

United States Senate

WASHINGTON, DC 20510

April 30, 2025

Leland Dudek
Acting Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235

Acting Commissioner Dudek:

We write to express our outrage over reports¹ that the Social Security Administration (SSA) have placed at least 6,300 immigrants—including children and seniors in their 70s and 80s—onto the agency’s Death Master File (DMF) in an effort to have them “self-deport.” This inhumane, illegal, and unconstitutional action will inflict—and already has inflicted—irreparable harm on these individuals, undermines trust in and accuracy of the Social Security programs, and sets a dangerous precedent in allowing the government to take away Americans’ access to their earned Social Security benefits. We are further outraged that the Trump administration is directing SSA to continue efforts to eliminate immigrants’ ability to live and work in the United States.

As you know, the DMF is a record maintained by SSA of all deceased persons who had an SSN during their lifetimes. To date, the dataset contains records of more than 141 million people whose deaths were reported to SSA and contains each individual’s full name, SSN, date of birth, and date of death. SSA uses this data to administer the Social Security programs and to identify and reduce improper payments. SSA also shares the DMF with other federal agencies and state governments and sells a limited version to the public to prevent and reduce improper payments and combat fraud in their respective programs.

As SSA has noted repeatedly—and as recently as last month²—the value of the DMF “lies in its accuracy and reliability.” SSA does not submit death records to the DMF without running each record through a rigorous verification process. If the death of an individual results in the potential entitlement of another person such as a spouse or a child, SSA vets each death record—including those submitted by state agencies—through its Death Information Processing System before adding the death record to the DMF, and rejects death reports that do not pass its verification checks. Indeed, SSA has resisted adding individuals to the DMF without having

¹ Alexandra Berzon, Hamed Aleaziz, Nicholas Nehamas, Ryan Mac and Tara Siegel Bernard, *Social Security Lists Thousands of Migrants as Dead to Prompt Them to ‘Self-Deport’*, New York Times, Apr. 10, 2025, <https://www.nytimes.com/2025/04/10/us/politics/migrants-deport-social-security-doge.html>; Lisa Rein, Hannah Natanson, and Maria Sacchetti, *Social Security classifies thousands of Immigrants as Dead, as Part of Trump Crackdown*, Washington Post, Apr. 10, 2025, <https://www.washingtonpost.com/politics/2025/04/10/self-deportation-immigrants-social-security-dead/>.

² SSA, Social Security Provides Update about its Death Record, Mar. 17, 2025, <https://blog.ssa.gov/social-security-provides-update-about-its-death-record/>.

evidence certifying the death³ and that the deceased's identifying information matches SSA's records.⁴

Until this initiative was reported, it was our understanding that SSA's priority was maintaining the DMF's accuracy by keeping living individuals out of the DMF to avoid inflicting irreparable harm on living individuals. If living number-holders are improperly transferred to the DMF, they lose their ability to legally work in the United States, as well as access to any earned Social Security benefits, healthcare, banking and credit cards, and access to virtually every other exchange with a third-party that is verified by a valid SSN. The result is, as former SSA Commissioner Martin O'Malley put it, "tantamount to financial murder." Changing the name of the database to the "Ineligible Master File" as a clumsy attempt to evade public criticism or legal exposure does not mitigate these consequences to these individuals, as has already been reported.⁵ But this purge of immigrants without diligence or due process is no mistake, and neither will be the catastrophic fallout in the lives of hundreds of thousands— it is this administration's expressed purpose.⁶ This move promises to upend the lives of people in this country with little chance of recourse and implicates numerous federal laws.

One of our Constitution's bedrock principles is prohibiting the government from depriving any individual—U.S. citizen and noncitizen alike—of their life, liberty, or property without due process. Under this requirement, the government must establish fair procedures that involve notice and an opportunity to be heard when it seeks to terminate a person's claim to property. The Supreme Court has recognized property interests in tangible and intangible property, including public benefits such as Social Security. The termination of a person's association with their SSN, as well as the resulting loss of tangible and intangible property, require full due process considerations.

Additionally, the Privacy Act and SSA regulations require that living U.S. citizens' and Lawful Permanent Residents' information receive privacy protections against unauthorized disclosures. Because individuals are required to provide SSA with private personal information, all personal information stored in SSA systems is afforded protections exceeding the Privacy Act's

3 SSA Office of Inspector General, *Deceased Beneficiaries in Suspended Payment Status*, A-08-19-50800 (Nov. 2021), <https://oig.ssa.gov/assets/uploads/a-08-19-50800.pdf>; *Follow-Up Review of Numident Death Information Not Included on the Death Master File*, 062301 (July 2024), <https://oig.ssa.gov/assets/uploads/062301.pdf>

4 SSA Office of Inspector General, *The Social Security Administration's Rejection of State Electronic Death Registration Reports*, A-08-18-50499 (Sept. 2020), <https://www.oversight.gov/sites/default/files/documents/reports/2020-09/A-08-18-50499.pdf>

5 Hannah Natanson, Lisa Rein, and Meryl Kornfield, *Immigrants prove they are alive, forcing Social Security to undo death label*, Washington Post (Apr. 18, 2025), <https://www.washingtonpost.com/politics/2025/04/18/immigrants-dead-social-security-alive/>.

