

U.S. Department of Homeland Security (DHS) Notice to Employee of Tentative Nonconfirmation (TNC Notice)

Employee's Last Name, First Name		Last Four Digits of Employee's Social Security Number	
Employee's A-Number		Employee's Document Number(s)	
Date of Tentative Nonconfirmation		Case Verification Number	
Reason for this TNC Notice:	<input type="checkbox"/>	DHS Tentative Nonconfirmation. The information entered for this employee does not match U.S. Department of Homeland Security records.	
	<input type="checkbox"/>	Photo Mismatch Resulting in DHS Tentative Nonconfirmation. The photograph on the document this employee provided for Form I-9, Employment Eligibility Verification does not match with the photograph in U.S. Department of Homeland Security records.	

Instructions for the Employer

IMPORTANT
The employee must sign and date page 2 of this TNC Notice.

- Review this TNC Notice (in private) with the employee as soon as possible.
- Ensure the name, Social Security number (SSN), U.S. Passport number, A-number, I-94 number, foreign passport number and/or driver's license number or state ID card number at the top of this TNC Notice are correct. If this information is incorrect, you must close this case in E-Verify and create a new case with the correct information.
IMPORTANT: If the employee cannot read, you must read this TNC Notice to the employee. If the employee does not fully understand English, and speaks Spanish, Chinese, Haitian-Creole, Japanese, Korean, Russian, Tagalog or Vietnamese, you must provide the employee with this TNC Notice in one of these languages, found in 'View Essential Resources.'
- Ask the employee to indicate on page 2 whether he or she will contest the DHS TNC.
- Ask the employee to sign and date this TNC Notice on page 2, then sign and date in the space provided below.
- Give a copy of this signed TNC Notice in English to the employee and attach a copy to the employee's Form I-9.
- Indicate in E-Verify that you notified the employee of the TNC and then click 'Continue.'
- Follow the instructions in E-Verify to refer the case or close the case based on the employee's decision.

NOTE: If the employee chooses not to contest the Tentative Nonconfirmation, you may terminate his or her employment and close the case in E-Verify.

I certify that this employee received a copy of this DHS Notice to Employee of Tentative Nonconfirmation and that the employee made the decision indicated on page 2 of this TNC Notice. I certify that the employee read and signed this document. I certify to the best of my knowledge that the employee's decision to contest or not contest the DHS Tentative Nonconfirmation was of his/her own free will and that the employee was not coerced or pressured in any way by this employer regarding his or her decision to contest the DHS Tentative Nonconfirmation. I certify that the employee named at the top of this TNC Notice is the person who signed this document on page 2.

Employer's Name	Employer Representative's Name
Date	Employer Representative's Signature

Instructions for the Employee

Why You Received this Notice to Employee of Tentative Nonconfirmation (TNC Notice)

Your employer participates in E-Verify, a program managed by the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA). E-Verify compares the information you gave on Form I-9, Employment Eligibility Verification, with the government's records to verify that you are permitted to work in the United States. If you presented an Employment Authorization Document, Permanent Resident Card or a U.S. Passport or Passport Card, E-Verify allows your employer to verify that the photograph on your document matches the photograph in DHS records.

You received this TNC Notice because E-Verify indicated that the information entered into E-Verify from your Form I-9 does not match DHS records. This is known as a DHS Tentative Nonconfirmation or TNC. This does not mean that you gave incorrect information to your employer or that you are not permitted to work in the United States.

A DHS Tentative Nonconfirmation may occur if:

- Your name, A-number, I-94 number and/or foreign passport number was recorded incorrectly in DHS records.
- Your U.S. Passport, Passport Card, foreign passport, driver's license or state ID card information could not be verified.
- Your information was not updated in DHS records at the time your information was checked in E-Verify.
- Your citizenship or immigration status changed.
- There is another type of error on your DHS record.
- You have locked your SSN from further use in E-Verify through the DHS Self Check SelfLock service.
- Your employer did not submit your information correctly to E-Verify.

IMPORTANT

This TNC Notice does not mean that you are not permitted to work or that there is incorrect information on the document(s) you presented for Form I-9. If you choose to contest the DHS Tentative Nonconfirmation, you will need to contact DHS. DHS will review its records and determine whether or not you are permitted to work in the United States. If you decide not to contest this DHS Tentative Nonconfirmation, your employer may terminate your employment.

