



## Office of Special Counsel for Immigration-Related Unfair Employment Practices

U.S. Department of Justice Civil Rights Division

# Know Your Rights!

## Learn About Your Right to Work

The Civil Rights Division of the U.S. Department of Justice has an office dedicated to ensuring that employers do not discriminate against individuals who are permitted to work in the U.S. based on their national origin or immigration status. It is unlawful to fire or refuse to hire certain workers because of where they are from or appear to be from (national origin discrimination) or because they are a U.S. citizen or not a U.S. citizen (immigration status discrimination). The law also protects workers from employers who ask for too many work-authorization documents or reject valid work-authorization documents for discriminatory reasons.

### ***How can I tell if an employer is discriminating against me?***

An employer may be discriminating based on national origin or immigration status if the employer:

- Demands that certain workers show “green cards.”
- Asks certain workers for more documents than needed to complete the I-9 form.
- Rejects valid work authorization documents.
- Refuses to allow certain workers to begin working based on a name and Social Security number no-match.
- Refuses to hire refugees and asylees because they don’t have Social Security numbers or green cards.
- Only hires U.S. citizens (unless it is a legal requirement).
- Asks certain workers for work authorization documents before offering them jobs.
- Fires work-authorized workers for lying about their prior undocumented status, but has not fired other workers for lying about different aspects of their background.

### ***What about E-Verify?***

E-Verify is an electronic program some employers use to confirm that their employees have permission to work. With some exceptions, this program is used for newly hired workers. E-Verify should never be used on job applicants. An employer’s use of E-Verify may be discriminatory on the basis of national origin or immigration status if the employer:

- Uses E-Verify to check only some, but not all, new hires.
- Uses E-Verify to check only some, but not all, existing employees (E-Verify should generally only be used at the time of hire).
- Refuses to allow certain workers with Tentative Nonconfirmations (TNCs) to work or delays their start date while those workers are correcting their TNCs.
- Asks certain workers to run themselves through E-Verify’s “Self Check” system.

### ***What should you do if you think you or someone you know has suffered these types of discrimination?***

Call the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) at the Civil Rights Division of the U.S. Department of Justice on its Worker Hotline number at **1-800-255-7688, 9am-5pm, E.S.T.** (TDD for the hearing impaired: 1-800-237-2515). You do not have to provide your name, and interpreters are available to assist you. **It is also unlawful for an employer to intimidate, threaten, or retaliate against anyone for contacting the Hotline.** For more information, call the Hotline or visit <http://www.justice.gov/crt/about/osc>.