



Highlights of [GAO-06-196](#), a report to Chairman, Committee on Finance, U.S. Senate

# SOCIAL SECURITY ADMINISTRATION

## Additional Actions Needed to Prevent Improper Benefit Payments under Social Security Protection Act

### Why GAO Did This Study

Continued high levels of unauthorized immigrant workers in the United States have fostered concerns about whether they should be eligible for Social Security benefits. Until recently, the Social Security Administration (SSA) allowed noncitizens to collect benefits, regardless of their work authorization status, provided that they met certain legal presence requirements. However, in March 2004, Congress passed the Social Security Protection Act, which under Section 211, requires that noncitizens assigned a Social Security number (SSN) after 2003 have work authorization from current or past qualifying work to collect benefits. This report describes (1) the steps SSA has taken to implement Section 211 and how effective SSA's policies and procedures are in preventing improper benefit decisions, and (2) how Section 211 has affected the payment of benefits to unauthorized workers.

### What GAO Recommends

To improve its processing of claims covered by Section 211, GAO recommends that SSA: (1) establish a control to identify claims that may have been erroneously decided, (2) provide staff with enhanced training to assist them in properly deciding such claims, and (3) provide staff with a standardized format for preparing disapproval letters. In commenting on a draft of this report, SSA agreed with GAO's recommendations and has begun taking action to address them. [www.gao.gov/cgi-bin/getrpt?GAO-06-196](http://www.gao.gov/cgi-bin/getrpt?GAO-06-196).

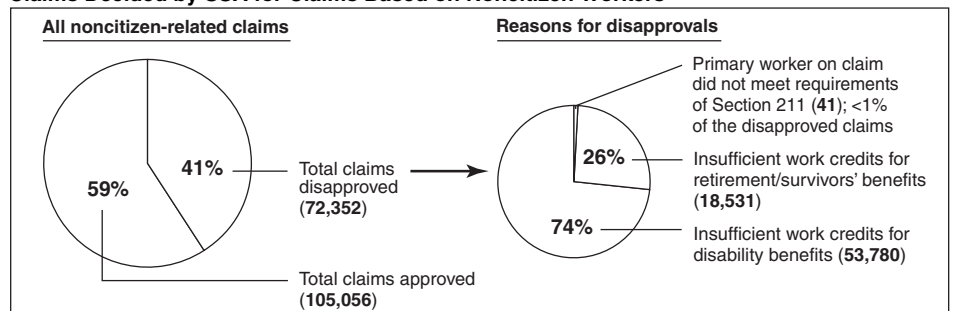
To view the full product, including the scope and methodology, click on the link above. For more information, contact Barbara Bovbjerg at (202) 512-7215 or [bovbjergb@gao.gov](mailto:bovbjergb@gao.gov).

### What GAO Found

SSA has issued guidance and provided training to assist staff in processing benefit claims under Section 211, but the absence of certain internal controls has allowed some errors to go undetected. SSA issued detailed guidance in August 2004 and subsequently provided staff with training on the law, which some SSA field offices supplemented with additional training. Although SSA's policies and procedures were fairly detailed, GAO found several incorrect claims determinations and a lack of internal review for preventing them. With regard to the provisions of Section 211, GAO found that SSA improperly approved 17 of the 19 claims that involved noncitizen workers who had been issued SSNs after 2003 and who lacked required work authorization. GAO also found that 1 of the 41 claims that SSA disapproved was improper. SSA officials stated that the improper determinations were likely due to staff's unfamiliarity with the new requirements. In addition, GAO found that letters sent to claimants informing them of disapproval decisions did not always contain all required information.

Because Section 211 does not apply to noncitizens who were assigned SSNs before 2004, few noncitizens have been affected by the law thus far. As shown below, only 41 (less than 1 percent) of the approximately 72,000 noncitizen-related claims SSA disapproved during 2004 and 2005 were due to Section 211. It is likely that the number of disapprovals based on the law will grow as more unauthorized workers file for benefits in coming years. However, opportunities may exist for certain noncitizens who receive their SSNs after 2003 to collect benefits without current work authorization. For example, noncitizens who are issued SSNs under temporary work visas may be able to engage in work not authorized under their visas and subsequently claim benefits based on that work. Although SSA officials told GAO the likelihood of this occurring was low, the SSA Inspector General reported in 2005 that a significant number of temporary visa holders overstayed their visas.

**Claims Decided by SSA for Claims Based on Noncitizen Workers**



Source: GAO analysis of claims processed by SSA that were potentially subject to Section 211.

Note: Workers earn work credits based on the amount of their earnings while employed in jobs covered by Social Security.