



## SOCIAL SECURITY

### MEMORANDUM

Date: February 15, 2011

Refer To:

To: The Commissioner

From: Inspector General

Subject: Impact of Alien Nonpayment Provisions on Field Offices Along the Mexican Border  
(A-08-10-20140)

The attached final report presents the results of our review. Our objective was to assess the impact of the alien nonpayment provisions on Social Security Administration field offices along the Mexican border.

Please provide within 60 days a corrective action plan that addresses each recommendation. If you wish to discuss the final report, please call me or have your staff contact Steven L. Schaeffer, Assistant Inspector General for Audit, at (410) 965-9700.

Patrick P. O'Carroll, Jr.

Attachment

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**OFFICE OF  
THE INSPECTOR GENERAL**

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**SOCIAL SECURITY ADMINISTRATION**

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**IMPACT OF ALIEN NONPAYMENT  
PROVISIONS ON FIELD OFFICES  
ALONG THE MEXICAN BORDER**

February 2011

A-08-10-20140

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**AUDIT REPORT**

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## **Mission**

**By conducting independent and objective audits, evaluations and investigations, we inspire public confidence in the integrity and security of SSA's programs and operations and protect them against fraud, waste and abuse. We provide timely, useful and reliable information and advice to Administration officials, Congress and the public.**

## **Authority**

**The Inspector General Act created independent audit and investigative units, called the Office of Inspector General (OIG). The mission of the OIG, as spelled out in the Act, is to:**

- Conduct and supervise independent and objective audits and investigations relating to agency programs and operations.**
- Promote economy, effectiveness, and efficiency within the agency.**
- Prevent and detect fraud, waste, and abuse in agency programs and operations.**
- Review and make recommendations regarding existing and proposed legislation and regulations relating to agency programs and operations.**
- Keep the agency head and the Congress fully and currently informed of problems in agency programs and operations.**

**To ensure objectivity, the IG Act empowers the IG with:**

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- Access to all information necessary for the reviews.**
- Authority to publish findings and recommendations based on the reviews.**

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# SOCIAL SECURITY

## MEMORANDUM

Date: February 15, 2011

Refer To:

To: The Commissioner

From: Inspector General

Subject: Impact of Alien Nonpayment Provisions on Field Offices Along the Mexican Border (A-08-10-20140)

## OBJECTIVE

Our objective was to assess the impact of the alien nonpayment provisions (ANP) on Social Security Administration (SSA) field offices along the Mexican border.

## BACKGROUND

Section 202(t) of the *Social Security Act* (42 U.S.C. § 402[t]), states that noncitizens will not be paid Old-Age, Survivors and Disability Insurance benefits when they have been outside the United States more than 6 months. This provision attempts to avoid paying benefits to ANP beneficiaries<sup>1</sup> residing in another country who have little or no connection to the United States and were not dependent on the numberholder for their livelihoods while he or she was working.<sup>2</sup> However, there are several exceptions to this rule, and, in practice, citizens of many countries are able to meet one or more of those exceptions.<sup>3</sup> For example, the ANP does not apply if nonpayment would be contrary to a U.S. treaty obligation or to individuals who are residents of a country with which the United States has an international Social Security agreement (such as beneficiaries residing in Canada with which the United States has a totalization agreement).<sup>4</sup> A

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<sup>1</sup> For purposes of this report, we use the term “ANP beneficiaries” to refer to dependents and survivors who are subject to the ANP under Title II of the *Social Security Act*.

<sup>2</sup> ANP is effective for individuals who initially become eligible for benefits after December 31, 1984.

<sup>3</sup> 20 C.F.R. § 404.460, Nonpayment of Monthly Benefits of Aliens Outside the United States.

<sup>4</sup> International Social Security agreements, often called “totalization agreements,” have two main purposes. First, they eliminate dual Social Security taxation, the situation that occurs when a worker from one country works in another country and is required to pay Social Security taxes to both countries on the same earnings. Second, the agreements help fill gaps in benefit protection between the United States and another country. U.S. International Social Security Agreements, [http://www.ssa.gov/international/agreements\\_overview.html](http://www.ssa.gov/international/agreements_overview.html) (last visited October 25, 2010).

beneficiary who does not meet an exception to the ANP becomes subject to nonpayment after being outside the United States for 6 full calendar months. However, if the beneficiary establishes presence in the United States before 30 consecutive days elapse, the 6-month period will never begin, and payment can continue indefinitely.

