

National Restaurant Association Urges Reconsideration of Regulations on 'No-Match' Letters

2006-08-17

The National Restaurant Association this week sent a letter to the U.S. Citizenship and Immigration Services of the Department of Homeland Security (DHS). The letter urged reconsideration of regulations set forth by the Bureau of Immigration and Customs Enforcement regarding legal obligations of employers upon receipt of 'no-match' letters from DHS or the Social Security Administration (SSA).

Employers annually send to SSA employee earning reports - W-2 Forms - which contain among other things, each employee's name and Social Security number. When SSA checks the W-2 information against its records, it may believe a discrepancy exists. For example, the Social Security number submitted by the employer does not match SSA's records. The SSA may then send the employer a letter indicating there appears to be a discrepancy between its records and the information on the W-2 Form submitted by the employer. A similar letter may be sent to the employer by DHS resulting in an inspection of an employer's I-9 forms. Such letters are commonly referred to as "no-match" letters.

The National Restaurant Association letter was signed by Steven C. Anderson, president & CEO; John Gay, senior vice president, government affairs and public policy; and Peter G. Kilgore, senior vice president, general counsel. It requests that the proposed regulations for no-match letters not be finalized until Congress has an opportunity to complete the comprehensive immigration reform legislation currently under consideration.

The Association also suggests that if DHS decides to move forward before Congress acts, the finalized proposals should be non-mandatory guidelines as to possible steps employers may take if they receive a no-match letter. In short, no-match notices should not be used to create a new basis for legal liability under the statute.

"The National Restaurant Association applauds the Department of Homeland Security for setting forth proposed steps employers may take if they receive a no-match letter from DHS or SSA. Receipts of 'no-match' notices have caused considerable confusion in the foodservice industry," said Steven Anderson, President and Chief Executive Officer of the National Restaurant Association. "However, as an association, representing 12.5 million employees at 925,000 restaurant locations nationwide, we are mindful of how overregulation can impede the day-to-day activities for small businesses. We are hopeful that these agencies will take our concerns into consideration before making final decisions regarding no-match letter regulations."

The National Restaurant Association serves as co-chair of the Essential Worker Immigration Coalition, which is comprised of more than 40 national businesses and trade associations seeking reform of America's broken immigration system. Please visit the EWIC website at: <http://www.ewic.org>

[Click here](#) to review a draft of the letter.

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