



Worker Fact Sheet

Identifying Possible E-Verify Related Employment Discrimination

This fact sheet provides information to help you, as a worker or a worker's representative, identify possible discrimination involving an employer's use of E-Verify.

E-Verify is an electronic program the U.S. Department of Homeland Security operates. Some employers use E-Verify to check if their employees are eligible to work in the United States.

The Immigrant and Employee Rights Section (IER) of the U.S. Department of Justice's Civil Rights Division investigates discrimination based on a worker's citizenship, immigration status, or national origin in the E-Verify process.

The law that IER enforces is found at [8 U.S.C. § 1324b](#). Find more information about E-Verify at e-verify.gov.



What's in this Document

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- **How to get help from E-Verify**



Contact

For questions about this fact sheet, call the Civil Rights Division's **Immigrant and Employee Rights Section** at

1-800-255-7688

What E-Verify is and when employers can use it

E-Verify verifies new employees' work authorization based on information provided on the Form I-9. Employers are not allowed to use E-Verify to: (1) verify current employees unless a federal contract requires the employer to do so, (2) pre-screen applicants, or (3) reverify an employee's permission to work.

Employers that use E-Verify must use the program consistently for all new employees. **An employer that treats workers differently in the E-Verify process based on their citizenship, immigration status, or national origin might be violating the law that IER enforces.**

If the Form I-9 information an employer enters into E-Verify does not match government records, E-Verify will issue a **Tentative Nonconfirmation** (also known as a **mismatch**). Workers have the right to take action to fix the mismatch.

Employers that take negative action against a worker based on the mismatch because of the worker's citizenship, immigration status, or national origin might be violating the law that IER enforces. **Some examples of prohibited negative actions are delaying a start date, withholding pay, or firing a worker.**

E-Verify discrimination and misuse

Employers should follow E-Verify rules **consistently** for all employees regardless of their citizenship, immigration status, or national origin.

Problems may arise if the employer never informs the employee that it uses E-Verify or that the employee received a mismatch.

The law that IER enforces prohibits employers from discriminating against workers based on their citizenship, immigration status, or national origin when verifying their permission to work, including through the use of E-Verify.

If a worker receives a **Final Nonconfirmation** they believe is in error, the employer or worker can contact E-Verify.

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Information for worker advocates

Worker advocates might not always know if a worker's employer uses E-Verify. You can identify possible E-Verify issues if a worker who has permission to work in the U.S. tells you:

- My employer told me that my information didn't go through the system.
- My employer told me my papers are not valid.
- My employer told me my Social Security number is not valid.
- My employer told me I am not work authorized.

E-Verify offers a service called **myE-Verify** for workers, which allows workers to learn if an employer has created an E-Verify case for them. Workers can access this information at e-verify.gov/mye-verify.

Worker advocates may also uncover possible E-Verify issues by asking the following questions to workers who are having problems related to their paperwork even though they have permission to work in the United States:

- Did your employer give you a notice about a potential problem verifying your permission to work?
- Did your employer tell you to go to the Social Security Administration to fix a problem with your Social Security number?
- Did your employer tell you to contact the Department of Homeland Security for help verifying your permission to work?
- Did your employer fire you soon after starting work because of an issue with your work documentation?
- Did your employer enter your information into a computer and then tell you there is an issue verifying your work authorization?
- Did your job offer depend on the information from your work authorization documents going through a computer system?
- Did your employer tell you to sign a paper stating that you did not want to resolve an E-Verify mismatch?

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How to get help from IER

If a work-authorized individual suffers an adverse action and calls IER's hotline at **1-800-255-7688**, IER may be able to immediately contact the employer to help the worker resolve the issue and safeguard the worker's employment.

If IER learns that an employer may be unlawfully discriminating in the E-Verify process, IER may also open a formal investigation and seek to identify other workers affected by the employer's practices.

How to get help from E-Verify

U.S. Citizenship and Immigration Services (USCIS) has an E-Verify hotline (**1-888-897-7781**) that can help with answering general E-Verify questions, resolving a mismatch, helping an employer that does not know how to use E-Verify, or receiving reports of privacy concerns related to an employer's E-Verify use.

The longer a worker waits to address a potential E-Verify problem, the more difficult it is to resolve. Call the IER hotline to address potential discrimination or call the E-Verify hotline for other E-Verify issues.

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Contact

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


 Call the Employer 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**

U.S. Citizenship and Immigration Services (USCIS)

 For questions on properly completing the Form I-9 and properly creating an E-Verify case, call **1-888-897-7781**

For people with hearing disabilities
1-877-875-6028

 To learn more, visit **uscis.gov/i-9central**
or **e-verify.gov**