An ANP beneficiary has several options to establish physical presence in the United States: (1) stay 1 full calendar month inside the United States after a 6-month period of absence, (2) spend 30 consecutive days in the United States before the 6 months elapse, or (3) enter the United States for any part of 1 day before 30 days elapse.<sup>5</sup> For purposes of this report, we focused on ANP beneficiaries who visit the United States once in the 30-day period to establish presence. Although ANP beneficiaries worldwide can routinely visit the United States to establish presence, residents of Mexico are best suited geographically to take advantage of this provision. As such, some field offices along the Mexican border experience high traffic volume from ANP beneficiaries.

Although the *Social Security Act* only requires that ANP beneficiaries periodically return to the United States (touch U.S. soil), they generally visit a field office to establish presence in the United States.<sup>6</sup> The process for establishing presence takes about 5 minutes, excluding the beneficiary's waiting time at the field office. Generally, once per month (before the 30 consecutive days elapse), ANP beneficiaries visit an SSA field office and present an acceptable identification document (photograph identification, such as voter card, passport, or visa). Field office personnel document their visit and schedule the date of the next visit.

To accomplish our objective, we reviewed SSA policies and procedures regarding ANP and interviewed representatives from SSA's Offices of International Programs and the Chief Information Officer. We visited four field offices along the Mexican border in California and Texas that were among the top offices in terms of ANP beneficiaries. Appendix B includes a detailed description of our scope and methodology.

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<sup>5</sup> SSA, Program Operations Manual System, RS 02610.020.

<sup>6</sup> Although ANP beneficiaries are not required to visit a field office to establish U.S. presence, many do so to document their visit and ensure their benefits are not interrupted.

## RESULTS OF REVIEW

While we recognize current law requires that ANP beneficiaries routinely visit the United States to maintain their benefits, we believe this practice has a significant impact on some field offices along the Mexican border. For example, we found that over 1,000 ANP beneficiaries visit some field offices monthly to establish presence in the United States. Providing services to such a large volume of beneficiaries increases workload; adds to wait times; and, during high traffic days, results in some office space issues. Furthermore, field office personnel at each office we visited told us the number of ANP beneficiaries is increasing. For these reasons, some field office personnel we interviewed questioned the need for ANP beneficiaries to routinely visit field offices.

Requiring routine visits to the United States also places a burden on ANP beneficiaries. For example, we learned that some beneficiaries travel great distances and incur significant personal costs to establish presence in the United States. In addition, if beneficiaries miss a visit before the 30 days elapse, regardless of the circumstances, they must stay in the United States for 30 consecutive days, which would begin a new 6-month period, to continue their benefits. This can cause a significant hardship on some ANP beneficiaries because they must find a place to live and pay their own expenses for 30 consecutive days.

We believe SSA can reduce field office workload and improve customer service by considering alternatives to ANP beneficiaries routinely visiting field offices to establish presence in the United States. For example, SSA could explore the use of biometric technology to verify the identity of these beneficiaries. SSA could place such technology in strategic locations at or near the border. In fact, SSA recently formed an Identity at the Border Workgroup to study how SSA could use biometric readers that scan digital fingerprints to verify identity. Alternatively, SSA could work with the Department of Homeland Security (DHS) to verify the identity of ANP beneficiaries at border crossings. Although DHS provides such services at two of the ports of entry we visited, field office personnel described the arrangements as informal local agreements and acknowledged they do not monitor the process. If SSA is unable to work with DHS to verify the identity of ANP beneficiaries, SSA could also consider placing field office personnel at the border to do so.

While we recognize that each alternative would still require that ANP beneficiaries routinely travel to the United States, we believe such alternatives would reduce field office traffic and enhance customer service, while maintaining program integrity. Because the subject of this report involves possible policy changes for DHS, we plan to share a copy of this report with DHS' Inspector General.

