

NONUNION WORKERS

Know Your Rights about the Social Security “No-Match” Letter

April 2008

The Social Security Administration (SSA) sends “no-match” letters to workers and certain employers when the workers’ names and Social Security numbers do not match. The Department of Homeland Security (DHS) has re-issued a rule that would use the employer letters as evidence that an employer knows or should have known that its workers are undocumented, unless the employer follows certain steps. Because of a federal lawsuit, the DHS rule is currently not in effect, and SSA is prevented from sending out the no-match letters with information about the rule. The court must still decide whether or not the DHS rule is legal. Many employers are concerned and confused about this rule, so it is important that you know your rights.

■ Your Rights

As of April 2008, SSA has not sent any no-match letters for tax year 2007 to employers, and SSA has stated that it will not send any until the federal lawsuit is settled. If your employer says it has received information from SSA that your name and Social Security number (SSN) do not match,

here is what you should know:

- Your employer should not discipline or fire you only because of a no-match letter. In fact, the no-match letter states very clearly that employers are not supposed to “take adverse action” against you because information about you appears in the no-match letter. An employer that does so may be violating the law.
- When you were hired, you should have filled out an I-9 form and shown your employer proof of your identity and eligibility to work in the U.S. After you have completed that form, you do not have to answer any other questions from your employer about your immigration status except in limited circumstances. If your SSN is listed in a no-match letter, this is not evidence that you are undocumented. If your employer tries to reverify your eligibility to work simply because it received a no-match letter, the employer may be violating the law.
- All noncitizen workers have many of the same rights as U.S. citizens, including the right to remain silent about their immigration status.

Do	DON'T
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Make sure your employer has your complete address so SSA will send any letters to you and not to your employer. <input checked="" type="checkbox"/> Tell your employer that you want a co-worker present in any meetings with management about the letter. <input checked="" type="checkbox"/> Ask the employer for a copy of the original no-match letter. <input checked="" type="checkbox"/> Ask your employer when the company received the no-match letter. If it received the letter some time ago, ask why it is just informing you now. <input checked="" type="checkbox"/> Attend worker meetings on no-match and get workers involved. <input checked="" type="checkbox"/> Contact a community organization if you feel that you have been singled-out because of your citizenship status or national origin, or if you feel your boss is retaliating against you. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Don't panic or be afraid! Being listed in a no-match letter does <u>not</u> mean you're ineligible to be employed in the U.S. <input checked="" type="checkbox"/> Don't talk to anyone about your immigration status. Doing so may carry serious legal consequences for you and your co-workers. <input checked="" type="checkbox"/> Don't quit your job just because your employer tells you that your Social Security number was listed in a no-match letter. <input checked="" type="checkbox"/> Don't notify your employer if you got a no-match letter at home! Just because you got one does not mean that your boss will also get a letter.



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