

RM 00203.510 Alien without Work Authorization - Nonwork Need for an SSN

Citations:42 USC 405(c)(2)(B), 42 USC 1320b 7. 26 USC 6109(e), 20 USC 1091(a)(4)(B),31 CFR 353.5-353.6,7 CFR 245.2(a-3)(1)(i).

A. POLICY - EVIDENCE REQUIREMENTS FOR OBTAINING AN SSN FOR NONWORK PURPOSES

SSA will not assign an SSN to an alien currently in lawful immigration status in the U.S. who does not have DHS work authorization unless the alien has a valid nonwork reason for an SSN.

1. Valid Non-work Reasons

The only valid nonwork reasons are:

- a Federal statute or regulation requires that the alien provide his/her SSN to get the particular benefit or service to which he or she has otherwise established entitlement;
- a State or local law requires the alien who is legally in the U.S. to provide his/her SSN to get public assistance benefits to which the alien has otherwise established entitlement and for which all other requirements have been met.

2. Documentation

- a. To obtain an SSA for a nonwork purpose, the alien must provide:
 - o Evidence of age, identity and current alien status; and
 - o Documentation from the appropriate government entity explaining the need for the SSN.

NOTE: If the alien resides outside the U.S. and requests an SSN at a Foreign Service Post, he/she does not need to provide evidence of alien status.

- b. The only acceptable documentation of a valid nonwork reason is a letter from the government entity. **The letter cannot be a generic application, form letter or a photocopy and must be dated and on letterhead stationery.** It must specifically identify the alien, the nonwork reason for which an SSN is required, the relevant statute or regulations requiring the SSN as a condition to receive the benefit or service, and the name and telephone number of an official to contact so that the information provided may be verified. It should state that the alien meets all the requirements to receive the benefit/service except for an SSN. See RM 00203.510B. for valid reasons for SSA to assign an SSN. See RM 00203.510C. for examples of invalid nonwork reasons.
- c. Verify questionable documentation directly with the issuing agency to determine if the alien has met all requirements for the benefit other than providing an SSN. If you have any questions regarding whether the statute or regulation that the alien is relying upon meets the requirements, check with the Regional Office.

3. Issuing a Replacement for an SSN Card Obtained For a Nonwork Purpose

SSA will not issue a replacement for an SSN card obtained for a nonwork purpose unless the alien provides a current valid nonwork reason and supporting documentation per the criteria in RM00203.510A.1. and RM 00203.510A.2. See RM 00202.320 for instructions on providing verification of an SSN.

B. POLICY - VALID REASONS TO ASSIGN AN SSN FOR NONWORK PURPOSES

Some laws/regulations require an SSN to obtain the benefits/services.

Following are examples of benefits/services (which an alien who is legally in the U.S. without work authorization or, in some cases outside the U.S., could receive) that require an SSN. Included are general guidelines explaining what evidence is required when an SSN can be assigned.

If you have any questions regarding whether the statute or regulation that the alien is relying upon meets the requirements, check with the Regional Office.

1. Examples of Federally Funded Benefits

Most aliens eligible for federally-funded benefits are work authorized and are, thus, eligible for SSNs. In rare cases, a lawfully present alien who is not work authorized may be entitled to receive a federally-funded benefit and, thus, be eligible for an SSN (e.g., Cuban-Haitian Entrants).

a. Title II Benefit

The Social Security Act (42 USC 405(c)(2)(F)) requires a Social Security beneficiary to provide his/her SSN as a condition for receipt of benefits under title II of the Social Security Act.

b. Medicare Eligibility Due to End Stage Renal Disease (ESRD)

A Medicare benefit due to ESRD is a federally funded benefit and is a valid nonwork reason for assigning a nonwork SSN if the individual has provided documentation that he/she is otherwise entitled to this benefit.

