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Congress of the United States
House of Representatives
Washington, DC 20515

November 14, 2012

COMMITTEE ON ENERGY AND COMMERCE

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The Honorable Michael J. Astrue
Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235-0001

Dear Commissioner Astrue:

This summer, on June 15, 2012, President Obama announced that the Department of Homeland Security (DHS) would provide guidelines by which illegal immigrants may remain in the United States without risk of deportation. The program, known as Deferred Action for Childhood Arrivals (DACA), allows certain immigrants to request deferred action for a period of two years, subject to renewal, and eligibility for work authorization.

According to U.S. Citizenship and Immigration Services (USCIS), “Deferred action does not provide an individual with lawful status.”

According to U.S. Citizenship and Immigration Services (USCIS), as of October 10, 2012, 179,794 requests for deferred action status had been made. 175,203 of those requests remain pending, while 4,591 petitions had been approved. It has come to my attention—from the Social Security Administration itself—that those applicants whose requests have been approved and who have been granted work authorization may be eligible for Social Security numbers.

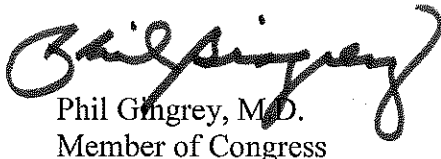
This raises a number of concerns, not the least of which is that DACA eligible individuals are neither citizens nor lawful permanent residents. Congress has been told that any application made for benefits under DACA, which include deferred action status and work authorization, will require extensive and verifiable documentation that all criteria are met. However, it is still unclear what level of documentation will be required and what level of background checks are being conducted on the documents and the applicants. Due to this ambiguity, I call into question the wisdom of providing Social Security numbers to these petitioners.

Based on these concerns, I would like to know:

- 1) Has the Social Security Administration provided Social Security numbers to immigrants granted deferred action under the Administration's June 15th directive? If so, how many DACA immigrants, to date, have received Social Security numbers?
- 2) What criteria do you use to determine which approved DACA applicants will be awarded Social Security numbers? Under what circumstances will an individual be denied a Social Security number?
- 3) What guidelines have you provided within your agency as to determine which DACA applicants will receive Social Security numbers?
- 4) Are there circumstances under which a DACA immigrant with work eligibility will be denied a Social Security number? If so, please detail these circumstances.
- 5) Do you have a system in place to indicate that these recipients of Social Security numbers are DACA applicants, thereby signifying they are neither citizens nor lawful residents?
- 6) Given that DACA-approved immigrants could be subject to deportation after two years, will they keep their Social Security numbers? If so, how will you prevent fraud or abuse, particularly given the fact that the individuals in question will have valid Social Security numbers?

Please provide the answers to the questions above by November 30, 2012.

Sincerely,



Phil Gingrey, M.D.
Member of Congress

cc: David F. Black, General Counsel