

# Government Terminates “No Match” Rule Harmful To Legal Workers

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CONTACT:

Adela de la Torre, NILC, (213) 674-2832; [delatorre@nilc.org](mailto:delatorre@nilc.org)

Maria Archuleta, ACLU, (212) 519-7808 or 549-2666; [media@aclu.org](mailto:media@aclu.org)

Devon Whitham, AFL-CIO, (202) 637-5018

WASHINGTON – The Department of Homeland Security (DHS) today formally issued a [final rule](#) rescinding its rule regarding Social Security “no-match” letters. The rule, which was never implemented, would have forced employers to fire workers based on discrepancies in their Social Security records. DHS first announced its plan to rescind the rule in July. As a result of today’s publication of a final rule in the Federal Register, the rescission will go into effect in 30 days.

A civil rights coalition challenging the policy charged that the rule would put the livelihoods of authorized workers — including U.S. citizens — at risk and have a devastating impact on the already suffering U.S. economy. A federal court blocked the no-match rule in October 2007 after the National Immigration Law Center (NILC), the American Civil Liberties Union, and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) filed a lawsuit against DHS charging that enforcement of the rule would put authorized workers at risk of losing their jobs and would cause discrimination against workers who look or sound “foreign.”

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

Marielena Hincapié, executive director of NILC:

“At a time of historically high unemployment rates, the government’s decision to rescind the no-match rule comes not a moment too soon. By utilizing the error-ridden Social Security Administration database for verification of eligibility to work, the rule would have threatened the economic livelihood of millions of Americans. We urge the Obama administration to go one step further in promoting economic security by terminating the no-match letter program. This will send an unequivocal message to employers that they should not take adverse employment action against workers because of a Social Security number mismatch.”

Jennifer Chang Newell, staff attorney with the ACLU Immigrants’ Rights Project:

“We’re very pleased that DHS has abandoned its effort to use the Social Security Administration no-match letters for immigration enforcement, which would have caused tens of thousands of U.S. citizens and other authorized workers to lose their jobs — an unacceptable result, particularly in these tough economic times. We hope the administration will now focus on enforcing the workplace rights of all workers and put an end to worker exploitation and discrimination.”

Richard Trumka, President of the AFL-CIO:

“This is a real victory for workers. The no-match program was a flawed and ineffective immigration enforcement tool that would have hurt U.S. citizens and other authorized workers. Employers have been able to game the immigration system for too long. We need

comprehensive immigration reform that respects workers' rights, protects our borders and holds employers accountable."

Plaintiffs in the lawsuit, *AFL-CIO v. Chertoff*, include the AFL-CIO, the Central Labor Council of Alameda County, the San Francisco Labor Council and the San Francisco Building and Construction Trades Council.

In addition to Newell and Hincapié, lawyers on the case include Scott Kronland, Stephen Berzon, Jonathan Weissglass, Linda Lye and Danielle Leonard of Altshuler Berzon LLP; Jonathan Hiatt and James Coppess of the AFL-CIO; Lucas Guttentag, Harini P. Raghupathi, Caroline P. Cincotta and Omar Jadwat of the ACLU Immigrants' Rights Project; Alan Schlosser and Julia Mass of the ACLU of Northern California; Linton Joaquin and Nora A. Preciado of NILC; and David Rosenfeld and Manjari Chawla of Weinberg, Roger and Rosenfeld.

Legal documents and other information about the lawsuit can be found at <http://www.aclu.org/nomatch>.

Information about Social Security no-match and its problems can be found at <http://www.immigrationpolicy.org/images/File/infocus/InFocusSSANo-Match05-08.pdf> and at [http://www.nilc.org/immsemplymnt/SSA\\_Related\\_Info/index.htm](http://www.nilc.org/immsemplymnt/SSA_Related_Info/index.htm).