



OSC UPDATE

Office of Special Counsel for Immigration-Related Unfair Employment Practices

The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) investigates and prosecutes allegations of national origin and citizenship status discrimination in hiring, firing, and recruitment or referral for a fee, as well as unfair documentary practices during the employment eligibility verification process and retaliation under the anti-discrimination provision of the Immigration and Nationality Act (INA). In addition, OSC conducts outreach aimed at educating employers, workers and the general public about their rights and responsibilities under the INA's anti-discrimination provision.

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Spotlight on OSC's Longest-Serving Equal Opportunity Specialist



PHOTO: Alexandra Vince
Equal Opportunity Specialist

Alexandra Vince has served as an Equal Opportunity Specialist with OSC for over seventeen years. She has investigated hundreds of cases, educated employers on the anti-discrimination provision of the INA, and obtained relief for workers both via the formal discrimination charge process and via informal telephone interventions. She has worked under five Special Counsels for Immigration-Related Unfair Employment Practices: William Ho-Gonzales, John Trasviña, Juan-Carlos Benitez, William Sanchez and Patrick Shen. Vince's exemplary research and investigative skills have brought about many successful investigatory outcomes and she is a trusted resource on OSC policy, procedures and history.

Vince's multi-cultural experiences prepared her well for her work at OSC. Her father is a first generation immigrant of Slovakian/Hungarian descent and her mother is a naturalized citizen of French/Belgium and Haitian descent. Because her father was a Foreign Service officer, Vince was born in Brazil and her first language was Portuguese. She grew-up in Brazil, Turkey, Korea, Thailand, and Japan and extensively traveled throughout Asia, South-east Asia, Europe and Central America.

Vince is a big fan of the OSC hotline, especially the telephone intervention program. She says one of the most gratifying aspects of working at OSC is the ability to help workers "on the spot" when they have just been fired, or are about to be fired, due to an employer's misstep in the employment eligibility verification process. Usually employers are quick to remedy the problem when OSC explains their obligations, and both workers and employers are satisfied with the speedy resolution.

Vince says staff members who answer the hotline (including all of the attorneys and equal opportunity specialists) are often required to put their counsel-

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OSC Employer Hotline:
1-800-255-8155
1-800-237-2515 (TDD)

OSC Worker Hotline:
1-800-255-7688
1-800-237-2515 (TDD)

Partnering with Fair Employment Practices Agencies (FEPAs)

OSC values its relationships with all of its partners that help OSC to accomplish its mission of ending immigration-related employment discrimination. Since its inception 25 years ago with the passage of IRCA, OSC has relied on its governmental and non-governmental partners to educate employers about their obligations and to educate and assist workers when it comes to protections under the anti-discrimination provision. Currently OSC is working on reinvigorating and expanding its relationships with state and local fair employment practices agencies (FEPAs).

Most states and many cities and counties have FEPAs that enforce state and local anti-discrimination laws. Many of these agencies process discrimination charges for the U.S. Equal Employment Opportunity Commission (EEOC), a federal agency (and long term partner with OSC), under a workshare agreement.

Usually, the laws enforced by FEPAs are similar to the laws enforced by the EEOC, but sometimes the laws FEPAs enforce prohibit categories of discrimination not prohibited by the laws the EEOC enforces; for instance discrimination based on sexual orientation and marital status. OSC has memoranda of understanding with many FEPAs (listed on OSC's

website under "Partnerships") whereby OSC and the FEPA agree to serve as respective agencies for the purpose of accepting charges that fall within each other's jurisdiction in order to toll the statutory time limits for filing charges. In addition, they agree to refer charges to each other when the charge or aspects of the charge fall within the other agency's jurisdiction and to coordinate investigations when aspects of a charge fall within the jurisdiction of both agencies. If, for example, a FEPA receives a charge alleging religious discrimination but also alleging document abuse, the FEPA would investigate the religious discrimination claim and OSC would investigate the document abuse claim.

In the memorandum of understanding, OSC and the FEPA also agree to provide technical assistance and training in order to better understand the policies, procedure and law governing the enforcement activities of the other agency.

OSC is reaching out to state and local FEPAs across the country, explaining our jurisdiction and providing training both live and via webinar. OSC is excited to welcome its most recent FEPA partner, the Missouri Commission on Human Rights, which entered into a [memorandum of understanding](#) with OSC on June 27, 2012.

