

The following are replies from the SSA in reference to the question, "Do I need a Social Security Number to work in the United States?" After the first reply there were several other questions asked and their rebuttal to them. I wish I still had the questions but they have been long ago deleted. Anyway I hope you find something worthwhile in these responses.

## **RESPONSE 1**

Thank you for your inquiry.

Participation in the Social Security program is mandatory with respect to the payment of Social Security taxes. Unless specifically exempt by law, everyone working in the United States is required to pay Social Security taxes on earnings from employment. These earnings are subject to Social Security tax without regard to the citizenship or place of residence of either the employer or the employee.

The authority for the collection of taxes, including Social Security taxes, is found in the Internal Revenue Code, not the Social Security Act. (See sections 3101(a) and 3102(a) of the Code.) We suggest that you direct any questions you may have about tax liability to the Internal Revenue Service (IRS) by any of the following methods:

- Calling their toll-free telephone number, 1-800-829-1040; or
- Calling or visiting any local IRS office; or
- Writing to the national address of the IRS below:

Internal Revenue Service  
1111 Constitution Avenue NW  
Washington, D.C. 20224

Or

- Accessing their web site at the following Internet address:

<http://www.irs.gov>

## **RESPONSE 2**

Thank you for your inquiry.

Members of certain religious groups may qualify for an exemption from the Social Security tax if they waive their rights to all benefits under the

Social Security Act, including hospital insurance benefits, and if the other requirements set out below have been met:

- 1.The employee or self-employed person claiming the exemption must be a member of a recognized religious sect which has established tenets and teachings by which the individual is conscientiously opposed to accepting benefits under a private or public insurance plan which makes payments in the event of death, disability or retirement, or which makes payments towards the cost of, or provides for, medical care (including the benefits of any insurance system established by SSA).
- 2.Beginning after December 31, 1988, wages are not subject to Social Security tax when paid to an employee who is a member of such religious group, by an employer also a member of such religious group, if both have approved applications for exemptions.
- 3.The person has never received or been entitled to any benefits payable under Title II (Federal Old-Age, Survivors, and Disability Insurance) or Title XVIII (Health Insurance for the Aged and Disabled) of the Social Security Act.
- 4.The religious group of which the person is a member has been in existence continuously since December 31, 1950.
- 5.The religious group makes reasonable provision for its dependent members and has done so since December 31, 1950.

TO CLAIM THE SOCIAL SECURITY SELF-EMPLOYMENT TAX EXEMPTION, the member of the religious group must file IRS Form 4029 (Application for Exemption From Social Security Taxes and Waiver of Benefits) with IRS. The application for exemption must be filed on or before the due date for the tax return for the first taxable year in which the person has self-employment income or is a member of an approved organization.

Once granted, the exemption remains in effect until the individual or the religious group ceases to meet the requirements stated above. If the exemption and waiver cease to be effective, any future Social Security benefits can be payable only on the basis of the individual's earnings beginning with the first taxable year in which the exemption is not in effect.

Determinations of an exemption from Social Security is made by the IRS, not SSA.

### **RESPONSE 3**

Thank you for your inquiry.

When someone has applied for and been assigned a Social Security number (SSN) based on a validly signed application, the Social Security Administration (SSA) may not cancel or destroy that record. The Privacy Act of 1974 authorizes agencies to maintain in their records any information about an individual that is relevant and necessary to accomplish a purpose of the agency that is required by law. SSA is required by law to establish and maintain records of wages and self-employment income for each individual whose work is covered under the program. The SSN is considered relevant and necessary for that record keeping purpose. Consequently, valid SSNs are permanently part of SSA's records.

Thank you for your inquiry regarding participation in the Social Security Program and the use of your Social Security Number.

Participation in the Social Security program is mandatory with respect to the payment of Social Security taxes. Unless specifically exempt by law, everyone working in the United States is required to pay Social Security taxes on earnings from employment. These earnings are subject to Social Security tax without regard to the citizenship or place of residence of either the employer or the employee.

The authority for the collection of taxes, including Social Security taxes, is found in the Internal Revenue Code, not the Social Security Act. (See sections 3101(a) and 3102(a) of the Code.) We suggest that you direct any questions you may have about tax liability to that Agency for consideration. The address is Internal Revenue Service, 1111 Constitution Avenue NW, Washington, D.C. 20224.

The Social Security number (SSN) was originally devised to keep an accurate record of each individual's earnings, and to subsequently monitor benefits paid under the Social Security program. However, use of the SSN as a general identifier has grown to the point where it is the most commonly used and convenient identifier for all types of record-keeping systems in the United States.

Specific laws require a person to provide his/her SSN for certain purposes.

While we cannot give you a comprehensive list of all situations where an SSN might be required or requested, an SSN is required/requested by:

- Internal Revenue Service for tax returns and federal loans
- Employers for wage and tax reporting purposes
- States for the school lunch program
- Banks for monetary transactions
- Veterans Administration as a hospital admission number
- Department of Labor for workers' compensation
- Department of Education for Student Loans
- States to administer any tax, general public assistance, motor vehicle or drivers license law within its jurisdiction
- States for child support enforcement
- States for commercial driver's licenses
- States for Food Stamps
- States for Medicaid
- States for Unemployment Compensation
- States for Temporary Assistance to Needy Families
- U.S. Treasury for U.S. Savings Bonds

The Privacy Act regulates the use of SSNs by government agencies. When a Federal, State, or local government agency asks an individual to disclose his or her Social Security number, the Privacy Act requires the agency to inform the person of the following: the statutory or other authority for requesting the information; whether disclosure is mandatory or voluntary; what uses will be made of the information; and the consequences, if any, of failure to provide the information.

