Social Security and the J-1 What You Need to Know

THE PROCESS

All CCUSA Work Experience participants must apply for a Social Security number once they arrive in the US. The Social Security Administration (SSA) advises all J-1 participants to:

- Make sure they have validated their J-1 visa with their sponsor and show an active status in SEVIS
- Wait to apply for 10 days after they have entered the US. SSA has to confirm the status of all non-immigrants through the SAVE (Systematic Alien Verification for Entitlements) database. When a non-US citizen enters the US, the information provided on their I-94 form is recorded in this database and it takes time for the Department of Homeland Security to transfer this information collected at the arrival location to the database.

If participants do not follow these recommendations, their Social Security application could be rejected. Some SSA offices understand more clearly how the process works for J-1 participants and will hold applications for verification after the 10 days but many will not. As an employer, you can contact your local SSA office to inform them that J-1 participants will be applying and solicit their assistance and cooperation in making the process as simple as possible.

Once a J-1 participant has successfully applied for a SS card, they will be able to give you a copy of the letter they were given at the SSA office. This letter allows you to legally employer and pay the participant before their SSA number and card are issued. After application, it takes approximately 4 weeks for the card to be processed – provided there are no problems with the information recorded in the SAVE system. Participants may be able to call the SSA to check the status of their applications. The best number for them to call is the number of the local office where they applied – which they must obtain when they apply as these numbers are not listed on the SSA website.

Due to security reasons, the SSA will not release SS numbers over the phone. The participant may be able to obtain the number by going to the SSA office with their full identification papers.

If the SSA office has lost an application, the participant must reapply in person at the nearest office.

Please note: SSA will NOT accept applications if the participant's visa end day is in less than 14 days. As the employer, it is your responsibility to check with your J-1 hires to obtain their SS number.

THE LEGALITIES

Most employers are accustomed to hiring applicants who have social security cards, and require a person to have one to apply or begin work. However, according to the Social Security Administration and the IRS, it is not necessary to have a social security number to begin working legally in the United States. It is legal for a CCUSA participant, with a valid DS-2019 form, to begin work and be paid prior to receiving a Social Security number. While students wait for their Social Security numbers, evidence of application for a Social Security number is sufficient. You may ask students for a copy of the receipt letter given by SSA when they applied for a Social Security number. We encourage you to allow CCUSA participants to work while awaiting their numbers. See excerpts below:

SSA Publication No. 05-10107, Foreign Workers and Social Secruity Numbers (April 2003). Visit www.ssa.gov/pubs/10107.html

"Do I need to have my number before I start working? We do not require you to have a Social Security number before you start work. However, the Internal Revenue Service requires employers to use your Social Security number to report your wages. While you wait for your Social Security number, your employer can use a letter from us stating you applied for a number, and your immigration documents can prove your authorization to work in the United States. Employers can find more information on the Internet at www.socialsecurity.gov/employer/hiring.htm."

IRS Code, Title 26 Volume 15, CITE 26CFR31.6011(b)-2 (April 2003). Visit www.irs.gov

"Duties of employee with respect to his account number--(1) Information to be furnished to employer. An employee shall, on the day on which he enters the employ of any employer for wages, comply with the provisions of paragraph (b)(1)(i), (ii), (iii), or (iv) of this section, (iii) Employee who has receipt acknowledging application. If the employee does not have an account number card but has available a receipt issued to him by an office of the Social Security Administration acknowledging that an application for an account number has been received, the employee shall show such receipt to the employer."

"For provisions relating to the duties of an employer when furnished the information required by paragraph (b)(1) (i), (ii), (iii), or (iv) of this section, see paragraph (c) of this section. ((iii) Employee who has receipt for application. If the employee shows the employer, as provided in paragraph (b)(1)(iii) of this section, a receipt issued to him by an office of the Social Security Administration acknowledging that an application for an account number has been received from the employee, the employer shall enter in his records with respect to such employee the name and address of the employee exactly as shown on the receipt, the expiration date of the receipt, and the address of the issuing office. The receipt shall be retained by the employee."