

Noncitizen Eligibility for Employment Authorization and Work-Authorized Social Security Numbers (SSNs)

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While U.S. citizens who are of sufficient age are authorized to work in the United States, noncitizens must have an immigration status that specifically authorizes them to work in the country; this is known as *employment authorization*. There are three categories of employment authorization for noncitizens: (1) unrestricted work authorization, based on immigration status; (2) authorization to work for a specific employer; and (3) authorization at the discretion of the Department of Homeland Security (DHS). Some categories of noncitizens, such as tourists and unauthorized noncitizens, are not eligible for employment authorization and thus are not eligible to work legally in the United States.

Noncitizens with current employment authorization are eligible to obtain a Social Security number (SSN) that indicates their work authorization at the time of the initial or subsequent SSN application; this is known as a *work-authorized SSN*. An SSN is a unique nine-digit number issued by the Social Security Administration (SSA) to U.S. citizens and certain noncitizens. To be assigned an SSN, an individual must (1) be a member of an eligible assignment category; (2) meet the relevant evidentiary requirements with respect to age, identity, and citizenship/immigration status (including work authorization status for certain noncitizens); and (3) have filed a completed application with SSA.

Work-authorized SSNs are issued to U.S. citizen applicants, as well as to noncitizen applicants with current employment authorization. However, noncitizen applicants who are authorized by DHS to work in the United States on a temporary basis are issued SSN cards that contain the restrictive language “VALID FOR WORK ONLY WITH DHS AUTHORIZATION.” Certain noncitizen applicants who are not authorized by DHS to work in the United States but need an SSN to receive certain public benefits or services are issued SSN cards that contain the restrictive language “NOT VALID FOR EMPLOYMENT.” This latter type is known as a *non-work SSN*. About 99% of the SSNs issued by SSA each year are work-authorized SSNs.

This report examines noncitizen eligibility for employment authorization and work-authorized SSNs. It provides an overview of immigration statuses and employment authorization for noncitizens, followed by an overview of SSN eligibility and SSN card types. It concludes with tables that provide information on noncitizen eligibility for employment authorization and work-authorized SSNs by immigration status.

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Introduction

The legal right to work in the United States is often referred to as *employment authorization*. U.S. citizens (whether by birth or naturalization) who are of sufficient age are always authorized to work in the United States.¹ However, for noncitizens to be legally employed in the United States, they must have an immigration status that specifically authorizes them to work in the country and, in some cases, they must apply for and receive approval of their employment authorization. Noncitizens with current employment authorization are eligible to obtain a Social Security number (SSN) that indicates their work authorization status at the time of the initial or subsequent SSN application; this is known as a *work-authorized SSN*.

Policymakers are often interested in whether noncitizens with different immigration statuses are able to work legally in the United States because the issue intersects with other areas of federal policy, such as the labor market and the federal budget.² Policymakers are also interested in whether noncitizens are authorized to work in the United States because some federal programs and activities require individuals to have a work-authorized SSN to qualify for or receive the support provided by the program or activity, such as certain federal tax credits.³

To help policymakers understand which noncitizens are able to work legally in the United States, this report examines noncitizen eligibility for employment authorization and work-authorized SSNs. It begins with an overview of immigration statuses and employment authorization for noncitizens, followed by an overview of SSN eligibility and SSN card types. The report concludes with tables that describe noncitizen eligibility for employment authorization and work-authorized SSNs by immigration status.

Overview of Immigration Statuses

The Immigration and Nationality Act (INA)⁴ provides for the admission of foreign nationals (also referred to as *aliens* or *noncitizens* in federal law and throughout this report) to the United States. Some foreign nationals are admitted permanently, primarily through the family- or employment-based immigrant system,⁵ and receive lawful permanent resident (LPR) status (commonly referred to as obtaining a *green card*). Others are admitted as refugees or granted asylum⁶ and can later obtain LPR status. Still others are admitted temporarily for specific purposes as

¹ U.S. Department of Homeland Security (DHS), “E-Verify: What does ‘Work Authorized’ mean?,” February 9, 2012, <https://www.e-verify.gov/faq/self-check-work-authorization/what-does-work-authorized-mean>.

² For more information, see CRS Report R47164, *U.S. Employment-Based Immigration Policy*; and U.S. Congressional Budget Office (CBO), *How Changes in Immigration Policy Might Affect the Federal Budget*, January 15, 2015, <https://www.cbo.gov/publication/49868>.

³ For more information, see CRS In Focus IF12025, *Refundable Tax Credits for Families in 2021*; and CRS Insight IN11830, *The Child Tax Credit and Individual Taxpayer Identification Numbers (ITINs)*. See also CRS Insight IN11376, *Noncitizens and Eligibility for the 2020 Recovery Rebates*.

⁴ The INA (P.L. 82-414) is Act of June 27, 1952, ch. 477, codified, as amended, at 8 U.S.C. §§1101 et seq.

⁵ For more information, see CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*.

⁶ Refugees and asylees are foreign nationals who fled their countries because of persecution, or a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion. They are permitted to live in the United States indefinitely. What differentiates refugees from asylees is that refugee applicants are located outside the United States, while applicants for asylum are physically present in the United States or at a land border or port of entry. For more information, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*; and CRS Report R45539, *Immigration: U.S. Asylum Policy*.

nonimmigrants (e.g., tourists, students, temporary workers).⁷ Some foreign nationals are present in the United States in violation of the INA but may be granted discretionary reprieves from removal (e.g., Deferred Action for Childhood Arrivals [DACA]⁸ or Temporary Protected Status [TPS]⁹). In addition, some foreign nationals are present in the United States in violation of the INA and without authorization (sometimes referred to as *undocumented*); they may have entered without inspection, entered with fraudulent documents, or entered legally but overstayed the terms of their temporary visas.¹⁰

Employment Authorization for Noncitizens

In general, noncitizens fall into one of four categories with respect to employment authorization (also referred to as *work authorization*):

