

## WHAT IS E-VERIFY?

Federal Law requires that all employers verify the identity and employment eligibility of all new employees (including U.S. citizens) within three days of hire.

Employers are required to complete a Form I-9, and employees must provide employers with documents establishing both identity and eligibility to work in the United States.

The Department of Homeland Security (DHS) and the Social Security Administration (SSA) have established an electronic system called E-Verify to assist employers further in verifying the employment eligibility of all newly-hired employees.

Through E-Verify, employers send information from the Form I-9 about you to SSA and DHS (only for non-citizens) to ensure that you are authorized to work in the United States and that your name, Social Security number, and date of birth match government records.

If your employer uses E-Verify, you as an employee have certain rights and responsibilities.

## You Should Know Your Rights and Responsibilities Under E-Verify



[www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)

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E-Verify is a service of DHS and SSA

### **YOUR RIGHTS AND RESPONSIBILITIES WHEN YOUR EMPLOYER CHECKS YOUR INFORMATION IN E-VERIFY**

- After you have been hired, and within three days after starting your new job and completing Section 1 of the Form I-9, you must show your employer valid documentation (as listed on the Form I-9) that establishes your identity and employment eligibility.
- It is your right to choose which documents to produce regardless of the fact that your employer participates in E-Verify, with one exception. If you present a List B document to an employer that participates in E-Verify, that document must include a photograph.

### **WHAT HAPPENS WHEN YOUR INFORMATION DOES NOT MATCH WITH SSA'S OR DHS' DATABASES?**

- If your employer runs your information through E-Verify and receives a mismatch, which is known as a Tentative Nonconfirmation (TNC), your employer must promptly give you written notification of the TNC and ask you whether you want to contest the TNC.
- If you decide to challenge the TNC, your employer will give you a referral letter providing you with details on how to contact the SSA or DHS to resolve your case. You and your employer must both sign the TNC and the referral letter.

### **YOUR RIGHT TO WORK IF YOU TIMELY CONTEST A TENTATIVE NONCONFIRMATION (TNC)**

- Employers may not take any adverse action against an employee because he/she contests a TNC. This includes firing, suspending, withholding pay or training, or otherwise infringing upon his/her employment.
- The employee must be given eight federal government work days to contact the appropriate federal agency to contest the TNC.
- Employers may not take any adverse action against any employee based upon the TNC for the duration of the TNC (even if it extends beyond ten federal government work days) as long as the employee contacted the appropriate federal agency within eight federal government work days.

### **WHAT DO I DO IF I THINK I HAVE BEEN SUBJECTED TO DISCRIMINATION?**

Employees who believe that they have been subjected to discrimination based upon their national origin or citizenship or immigration status with respect to hiring, firing, recruitment or referral for a fee, through an employer's use of E-Verify, or when completing the Form I-9 should call the Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration Related Unfair Employment Practices at 1-800-255-7688 (TDD: 1-800-237-2515) for assistance.

### **YOUR EMPLOYER'S ROLES AND RESPONSIBILITIES WHILE THEY ARE PARTICIPATING IN E-VERIFY**

- Employers must post a notice informing employees of their use of E-Verify as well as anti-discrimination posters.
- E-Verify must be used for new hires only. It cannot be used to verify the employment eligibility of current employees.
- E-Verify must be used for all new hires regardless of national origin or citizenship status.
- E-Verify must be used only after hire and after completion of the Form I-9.
- Employers may not pre-screen applicants through E-Verify.



**WHERE CAN I GET MORE INFORMATION ABOUT EMPLOYEES AND RESPONSIBILITIES?**

Visit the "For Employees" section on the E-Verify webpage.

[www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)