

**U.S. Department of Justice**

Civil Rights Division

Office of Special Counsel  
for Immigration-Related  
Unfair Employment Practices



---

---

**If You Have The  
Right To Work,  
Don't Let Anyone  
Take It Away.**

## What Do You Need to Know to Fill out the I-9 Form?

▼ You can **CHOOSE** which documents to present as proof of your right to work in the United States, as long as these documents are listed on the reverse of the I-9 form. Employers **CANNOT DEMAND** to see specific documents, such as a "green card," and they **CANNOT REFUSE** to accept the documents that you present.

▼ The documents you show must establish two things: your **IDENTITY** and your **RIGHT TO WORK IN THE U.S.** One document from **List A** is enough to prove both identity and work authorization. If you do not present one of these documents, you must show one document from **List B** to establish your identity and one document from **List C** to establish your work authorization.

▼ An employer **CANNOT REFUSE TO HIRE YOU** because your work authorization has an expiration date. Your employer must reverify your work authorization by asking to see valid work documents on or before the expiration date. For this confirmation of your work authorization, you can also **CHOOSE** which documents to present to the employer.

## **If You Receive an E-Verify TNC**

If the information you provide on the I-9 form does **NOT** match information contained in Social Security Administration (SSA) or Department of Homeland Security (DHS) databases, E-Verify will generate a tentative non-confirmation (TNC) notice.

**STEP 1:** If E-Verify generates a TNC, the employer must promptly provide you with the written TNC notice generated by E-Verify which explains your choice to contest the TNC.

**STEP 2:** You must indicate on the form whether you choose to contest the TNC, sign the form, and return it to your employer. If you decide to contest the TNC, your employer must then promptly provide you with a referral letter issued by E-Verify that contains specific instructions and contact information.

**STEP 3:** Once you receive the referral letter you must contact the appropriate federal agency (SSA or DHS) by the date on the letter.

**NOTE:** The SSA referral letter will direct you to visit an SSA field office to update your record. However, if you are a naturalized U.S. citizen and SSA is unable to confirm your citizenship, you may call USCIS directly to resolve the TNC. The phone number appears on the letter.

- ▼ Employers may not influence your decision to contest a TNC, nor may they take any adverse action against you while you are contesting the TNC. This includes firing, suspending, withholding pay or training, or otherwise infringing upon your employment.

### **What Can Happen to You If You Use False Papers?**

- ▼ If you used false papers to get your job, you risk losing the right to live and work legally in the U.S.
- ▼ Under federal law, you can be criminally prosecuted, resulting in imprisonment and/or receiving a serious fine. You can also be deported.
- ▼ If you now have legal immigration papers, stop using false documents immediately. Go to your employer and make sure that your file has the correct information.

*The lists of acceptable I-9 form documents are subject to change. For the latest regulations please call OSC at 1-800-255-7688.*

## What Are Your Rights as a Worker?

When filling out the I-9 form, **an employer CANNOT:**

- ▼ ask you to show specific documents, or refuse to accept valid documents
- ▼ ask **ONLY** foreign-looking or sounding individuals, or immigrants, to fill out the I-9 form
- ▼ refuse to accept documents with a future expiration date
- ▼ refuse to accept receipts of valid documents

**As an employee, you also have the right to challenge an employer if s/he:**

- ▼ refuses to hire you, or fires you, because you look or sound foreign, or because of your immigration status.
- ▼ refuses to hire you, or fires you, because s/he requires from you a knowledge of English that is not necessary to do the job you are applying for.

All of these employer actions are **ILLEGAL AND DISCRIMINATORY**. If you have been denied--or lost--work for any of these reasons, call the **Office of Special Counsel (OSC)** in the U.S. Department of Justice.

**If you would like to file a charge of discrimination, have any questions about filling out the I-9 form or about worker protections under the law, contact the:**

**Office of Special Counsel (OSC)**  
**1-800 255-7688; TDD for hearing impaired:**  
*1-800-237-2515*

**U.S. Department of Justice**  
**Civil Rights Division—NYA Rm 9000**  
**Office of Special Counsel**  
**For Immigration-Related**  
**Unfair Employment Practices**  
**950 Pennsylvania Ave., NW**  
**Washington, DC 20530**

**For more information about immigration documents, contact:**

**U.S. Citizenship and Immigration Services**  
**<http://www.uscis.gov> 1-800-375-5283**