

1 [Opposing the Department of Homeland Security's proposed rule to enforce immigration law.]

2

3 **Resolution opposing the Department of Homeland Security's proposed rule on use of**
4 **Social Security Administration "no-match" letters to enforce immigration law.**

5

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

11

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

15

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

18

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

21

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

25

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

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

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

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

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

18 FURTHER RESOLVED, That the City and County of San Francisco will continue to
19 comply with all legal requirements, will provide the employee with a copy of any "no-match"
20 letter received, will prepare Corrected Wage and Tax Statement forms (W-2c) for any records
21 we are able to correct and, for any record we are unable to correct, will instruct the employee
22 to work directly with the Social Security Administration to make any necessary corrections.
23
24
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 061220

Date Passed:

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

September 12, 2006 Board of Supervisors — ADOPTED

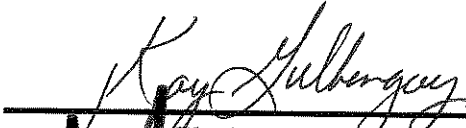
Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

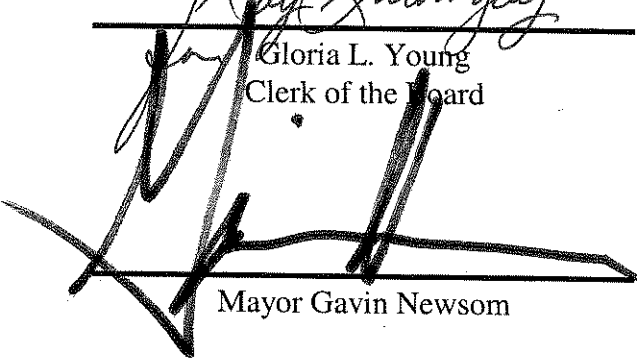
File No. 061220

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.

9/14/2006

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Gavin Newsom