Dear Acting Commissioner Nancy Berryhill,

The Social Security Administration (SSA) recently announced that it has resumed sending no-match letters to employers whose tax filings include employees whose names and Social Security numbers (SSNs) do not match SSA records. While we applaud the SSA’s intention to ensure that all workers in the U.S. receive the full benefits to which they are entitled, we strongly condemn the practice of sending these employer “no-match” letters (known as Employer Correction Request Notices or EDCOR letters). No-match letters will not solve the problem of earnings that are not properly assigned to an employee’s record, but they will create a host of significant negative collateral consequences. We request that the SSA immediately halt sending no-match letters. SSA should stop this ill-advised practice because it will make workers less secure in their employment and cause unnecessary job loss, generate longer delays for beneficiaries of core SSA programs, and will not solve the problem it is purported to address.

First, no-match letters are unnecessary and ineffective. SSA has other ways to help ensure that workers are appropriately credited for their earnings. For example, instead of sending no-match letters to employers (EDCOR letters), SSA could send a similar letter that already exists (known as Decentralized Correspondence or DECOR Notice) directly to employees. These employee letters have the same intended benefit of the employer letters (notifying workers of discrepancies) and none of the risk. Additionally, employer letters have proven highly ineffective in the past. According to SSA’s Office of the Inspector General, employer no-match letters accounted for only 2 percent or less of all corrections to SSA’s records. Moreover, SSA already uses other methods for continually identifying and correcting errors in its records.

Second, U.S. citizens will likely be fired because of no-match letters. A Government Accountability Office report found that most SSA database discrepancies correspond to U.S.-born citizens, not to unauthorized workers. Yet many employers will assume incorrectly that a no-match letter indicates a worker lacks immigration status. In this era of heightened immigration enforcement, it is very likely that no-match letters will lead employers to fire U.S. citizens and work-authorized immigrants without giving them a chance to correct discrepancies identified by SSA.

Third, no-match letters will make workers more vulnerable to employer abuse. When no-match letters were last issued (over a decade ago), some unscrupulous employers used them to retaliate against workers. We believe workers who are organizing or trying to assert their labor rights will face the same abuses due to the issuance of no-match letters in 2019.
Fourth, SSA resources should not be diverted away from SSA’s core mission towards furthering this Administration’s extreme immigration enforcement agenda. SSA is currently experiencing well-documented challenges to providing timely services to the 67 million beneficiaries it serves each year through its core programs of old-age, disability, survivor and Medicare benefits. The no-match letter program – which SSA discontinued in 2011 due to budgetary concerns – is a distraction from SSA’s core mission. The Department of Homeland Security (DHS) has already requested access to SSA’s databases – specifically the Earnings Suspense File (ESF) – for the stated purpose of identifying and deporting potential noncitizens. SSA has rightly denied this request. Clearly, SSA is not an immigration enforcement agency and has no Congressional mandate to serve the Administration’s mass deportation agenda.

Lastly, if SSA sends no-match letters, there will be a marked increase in inquiries to SSA. This will create extra work for already-overburdened SSA field offices, generate additional phone calls and office visits, and divert precious resources away from the millions of elderly and disabled claimants who have filed for benefits.

We request that SSA immediately halt sending EDCOR no-match letters. Given the harm these letters create and the fact that SSA is under no mandate to send them, their use should be stopped at once.

Respectfully,

The National Immigration Law Center

National Organizations

America's Voice
American Federation of State, County and Municipal Employees (AFSCME)
Asian Americans Advancing Justice | AAJC
Asian Pacific American Labor Alliance, AFL-CIO
Autistic Self Advocacy Network
Catholic Legal Immigration Network, Inc. (CLINIC)
Center for Law and Social Policy (CLASP)
Centro de los Derechos del Migrante, Inc.
Coalition on Human Needs
Congregation of Our Lady of Charity of the Good Shepherd, US Provinces
Disciples Center for Public Witness
Economic Policy Institute Policy Center
Equal Rights Advocates
Equal Voice Action
Fair Immigration Reform Movement (FIRM)
Family Values @ Work
Freedom for Immigrants
Freedom Network USA
Hispanic Federation
Holy Spirit Missionary Sisters, USA - JPIC
Immigrant Defense Project
Immigrant Legal Resource Center (ILRC)
Immigration Hub
Interfaith Worker Justice
Jobs with Justice Education Fund
Justice at Last
Justice in Aging
Justice in Motion
LA RED, Faith in Action
Labor & Employment Committee, National Lawyers Guild
LatinoJustice PRLDEF
Legal Aid at Work
Mi Familia Vota
NAACP
National Advocacy Center of the Sisters of the Good Shepherd
National Center for Transgender Equality
National Committee to Preserve Social Security and Medicare
National Domestic Workers Alliance (NDWA)
National Employment Law Project (NELP)
National Employment Lawyers Association (NELA)
National Health Law Program
National Korean American Service & Education Consortium (NAKASEC)
National Legal Advocacy Network
National LGBTQ Task Force
NETWORK Lobby for Catholic Social Justice
PFLAG National

