

public benefit that is means-tested) to which the alien has otherwise established entitlement.

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

**EFFECTIVE DATE:** The rule is effective October 27, 2003.

**FOR FURTHER INFORMATION CONTACT:** Arthur La Veck or Karen Cool, Social Insurance Specialists, Office of Income Security Programs, 157 RRCC, 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>.

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#### **SUPPLEMENTARY INFORMATION:**

#### **Explanation of Changes**

##### *Who Can Be Assigned a Social Security Number*

We are changing § 422.104 of our regulations to define what we consider to be a valid “nonwork reason” for assigning an SSN to an alien who does not have evidence of authority permitting him or her to work. The only valid nonwork reasons for assigning an SSN to such an alien are:

- To satisfy a Federal statute or regulation that requires the alien to have an SSN in order to receive a federally-funded benefit (such as Temporary

Assistance to Needy Families) to which the alien has otherwise established entitlement; or

- To satisfy a State or local law that requires an alien who is legally in the U.S. to have an SSN in order to receive public assistance benefits (such as State-funded General Assistance) to which the alien has otherwise established entitlement.

Thus, under this clarification, State and local entities will be permitted to continue to require individuals to disclose their already assigned SSNs for purposes of receiving benefits or services. However, we will no longer assign an SSN to an alien for any nonwork purpose other than to receive Federal, State or local benefits as described in § 422.104.

##### *In-Person Interview*

We are changing § 422.107 of our regulations to require an individual age 12 or older be present at an in-person interview before assignment of an original SSN. The current threshold is age 18. As part of this interview, we will attempt to determine if an SSN had been previously assigned by asking additional questions of the applicant and, if a previously assigned SSN cannot be located, why an SSN was not obtained at an earlier time.

This measure offers necessary additional protection against fraud while minimizing the burden on the public because:

- At age 12, a child may have photo identification, such as a student identification card, which can be used for comparison purposes. If photo identification is not available, there should be other convincing documentary evidence of identity available.
- Although the parent or other adult authorized to act on behalf of the child will be in attendance and may be the primary respondent, we believe that requiring SSN applicants age 12 or older to be interviewed in person will significantly reduce opportunities for fraudulent applications. We believe that requiring the child to appear in person provides an additional measure of security when reviewing the evidence submitted in support of the application.
- A 12-year old may be able to provide answers to some questions without parental assistance.
- Few individuals will be affected by this measure as it is rare for a person to obtain an SSN for the first time as late as 12 years of age.

Today, most children need an SSN well before age 12. Section 11111 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) amended the

Internal Revenue Code (IRC) section 32 (concerning the earned income credit). The amendment requires individuals filing tax returns after December 31, 1991 to include the taxpayer identification number—usually the SSN—of each qualifying child age 1 or older. The Uruguay Round Agreements Act (Pub. L. No. 103-465) amended IRC section 6109 to generally require that individuals include the taxpayer identification number of each dependent for whom an exemption is claimed, regardless of age, for taxable years beginning after December 31, 1994. Additionally, SSNs generally are required for the receipt of government aid or assistance. Children who have not been claimed on tax returns or have not received any government assistance may have needed SSNs for medical insurance purposes, savings accounts or other financial instruments, often within a short time after birth. Because most children generally will have an SSN before their first birthday, lowering the age for a mandatory interview is in accord with our goals for fraud prevention because additional interviewing will be done when a child does not obtain an SSN at a very early age.

Furthermore, our available data suggest that some individuals assigned SSNs prior to age 18 have obtained those SSNs fraudulently because we sought no additional development and documentation before assigning an SSN. This issue is addressed in two audits by our Inspector General, the May 28, 1999 “Management Advisory Report: Using Social Security Numbers to Commit Fraud #A-08-99-42002, which can be found at [http://www.socialsecurity.gov/oig/office\\_of\\_audit/audit1999.htm](http://www.socialsecurity.gov/oig/office_of_audit/audit1999.htm) and “Procedures for Verifying Evidentiary Documents Submitted with Original Social Security Number Applications” which can be accessed at <http://www.socialsecurity.gov/oig/ADOBEPDF/A-08-98-41009.pdf>. Lowering the age at which additional documentation is required should limit further occurrences of fraudulently obtained SSNs for children. This form of SSN misuse can impact all levels of government in the form of illegal employment and fraudulent entitlement to government benefits and services. In addition, an SSN improperly assigned could be used to defraud creditors and other businesses.

Although children generally need an SSN at an early age, we rejected setting the threshold at an age younger than 12 because requiring the presence of younger children at in-person interviews would be overly burdensome on the children and unproductive for