

## HR Hero NewsAlert: "No-Match" Letter Effort Suspended Indefinitely

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\* Judge Suspends "No-Match" Letter Effort Indefinitely \*

As anticipated, U.S. District Judge Charles Breyer has dropped his gavel in favor of employers, barring enforcement of a Department of Homeland Security (DHS) regulation concerning federal "no-match" letters.

The rule, which would have required employers to fire workers who could not clarify a social-security-number mismatch within 90 days, was blocked on Wednesday by Judge Breyer's temporary injunction. The government had initially planned to send out some 140,000 no-match letters in September, on which employers would have been required to take action or face grave consequences.

The injunction is the next strike against a rule that has been under fire for several months. The AFL-CIO and the ACLU filed suit against the government in August, pointing out significant flaws in the rule and its enforcement process. Business groups had joined in to oppose the rule, too. At issue has been whether the government's attempt to crack down on illegal immigration via the use of the letters would unfairly burden small businesses while compromising the liberties of incorrectly targeted, legal U.S. workers.

Judge Breyer's comments mirror the plaintiffs' arguments, noting that the rule is likely to bring forth unnecessary hardships such as additional administrative costs and the possibility of penalizing innocent workers.

DHS Secretary Michael Chertoff calls Judge Breyer's decision "disappointing" but promises to move forward, persevering in the Bush administration's drive to crack down on illegal immigration.

At this point, the injunction will stand until the AFL-CIO and ACLU lawsuit is resolved or an appeals court overturns Judge Breyer's ruling.

For more information on the DHS rules and continuing coverage of immigration laws affecting employers, please visit [www.hrhero.com/hl/immigration.shtml](http://www.hrhero.com/hl/immigration.shtml).

To find out about upcoming live regional events on this important issue, go to [www.hrhero.com/immigration/](http://www.hrhero.com/immigration/).

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If you have any questions about this topic or other employment  
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