

## Know Your Rights about the Social Security Number Verification Service (SSNVS)

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### Basic Facts about SSNVS

The Social Security Number Verification Service (SSNVS) is an online service of the Social Security Administration (SSA) that allows an authorized employer and certain third-party submitters to verify an employee's name and Social Security Number (SSN) against SSA records, but only for the purpose of ensuring that its records of current or former employees are correct for the purpose of completing the Internal Revenue Service (IRS) Wage and Tax Statement (Form W-2).<sup>1</sup> **SSNVS does *not* confirm whether an employee has authorization to work in the US.** It is only an indication as to whether the employer's records match SSA's records. Use of SSNVS for any other purpose (e.g., to determine immigration status or employment authorization) violates the rules governing the employer's access to SSNVS, and may also violate federal labor and civil rights laws.

Because the government databases upon which SSNVS relies contain errors that may affect you and many employers do not follow program rules, it is important that you know what your rights are.

### Your SSNVS Rights

- An employer may not access SSNVS until you have accepted its job offer, or until you have completed the paperwork after you are hired necessary for a payroll record.
- Your employer cannot take any adverse employment-related action against you (for example, pay cut, demotion, suspension, etc.) if SSNVS reports that your name and/or SSN do not match SSA's records, or while you challenge an SSNVS mismatch, regardless of how long it takes the government to resolve the error. SSA states that a mismatch response from SSNVS is not a basis, in and of itself, for taking adverse action against an employee. Doing so could violate anti-discrimination or labor laws.

<sup>1</sup> Social Security Number Verification Service (SSNVS) Handbook, (Social Security Administration Dec. 2008), <http://www.ssa.gov/employer/ssnvsHandbook.pdf>. However, an employee is not required to produce a Social Security account number as a condition of hire. The Internal Revenue Service (IRS) cautions employers that no federal law prohibits either the employment of, or payment of wages to, a person solely because that person lacks a Social Security account number. See "Delays in Issuing SSNs to Aliens by the Social Security Administration," <http://www.irs.gov/businesses/small/international/article/0,,id=129227,00.html>. The IRS further advises that "[i]f the employee has applied for a card but the number is not received in time for filing, enter 'Applied For' in box 'a' on paper Forms W-2 filed with the SSA. (Enter zeros (000-00-0000) if Form W-2 is filed electronically with the SSA.)" 2007 Instructions for Forms W-2 and W-3, Catalogue # 25979S, page 9, available at <http://www.irs.gov/pub/irs-pdf/iw2w3.pdf>.



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- If your employer chooses to use SSNVS, it must use SSNVS for all employees, and may not limit its use of SSNVS to some workers or groups of workers and not others. Doing so could violate anti-discrimination or labor laws.
- You have a right to be notified if SSNVS reports that your employer-reported name and/or SSN do not match SSA's records, and a right to be given a reasonable period of time to contact SSA to correct the problem. Although providing you with a copy of the letter notifying you of a mismatch is optional, you should ask the employer to provide you a copy of the SSNVS notice letter.

### **How to Protect Your Rights**

If you have reason to believe that an employer is using SSNVS in violation of the rules and procedures explained above, you or an advocate should contact one or more of the agencies listed below.

- **Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC).** Contact OSC if you believe you have been discriminated against based on your national origin or citizenship status — for example, if the employer uses SSNVS to prescreen only immigrant workers or workers of certain national origins.
  - Information and Worker Hotline: 1-800-255-7688; or TDD for those with hearing impairment: 1-800-362-2735
- **Equal Employment Opportunity Commission (EEOC).** Contact EEOC if you believe you have been discriminated against based on national origin, race, color, gender, religion, age, disability, or pregnancy. For example, it is unlawful for employers to use SSNVS to verify the employment eligibility of workers of a certain race or ethnicity while not subjecting workers of other races or ethnicities to the process.
  - Contact information for EEOC field offices: [www.eeoc.gov/offices.html](http://www.eeoc.gov/offices.html)
  - If there is no field office in your immediate area, call 800-669-4000; or TDD for those with hearing impairment: 800-669-6820

If you are also a member of a labor union, you should notify your union representative or steward immediately if your employer is not following the SSNVS rules. Any adverse action by your employer will most likely violate the “just cause” and nondiscrimination clauses of your union contract. Your contract may also have specific provisions that protect you from employer misuse of SSNVS. You should also tell your employer that you want a union representative present at any meetings that may lead to you being disciplined or losing your job because of questions about your employment eligibility. You can also contact the agency below.

- **National Labor Relations Board (NLRB).** Contact NLRB if your employer has retaliated against you for organizing or joining a labor union, or for acting collectively with other workers to improve your working conditions. For example, it is unlawful for an employer to use SSNVS to reverify the employment eligibility only of those workers who are either collectively complaining about working conditions or organizing a union.
  - Information Hotline: 1-866-667-NLRB (1-866-667-6572); or TDD for those with hearing impairment: 1-866-315-NLRB (1-866-315-6572)

#### ***FOR MORE INFORMATION, CONTACT***

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