

Know your Rights: E-Verify

If your employer uses E-Verify to check the identity and work eligibility of employees, you need to be aware of the following:

- ✓ E-Verify requires your employer to check your identify and work authorization information against the electronic records of the Department of Homeland Security (DHS) and the Social Security Administration (SSA).
- ✓ Your employer is required by law to post a notice stating that they are using E-Verify.
- ✓ Your employer cannot submit information to E-Verify until you are hired and an I-9 form is completed.
- ✓ Your employer cannot submit information to E-Verify for employees hired prior to the date your employer began participating in E-Verify.
- ✓ Your employer cannot use E-Verify to discriminate against employees based on national origin or citizenship status.
- ✓ Your employer cannot use E-Verify for existing employees, only new hires.
- ✓ Your employer cannot reverify your employment eligibility using E-Verify unless you they are a federal contractor and you are assigned to the covered federal contract.
- ✓ If the information submitted cannot be confirmed by E-Verify, your employer will receive a “tentative non-confirmation” notice (TNC).
- ✓ If your employer receives a TNC in response to submitting your information, you should request a copy of the notice.
- ✓ If your employer receives a TNC, they are required by law to give you 8 federal working days to submit additional information to prove your eligibility to work.¹
- ✓ If you choose to contest the TNC, your employer cannot take an adverse employment action against you during that time.²
- ✓ If you choose to contest the TNC, but you are unable to submit additional information to prove your eligibility to work, the notice will become a final notice and your employer is required to terminate your employment.
- ✓ If you choose not to contest the TNC, the notice will automatically become a final notice and your employer is required to terminate your employment.
- ✓ If your employer is violating any of these rules, or you suspect they are, please contact your union representative. Employers who violate these rules will have their participation in E-Verify terminated by DHS.
- ✓ For any questions, concerns or complaint about your employer’s use of E-Verify, please contact your union representative.

¹ If it takes more than 8 days to resolve your case, your employer cannot take an adverse employment action against you.

² This includes terminating you, putting you on unpaid leave, changing your work hours, etc.