NOTE: An undocumented alien parent/spouse is **not** eligible for a nonwork SSN merely to establish insured status for purposes of a dependent's ESRD claim. We will **only** assign a nonwork SSN when an individual establishes his or her **own** entitlement to benefits.

c. Title XIX Medicaid Program

Since Medicaid flows from SSI entitlement in most States, alien Medicaid recipients are generally work authorized, and thus eligible for SSNs. However, an alien whose eligibility for Medicaid does not derive from SSI entitlement must provide

documentation that he/she meets Medicaid eligibility or documentation of some other valid nonwork reason. (42 USC 1320b-7) (See [RM 00203.510B.2.](#) for State medical assistance programs that are State or partially federally-funded.)

d. Temporary Assistance for Needy Families (TANF)

Most alien TANF recipients should be work authorized aliens and thus eligible for SSNs. However, if an alien, not otherwise eligible for an SSN, provides documentation that he/she meets eligibility for TANF, consider this a valid nonwork reason. (42 USC 1320b-7)

e. Food Stamps

Some aliens in the U.S. may be eligible for food stamps.

f. Other Programs/Laws

There may be other Federal laws requiring an individual to furnish his/her SSN to be paid the benefit or receive the service. Field Offices should check with Regional Offices if they question whether the cited law or regulation meets the requirements for assigning an SSN.

2. State/Local Benefits

In some instances, a State or local government may require an SSN for an individual to receive benefits from a State public assistance program (i.e. a fully or partially State-funded program [benefit or service] based on need). Refer to [RM 00203.510A.2.](#)

If you have any questions regarding whether the statute or regulation that the alien is relying upon meets the requirements, check with the Regional Office.

C. POLICY - INVALID NONWORK REASONS

Following is a list of benefits/services for which an SSN may be requested but which are not valid reasons for SSA to assign an SSN for nonwork purposes:

1. Federal and State Income Tax Purposes

Under U.S. tax law, taxpayers and certain other individuals must provide a Taxpayer Identification Number (TIN) to IRS (26 USC 6109(e)). The TIN may be either the SSN assigned by SSA, or an Individual Taxpayer Identification Number (ITIN), a 9-digit number assigned by IRS.

IRS will assign an ITIN to a taxpayer, spouse or dependent who needs a TIN for tax purposes but does not otherwise meet SSA's requirements for an SSN.

a. Earned Income Credit (EIC)

Only work authorized aliens are eligible for EIC (as the taxpayer claiming the EIC or as the qualifying child). Such eligible aliens may apply for SSNs. EIC purposes is not a valid nonwork reason for assigning an SSN.

b. State Tax Laws

State laws may also require an alien to provide, for State tax purposes, the SSN issued to him/her by SSA, but SSA does not assign SSNs for nonwork purposes solely for State tax purposes.

2. Banking/Monetary Purposes

With limited exceptions, an individual must provide a Tax Identification Number (TIN) to a financial institution for an account or other monetary transaction (loan, mortgage, stock/bond purchase) for tax purposes. The TIN may be either the SSN assigned to the individual when applicable, or an ITIN assigned by the IRS.

If the alien has been present in the U.S. for less than 6 months, he/she is exempt from providing a TIN for banking purposes and should ask the financial institution for Form W-8, Certificate of Foreign Status. IRS will assign ITINs for banking purposes to aliens not authorized to work who have been present in the U.S. for 180 days or more.

However, SSA does not assign SSNs solely for this purpose.

3. State Driver's License or Identity Card

A driver's license is not a "valid nonwork reason" for assigning an SSN and SSA will not assign an SSN for this purpose. However, an alien applying for an SSN for commercial driver's license purposes should be able to present DHS evidence of work authorization and, therefore, should be eligible for an SSN.

A State may request an applicant to provide his/her SSN to obtain a State-issued non-driver identity card. However, the Social Security Act does not require SSA to assign an SSN solely for this purpose, and SSA will not do so.

4. Other State Issued Licenses/Certificates

A State may require an applicant to provide his/her SSN to obtain a State-issued license (e.g., vocational or professional license, marriage license, gun license, hunting license, fishing license). While States are required to record the SSNs of marriage license applicants and individuals granted divorce decrees for child support enforcement purposes, SSA is not required to assign SSNs solely for any of these reasons and will not do so.

