



Worker Fact Sheet

Worker Protections Against Discrimination in the E-Verify Process

If your employer uses E-Verify, you have rights.

E-Verify is an electronic program run by the U.S. Department of Homeland Security. Employers use E-Verify to check if employees have the legal right to work in the United States.

The Immigrant and Employee Rights Section (IER) of the U.S. Department of Justice's Civil Rights Division enforces a law that prohibits employers from discriminating in the E-Verify process. This law is found at [8 U.S.C. § 1324b](#).

How E-Verify works

E-Verify compares information from your completed Form I-9 to information in government records.

E-Verify will confirm that you have the legal right to work in the United States if the information matches.

If the information does not match, E-Verify requires your employer to tell you that E-Verify did not confirm your legal right to work right away. This is known as a **Tentative Nonconfirmation**, or **mismatch**.

You have rights while fixing an E-Verify mismatch

If you receive a mismatch, you have the right to take action to fix the error. E-Verify rules require your employer to give you written instructions on how to fix the problem. These instructions include a deadline to contact the government.

You may also get an email from E-Verify with information about your E-Verify case if you include your email address on your Form I-9.

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If your employer notifies you that you got a mismatch and you are taking action to fix the problem, your employer is not allowed to take any negative action against you because of the mismatch, including:

- Firing you
- Suspending you
- Making you wait to start work
- Refusing to pay you for work you've done

An employer taking action against you based on the mismatch might violate the law that IER enforces and the E-Verify law.

Under the E-Verify law and rules, employers are also not allowed to:

- Create an E-Verify case before hiring you
- Check your information in E-Verify before you have filled out your Form I-9
- Use E-Verify to check your information for reverification

Still waiting for your Social Security number?

E-Verify instructs employers to allow you to continue to work after you have completed the Form I-9. Once your Social Security number is available, your employer will create your E-Verify case.

E-Verify employers must use the program consistently and without regard to an employee's citizenship, immigration status, or national origin.

You can learn if your employer has run you through E-Verify and more at e-verify.gov/mye-verify.

Call the Immigrant and Employee Rights Section if:

- Your employer uses E-Verify only for non-U.S. citizens, workers from a certain country, or those workers your employer thinks look "foreign."
- Your employer won't let you work or takes other action against you when you are fixing a mismatch.

Worker Protections Against Discrimination in the E-Verify Process

- Your employer asks you to show a specific document for the Form I-9 or E-Verify.

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Contact

Civil Rights Division, Immigrant and Employee Rights Section (IER)



- Call the Worker Hotline at **1-800-255-7688**
- For people with hearing disabilities **1-800-237-2515**
- Calls can be anonymous.
- Free language services are available.



- To learn more, visit **[justice.gov/ier](https://www.justice.gov/ier)**