work authorization who have an immigration status that is not recognized by SSA as satisfactory. Battered qualified aliens and certain PRUCOL aliens who are otherwise eligible only for State public benefits (SNA) will not be assigned an SSN. In these instances, the affected individuals will be sent an SSA denial letter clearly indicating that they have been denied because of immigration status (see sample **Attachment E**).

When an applicant/participant provides an SSA notice indicating denial of SSN application **solely because of immigration status**:

- give the individual a Documentation Receipt form (**EXP-76R**);
- photocopy or scan/image a copy of the denial letter from SSA and index a copy into the case file/record;
- update the SSN Validation code to SSN Validation Code **3** (SSN Applied For and Denied):
 - Job Centers and NPA FS Offices with POS capabilities must use the in the **Individual Detail** window to update the SSN validation code.
 - NPA FS Offices without POS capabilities must manually change the code in Element **321** of the TAD;
- make a case entry explaining that the SSN has been denied **because the noncitizen does not have an immigration status that is recognized as satisfactory by SSA or USCIS.**

When a noncitizen applicant/participant for SNA who is otherwise eligible only for SNA benefits is denied an SSN as a result of immigration status, **do not request that s/he apply again unless there is a change in his/her immigration circumstances or status** such as obtaining an employment authorization document or a lawful immigration status.

This only applies in instances where the individual is otherwise eligible for Federal public benefits.

Noncitizens eligible for FA and/or FS for whom SSA denies an SSN solely due to their immigration status must reapply for an SSN using **Attachment B** no later than at their next recertification.

Note: If the noncitizen is denied an SSN for reasons other than not having a lawful immigration status, s/he must be sanctioned as per current procedure.

PROGRAM IMPLICATIONS

Model Center Implications

There are no Model Center 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 nonapplying 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

All households participating in or applying for benefits in the FS program must provide an SSN for each household member or apply for an SSN before certification. Any household member who refuses to apply for or provide an SSN will be disqualified until compliance.

The United States Department of Agriculture (USDA) requires that all households, including households containing noncitizens, participating in or applying for benefits in the FS program provide an SSN for each household member or apply for an SSN before certification. Consequently, if an individual has an application for SSN pending, FS eligibility cannot be denied for failure to provide an SSN. If for some reason the SSA declines to assign an SSN to a noncitizen who is otherwise eligible for FS benefits, the Worker must notify the noncitizen that the individual must submit a new SSN application at recertification in order for the individual to continue to receive FS benefits. Workers should provide the individual with a new letter to SSA that emphasizes that the noncitizen meets all the eligibility requirements for federally funded FS, except for possessing an SSN.

Medicaid Implications

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.

Additional MA Implications in regard to this procedure will be provided at a later time.

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 Center

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 AJOS I/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 WMS screen printouts, notices sent and any other documentation relevant to the action taken.

REFERENCES

18 NYCRR 351.2 (c)
18 NYCRR 370.2 (c) (3)
18 NYCRR 387.9 (a) (5)
07 INF 01
[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)

OBSOLETE PROCEDURES

This policy directive obsoletes the following procedures:


- PB #06-63-ELI
- PD #06-15-ELI

REMINDER

As a reminder to staff, the following procedures were already obsolete prior to the publication of this procedure and should not be referenced under any circumstances:

- PB #04-171-ELI
- PD #06-09-ELI
- PD #04-19-ELI
- PD #03-24-ELI
- PD #03-11-ELI

ATTACHMENTS

 Please use Print on Demand to obtain copies of forms.

Attachment A Non-Citizen Referral to SSA for a Social Security Number Application (Obsolete)

Attachment B Noncitizen Referral to SSA for a Social Security Number Application (for noncitizens eligible for FA and/or FS)

Attachment C Noncitizen Referral to SSA for a Social Security Number Application (for noncitizens eligible for SNA only)

Attachment D Sample letter indicating individual completed an application for an SSN

Attachment E Form SSA-L676 SSN Card Denial Notice



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.