6 "Elizabeth Huston, a White House spokeswoman, said the changes at Social Security would help advance the president's immigration goals. 'President Trump promised mass deportations, and by removing the monetary incentive for illegal aliens to come and stay, we will encourage them to self-deport,' she wrote in a statement. 'He is delivering on his promise he made to the American people.'" Alexandra Berzon, Hamed Aleaziz, Nicholas Nehamas, Ryan Mac and Tara Siegel Bernard, *Social Security Lists Thousands of Migrants as Dead to Prompt Them to 'Self-Deport'*, New York Times, Apr. 10, 2025, <https://www.nytimes.com/2025/04/10/us/politics/migrants-deport-social-security-doge.html>.

protections.⁷ Indeed, your own lawyers reportedly agree⁸ that this action violates the Privacy Act and that the agency is “knowingly and falsely declaring that living people are dead.” In addition to these blatant rights violations, the action may violate federal law prohibiting the falsification of government documents.⁹ This prohibition has been applied to guard the integrity of government functions against misuse, and provides that employees of a U.S. agency or department are prohibited from knowingly and willfully falsifying agency records.¹⁰ The Privacy Act also requires agencies to ensure its records are accurate and complete to the degree “necessary to assure fairness to the individual[s]” whose information has been recorded.¹¹ Per SSA regulation, transfer of an SSN in the DMF may only occur in the case of the individual’s actual death and generally requires evidence to substantiate it.¹² As you know, the DMF—and more broadly, SSNs—are used by federal agencies, state governments, financial institutions, insurance companies, and dozens of other private sector industries for identification. By knowingly transferring the SSNs of living number-holders to the DMF, SSA employees effectuating the initiative may be liable for the deliberate falsification of federal records.

In support of this initiative, the Trump administration has cited its interest in encouraging immigrants to “self-deport” by cutting off all access to financial subsistence. This stated interest, however, is not within the programmatic role of SSA to force immigrants to “self-deport”. By co-opting SSA systems, personnel, and funding to serve an immigration enforcement purpose, SSA could be violating federal appropriations law for using appropriated funds for purposes for which they weren’t appropriated.¹³

In addition to the serious legal concerns this action raises, it is also an affront to the value of immigrants to our society and to the program. Falsely declaring immigrants as dead, or otherwise eliminating their ability to use their legally-obtained SSN, will render them incapable of working legally and will inevitably push them into the shadows, forced to subsist in an underground economy. For many reasons, targeted individuals will be unable to leave this country. To be sure, numerous studies from the left and the right have shown immigrants have a net positive effect on our economy, directly contradicting the Trump administration’s justifications for this initiative, but their whole contribution to our country cannot be quantified in mere dollars.

It is shameful to push immigrants to “self-deport” by illegally transferring their SSNs to DMF in blatant violation of the Constitution and numerous federal laws. This alone would be outrageous,

7 20 C.F.R. 401.105

8 Hannah Natanson, Lisa Rein, and Meryl Kornfield, *Trump Administration Overrode Social Security Staff to List Immigrants as Dead*, Washington Post (Apr. 12, 2025), <https://www.washingtonpost.com/politics/2025/04/12/trump-immigrants-dead-social-security/>.

9 8 U.S.C. § 1001.

10 DOJ, Criminal Resource Manual, 500-999, <https://www.justice.gov/archives/jm/criminal-resource-manual-904-purpose-statute>.

11 5 U.S.C. § 552a(e)(5).

12 20 C.F.R. 404.720.

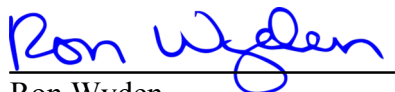
13 31 U.S.C. § 1341.

but the precedent it sets threatens the security of all Americans, citizens and noncitizens alike. We have observed over the course of this administration that President Trump widens the scope of his attacks the moment he successfully targets a particular group. After this administration ran roughshod over due process and court orders to confine immigrants to an El Salvador prison, the President publicly mused about the possibility of disappearing American citizens there next. If the president can trample the Constitution to target immigrants who have lawfully acquired SSNs, he will do the same to American citizens he wishes to target, and SSA will be complicit in those actions.

We are alarmed by SSA's actions to weaponize Social Security and in contravention of the Constitution and multiple federal laws. This shameless attempt to push immigrants who have lawfully obtained SSNs into the shadows threatens our community members and the bedrock freedoms and safeties upon which we all rely. The purpose of SSA is to provide for the welfare of number-holders and their dependents, not to serve as an arm of President Trump's immigration enforcement agenda. This move degrades the solvency, reliability, and accuracy of SSA systems and programs. It is as cruel as it is thoughtless— the impact will be felt in communities across the country and in the future of SSA programs themselves.

We urge you to immediately cease this practice and remove all individuals placed on the DMF through this initiative.

Sincerely,



Ron Wyden
United States Senator
Ranking Member, Committee
on Finance



Peter Welch
United States Senator



Mazie K. Hirono
United States Senator



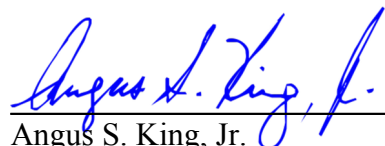
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United States Senator



Tammy Duckworth
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Bernard Sanders
United States Senator



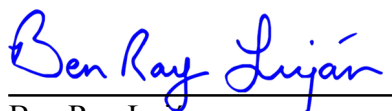
Angus S. King, Jr.
United States Senator



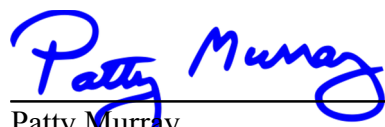
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Cory A. Booker
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Ben Ray Lujan
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Patty Murray
United States Senator



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