Resolution opposing the Department of Homeland Security’s proposed rule on use of Social Security Administration “no-match” letters to enforce immigration law.

WHEREAS, The Department of Homeland Security (DHS) has proposed a rule, entitled “Safe Harbor Procedures for Employers Who Receive a No-Match Letter,” that requires employers to take action upon receiving “no-match” letters, which the Social Security Administration sends to employers in the event of a discrepancy between an employee’s name and Social Security information; and

WHEREAS, Many discrepancies between Social Security and employer records occur due to surname changes, marriage or divorce, clerical errors, common surnames, or differences in date-writing conventions; and

WHEREAS, The new rule would create burdensome, inappropriate, and unclear new requirements for employers by forcing them to act as agents of the federal government to enforce immigration law; and

WHEREAS, The new rule could lead to a large number of law-abiding workers losing their jobs due to employers misunderstanding the rule, or using it as a device to fire, intimidate, harass, or underpay employees; and

WHEREAS, The City and County of San Francisco values and relies upon the contributions of immigrant workers to the city’s workforce, in both public and private sectors; and

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WHEREAS, Nearly one-third of San Franciscans are immigrants, and immigrant San Franciscans contribute to several key industries, including hotels and restaurants, construction and building trades, health care, and janitorial services; and

WHEREAS, These industries, the people they serve, and San Francisco’s economy would be jeopardized by the loss of immigrant jobs in the wake of fear and confusion caused by the new and unclear enforcement of this rule; now, therefore, be it

RESOLVED, That the City and County of San Francisco opposes the Department of Homeland Security’s proposed rule on the use of Social Security Administration “no-match” letters to enforce immigration law, entitled “Safe Harbor Procedures for Employers Who Receive a No-Match Letter” and urges DHS to withdraw this rule; and, be it

FURTHER RESOLVED, That the City and County of San Francisco requests that its federal representatives advocate against this proposed rule; and, be it

FURTHER RESOLVED, That, upon receipt of a “no-match” letter, the City and County of San Francisco will take no adverse action against any city employee listed on the letter, including firing, laying off, suspending, retaliating, or discriminating against any such employee, and that the City and County of San Francisco will not ask any employee to provide documentation to re-verify immigration status, except as required by law; and, be it

FURTHER RESOLVED, That the City and County of San Francisco will continue to comply with all legal requirements, will provide the employee with a copy of any “no-match” letter received, will prepare Corrected Wage and Tax Statement forms (W-2c) for any records we are able to correct and, for any record we are unable to correct, will instruct the employee to work directly with the Social Security Administration to make any necessary corrections.

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September 12, 2006 Board of Supervisors — ADOPTED
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

I hereby certify that the foregoing Resolution was ADOPTED on September 12, 2006 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Gavin Newsom

Date Approved