

Statement by Homeland Security Secretary Michael Chertoff on the No-Match Regulation Ruling by the U.S. District Court for the Northern District of California

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Office of the Press Secretary
Contact: 202-282-8010

Although the Judge rejected many of the plaintiff's legal challenges to the department's no-match regulation, we are disappointed by the district court's decision today that temporarily continued the injunction against the regulation. We are reviewing the decision with the Justice Department and will examine all of our options, including appeal.

The no-match regulation gives employers clear guidance on what to do if they receive a letter from the Social Security Administration communicating that an employee's name does not match the social security number it has on file. If an employer follows the regulation's guidance in good faith, which entails various steps to rectify the no-match within 90 days of receiving the letter, U.S. Immigration and Customs Enforcement will not use the letter as evidence in an enforcement action against the employer. If the company does nothing to resolve the problem it can be held liable for employing an unauthorized worker and could face stiff penalties or sanctions. Ultimately, employer diligence will make it more difficult for illegal aliens to use a fraudulent social security number to get a job.

President Bush made clear in August that we are going to do as much administratively as we can, within the boundaries of existing law, to further secure our borders and enforce our immigration laws. Today's ruling is yet another reminder of why we need Congress to enact comprehensive immigration reform.

The American people have been loud and clear about their desire to see our nation's immigration laws enforced. We are taking aggressive steps at our borders and in the interior to do just that and the no-match regulation is an important part of our efforts. We will continue to aggressively enforce our immigration laws while reviewing all legal options available to us in response to this ruling.

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