

United States Senate

WASHINGTON, DC 20510

August 6, 2025

The Honorable Frank Bisignano
Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235

Dear Commissioner Bisignano:

We write concerning reports that the Social Security Administration (SSA) is continuing its efforts to deprive immigrants of the ability to live and work in the United States. Rather than falsely declaring certain immigrants as “deceased” by transferring their information to the agency’s Death Master File, recent news articles report that SSA is instead falsely applying fraud Special Indicator codes to these same immigrants’ Social Security Numbers (SSNs) as part of its ongoing effort to pressure them into “self-deport[ing].”¹ However, SSNs allow an individual to establish identity, not immigration status, and SSA has no authority to flag SSNs as fraudulent based on immigration status. This effort is not only unlawful, but imposes irreparable harm on these individuals and undermines the trust and accuracy of the Social Security programs—and takes away the earned benefits of a small population without due process.

It is our understanding that SSA is fraudulently using this “unverified” Special Indicator code in several data-matching agreements. SSA maintains such agreements with federal and state agencies and the private sector to allow them to verify whether an individual’s SSN, name, and date of birth match Social Security’s records. The accuracy and reliability of SSA’s data are essential to properly administer these programs and services. These special codes are intended to allow such entities to identify SSNs that were possibly fraudulently obtained, erroneous, or mistakenly associated with someone else. These fraud flags have been historically placed following an investigation by the SSA Office of Inspector General. However, it is our understanding that this Administration has started to apply these flags to lawfully obtained SSNs based solely on the noncitizen’s supposed immigration status, without any finding of fraud or opportunity for the impacted individual to correct errors.²

SSA has no authority or expertise to engage in immigration enforcement, and an SSN is not evidence of lawful status. Though undocumented immigrants typically do not have a valid SSN, immigrants with a temporary legal basis to be in the United States are sometimes eligible to obtain one.³ An SSN can indicate the individual’s work authorization, based on information provided by the Department of Homeland Security. If an immigrant with a valid SSN loses work authorization and then is later able to obtain a new status or authorization, they typically

¹ Alexandra Berzon et al., *Social Security Backs Off Listing Living Immigrants as Dead*, New York Times, Jul. 1, 2025, <https://www.nytimes.com/2025/07/01/us/politics/social-security-immigrants-dead.html>.

² New York Times, *supra* Note 1.

³ See *Noncitizen Eligibility for Employment Authorization and Work-Authorized Social Security Numbers (SSNs)*, Congressional Research Service, Mar. 22, 2023, <https://www.congress.gov/crs-product/R47483>.

maintain the SSN and sometimes use their tax contributions as evidence of their contributions in applying for citizenship or permanent status. In other words, an SSN is used to establish identity—not immigration status.⁴

Falsely flagging *lawfully obtained* SSNs as “fraudulent” essentially robs these individuals of their identity—achieving a similar result to placing these noncitizens on the agency’s Death Master File. Once an SSN is flagged as fraudulent, individuals may not be able to access benefits and banking and mortgage services for which they are otherwise eligible. With this new practice, SSA continues a reckless pattern of undermining the trust in and accuracy of its programs by deliberately supplying false information about legitimate SSN matches to the public. Individuals whose information is flagged as “unverified” may be required to provide additional documentation to the relevant agency to verify their identity, or they may be ineligible to receive such benefit or service altogether. As a result, an individual may be unable to get a job, open a bank account, or obtain health care or other benefits and services requiring an SSN.

To our knowledge, SSA has not provided any notice or established an administrative appeals process for individuals’ whose SSN information has been flagged as “unverified.” Further, any impacted individual or agency checking the SSN against SSA’s records may not even be aware of the Special Indicator code, as SSA generally does not notify either party of the flag. Additionally, without knowing the cause of this flag, an individual will not know how to appeal the determination. As we wrote to your predecessor in April, one of our Constitution’s bedrock principles is prohibiting the government from depriving any individual—U.S. citizen and noncitizen alike—of their life, liberty, or property without due process.⁵ In other circumstances where SSA makes an adverse determination, including terminating benefits, SSA generally affords all individuals proper notice and due process.⁶ By falsely characterizing immigrants’ SSNs as fraudulent without notice or opportunities for recourse, we are concerned that the agency is violating these individuals’ rights.

This initiative to place internal, non-public flags deprives these individuals of proper notice. Individuals are notified that a fraud flag had been placed on their SSN. When a federal or state agency or financial institution checks an SSN against SSA’s records, they do not know if SSA placed a fraud flag on the SSN; SSA only shares that the submitted information does not match SSA’s records. The only way for an individual to determine whether a fraud flag was placed on his or her SSN would require the individual to contact SSA. However, without any affirmative indication that their SSN was flagged, they would have no way of knowing to contact SSA to remedy the issue. This places individuals in a perpetual loop of knowing a problem exists but not knowing what the problem is or how to fix it.

If an individual were somehow able to break this loop, they would have to come to one of SSA’s field offices, which are already facing record staffing lows and long wait times. These actions overburden SSA’s front-line employees by adding non-mission-related duties at a time when it already takes two hours for about half the calls to the National 1-800 Number to receive an

⁴ Jack A. Smalligan and Tara Watson, *Immigrants and the Social Security death master file*, Brookings Institute, Apr. 15, 2025, <https://www.brookings.edu/articles/immigrants-and-the-social-security-death-master-file/>.

