

Effective Dates: 04/27/2009 - Present
BASIC (09-05)

GN 03313.095 Disclosure to the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS)

A. Policy

1. Disclosure to Assist SSA in Administering SSA Programs

The disclosures SSA makes to DHS to assist in administering SSA programs are discussed [GN 03316.040A](#).

2. Disclosure for DHS, U.S. Citizenship and Immigration Services (USCIS) Purposes

a. Disclosure to Identify and Locate Aliens in the United States

8 U.S.C. 1360(b) (Immigration and Nationality Act) requires SSA to disclose information concerning the identity and location of aliens in the United States to DHS, USCIS upon receipt of a request. The request must be written and state that the individual about whom information is sought is an alien. If DHS, USCIS does not state

that the subject individual is an alien, the identity and location information, if it is located in SSA records, may be disclosed if SSA records indicate the individual was an alien when he/she last received a Social Security card.

NOTE: On the Numident, a CSP entry other than “A” would be an indicator of a non-citizen. The CSP field is in the birth line of the Numident (see RM 00208.001D.4.)

DHS, USCIS must provide SSA with enough identifying information about the alien to enable SSA to search for information. This would be information such as the individual’s SSN, name, and date of birth place of birth, mother’s maiden name, and father’s name.

Only identity and location information aliens based on non-tax return information may be disclosed to DHS, USCIS.

Information such as name and addresses included in wage reports submitted to SSA by employers and self-employed individuals is considered tax return information and is restricted from disclosure under the Internal Revenue Code. See [GN 03313.095A.2.b.](#) for information about limited disclosures of tax return information that may be made to DHS.

The non-tax return information that may be disclosed includes:

- Social Security numbers;
- date of birth;
- place of birth; and
- address information.

The local DHS, USCIS offices are instructed to send their requests for information from SSA to the DHS, USCIS District Director in Baltimore, who forwards them to OCO. SSA requires that all requests must be in writing.

At the discretion of FO management, a field office (FO) may decide to handle DHS, USCIS requests locally if the volume is low. However, an FO may choose to return any requests it receives from a local DHS, USCIS office with instructions to send them to the DHS, USCIS District Director in Baltimore.

Normally, FOs are not to disclose a Numident printout to the number holder or to a third party. If an FO receives a valid request from a DHS, USCIS field office for a copy of an alien's SS-5, the FO can furnish a Numident, if the regional office authorizes disclosure, either on a case by case basis or via formal arrangements between the FO and DHS, USCIS office that requests the information. These requests

should normally be limited to specific cases. Routing through the DHS, USCIS Director in Baltimore is the preferred method for handling this type of request.

b. Disclosure to DHS, USCIS Concerning Wages Posted to SSNs Issued for Non-Work Purposes

• Pre-1997 Earnings Posted to SSNs Issued for Non-Work Purposes

Under a Privacy Act routine use, SSA may disclose the name and address of both the alien and the employer reporting earnings for aliens with SSNs issued for non-work purposes when the earnings were reported to SSA before January 1, 1997. This is tax return information. This is a discretionary disclosure SSA may make under the Privacy Act with the authorization of the Internal Revenue Service. The disclosure is for a program-related purpose that assists SSA to curtail and deter misuse of the SSN and protect the integrity of the SSN issuance program.

NOTE: Because of restrictions in the IRC, for pre-1997 earnings posted to SSNs issued for non-work purposes, disclosure can be made to DHS only when SSA initiates the disclosure. If DHS requests information about pre-1997, refer the request to the Office of Public Disclosure, Office of the General Counsel (see http://ssahost.ba.ssa.gov/ogc/search_results_office.cfm?OFFICE=Privacy%20and%20Disclosure for contact information). The IRC does not permit SSA to disclose information if requested by DHS, USCIS for pre-1997 earnings information posted to SSNs issued for non-work purposes.

Also see [GN 03320.015C.2](#).

Refer any request received to the Office of Public Disclosure (OPD), Office of the General Counsel (OGC), through the regional or component Privacy Act Coordinator (see http://ssahost.ba.ssa.gov/ogc/search_results_office.cfm?OFFICE=Privacy%20and%20Disclosure for contact information).

• Post-1997 Earnings Posted to SSNs Issued for Non-Work Purposes

SSA is required under 8 U.S.C. 1360(c)(2) (Immigration and Nationality Act) to disclose the following information to DHS, USCIS about aliens having earnings posted to SSNs issued for non-work purposes **after** January 1, 1997:

- the name and address of the alien,
- the name and address of the person reporting the earnings, and

- the amount of earnings.

SSA makes these disclosures to DHS, USCIS, annually in electronic form. FOs and other SSA component which may receive a request from DHS, USCIS should refer it to OPD, OGC, through the regional or component Privacy Act Coordinator (see http://ssahost.ba.ssa.gov/ogc/search_results_office.cfm?OFFICE=Privacy%20and%20Disclosure for contact information).

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Also see [GN 03320.015C.2](#), Chart, DHS.

c. Disclosure to DHS, Secret Service

Information may be disclosed to the Secret Service, DHS, in response to requests involving national security or threats to the lives of government officials.

Refer these requests to the Privacy Officer (see http://ssahost.ba.ssa.gov/ogc/search_results_office.cfm?OFFICE=Privacy%20and%20Disclosure for contact information).

See [GN 03312.015A.6](#).

Refer requests for information from the Program Integrity Case Files to OIG.

B. Procedure

1. General

See [GN 03313.001K](#).

2. Requests Received in a Teleservice Center

If a TSC receives a request from DHS, USCIS, and the DHS, USCIS official states the call is an emergency, the TSC should refer the caller to the regional Privacy Act Coordinator through their supervisor. If the disclosure is authorized in [GN 03313.095A.](#), the regional Privacy Act Coordinator may process the request or handle it in accordance with the instructions in [GN 03313.095B.1](#). If the disclosure is not authorized, contact the Office of Public Disclosure, Office of the General Counsel (see http://ssahost.ba.ssa.gov/ogc/search_results_office.cfm?OFFICE=Privacy%20and%20Disclosure for contact information).

Otherwise, the TSC

should tell the caller the request must be in writing and should be sent to the USCIS District Manager in Baltimore at:

NationsBank Center

100 Charles Street

Baltimore, MD 21201

Telephone (410) 962-2010

Refer questions concerning the appropriateness of disclosing information to the Office of Public Disclosure, Office of the General Counsel (see http://ssahost.ba.ssa.gov/ogc/search_results_office.cfm?OFFICE=Privacy%20and%20Disclosure for contact information).

To Link to this section - Use this URL:

<http://policy.ssa.gov/poms.nsf/lnx/0203313095>

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