



Photo Matching

E-Verify's photo matching is an important part of the employment eligibility verification process. It requires the employer to verify that the photo displayed in E-Verify is identical to the photo on the document that the employee presented for section 2 of Form I-9.

Photo matching is activated automatically if an employee has presented his or her Form I-9 a:

- I-551, (Permanent Resident Card)
- Form I-766, (Employment Authorization Document), or
- U.S. passport or passport card

If no photo is available, the case will either automatically skip photo matching or “No Photo on this Document” may display in place of a photo.

Other documents with photos (such as a driver's license) will not activate photo matching.

Reminder: A photo displayed in E-Verify should be compared with the photo in the document that the employee has presented and not with the face of the employee.

Photo Matching Requirements

If an employee presents a Permanent Resident Card, Employment Authorization Document or U.S. passport or passport card as the verification document, the employer must make a copy of that document and keep it on file with Form I-9.

If the photo displayed on the E-Verify screen does not match the photo on the employee's document, the employee will receive a “DHS Tentative Nonconfirmation” (TNC) and must be given the opportunity to correct the problem. If the employee chooses to contest the TNC, the employer must either attach and submit electronically a copy of the employee's photo document or mail a copy of the employee's document to DHS via express mail at the employer's expense.

Avoiding Discrimination

Employees have the right to present any acceptable documentation to complete Form I-9. Employers may not require an employee to present a specific document. Employers must accept the documents the new employee chooses to present as long as they appear to be genuine and relate to the person presenting them. Otherwise, employers may violate federal law prohibiting discrimination in the verification process

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