OBSOLETE

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

Attachment B



The CITY of NEW YORK
Human Resources Administration
Family Independence Administration

Date: _____

Case Number: _____

Case Name: _____

(Address of Local Social Security Office)

Dear Social Security Administration:

Pursuant to Federal law, a Social Security number is an eligibility requirement for the receipt of Federal public benefits (42 U.S.C. 1320b-7[a][1], [b][1], [b][2], [b][4]).

SAMPLE

_____ has been deemed
(Alien/Immigrant's Name) (Date of Birth) (Sex [M/F])

otherwise eligible for benefits under one or all of the following Federal assistance programs:

- Temporary Assistance to Needy Families (42 U.S.C. 601 et seq.)
- Food Stamps (7 U.S.C. 2011 et seq.)
- Medicaid (42 U.S.C. 1396 et seq.)

Please assign a Social Security number to _____, as the applicant has met all the
(Alien/Immigrant's Name)

eligibility requirements for _____
(List the Federal assistance program[s] above for which applicant qualifies)

except the possession of a Social Security number.

If you have any questions regarding this request, you may contact _____
(Name of Contact Person)

at _____
(Telephone Number)

Sincerely,

Name

Title

Attachment C



The CITY of NEW YORK
Human Resources Administration
Family Independence Administration

Date: _____

Case Number: _____

Case Name: _____

(Address of Local Social Security Office)

Dear Social Security Administration:

Pursuant to New York State law and regulation, all applicants and legally responsible relatives must provide or apply for a Social Security number for receipt of New York State Safety Net Assistance (**Social Service Law § 134-a; 18 NYCRR § 370.2[c][3]**).

Please assign a Social Security number to _____
(Date of Birth) (Sex [M/F]) (Alien/Immigrant's Name)

_____, as the applicant has met all the eligibility requirements for Safety Net Assistance, except for the possession of a Social Security number.

If you have any questions regarding this request, you may contact _____
(Name of Contact Person)

at _____
(Telephone Number)

Sincerely,

Name

Title

Social Security Administration
Important Information

PO BOX 5600
3rd Floor
Jamaica NY 11431
Reference Number: C
June 13, 2006

SAMPLE

Dear

This is to show that you requested a Social Security card on June 13, 2006. We cannot issue you a Social Security card until we check the document(s) you gave us to show your citizenship or alien status. We will check the document(s) with the agency that issued them. This will take about 12 weeks.

If that agency tells us their records agree with yours, we will mail you a Social Security card. If they tell us their records do not agree with yours, we will let you know in writing that we cannot issue you a card.

This letter does not mean that we will issue you a Social Security card. It also does not show you have the right to work in the United States.

If You Have Any Questions

We invite you to visit our web site at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-718-827-3858. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY/TDD number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

3386 FULTON STREET
BROOKLYN NY 11208

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

ED HEBRON
ED HEBRON
Field Office Manager

FORM SSA-L676 SSN CARD DENIAL NOTICE

Social Security Administration

Important Information

(Office Address)

(Office Hours)

Phone:

Date:

We cannot give you a Social Security card because:

- You have not given us the document(s) we need to show age.
- You have not given us the document(s) we need to show identity.
- You have not given us the document(s) we need to show U.S. citizenship or lawful alien status.
- You have not come into the office as we asked.
- Your records show that you are not allowed to work in the U.S. and you do not have a valid reason to get a non-work Social Security number. Because we are not able to give you a Social Security card, we did not verify your documents with the issuing agency(ies).
- We checked our records and located your Social Security number, which is verified on the attached printout. However, we are unable to give you a replacement Social Security card because you do not have a valid non-work reason to get a card.
- Other

Please contact us when:

- You can give us the document(s) we need.
- Your alien status changes so you can work in the U.S.

If You Disagree

If you think you should get a Social Security number or card based on what you have given us, you can ask us to review your case. Someone who did not look at your first application will review it. Please call, write or visit any Social Security office to ask for a review.

See Other Side

If You Have Any Questions

If you have any questions, please call us at the number shown at the top of this letter. We can answer most questions over the phone. You also can write or visit any Social Security office.

If you do call or visit us, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment.

SAMPLE