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Government Terminates "No Match" Rule Harmful To Legal Workers

WASHINGTON – The Department of Homeland Security (DHS) today formally issued a final rule rescinding the Social Security “no match” rule. The “no match” 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, and with 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 has a devastating impact on the already suffering U.S. economy. A federal court blocked the "no match" rule in October 2007, after the American Civil Liberties Union, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and National Immigration Law Center (NILC) 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:

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.”

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.”

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.