1. noncitizens who, by virtue of their age and immigration status, can work anywhere in the United States for any employer (e.g., LPRs, refugees, asylees, and trafficking victims who receive a T-1 visa, which is valid for four years and confers employment authorization);
2. noncitizens who are authorized to work for a specific employer (e.g., H-2A temporary agricultural workers, who must be employed by the employer that petitioned for their visa);
3. aliens who must apply for employment authorization, which is granted at the discretion of the Department of Homeland Security (DHS) and may include restrictions (e.g., DACA recipients or the spouse of a nonimmigrant temporary worker); and
4. aliens who are ineligible for employment authorization (e.g., tourists or unauthorized immigrants).¹¹

U.S. Citizenship and Immigration Services (USCIS), a component of DHS, issues an Employment Authorization Document (EAD) to certain noncitizens as evidence that they are authorized to work in the United States. LPRs do not need EADs, as their green cards are proof of employment authorization. Similarly, aliens who are authorized to work for a specific employer do not need an EAD; they can use their I-94 Arrival/Departure Record and nonimmigrant visa, which includes the employer's name. Refugees and asylees can use their I-94 Arrival/Departure Record¹² as proof of employment authorization, but they will typically be issued an EAD as well. Other noncitizens (i.e., those who are authorized to work by virtue of their immigration status or because they requested employment authorization from DHS) generally must apply for and be granted an EAD before they may work in the United States.¹³

⁷ For more information, see CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*.

⁸ For more information, see CRS Report R45995, *Unauthorized Childhood Arrivals, DACA, and Related Legislation*.

⁹ For more information, see CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure*.

¹⁰ For more information, see CRS Report R47218, *Unauthorized Immigrants: Frequently Asked Questions*.

¹¹ 8 C.F.R. §274a.12.

¹² Asylees' and refugees' I-94 Arrival/Departure Record cards have a red stamp indicating work authorization.

¹³ USCIS, "Employment Authorization Document," <https://www.uscis.gov/green-card/green-card-processes-and-procedures/employment-authorization-document>. For data on EAD approvals for FY2003 through FY2022, see USCIS, *Form I-765, Application for Employment Authorization, Eligibility Category and Filing Type FY 2003-2022*, December 30, 2022, https://www.uscis.gov/sites/default/files/document/data/I-765_Application_for_Employment_FY03-

Employer Responsibility to Hire Work-Authorized Noncitizens

In 1986, Congress amended the INA to make it unlawful for a person or entity to knowingly hire, recruit, or refer for a fee a noncitizen who is not authorized for employment in the United States.¹⁴ Consequently, all employers are required to examine documents presented by new hires to verify identity and employment authorization and to complete and retain employment eligibility verification forms (USCIS Form I-9).¹⁵

Overview of SSN Eligibility and SSN Card Types

An SSN—also known as a Social Security account number—is a unique nine-digit number issued by the Social Security Administration (SSA) to U.S. citizens and certain noncitizens.¹⁶ SSNs were established in 1936 to identify and track the earnings records of workers covered under Social Security for purposes of determining program eligibility and computing benefit amounts.¹⁷ Over the years, the use of SSNs has expanded to serving as a personal identifier for various non-Social Security purposes, such as tax administration. In FY2019, SSA assigned about 5.5 million original (i.e., new) SSNs, of which more than 1.5 million were for noncitizens.¹⁸ That same year, SSA issued more than 12 million replacement SSN cards, of which about 780,000 were for noncitizens.¹⁹

To be assigned an SSN, an individual must (1) be a member of an eligible assignment category; (2) meet the relevant evidentiary requirements with respect to age, identity, and citizenship/immigration status (including work authorization status for certain noncitizens); and (3) have filed a completed application with the SSA. Pursuant to federal law and regulations, SSA assigns SSNs to the following categories of individuals:

- U.S. citizens,
- noncitizens who are lawfully admitted to the United States for permanent residence (i.e., LPRs),
- noncitizens who are lawfully admitted to the United States and authorized by DHS to work in the United States, and

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¹⁴ INA, §274A (8 U.S.C. §1324a).

¹⁵ USCIS, “I-9, Employment Eligibility Verification,” <https://www.uscis.gov/i-9>.

¹⁶ Social Security Act, §205(c)(2) (42 U.S.C. §405(c)(2)). See also 20 C.F.R. §§422.103-422.110; SSA, *Program Operations Manual System (POMS)*, “RM 102: The Social Security Number, Policy and General Procedures,” <https://secure.ssa.gov/apps10/poms.nsf/subchapterlist!openview&restrictcategory=01102>; and SSA, “Social Security Number and Card,” <https://www.ssa.gov/ssnumber/>.

¹⁷ Carolyn Puckett, “The Story of the Social Security Number,” *Social Security Bulletin*, vol. 69, no. 2, July 2009, <https://www.ssa.gov/policy/docs/ssb/v69n2/v69n2p55.html>.

¹⁸ SSA, *COVID-19 Pandemic Social Security Number (SSN) Service Delivery Improvement Plan*, May 2021, in U.S. Congress, Senate Committee on Finance, *Social Security During COVID: How the Pandemic Hampered Access to Benefits and Strategies for Improving Service Delivery*, hearing, 117th Cong., 1st sess., April 29, 2021, S.Hrg. 117-421 (Washington, DC: GPO, 2022), pp. 75 and 78, <https://www.govinfo.gov/content/pkg/CHRG-117shrg48991/pdf/CHRG-117shrg48991.pdf> (hereinafter, “SSA, SSN Service Delivery Improvement Plan, hearing”). The total number of original SSNs assigned to noncitizens was calculated by CRS based on rounded subtotals in the document. FY2019 was the most recent year for which SSN data by citizenship/immigration status were publicly available.

¹⁹ Ibid. The total number of replacement SSN cards issued to noncitizens was calculated by CRS based on rounded subtotals in the document.

