

Civil Rights Coalition Charges That Finalized "No Match" Rule Will Hurt American Workers And Economy

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WASHINGTON – The “no match” rule reissued by the Department of Homeland Security (DHS) today will put the livelihoods of authorized workers – including U.S. citizens – at risk, have a devastating impact on the already suffering U.S. economy and lead to widespread discrimination in the workforce, according to a coalition of civil rights organizations.

The republished rule, which contains no real changes from the previous one issued, still improperly uses the notoriously flawed Social Security Administration (SSA) database and forces employers to fire workers if their names and Social Security numbers cannot be matched.

A federal court blocked the "no match" rule in October 2007, after the American Civil Liberties Union, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and National Immigration Law Center (NILC) filed a lawsuit against DHS. The lawsuit charged that the rule's enforcement would put workers at risk of losing their jobs because the SSA database is rife with errors and would cause discrimination against workers who look or sound "foreign." The court's preliminary order blocking the rule continues to apply to the republished rule.

Previously, "no match" letters were never considered reason to believe that an employee did not have permission to work in the U.S. Indeed, the SSA's own inspector general found that more than 70 percent of the discrepancies in the SSA database that could generate a “no match” letter belong to native-born U.S. citizens. Discrepancies between workers' social security numbers and SSA records can result from many innocent factors including clerical errors, name changes due to marriage or divorce, or the common use of multiple surnames.

Studies have found that the proposed "no match" rule would have significant negative economic costs to employers and work-authorized immigrants. A study commissioned by DHS estimates that 3.9 million lawful workers will be the subject of a “no match” letter. An economic analysis commissioned by the U.S. Chamber of Commerce and authored by Richard B. Belzer, who holds a Ph.D. in public policy from Harvard University, found that more than 165,000 lawful U.S. workers could lose their jobs because of their inability to resolve discrepancies with the SSA. The cost to employers will be at least \$1 billion per year.

The statements below can be attributed to the following participants in the lawsuit:

Lucas Guttentag, Director of the ACLU Immigrants' Rights Project:

“Rather than safeguard jobs in perilous times, the Bush administration has chosen to threaten the livelihoods of millions of American workers by republishing a discredited rule instead of fixing the Social Security database. If the goal is to protect workers, the administration should enforce our overtime, labor and discrimination laws, stop worker exploitation and put teeth into the existing rules against abuse and exploitation. Those are things that would protect all workers and punish businesses that violate the law.”

Marielena Hincapié, Executive Director of NILC:

"The DHS has reissued the same rule with utter disregard for the impact it will have on work-authorized immigrants who will lose their jobs due to the inaccuracies in the SSA database, which still haven't been fixed. The rule will not have an impact on undocumented immigration, which can only be addressed through meaningful immigration reform. American workers and the U.S. economy are struggling; good employers will lose out at a time when our economy can't sustain further job loss. Any efforts to target bad employers that exploit undocumented workers require strong labor law enforcement, not a flawed rule like the one DHS has reissued."

John Sweeney, President of the AFL-CIO:

"No matter how many times the administration repackages this rule, relying on the error-filled Social Security database is a recipe for disaster for both American workers and the economy. The current administration has chosen to ignore these realities and forge ahead with a harmful policy, leaving a disastrous parting gift to our new leadership. Rather than punishing and causing discrimination against workers who will be the innocent victims of a fatally deficient database, the administration should abandon this rule unless it can guarantee that no American workers will lose their jobs."

The finalized rule is available online at: www.aclu.org/immigrants/workplace/37349lgl20081023.html

Belzer's analysis is available at:

www.regulations.gov/fdmspublic/component/main?main=DocumentDetail&d=ICEB-2006-0004-0324.1

The coalition's complaint and other information about the lawsuit and the "no match" rule can be found at: www.aclu.org/nomatch and at: www.nilc.org/immsemplymnt/SSA_Related_info/