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to: PABSS, BPAO, EDI

from: Ray Cebula

**re: NPRM, Social Security Number (SSN) Cards;
Limiting Replacement Cards, December 16, 2005**

The Commissioner of SSA has released a notice of public rulemaking concerning new limitations to be placed upon the number of SSN Cards available to card holders. Comments must be submitted by February 14, 2006, in order to be considered by the Commissioner during the promulgation of final regulations. Comments can be submitted via the web on the SSA website: www.socialsecurity.gov

NOTE: This NPRM is for “interim final rules” with a request for comments. The regulations will be effective December 17, 2005, and may be adjusted after comments are received.

What is the purpose of this notice of proposed rulemaking?

The Social Security Administration is required to make adjustments to its regulations concerning the issuance of replacement social security cards in accordance with the provisions of the Intelligence Reform and Terrorism Prevention Act of 2004. These changes are required to be effective no later than one year after the statute’s enactment on December 17, 2005. The statute requires SSA to limit the number of replacement social security cards that can be issued to a card holding individual.

To date, the only type of limitation on replacement cards was an electronic protocol that prevented a second issuance within 7 days of the most recent replacement card.

SSA proposes to limit replacements cards to 3 per year and no more than 10 during a lifetime. “Reasonable exceptions” are allowed and “compelling circumstances” must exist in order to gain an exemption from the limitations. SSA will not consider any replacement card issued before 12/17/05 when considering the new limitations.

“Compelling circumstances” will always be found to exist and will exempt a card holder from the replacement limitations when a card change is needed due to:

1. a name change, or
2. a change in alien status requiring a change to the restrictive legend on the card.

Other exceptions will be granted on a case-by-case basis requiring the card holder to produce evidence of hardship. The example of evidence of such hardship provided in the NPRM is a letter from a governmental social services agency indicating that an SSN card must be shown in order to obtain benefits or services.

Technical changes will also be made in order to make the current regulations consistent and to make reference to the Department of Homeland Security.

The specific proposals are set forth below:

CURRENT REGULATION

PROPOSED REGULATION

<p>20 CFR 422.103 – Social security numbers.</p> <p>***</p> <p>e) <i>Replacement of social security number card.</i> In the case of a lost or damaged social security number card, a duplicate card bearing the same name and number may be issued. In the case of a need to change the name on the card, a corrected card bearing the same number and the new name may be issued. In both cases, a Form SS-5 must be completed. A Form SS-5 can be obtained from any Social Security office or from one of the sources noted in paragraph (b) of this section. For evidence requirements, see §422.107.</p>	<p>e) Replacement of social security number card. (1) When we may issue you a replacement card. We may issue you a replacement social security number card, subject to the limitations in paragraph (e)(2) of this section. In all cases, you must complete a Form SS-5 to receive a replacement social security number card. You may obtain a Form SS-5 from any Social Security office or from one of the sources noted in paragraph (b) of this section. For evidence requirements, see Sec. 422.107.</p> <p>(2) Limits on the number of replacement cards. There are limits on the number of replacement social security number cards we will issue to you. You may receive no more than three replacement social security number cards in a year and ten replacement social security number cards per lifetime. We may allow for reasonable exceptions to these limits on a case-by-case basis in compelling circumstances. We also will consider name changes (i.e., verified changes to the first name and/or surname) and changes in alien status which result in a necessary change to a restrictive legend on the SSN card (see paragraph (e)(3) of this section) to be compelling</p>
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	<p>circumstances, and will not include either of these changes when determining the yearly or lifetime limits. We may grant an exception if you provide evidence establishing that you would experience significant hardship if the card were not issued. An example of significant hardship includes, but is not limited to, providing SSA with a referral letter from a governmental social services agency indicating that the social security number card must be shown in order to obtain benefits or services.</p> <p>(3) Restrictive legend change defined. Based on a person's immigration status, a restrictive legend may appear on the face of an SSN card to indicate that work is either not authorized or that work may be performed only with Department of Homeland Security (DHS) authorization. This restrictive legend appears on the card above the individual's name and SSN. Individuals without work authorization in the U.S. receive SSN cards showing the restrictive legend, "Not Valid for Employment;" and SSN cards for those individuals who have temporary work authorization in the U.S. show the restrictive legend, "Valid For Work Only With DHS Authorization." U.S. citizens and individuals who are permanent residents receive SSN cards without a restrictive legend. For the purpose of determining a change in restrictive legend, the individual must have a change in immigration status or citizenship which results in a change to or the removal of a restrictive legend when compared to the prior SSN card data. An SSN card request based upon a change in immigration status or citizenship which does not affect the restrictive legend will count toward the yearly and lifetime limits, as in the case of</p>
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	Permanent Resident Aliens who attain U.S. citizenship.
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CURRENT REGULATION