- certain noncitizens who are not authorized by DHS to work in the United States but need an SSN to receive certain public benefits or services.²⁰

SSN applicants are required to furnish SSA with sufficient evidence for the agency to verify their age, identity, and citizenship/immigration status (including work authorization status for certain noncitizens).²¹ The specific types of evidence and processes used to verify these factors can vary based on whether the individual is a child or adult, whether the individual is a citizen or noncitizen, and whether the application is for an original or replacement card.²² For example, SSA verifies the citizenship status of U.S. citizens by examining U.S. birth certificates, U.S. passports, and naturalization certificates (after DHS verification), among other types of evidence.²³ For noncitizens, SSA verifies work authorization and immigration status with DHS electronically through the department's Systematic Alien Verification for Entitlements (SAVE) program.²⁴

The method of applying for an SSN can also vary.²⁵ For instance, infants born in the United States are generally assigned an SSN automatically (with the permission of the parent[s]) as part of the hospital birth registration process under SSA's Enumeration at Birth (EAB) program.²⁶ Individuals (other than newborns) must typically visit an SSA field office or Social Security Card Center to apply for an original SSN, with an in-person interview required for all original SSN applicants aged 12 or older.²⁷ However, noncitizens living in the United States may apply for an SSN as part of the application process for an EAD or green card under the Enumeration Beyond Entry (EBE) program, which is a joint effort between SSA and DHS.²⁸ LPRs admitted to the United States may also obtain an original or replacement SSN card as part of the visa application process under the Enumeration at Entry (EAE) program, which is a joint effort between SSA, DHS, and the Department of State.²⁹ U.S. citizens ages 18 or older who require a replacement card with no change to the SSN record may apply online under SSA's Internet SSN Replacement Cards (iSSNRC) program in most states.³⁰ (The iSSNRC option is not available to noncitizens.)

²⁰ Social Security Act, §205(c)(2)(B) (42 U.S.C. §405(c)(2)(B)). See also 20 C.F.R. §422.104 and SSA, "Types of Social Security Cards," <https://www.ssa.gov/ssnumber/cards.htm>.

²¹ Social Security Act, §205(c)(2)(B)(ii) (42 U.S.C. §405(c)(2)(B)(ii)). See also 20 C.F.R. §422.103(c)(1).

²² SSA, "Learn what documents you will need to get a Social Security Card," <https://www.ssa.gov/ssnumber/ss5doc.htm>.

²³ SSA, *POMS*, "RM 10210.505 Primary Level Evidence of U.S. Citizenship," May 11, 2016, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0110210505>, and "RM 10210.500 General Information on Evidence of U.S. Citizenship for a Social Security Number (SSN) Card," July 31, 2019, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0110210500>.

²⁴ SSA, *SSN Service Delivery Improvement Plan*, hearing, p. 77. See also USCIS, "SAVE," <https://www.uscis.gov/save>.

²⁵ For more information on applying for an SSN, see SSA, *POMS*, "RM 10205.005 Where to File an Application for a Social Security Card," April 26, 2022, <https://secure.ssa.gov/poms.NSF/lnx/0110205005>.

²⁶ SSA, *POMS*, "RM 10205.505 Enumeration at Birth Process," April 20, 2021, <https://secure.ssa.gov/poms.nsf/lnx/0110205505>. About 99% of SSNs for infants are assigned via EAB. In FY2019, SSA assigned 3.8 million original SSNs via EAB (SSA, *SSN Service Delivery Improvement Plan*, hearing, p. 78).

²⁷ SSA, *SSN Service Delivery Improvement Plan*, hearing, p. 77.

²⁸ SSA, *POMS*, "RM 10205.700 Enumeration Beyond Entry (EBE)," May 4, 2020, <https://secure.ssa.gov/poms.nsf/lnx/0110205700>. In FY2019, SSA assigned about 350,000 original SSNs and issued almost 63,000 replacement cards to noncitizens living in the United States via EBE (SSA, *SSN Service Delivery Improvement Plan*, hearing, p. 78).

²⁹ SSA, *POMS*, "RM 10205.600 Enumeration-at-Entry," October 6, 2020, <https://secure.ssa.gov/poms.nsf/lnx/0110205600>. In FY2019, SSA assigned nearly 213,000 original SSNs and issued almost 17,000 replacement cards to LPRs via EAE (SSA, *SSN Service Delivery Improvement Plan*, hearing, p. 78).

³⁰ SSA, *POMS*, "RM 10205.630 Internet SSN Replacement Cards (iSSNRC) Policy," February 14, 2013,

Individuals who have been assigned SSNs are known as *number holders*. SSA issues number holders their SSNs on one of three types of cards based on their work authorization and citizenship/immigration status.³¹ All three types of cards note the number holder's full name and SSN. Each type of *card* indicates the type of *SSN*.

1. **Unrestricted SSN Card.** This type of card is issued to individuals who are authorized to work in the United States indefinitely, such as U.S. citizens and nationals, LPRs, refugees, and asylees.³² It contains no marked restriction on the face of the card (known as the *legend*).³³
2. **Work SSN Card.** This type of card is issued to noncitizens who are authorized by DHS to work in the United States on a temporary basis. The legend on the card contains the restrictive language "VALID FOR WORK ONLY WITH DHS AUTHORIZATION."³⁴ According to SSA's Office of the Inspector General, "this legend indicates the card is only valid as proof of work authorization when presented with a current, valid DHS employment authorization document."³⁵
3. **Non-work SSN Card.** This type of card is issued to certain noncitizens who are not authorized by DHS to work in the United States but need an SSN to receive certain public benefits or services (e.g., to receive Social Security benefits under certain conditions).³⁶ The legend on the card contains the restrictive language "NOT VALID FOR EMPLOYMENT."³⁷

<https://secure.ssa.gov/poms.nsf/lnx/0110205630>. In FY2019, SSA issued about 1.3 million replacement cards to U.S. citizens via iSSNRC (SSA, *SSN Service Delivery Improvement Plan*, hearing, p. 78).

³¹ 20 C.F.R. §422.103(e)(3). See also SSA, "Types of Social Security Cards," <https://www.ssa.gov/ssnumber/cards.htm>; and SSA, *Your Social Security Number and Card*, pp. 4-5, <https://www.ssa.gov/pubs/EN-05-10002.pdf>.

³² SSA also issues unrestricted SSN cards to citizens of a Compact of Free Association nation (i.e., Marshall Islands, Micronesia, and Palau) under certain conditions. See SSA, *POMS*, "RM 10211.050 Evidence of Lawful Alien Status for a Citizen of a Compact of Free Association (CFA) Nation Applying for an SSN Card," April 16, 2013, <https://secure.ssa.gov/poms.nsf/lnx/0110211050>.

