



Office of Special Counsel for Immigration-Related Unfair Employment Practices

U.S. Department of Justice Civil Rights Division

Deferred Action for Childhood Arrivals (DACA) Recipients: 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., including DACA recipients who have been granted work-authorization. Employers cannot ask DACA recipients for more or different work-authorization documents than what is permitted for the Form I-9 and cannot reject valid work-authorization documents because of a DACA recipient's citizenship status or national origin. It is also unlawful for an employer to fire or refuse to hire DACA recipients because of their national origin.

1. How can I tell if an employer is discriminating against me?

An employer may be discriminating if the employer:

- Demands that certain workers show specific documents in order to complete the Form I-9, such as a driver's license or a "green card."
- Asks certain workers for more documents than necessary to complete the Form I-9.
- Rejects documents that appear to be genuine and are listed on the Form I-9, such as an unexpired Employment Authorization Document (EAD).
- Rejects a work-authorization document because it has a future expiration date.
- Refuses to hire an applicant because the worker has an accent.

2. What if my employer fires me for coming forward with new employment authorization and/or identity documents?

In cases where a worker was using a false identity but has obtained work authorization status, the law does not require that the employee be terminated. However, the employer may need to update or complete a new Form I-9.

3. Must I disclose my DACA status?

You are usually not required to disclose your DACA status, but there are some exceptions. Contact the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) if your employer is requiring you to disclose your DACA status.

4. How will I be affected if my employer uses E-Verify?

E-Verify is an electronic program that some employers use to confirm that their workers have permission to work. 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 new hires.
- Uses E-Verify to check only some existing workers (E-Verify should generally only be used at the time of hire.)
- Uses E-Verify to check only some applicants. (E-Verify should never be used before hire.)
- Refuses to allow certain workers with Tentative Non Confirmations (TNC) to work or delays their start dates while those workers are correcting their TNCs.
- Asks certain workers to run themselves through E-Verify's "Self Check" system.

5. Who should I call if I have questions or concerns?

Call OSC's worker hotline at **1-800-255-7688**, 9am-5pm, ET (TTY for the hearing impaired: 1-800-237-2515). Your call can be anonymous, and interpreters are available. In appropriate circumstances, OSC can call employers and inform them of the law and help get you back on the job quickly. Note that it is illegal for an employer to intimidate, threaten, or retaliate against anyone for contacting the hotline. For more information, you may also visit <http://www.justice.gov/crt/about/osc>.

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