E-Verify
Employer DOs and DON'Ts

(Revised 03/10/09)

DO...

- Use program to verify employment eligibility of new hires

- Use program for **all** new employees regardless of national origin or citizenship status

- Use program for new employees **after** they have completed the I-9 Form

- Promptly provide and review with the employee the notice of tentative nonconfirmation

- Promptly provide the referral notice from the Social Security Administration (SSA) or Department of Homeland Security (DHS) to the employee who chooses to contest a tentative nonconfirmation

- Allow an employee who is contesting a tentative nonconfirmation to continue to work during that period

- Check E-Verify daily for updates in connection with the tentative nonconfirmation

- Contact E-Verify if you believe an employee has received a final nonconfirmation in error

- Post required notices of the employer's participation in E-Verify and the antidiscrimination notice issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC)

- Accept any Form I-9 List B document with a photo from an employee who chooses to provide a List B document

- Secure the privacy of employees' personal information and the password used for access to the program

- Delay running an E-Verify query for an employee who has not yet been issued a Social Security number until the Social Security number is issued

- Allow an employee who has not been issued a Social Security number to work throughout the period that the employee is waiting for his or her Social Security number to be issued

(PLEASE SEE REVERSE FOR E-VERIFY DON'TS)

For more information, call the OSC Employer Hotline 1-800-255-8155;
TDD for the hearing impaired: 1-800-237-2515
www.usdoj.gov/crt/osc

E-Verify
Employer DOs and DON'Ts

(Revised 03/10/09)

DON'T...

- Use program to verify current employees

- Use program selectively based on a "suspicion" that a new employee or current employee may not be authorized to work in the U.S. or based on national origin

- Use program to pre-screen employment applicants unless you are a State Workforce Agency

- Influence or coerce an employee's decision whether to contest a tentative nonconfirmation

- Terminate or take adverse action against an employee who is contesting a tentative nonconfirmation, including denying or reducing scheduled hours, delaying or preventing training, mistreating the employee, requiring the employee to work longer hours, requiring the employee to work in poorer conditions, or subjecting the employee to any assumption that s/he is unauthorized to work during this period, unless and until receiving a final nonconfirmation or no show response

- Ask an employee to obtain a printout or other written verification from SSA or DHS when referring that employee to either agency

- Ask an employee to provide additional documentation of his or her employment eligibility after obtaining a tentative nonconfirmation for that employee

- Request specific documents in order to activate E-Verify's photo tool feature

- Run an E-Verify query for an employee who is waiting for his or her Social Security number to be issued until the employee is issued a Social Security number

(PLEASE SEE REVERSE FOR E-VERIFY DOs)

For more information, call the OSC Employer Hotline 1-800-255-8155;
TDD for the hearing impaired: 1-800-237-2515
www.usdoj.gov/crt/osc