



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 BULLETIN #06-63-ELI

(This Policy Bulletin Replaces PB #04-171-ELI)
(Use With PD #06-09-ELI)

DENIAL OF SOCIAL SECURITY NUMBERS FOR NONCITIZENS

Date: April 27, 2006	Subtopic(s): Public Assistance, Food Stamps, Medicaid
<p> This procedure can now be accessed on the FIAweb.</p> <p>See PD #06-09-ELI</p>	<p>The purpose of this policy bulletin is to provide staff with a clearance regarding applications for Social Security numbers (SSNs) for noncitizens who have been deemed eligible for public assistance (PA) and/or food stamps (FS).</p> <p>After September 11, 2001, the Social Security Administration (SSA) tightened controls on the issuance of SSNs to noncitizens. As a result, only noncitizens who have lawful immigration status and/or work authorization or those who are deemed eligible for the receipt of Federal public benefits are assigned SSNs by the SSA. However, the SSA stated it would issue SSNs to noncitizens without lawful immigration status or work authorization who are otherwise eligible for State public benefits if State law requires an SSN as a condition of eligibility.</p> <p>In September 2004, the Office of Temporary and Disability Assistance (OTDA) was made aware that the SSA was no longer issuing SSNs to noncitizens without lawful immigration status or work authorization who are otherwise eligible. This affects battered/abused noncitizens (Alien/Citizenship Indicator [ACI] code “B”) who do not have lawful immigration status or work authorization but who are deemed “qualified” noncitizens because one of the following forms of United States Citizenship and Immigration Services (USCIS) documentation was submitted although the individual subsequently failed to meet the exemption criteria or five-year rule in qualified status necessary for receiving Federal benefits.</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*

Prima facie is not an immigration status. It is a determination by USCIS that allows a battered noncitizen spouse/child of a U.S. citizen or LPR without immigration status to remain in the U.S. while awaiting a decision on his/her self-petition or immigrant visa and to receive public benefits, if eligible, as a “qualified” noncitizen.

PRUCOLs

- An **I-797** (Notice of Action) indicating that the USCIS has made a *prima facie* determination on a self-petition under the Violence Against Women Act (VAWA);
- An **I-797** indicating that an **I-360** self-petition was approved under VAWA; or
- Proof of battery/abuse, along with either an:
 - **I-797** indicating an **I-360** (Petition for Amerasian, Widow(er), or Special Immigrant) self-petition was filed; or
 - **I-797** indicating an **I-130** (Alien Relative Petition) was filed or approved.-

Also affected by the SSA decision were noncitizens who are eligible for Safety Net Assistance (SNA) because they are considered to be Permanently Residing Under Color of Law (PRUCOL), ACI code “O.”

Although the USCIS is aware of their presence and currently has no intention of removing them, PRUCOLs do not have lawful immigration status or work authorization and are ineligible for Federal benefit programs.

In response to this information and until this issue can be resolved by State officials, OTDA has authorized the issuance of SNA benefits to eligible noncitizens who apply for an SSN as required but are denied one solely because the SSA does not consider them to be lawfully present.

In these instances, the SSA denial letter will generally indicate that the applicant failed to submit verification of citizenship or lawful noncitizen status. Since it has already been determined that the applicant/participant in question has satisfactory immigration status for SNA eligibility, the Worker should continue SNA benefits when the noncitizen’s application is denied because SSA does not consider him/her to be lawfully present.

See PD #06-10-ELI, Importance of Accurate Social Security Numbers in WMS, for system instructions.

Workers must ensure that a copy of the denial letter from the SSA is filed in the case record. See the sample attached. Once the noncitizen has initially been denied an SSN for the reason herein explained, do not request that s/he reapply until s/he has obtained lawful immigration status and/or work authorization or becomes eligible for Federal benefits.

Effective Immediately

Attachment:

Sample **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 permanent resident 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 allowed 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