



Office of Special Counsel for Immigration-Related Unfair Employment Practices

U.S. Department of Justice Civil Rights Division

The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), in the Justice Department's Civil Rights Division, is responsible for enforcing the anti-discrimination provisions of our nation's immigration law. Employer must know that while they have the obligation to obey immigration law by hiring only authorized workers, they also must not violate anti-discrimination laws when hiring or firing workers.

Specifically, the law prohibits employers from four types of discriminatory acts: First, employers may not refuse to hire and may not terminate workers authorized to work in the United States because of national origin or citizenship status. For example, employers may not refuse to hire a job applicant because of the applicant's foreign appearance or accent. Second, employers may not require job applicants to hold certain citizenship or visa status unless mandated by law or government contract. This means that preferences for U.S. citizens or temporary visa holders are against the law. **In fact, any preference for undocumented workers over legal workers also may be a violation of immigration law as well as citizenship status discrimination.** Third, employers may not discriminate by demanding more documents than what the law requires from workers to prove identity or eligibility to work in this country. A list of acceptable documents is provided on the back of the Employment Eligibility Verification form (commonly known as Form I-9), which employers must complete for all newly hired workers. Finally, employers may not retaliate against workers who assert their rights under these anti-discrimination laws. Employers who discriminate or retaliate against workers may be required to hire or re-hire the worker, pay back wages, or change internal policies to avoid further discrimination. **Employers also may become liable for monetary fines or the workers' legal fees.**

To better understand workers' rights or employers' responsibilities under these anti-discrimination laws, please visit OSC's website at <http://www.usdoj.gov/crt/osc/>. OSC also operates telephone hotlines where OSC's attorneys and investigators resolve employers' questions about properly completing the "I-9" process, and ensuring that legal workers do not lose their jobs because of a misunderstanding of the law. The number for employers to call is 1-800-255-8155, or 1-800-237-2515 (TDD for hearing impaired). Workers may call 1-800-255-7688, (202) 616-5525 or 1-800-237-2515 (TDD for hearing impaired).

Workers who believe that they were denied jobs or were terminated from jobs because of national origin or citizenship status may file a charge against the employer with OSC. The charges must be filed within 180 days of the alleged act of discrimination. Workers may obtain a charge form from <http://www.usdoj.gov/crt/osc/htm/charge.htm> or by calling OSC at (202) 616-5594 or 1-800-255-7688 (toll free). The hearing impaired may call (202) 616-5525 or 1-800-237-2515 (toll free). Workers may file the charge via facsimile at (202) 616-5509, or by mail to: Office of Special Counsel for Immigration-Related Unfair Employment Practices/NYA, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530. In the event that the particular allegations fall outside of OSC's jurisdiction, OSC will refer the charge to the Equal Employment Opportunity Commission (EEOC) on the worker's behalf.

One effective way to become familiar with these rights and obligations is to take advantage of OSC's public education and outreach resources. Each year, OSC conducts hundreds of outreach presentations to workers and employers across the country. To request an OSC speaker for your local ____ chapter or for any other community organization, please call any of the numbers listed above and ask for OSC's public affairs specialist.

We look forward to working with workers and employers across the country to eliminate citizenship status and national original discrimination.