



SSA, 1905 B 9th ST NE
Washington DC 20018

December 13, 2007

Catholic University of America
620 Michigan Ave
Washington DC 20064

Dear Colleague:

I want to update you about some changes the Social Security Administration (SSA) is making in assigning Social Security numbers and replacing Social Security cards, specifically for F-1 foreign students. Also, I would like to ask your help in providing the necessary documentation to foreign students, and in referring to SSA only those students who have or have been offered jobs in general on-campus employment or who are authorized for certain other employment, as permitted under Department of Homeland Security (DHS) regulations at 8 CFR 214(f)(9)-(12).

We suggest your students wait until they have been in the United States for at least 10 calendar days and have reported into school before applying for a Social Security number. This will help ensure we can verify their immigration status with the Department of Homeland Security (DHS).

Changes That Affect F-1 Foreign Students

- SSA is verifying documents from all F-1 students.
- F-1 students seeking SSNs for **general on-campus work** (including teaching assistantships and fellowships) are required to provide documentation that they have (or have been offered) an on-campus job, and to provide verification of that employment.
- SSA will not process an SSN application if the employment start date for general on-campus work **or** curricular practical training (CPT) is more than 30 days in the future.
- SSA will not process an SSN application if a DHS-issued Employment Authorization Document (Form I-766 or I-688B) shows a future work authorization date (as shown by the issue or "valid from" date on the employment authorization card).

Verifying Status

When a noncitizen requests an SSN, we must verify the immigration status. We receive immediate online verification from DHS in most cases. DHS checks their databases including the Student and Exchange Visitor Information System (SEVIS) to verify the status of international students. Successful verification often depends on the school's registering or "activating" their students timely in SEVIS. Verifying student status utilizing SEVIS results in faster processing of SSN applications while ensuring that only those noncitizens who meet the requirements for receiving SSNs get them.

General On-Campus Employment

Each F-1 student requesting an SSN for general on-campus employment must show evidence that he or she has a general on-campus job or has been offered one that will begin in the next 30 days, **or an SSN will not be assigned**. This is in addition to providing evidence of age, identity, a SEVIS-generated Form I-20 A-B, *Certificate of Eligibility for Nonimmigrant (F-1) Student Status*, and a current Form I-94, *Arrival-Departure Record*, showing F-1 nonimmigrant status.

The following **two documents** are required to document an F-1 student's general on-campus employment only (they are not required for F-1 students authorized for CPT or those students who have an employment authorization document (EAD) from DHS):

1. A letter – typed or handwritten – on school letterhead from the designated school official (DSO) that identifies the:
 - ▶ Student by name
 - ▶ On-campus employer (e.g., book store, cafeteria, biology department, library) ▶ Nature of the on-campus employment (e.g., waiting tables in the cafeteria, stocking shelves in the library, monitoring lab experiments, receiving a scholarship or reduced tuition fees in exchange for teaching or other services).

This letter must include the DSO's original signature, printed/typed name, telephone number and date. The letter can be a form letter (see enclosure 1) as long as the identifying information about the specific student, the student's employer and type of employment, and the DSO signature are original entries by the DSO. SSA cannot accept a letter that does not have an original DSO signature or that lists more than one student.

In lieu of this separate letter, a DSO may sign off on the information provided in the letter from the employer (explained below). The sign-off must contain the DSO's signature, printed name, telephone number and date.

2. A recently issued pay slip or pay stub from the F-1 student's employer. If the student does not have a pay slip or stub, the student must provide a letter from the employer on the employer's letterhead that provides employment verification, namely:
 - ▶ Identity of student employee
 - ▶ Nature of job the student is, or will be, engaged in
 - ▶ Anticipated or actual employment start date
 - ▶ Number of hours the student is expected to work
 - ▶ Employer identification number (EIN)
 - ▶ Employer contact information, including the telephone number and the name of the F-1 student's immediate supervisor
 - ▶ **Original** signature and signatory's title
 - ▶ Date

If the employer is the DSO, the letter verifying employment must come from a separate source, e.g., the department or payroll official that issues the paycheck and is responsible for wage reporting. A sample letter is attached for your convenience (see enclosure 2).

Please note: All documents must be originals. We cannot accept photocopies or notarized copies of documents.

