

**SOCIAL SECURITY ADMINISTRATION****20 CFR Part 422****[Reg. No. 22]****RIN 0960-AF05****Evidence Requirements for Assignment of Social Security Numbers (SSNs); Assignment of SSNs for Nonwork Purposes****AGENCY:** Social Security Administration (SSA).**ACTION:** Proposed rules.

**SUMMARY:** These proposed rules would further enhance the integrity of SSA's enumeration processes for assigning Social Security Numbers (SSNs). By changing evidence requirements for assignment of SSNs and by defining "valid nonwork reasons," we intend to reduce the opportunity for fraud through misuse and/or improper attainment of SSNs.

We propose to change our rules regarding the age at which a mandatory in-person interview is required for original applications for an SSN. In addition, we propose to eliminate the waiver of evidence of identity for children under age 7 who are applying for an original SSN card. Under these proposals, SSA will require an in-person interview with all individuals age 12 or older who are applying for an original SSN, and SSA will no longer waive the requirement to provide evidence of identity in original applications for a child under age 7. SSA will clarify that evidence of identity must contain sufficient biographical or physical information to identify the individual. Additionally, we propose to eliminate reference to a pilot no longer under consideration by SSA pertaining to the processing of replacement SSN cards for U.S. citizens.

We also propose to clarify our rules regarding when we will assign an SSN to an alien not under authority of law permitting him or her to work in the U.S. We are proposing to define a "valid nonwork purpose" as those instances when a Federal statute or regulation requires an alien to have an SSN in order to receive a federally-funded benefit to which the alien has established entitlement, or when a State or local law requires an alien who is legally in the U.S. to have an SSN in order to receive general public assistance benefits (*i.e.*, a public benefit that is means-tested) to which the alien has established entitlement.

**DATES:** To be sure that your comments are considered, we must receive them no later than May 27, 2003.

**ADDRESSES:** You may give us your comments by: using our Internet facility (*i.e.*, Social Security Online) at <http://www.socialsecurity.gov/regulations>; e-mail to [regulations@ssa.gov](mailto:regulations@ssa.gov); telefax to (410) 966-2830; or letter to the Commissioner of Social Security, PO Box 17703, Baltimore, MD 21235-7703. You may also deliver them to the Office of Regulations, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, between 8 a.m. and 4:30 p.m. on regular business days. Comments are posted on our Internet site, or you may inspect them physically on regular business days by making arrangements with the contact person shown in this preamble.

**Electronic Version:** The electronic file of this document is available on the date of publication in the **Federal Register** at [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html). It is also available on the Internet site for SSA (*i.e.*, Social Security Online) at <http://www.socialsecurity.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Arthur La Veck or Karen Cool, Social Insurance Specialists, Office of Income Security Programs, 3-R-1 Operations Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, ((410) 966-5665, [arthur.laveck@ssa.gov](mailto:arthur.laveck@ssa.gov) or (410) 966-7094, [karen.r.cool@ssa.gov](mailto:karen.r.cool@ssa.gov)) or TTY (410) 966-5609. For information on eligibility or filing for benefits, call our national toll-free numbers, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet Web site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:****Current Rules—Mandatory In-Person Interview**

Our regulations at 20 CFR 422.107 on evidence requirements for SSN card applications currently state that:

- An in-person interview is required of an applicant who is age 18 or older applying for an original SSN, except for an alien who requests an SSN as part of the immigration process described in 20 CFR 422.103(b)(3).
- An in-person interview may also be required of other applicants.
- An applicant for an original SSN card is required to submit documentary evidence that the Commissioner of Social Security regards as convincing evidence of age, U.S. citizenship or alien status, and true identity.
- An applicant for a duplicate or corrected SSN card may also be required to submit convincing documentary evidence of age, U.S. citizenship or

alien status, but is always required to submit convincing documentary evidence of identity.

Furthermore, regarding evidence of identity, our regulations at 20 CFR 422.107(c) currently state that:

- Documentary evidence of identity may consist of a driver's license, identity card, school record, medical record, marriage record, passport, Immigration and Naturalization Service (INS) document, or other similar document serving to identify the individual. It is preferable that the document contain the applicant's signature for comparison with his or her signature on the application for a Social Security number.

- When the applicant is a child under 7 years of age applying for an original SSN card and there is no documentary evidence of identity available, the requirement for evidence of identity will be waived if there is no reason to doubt the validity of the birth record, the SSN application, and the existence of the individual.

- An applicant for a duplicate social security number card who is a U.S. citizen and who resides in an area where we are conducting a pilot project on the issuance of duplicate cards will not be required to submit a signed application or corroborative documentary evidence of identity if we are able to compare information provided by the applicant with information already in our records and, on the basis of this comparison, decide that corroborative documentary evidence is not needed to establish the applicant's identity. These special procedures do not apply to:

- A foreign-born U.S. citizen who has not already submitted evidence of citizenship to us;
- A person applying on behalf of another if the applicant is not a parent applying on behalf of his or her minor child; and
- A person whose address is an in-care-of address, a post office box, general delivery, or a suite.

**Current Rules—SSNs for Nonwork Purposes**

In implementing section 205(c)(2)(B)(i) of the Social Security Act (the Act) and regulations at 20 CFR 422.104 and 422.107, we currently assign SSNs to aliens who:

- Are lawfully admitted to the U.S. either for permanent residence or under other authority of law permitting them to engage in employment in the U.S.; or
- Are legally in the U.S. but not under authority of law permitting them to engage in employment, but only for a valid nonwork purpose; or