



# Immigration Law Update

September 5, 2007

## In This Update

- Judge Temporarily Halts Implementation of the Final Rule by Department of Homeland Security Regarding "No-Match Letters"

## Contact Us

### Orange County

38 Corporate Park  
Irvine, CA 92606  
(949) 261-7700  
Partners: Kyle D. Kring,  
Kenneth W. Chung

### Sacramento

2620 J Street  
Sacramento, CA 95816  
(916) 266-9000  
Partner: John R. Blakely

### San Diego

5897 Oberlin Drive  
Suite 210  
San Diego, CA 92121  
(858) 866-0944  
Partner: Robert P. Mouglin

### Inland Empire

3602 Inland Empire Blvd  
Ontario, CA 91764  
(909) 941-3050  
Partner: Kathleen E. Blakely

### Westlake Village

920 Hampshire Road #A-15  
Westlake Village, CA 91361  
(858) 494-3892  
Partner: Ronald J. Skocypec

### Las Vegas

7040 Laredo Street, Suite C  
Las Vegas, NV 89117  
(702) 260-9500  
Partner: Robert P. Mouglin

If you would like to be removed from this list, please contact:  
[info@kringandchung.com](mailto:info@kringandchung.com)

## A Message from the Partners

### Judge Temporarily Halts Implementation of the Final Rule by Department of Homeland Security Regarding "No-Match Letters"

On Friday, August 31, 2007 in a lawsuit recently filed by the AFL-CIO on August 29, 2007 in the Federal District Court in San Francisco, US District Judge Maxine Chesney granted a temporary restraining order stating that the Social Security Administration ("SSA") and the Department of Homeland Security ("DHS") are "hereby enjoined and restrained from giving any effect to or otherwise taking any action to implement the Final Rule adopted by the DHS entitled "Safe-Harbor Procedures for Employers Who Receive a No-Match Letter" that was published at 77 Fed.Reg. 45611 (Aug. 15, 2007), including by mailing or otherwise causing to be sent to employers the SSA no-match letter packets that include the DHS guidance letter concerning the Final Rule." It remains unclear as to whether No-Match letters without the DHS guidance letter referencing the final rule will still go out. The newly adopted "Safe Harbor" Procedures were addressed in our August 21, 2007 Immigration Law Update.

The temporary restraining order will remain effective until October 1, 2007 at which time there will be a hearing as to whether a preliminary injunction should be issued. The court will then either grant a preliminary injunction or the temporary restraining order will expire. In effect, the new Final Rule is temporarily on hold until at least Oct. 1, 2007.

It is our understanding that the SSA held off on sending out No-Match letters based upon 2006 W-2 returns while waiting for the final No-Match rule to be effective. Apparently, the SSA was intending to send No-Match letters beginning in September 2007 and over the next several months. Unlike the past, new No-Match letters were going to be staggered over the next several months so that the SSA would not be inundated with persons seeking to correct name/number No-Matches. This was apparently a significant concern for the SSA. The No-Match letters were to be accompanied by a letter from the DHS providing employers with the procedures that an employer should follow based upon the new Final Rule-"Safe-Harbor Procedures for Employers Who Receive a No-Match Letter."

Given the above, we will follow the course of the AFL-CIO Complaint and update you as to the outcome of the hearing on Oct. 1, 2007. For copies of the Complaint and Minute Order, you may click on this link to access the forms: <http://www.kringandchung.com/Immigration.html#FORMS>

## Contact Us

### **Orange County**

38 Corporate Park  
Irvine, CA 92606  
(949) 261-7700  
Partners: Kyle D. Kring,  
Kenneth W. Chung

### **Sacramento**

2620 J Street  
Sacramento, CA 95816  
(916) 266-9000  
Partner: John R. Blakely

### **San Diego**

5897 Oberlin Drive  
Suite 210  
San Diego, CA 92121  
(858) 866-0944  
Partner: Robert P. Mouglin

### **Inland Empire**

3602 Inland Empire Blvd  
Ontario, CA 91764  
(909) 941-3050  
Partner: Kathleen E. Blakely

### **Westlake Village**

920 Hampshire Road #A-15  
Westlake Village, CA 91361  
(858) 494-3892  
Partner: Ronald J. Skocypec

### **Las Vegas**

7040 Laredo Street, Suite C  
Las Vegas, NV 89117  
(702) 260-9500  
Partner: Robert P. Mouglin

If you would like to be removed from this list, please contact:  
[info@kringandchung.com](mailto:info@kringandchung.com)

Please contact me with any questions at (949) 261-7700 or contact my Partner Paul T. McBride in our Sacramento office at (916) 266-9000.

Kyle Kring

###

\*\* The information contained herein is for informational purposes only and should not be relied upon in reaching a conclusion in a particular area. The legal principles discussed herein were accurate at the time this article was authored but are subject to change with time. Applicability of these same legal principles may differ substantially in individual situations. Please consult an attorney before making a decision in a particular area using only the information provided in this article.

*Kring & Chung, LLP is a full-service law firm dedicated to providing quality legal services to individuals and businesses throughout California and the United States. The firm's practice areas include: business and corporate matters, construction, real estate, labor & employment, insurance, estate planning, business succession planning and family law.*

ORANGE COUNTY • SAN DIEGO • INLAND EMPIRE • SACRAMENTO • WESTLAKE VILLAGE • LAS VEGAS