



Office of Special Counsel
for Immigration-Related Unfair Employment Practices

U.S. Department of Justice Civil Rights Division

E-Verify
Employer Dos and Don'ts

DO

- Use program to verify employment eligibility of new hires
- Use program for all new hires regardless of national origin or citizenship status
- Use program for new employees after they have completed the I-9 Form
- Provide employee with notice of tentative nonconfirmation promptly
- Provide employee who chooses to contest a tentative nonconfirmation promptly with a referral notice to SSA or DHS
- Allow an employee who is contesting a tentative nonconfirmation to continue to work during that period
- Post required notices of the employer's participation in E-Verify and the antidiscrimination notice issued by OSC
- Secure the privacy of employees' personal information and the password used for access to the program

DON'T

- Use program to verify current employees
- Use program selectively based on a "suspicion" that new employee or current employee may not be authorized to work in the U.S. or based on national origin
- Use program to pre-screen employment applicants
- Influence or coerce an employee's decision whether to contest a tentative nonconfirmation
- Terminate or take adverse action against an employee who is contesting a tentative nonconfirmation unless and until receiving a final nonconfirmation
- Ask an employee to obtain a printout or other written verification from SSA or DHS when referring that employee to either agency
- Ask an employee to provide additional documentation of his or her employment eligibility after obtaining a tentative nonconfirmation for that employee
- Request specific documents in order to use E-Verify's photo tool feature

For more information, call the OSC Employer Hotline
1-800-255-8155
www.usdoj.gov/crt/osc