PROPOSED REGULATION

<p>20 CFR 422.107 – Evidence requirements.</p>	<p>NPRM proposes to eliminate the term “duplicate or corrected” and replace with “replacement”.</p>
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CURRENT REGULATION

PROPOSED REGULATION

<p>20 CFR 422.110 – Individual’s request for change in record.</p> <p>(a) <i>Form SS-5.</i> An individual who wishes to change the name or other personal identifying information previously submitted in connection with an application for a social security number card may complete and sign a Form SS-5 except as provided in paragraph (b) of this section. The person must prove his/her identity and may be required to provide other evidence. (See §422.107 for evidence requirements.) A Form SS-5 may be obtained from any local social security office or from one of the sources noted in §422.103(b). The completed request for change in records may be submitted to any SSA office, or, if the individual is outside the U.S., to the Department of Veterans Affairs Regional Office, Manila, Philippines, or to any U.S. foreign service post or U.S. military</p>	<p>(a) Form SS-5. If you wish to change the name or other personal identifying information you previously submitted in connection with an application for a social security number card, you must complete and sign a Form SS-5 except as provided in paragraph (b) of this section. You must prove your identity, and you may be required to provide other evidence. (See Sec. 422.107 for evidence requirements.) You may obtain a Form SS-5 from any local Social Security office or from one of the sources noted in Sec. 422.103(b). You may submit a completed request for change in records to any Social Security office, or, if you are outside the U.S., to the Department of Veterans Affairs Regional Office, Manila, Philippines, or to any U.S. Foreign Service post or U.S. military post. If your request is for a change of name on</p>
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<p>post. If the request is for a change in name, a new social security number card with the new name and bearing the same number previously assigned will be issued to the person making the request.</p> <p>b) <i>Assisting in enumeration.</i> SSA may enter into an agreement with officials of the Department of State and the Department of Homeland Security to assist SSA by collecting as part of the immigration process information to change the name or other personal identifying information previously submitted in connection with an application or request for a social security number card. If the request is for a change in name, a new social security number card with the new name and bearing the same number previously assigned will be issued.</p>	<p>the card, we may issue you a replacement card bearing the same number and the new name. We will grant an exception from the limitations specified in Sec. 422.103(e)(2) for replacement social security number cards representing a change in name or, if you are an alien, a change to a restrictive legend shown on the card. (See Sec. 422.103(e)(3) for the definition of a change to a restrictive legend.)</p> <p>(b) Assisting in enumeration. We may enter into an agreement with officials of the Department of State and the Department of Homeland Security to assist us by collecting, as part of the immigration process, information to change the name or other personal identifying information you previously submitted in connection with an application or request for a social security number card. If your request is to change a name on the card or to correct the restrictive legend on the card to reflect a change in alien status, we may issue you a replacement card bearing the same number and the new name or legend. We will grant an exception from the limitations specified in Sec. 422.103(e)(2) for replacement social security number cards representing a change of name or, if you are an alien, a change to a restrictive legend shown on the card. (See Sec. 422.103(e)(3) for the definition of a change to a restrictive legend.)</p>
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