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**NEW YORK STATE**  
**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**  
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Commissioner

## Informational Letter

### Section 1

<b>Transmittal:</b>	02 INF 40
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Temporary Assistance
<b>Date:</b>	November 27, 2002
<b>Subject:</b>	Social Security Numbers for Non-Working Aliens
<b>Suggested Distribution:</b>	Temporary Assistance Directors Child Assistance Program Coordinators Food Stamp Directors Medical Assistance Directors Staff Development Coordinators
<b>Contact Person(s):</b>	Contact the Central Team at 1-800-343-8859, extension 4-9344
<b>Attachments:</b>	Sample Social Security Administration Letter
<b>Attachment Available On – Line:</b>	<input checked="" type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
80 ADM-42 90 ADM-23 93-ADM-4 98-INF-14 92 INF-21 01-INF-12		351.2 (c) 352.30 (d) (i)  369.2 (b) (1) 370.2 (c) (3) (i) (iii)	SSL 134-a (2)		

### Section 2

#### I. Purpose

The purpose of this release is to advise local districts of the new Social Security Administration (SSA) procedure regarding Social Security Numbers (SSNs) for persons whose immigration status does authorize them to be employed.

## II. Background

Furnishing an SSN is a condition of temporary assistance eligibility. Each member of a household that is applying for temporary assistance must furnish or apply for an SSN. All non-applying household members whose needs and income are considered in determining the amount of assistance granted to the household must also furnish or apply for an SSN.

As of March 1, 2002 SSA no longer assigns SSNs to lawfully admitted aliens (legal aliens) who do not have work authorization. Many immigration statuses require the alien to file a separate application for work authorization. However, SSA will issue SSNs to aliens who are otherwise eligible for temporary assistance if State Law requires an SSN as a condition of eligibility for temporary assistance.

## III. Program Implications

Local districts must provide eligible aliens who need to apply for an SSN with a letter on their agency's letterhead. The letter should be issued as soon as it appears that the alien is eligible.

This letter must:

- Identify that the alien is an applicant for temporary assistance or a legally responsible relative in a household applying for temporary assistance.
- Cite New York State law that requires an SSN as a condition of eligibility for temporary assistance.
- Indicate that the named alien and any other applying household members have met all of the agency's eligibility requirements to establish eligibility for temporary assistance except for having an SSN.

Attached is language that local districts must use to fulfill this SSA requirement. If preferred, districts may create a local equivalent of the sample letter. Any local equivalent would need OTDA approval before it can be used.

Districts should advise aliens as early as possible of the requirement to furnish an SSN via the LDSS-2642 (Documentation Requirements). The letter for SSA should be provided as soon as it appears that the alien is otherwise eligible.

Alien applicants or recipients applying for an original Social Security card will be issued a receipt by the local SSA office (SSA-5028 Receipt for Application for a Social Security Number). Aliens should understand that this receipt must be returned to the district within the district's allotted timeframe to document that they have complied with the requirement to apply for an SSN.

The applicant or recipient initially complies with this requirement by applying for an SSN and providing the local district with the SSA receipt as proof of the SSN application. The applicant or recipient fully complies with this requirement by furnishing the SSN when the Social Security card is received. Districts should diligently assist aliens in complying with this requirement within the normal 30 or 45-day application periods.

The failure of an applying alien parent/caretaker relative to furnish or apply for an SSN will result in an incremental non-durational sanction. The applying alien parent/caretaker is ineligible for assistance

until he/she complies with the requirement to furnish or apply for an SSN. In a situation where an alien parent or applying caretaker refuses to furnish or apply for an SSN for a minor child, both the parent or applying caretaker and the minor child will be ineligible for assistance. Any other children will remain eligible. If a non-applying alien 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.

Legal aliens needing an SSN should apply at the nearest SSA office. Social Security card application forms can be downloaded from the SSA Web site at <http://www.ssa.gov/online/ss-5.html>

Aliens who are applying for an SSN must provide SSA with original documents showing their age, identity and lawful alien status, including any permission to work in the U.S.

**Issued by**

**Name: Patricia A. Stevens**

**Title: Deputy Commissioner**

**Division/Office: Division of Temporary Assistance**