



Labor Council for Latin American Advancement

“Un Pueblo Unido: Be Powerful! Be Heard!”

Home to the Latino Labor Movement

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April 22, 2008

Marissa Hernandez
U.S. Immigration and Customs Enforcement
425 I St. NW, Suite 1000
Washington, D.C., 20536

Re: LCLAA’s Comments to DHS Docket No. ICEB-2006-0004

Dear Ms. Hernandez:

The Labor Council for Latin American Advancement submits these comments in opposition to the supplemental proposed rule that reissues the rule on Safe Harbor Procedures for Employers Who Receive a No-Match Letter.

LCLAA is a national Latino organization representing the interests of over 1.7 million Latino trade unionists throughout the country and the Commonwealth of Puerto Rico. LCLAA advocates for the rights of all workers seeking justice in the workplace and their communities. LCLAA is a constituency group representing Latino workers in both the AFL-CIO and Change to Win Federation.

LCLAA is seriously concerned with the manipulation, intimidation and harassment of workers that has resulted from the issuance of SSA No-Match Letters. The No Match Letters have been used as a pretext for the unjust termination of workers and despite the timeframe allowed to workers for resolution of the matter if the letter is the result of an information error; in some cases, the letters have served as sufficient justification to fire workers without giving them the opportunity to settle the problem.

If the intent of the No-Match Letters is to ‘weed-out’ undocumented workers from the workforce, it is troublesome and perplexing that the means to achieve this end would be through the use of the Social Security Administration’s records when the Inspector General of the SSA has estimated that 70 percent of the discrepancies in the database pertain to native-born U.S. citizens. The threat of these letters to native and U.S. citizen workers is imminent and the implication it carries for the discrimination of foreign workers is exceedingly problematic. The damaging impact on the federal, state and local economy can also be extremely disadvantageous as tax revenues will be affected if terminated workers turn to the informal sector for employment.

LCLAA strongly opposes the Department of Homeland Security’s reissuance, without any substantive change, of the Safe Harbor Procedures for Employers Who Receive a No-Match Letter based on the following reasons:

- The rule does nothing to address issues raised by the court.
- The rule has resulted in the firing of lawfully authorized workers.
- The rule will continue to undermine labor rights thereby causing a detrimental impact on all workers.
- The rule will overburden the Social Security Administration.
- The rule will be costly to workers and the economy.

Sincerely,

Gabriela Lemus
Executive Director