

*Note: Additional sign-on names and additional questions added to this letter.*

August 27, 2007

Michael Chertoff  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Michael J. Astrue  
Commissioner of Social Security  
Social Security Administration  
Baltimore, MD 21235-0001

Dear Secretary Chertoff and Commissioner Astrue,

The business community, as represented by EWIC and the undersigned, understands and supports the enforcement of immigration laws, however we are particularly concerned about the "Social Security No Match Letter" regulation, which directs employers to take certain steps when they receive notice from the Social Security Administration ("SSA") that an employee's name and social security number do not match, and to potentially terminate them if the discrepancy cannot be resolved within a short time-frame. Many lawful U.S. Citizens and those legally allowed to work in our country will be caught up in Social Security no-match letters due to the poor quality of the SSA database. Employers will be overwhelmed with paper work as the government seeks to make employers responsible for the decades old administrative problems. This is not a positive way to enlist the business community in working to fix the problems that the government created. The regulation also jeopardizes vital U.S. industries and the U.S. economy as a whole by needlessly creating uncertainties, disruptions, and dislocations throughout broad swaths of the workforce. Moreover, the regulation would foster anti-Latino and anti-immigrant discrimination and would rely upon a database—Social Security—that is not an effective tool in worksite immigration enforcement.

We understand that the SSA plans to send out the first letters with DHS guidance beginning as early as September 4, 2007. As every day passes, there is growing confusion as to how to comply with the rule and the practical impact of its implementation. The administrative time it will take and the costs involved in educating employers and workers as to how this regulation should be implemented and enforced far exceed what we believe SSA and DHS have projected. DHS has said that it will prepare responses to frequently asked questions. However, given the sheer number of unresolved questions/issues, it is clear that these answers will not be available before the September 14, 2007 implementation date. It is also clear that no compelling reason exists to implement the rule on September 14, 2007. We therefore ask that DHS and SSA stay

the implementation of the rule for a minimum of 180 days and that SSA hold off on including letters with DHS guidance for like period.

We are enclosing a list of numerous critical questions/issues that have arisen in the short time since the publication of the rule on August 15, 2007. We will forward additional questions on a rolling basis as they come in to us. We ask for your immediate response to this request for a delayed implementation.

Sincerely,

Alabama Nursery and Landscape Association  
American Hotel & Lodging Association  
American Immigration Lawyers Association  
American Meat Institute  
American Nursery and Landscapers Association  
American Subcontractors Association, Inc.  
Arizona Employers for Immigration Reform  
Associated Builders & Contractors, Inc.  
Associated General Contractors of America  
Associated Landscape Contractors of Colorado  
California Association of Nurseries and Garden Centers  
California Landscape Contractors Association  
California Poultry Federation  
Colorado Employers for Immigration Reform  
Essential Worker Immigration Coalition  
FEWA  
Florida Nursery, Growers & Landscape Association  
Georgia Employers for Immigration Reform  
Idaho Nursery & Landscape Association  
Indiana Chamber of Commerce  
Indiana Nursery and Landscape Association  
International Franchise Association  
Irrigation Association  
Mason Contractors Association of America  
Massachusetts Nursery and Landscape Association, Inc.  
National Chicken Council  
National Club Association  
National Council of Chain Restaurants  
National Restaurant Association  
National Retail Federation  
National Roofing Contractors Association  
OFA-an Association of Floriculture Professionals  
Oregon Association of Nurseries  
Outdoor Amusement Business Association, Inc.  
Plumbing-Heating-Cooling Contractors - National Association  
Professional Landcare Network  
Retail Industry Leaders Association

Small Business & Entrepreneurship Council  
Society of American Florists  
South Carolina Poultry Federation  
Texans For Sensible Immigration Policy  
Texas Employers for Immigration Reform  
Texas Nursery & Landscape Association  
Texas Poultry and Affiliates  
The South Carolina Nursery & Landscape Association  
Tree Care Industry Association  
United Fresh Produce Association  
US Chamber of Commerce  
US Hispanic Chamber of Commerce  
Virginia Poultry Federation  
Women Entrepreneurs Inc.