

## FEDERAL JUDGE'S RULING DELAYS IMPLEMENTATION OF SOCIAL SECURITY "NO-MATCH" RULE

On December 6, 2008, the *San Francisco Chronicle* reported further delay in the anticipated implementation of the U.S. Department of Homeland's Security's rule governing steps to be taken by employers following receipt of a Social Security No-Match Letter. The rule, [described fully in prior Immigration Updates®](#), establishes "safe harbor" procedures that employers must follow precisely in order to avoid a finding of constructive knowledge of unauthorized employment based solely on the employer's receipt of the No-Match letter. Implementation of the regulation has been delayed due to ongoing litigation over the legality of the Department's rulemaking authority and process with respect to the No-Match Safe Harbor. According to the *San Francisco Chronicle*, the federal judge hearing the case recently refused to hurry adjudication on the merits in order to resolve the matter before the new Administration takes office.

As litigation concerning the DHS rule remains ongoing, should your company receive a Social Security No-Match Letter, contact your Tindall & Foster or Quan, Burdette, & Perez immigration attorney for information on the appropriate action to take. Your immigration attorney can also assist you in the development and implementation of appropriate company policies for handling situations involving the employment authorization of your workforce. As always, we will provide additional information regarding the DHS No-Match Safe Harbor Rule via future Immigration Updates® and on our website.