Referring F-1 and M-1 Students to SSA

Social Security offices will only accept SSN applications from F-1 students with the required evidentiary documents who have or have been offered general on-campus jobs, or are authorized for certain other employment, as permitted under DHS regulations. Also, any F-1 student authorized for CPT should have the employment page (page 3) of Form I-20 A-B completed. Any F-1 student authorized for other work, including optional practical training (OPT), must have an EAD from DHS. M-1 foreign students may only work, if authorized, in OPT and must have an EAD.

Future Employment

SSA will not process SSN applications from F-1 students if the general on-campus job or CPT will start more than 30 days from the SSN application date. Also, SSN applications cannot be accepted from F-1 or M-1 students until the date the EAD issued by DHS authorizes the employment to begin ("valid from" date shown on the EAD).

F-1 and M-1 Border Commuter Students

F-1 border commuter students who are nationals of Mexico or Canada may work, if authorized, in CPT or OPT. For CPT, the employment page (page 3) of the Form I-20 A-B must be completed by the DSO. For OPT, an EAD is required. M-1 border commuter students may only work, if authorized, in OPT and must have an EAD.

Working While Awaiting an SSN

- An F-1 or M-1 student may work while the SSN application is being processed. Employers may wish to reference Social Security's fact sheet, *Employer Responsibilities When Hiring Foreign Workers*. This fact sheet contains information on how to report wages for an employee who has not yet received an SSN and is available online at <http://www.socialsecurity.gov/employer/hiring.htm> . There is no provision in the Social Security Act (the Act) that employers must have their employees' SSNs before hiring them. Neither is there any provision in the Act that prohibits an employee from beginning work if he or she has not yet obtained an SSN.
- IRS has provided guidance "Delays in Issuing SSNs to Aliens by the Social Security Administration" at <http://www.irs.gov/businesses/small/international/article/0,,id=129227,00.html>
- Also, employers are required to abide by Federal and State laws with respect to the payment of wages to employees who have completed the agreed-to amount of work. See the U.S. Department of Labor (DOL) website that discusses the basic requirements of the Fair Labor Standards Act (FLSA) at <http://www.dol.gov/elaws/esa/flsa/screen5.asp> . Also, different States have different payday requirements. A comprehensive list can be found on DOL's web site at: <http://www.dol.gov/esa/programs/whd/state/payday.htm> . We strongly recommend employers and/or their payroll or HR departments check Federal and State labor laws and their own legal counsel before withholding wages from their employees.

Please call me at 202-269-1920 if you have any questions.

Sincerely,

Robin D. Wells
District Manager

Enclosure 1

Suggested language for letter from F-1 Student's DSO
(Typed on official school letterhead, and containing an original DSO signature)

To whom it may concern:

This is to certify that _____ is an F-1 student attending
_____ (school name).

The student is working in, or has been offered, general on-campus employment.

Name of the on-campus employer (e.g., bookstore, chemistry department lab, school library,
etc.): _____

Nature of employment (e.g., cashier, research assistant, stocking library shelves, teaching in
exchange for reduced tuition, etc.): _____

Designated School Official – Original Signature (no stamps)

Typed name (Designated School Official)

Phone

Date

Enclosure 2

Suggested language for letter from F-1 student's EMPLOYER (General On-Campus Employment)
(Typed or written on official school or department letterhead, and containing the employer's original signature)

Note: If the employer is the Designated School Official, this letter must come from another department of the school, e.g., the department or payroll official that issues paychecks and/or is responsible for wage reporting.

To whom it may concern:

This is to certify that _____
(Name – F-1 Student)
has been offered, or is already working in, general on-campus employment.

Nature of student's job (e.g., waiting tables, library assistant, research assistant, etc.):

Start Date: _____ Number of Hours/Week: _____

Employer contact information: _____
(Employer Identification Number (EIN))

(Employer Telephone Number)

(Student's Immediate Supervisor)

Employer Signature (Original): _____

Signatory's Title: _____

Date: _____

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Also, please refer to the U.S. Dept of Labor, or your state Dept of Labor, for laws regarding timely payment for work performed. See <http://www.dol.gov/elaws/esa/flsa/screen5.asp> and <http://www.dol.gov/esa/programs/whd/state/payday.htm>.