

# Immigration Alert: "No-Match" Regulations Set to Be Rescinded as DHS Focuses on Strengthening E-Verify

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As our prior Alerts have informed you, in 2007 the Social Security Administration (SSA) submitted proposed regulations that would increase employers' obligations upon receipt of a "No-Match" letter (a letter sent by SSA to an employer to report that an employee's Social Security Number (SSN) does not match the name provided). Before the new regulations could be implemented, however, they were blocked by court order in September 2007. On July 8, 2009, Department of Homeland Security (DHS) Secretary Janet Napolitano declared that the Department would be rescinding these proposed regulations in favor of strengthening the existing E-Verify system. (For more information about E-Verify, please see our prior [Alert](#), as well as our [video podcast](#).)

E-Verify is an electronic system administered jointly by the DHS and the SSA for the verification of employment authorization. E-Verify provides access to federal databases to help employers determine the employment eligibility of new hires and the validity of their SSNs. The 2007 No-Match Rule established procedures that employers can follow if they receive SSA No-Match letters or notices from DHS that call into question the work eligibility information provided by employees. Concerned that these notices most often informed an employer many months or even a year later that an employee's name and SSN provided for a W-2 earnings report did not match SSA records—often due to typographical errors or unreported name changes—the Department opted instead to place their resources toward the E-Verify system. E-Verify addresses data inaccuracies that can result in No-Match letters being sent in a more timely manner and provides a more robust tool for the Department to identify unauthorized employment.

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*For assistance in this area, please contact one of the attorneys listed below or any member of your Mintz Levin client service team.*

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