

UNIONIZED WORKERS

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

UPDATED: October 2009

NOTE: The U.S. Dept. of Homeland Security (DHS) rescinded its no-match rule effective November 6, 2009. The no-match rule, therefore, will not go into effect. It is unclear at this time if the Social Security Administration (SSA) will issue no-match letters in 2010.

The Social Security Administration (SSA) sends “no-match” letters to workers and certain employers when the workers’ names and Social Security numbers (SSNs) do not match. Over the past two years the Department of Homeland Security (DHS) attempted to establish a rule that would use the employer letters as evidence that an employer knows that its workers are undocumented, unless the employer took certain actions. Although, due to a lawsuit, the DHS rule never went into effect and has now been rescinded, SSA is not prevented from sending out no-match letters. Many employers are concerned and confused about this rule, so it is important that you know your rights.

■ Your Rights

If your employer says it has received information from SSA that your name and SSN do not match, here is what you should know:

- Because you are in a labor union, the employer should notify the union immediately that it has received the no-match letter before it threatens you or asks that you correct their paperwork in order to keep your job. Any adverse action by

your employer could 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 no-match letters.

- 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 your union contract and, possibly, 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.
- Never talk to your employer about your work authorization or a no-match letter unless your union representative is present.
- All noncitizen workers have many of the same rights as citizens, including the right to remain silent about their immigration status.

Do	Don't
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Tell your employer that you want your shop steward or union representative present in any meetings with management. <input checked="" type="checkbox"/> Immediately notify your union representative or steward if your employer approaches you about a problem with your SSN. <input checked="" type="checkbox"/> Have your union representative or steward ask the employer for a copy of the original letter. <input checked="" type="checkbox"/> Make sure your employer has your complete address so SSA will send any letters to you and not your employer. <input checked="" type="checkbox"/> Have your union representative or steward ask your employer <u>when</u> the company received the no-match letter. If they received it some time ago, have your union representative or steward ask why they are just distributing it now, and be sure to ask if they are aware that the no-match rule by DHS has been repealed. <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"/> Attend worker meetings on no-match and get workers involved. <input checked="" type="checkbox"/> Notify your union representative and 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 SSN 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.



LOS ANGELES (Headquarters)
 3435 Wilshire Boulevard
 Suite 2850
 Los Angeles, CA 90010
 213 639-3900
 213 639-3911 fax

WASHINGTON, DC
 1444 Eye Street, NW
 Suite 1110
 Washington, DC 20005
 202 216-0261
 202 216-0266 fax