5. Savings Bonds

Treasury regulations (31 CFR 353.5 - 353.6) require an individual registering a Series EE or HH savings bond to provide the taxpayer identification number of the owner or first named co-owner. Treasury regulations also restrict who may own a bond. A bond may be

owned by residents of the U.S., its territories or possessions, or Puerto Rico; citizens of the U.S. residing abroad; civilian employees of the U.S. or members of its armed services; and residents of Canada and Mexico who work in the U.S. if they purchase the bond through a payroll savings plan.

A nonresident alien (or one temporarily in the U.S.) may be designated a co-owner or beneficiary. However, SSA will not assign an SSN solely for this purpose.

6. Student Loan

An applicant for a Federal Student Assistance Program loan is required to provide his/her SSN (20 USC 1091(a)(4)(B)). However, the aid is provided only to U.S. citizens, aliens lawfully admitted for permanent residence, or to individuals with one of the following immigration designations:

- "Refugees"
- "Asylum Granted"
- "Indefinite Parole" and/or "Humanitarian Parole"
- "Cuban-Haitian Entrant, Status Pending"
- "Conditional Entrant" (valid only if issued before April 1, 1980).

Nonimmigrant visitors, whether or not authorized to work, are not eligible for student loans. Therefore, SSA will not assign an SSN solely for this purpose.

7. School Lunch Program

The individual on whose behalf an application is made for school lunch program benefits does not need an SSN. The adult household member who signs the application for the free or reduced-price lunch must provide either his or her SSN or an indication that he/she has not been assigned an SSN. Thus, a letter from SSA indicating that an SSN cannot be assigned will generally meet school lunch program requirements. SSA will not assign an SSN solely for this purpose.

8. HUD Housing

Each member of the family age six or older must provide to HUD either his/her SSN or a statement that an SSN has not been assigned. Thus, a letter from SSA indicating that an SSN cannot be assigned will generally meet HUD program requirements. SSA will not assign an SSN solely for this purpose.

9. School Purposes

A school policy may require a student to provide an SSN to enroll in school. Some schools use the SSN as a student identifier when the student has one. However, because schools are not mandated to use the SSN in administering educational programs, when the student does not have an SSN or prefers not to provide his/her SSN, the school should assign the student an internal student number.

Although the application forms for the SAT, GRE, and other educational tests have a space to show the SSN, the student is not required to provide an SSN to take the test. SSA will not assign an SSN solely for this purpose.

10. Representative Payees/SSI Deemors

SSA will not assign SSNs to representative payees or SSI deemors who are not otherwise eligible for an SSN.

D. PROCEDURE - SSN CARD REQUEST BY ALIEN NOT AUTHORIZED TO WORK

1. Alien Wants SSN Card to Work

If an alien who is not authorized by the Department of Homeland Security (DHS) to work wants an SSN card to work, explain that without an DHS document authorizing employment, an SSN card cannot be issued for work purposes (NOTE: Work includes both employment and self-employment.)

Return the SS-5 and tell the alien to contact the nearest DHS office to discuss the possibility of changing his/her alien status to one which allows him/her to work or obtain work authorization.

Give the alien the appropriate notice (Form SSA-L670) indicating that the applicant did not provide evidence of work authorization. If the applicant refuses to take back the application and insists SSA process it, explain that SSA will not assign an SSN or issue a card. Provide written notice using Form SSA-L676 to explain that an SSN cannot be assigned or a card issued because he/she did not present appropriate authorization permitting him/her to work in the U.S. (See RM 00204.330.)

2. Alien Alleges a Nonwork Need for Original SSN Card

If an alien who is not authorized by DHS to work alleges a valid nonwork need for an SSN, determine if the alien has a current valid nonwork reason for needing an original SSN card. If so, obtain evidence of age, identity, lawful alien status (RM 00203.001C.), and documentation of eligibility from the appropriate government entity (RM 00203.510A.1. and RM 00203.510A.2.).

When the required information is submitted, annotate the nonwork reason in the "Evidence Submitted" block of the SS-5 as well as in the "Type of Evidence Submitted" (TES) field on the MES screens and also show the DHS form number (i.e., I-94), the admission/departure number, and the alien classification (e.g., H-4). Caution the alien that the SSN card will contain the legend "NOT VALID FOR EMPLOYMENT" and that if he/she uses it to work in the U.S., SSA will notify DHS. Verify the evidence of alien status per RM 00203.720.