Spotlight (cont'd)

ing skills to work because callers can be very emotional when they are at the point of losing their jobs, even their homes and cars. Vince also appreciates the cards she has received thanking her for her help with telephone interventions. In one card an immigrant worker wrote, "I never expected that someone like you would help a young man like me. And for that you've given me more than hope but you also changed my life and given me a lot of confidence and chances in life." Ms. Vince states "it doesn't get much better than this. When I get these types of letters I say to myself that of course I am going to help, how could I not? I am just in awe that people take the time to write to me or my supervisors to thank me. This is what I do. And it's just one of many reasons why I have stayed with OSC as long as I have."

Receive E-mail Alerts About OSC

Stay informed about OSC's latest news and initiatives by signing up for e-mail alerts through [Gov-Delivery](#). On the subscriber preference page, click "Civil Rights Division" and then "Immigrant Rights and National Origin Discrimination." You may select to receive OSC e-mail alerts about OSC News and Information, OSC's Newsletter, or E-Verify and TPS Resources.

New OSC Outreach Materials

OSC has posted on its website several new educational materials on the following topics:

- Temporary Protected Status (TPS) information for workers (to help ensure they continue working when their Employment Authorization Documents (EADs) are automatically extended by USCIS):
 - [Workers with Temporary Protected Status: Protect Your Right to Work](#)
 - [Trabajadores con Estatus de Protección Temporal: Proteja Su Derecho al Trabajo](#)
 - [Information for Workers From El Salvador with Temporary Protected Status](#)
 - [Información para Trabajadores Salvadoreños Con Estatus de Protección Temporal \(TPS\)](#)
- TPS information for employers:
 - [Information for Employers Regarding Temporary Protected Status](#) (El Salvador)
- Information about Social Security Number mismatches:
 - [Name and Social Security Number “No-Matches” Information for Employees](#) (updated)
 - [Cartas de “No-Coincidencia” de Nombre y Número de Seguro Social \(SSN\)](#)
- E-Verify “Know Your Rights”, now available in Spanish:
 - [¡Conozca sus Derechos! Lo que Usted Necesita Saber acerca de E-Verify](#)
- Information for advocates about E-Verify, explaining the program and helping determine when an employer may have misused E-Verify
 - [How Advocates Can Identify Possible E-Verify-Related Employment Discrimination](#)
- Guidance for employers and recruiters with respect to non-discriminatory employment advertising:
 - [Best Practices for Job Posting](#)

Temporary Protected Status Updates

TPS is granted by the Secretary of DHS to individuals in the United States who are nationals of countries subject to environmental disaster, armed conflict, or other extraordinary and temporary conditions. TPS beneficiaries are granted employment authorization and a stay of removal while under Temporary Protected Status. Information about TPS designations, extensions, and automatic extensions of work authorization for TPS beneficiaries is published by notice in the Federal Register. The following countries are currently under TPS designation: El Salvador, Haiti, Honduras, Nicaragua, Somalia, Sudan, South Sudan, and Syria. Please visit OSC’s website at <http://www.justice.gov/crt/about/osc/> or USCIS’s website at <http://uscis.gov> for additional information regarding these TPS Designations.

Somalia

On May 1, 2012, the Department of Homeland Security (DHS) formally announced that it was both

extending the existing TPS designation for eligible Somali nationals from September 18, 2012, to March 17, 2014, and re-designating Somalia for TPS for 18 months, effective September 18, 2012, through March 17, 2014. The extension allows currently eligible TPS beneficiaries to retain their TPS through March 17, 2014. The re-designation of Somalia allows additional individuals who have been continuously residing in the United States since May 1, 2012, to obtain TPS, if eligible. For individuals who have already been granted TPS under the Somalia designation, the 60-day re-registration period will run from May 1, 2012, through July 2, 2012. EADs for Somali TPS beneficiaries were not automatically extended because DHS had sufficient time to issue new EADs by their date of expiration. Employers should accept the EADs as valid “List A” documents. Please see the Federal Register Notices for TPS for Somalia for more details. For more information you may visit www.uscis.gov/tps.

OSC's Recent Enforcement Activities

¿Habla Español?

OSC is pleased to announce it will begin presenting Spanish language webinars beginning on November 8, 2012. Please join us and let all your colleagues who are “*hispano-parlante*” know about this opportunity to learn from the experts on immigration-related employment discrimination! You may sign up for an OSC webinar here: <http://www.justice.gov/crt/about/osc/webinars.php>.

OSC Webinars

OSC invites you to participate in an upcoming webinar. Currently, OSC is offering worker/advocate and employer/HR webinars. Below is a list of upcoming webinars:

- August 22, 2012 at 2:00 pm EST (employer/HR)
- September 12, 2012 at 2:00 pm EST (worker/advocate)
- September 20, 2012 at 3:00 pm EST (employer/HR)
- October 11, 2012 at 3:00 pm EST (worker/advocate)
- October 16, 2012 at 1:00 pm EST (employer/HR)
- October 22, 2012 at 2:00 pm EST (refugee/asylee)
- November 8, 2012 at 3:00 pm EST (worker/advocate; Spanish)

To join, simply visit [OSC's webinar page](#), select the event you're interested in, and click on the adjacent link to register for the event. Registration is fast and free! For more information, to recommend webinar topics, or to obtain webinar participation details, visit [OSC's webinar page](#).

