



# FAMILY INDEPENDENCE ADMINISTRATION

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## POLICY BULLETIN #04-171-ELI

(Use With PD #03-11-ELI)

### DENIAL OF SOCIAL SECURITY NUMBERS FOR ALIENS WITH APPROVED PRIMA FACIE DETERMINATIONS

<b>Date:</b> September 23, 2004	<b>Subtopic(s):</b> Public Assistance, Food Stamps, Medicaid
<p>  This procedure can now be accessed on the FIAweb.         </p> <p>See PD #03-11-ELI</p> <p>Prima facie <u>is not</u> an immigration status. It is a determination by USCIS that allows a battered alien spouse/child of a U.S. citizen or Legal Permanent Resident (LPR) <u>without an immigration status</u> to remain in the U.S. while awaiting a decision on his/her self-petition for legal permanent resident status and to receive public benefits, if eligible, as a qualified alien.</p>	<p>The purpose of this policy bulletin is to provide staff with a clearance regarding applications for Social Security numbers (SSNs) for aliens with an approved prima facie determination from the United States Citizenship and Immigration Services (USCIS) pursuant to the Violence Against Women Act (VAWA).</p> <p>After September 11, 2001, the Social Security Administration (SSA) tightened controls on the issuance of SSNs to aliens. As a result, only lawfully admitted aliens who have work authorizations are assigned SSNs by the SSA. However, the SSA agreed to issue SSNs to aliens who are otherwise eligible for public benefits if State law requires an SSN as a condition of eligibility.</p> <p>The Office of Temporary and Disability Assistance (OTDA) has recently been made aware that the SSA is not approving SSN applications for aliens who have been granted a prima facie determination (WMS ACI code <b>B</b>) and have either:</p> <ul style="list-style-type: none"> <li>• a pending/approved <b>I-130</b> which is a visa petition made under immediate relative showing status as spouse or child; <u>or</u></li> <li>• a pending/approved <b>I-360</b>, which is a self-petition to qualify as abused spouse or child under VAWA.</li> </ul> <p>Although the USCIS has determined that these individuals are lawfully present in the United States (U.S.), they do not have an immigration status and will not have one until the application process for adjustment of status (which will be legal permanent resident) is completed.</p>

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*

The SSA will not assign SSNs to aliens who are awaiting a final decision on their pending application for permanent alien status. This is so even in situations where the alien has been determined to be lawfully present in the U.S. while awaiting the outcome of his/her application and in some instances may have also been issued a work authorization.

In response to this new information and until this issue can be resolved by State officials, OTDA has authorized the issuance of benefits to eligible aliens with approved prima facie determinations or a pending/approved **I-130** or **I-360** petition who have applied for an SSN as required and are denied an SSN by the SSA solely because they have not yet obtained a lawful alien status.

In these instances, the SSA denial letter will generally indicate that the applicant failed to submit verification of citizenship or lawful alien (noncitizen) status. However, Workers should be aware that in some instances the letter might incorrectly indicate that the SSN was denied because the applicant was determined to be an illegal alien. Since FIA already determined that the applicant/participant in question was lawfully present in the U.S. before referring him/her to the SSA for an SSN, Workers should interpret this as another way of indicating that the applicant/participant has not yet obtained lawful alien status.

Workers must ensure that a copy of the denial letter from the SSA is filed in the case record. See the sample attached.

*Effective Immediately*

**Attachment:**

Sample Form SSA-L676 SSN Card Denial Notice

# 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 were 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 want to make an appointment.

SAMPLE