



DHS Throws In The Towel, Rescinds No-Match Rules

Insights

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Plagued by controversy and legal battles, the Department of Homeland Security (DHS) is rescinding the 2007 No-Match Rule in a regulation to be published in the October 7 Federal Register.

The No-Match rule was intended to establish safe-harbor procedures for employers to follow if they received Social Security Administration (SSA) No-Match letters or DHS notices that questioned work eligibility information provided by employees. SSA no-match notices are sent to employers when an employee's name and Social Security Number provided for a W-2 earnings report do not match SSA records.

Issued under the Bush administration in 2007, the No-Match Rule was blocked by the U.S. District Court for the Northern District of California shortly after issuance and was never implemented.

DHS announced in July 2009 its intention to rescind the rule and instead focus its enforcement attention on the use of the E-Verify database system as the mechanism for preventing the employment of aliens not authorized to work in the U.S.

E-Verify is an Internet-based system operated by the DHS in partnership with the SSA that allows participating employers to electronically verify the employment eligibility of their newly hired employees. E-Verify is being required by a growing number of states and, as of September 8, 2009, is required for certain federal contractors and subcontractors.

Fisher Phillips provides clients with a comprehensive, web-based E-Verify and I-9 verification system called [Electronic I-9 Solution](#). This solution increases overall efficiency of I-9 processes, and provides centralized visibility and management of corporate-wide I-9 risks. Electronic I-9 Solution gives you peace of mind that your organization is compliant with both I-9 regulations and E-Verify.

This Global Immigration Alert provides information about a specific federal regulation. It is not intended to be, nor should it be construed as, legal advice for any particular fact situation.