If the alien has not provided the required information, provide written notice using Form SSA-L676 to explain that an SSN cannot be assigned or a card issued because the applicant did not present appropriate authorization permitting him/her to work in the U.S.

and has not provided evidence of a valid nonwork reason for needing an SSN. (See RM 00204.330)

IMPORTANT: Some State agencies may require that an alien applying for a benefit or service and alleging not to have an SSN obtain a written notice (Form SSA-L676) from SSA stating that SSA cannot assign the alien an SSN. (See RM 00204.330.) However, the notice only verifies that the person did not submit appropriate documents. Be sure the State agency understands that SSA does not verify documents of individuals who are clearly not eligible for SSNs.

3. Alien Alleges Nonwork Need for Replacement SSN Card

If an alien who is not authorized by DHS to work requests a replacement SSN card, determine if the alien has a current valid nonwork reason for needing a replacement SSN card and obtain documentation of eligibility from the appropriate government entity per RM 00203.510A.3. and RM 00203.001D.2.

If the alien provides the required information, annotate the nonwork reason in the "Evidence Submitted" block of the SS-5 and show the DHS form number (i.e., I-94), the admission/departure number, and the alien classification (e.g., H-4). Verify evidence of alien status per RM 00203.720.

Caution the alien that the SSN card will contain the legend "NOT VALID FOR EMPLOYMENT" and that if he/she uses it to work in the U.S., SSA will notify DHS.

If the alien has not provided the required information, provide written notice using Form SSA-L676 to explain that a replacement SSN card cannot be issued because the applicant has not provided evidence of a current valid nonwork reason for needing an SSN. (See RM 00204.330.)

NOTE: Be alert for changes in the individual's DHS work authorization status that may mean that he/she is entitled to an SSN card without a restrictive legend.

4. Correcting Numident Data When a Replacement Card Cannot Be Issued

If the alien does not provide evidence of work authorization or a valid nonwork reason, explain that no replacement card can be issued. (See RM 00203.001D.4.)

Although a replacement card cannot be issued, the Numident can be corrected if the alien has provided documentation supporting the change (e.g., a name change).

If the alien provides documentation supporting the change, process the SS-5 to update the Numident information but suppress the issuance of a card. (See RM 00202.110B.3. and MSOM 301-B to suppress issuance of the card, and RM 00202.320 for providing SSN Verification Printouts.) Provide written notice using Form SSA-L676 to explain that a replacement card cannot be issued because the applicant did not present appropriate authorization permitting him/her to work in the U.S. and has not provided evidence of a valid nonwork reason for needing an SSN. (See RM 00204.330.)

If the alien does not provide documentation supporting the requested change, provide written notice using Form SSA-L676 to explain that a replacement card cannot be issued because he/she is not allowed to work in the U.S. and has not provided evidence of a valid nonwork reason for needing an SSN. (See RM 00204.330).

If the alien does not know his/her SSN, you may provide the SSN verbally (based on a face-to-face contact) but only after the alien provides appropriate identification and establishes he/she is the number holder. (See RM 00203.200, RM 00208.015 and GN 03340.015.) Written verification of an SSN can only be given in situations meeting the requirements for issuance of a replacement SSN card (see RM 00202.320B).

E. PROCEDURE - HANDLING REQUESTS BASED ON INVALID NONWORK REASONS

When an alien applies for an SSN for nonwork purposes and gives an invalid reason, return the SS-5 to the alien and provide written notice using Form SSA-L676 to explain why an SSN cannot be assigned or a card issued (RM 00204.330).

If the alien applies for an SSN for Federal or State income tax purposes, or for banking/monetary purposes, tell the alien that SSA will not assign an SSN solely for these purposes and tell the alien to complete Form W-7, Application for IRS Individual Taxpayer Identification Number, and apply for an ITIN through IRS. If you provide the alien with an SSA-L676, advise him/her to send a copy with the IRS Form W-7. This action will enable IRS to more readily determine eligibility for an ITIN.