## IMPACT ON SSA FIELD OFFICES

Although law requires that ANP beneficiaries routinely visit the United States to maintain their benefits, we believe this practice has a substantial impact on some field offices along the Mexican border. For example, as shown in Table 1, 3 of the 4 field offices we visited provided services to about 1,000 ANP beneficiaries monthly. The remaining field office (Laredo) averaged 417 ANP beneficiaries per month. However, DHS routinely verified the identities of an additional 344 (on average) beneficiaries at the border on behalf of this field office. As such, without DHS assistance, this field office would provide services to about 761 beneficiaries monthly, which would increase the percentage of monthly ANP beneficiaries to 12 percent of the office's total visitors.

Table 1: Monthly ANP Beneficiaries at Selected Field Offices Along the Mexican Border

Field Office	Average Number of Monthly Visitors (All Categories)	Average Number of Monthly ANP Beneficiaries	Percent of Monthly ANP Beneficiaries
El Centro, California	6,721	1,116	17
El Paso, Texas (Downtown)	7,762	1,065 <sup>7</sup>	14
Chula Vista, California	7,453	989	13
Laredo, Texas	6,272	417	7

Personnel at each field office we visited told us the number of ANP beneficiaries is increasing.<sup>8</sup> Staff attributed the increase to 1) ANP beneficiaries telling other individuals about Title II benefits; 2) Mexican consulate officials informing auxiliary beneficiaries about the availability of such benefits; and 3) survivor claims increasing due to recent violence in Mexico.

Field office personnel with whom we spoke acknowledged that ANP beneficiaries have a substantial impact on field office operations. Staff told us that providing services to such beneficiaries increases field office workloads and wait times. For example, personnel at 1 field office stated their daily customer-to-interviewer ratio averaged 28 to 1 (in their highest month it averaged 35 to 1) compared to the national average of 17 to 1. In addition, during high traffic days, some field offices experience space issues because there are more visitors than office space. As a result, some beneficiaries must wait in lines before entering the building.

<sup>7</sup> DHS verifies the identity of an additional 100 (on average) ANP beneficiaries at the border each month. Without DHS assistance, this field office would provide services to 1,165 ANP beneficiaries, which would increase the percentage to 15 percent.

<sup>8</sup> Field office personnel could not readily provide the extent of the increase.

## **IMPACT ON ALIEN NONPAYMENT BENEFICIARIES**

Requiring routine visits to the United States also places a significant burden on ANP beneficiaries. For example, we learned that some beneficiaries travel great distances and incur significant personal costs to establish presence in the United States. Field office personnel with whom we spoke told us that although many ANP beneficiaries live near the border, others travel hundreds of miles to reach the border. Staff stated that once beneficiaries reach the border, it could take them an additional 1 to 2 hours to clear customs and cross the border. Because SSA field offices are generally not located at the border crossing, ANP beneficiaries must then drive, take public transportation, or walk to the nearest field office.

Field office personnel expressed particular concern for elderly and disabled ANP beneficiaries. For example, personnel at one field office told us some elderly beneficiaries routinely travel on buses for hours and then walk blocks (some with canes and walkers) in extreme heat to reach the field office. Personnel also stated they routinely verify between 20 and 30 disabled beneficiaries in the field office parking lot each month because their medical condition prevents them from entering the building.

Because some ANP beneficiaries are elderly or disabled and others become ill, they could miss their once-every-30-days field office visit. However, if a beneficiary misses his/her visit, regardless of the circumstances, they must stay 30 consecutive days to start a new 6-month period to continue their benefits.<sup>9</sup> This can cause a significant hardship for some beneficiaries because they must find a place to live and pay their own expenses for that time. In fact, to prevent such a situation, field office staff told us one beneficiary was released prematurely from the hospital so she would not miss her once-every-30-days field office visit. In addition, field office personnel told us that children often have to miss school so they can meet their U.S. presence requirement.

## **OPPORTUNITIES FOR SSA TO REDUCE FIELD OFFICE WORKLOAD AND IMPROVE CUSTOMER SERVICE**

We believe SSA has an opportunity to reduce field office workload and improve customer service by considering alternatives to ANP beneficiaries' visiting field offices to establish presence in the United States. We recognize potential alternatives could require changes to existing SSA and DHS policies and procedures. However, we believe such changes should not detract SSA from exploring alternatives that would reduce field office workload and improve customer service.

