

## FOR BACKGROUND

# AFL-CIO Legal Challenge To Social Security 'No-Match' Letter Regulation

On Aug. 29, 2007, the AFL-CIO, together with the ACLU and the National Immigration Law Center, filed a legal challenge to the Bush administration's new rule on Social Security "no-match" letters to employers. A "no-match" letter is a notice that the Social Security Administration (SSA) sends to employers to inform them that the employee name or Social Security number listed does not match the SSA records. The rule requires the Social Security Administration to include a letter from the U.S. Department of Homeland Security (DHS) with the "no-match" letter, instructing employers to take certain steps to correct records, including terminating workers. A Temporary Restraining Order was issued restraining the DHS and SSA from taking any action to implement the new rule. On Oct. 1, 2007, a federal judge extended the Temporary Restraining Order for 10 days. The lawsuit was filed in the federal court for the Northern District of California. In addition to the AFL-CIO, the plaintiffs are the Central Labor Council of Alameda County, the San Francisco Building and Construction Trades Council and the San Francisco Labor Council.

The AFL-CIO's challenged the Social Security "No Match" letters because:

- New regulation would threaten the jobs of U.S. citizens and other authorized workers simply because of the government's inaccurate and outdated database;
  - According to the Inspector General of the SSA, **more than 70** percent of the discrepancies in the SSA database relate to native-born U.S. citizens;
- New regulation would result in the firing of workers, since many employers are likely to simply fire every worker listed on the letter—including U.S. citizen and other authorized workers—rather than go through the burdensome requirements of the new rule and without giving the workers a chance to correct their records;
- Many other U.S. citizen workers who cannot correct their records within the time period provided by the new rule will be required to be terminated;
- Social Security "no-match" letters have long been used to defeat worker organizing. Time after time, employers have tried to use the letter as a pretext to fire workers when they try to organize, file a wage claim or otherwise try to exercise their labor rights;
- Unions have often defeated those efforts through the arbitration process and exposed the employers' real purpose—to bust the workers' union—by pointing out that the SSA is not an immigration enforcement agency and that the error rate in the SSA database means there is no rational basis for presuming that workers whose names appear on the no-match lists are undocumented;
- The new rule would make the no-match program an even more powerful tool for employers to keep workers from forming unions;
- The lawsuit was filed in the interest of all workers, native-born and foreign-born.

For more information, contact AFL-CIO Media Outreach at 202-637-5018.

For a copy of the lawsuit visit [www.aclu.org](http://www.aclu.org) or [www.aclunc.org](http://www.aclunc.org).