³³ For an example of an unrestricted SSN card, see USCIS, *Handbook for Employers M-274*, "12.3 List C Documents That Establish Employment Authorization," <https://www.uscis.gov/i-9-central/123-list-c-documents-establish-employment-authorization>.

³⁴ For an example of a restricted SSN card with the language "VALID FOR WORK ONLY WITH DHS AUTHORIZATION" on the legend, see U.S. Department of the Treasury, Internal Revenue Service (IRS), *Publication 3535*, Rev. 7-2012, <https://www.irs.gov/pub/irs-pdf/p3535.pdf>.

³⁵ SSA, Office of the Inspector General (OIG), *Multiple Social Security Numbers Assigned to Non-citizens Using the Enumeration Beyond Entry Program*, A-08-18-5047, December 17, 2019, p. 1, <https://oig-files.ssa.gov/audits/full/A-08-18-50472.pdf>.

³⁶ To qualify for a non-work SSN, a noncitizen must need an SSN to satisfy either (1) a federal statute or regulation that requires the individual to have an SSN to receive a federally funded benefit to which the individual has otherwise established entitlement and the individual resides either in or outside of the United States or (2) a state or local law that requires the individual to have an SSN to receive public assistance benefits to which the individual has otherwise established entitlement and the individual is legally in the United States (20 C.F.R. §422.104(a)(3)). For more information, see SSA, *POMS*, "RM 10211.600 Requests for an SSN from an Alien without Work Authorization," June 28, 2013, <https://secure.ssa.gov/poms.nsf/lnx/0110211600>, "RM 10211.610 Valid Reasons to Assign an SSN for Nonwork Purposes," July 31, 2014, <https://secure.ssa.gov/poms.nsf/lnx/0110211610>, and "RM 10211.615 Invalid Nonwork Reasons for SSN Assignment," March 8, 2013, <https://secure.ssa.gov/poms.nsf/lnx/0110211615>. For more information on noncitizen eligibility for Social Security, see CRS Report RL32004, *Social Security Benefits for Noncitizens*.

³⁷ For an example of a restricted SSN card with the language "NOT VALID FOR EMPLOYMENT" on the legend, see U.S. Department of the Treasury, IRS, *Publication 3535*, Rev. 7-2012, <https://www.irs.gov/pub/irs-pdf/p3535.pdf>.

Unrestricted SSN cards and work SSN cards are collectively referred to as *work-authorized SSN cards*.³⁸ Nearly all of the SSNs assigned by SSA each year are work-authorized SSNs. For example, of the more than 5.8 million original (i.e., new) SSNs assigned to both U.S. citizens and noncitizens in FY2017,³⁹ about 50,800 (less than 1%) were non-work SSNs for noncitizens without work authorization.⁴⁰ The rest were work-authorized SSNs for U.S. citizens and noncitizens with work authorization.

Information on a number holder's work authorization and citizenship/immigration status is stored in the Numident, which is SSA's master database of number holders and SSN applications. The information in the Numident reflects the number holder's status at the time the individual applied for an SSN or last notified SSA of a change in status. Number holders who experience a change in status that warrants a different SSN card may submit evidence of the change to SSA to receive a new card with the appropriate legend *under the same SSN*.⁴¹ For example, if a noncitizen with a non-work SSN card later obtains and submits evidence of work authorization from DHS, then SSA will issue the individual a new work SSN card under the same SSN.

Because number holders sometimes fail to notify SSA of a change in their work authorization or citizenship/immigration status, the information in the Numident (or on the SSN card) may not be up to date.⁴² Consequently, an individual's SSN or physical SSN card may not be indicative of their *current* work authorization or citizenship/immigration status.⁴³

³⁸ SSA, *POMS*, "RM 10210.010 Evidence Policy for an Original or New SSN," October 25, 2010, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0110210010>.

³⁹ SSA, "Testimony by Nancy A. Berryhill, Acting Commissioner for Social Security Administration House Ways and Means Subcommittee on Social Security," May 17, 2018, https://www.ssa.gov/legislation/testimony_051718.html.

⁴⁰ SSA, *OIG, Assignment of Nonwork Social Security Numbers*, A-08-18-50500, August 7, 2020, <https://oig-files.ssa.gov/audits/full/A-08-18-50500.pdf>. According to SSA's *OIG*:

In Fiscal Year 2017, SSA assigned 50,838 original nonwork SSNs. Of those, 6,805 noncitizens had filed claims with SSA for benefits—a legitimate reason to need a nonwork SSN. Of the remaining 44,033 nonwork SSNs issued, 35,176 (80 percent) were issued to numberholders based on claims to benefits from the State of Florida according to SSA's records.... We verified with Florida's Department of Children and Families that these noncitizens were entitled, or establishing entitlement, to state/local benefits. These noncitizens needed an SSN to receive Temporary Assistance for Needy Families, Medicaid, and/or food stamps.

⁴¹ SSA, *POMS*, "RM 10211.510 Actions Required When an Alien's Status Changes," October 1, 2010, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0110211510>.

⁴² According to SSA, "while a person's basis for work authorization may change, if he or she does not report the change to us (the law does not require cardholders to do so), then we cannot update our records" (SSA, "Statement of Theresa L. Gruber Assistant Deputy Commissioner for Operations, before the Committee On Ways and Means Subcommittee On Social Security," April 13, 2011, https://www.ssa.gov/legislation/testimony_041311.html). See also SSA, *OIG, Employers Reporting Wages with Nonwork Social Security Numbers*, A-03-18-50537, September 25, 2018, pp. 6-7, <https://oig-files.ssa.gov/audits/full/A-03-18-50537.pdf>.

