



Worker Fact Sheet

Protecting Your Right to Work

The Immigration and Nationality Act prohibits employers from discriminating against work-authorized individuals based on their citizenship, immigration status, or national origin.

The Immigrant and Employee Rights Section (IER) of the U.S. Department of Justice's Civil Rights Division enforces this law, found at [8 U.S.C. § 1324b](#).

Under the law that IER enforces, employers generally aren't allowed to:

- refuse to hire you
- fire you
- treat you differently in the process of verifying your permission to work in the United States

based on your citizenship, immigration status, or national origin.

Call IER at **1-800-255-7688** if you believe you may have experienced discrimination. Calls can be anonymous.

Examples of potential unlawful discrimination in hiring

- The employer has a policy of only hiring U.S. citizens without a legal requirement to do so.
- The employer refuses to hire workers granted asylum or refugee status because of their immigration status.
- The employer refuses to hire a qualified worker based on the country the worker is from.
- The employer prefers workers with temporary work visas over qualified and available workers in the United States because of their citizenship, immigration status, or national origin.

Examples of potential unlawful discrimination when verifying permission to work

Under the law that IER enforces, when verifying your permission to work, **employers can't ask for more or different documents than necessary, request specific documents, or reject reasonably genuine-looking documents, because of your citizenship, immigration status, or national origin.**

This type of discrimination generally happens during the Form I-9 and E-Verify processes.

An employer might be discriminating in the Form I-9 process if, based on a worker's citizenship status or national origin:

- The employer demands that certain workers show "green cards" but allows other workers to decide which documents to show.
- The employer asks certain workers for more documents than needed to complete the Form I-9.
- The employer rejects valid work authorization documents from certain workers.
- The employer asks lawful permanent residents who decided to show a Permanent Resident Card for the Form I-9 to show more documentation when their Permanent Resident Card later expires.
- The employer refuses to hire certain workers whose work authorization documents have a future expiration date.
- The employer asks certain workers for work authorization documents before offering them a job.

Examples of potential unlawful discrimination in the E-Verify Process

E-Verify is a program some employers use to confirm electronically that their employees have permission to work in the United States. With some exceptions, employers use this program only for newly hired workers and are not allowed to use it on job applicants.

An employer's E-Verify use might violate the law that IER enforces if the employer treats

workers differently in the E-Verify process based on their citizenship, immigration status, or national origin.

An employer might be discriminating in its use of E-Verify if, based on a worker's citizenship, immigration status, or national origin:

- The employer uses E-Verify to check only some, but not all, new employees.
- The employer refuses to allow certain workers with Tentative Nonconfirmations (also known as mismatches) to work or delays their start date while those workers are correcting their mismatch.
- The employer asks certain workers to check their own work authorization using myE-Verify's Self Check.
- The employer requests that certain workers show specific documents for 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)**