What You Must Do

Ensure that your name, Social Security number, U.S. Passport number, foreign passport number, A-number, I-94 number and/or driver's license number or state ID card number on the first page of this TNC Notice are correct. Tell your employer immediately if there is incorrect information. If your information is correct, you must decide whether to contest the DHS Tentative Nonconfirmation and inform your employer of your decision.

If you **Contest** (take action) the DHS Tentative Nonconfirmation, you must contact DHS. Your employer will send your case to DHS through E-Verify and give you a Referral Letter. The Referral Letter will explain how to contact DHS and what information or documents you will need. You will have 8 federal government workdays from the date your employer refers your case in E-Verify to contact DHS.

It is important to know that your employer cannot take negative action against you or terminate you based on your decision to contest the TNC. The next page of this TNC Notice outlines your rights.

If you do **Not Contest** (do not take action) the DHS Tentative Nonconfirmation, you are making the choice to give up your opportunity to resolve the TNC. Your case will automatically become a Final Nonconfirmation, which means that your employer may terminate your employment.

IMPORTANT

Know your rights: Read the next page for important information about your rights under the law.

I choose to: (check one)

CONTEST the DHS Tentative Nonconfirmation. I understand that I must contact the U.S. Department of Homeland Security within 8 federal government workdays from the date on the DHS Referral Letter.

NOT CONTEST the DHS Tentative Nonconfirmation. I choose to give up my opportunity to contest the DHS Tentative Nonconfirmation. I understand that my employer may terminate my employment.

Employee's Signature	Date
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If you have questions about what you are required to do contact E-Verify at 888-897-7781 (TTY: 877-875-6028) or e-mail E-Verify@dhs.gov. For questions about immigration-related unfair employment practices contact the Office of Special Counsel for Immigration-Related Unfair Employment Practices at 800-255-7688 (TTY: 800-237-2515).

Know Your Rights

- Employers cannot use E-Verify selectively or to pre-screen job applicants. E-Verify must be used for all new employees regardless of national origin, citizenship or immigration status.
- Employers cannot use E-Verify to verify current employees unless the employer is currently a federal contractor with the FAR (Federal Acquisition Regulation) E-Verify Clause in its federal contract.
- Employers are required to clearly display the 'Notice of E-Verify Participation' and the 'Right to Work Poster(s),' in both English and Spanish.
- Employers must give an employee who receives a Tentative Nonconfirmation (TNC) a copy of the 'Notice to Employee of Tentative Nonconfirmation.' The TNC Notice contains information about how to contest a TNC.
- Employers cannot take any adverse action against an employee, including: terminating, suspending, withholding pay or training, delaying a start date or otherwise limiting employment based on the employee's decision to contest a TNC or because the employee's case is still pending with the U.S. Department of Homeland Security (DHS) or the Social Security Administration (SSA).
- Employers must give an employee a Referral Letter to DHS or SSA, if the employee decides to contest a Tentative Nonconfirmation. The Referral Letter contains instructions and agency contact information for the employee.
- Employers must allow the employee eight federal government workdays to visit an SSA field office or contact DHS to contest the Tentative Nonconfirmation from the date the case is referred in E-Verify.
- Employers may terminate employees only after receiving a Final Nonconfirmation, or after an employee has decided not to contest a Tentative Nonconfirmation.
- Employers may not use E-Verify to re-verify existing employees whose employment authorization has expired. Instead, employers must complete Section 3 of Form I-9, Employment Eligibility Verification or complete a new Form I-9.

For more information on E-Verify, including our privacy practices and program rules, visit the E-Verify website at www.dhs.gov/E-Verify.

Report Violations

If you believe your employer has violated E-Verify rules, or treated you in a discriminatory or unfair manner, we encourage you to report it. To report employer misuse, privacy violations, and general E-Verify complaints, contact the E-Verify Employee Hotline at 888-897-7781 (TTY: 877-875-6028) or e-mail E-Verify@dhs.gov.

To report employment discrimination based upon your citizenship, immigration status, or national origin, or other misuse of E-Verify, contact the Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration Related Unfair Employment Practices at 800-255-7688 (TTY: 800-237-2515). For more information, visit the Office of Special Counsel's website at www.justice.gov/crt/osc.