⁴³ For example, Section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208, Division C) requires that SSA report annually to Congress on the number of non-work SSNs with evidence of earnings from IRS reports (8 U.S.C. § 1360(c)). In its report for 2021, SSA stated that it credited earnings to 284,563 non-work SSNs. However, the agency noted, "because we are not notified when a noncitizen's work authorization status changes after we assign the SSN, the fact that IRS reports earnings to us for a nonwork SSN does not necessarily mean that the number holder performed unauthorized work" (Letter from Kilolo Kijakazi, Acting Commissioner, SSA, to the Honorable Richard J. Durbin, Chair, Committee on the Judiciary, U.S. Senate, February 8, 2022, <https://www.ssa.gov/legislation/NonWork%20Report2021.pdf>).

Noncitizen Eligibility for Employment Authorization and Work-Authorized SSNs by Immigration Status

The remainder of this report provides information on noncitizen eligibility for employment authorization and work-authorized SSNs by selected immigration status. As noted in the previous section, work-authorized SSNs include both unrestricted SSNs and work SSNs; they do not include non-work SSNs.

Table 1 provides information on the employment authorization and work-authorized SSN eligibility of noncitizens with selected immigration statuses. Although the universe of immigration categories is vast, this table focuses on the categories that are frequently of interest to lawmakers in examining noncitizen eligibility for employment authorization and work-authorized SSNs.

Table 2 provides information on the employment authorization and work-authorized SSN eligibility of nonimmigrants by visa category. Nonimmigrants who have temporary work authorization are eligible for a work SSN card with the legend “VALID FOR WORK ONLY WITH DHS AUTHORIZATION.”

The tables below reflect common eligibility situations and, as such, may not capture every possible scenario.⁴⁴

⁴⁴ For example, the tables do not address SSA’s policy of not processing SSN applications when a noncitizen’s lawful alien status is set to expire within 14 days of the filing. See SSA, *POMS*, “RM 10213.300 Procedure when a Person’s Evidence or Lawful Alien Status Expires within 14 Days of Filing for an SSN,” May 24, 2012, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0110213300>.

Table 1. Employment Authorization and Work-Authorized SSN Eligibility for Selected Noncitizens by Immigration Status

Status	Class Description	Eligible for Employment Authorization	Eligible for a Work-Authorized SSN
Afghan parolees	Afghan parolees refers to Afghan nationals paroled into the United States between July 31, 2021, and September 30, 2023. ^a	Yes ^b	Yes, with DHS authorization ^b
Asylees	Asylees ^c are foreign nationals who are unable or unwilling to return to their countries because of persecution, or a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion. They are permitted to live in the United States indefinitely.	Yes	Yes
Asylum applicants	Asylum applicants refers to applicants who have applied for but not yet been granted asylum.	Yes, with DHS authorization, which can only be granted at least 180 days after applying for asylum ^d	Yes, with DHS authorization, which can only be granted at least 180 days after applying for asylum ^d
Deferred Action for Childhood Arrivals (DACA) recipients	DACA recipients are unauthorized childhood arrivals who meet certain criteria and have been granted renewable two-year protection from removal. ^e	Yes, if authorized by DHS	Yes, with DHS authorization
Deferred Enforced Departure (DED) recipients	DED recipients are foreign nationals from countries who have been granted a temporary, discretionary, administrative stay of removal at the President's discretion, usually in response to war, civil unrest, or natural disasters. ^f	Yes, if directed by the President in the country's designation for DED ^g	Yes, with DHS authorization and if directed by the President in the country's designation for DED ^g
Humanitarian parolees	Humanitarian parolees are noncitizens granted permission to enter or remain temporarily in the United States for urgent humanitarian reasons or significant public benefit. ^h	Yes, if authorized by DHS	Yes, with DHS authorization
Lawful Permanent Residents (LPRs)	LPRs are foreign nationals permitted to live in the United States permanently (also referred to as <i>green card holders</i>). ⁱ	Yes	Yes
Nonimmigrants	Nonimmigrants are foreign nationals admitted to stay in the United States on a temporary basis and for a specific purpose (e.g., tourists, students, diplomats, temporary workers). ^j	See Table 2 , in which eligibility for employment authorization and a work-authorized SSN are presented by specific nonimmigrant category	
Refugees	Refugees ^c are foreign nationals who are unable or unwilling to return to their countries because of persecution, or a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion. They are permitted to live in the United States indefinitely.	Yes	Yes

Status	Class Description	Eligible for Employment Authorization	Eligible for a Work-Authorized SSN
Temporary Protected Status (TPS) recipients	TPS holders have been granted temporary relief from removal due to armed conflict, natural disaster, or other extraordinary circumstances in their home countries that prevent their safe return. ^f	Yes ^k	Yes, with DHS authorization ^k
Ukrainian parolees	Ukrainian parolees refers to Ukrainian nationals paroled into the United States between February 24, 2022, and September 30, 2023. ^l	Yes ^m	Yes, with DHS authorization ^m
Unauthorized noncitizens	Unauthorized noncitizens are foreign nationals who enter without inspection, enter with fraudulent documents, or enter legally but overstay the terms of their temporary stay. ⁿ	No	No

Source: Congressional Research Service (CRS), based on the following resources: 8 C.F.R. §274a.12; U.S. Citizenship and Immigration Services (USCIS), *Policy Manual*, “Part A - Employment Authorization Policies and Procedures Chapter 2 - Eligibility Requirements,” <https://www.uscis.gov/policy-manual/volume-10-part-a-chapter-2>; and Social Security Administration (SSA), *Program Operations Manual System (POMS)*, “RM 10211.510 Actions Required When an Alien’s Status Changes,” October 1, 2010, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0110211510>; “RM 10211.420 Employment Authorization for Non-immigrants,” June 2, 2022, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0110211420>; and “EM-22038 REV: Enumeration: Employment Authorization Incident to Status for Certain Afghan and Ukrainian Humanitarian Paroles,” December 22, 2022, <https://secure.ssa.gov/apps10/reference.nsf/links/07132022070526AM>.

Notes: DACA = Deferred Action for Childhood Arrivals; DED= Deferred Enforced Departure; DHS = U.S. Department of Homeland Security; SSN = Social Security number; TPS = Temporary Protected Status.