One alternative could include SSA's use of biometric technology to support the ANP verification process. In fact, the Commissioner recently asked the Chief Information Officer to form an Identity at the Border Workgroup to study how SSA could use biometric readers (see Figure 1) that scan digital fingerprints to verify ANP beneficiaries' routine visits to the United States. According to officials in the Office of Innovation, SSA

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<sup>9</sup> SSA allows ANP beneficiaries 5 months to meet the full calendar month requirement before the Agency stops benefit payments.

(through DHS) would fingerprint all ANP beneficiaries to establish their identity. Once fingerprinted, beneficiaries could visit a biometric reader instead of visiting a field office to establish presence in the United States.

SSA plans to work with the US-VISIT<sup>10</sup> program to evaluate how and where the Agency can install biometric readers to be most effective. We believe SSA could place such readers in strategic locations at or near the border. While we recognize that ANP beneficiaries would still have to travel routinely to the United States, we believe using biometric technology would reduce field office traffic and enhance customer service while maintaining program integrity.

**Figure1: Example of Biometric Reader**



Another alternative could include that SSA work with DHS to verify the identity of ANP beneficiaries at the border. In fact, SSA has informal local arrangements with DHS to verify the identities of these beneficiaries at two of the four field offices we visited. When ANP beneficiaries visit the border each month,<sup>11</sup> they provide DHS staff their names and Social Security numbers and an acceptable identity document (photograph identification, such as voter card, passport, or visa). After verifying the beneficiary's identity, DHS stamps a verification form and sends it to the local field office. Field office personnel stated that because DHS has to establish identity for all individuals, it only takes border personnel a few more seconds to stamp another document.

DHS personnel at one port of entry we visited told us they neither consider verifying the identity of ANP beneficiaries an additional burden nor believe it results in significant lost work hours. However, DHS personnel at another port of entry only verify about 100 ANP beneficiaries each month because of workload issues. Although DHS officials

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<sup>10</sup> US-VISIT supports DHS' mission by providing biometric identification services to Federal, State, and local government decision-makers to help them accurately identify the people they encounter and determine whether those people pose a risk to the United States. US-VISIT's most visible service is the collection of biometrics (digital fingerprints and a photograph) from international travelers at U.S. visa issuing posts and ports of entry. US-Visit, <http://www.dhs.gov/files/programs/usv.shtm> (last visited October 25, 2010).

<sup>11</sup> Because the port of entry never closes, ANP beneficiaries can establish presence in the United States any time, including holidays and weekends.

with whom we spoke did not have any concerns with the verification arrangement at this port of entry, field office personnel told us the new local Director of Bridges recently ended the arrangement. However, contrary to this statement, we determined that DHS personnel were still verifying the identities of ANP beneficiaries at one bridge.

Field office personnel told us that allowing DHS to verify the identities of ANP beneficiaries at the border reduces field office traffic and allows staff to provide services to other individuals more timely. Staff also stated that such assistance improves customer service, because it enables beneficiaries to establish U.S. presence at their convenience and prevents additional transportation costs. Field office personnel also acknowledged that allowing ANP beneficiaries to visit the border (touch U.S. soil) satisfies the U.S. presence requirement. In addition, staff told us they depend on DHS to provide accurate information and do not monitor DHS verification procedures. In fact, personnel at one field office told us they believe DHS personnel are better trained to identify fraudulent documents and establish identity. Nevertheless, because SSA does not monitor such activity, it has no assurance that DHS personnel are complying with SSA policies and procedures.

To ensure consistency, we believe SSA should consider developing model language for field offices to use when establishing agreements with DHS. Once implemented, field office personnel should monitor the identity verification process to ensure DHS personnel are complying with SSA policies and procedures. We recognize that DHS might charge SSA to provide verification services at some (or all) ports of entry. As such, SSA should determine on a case-by-case basis whether paying DHS is cost-effective. However, if SSA is unable to work with DHS, we believe the Agency should consider placing field office personnel at the border. Depending on the traffic volume at each port of entry, SSA could choose to place staff at the border during specific days and times.

