

MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. DEPARTMENT OF JUSTICE AND THE MINISTRY OF FOREIGN AFFAIRS OF THE UNITED MEXICAN STATES REGARDING WORKER PROTECTIONS AGAINST EMPLOYMENT DISCRIMINATION BASED ON CITIZENSHIP, IMMIGRATION STATUS, OR NATIONAL ORIGIN

The U.S. Department of Justice, through its Civil Rights Division, Office of Special Counsel for Immigration-Related Unfair Employment Practices (“OSC”) and the Ministry for Foreign Affairs of the United Mexican States (“Ministry”), through its Embassy and Consulates in the United States of America, hereinafter referred to as “the Participants”;

RECOGNIZING that OSC enforces the anti-discrimination provision of the Immigration and Nationality Act (INA), 8 U.S.C. § 1324b, which prohibits (1) citizenship, immigration status, and national origin discrimination in hiring, firing, and recruitment or referral of workers for a fee; (2) unfair documentary practices during the process of verifying workers’ employment eligibility; and (3) retaliation for asserting rights under the statute that OSC enforces;

CONSIDERING that the Consulates of Mexico in the United States of America (“Consulates”) provide services to Mexican nationals in the United States of America and support the rights of such nationals, including their rights under the anti-discrimination provision of the INA; and

BEARING IN MIND the importance of establishing and maintaining intergovernmental partnerships for the purposes of training, educating the public, increasing access to OSC’s services and resources, and referring allegations of discrimination to the proper agency;

Have reached the following understanding:

**SECTION I
Objective**

The objective of this Memorandum of Understanding (“MOU”) is to recognize the collaborative relationship between the Participants to protect Mexican workers in the United States of America from employment discrimination in hiring, firing and recruiting or referring for a fee, based on their citizenship, immigration status, and national origin; unfair documentary practices; and retaliation.

SECTION II Scope

To achieve the objective of this MOU, the Participants, consistent with their respective resources, legal authority and obligations, intend to collaborate to:

1. Provide Mexican nationals with information, guidance, and access to education and training resources to help them understand their rights under the anti-discrimination provision of the INA, 8 U.S.C. § 1324b.
2. Facilitate the referral of appropriate allegations of discrimination, unfair documentary practices, and retaliation to OSC for investigation under 8 U.S.C. § 1324b.

SECTION III Responsibilities of the Participants

In order to achieve the goals of Section II of this MOU, the Participants, consistent with their respective resources, legal authority, and obligations, intend to continue working together to carry out the following collaboration activities:

For OSC:

1. Conducting training sessions on the application and enforcement of 8 U.S.C. § 1324b at a mutually determined time and place to appropriate Consular staff identified by each Consulate of Mexico.
2. Attending and participating in appropriate forums organized by the Consulates of Mexico for Mexican nationals and employers involving topics under OSC's jurisdiction.
3. Disseminating compliance and educational materials through the Embassy to the Consulates of Mexico and its stakeholders in other locations.
4. Publicizing this MOU to interested parties.

For the Embassy:

1. Designing a system for referring discrimination, unfair documentary practices, and retaliation allegations to OSC based on OSC's guidance for the referral of allegations.

2. Consulting periodically with OSC to ensure that the Consulates of Mexico are referring discrimination, unfair documentary practices, and retaliation allegations in accordance with OSC's guidance for referrals of allegations.

SECTION IV Coordination and Monitoring

To achieve the objective of this MOU, each Participant intends to designate a coordinator to be responsible for formulating the actions of that Participant's collaboration as set forth in this MOU. Coordinators may assemble whenever they consider it appropriate.

The Embassy designates the Head of the Consular Coordination and Hispanic Affairs Section and OSC designates its Deputy Special Counsel, as their respective coordinators under this MOU.

For the purposes of this MOU, the Embassy designates its address as the one located at 1911 Pennsylvania Avenue, NW., Washington, DC 20006. OSC designates its address as the one located at 1425 New York Avenue, NW, Suite 9000, Washington, DC 20005.

Each Participant intends to notify the other Participant in a timely way of any change of coordinator, address, telephone number, or email address.

SECTION V Effects

This MOU, as a statement of intent and collaboration, is subject to and does not alter any applicable laws or policies, particularly any laws or policies that may authorize or limit the activities of each of the Participants.

This MOU is not legally binding and does not create binding or enforceable legal obligations and/or rights of any kind with respect to the Participants, either to each other or to third parties, and does not create enforceable legal obligations and/or rights for any other person or entity.

Similarly, neither this MOU nor its content implies, under any circumstances, that there is or there could be an employment or agency relationship between the Embassy, the Consulates of Mexico and/or its employees and OSC, or vice versa.

**SECTION VII
Consultations**

The Participants intend to resolve any difference arising from the interpretation or application of this MOU through a good faith consultation process.

**SECTION VIII
Final Provisions**

This MOU is effective from the date of its signature and continues in effect until any Participant decides to discontinue its Participation in this MOU, by giving notice in writing.

This MOU may be modified through the mutual, written consent of the Participants.

Signed in duplicate at Washington, D.C., the 1st day of September, two thousand and sixteen, in the English and Spanish languages.

**FOR THE DEPARTMENT OF JUSTICE
OF THE UNITED STATES OF
AMERICA**



**Vanita Gupta
Principal Deputy Assistant Attorney
General**

**FOR THE MINISTRY OF FOREIGN
AFFAIRS OF THE UNITED MEXICAN
STATES**



**Carlos Manuel Sada Solana
Ambassador**