

Social Security “No Match” Letters Are Back!

Labor & Employment Law Update

By Sara Zorich on April 5, 2019

The Social Security Administration (SSA) announced in late 2018 that they would begin issuing SSA No Match letters again beginning in the Spring of 2019. Employers must be aware that the process has begun and the SSA No Match letters they could receive in 2019 look different from prior years. The letters will state “Employer Correction Request Notice” at the top and will not provide any employee names on the notice. A sample of the notice can be found on the Social Security website.

In order for the employer to determine what employees were identified as “mismatches” by SSA, the employer will be required to register for the Business Services Online (BSO). Note, **do NOT** assume the notice conveys information regarding the employee’s immigration status or actual work authority. The receipt of the notice does not in and of itself mean the employee is not authorized to work in the United States. The employer must attempt to resolve the no-match by taking consistent and not-discriminatory steps for each identified employee. SSA has provided a sample letter for employers to use when contacting the employees and steps to resolve the error.

However, SSA is not the only agency that these new letters may affect. For example, during a Form I-9 audit from the Department of Homeland Security, you may be requested to provide copies of any “no-match” letters you have received from SSA. Also, the Immigrant and Employee Rights section (IER) of the Department of Justice (previously known as the Office of Special Counsel for Immigration-Related Unfair Employment Practices) previously provided employers with a guideline for what to do and not do when an employer receives a no-match letter and some FAQ’s.

Because this issue impacts not only an employer’s wage reporting requirements but could also impact the company’s Form I-9’s and immigration anti-discrimination statutes, employers will need to create a plan of action and protocols on how they are going to address these new SSA Employer Correction Request Notices (aka No-Match letters).