

Acting Commissioner Nancy Berryhill  
Social Security Administration  
Office of the Commissioner  
6401 Security Blvd # 900  
Baltimore, MD 21235-0001

May 2, 2019

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

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

### **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

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