



Eliot Spitzer
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NY 12243-0001

David A. Hansell
Acting Commissioner

Informational Letter

Section 1

Transmittal:	07-INF-01
To:	Local District Commissioners
Issuing Division/Office:	Division of Employment and Transitional Supports
Date:	January 10, 2007
Subject:	Social Security Numbers for Aliens without United States Citizenship and Immigration Services (USCIS) Work Authorization
Suggested Distribution:	Temporary Assistance Directors Food Stamp Directors Employment Coordinators Staff Development Coordinators
Contact Person(s):	Bureau of Temporary Assistance at 1-800-343-8859, extension 4-9344
Attachments:	Attachment 1: Social Security Administration Letter for Aliens Eligible for Federal Benefits Attachment 2: Social Security Administration Letter for Aliens Eligible for Safety Net Assistance
Attachment Available On – Line:	<input type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
02-INF-40 01-INF-12 98-INF-21 93-ADM-4 92-INF-21 90-ADM-23 80-ADM-42	02-INF-40	351.2 (c) 352.30 (d) (i) 369.2 (b) (1) 370.2 (c) (3) (i) (iii) 387.9(a)(5)	SSL 134-a (2) <u>42 USC 601</u> et seq. 42 USC 1320b- 7(a)(1), (b)(1), (b)(2), (b)(4) 42 USC 1396 et seq. 7 USC 2011 et seq. 7 CFR 273.2 (f)(1)(v) 7 CFR 273.6		

Section 2

I. Purpose

The purpose of this release is to clarify the procedure that local social services districts must follow regarding Social Security Numbers (SSNs) for aliens who have not received work authorization from the United States Citizenship and Immigration Services (USCIS) or whose immigration status prevents them from being authorized by the USCIS to work in the United States.

II. Background

As part of the eligibility process for Family Assistance (FA), Safety Net Assistance (SNA), Food Stamps (FS) and Medical Assistance (MA), an alien must provide or apply for a SSN. Each member of a household that is applying for temporary assistance and food stamps must provide or apply for a SSN. All non-applying, household members, including aliens, whose needs and income are considered in determining the amount of assistance granted to the household must also provide or apply for a SSN.

Federal law requires that a recipient of federally-funded Family Assistance (FA), Safety Net Assistance/ Federal Participating (SNA/FP), Food Stamps (FS) and Medical Assistance (MA) provide a SSN for ongoing eligibility. An alien household member who loses FA eligibility because SSA will not provide the alien with a SSN due to the alien's immigration status may be eligible for state-funded Safety Net Assistance (SNA). An alien eligible for SNA whose application for a SSN is denied because of immigration status may still be eligible for SNA, if the alien has an immigration status that qualifies for SNA and the alien is otherwise eligible for SNA.

Districts were introduced to the Social Security Administration's (SSA) new procedure for assigning SSNs to aliens without USCIS work authorization in 02-INF- 40 (Social Security Numbers for Non-Working Aliens).

As of March 1, 2002, SSA stopped assigning SSNs to aliens lawfully residing in the United States who did not have USCIS work authorization. However, 02-INF-40 advised districts that SSA would issue a SSN to aliens who had met all other eligibility requirements for temporary assistance if state law required a SSN as a condition of eligibility. Districts were directed to provide aliens with a letter on its agency's letterhead that would inform SSA that the named aliens met all the eligibility requirements for temporary assistance, except for possessing a SSN. A sample letter addressed to SSA was attached to 02-INF-40.

According to SSA, if an alien does not have permission from the USCIS to work in the United States, the alien may apply for a SSN only if:

- A federal law requires the alien to have a SSN in order to receive a federally-funded benefit (i.e., FA, SNA/FP, FS or MA) to which the alien has otherwise established eligibility or,

- A state or local law requires the alien to have a SSN in order to receive general assistance benefit(s) (i.e., SNA) to which the alien has otherwise established eligibility. However, not all aliens eligible for SNA will be assigned a SSN, because SSA does not recognize their immigration status as being satisfactory for SSN assignment purposes.

Two new letter formats have been developed (Attachments 1 and 2) for districts for use in connection with aliens who do not have USCIS work authorization and need to apply for a SSN.

Districts must use Attachment 1 when an alien needs a SSN for federal benefit eligibility (FA, SNA/FP, FS, or MA). The letter must clearly indicate the specific federal benefit for which the alien has otherwise established eligibility.

If the alien is eligible for SNA, districts must use Attachment 2 and indicate that the alien has met all the eligibility requirements for SNA, except for the SSN requirement.

These new letter formats will facilitate SSA in processing the alien's application by assigning SSNs to aliens who are otherwise eligible for a federal or state benefit program.

III. Program Implications

Local districts must provide aliens with a letter(s) addressed to SSA for those aliens who appear to meet all eligibility requirements for FA, FS, MA and/or SNA, except for the SSN requirement. The required format for each letter is set forth in the attachments to this release. Districts must use the letter set forth in Attachment 1 for aliens who meet the eligibility requirements for federal benefit programs (Family Assistance, SNA/FP, Food Stamps and federally-funded Medicaid). Districts must use the letter set forth in Attachment 2 for aliens who meet the eligibility requirements for state-funded Safety Net Assistance.

