



U.S. DEPARTMENT OF JUSTICE  
IMMIGRANT & EMPLOYEE RIGHTS SECTION  
CIVIL RIGHTS DIVISION

## WORKER PROTECTIONS AGAINST DISCRIMINATION IN THE E-VERIFY PROCESS

If your employer uses E-Verify, you have rights. E-Verify is a web-based program that the U.S. Government runs. 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) enforces a law that prohibits employers from discriminating in the E-Verify process. This law is found at [8 U.S.C. § 1324b](#) and the regulations for this law are at [28 C.F.R. Part 44](#). A different law discusses the general rules for E-Verify, at 8 U.S.C. § 1324a note (the E-Verify Law).

### 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, the E-Verify Law and rules require 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 TNC. You can find more information about TNCs in Sect. 403(A)(4) of the E-Verify Law.

### You have rights while fixing a problem with E-Verify

If you receive a TNC, you have the right to take action to fix the error. [E-Verify rules](#), found in the E-Verify Memorandum of Understanding Article III, require your employer to give you written instructions on what to do 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.

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

- » Fire you
- » Suspend you
- » Make you wait to start work
- » Refuse to pay you for work you've done

Taking action against you based on the TNC may violate the law that IER enforces and the E-Verify Law at Sect. 403(a)(4).



### 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

You can learn more in Sec. 403(a) of the E-Verify Law and in the [E-Verify User Manual](#), and by contacting IER.

### Still waiting for your Social Security Number (SSN)?

E-Verify instructs employers to allow you to continue to work once you have completed the Form I-9. [Once your SSN 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, and an employer that discriminates when using E-Verify may violate the law at 8 U.S.C. § 1324b and the E-Verify rules.

You can learn if your employer has run you through E-Verify and more at myE-Verify, [www.e-verify.gov/mye-verify](http://www.e-verify.gov/mye-verify). This website includes several resources and you can get information on any cases an E-Verify employer created for you.

**Call the Immigrant and Employee Rights Section if:**

- » Your employer uses E-Verify only for immigrants, those from a certain country, or those who look “foreign”
- » Your employer won’t let you work or takes other action against you when you are fixing a TNC
- » Your employer asks you to show a specific document for the Form I-9 or E-Verify

**Immigrant and Employee Rights Section (IER)**

**1-800-255-7688**

[www.justice.gov/ier](http://www.justice.gov/ier)

Calls can be anonymous and language services are available.

TTY 1-800-237-2515

**E-Verify**

**1-888-897-7781**

[www.e-verify.gov](http://www.e-verify.gov)

Contact E-Verify for help with your E-Verify case. Language services are available.

TTY 1-877-875-6028

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