⁵ U.S. Const. Amend. V

⁶ Social Security Administration, *GN 03101.001 Summary of Administrative Review Process*, last revised Jul. 25, 2014, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0203101001>.

answer, appointments are scheduled seven weeks out, and field offices are swamped with more customers than they can serve daily. Several news outlets⁷ have highlighted how the increased foot traffic caused by SSA's new initiatives over the past six months have resulted in massive customer service failures, wreaking havoc on the emotional and financial well-being of thousands of vulnerable elderly and disabled American citizens and their dependents in communities across the country.

As we noted in our previous correspondence to your predecessor, knowingly transferring the SSNs of living number-holders on the Death Master File may violate federal law prohibiting the falsification of government documents—potentially exposing SSA and its employees effectuating the initiative to liability for deliberate falsification of government records.⁸ We are similarly concerned that placing an “unverified” Special Indicator code on lawfully obtained SSNs without sufficient evidence to misrepresent that individuals have engaged in fraud may constitute falsification of government records.

We are alarmed by SSA's actions in deliberately falsifying information regarding valid agency-issued SSNs in contravention of the Constitution and multiple federal laws. We are deeply concerned about how these and other SSA initiatives have continually diminished customer service at the agency to vulnerable elderly and disabled Americans by overwhelming field offices across the country. We urge you to immediately cease this practice and remove the “unverified” Special Indicator fraud code from these individuals whose SSN, name, and date of birth match their agency-issued SSN. Additionally, we request a written response to the following questions by August 27, 2025:

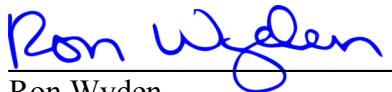
1. Of the reported 6,300 non-citizens who were initially transferred to the Death Master File, how many have been “resurrected” or removed from the Death Master File?
 - a. How many were “resurrected” due to the individual contacting SSA?
 - b. How many were resurrected at SSA's own action?
 - c. What recourse or assistance is SSA providing to these individuals who were inappropriately placed on the Death Master File?
2. Since January 20, 2025, how many SSNs have been flagged with an “unverified” or another Special Indicator code due to the number-holder's supposed legal status?
 - a. What specific Special Indicator code(s) is SSA applying to these individuals?
 - b. Which SSA officials are responsible for determining which SSN information will be flagged with this Special Indicator code? Are these positions currently held by career executives or political appointees?

⁷ Meryl Kornfield and Hannah Natanson, *Social Security stops reporting call times and other metrics*, Washington Post, Jun. 20, 2025, <https://www.washingtonpost.com/politics/2025/06/20/social-security-wait-times-cuts/>; Nick Mordowanec, *DOGE Cuts to Cause 2 Million Extra Visits to Social Security Offices: Study*, Newsweek, May 28, 2025, <https://www.newsweek.com/doge-social-security-seniors-benefits-elon-2078102>; Hannah Natanson et al., *How DOGE's grand plan to remake Social Security is backfiring*, Washington Post, May 16, 2025, <https://www.washingtonpost.com/politics/2025/05/16/doge-social-security-musk-trump-cuts/>; Sarah D. Wire, *Social Security help wait times get worse: What's going on behind the scenes*, USA Today, Jun. 26, 2025, <https://www.usatoday.com/story/news/2025/06/26/waiting-over-an-hour-for-help-with-social-security-why-its-getting-worse/84371665007/>.

⁸ 18 U.S.C. §1001.

- c. Please provide a list of all SSA systems in which SSA input the “unverified” Special Indicator code. Please also provide a list of all federal and state agencies which currently have access to each affected system.
 - d. What evidence was submitted to substantiate the Special Indicator code? If no evidence was submitted, how did SSA make the determination to apply the Special Indicator code?
 - e. What agencies or organizations outside SSA are involved in determining to which SSNs SSA applies the Special Indicator code or in providing substantiating evidence?
 - f. What notice was provided to the impacted individual? If SSA does not provide a notice, how can these individuals know if SSA applied a Special Indicator fraud flag on their record?
 - g. How can these individuals remove the Special Indicator code from their record?
3. What are the downstream impacts of applying the Special Indicator code to these individuals, both within and outside the federal government?
 4. Please provide the relevant statutory, regulatory, and subregulatory authority to apply these Special Indicator codes.
 5. Please provide the relevant policy, procedures, and guidance related to applying the Special Indicator codes.
 6. Does SSA have procedures allowing individuals whose SSN information has been flagged with the Special Indicator code to appeal such designation?
 - a. If so, please provide policy, procedure, and guidance related to the appeals process.

Sincerely,



Ron Wyden
United States Senator
Ranking Member, Committee
on Finance



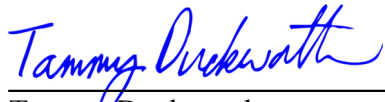
Richard J. Durbin
United States Senator



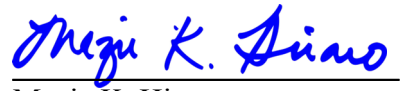
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United States Senator




Bernard Sanders
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Tammy Duckworth
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Mazie K. Hirono
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Chris Van Hollen
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