



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 #07-26-ELI

(This Policy Directive Replaces PD #07-24-ELI)

SOCIAL SECURITY NUMBERS FOR NONCITIZENS

Date: August 20, 2007	Subtopic(s): Public Assistance, Food Stamps, Medicaid
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 DIRECTIVE	This policy directive is being revised to: <ul style="list-style-type: none">• inform staff that reference to the W-113K as a receipt for returning documents has been replaced with the Documentation Receipt (EXP-76R) form for staff at Job Centers and NPA FS Offices with POS capabilities; and• change the instructions regarding situations where a noncitizen eligible for federal benefits is denied a social security number (SSN)
POLICY	Furnishing or applying for an SSN is a condition of eligibility for public assistance (PA), 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. In addition, all non-applying 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.
BACKGROUND	The policy requiring the furnishing or applying for an SSN must be adhered to even when it seems that an individual will not be granted a SSN from the Social Security Administration (SSA).

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*

Note: “Otherwise eligible” means that all other eligibility requirements with the exception of providing or applying for an SSN have been verified.

For instance, the SSA will not issue a SSN to noncitizens who have an immigration status that is not recognized by their Agency as satisfactory or do not have work authorization. Battered and PRUCOL eligible noncitizens who are “otherwise eligible” only for State public benefits such as Safety Net Assistance (SNA) will not be assigned an SSN if they do not have an employment authorization document (EAD).

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

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**).

To prevent inappropriate referrals to SSA for re-application of an SSN by noncitizens who have been denied solely due to immigration status, a new WMS SSN validation code, **N**, has been created. SSN validation code **N** will allow Workers to identify these individuals for appropriate review and follow-up when they appear on the Social Security Enumeration Report.

SNA-eligible noncitizens who apply for an SSN and are denied SSN because of immigration status

Once a noncitizen applicant who is eligible only for SNA benefits has applied for and has been denied an SSN due solely to 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 EAD or an immigration status that is satisfactory to the SSA.

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” to receive PA, MA and/or FS before addressing the SSN issue.

If the noncitizen is “otherwise eligible” for PA, MA and/or FS:

- Inform the noncitizen that s/he and any other PA/MA/FS case member missing an SSN must apply for one as a condition of eligibility and that failure to furnish or apply for an SSN will result in a disqualification for benefits for the individual in question, unless the individual missing the SSN is a child. When the missing SSN is for a child and the SSN is not provided or applied for, both the parent/caretaker on the case and the child will be sanctioned.

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

- Complete the appropriate noncitizen referral to the 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, Safety Net Federally Participating (SNFP), MA and/or FS (see **Attachment A**); and/or
 - Complete the State-benefits-eligible referral for those individuals eligible for SNA or Safety (see **Attachment B**).

Example:

A noncitizen mother and her 8-year-old foreign-born daughter apply for assistance. They are in a qualified alien status as Lawful Permanent Resident (LPR) 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 LPR status 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. 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 for which they are eligible. 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 B**).

The child is eligible for State-funded SNA and FS (a federally funded program), and needs to be provided with the letter for her specific eligibility for the Federal benefit (**Attachment A**). No separate letter on SNA eligibility is needed for the child.

Note: In situations where a noncitizen is eligible for both federally funded FS and State-funded SNA/State-funded MA, Workers are to provide the noncitizen with a letter regarding his/her eligibility for the Federal benefit (**Attachment A**).

- 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 10 business days to bring verification that s/he applied for an SSN (e.g., an **SSA-5028** or other documentation issued by the SSA as proof of application and initial compliance) (see sample **Attachment C**).

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 eligible for Expedited Food Stamps (EFS) service, EFS benefits must not be delayed for Social Security number application and/or verification.

If a **battered noncitizen** who is eligible only for SNA and/or state Medicaid or a **noncitizen** determined to be **eligible** for benefits **under** the **PRUCOL** category, without an EAD, declares that s/he has applied for an SSN but does not have proof of the application from SSA, proceed as follows:

- Have him/her complete a Declaration of Application for a Social Security Number (**Attachment D**) which describes how the individual applied for an SSN. This non-citizen is not required to re-apply for an SSN at this time
- Enter Validation Code **N** in Element **321** of the Turn-Around Document (TAD).

Individual Returns with Verification of SSN Application

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

This provision applies only to battered noncitizens and those determined to be eligible under the PRUCOL category. All other noncitizens must provide proof of application for SSN

Revised

NPA FS Offices without POS capabilities

- Revised
- 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** in Element **321** of the Turn-Around Document (TAD).

Job Centers and NPA FS Offices with POS capabilities

- Revised
- 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 an **EXP-76R** as a receipt showing that the SSN documentation was received.

Individual Returns with SSN

When the individual returns with an SS card:

NPA FS Offices without POS capabilities

- Revised
- Photocopy and submit the SS 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 SS 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
 - Scan/image and index the SS card into the case file
 - Give the individual an **EXP-76R** annotated that the SS card was received.

