



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

April 3, 2024

Vincent Huang
Social Security Administration
Office of the Inspector General

Via Email

Re: AILA Asylum & Refugee National Committee Suggestions for Improvements to the Social Security Number Application Process for Asylum Seekers and Asylees

Dear Mr. Huang:

We write on behalf of the American Immigration Lawyers Association's (AILA¹) National Asylum & Refugee Committee to alert you to several problematic trends in the adjudication of applications for Social Security Numbers for asylum seekers and asylees. First, the Social Security Administration (SSA) has ceased to automatically issue social security numbers (SSNs) in coordination with U.S. Citizenship and Immigration Services (USCIS). Second, local SSA offices are requesting unnecessary documents to adjudicate SSN applications for asylum seekers and asylees. Finally, SSA has refused to issue unrestricted SSN cards to asylees. We request guidance on ways to avoid erroneous SSN application denials and decrease lengthy adjudication periods.

The SSA is no longer automatically adjudicating SSN applications following the approval of USCIS Form I-765, Application for Employment Authorization, and the issuance of a USCIS employment authorization document (EAD).

Beginning in 2017, USCIS partnered with the SSA to expeditiously issue SSN cards to non-U.S. citizens with an approved Form I-765, Application for Employment Authorization.² Under this process, USCIS collects the required information and sends it to SSA. SSA is supposed to send the SSN cards no later than 7 business days after the noncitizen receives the Employment

¹ Established in 1946, AILA is a voluntary bar association of nearly 17,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. AILA's mission includes the advancement of the law pertaining to immigration and naturalization and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws.

² See Social Security Administration, "Apply for your Social Security Number While Applying For Your Work Permit and/or Lawful Permanent Residency" (accessed Apr. 2, 2024), <https://www.ssa.gov/ssnvisa/ebe.html>.

Authorization Document (EAD) from USCIS. At a December 2023 meeting with AILA and SSA, SSA reported that it takes approximately 14 days for an SSN card to be printed and mailed after USCIS approves an I-765. *See* Ex. 1.

For the past year, AILA members across the country report that their asylum-seeking clients who requested SSN cards on Form I-765 are no longer automatically receiving SSN cards in the mail after receiving their EADs from USCIS. AILA members do not know whether this is an issue with the USCIS SAVE database from which SSA receives and verifies information regarding an applicant's immigration status, or whether this is an issue with SSA databases or procedures.

We request an update of any known issues related to the automatic issuance of SSN cards to asylum applicants who have applied and been approved for employment authorization. If SSA was not previously aware of this issue, we ask that you investigate the cause and report back to us.

Local Social Security Administration Offices are requesting unnecessary documentation for the adjudication of SSN applications.

For initial SSN applications, applicants are required to submit a separate identity document in addition to their EAD (e.g. original birth certificate, valid passport, national ID card, etc.). *See* POMS RM 10210.020. However, exceptions apply for refugees, parolees, asylees, and victims of severe forms of trafficking, and SSA's own rules permit these individuals to submit only one document as evidence of age, identity, and lawful immigration status. *See* POMS RM 10210.020, 10210.020D, 10211.205.

AILA has received several reports of asylum applicants denied SSN cards because they lack certain identity documents. While we understand that asylum applicants are not asylees and do not fall within the stated exception under POMS RM 10210.020, 10210.020D, we kindly remind SSA of their policy that each application should be reviewed on a case-by-case basis when a primary or secondary identity document is not available per POMS RM 10210.415B.5. We also request that SSA provide AILA with a process to report and escalate these issues when local offices do not follow SSA guidelines and procedures.

SSA is often refusing to issue unrestricted SSNs to asylees.

An asylee is a non-U.S. citizen granted asylum by USCIS or the Executive Office for Immigration Review (EOIR). *See* POMS RM 10211.205. SSA must "[t]reat SSN applicants who submit evidence of asylee status as permanent resident aliens with permanent employment authorization. The Social Security Administration (SSA) issues asylees unrestricted SSN cards (cards without a legend)." *Id.*

We have received several reports over the last year of local SSA offices denying requests for unrestricted SSN cards to asylees. In July 2023, the Massachusetts Law Reform Institute reported to SSA four instances of denied unrestricted SSN cards to asylees. These erroneous denials occurred at the Framingham, Roslindale, Cambridge, and Fall River, MA SSA offices. *See* Ex. 2. AILA has received similar reports of erroneous denials issued by the Indianapolis, IN,

Sacramento, CA, Antioch, CA, and Denver, CO area SSA offices. In addition to the above examples of asylees denied unrestricted SSN cards, we also received one particularly egregious report of an asylee denied any form of SSN after three applications in a year. These applications were denied by the Fort Worth, TX and Lexington, KY SSA offices. After working with congressional liaison, the asylee received a SAVE report indicating that SSA requested verification of the asylee's status 11 times, and USCIS confirmed the asylee's status on multiple occasions, but no additional action was taken on the part of SSA to approve the SSN application. *See Ex. 3.* After a fourth application to the Lexington, KY SSA Office, SSA finally issued this asylee an SSN after nearly two years with numerous visits to local SSA offices.

We recommend additional training to SSA staff on POMS RM 10211.205, including training on asylee status and asylees' right to unrestricted SSN cards. In addition, we request guidance on how to escalate erroneous denials for review by SSA management.

Thank you for your attention to these important issues. We look forward to building a partnership with your agency to highlight trends and resolve issues affecting our community. If you have any questions or for follow up letter, please reach out to Amy Grenier at agrenier@aila.org.

Sincerely,



Victoria Neilson, Esq. & Kathryn R. Weber, Esq.
AILA Asylum & Refugee Committee Co-Chairs

Amy Grenier
Policy & Practice Counsel
American Immigration Lawyers Association

Cc: Amy Wheelock, USCIS