

RM 00203.560 Evidence for an SSN Card for an Illegal Alien

A. POLICY - ALIEN CANNOT PRODUCE EVIDENCE OF LAWFUL STATUS

If an alien cannot produce evidence of lawful status, the following applies:

1. General

Presume an alien to be illegally in the U.S. if he/she cannot submit evidence of the lawful alien status or DHS-granted work authorization, unless RM 00203.430 applies.

2. Assigning An SSN To An Illegal Alien

A nonwork SSN may be assigned to an illegal or undocumented alien if an SSN is required as a condition to receive a federally-funded benefit and the individual has already provided documentation that he/she is entitled to the federally funded benefit. Such federally-funded benefits are:

- A title II benefit;
- Title XVI (SSI) payments;
- Title XVIII benefits when the beneficiary is determined to have end stage renal disease (See RM 00203.510B.1.b.);
- AFDC;
- Medicaid; or
- Food Stamps.

Do not process an SS-5 for an illegal or undocumented alien who:

- will be denied benefits/payments (Title II, Title XVI (SSI), AFDC, Medicaid, Food Stamps);
- is an SSI ineligible spouse, parent, or child;
- is appointed representative payee for a title II or title XVI beneficiary;
- is eligible only for emergency services under Medicaid, since these aliens no longer have to apply for SSN's as a condition of eligibility;
- alleges a need for an SSN for tax or similar purposes.

NOTE: IRS assigns taxpayer identification numbers (TIN) to illegal alien taxpayers to process their tax returns.

B. PROCEDURE - ALIEN ALLEGES LEGAL STATUS

If an alien alleges lawful alien status but has no documentation, return the SS-5 to the applicant with written notice (Form SSA-670) explaining why his/ her SSN application cannot be processed. Advise the alien to contact DHS for a determination of his/her legal status and to request documentation.

EXCEPTION: Do not refer the alien to DHS when RM 00203.430 applies.

If the alien insists that his/her application be processed, issue Form SSA-L676.

NOTE: Establishment of “color-of-law” status for Title XVI purposes does not give an applicant employment authorization or legalize admission to the U.S. Thus, no SSN's, including nonwork SSN's, can be assigned on the basis of “color of law,” unless the has established entitlement individual to SSI benefits.

C. PROCEDURE - ASSIGNING AN SSN TO AN ILLEGAL ALIEN

If an illegal alien can be assigned an SSN per RM 00203.560A.2., **do not** process an SS-5 unless the alien provides documentation that establishes that an SSN is required as a condition of the alien's receiving a federally-funded benefit to which he/she has established entitlement. (See RM 00206.120.) Complete the SS-5 as follows:

- Check item 3, Citizenship, “Other”;
- Enter a “Y” in the NWR block;
- Show the nonwork reason (e.g., “to receive **type of federally-funded benefit**”) in the “Evidence Submitted” block.
- Although there is no evidence of lawful alien status, review the document(s) submitted as evidence of age and identity, code the evidence blocks and identify the document(s) in the “Evidence Submitted” block; and
- Caution the alien that the SSN will not authorize him/her to work and that if he/she does work and earnings are reported for that SSN, DHS may be notified.

D. PROCEDURE - ILLEGAL ALIEN REQUESTS REPLACEMENT SSN CARD

When an illegal alien requests a replacement SSN card, follow the procedures below.

1. Issuing A Card

Do not issue a replacement SSN card to an illegal alien. If the individual needs evidence of his/her SSN to be paid a federally-funded benefit, follow the third party verification procedure (RM 00202.301B.3.) to notify the other agency of the SSN.

2. Updating SSA's Records

Follow this procedure once you determine that the applicant for a replacement SSN card is an illegal alien.

| STEP | ACTION |
|------|---|
| 1 | Does applicant know his/her SSN? <ul style="list-style-type: none"> • If yes, go to step 3. • If no, go to step 2. |
| 2 | Interview alien thoroughly before taking an application. If you are convinced a prior SSN was assigned to the applicant as alleged, try to help applicant find it |

| STEP | ACTION |
|------|--|
| | <p>by doing an alpha index query, contacting prior employers or other sources. Can you identify an SSN?</p> <ul style="list-style-type: none"> • If yes, go to step 3. • If no, go to step 5. |
| 3 | <p>Do a NUMIDENT query. Is the CSP code shown as “D” and the IDN code shown as “N”?</p> <ul style="list-style-type: none"> • If yes, do not process an SS-5 and advise alien no replacement SSN card can be issued. Go to step 8. • If no, go to step 4. |
| 4 | <p>Update the NUMIDENT record to show the illegal alien's status by completing the SS-5 as follows:</p> <ul style="list-style-type: none"> • To prevent an SSN card from being generated, place a slash (/) in the street address field and the legend “No Card” in the city field. Include the State and ZIP code. • Check the “other” block in item 3, Citizenship. • Show the prior SSN in item 11. • Examine the evidence of identity for the applicant and enter a “Y” in the EVI block and “N”s in the other evidence blocks. • To prevent an edit, enter a “Y” in the NWR block, even though the alien has not provided a nonwork reason for an SSN. • In the “Evidence Submitted” block show the evidence used to identify the alien and explain how applicant was determined to be an illegal alien. <p>EXAMPLES:</p> <ul style="list-style-type: none"> • admitted illegal status • presented fraudulent documents • was denied temporary resident status • Go to step 7. |
| 5 | <p>Has the alien been using someone else's SSN?</p> <ul style="list-style-type: none"> • If yes, go to step 6. • If no, go to step 9. |
| 6 | <ul style="list-style-type: none"> • Immediately begin scrambled earnings development (see <u>RM 03870.001 ff</u>). • Delete the pending application and provide a denial notice. |

| STEP | ACTION |
|------|--|
| | <ul style="list-style-type: none"> • Go to step 8. |
| 7 | <ul style="list-style-type: none"> • Try to get the original or previous SSN card (or stub) if available, and destroy card per <u>RM 00201.060</u>. • Go to Step 8. |
| 8 | <ul style="list-style-type: none"> • Provide the applicant with Form SSA-L676 when he/she has a U.S. mailing address. • Go to Step 9. |
| 9 | <p>If the alien's document was verified by DHS and DHS indicates the alien is an illegal alien, add special indicator 2 to the NUMIDENT record (see RM 00204.405B. and MSOM 300-1).</p> <p>Stop.</p> |

RM 00203.560 - Evidence for an SSN Card for an Illegal Alien - 10/06/2003