



National Employment Law Project  
September 2007

## JUSTICE FOR LOW WAGE AND IMMIGRANT WORKERS PROJECT

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### SOCIAL SECURITY NO MATCH LETTERS: QUESTIONS AND ANSWERS FOR WORKERS

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On August 15, the Department of Homeland Security finalized a regulation that, if it takes effect, will significantly change its interpretation of the law with respect to an employer's response to a no-match letter. That rule has been enjoined by a federal court and will not take effect at least until October 2007. NELP will update these materials immediately if there is a rule change. In the meantime, the advice given below is still current. To read more about the new rule, see Social Security No Match Letters and Employer Sanctions: Questions and Answers.

**Q. What is a SSA no-match letter?**

**A.** A SSA no-match letter is a letter sent by the Social Security Administration (SSA) notifying an employer that he or she has submitted reports (Wage and Tax Statements sometimes called W-2s) that contain names and Social Security numbers that do not match SSA records. The letter provides an attachment with the names and/or Social Security numbers that do not match.

**Q. Why are SSA no-match letters sent out?**

**A.** No-match letters are intended ONLY to help SSA make sure its records and database are accurate and to ensure that SSA maintains an accurate earnings record for each employee. A no-match letter does NOT imply that the employer or the employee intentionally provided incorrect information about the employee's name or Social Security number.

**Q. Why is it important that SSA maintain an accurate earnings record for each employee?**

**A.** The SSA uses an employee's earnings record to decide if he or she can receive social security benefit payments and the amount of each payment.

**Q. Does a SSA no-match letter have anything to do with the Department of Homeland Security or ICE?**

**A.** Not currently. SSA no-match letters have nothing to do with DHS, ICE or enforcement of immigration law.



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- Q. What should I do upon learning from my employer that my Social Security number or my name does not match SSA's database?**
- A.** There are a number of things you should do:
- ✓ Ask for a copy of the letter to confirm that your employer did receive a SSA no-match letter.
  - ✓ Thank your employer for providing the information.
  - ✓ If you can correct the information, you may choose to provide the corrections to your employer.
  - ✓ If you cannot correct the information, there is nothing for you to do. For instance, if you know that the local SSA office cannot help you, it does not make sense for you to go there.
  - ✓ If you work in a unionized workplace, you should talk to your union steward (if you have one) for information and assistance on no-match issues because your collective bargaining agreement often will provide you with the best protections.
- Q. What should I do if I am undocumented?**
- A.** If you are an undocumented worker, you have many of the same rights as citizens and immigrants with work authorization. One of your most basic rights is the right to remain silent when an employer inquires about your legal status after you have been hired.
- Q. What is my employer required to do if he or she receives a no-match letter?**
- A.** A no-match letter obligates employers to:
- ✓ Check their own records for errors.
  - ✓ Inform employees of the no-match letter so that employees know that their earnings are not being credited properly.
  - ✓ Request that employees check their records for errors.
  - ✓ Refer employees to the local SSA office for assistance.
  - ✓ Submit any employer or employee corrections to the SSA.
- Q. Is my employer required to take any action if I do not provide corrected information?**
- A.** **Not at present.** Your employer is not required to take any action if you do not provide corrected information. SSA asks employers to respond to the no-match letter **ONLY** if they or their employees have corrected information.
- Q. Is my employer required to fire me if my name appears on a no-match letter?**
- A.** **No.** Employers should not lay-off, fire, suspend, intimidate, discriminate or threaten employees just because their names appear on the no-match letter. In fact, an employer who does any of the following may be violating the law:



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- single out and/or discriminate against employees of certain national origins or ethnic groups
- single out and/or retaliate against employees because they filed a claim or complaint with an administrative agency or court
- single out and/or retaliate against employees for union organizing activities or other union protected activities.

**Q. Should my employer require me to bring in proof of my work authorization if he or she receives a no-match letter?**

**A. No.** The receipt of a no-match letter, by itself, does not give employers notice that a worker is not authorized to work. Thus, a letter from SSA, without more, does not require an employer to request that employees listed on the letter bring in their Social Security cards or other immigration-related documentation.

*\*\*\* Employers who require employees to re-verify their work authorization based only on the receipt of a no-match letter, without further process, may be violating the law. Employees are encouraged to contact a trusted community group in their area for assistance.*