

# AILA Statement on DHS “No-Match” Rule

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WASHINGTON, DC - "Stepping into the vacuum created by Congress' inability to enact workable comprehensive immigration reform, the Administration ramped up its enforcement arsenal today, leaving many employers between a rock and hard place," stated Kathleen Campbell Walker, President of The American Immigration Lawyers Association (AILA). "The real solution, recognized by the Administration, is comprehensive immigration reform," Walker continued.

Enforcement of immigration laws is an important component of our immigration system. And enforcement efforts should be smart, not just tough. Enforcement only is not the solution.

The Administration's newest initiative requires employers to resolve discrepancies between their employee records and those of the Social Security Administration or the Department of Homeland Security. Once the employer is put on notice by SSA or DHS of a discrepancy in Social Security number or immigration status information, the employer has 93 days within which to re-verify the information. If the employer is unable to correct the discrepancy within 93 days, the employer has two choices: either terminate the employment and risk lawsuits by employees or continue the employment and risk severe civil and criminal sanctions from DHS. As the Equal Employment Opportunity Commission commented on this proposed rule last year, "The EEOC is concerned...employers have incentives to take actions that violate Title VII and/or [immigration law's] nondiscriminatory provisions."

"Employers often receive 'no match' letters for very legitimate reasons, such as clerical errors, or failure to register a change of name after marriage. Both employers and employees can face bureaucratic delays in trying to document and correct records. It is unrealistic to expect employers to be able to jump through these hoops in the timeframe provided, and unfair for an employee to face potential termination as a result of these delays. Imagine the economic chaos this would cause. It would worsen worker shortages across industries such as agriculture, hospitality, and construction and unleash a flood of misery upon employers and their employees alike," said Walker.

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