



OSC UPDATE

Office of Special Counsel for Immigration-Related Unfair Employment Practices

U.S. Department of Justice | Civil Rights Division

November 2006

20th Anniversary Commemorative Edition

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Dear Readers:

This year, the Office of Special Counsel for Immigration Related Unfair Employment Practices ("OSC") celebrates 20 years of combating discrimination and securing the civil rights of thousands of U.S. citizens and lawful immigrants. OSC was created by Congress to enforce the anti-discrimination provision of the Immigration Reform and Control Act of 1986 ("IRCA"). IRCA was signed into law by President Ronald Reagan on November 6, 1986. To discourage illegal immigration, IRCA, which amended the Immigration and Nationality Act, imposed sanctions and criminal penalties on employers that knowingly hire undocumented workers. To allay concerns that these sanctions and penalties might lead to a discriminatory backlash against U.S. citizens and lawful immigrant workers who look or sound foreign, IRCA also prohibits employers from committing "immigration-related unfair employment practices." In addition to civil rights enforcement, Congress directed OSC to educate the public and prevent discrimination before it occurs.



Katherine A. Baldwin
Deputy Special Counsel

Since its inception, OSC has secured employment and reinstatement for thousands of workers who have been discriminated against, collecting millions of dollars in back pay and civil penalties against employers who violated IRCA's anti-discrimination protections. OSC has also developed and executed an extensive public education campaign to inform workers and employers about their rights and responsibilities under the anti-discrimination provision. As part of this campaign, OSC conducts training for other government agencies, employer associations, public service organizations, and workers across the nation; operates a toll-free hotline for workers and employers; provides federal grants to organizations with the capacity to educate workers and employers on both a local and national level; and distributes thousands of outreach materials each year, including this newsletter, the *OSC Update*.

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OSC's Telephone Interventions

OSC's telephone intervention program is an innovative form of alternative dispute resolution. It allows a caller to OSC's employee or employer hotline to work informally with OSC's staff to resolve potential immigration-related employment disputes within hours or minutes, rather than weeks or months, without contested litigation. Employers love the program because it saves them time and money. Employees love the program because it keeps them on the job.

Employer Hotline:

1-800-255-8155
1-800-362-2735(TDD)

Worker Hotline:

1-800-255-7688
1-800-237-2515(TDD)

Need a Speaker?

OSC provides speakers to make presentations to educate workers, employers and the general public about their rights and responsibilities under the anti-discrimination provision of the Immigration and Nationality Act. Upon request, OSC also provides educational materials (printed and audiovisual) at no cost. Please contact us to learn more about these services. (See last page for contact information.)

Historical Overview of the Anti-Discrimination Provision

This year marks the 20th anniversary of the enactment of the anti-discrimination provision of the Immigration and Nationality Act (“INA”), and the establishment of the Office of Special Counsel for Immigration Related Unfair Employment Practices (“OSC”). On October 17, 1986, the 99th Congress enacted the Immigration Reform and Control Act of 1986 (“IRCA”). IRCA is also known commonly as the Simpson-Rodino Act, named after the bill’s sponsors, Senator Alan Simpson (R-Wyoming) and Representative Peter Rodino (D-New Jersey). Because Representative Romano Mazzoli (D-Kentucky) was the bill’s original sponsor in the House in 1982, the legislation is also sometimes referred to as the Simpson-Mazzoli Act.

For the first time, the new law made it unlawful for any employer to knowingly hire individuals who are not authorized to work in the United States, and imposed employer sanctions and criminal penalties on businesses that knowingly hire undocumented workers. With IRCA’s passage, employers were required to verify their employees’ work eligibility. As part of the employment eligibility verification process, all new hires and their employers must now complete the U.S. Department of Homeland Security (“DHS”) Form I-9. On the first day of employment, employees must certify that they are U.S. citizens or nationals, lawful permanent residents, or individuals otherwise authorized to be employed in the United States. Within three days of hire, every new employee must show their employer documentation establishing their identity and work authorization. Under the law, there are several combinations of legally acceptable documents from which employees can choose. The I-9 Form must be completed for every new employee, regardless of national origin, and whether or not a U.S. citizen. Under IRCA, an employer’s failure to verify the identity and employment authorization of new employees by

completing the I-9 Form violates federal immigration law.

Congress recognized that the employment eligibility verification requirements and sanctions against employers for hiring undocumented workers might discourage some employers from hiring U.S. citizens and legal immigrants who are authorized to work in the United States but who look or sound foreign.¹ Consequently, IRCA also contains an anti-discrimination provision that prohibits employers from committing “immigration-related unfair employment practices.” The anti-discrimination provision was included as Section 102 of IRCA, and is codified at 8 U.S.C. § 1324b. The anti-discrimination provision outlaws unfair immigration related employment practices, and establishes procedures to enforce these prohibitions.