A non-applying alien whose needs and income would be considered in determining the amount of assistance the household could receive must also provide or apply for a SSN. However, if the non-applying alien does not have documents to prove that he/she has a satisfactory immigration status for SSA to assign a SSN he/she does not need to apply for a SSN. The non-applying alien is still responsible for providing the local district with information on any income or resources they have if such income would be considered in determining the amount of the household's benefit.

Each alien in a household who is applying for FA, SNA/FP, FS, MA and/or SNA, who in turn also needs to apply for a SSN, must be provided a separate letter for the SSA.

Example: An alien mother and her 8-year-old foreign-born daughter apply for assistance. The alien mother claims she is a victim of domestic violence and provides an I-797 (Notice of Action), which indicates that she has established a **prima facie** case for an I-360 self-petition that, if approved, would allow the mother to file an application for adjustment to permanent residence for herself and child. The local

district determines that she meets the requirements to be considered a qualified battered alien (See 06-INF-14), which makes her and her child eligible for benefits.

Although, the alien mother and daughter have been determined to be qualified aliens, they entered the U.S. in December 2005, which means they are ineligible for federally funded FA and MA until they have 5 years in a qualified status. The mother is also ineligible for FS until she has 5 years in qualified status. The daughter, however, as qualified alien minor is eligible for FS. As part of the SNA application process the local district discovers that neither the mother nor child have a SSN.

Question: How many letters must be provided to the SSA on behalf of the mother and child?

Answer: The local district must provide **two** letters in this situation. The mother and child each need a separate letter which indicates the benefits they are eligible for. The mother is only eligible for state-funded SNA. The child is eligible for state funded-SNA and Food Stamps. A qualified alien under 18 years old is **exempt** from the requirement to have 5 years in qualified status for Food Stamp eligibility.

The mother needs to be provided with the letter that indicates her eligibility for a state benefit (Attachment 2). The child eligible for federal food stamps needs to be provided with the letter on her specific eligibility for the federal benefit (Attachment 1). No separate letter on SNA eligibility is needed for the child. In situations when an alien is eligible for both federally-funded Food Stamps and state-funded SNA, districts are to provide that alien with the letter regarding the alien's eligibility for the federal benefit (Attachment 1). The alien's application for a SSN will meet the eligibility requirements for both Food Stamps and SNA.

Each letter addressed to SSA must be an individual-specific letter written on the district's letterhead stationary that states the specific benefit(s) to which the alien has otherwise established eligibility, except for the possession of a SSN. SSA will not accept form letters.

Districts should advise aliens at application and/or recertification through the LDSS-2642 (Documentation Requirements) of the need to apply for a SSN to be eligible for benefits. A letter addressed to the SSA (Attachment 1 and/or Attachment 2) should be provided to the alien to bring to the local SSA field office as soon as it appears that the alien will meet all other eligibility requirements for benefits.

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

Alien applicants or recipients must also be advised to provide local districts with their SSN after they receive it from SSA. If the applicant or recipient has not provided the local districts with

their SSN within 60 days of applying for a SSN, the district must contact the applicant/recipient to determine if a SSN was issued. Upstate districts should use anticipated future action code 327 to monitor compliance with this requirement.

If SSA denies a FA-eligible alien a SSN solely due to the alien's immigration status, the local district must have the alien reapply for a SSN no later than at their next recertification. The district must provide the alien with a new letter for SSA on the alien's federal benefit eligibility. The letter to SSA must clearly delineate the federal benefit(s) the alien is eligible for.

When an alien's application for a SSN is denied because of his/her immigration status, there is no SSN reapplication requirement at recertification for SNA benefits. If an alien's immigration status changes or the alien obtains USCIS work authorization, a new SSN application would be required for SNA at his/her next recertification.

IV. Food Stamps Implications

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

V. System Implications

Districts should be using SSN code 2 (SSN Applied for) when aliens apply for a SSN. A new SSN code for SNA eligible aliens denied a SSN because of their immigration status is being developed and is expected to be available in downstate WMS with the next system migration. In upstate WMS, the new SSN code is expected to be available with the June 2007 migration. In the interim, districts are to use SSN code 3 (SSA applied for and Denied) for aliens who are denied a SSN because of their immigration status.

Instructions on using the new SSN code as well as instructions on what to do with aliens who were denied a SSN because of their immigration status and currently coded 3 will be issued once the new code is available on the downstate and upstate WMS production systems.

VI. Additional Information

02-INF-40 is cancelled by this release.

Issued By

Name:

Russell Sykes

Title:

Deputy Commissioner

Division/Office:

Division of Employment and Transitional Supports

(DRAFT)
LOCAL DISTRICT LETTERHEAD

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 for 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 in which Applicant Qualifies)

except for the possession of a Social Security Number.

If you have any questions regarding this request, you may contact _____
at _____.

Sincerely,

(Name)

(Title)

(DRAFT)
LOCAL DISTRICT LETTERHEAD

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 Services Law § 134-a; 18 N.Y.C.R.R. § 370.2(c)(3))

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

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 _____
at _____.

Sincerely,

(Name)

(Title)