- a. Or individuals with no nationality who last habitually resided in Afghanistan, or those paroled after September 30, 2023, with a qualifying family connection (e.g., child, spouse, parent of specified individuals). For more information on immigration parole, see CRS Report R46570, *Immigration Parole*.
- b. As of November 21, 2022, Afghan parolees do not need to apply for employment authorization. They are considered employment authorized incident to parole. For more information, see USCIS, *Certain Afghan and Ukrainian Parolees Are Employment Authorized Incident to Parole*, <https://www.uscis.gov/newsroom/alerts/certain-afghan-and-ukrainian-parolees-are-employment-authorized-incident-to-parole>. However, they generally must show their employer an unexpired Employment Authorization Document (EAD) within 90 days of the date of hire. USCIS recommends that Afghan parolees apply for an SSN as part of the application process for employment authorization (Form I-765) under the Enumeration Beyond Entry (EBE) program (see USCIS, *Information for Afghan Nationals*, “Social Security Number and Card,” <https://www.uscis.gov/humanitarian/information-for-afghan-nationals>).
- c. Refugees are generally outside of their country of origin and are processed and admitted to the United States from abroad. Asylees meet the same definition as refugees but are physically present in the United States or at a land border or port of entry. For more information on refugees, see CRS Report R47399, *U.S. Refugee Admissions Program*. For more information on asylees, see CRS Report R45539, *Immigration: U.S. Asylum Policy*.
- d. Asylum applicants may apply for employment authorization 150 days after filing their asylum application. Applicants must wait an additional 30 days to receive work authorization, for a total waiting period of 180 days (8 U.S.C. §1158(d)(2); 8 C.F.R. §208.7(a)).
- e. For more information, see CRS Report R45995, *Unauthorized Childhood Arrivals, DACA, and Related Legislation*.
- f. For more information, see CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure*.
- g. In general, the President directs executive agencies to implement procedures to provide DED and related benefits, such as employment authorization. DED recipients must apply to DHS for work authorization.

- h. For more information, see CRS Report R46570, *Immigration Parole*.
- i. For more information, see CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*.
- j. For more information, see CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*.
- k. Although TPS recipients are eligible for employment authorization incident to status, a separate application for employment authorization is required. In its policy manual, SSA classifies TPS recipients as “Aliens Who Require an EAD from DHS Authorizing Employment” (SSA, *POMS*, RM 10211.420[G][2]).
- l. Or non-Ukrainian individuals who habitually resided in Ukraine, or those individuals’ spouses or unmarried children under the age of 21 who are paroled into the United States after September 30, 2023. For more information on immigration parole, see CRS Report R46570, *Immigration Parole*.
- m. As of November 21, 2022, Ukrainian parolees do not need to apply for employment authorization. They are considered employment authorized incident to parole. For more information, see USCIS, *Certain Afghan and Ukrainian Parolees Are Employment Authorized Incident to Parole*, at <https://www.uscis.gov/newsroom/alerts/certain-afghan-and-ukrainian-parolees-are-employment-authorized-incident-to-parole>. However, USCIS recommends that Ukrainian parolees apply for an SSN as part of the application process for employment authorization (Form I-765) under the EBE program (USCIS, *Uniting for Ukraine*, “Obtaining a Social Security Number and Card,” <https://www.uscis.gov/ukraine>).
- n. For more information, see CRS Report R47218, *Unauthorized Immigrants: Frequently Asked Questions*.

Table 2. Employment Authorization and Work-Authorized SSN Eligibility of Nonimmigrants by Visa Category

Visa	Class Description	Period of Stay	Eligible for Employment Authorization	Eligible for a Work-Authorized SSN ^a
A-1	Ambassador, public minister, career diplomat, and consul	Duration of assignment	Yes, within scope of official duties	Yes
	Spouse or child of principal A-1	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
A-2	Other foreign government official or employee	Duration of assignment	Yes, within scope of official duties	Yes
	Spouse or child of principal A-2	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
A-3	Attendant or personal employee of A-1/A-2	Up to three years	Yes, if formal bilateral employment agreements or informal de facto reciprocal arrangements exist with principal's country and the Department of State provides a favorable recommendation	Yes
	Spouse or child of principal A-3	Same as principal	No	No
B-1	Visitor for business	Up to one year	Yes, if authorized by DHS	Yes, with DHS authorization
B-2	Visitor for pleasure	Six months to one year	No	No
C-1	Alien in transit	Up to 29 days	No	No
C-2	Person in transit to United Nations Headquarters	Up to 29 days	Yes; only as a foreign government official in transit ^b	No ^b
C-3	Foreign government official, immediate family, attendant, or personal employee in transit	Up to 29 days	Yes; only as a foreign government official in transit ^b	No ^b
CW-1	Commonwealth of the Northern Mariana Islands (CNMI) transitional worker	Up to one year	Yes	Yes, valid only in CNMI
CW-2	Spouse or child of CW-1	Same as principal	No	No

Visa	Class Description	Period of Stay	Eligible for Employment Authorization	Eligible for a Work-Authorized SSN ^a
D-1/D-2	Crew member	Up to 29 days	Yes; only as an employee of the carrier; there are exceptions for longshore work in certain cases	No
E-1	Treaty trader and employee	Up to two years	Yes, within the scope of treaty conditions	Yes
	Spouse of principal E-1	Same as principal	Yes, if over age 21 ^c	Yes
	Child of principal E-1	Same as principal	No	No
E-2	Treaty investor and employee	Up to two years	Yes, within the scope of treaty conditions	Yes
	Spouse of principal E-2	Same as principal	Yes, if over age 21 ^c	Yes
	Child of principal E-2	Same as principal	No	No
E-2C	CNMI treaty investor	Up to two years	Yes, within the scope of treaty conditions; only permitted to work in CNMI	Yes, valid only in CNMI
	Spouse of principal E-2C	Same as principal	Yes, if authorized by DHS; only permitted to work in CNMI	Yes, with DHS authorization; valid only in CNMI
	Child of principal E-2C	Same as principal	No	No
E-3	Australian specialty occupation professional	Up to two years	Yes, within the scope of treaty conditions	Yes
	Spouse of principal E-3	Same as principal	Yes, if over age 21 ^c	Yes
	Child of principal E-3	Up to two years	No	No
E-3D	Spouse of E-3	Same as principal	Yes	Yes
	Child of principal E-3	Same as principal	No	No
E-3R	Returning E-3	Up to two years	Yes, within the scope of treaty conditions	Yes