It is an unfair immigration-related employment practice to discriminate against a work authorized individual in hiring, discharging, or recruiting or referring for a fee because of an individual’s national origin or, in the case of a U.S. citizen or a prospective U.S. citizen, because of that individual’s citizenship status. The anti-discrimination provision also expands the national origin employment discrimination protections contained in Title VII of the Civil Rights Act of 1964. Whereas Title VII covers national origin discrimination by larger employers - those that employ fifteen or more employees for 20 or more weeks during the preceding or current calendar year - the anti-discrimination provision covers smaller employers - those employing between four and

fourteen employees on the date of the alleged discrimination.

The anti-discrimination provision also prohibits unfair documentary practices during the Form I-9 process. In general, employers may not request more or different documents than are required to establish a worker’s identity and authorization to work in the United States, or reject documents that on their face appear reasonably genuine when verifying employment eligibility. They must accept all documents that are sufficient to complete the form, as long as they appear reasonably genuine on their face and relate to the employee. For example, any individual may present a driver’s license and Social Security card to satisfy Form I-9 requirements. Employers may not require non-citizens to produce “green cards” or U.S. citizens who appear “foreign” to produce birth certificates. Instead, it is the employee’s choice which of the acceptable Form I-9 documents to present. All employers with more than three employees are covered by the INA’s prohibition against unfair documentary practices.

In order to enforce these prohibitions, the anti-discrimination provision created an Office of Special Counsel for Immigration Related Unfair Employment Practices within the U.S. Department of Justice in Washington, D.C. Among OSC’s primary statutory responsibilities is the investigation of unfair immigration-related employment practices, either through conducting independent investigations or investigations of charges filed with OSC by aggrieved individuals or their representatives. The law also requires OSC to conduct an outreach and education program aimed at employers, potential victims of discrimination, and the general public regarding their rights and responsibilities under the INA’s anti-discrimination and employer sanctions provisions.

¹ *Indeed, studies later conducted by the Government Accountability Office confirmed that employer sanctions led to widespread discrimination, primarily against U.S. citizens and legal immigrants who were Hispanic and Asian, and confusion among employers about proper employment eligibility verification procedures and appropriate documents to establish employment eligibility.*

Statistical Summary of OSC Activities from Fiscal Year 2001 to Fiscal Year 2006

DATA ELEMENT		FY '01	FY '02	FY '03	FY '04	FY '05	FY '06 (as of 9/06)
1	Charges Resolved:	144	160	250	197	182	197
2	Total Charges Received & Investigated or Dismissed for Failure to Make Complete:	326	431	438	367	338	333
3	Settlements:	40	34	25	41	49	70
4(a)	Letters of Resolutions:	n/a	n/a	n/a	36	43	68
4(b)	Out of Court Settlements:	37	27	23	5	6	2
4(c)	ALJ Orders:	3	7	20	0		0
5	Successful Interventions:	164	168	194	109	182	177
6	Outreach Presentations:	781	466	915	807	395	433
7	Employer/Worker Hotline Calls	58,615	17,254	18,580	15,173	21,038	18,885

Summary of OSC's Major Accomplishments Over the Past 20 Years

Since its creation twenty years ago, OSC's most significant accomplishment has been to provide a means of legal redress for thousands of U.S. citizens and legal immigrants who face discrimination, and who would otherwise have no means to obtain justice. Overall, OSC has settled or otherwise resolved thousands of charges of immigration-related unfair employment practices since OSC's inception in 1986. Through OSC's enforcement efforts, victims of immigration-related unfair employment practices have been able to obtain various types of monetary and other relief, including reinstatement and back pay. From 1997 until 2005, OSC secured \$1,374,664 in back pay for workers, as well as \$1,578,865 in civil penalties from employers. In some cases, OSC's resolutions have impacted entire industries. For example, OSC engendered widespread reform throughout the airline and defense industries in the late 1980's, and the casino and food processing industries in the 1990's.

As noted above, in the anti-discrimination provision, Congress specified that OSC's mission must encompass public and community outreach. Through its comprehensive outreach efforts, including an annual public education grant program open to state and municipal agencies, employer groups, and non-profit, community and faith-based organizations that target immigrant communities, OSC has been able to directly educate thousands of workers and employers nationwide over the past 20 years about the Form I-9 employment eligibility verification process and the law's anti-discrimination requirements. OSC has distributed hundreds of thousands of brochures and other educational materials to the public and posts educational materials on its website. In recent years, OSC has conducted two public service announcement campaigns, airing information on OSC's mission on radio and television nationwide.

Another achievement of OSC is the development of a timely and cost efficient telephone intervention

program. Through this innovative program, OSC attorneys and other staff members learn about potential discrimination from workers and employers over OSC's toll-free hotlines, and then mediate rapid resolutions to problems.

Telephone interventions often resolve matters quickly and to the satisfaction of all parties, getting workers back on the job quickly and obviating the need for workers to file charges of discrimination with OSC. The program is highly cost-effective for both employers and the Federal government, saving hundreds of thousands of dollars in time and expense that would be incurred if a formal investigation and trial ensued as a result of an allegation of discrimination. In 2005 alone, OSC completed 182 successful telephone interventions, and the office has completed over 1,300 successful telephone interventions since the inception of this program.

