

# WHITAKER LEGAL IN THE NEWS

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## **SOCIAL SECURITY ADMINISTRATION CLASSIFIES IMMIGRANTS AS DEAD IN ‘TARGETED, BUREAUCRATIC CRUELTY,’ EXPERTS SAY**

*BY: TODD KARPOVICH*

The Social Security Administration reportedly classified more than 6,000 living immigrants who were either on the terrorist watch list or with criminal records as dead under a directive by the Trump administration last week

A Trump spokesperson referred to the action as a promise kept. Immigrant advocates called it a “terrifying” precedent.

As a result of the order carried out by the Department of Government Efficiency, immigrants could have trouble accessing banks and other services that require a Social Security number, attorneys said. The move could also impact immigrants’ ability to legally earn wages and receive benefits, potentially prompting “temporarily paroled aliens” on the terrorist watch list or with FBI criminal records, a White House official told The Baltimore Sun.

Effective April 8, U.S. Customs and Border Protection terminated parole for all of these individuals with written notice to each of them.

The Social Security team determined they were ineligible to receive social security benefits and moved their social security numbers into the “Ineligible Master File” — previously known as “Death Master File” by the SSA — to prevent them from receiving any payments, the White House official said.

The Washington Post reported that security guards removed Social Security IT chief Greg Pearre from his Woodlawn office after he pushed back against the plan to prevent immigrants from having access to financial services. Pearre called the decision “illegal” and “cruel,” according to the report.

The founder and managing attorney of a Towson-based immigration law firm called it political overreach.

“Labeling thousands of living immigrants as deceased and revoking their Social Security numbers is not only a bureaucratic nightmare, it’s a chilling abuse of government power,” said Nicole M. Whitaker, of Whitaker Legal, LLC. “This tactic essentially erases a person’s legal identity in the United States, potentially cutting off their ability to work, bank, access housing or drive.

“It’s the administrative equivalent of forced disappearance, and it’s happening without notice, explanation or any opportunity to respond.”

The White House defended the administration’s decision.

“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,” White House spokesperson Liz Huston said in a statement to The Sun. “He is delivering on his promise he made to the American people.”



Kathleen Romig, the director of Social Security and disability policy at the Center on Budget and Policy Priorities, said many people are watching the Social Security Administration closely and are alarmed by what is happening.

“There’s nothing in the law that authorizes falsely declaring a person dead,” Romig said. “There’s no reason that if the administration does this to one person, they can do it to anyone at all. It’s a really scary thing they are doing.”

The impact of being wrongly declared dead by the Social Security Administration has impacted other American citizens in the past, according to attorneys.

The family of former Glen Burnie resident Joyce Evans has filed a class-action lawsuit against the federal agency, claiming it misreported her death and contributed to an array of financial and health issues.

Social Security reported Evans as dead in December 2023, even though she was still living. As a result, her medical condition “deteriorated significantly” due to the tremendous stress and limited access to necessary medical care, according to the complaint. The 89-year-old Evans eventually died of heart-related issues July 24, 2024.

“The Social Security Administration has misreported the deaths of tens of thousands of Americans,” said Jim Francis, an attorney with Francis Mailman Soumilas, who is representing the Evans family with Baltimore-based law firm Schlachman, Belsky, Weiner & Davey. “The individuals are reported dead, but they are not, in fact, dead. When this happens, the victims become financially paralyzed, and often lose access to their benefits and their rights.

“I don’t know anything about who makes up the [6,300] immigrants. I do not know their status and cannot comment on it,” he said. “What I do know is that by adding living individuals to the Death Master file — if that is what is going on — will only further erode the accuracy of the SSA’s records, not improve them.”

Legal experts also worry about a broader issue. The decision to classify people as incorrectly deceased could lead to other potential abuses of power by the executive branch of the United States government.

“This sets a terrifying precedent,” Whitaker said. “If a sitting president can use federal agencies to weaponize administrative tools against a vulnerable population without due process or transparency, it opens the door for future governments to do the same to any group they wish to marginalize. The idea that the federal government could quietly “delete” someone’s existence in order to coerce them into leaving the country should alarm all of us.

“This isn’t immigration policy — it’s targeted, bureaucratic cruelty.”

Maryland Attorney General Anthony Brown also has concerns about the future of the Social Security Administration. On Tuesday he joined a coalition of 21 states filing an amicus brief supporting a preliminary injunction to “block erratic and unlawful mass layoffs, closing of offices, and dismantling of the Social Security Administration.”