

Feds to re-try Social Security job matching program

Houston Chronicle

March 22, 2008

Associated Press

SAN FRANCISCO — The Homeland Security Department is appealing a judge's ruling against its proposal to force employers to fire workers whose names don't match their Social Security numbers, and promises to try to make the policy a law.

A federal judge in San Francisco blocked the "no-match rule" in October, saying it would likely impose hardships on businesses and their workers. Employers would incur new costs to comply with the regulation that the government hasn't evaluated, and innocent workers unable to correct mistakes in their records in time would lose their jobs, U.S. District Judge Charles Breyer wrote.

In a document issued late Friday, the department addressed several of the judge's concerns, saying among other things that the rule doesn't create new legal obligations for businesses.

"It simply outlines clear steps an employer may take in response to receiving a letter from the Social Security Administration indicating that an employee's name does not match the Social Security number on file," the department said.

The document says the department intends to press ahead with the same set of rules the judge blocked in October.

"We are serious about immigration enforcement. The no-match rule is an important tool for cracking down on illegal hiring practices while providing honest employers with the guidance they need," DHS Secretary Michael Chertoff said in a news release.

The document released Friday "tries to explain away the problems the court saw last year," said Maria Elena Hincapie, an attorney with the National Immigration Law Center, who argued the case last year.

The AFL-CIO, the American Civil Liberties Union and the U.S. Chamber of Commerce object to the program, saying it would foster discrimination on work sites, lead to job losses by lawful employees and expose businesses to additional expense and fear of prosecution.