OSC Settles Document Abuse Claim Against Imagine Schools Inc.

On May 7, 2012, OSC entered into a [settlement agreement](#) based on an allegation that Imagine Schools, Inc. improperly reverified the Permanent Resident Card of a lawful permanent resident when the individual's card expired, and terminated him as a result. The agreement provided for backpay of \$20,169 and civil penalties of \$600. The employer also agreed to training, reporting and compliance monitoring for 18 months.

OSC Files Lawsuit Alleging Unfair Documentary Practices by Tuscany Hotel and Casino, LLC

On May, 11, 2012, OSC filed a [lawsuit](#) against a Las Vegas casino, alleging that the casino engaged in a pattern or practice of discrimination in the employment eligibility verification and re-verification process, by requesting non-citizens to provide more or different documents or information than required from U.S. citizens during initial verification, and by demanding specific documents during re-verification. The complaint alleges that the employer required all non-U.S. citizens to provide the expiration date of their List A document as a condition of employment, recorded those expiration dates in its payroll system, and tracked them for the purposes of re-verifying these employees, most of whom should not have been subject to re-verification.

OSC Settles Retaliation Claim Against Whiz International LLC

On May 22, 2012, OSC filed a [lawsuit](#) against Whiz International, alleging that the company directed its recruiter to prefer temporary visa holders in its recruitment efforts, and then retaliated against her by terminating her when she expressed discomfort with excluding U.S. citizens and lawful permanent residents from consideration. The case [settled](#) eight days later. The company agreed to pay full backpay of \$21,780 to the injured party, and a \$1,000 civil penalty. The company also agreed to three years of monitoring.

The map indicates where OSC conducted outreach from April 1, 2012 to June 30, 2012.



Arizona

Scottsdale
Phoenix
Tucson
Window Rock

California

Los Angeles
Oakland
Palo Alto
Santa Barbara

Connecticut

New Haven

District of Columbia

Florida

Destin
Orlando

Georgia

Atlanta
Glynco

Hawaii

Hawaii
Maui
Oahu

Illinois

East St. Louis

Massachusetts

Boston

Missouri

St. Louis

New Mexico

Albuquerque
Farmington
Santa Fe

New York

New York

North Carolina

Charlotte

Ohio

Columbus

Texas

El Paso
Houston
San Antonio

Utah

Salt Lake City

Virginia

Alexandria
Arlington
Charlottesville
Richmond
Winchester

Washington

Seattle

Upcoming OSC Outreach Events

Please contact us if you are interested in having an OSC speaker at your organization or a community event. We are scheduled to visit the following cities between August 5, 2012 and September 30, 2012. Please contact OSC’s Public Affairs Specialist (Beau.Blank@usdoj.gov) even if your city is not listed.

California

San Francisco: approx. September 27-28, 2012

District of Columbia

August 22, 2012; September 11, 2012; September 12, 2012; September 17, 2012; and September 20, 2012

Illinois

Chicago: September 10-11, 2012

Indiana

Indianapolis: approx. September 5, 2012 and September 13, 2012

Maryland

Columbia, September 12, 2012

Michigan

Dearborn: approx. August 23, 2012

Mississippi

Robinsonville: approx. August 30, 2012

North Carolina

Chapel Hill: approx. August 16, 2012

Oregon

Portland: approx. August 23, 2012

Texas

Houston: approx. September 13, 2012 and September 28, 2012

San Antonio: approx. September 27, 2012

Virginia

Alexandria: approx. August 16, 2012; and September 20, 2012.

U S D E P A R T M E N T O F J U S T I C E

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Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W. (NYA)
Washington, D.C. 20530



Main Number: (202) 616-5594

Toll Free Information Number and Worker Hotline:

1-800-255-7688/(202) 616-5594 or 1-800-237-2515 (TDD for hearing impaired)
(Language interpretation available)

Employer Hotline: 1-800-255-8155 or 1-800-237-2515 (TDD for hearing impaired)

Fax Number: (202) 616-5509

Website Address: <http://www.justice.gov/crt/about/osc>

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**WE VALUE YOUR FEEDBACK! IS THERE A TOPIC YOU WOULD LIKE TO READ ABOUT IN OUR NEWSLETTER?
EMAIL US AT OSCCRT@USDOJ.GOV**