

Issues & Answers

IMMIGRATION ALERT

SSA Proposes Additional Requirements for F-1 Student Applicants

By Nancy-Jo Merritt

The Social Security Administration (SSA) published a proposed rule on December 16, 2003, that would add additional evidentiary requirements for F-1 students who are applying for a Social Security Number (SSN), but who do not have an employment authorization document (EAD) issued by USCIS. In addition to meeting SSA's requirement to provide evidence of age, identity, legal alien status, and employment eligibility or authorization, F-1 students who do not have an EAD (e.g., for employment that does not require an EAD, such as on-campus employment and curricular practical training) would also be required to present evidence that employment has been secured before they are assigned a Social Security Number.

Current regulations require that F-1 students provide evidence of age, identity, legal alien status, and work authorization with their application for a Social Security Number. The supplementary information preceding the SSA's proposed rule language states:

First, the F-1 student would need to provide documentation from the school that he or she will be engaging in authorized employment. Under this clarification of our policy, we would not assign an SSN to the F-1 student unless the student provides a Form I-20 Certificate of Eligibility for Nonimmigrant (F-1) Status, and provides written confirmation from the designated school official (DSO) of (1) the nature of the employment the F-1 student is or will be engaged in, and (2) the identification of the employer for whom the F-1 student is or will be working. Second, we also propose to require that the F-1 student provide us with documentation that he or she is engaged in or has secured employment, e.g., a statement from the F-1 student's employer.

The proposed additional requirements would cause even longer delays for newly arrived international students in the already cumbersome process of applying for an SSN for on-campus employment. We encourage you to send comments to the SSA regarding the additional delays this change would cause for international students and their employers.

SSA must receive comments to the proposed rule by February 17, 2004. Comments may be sent electronically using Social Security Online at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs>, or the Federal eRulemaking Portal: <http://www.regulations.gov>; or by Email to regulations@ssa.gov; or by Fax to (410) 966-2830; or by letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, MD 21235-7703. [68 Fed. Reg. 69978 (December 16, 2003)]

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