



Employee Rights and Responsibilities

It is important that you know your rights and responsibilities when you apply to work for an employer who participates in E-Verify. Employers who use E-Verify must follow E-Verify rules and responsibilities and protect the privacy of their employees. If you believe an employer is not following the E-Verify rules listed in the 'Employee Rights Overview' or has discriminated against you, we encourage you to [report it](#).

EMPLOYEE RIGHTS

The 'Employee Rights Overview' outlines the rights of an employee whose employer participates in E-Verify.

Employee Rights Overview	
An employer that participates in E-Verify MUST:	
	Notify you that they participate in E-Verify with the 'Notice of Participation' and the 'Right to Work' poster(s) in both English and Spanish.
	Allow you to start and continue working during the E-Verify verification process, even if you receive a Department of Homeland Security (DHS) or Social Security Administration (SSA) Tentative Nonconfirmation (TNC).
	Provide you with a 'U.S. Department of Homeland Security Notice to Employee of Tentative Nonconfirmation (TNC)' or 'Social Security Administration (SSA) Notice to Employee of Tentative Nonconfirmation (TNC)' if you receive a TNC. This notice contains information about how you contest a TNC.
	Give you the opportunity to contest a TNC.
	Provide you with a Referral Date Confirmation if you decide to contest a TNC. The Referral Date Confirmation provides you with the date by which you must visit SSA or contact DHS.
	Allow you eight federal government workdays to visit a SSA field office or contact DHS to contest a TNC.
An employer that participates in E-Verify MUST NOT:	
	Use E-Verify before you have accepted an offer of employment and completed Section 1 of Form I-9, Employment Eligibility Verification.
	Use E-Verify to discriminate against ANY job applicant or new hire on the basis of his or her citizenship, immigration status or national origin.
	Use E-Verify to verify you if you are a current employee, unless the employer is currently a federal contractor with the Federal Acquisition Regulation (FAR) E-Verify clause in its federal contract.
	Take adverse action against you, including - terminating employment, suspending employment, withholding pay or training, delaying a start date, or otherwise limiting employment because you have decided to contest a TNC or because your E-Verify case is still pending with DHS or SSA.
	Use E-Verify to re-verify you if you are an existing employee whose employment authorization has expired. Instead, your employer must complete Section 3 of Form I-9 or complete a new Form I-9.
	Specify or request which Form I-9 documentation you must use.

EMPLOYEE RESPONSIBILITIES

The 'Employee Responsibilities Overview' outlines the responsibilities of an employee whose employer participates in E-Verify.

Employee Responsibilities Overview	
	Ensure that the information you provide on Form I-9, Employment Eligibility Verification is accurate.
	Write your legal name consistently when you complete your Form I-9. Review the Tips to Prevent a Tentative Nonconfirmation . IMPORTANT: If you recently married and changed your name, or your citizenship has changed, promptly notify the SSA. You can significantly decrease your chance of getting an SSA Tentative Nonconfirmation (TNC) result in E-Verify by ensuring your SSA records are correct and up-to-date.
IF your employer notifies you that your E-Verify case resulted in a DHS or SSA TNC:	
	Review the Further Action Notice to ensure that your personal information is correct on the notice. Tell your employer immediately if any information is incorrect.
	Decide if you are going to contest (take action) to correct the DHS or SSA TNC.
	Sign and date the Further Action Notice and return it to your employer. Review How to Correct a Tentative Nonconfirmation for additional information. IMPORTANT: If you decide not to contest a TNC your employer may terminate your employment.
IF you decide to contest a DHS or SSA TNC:	
	Receive the Referral Date Confirmation from your employer which provides the date by which you must visit SSA or contact DHS.
	Visit an SSA field office OR contact DHS within eight federal government workdays to resolve the TNC. You must have a copy of the Further Action Notice when you visit SSA or contact DHS.

This page provides general overview information about E-Verify. For instructions and policy guidance, [click here](#) to visit the For Employers section of the website, or [click here](#) to visit the For Employees section of the website.

Last Reviewed/Updated: 09/23/2013