Visa	Class Description	Period of Stay	Eligible for Employment Authorization	Eligible for a Work-Authorized SSN^a
F-1	Foreign student (academic or language training program)	Period of study (limited to 12 months for secondary students)	Yes, requires DHS authorization in certain circumstances	Yes, requires DHS authorization in certain circumstances
F-2	Spouse or child of F-1	Same as principal	No	No
F-3	Border commuter academic or language student	Period of study	Yes, only practical training related to degree	Yes, requires DHS authorization in certain circumstances
G-1	Principal resident representative of recognized foreign member government to international organization, and staff	Duration of assignment	Yes, within scope of official duties	Yes
	Spouse or child of principal G-1	Same as principal	Yes, pursuant to bilateral agreements or reciprocal arrangements with principal's country and if authorized by DHS	Yes, with DHS authorization
G-2	Other representative of recognized foreign member government to international organization, and staff	Duration of assignment	Yes, within scope of official duties	Yes
	Spouse or child of principal G-2	Same as principal	No	No
G-3	Representative of unrecognized or nonmember foreign member government to international organization, and staff	Duration of assignment	Yes, within scope of official duties	Yes
	Spouse or child of principal G-3	Same as principal	Yes, pursuant to bilateral agreements or reciprocal arrangements with principal's country and if authorized by DHS	Yes, with DHS authorization
G-4	International organization officer or employee	Duration of assignment	Yes, within scope of official duties	Yes

Visa	Class Description	Period of Stay	Eligible for Employment Authorization	Eligible for a Work-Authorized SSN ^a
	Spouse or child of principal G-4	Same as principal	Yes, pursuant to bilateral agreements or reciprocal arrangements with principal's country and if authorized by DHS	Yes, with DHS authorization
G-5	Attendant or personal employee of G-1 through G-4	Up to three years	Yes, within scope of official duties	Yes
	Spouse or child of principal G-5	Same as principal	No	No
H-1B	Temporary worker—professional specialty occupation	Specialty occupation: up to three years (but may not exceed the validity period of the labor conditions application); Department of Defense, research & development: up to five years; fashion model: up to three years	Yes	Yes
H-1B1	Free trade agreement professional from Chile or Singapore	One year	Yes	Yes
H-2A	Temporary worker—agricultural workers	Up to one year	Yes	Yes
H-2B	Temporary worker—nonagricultural workers	Up to one year (or up to three years in the case of a one-time event)	Yes	Yes
H-3	Temporary worker—trainee	Alien trainee: up to two years Special education exchange visitor program: up to 18 months	Yes, as part of the training program	Yes
H-4	Spouse or child of H-1B1, H-2A, H-2B, or H-3	Same as principal	No	No
	Spouse H-1B	Same as principal	Only if H-1B spouse has an approved petition for employment-based LPR status and if authorized by DHS	Yes, with DHS authorization
	Child of H-1B	Same as principal	No	No

Visa	Class Description	Period of Stay	Eligible for Employment Authorization	Eligible for a Work-Authorized SSN ^a
I	Representative of foreign information media	Duration of employment	Yes, only as employee of foreign media	Yes
	Spouse or child of principal I	Same as principal	No	No
J-1	Cultural exchange visitor	Period of program	Yes, if program has work component	Yes, if program has work component
J-2	Spouse or child of J-1	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
K-1	Fiancé(e) of U.S. citizen	Valid for four months; must marry within 90 days of entry to adjust status	Yes	Yes
K-2	Child of K-1	Same as principal	Yes ^d	Yes, with DHS authorization ^d
K-3	Spouse of U.S. citizen awaiting LPR visa	Two years	Yes, if authorized by DHS	Yes, with DHS authorization
K-4	Child of K-3	Two years or until 21 st birthday	Yes, if authorized by DHS	Yes, with DHS authorization
L-1	Intracompany transferee (executive, managerial, and specialized knowledge personnel continuing employment with international firm or corporation)	Up to three years, except when beneficiary is coming to open or be employed in a new office—under this circumstance, up to only one year	Yes	Yes
L-2	Spouse of L-1	Same as principal	Yes, if over age 21 ^c	Yes
	Child of L-1	Same as principal	No	No
M-1	Vocational student	Duration of study	Only practical training related to degree	Yes, with DHS authorization
M-2	Spouse or child of M-1	Same as principal	No	No
M-3	Border commuter vocational or nonacademic student	Period of study	Only practical training related to degree	Yes, with DHS authorization

Visa	Class Description	Period of Stay	Eligible for Employment Authorization	Eligible for a Work-Authorized SSN ^a
North Atlantic Treaty Organization (NATO)-I	Principal permanent representative of member nations to NATO, high-ranking NATO official	Tour of duty	Yes, within scope of official duties	Yes
	Spouse or child of principal NATO-I	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
NATO-2	Other representatives of member states to NATO (including any of its subsidiary bodies); dependents of member of a force entering in accordance with provisions of NATO agreements; members of such force if issued visas	Tour of duty	Yes, within scope of official duties	Yes
	Spouse or child of principal NATO-2	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
NATO-3	Official clerical staff accompanying a representative of a member state to NATO	Tour of duty	Yes, within scope of official duties	Yes
	Spouse or child of principal NATO-3	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
NATO-4	Officials of NATO (other than those classifiable as NATO-I)	Tour of duty	Yes, within scope of official duties	Yes
	Spouse or child of principal NATO-4	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
NATO-5	Experts, other than NATO-4 officials, employed in missions on behalf of NATO	Tour of duty	Yes, within scope of official duties	Yes
	Spouse or child of principal NATO-5	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization

Visa	Class Description	Period of Stay	Eligible for Employment Authorization	Eligible for a Work-Authorized SSN ^a
NATO-6	Civilian employees of a force entering in accordance with the provisions of NATO agreements or attached to NATO headquarters	Tour of duty	Yes, within scope of official duties	Yes
	Spouse or child of principal NATO-6	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
NATO-7	Attendant or personal employee of NATO-1 through NATO-6	Up to three years	Within scope of official duties	Yes
	Spouse or child of principal NATO-7	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
N-8	Parent of certain special immigrants (pertaining to international organizations)	Up to three years, as long as special immigrant remains a child	Yes ^d	Yes, with DHS authorization ^d
N-9	Child of N-8 or of certain special immigrants (pertaining to international organizations)	Up to three years, until no longer a child	Yes ^d	Yes, with DHS authorization ^d
O-1	Person with extraordinary ability in the sciences, arts, education, business, or athletics	Up to three years	Yes	Yes
O-2	Person accompanying and assisting in the artistic or athletic performance by O-1	Up to three years	Yes	Yes
O-3	Spouse or child of O-1 or O-2	Same as principal	No	No
P-1	Internationally recognized athlete or member of an internationally recognized entertainment group and essential support	Up to five years for individual; up to one year for group or team	Yes	Yes
P-2	Artist or entertainer in a reciprocal exchange program and essential support	Up to one year	Yes	Yes

Visa	Class Description	Period of Stay	Eligible for Employment Authorization	Eligible for a Work-Authorized SSN ^a
P-3	Artist or entertainer in a culturally unique program and essential support	Up to one year	Yes	Yes
P-4	Spouse or child of P-1, P-2, or P-3	Same as principal	No	No
Q-1	International cultural exchange program participant	Duration of program; up to 15 months	Yes, with employer approved by program	Yes
R-1	Religious worker	Up to 30 months	Yes	Yes
R-2	Spouse or child of R-1	Same as principal	No	No
S-5	Criminal informant	Up to three years	Yes, if authorized by DHS	Yes, with DHS authorization
S-6	Terrorist informant	Up to three years	Yes, if authorized by DHS	Yes, with DHS authorization
S-7	Spouse or child of S-5 and S-6	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
T-1	Victim of human trafficking	Up to four years; may adjust to LPR status if conditions are met	Yes ^d	Yes, with DHS authorization ^d
T-2	Spouse of T-1	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
T-3	Child of T-1	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
T-4	Parent of T-1	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
T-5	Unmarried sibling of T-1 under age 18	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
T-6	Adult or minor child of T-1	Same as principal	Yes, if authorized by DHS	Yes, with DHS authorization
TN	North American Free Trade Agreement (NAFTA) professional	Up to three years	Yes	Yes
TD	Spouse or child of TN	Three years	No	No

Visa	Class Description	Period of Stay	Eligible for Employment Authorization	Eligible for a Work-Authorized SSN ^a
U-1	Victim or informant of criminal activity	Up to four years; may lead to adjustment to LPR status if specified conditions are met.	Yes ^d	Yes, with DHS authorization ^d
U-2	Spouse of U-1	Same as principal	Yes ^d	Yes, with DHS authorization ^d
U-3	Child of U-1	Same as principal	Yes ^d	Yes, with DHS authorization ^d
U-4	Parent of U-1 under age 21	Same as principal	Yes ^d	Yes, with DHS authorization ^d
U-5	Unmarried sibling of U-1 under age 18	Same as principal	Yes ^d	Yes, with DHS authorization ^d
V-1	Spouse of LPR who has petition pending for three years or longer; transitional visa that leads to LPR status when visa becomes available	Up to two years	Yes ^d	Yes, with DHS authorization ^d
V-2	Child of LPR who has petition pending for three years or longer	Up to two years, or until 21 st birthday	Yes ^d	Yes, with DHS authorization ^d
V-3	Child of V-1 or V-2	Up to two years, or until 21 st birthday	Yes ^d	Yes, with DHS authorization ^d

Source: CRS, based on the following resources: 8 C.F.R. §274a.12; Table A-1 in CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*; U.S. Citizenship and Immigration Services (USCIS), *Policy Manual*, “Part A - Employment Authorization Policies and Procedures Chapter 2 - Eligibility Requirements,” <https://www.uscis.gov/policy-manual/volume-10-part-a-chapter-2>; and Social Security Administration (SSA), *Program Operations Manual System (POMS)*, “RM 10211.420 Employment Authorization for Non-immigrants,” June 2, 2022, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0110211420>.

Notes: CNMI = Commonwealth of the Northern Mariana Islands; DHS = U.S. Department of Homeland Security; LCA = labor condition application; LPR = lawful permanent resident; NAFTA = North American Free Trade Agreement; NATO = North Atlantic Treaty Organization; SSN = Social Security number.

- a. Aliens who are authorized to work in the United States by virtue of their immigration status are generally issued an Employment Authorization Document (EAD) by USCIS. SSA typically requires such aliens to submit their EAD as evidence of their employment authorization for purposes of the SSN application process.
- b. 8 C.F.R. §274a.12(b)(3) specifies that foreign government officials in transit who hold C-2 or C-3 visas may only be employed by their foreign government entity. However, RM 10211.420(G)(3) in SSA’s policy manual states that C-2 and C-3 visa holders are not authorized to work in the United States, while RM 10211.530 states that C-2 visa holders are not allowed to work in the United States but that foreign government officials in transit with a C-3 visa are allowed to work (see SSA, *POMS*, “RM 10211.530 List of Documents Establishing Lawful Alien Status for an SSN Card,” July 13, 2018,

<https://secure.ssa.gov/apps10/poms.nsf/lnx/0110211530>). Given this discrepancy, it is unclear if SSA would assign a work-authorized SSN to a foreign government official in transit who holds a C-2 or C-3 visa.

- c. USCIS, “USCIS Updates Guidance on Employment Authorization for E and L Nonimmigrant Spouses,” <https://www.uscis.gov/newsroom/alerts/uscis-updates-guidance-on-employment-authorization-for-e-and-l-nonimmigrant-spouses>.
- d. Individuals in this category are authorized for employment incident to immigration status; however, DHS regulations specify that this is “evidenced by an employment authorization document issued by the Service” (8 C.F.R. §274a.12). In addition, SSA requires that individuals in this category provide evidence of their EAD in order to receive a work-authorized SSN (SSA, *POMS*, RM 10211.420(G)(2)).

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