State and Local Organizations

Advocates for Basic Legal Equality, Inc.
Amend Law LLC
Arkansas United
Asian Americans Advancing Justice – Asian Law Caucus
Asian Americans Advancing Justice – Los Angeles
Associations of Legal Aid Attorneys –UAW
Local 2325
Brandworkers
Brazilian Women's Group
Brazilian Worker Center
Casa Latina
Casa San Jose
Catholic Social Services of Fall River
Center for Health Progress
Centro Autonomo
Centro de Comunidad y Justicia
Centro de Trabajadores Unidos
Centro Legal de la Raza
Chelsea Collaborative, Inc.
Chicago Community and Workers' Rights
Chicago Workers Collaborative
Christensen Legal
Civil Legal Advice and Resource Office (CLARO)
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights (CHIRLA)
Colin Immigration Law

Provincial Council Clerics of St. Viator
Service Employees International Union (SEIU)
Sisters of Mercy of the Americas - Institute Justice Team
Social Security Works
Sugar Law Center for Economic & Social Justice
United Farm Workers (UFW)
United Food and Commercial Workers
International Union (UFCW)
United We Dream
Workplace Fairness

Columbia Legal Services
Community Legal Services of Philadelphia
Community Service Society of New York
CRLA Foundation
El CENTRO de Igualdad y Derechos
Empire Justice Center
End Domestic Abuse WI
Faith and Justice Worker Center
Friends of Broward Detainees
Greater Boston Legal Services
HIAS Pennsylvania
Higuera & VanDerhoef PLLC
Hispanic Center of Western Michigan
Holy Cross House
Immigrant Legal Advocacy Project (ILAP)
Immigrant Worker Center Collaborative
Indivisible Vashon
Inland Coalition for Immigrant Justice
Inland Empire Labor Council, AFL-CIO
Justice at Work
Justice at Work (Pennsylvania)
Justice Center of Southeast Massachusetts LLC
KIWA (Koreatown Immigrant Workers Alliance)
La Comunidad, Inc.
Latin American Legal Defense and Education Fund
Law Office of Rocio S. Becerril
Law Offices of Sonia Parras
Lawyers for Civil Rights
Legal Council for Health Justice
Lower Columbia Hispanic Council
Lynn Worker Center
Macomb Immigrant Service Center
Maine Equal Justice
Make the Road New York
March and Rally Los Angeles
Massachusetts Coalition for Occupational Safety & Health Immigrant Worker Center
Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA)
Massachusetts Law Reform Institute
Matahari Women Workers' Center
Metrowest Worker Center
Michigan Immigrant Rights Center
MK Law, LLC
National Lawyers Guild, Indiana
National Lawyers Guild, NYC
National Employment Lawyer’s Association
NY
New Jersey Policy Perspective
New Mexico Center on Law and Poverty
New Mexico Immigrant Law Center
New York Immigration Coalition
NorCal Resist
North Carolina Justice Center
Northwest Immigrant Rights Project
Northwest Workers' Justice Project
Oakland Law Collaborative
OneAmerica
Pennsylvania Immigration and Citizenship Coalition
Pennsylvania Immigration and Citizenship Coalition
People's Law Office
Philaposh
Public Counsel
Public Justice Center
Rapid Response Team for Just Immigration Reform
Reformed Church of Highland Park
Robert M Cheverie & Assoc.
Santa Clara County Wage Theft Coalition
Santa Fe Dreamers Project
Seattle Community Law Center
SEIU 32 BJ
Silver State Equality
Sisters and Brothers of Immigrants
Southeast Immigrant Rights Network (SEIRN)
Southern Poverty Law Center
St Joseph Valley Project Jobs with Justice
Street Level Health Project
Tennessee Immigrant and Refugee Rights Coalition
United Steelworkers, District 4
Vashon - SURJ – Showing Up for Racial Justice
Virginia Civic Engagement Table
Voz Workers' Rights Education Project
Warehouse Workers for Justice
Washington State Alliance for Retired Americans
Welcome Project Inc.,
Workers' Rights Clinic, James E. Rogers College of Law