



President

February 3, 2004

Jo Anne B. Barnhart
Commissioner of Social Security
P O Box 17703
Baltimore, Maryland 21235-7703

OFFICE OF THE PRESIDENT
COUNCIL OF GRADUATE SCHOOLS
WASHINGTON, DC

Dear Commissioner Barnhart:

The Council of Graduate Schools of the United States (CGS) appreciates the opportunity to comment on behalf of its member universities on the *Proposed Rule Regarding Evidence Requirements for Assignment of Social Security Numbers to Foreign Academic Students in F-1 Status* published in the Federal Register on December 16, 2003. CGS is the leading national organization dedicated to the improvement and advancement of graduate education. Council members are colleges and universities engaged in research, scholarship, and the preparation of candidates for advanced degrees. Current CGS membership includes over 450 universities in the United States and Canada, and 11 international affiliates. CGS member institutions award annually more than 90 percent of all doctorates and 85 percent of all masters degrees.

The proposed rule would require all international students possessing a F-1 visa, but without an Employment Authorization Document (EAD) issued by United States Citizenship and Immigration Services (USCIS) of the Department of Homeland Security, to present proof of employment in order to apply for and receive a social security number (SSN). CGS respectfully requests that the Social Security Administration seriously reconsider the implementation of this rule. This request is based upon the following considerations:

- 1) Many international graduate students do not seek employment as a means of supporting their program of study. Indeed, a significant number of students in programs such as the Masters of Business Administration (MBA) are self-supported or have support from sponsoring organizations in their home countries. There are also foreign graduate students who are awarded taxable scholarships or stipends but are not required to perform services in return. At the end of the year rules require these students to file a tax return with the IRS. This tax return requires a SSN. Frequently international students find that they must have a SSN in order to obtain a driver's license, for example, or open a bank account, obtain insurance coverage, lease an apartment, or acquire utility services. The Social Security Administration may not be the source of these requirements, but for students seeking to live in America the requirement for a SSN is no less real and

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burdensome because it is enforced by a state government, a bank, a telecommunications company, or a rental service. Lack of a SSN constitutes a serious and undeserved hardship to those students who require such essentials to support the pursuit of their academic degrees.

- 2) The rationale cited by the SSA for the proposed rule comes from the study by its Office of Inspector General "Using the Social Security Numbers to Commit Fraud" (A-08-99-42002, May 1999). In this study it is stated that "some students" use their SSNs to obtain unauthorized employment, yet the students referenced in this letter do not generally apply for SSNs for employment but rather to obtain the necessary services requiring this most commonly required form of legal identification. CGS supports the SSA in its efforts to ensure against all fraudulent uses of SSNs. This particularly includes the SSA's collaboration with the Department of Homeland Security to facilitate the processing of F-1 visas as a part of a system to appropriately document the status of international students. It is difficult to understand how the proposed rule will contribute to this effort.
- 3) The Social Security Act (section 205©(2)(B)(i)(I) does not require actual employment in order to apply for and obtain a SSN. This section simply requires the Commission to assign SSNs "to aliens at the time of their lawful admission to the United States either for permanent residence or under other authority of law permitting them to engage in employment in the United States and to other aliens at such time as their status is so changed as to make it lawful for them to engage in such employment." The SSA then issues SSNs to enable legally admitted foreign students to seek employment, but does not require proof of employment prior to the issuance of the SSN. The proposed rule would be in conflict with this practice.
- 4) International graduate students represent a vital component of our nation's graduate programs. The talent, perspectives, teaching services, and cultural representation that they bring to universities in the United States contributes to the excellence of our higher education system in ways most relevant to assuring our graduates a 21st century international perspective. American corporations fully understand their contributions to the nation's global competitiveness. The proposed rule will certainly discourage the application of these international students to our universities.

CGS, therefore, respectfully requests that the proposed rule not be implemented until some type of alternative identification number acceptable to the IRS and all other

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government agencies be established for the graduate students in the financial categories described above.

CGS will be pleased to offer its assistance to the SSA to identify alternatives to the proposed rule that would not so adversely affect the international students in its member institutions.

Thank you for providing this opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra W. Stewart". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Debra W. Stewart

DWS/caf