If a business or other enterprise asks you for your SSN, you can refuse to give it. However, that may mean doing without the purchase or service for which your number was requested. For example, utility companies and other services ask for a Social Security number, but do not need it; they can do a credit check or identify the person in their records by alternative means. Giving your number is voluntary, even when you are asked for the number directly. If requested, you should ask why your number is needed, how your number will be used, what law requires you to give your number and what the consequences are if you refuse. The answers to these questions can help you decide if you want to give your Social Security number. The decision is yours.

For more detailed information, we recommend the publication at  
<http://www.ssa.gov/pubs/10002.html>

#### **RESPONSE 4**

Thank you for your inquiry.

Participation in the Social Security program is mandatory with respect to the payment of Social Security taxes. Unless specifically exempt by law, everyone working in the United States is required to pay Social Security taxes on earnings from employment. These earnings are subject to Social Security tax without regard to the citizenship or place of residence of either the employer or the employee.

The authority for the collection of taxes, including Social Security taxes, is found in the Internal Revenue Code, not the Social Security Act. (See sections 3101(a) and 3102(a) of the Code.) We suggest that you direct any questions you may have about tax liability to the Internal Revenue Service (IRS) by any of the following methods:

- Calling their toll-free telephone number, 1-800-829-1040; or
- Calling or visiting any local IRS office; or
- Writing to the national address of the IRS below:

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1111 Constitution Avenue NW  
Washington, D.C. 20224

Or

- Accessing their web site at the following Internet address:

<http://www.irs.gov>

Specific laws require people to have and use Social Security numbers (SSN's) for various purposes. While we cannot give you a comprehensive list of all the laws that might apply to any given person, we can give you some examples.

The Internal Revenue Code (26 U.S.C. 6109 (a)) and applicable regulations (26 CFR 301.6109-1 (d)) require an individual to get and use an SSN or

individual taxpayer identification number (ITIN) on tax documents and to furnish the number to any other person or institution (such as an employer or a bank) that is required to provide the Internal Revenue Service information about payments to the individual. There are penalties for failure to do so. In addition, people filing tax returns for taxable years after December 31, 1994, generally must include the SSN of each dependent.

The Privacy Act regulates the use of Social Security numbers by government agencies. When a federal, state, or local government agency asks an individual to disclose his or her Social Security number, the Privacy Act requires the agency to inform the person of the following:

- the statutory or other authority for requesting the information;
- whether disclosure is mandatory or voluntary;
- what uses will be made of the information;
- and the consequences, if any, of failure to provide the information.

When someone has applied for and been assigned a Social Security number (SSN) based on a validly signed application, the Social Security Administration (SSA) may not cancel or destroy that record.

The Privacy Act of 1974 authorizes agencies to maintain in their records any information about an individual that is relevant and necessary to accomplish a purpose of the agency that is required by law. SSA is required by law to establish and maintain records of wages and self-employment income for each individual whose work is covered under the program.

The SSN is considered relevant and necessary for that record keeping purpose. Consequently, valid SSN's are permanently part of the records of Social Security.

There is nothing we can add to the information previously given. If you have not already done so, you may want to discuss your situation with a representative in any local Social Security office.

## **RESPONSE 5**

Thank you for your inquiry.

When someone has applied for and been assigned a Social Security number (SSN) based on a validly signed application, the Social Security Administration (SSA) may not cancel or destroy that record. The Privacy Act of 1974 authorizes agencies to maintain in their records any information about an individual that is relevant and necessary to accomplish a purpose of the agency that is required by law. SSA is required by law to establish and maintain records of wages and self-employment income for each individual whose work is covered under the program. The SSN is considered relevant and necessary for that record keeping purpose. Consequently, valid SSNs are permanently part of SSA's records.

The Social Security Act does not require a person to have a Social Security number to live and work in the United States, nor does it require a Social Security number simply for the purpose of having one. However, if someone works without a Social Security number, we cannot properly credit the earnings for the work performed, and the worker may lose any potential entitlement to Social Security benefits.

Other laws require people to have and use Social Security numbers for specific purposes. For example, the Internal Revenue Code (26 U.S.C. 6109 (a)) and applicable regulations (26 CFR 301.6109-1(d)) require a person to get and use a Social Security number on tax documents and to furnish the number to any other person or institution (such as an employer or a bank) that is required to provide the Internal Revenue Service (IRS) information about payments to that person. There are penalties for failure to do so. The IRS also requires employers to report Social Security numbers with employees' earnings. In addition, people filing tax returns for taxable years after December 31, 1994, generally must include the Social Security number of each dependent.

The Privacy Act regulates the use of Social Security numbers by government agencies. They may require a Social Security number only if a law or regulation either orders or authorizes them to do so. Agencies are required to disclose the authorizing law or regulation. If the request has no legal basis, the person may refuse to provide the number and still receive the agency's services. However, the law does not apply to private sector organizations. Such an organization can refuse its services to anyone who does not provide the number on request.

Thank you for your inquiry.

You may write to the Office of the Commissioner at the following address:

Jo Anne B. Barnhart, Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235-0001