Validating the SSN for cases where a noncitizen has one name

There are some noncitizens who only have one name (e.g., Yanni) and that sole name appears on his/her SS card. In these instances, in order for WMS to validate the SSN with the SSA, the Worker must enter “Unknown” as the first name and the name that appears on the SSN as the last name at both the case and line level of the TAD.

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 Noncitizens Eligible Only for State Funded (SNA) Benefits

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

- give the individual an **EXP-76R**
- photocopy or scan/image a copy of the denial letter from SSA and index a copy into the case file/record
- change the SSN Validation Code from “2” to “1”
 - Job Centers and NPA FS Offices with POS capabilities must use 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 the SSA.

Denial of SSN to noncitizens eligible for federally funded benefits (FA and/or FS)

Revised

In this instance the Worker must first determine if the correct SSN application referral was used. If the correct referral was not issued, refer the individual back to SSA with the correct referral.

However, if the correct referral was used, the Worker must contact the Immigration Liaison for his/her Job Center, who in turn must contact SSA and attempt to resolve the issue. If the Immigration Liaison cannot resolve the issue within 30 days, the noncitizen must be referred back to SSA with a new Federal-benefits eligible referral. S/he will also advise Paul Dichian from the Office of Temporary Disability and Assistance (OTDA) via email Paul.Dichian@otda.state.ny.us that SSA denied a SSN to a noncitizen who is otherwise eligible for federal benefits.

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 a nondurational sanction for the individual who fails to comply, except when the missing SSN is for a child.

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 sanctioned for assistance. In this instance, the sanction for the child will be imposed even if the parent/caretaker is not part of the case because s/he is undocumented.

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. In this instance the case will be denied/closed.

However, if the nonapplying noncitizen is undocumented, no adverse action can be taken against the household.

Food Stamp Implications

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

Note: Unlike PA, when a parent/caretaker fails to provide or apply for an SSN for a minor, only the minor will be disqualified.

Adverse actions for failure to provide or apply for an SSN cannot be taken between certification periods. The issue must be addressed and resolved at the next certification, at which time if the individual fails to comply, the adverse action may be taken.

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:


- PD #07-24-ELI

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:

REMINDER

- PB #04-171-ELI
- PB #06-63-ELI
- PD #03-11-ELI
- PD #03-24-ELI
- PD #04-19-ELI
- PD #06-09-ELI
- PD #06-15-ELI
- PD #07-12-ELI

ATTACHMENTS

 Please use Print on Demand to obtain copies of forms.

- Attachment A** Noncitizen Referral to SSA for a Social Security Number Application (for noncitizens eligible for FA, SNFP and/or FS)
- Attachment B** Noncitizen Referral to SSA for a Social Security Number Application (for noncitizens eligible for SNA only)

- Attachment C** Sample letter indicating individual completed an application for an SSN
- Attachment D** Declaration of Application for a Social Security Number
- Attachment E** Form **SSA-L676** SSN Card Denial Notice

Attachment A



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]).

_____ 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 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 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 _____
(Alien/Immigrant's Name)

_____, as the applicant has met all the eligibility requirements for Safety Net Assistance,
(Date of Birth) (Sex [M/F])
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 11491
Reference Number: 0
June 13, 2006

SAMPLE

Dear

This is to show that you requested a Social Security card on June 18, 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:

3886 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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

M.K.B., et al,

Plaintiffs,

05 CV 10446 (JSR)

- against -

**DECLARATION OF
APPLICATION FOR A
SOCIAL SECURITY NUMBER**

VERNA EGGLESTON, et al,

Defendants.

-----X

1. On _____, 20____, I, _____,
Month Day Year Name
submitted a complete application for a Social Security Number in connection with my combined application for Safety Net Assistance and State-funded Medicaid at the following office of the Federal Social Security Administration:

Address: _____
Street City State

2. I applied for a Social Security Number for: (check all applicable boxes):

- myself
- another household member whose name is: _____
(Name of public benefits Applicant)
- another household member, whose name is: _____
(Name of public benefits Applicant)
- another household member, whose name is: _____
(Name of public benefits Applicant)

Attachment D

_____ another household member, whose name is: _____
(Name of public benefits Applicant)

3. I offered a Social Security Administration employee the letters for myself and each household member I was given by an employee of the New York City Human Resources Administration that requests the Social Security Administration to assign a Social Security Number to me and other household members named in paragraph 2.
4. The Social Security Administration employee took my application for a Social Security Number.
5. I asked the Social Security Administration employee for a written acknowledgment that I applied for a Social Security Number for myself and for other household members named in paragraph 2, but the Social Security Administration employee did not give it to me. .
6. I have not received a letter from the Social Security Administration denying the application I made on behalf of myself or any household member named in paragraph 2 for a Social Security Number.
7. I understand that if I did not apply for a Social Security Number I may be ineligible for Safety Net Assistance and/or State-funded Medicaid and/or subject to recovery of any benefits that I did receive.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

(Signature)

Date: _____

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