

An F-1 student may work while the Social Security number application is being processed. Employers may wish to reference SSA's fact sheet, Employer Responsibilities When Hiring Foreign Workers <http://www.ssa.gov/employer/hiring.htm>. This fact sheet contains information on how to report wages for an employee who has not yet received an SSN.

Also, employers are required to abide by Federal and State laws with respect to the payment of wages to employees who have completed the agreed-to amount of work. Please see the U.S. Department of Labor Fair Labor Standards Act website that discusses the basic requirements of the Fair Labor Standards Act (FLSA) <http://www.dol.gov/whd/flsa/index.htm>.

The Social Security Administration strongly recommends that an employer and/or their payroll or HR departments check Federal and State labor laws and their own legal counsel before withholding wages from their employees. There is no provision in the Social Security Act (the Act) that employers must have their employees' SSNs before hiring them. Neither is there any provision in the Act that prohibits an employee from beginning work if he or she has not yet obtained an SSN.