## **CONCLUSION AND RECOMMENDATIONS**

Although we recognize current law requires that ANP beneficiaries routinely establish presence in the United States, we question whether visiting a field office is necessary. This practice not only increases workload at some field offices along the Mexican border, but it also places a hardship on many beneficiaries. Unless SSA implements alternative ways for ANP beneficiaries to establish U.S. presence, field offices and beneficiaries will continue to be impacted. Given the expected increase in the number of ANP beneficiaries, we believe SSA would benefit by implementing alternatives to address this issue.

Accordingly, we recommend that SSA:

1. Continue to explore ways the Agency can use biometric technology to verify ANP beneficiaries' routine visits to the United States.
2. Continue to work with DHS to verify the identities of ANP beneficiaries at the border. To ensure consistency, we believe SSA should consider developing model language for field offices to use when establishing agreements with DHS. Once implemented, field office personnel should monitor the identity verification process to ensure that DHS personnel are complying with SSA policies and procedures.
3. Consider placing field office personnel at the border to verify the identities of ANP beneficiaries if the Agency is unable to establish agreements with DHS.

## AGENCY COMMENTS AND OIG RESPONSE

We believe SSA's response and planned actions adequately address Recommendations 1 and 2. Although SSA disagreed with Recommendation 3, we believe the Agency considered our recommendation, but stated it did not want to place SSA employees in situations that could compromise their safety. We acknowledge SSA's concern and believe its planned actions for Recommendations 1 and 2—and its consideration of Recommendation 3—adequately address the issues raised in this report. The full text of SSA's comments is included in Appendix C.

## OTHER MATTERS

During our discussions with field office personnel, they told us that SSA Headquarters sends an annual *Foreign Enforcement Questionnaire* (Form SSA-7162) in English to ANP beneficiaries. Because many of these beneficiaries cannot read English, they must visit a field office for translation services, which adds additional work for staff. Field office personnel suggested that SSA write such questionnaires in Spanish, thus reducing the need for some ANP beneficiaries to visit a field office.



Patrick P. O'Carroll, Jr.

# *Appendices*

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APPENDIX A – Acronyms

APPENDIX B – Scope and Methodology

APPENDIX C – Agency Comments

APPENDIX D – OIG Contacts and Staff Acknowledgments

## Acronyms

ANP	Alien Nonpayment Provision
C.F.R.	Code of Federal Regulations
DHS	Department of Homeland Security
OIG	Office of the Inspector General
SSA	Social Security Administration
U.S.C.	United States Code

# Scope and Methodology

To accomplish our objective, we:

- Reviewed applicable Federal laws, regulations, and Social Security Administration (SSA) policies and procedures regarding the alien nonpayment provisions (ANP).
- Interviewed representatives from SSA's Offices of International Programs and the Chief Information Officer.
- Contacted representatives from SSA's regional offices in Dallas, Texas, and San Francisco, California, to obtain a list of field offices along the Mexican border.
- Visited four SSA field offices in California and Texas. We visited these offices because they were among the top offices in terms of ANP beneficiaries and because of their location along the Mexican border. At each office, we interviewed management and staff about their policies and procedures and experiences working with ANP beneficiaries.
- Obtained statistics on the number of monthly visitors (all categories) and ANP beneficiaries at selected field offices from January to April 2010.

Our review of internal controls was limited to gaining an understanding of SSA's policies and procedures regarding the ANP. The data were sufficiently reliable to meet our audit objectives. The SSA entity reviewed was the Office of International Policy. We conducted our work from March through September 2010 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

## Agency Comments



MEMORANDUM

Date: January 14, 2011

Refer To: S1J-3

To: Patrick P. O'Carroll, Jr.  
Inspector General

From: Dean S. Landis /s/  
Deputy Chief of Staff

Subject: Office of the Inspector General (OIG) Draft Report, "Impact of Alien Nonpayment Provisions on Field Offices Along the Mexican Border" (A-08-10-20140)--INFORMATION

Thank you for the opportunity to review the draft report. Attached is our response.

Please let me know if we can be of further assistance. You may direct staff inquiries to Rebecca Tothero, Acting Director, Audit Management and Liaison Staff, at (410) 966-6975.

Attachment

**COMMENTS ON THE OFFICE OF THE INSPECTOR GENERAL (OIG) DRAFT REPORT, “IMPACT OF ALIEN NONPAYMENT PROVISIONS ON FIELD OFFICES ALONG THE MEXICAN BORDER” (A-08-10-20140)**

Thank you for the opportunity to review the subject report. We offer the following responses to your recommendations and the suggestion you provide under “Other Matter.”

**Recommendation 1**

Continue to explore ways the Agency may use biometric technology to verify alien nonpayment (ANP) beneficiaries’ routine visits to the United States.

**Comment**

We agree. We have designated our Chief Information Officer (CIO) to lead a Biometric Identity Proofing (BIP) Workgroup that will collaborate with the Department of Homeland Security (DHS) to explore biometric technology options. We will work with US-VISIT, a DHS organization that provides biometric identification services, to develop pilot projects that help us identify the best approaches for servicing ANP beneficiaries.

**Recommendation 2**

Continue to work with DHS to verify the identities of ANP beneficiaries at the border. To ensure consistency, we believe the Social Security Administration (SSA) should consider developing model language for field offices to use when establishing agreements with DHS. Once implemented, field office personnel should monitor the identity verification process to ensure that DHS personnel are complying with SSA policies and procedures.

**Comment**

We agree that our BIP Workgroup should continue to work with DHS. Where we have partnerships with DHS, we will develop formal interagency agreements that document both agencies’ roles and responsibilities, including any funding requirements. We will also establish a process to monitor DHS compliance with the provisions of the interagency agreements.

**Recommendation 3**

Consider placing field office personnel at the border to verify the identities of ANP beneficiaries if the Agency is unable to establish agreements with DHS.

**Comment**

We disagree. Border security is one of DHS’ primary missions. DHS has the resources to carry out that responsibility and it provides specialized training to its employees for that purpose. We do not. Since dangerous incidents often occur along our border with Mexico, we cannot place our employees in situations that may compromise their safety.

### **Other Matter**

Consider providing the annual Foreign Enforcement Questionnaire (SSA Form 7162) to ANP beneficiaries in Spanish, thus reducing the need for some ANP beneficiaries having to visit a field office for translation services.

### **Comment**

We acknowledge that we only send the Foreign Enforcement Questionnaires (SSA Forms 7161 and 7162) in English. However, we also send along with the forms detailed instructions for completing them in 10 different languages, one of them being Spanish. We base the language of the instructions on the country or region where we send the forms for completion.

## OIG Contacts and Staff Acknowledgments

### *OIG Contacts*

Kimberly Byrd, Director

Jeff Pounds, Audit Manager

### *Acknowledgments*

In addition to those named above:

Kozette Todd, Senior Auditor

For additional copies of this report, please visit our Website at [www.socialsecurity.gov/oig](http://www.socialsecurity.gov/oig) or contact the Office of the Inspector General's Public Affairs Staff Assistant at (410) 965-4518. Refer to Common Identification Number A-08-10-20140.

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OA conducts financial and performance audits of the Social Security Administration's (SSA) programs and operations and makes recommendations to ensure program objectives are achieved effectively and efficiently. Financial audits assess whether SSA's financial statements fairly present SSA's financial position, results of operations, and cash flow. Performance audits review the economy, efficiency, and effectiveness of SSA's programs and operations. OA also conducts short-term management reviews and program evaluations on issues of concern to SSA, Congress, and the general public.

### **Office of Investigations**

OI conducts investigations related to fraud, waste, abuse, and mismanagement in SSA programs and operations. This includes wrongdoing by applicants, beneficiaries, contractors, third parties, or SSA employees performing their official duties. This office serves as liaison to the Department of Justice on all matters relating to the investigation of SSA programs and personnel. OI also conducts joint investigations with other Federal, State, and local law enforcement agencies.

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OCIG provides independent legal advice and counsel to the IG on various matters, including statutes, regulations, legislation, and policy directives. OCIG also advises the IG on investigative procedures and techniques, as well as on legal implications and conclusions to be drawn from audit and investigative material. Also, OCIG administers the Civil Monetary Penalty program.

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