Overview of OSC

What Constitutes Discrimination Under § 1324b

The Office of Special Counsel for Immigration Related Unfair Employment Practices ("OSC") has the authority to investigate discriminatory conduct under the anti-discrimination provision of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1324b, falling into four categories: (1) citizenship status discrimination; (2) national origin discrimination; (3) document abuse; and (4) retaliation.

Specifically, OSC is authorized to investigate citizenship or immigration status discrimination with respect to hiring, firing, and recruitment or referral for a fee by employers with four or more employees. Employers may not treat individuals differently in hiring, firing or recruitment because they are, or are not, U.S. citizens or work authorized immigrants. U.S. citizens, recent permanent residents, temporary residents, asylees and refugees are protected from citizenship status discrimination. However, the law specifies that permanent residents are not protected from citizenship status discrimination if they fail to apply for naturalization within six months of eligibility.

OSC also investigates allegations of national origin discrimination with respect to hiring, firing, and recruitment or referral for a fee, by employers not otherwise covered by Title VII, i.e., generally these with more than three and fewer than 15 employees.² Employers may not treat individuals differently because of their place of birth, country of origin, ancestry, native language, accent, or because they are perceived as looking or sounding "foreign." All U.S. citizens, lawful permanent residents, and work authorized non-citizens are

protected from national origin discrimination.

Unfair documentary practices in the employment eligibility verification process are also subject to investigation by OSC. At the time of hire, employers are required by law to verify employment eligibility by completing the U.S. Department of Homeland Security's Form I-9. Employers may not request more or different documents than are required to verify employment eligibility. Employers are also prohibited from rejecting reasonably genuine-looking documents, or from specifying certain documents over others with the purpose or intent of discriminating on the basis of citizenship status or national origin. U.S. citizens and all work-authorized immigrants are protected from document abuse.

Finally, OSC is authorized to investigate charges of retaliation. Individuals who file charges with OSC, who cooperate with an OSC investigation, who contest action that may constitute an unfair immigration-related employment practice, or who otherwise assert their rights under the INA's anti-discrimination provision, are protected from retaliation.

Filing A Charge of Employment Discrimination with OSC

Injured parties may file charges of discrimination directly with the Office of Special Counsel's office within 180 days of the alleged act of discrimination. Through a language interpreter service, OSC is equipped to handle complaints in a number of languages. OSC may investigate claims for up to 210 days after receipt of a charge. Typical investigations include interviewing injured parties, employers, and witnesses, and reviewing company documents. During the final 90 days of the investigatory period, if OSC finds there is reasonable cause to believe that immigration-related unfair employment practices have occurred, OSC may file an administrative complaint against the employer. Complaints are heard by an administrative law judge (ALJ), who is

especially trained to hear such cases. If OSC has not made a determination within 120 days of receipt of the charge, it must notify the parties, and the charging party then has the right to file his or her own complaint before an ALJ within the following 90 days. OSC may intervene in that case, or file its own complaint within the 90 day period, where the charging party has not done so.

OSC may also initiate independent investigations. These are triggered in a variety of ways. Sometimes in the course of investigating a charge, OSC will discover that an employer has a discriminatory policy affecting many employees or job applicants that is unrelated to the allegations of the charge. In these cases, the Special Counsel may open an independent investigation to investigate whether the company has a pattern or practice of discrimination. Other independent investigations may start with tips from media reports, public interest groups, and government agencies.

Remedies Under 8 U.S.C. §1324b

There are several remedies that may result from an investigation. During the investigation, employers and employees may agree on how to resolve the charge of discrimination, and an employee will voluntarily withdraw the charge of discrimination ("bilateral resolution"). Before a complaint is filed, OSC may try to negotiate a settlement agreement to resolve the violation. Settlements or successful adjudications may result in civil penalty assessments against violating employers, the imposition of injunctive relief to end discriminatory practices, back pay awards, and reinstatement or hiring.

Individuals who believe they have suffered discrimination may call OSC's toll-free Worker Hotline at 1-800-255-7688 [Voice] or 1-800-237-2515 [TDD], or write to OSC. Employers may call OSC's toll-free Employer Hotline at 1-800-255-8155 [Voice] or 1-800-362-2735 [TDD].

(See last page for contact information)

²The Equal Employment Opportunity Commission has national origin discrimination jurisdiction over employers with 15 or more full-time employees for 20 or more weeks during the preceding or current calendar year.

A Message from the Deputy Special Counsel (continued from Front Page)

Toward this end, we are always happy to hear from you and to assist you in any way that we can—whether it is a call to our hotline, a request for educational materials, or an invitation to participate in an outreach event. We look forward to continuing to work with you toward our common goal, the elimination of unfair immigration-related employment practices.

This commemorative edition of the newsletter celebrates the ongoing efforts of OSC to prevent, remedy, and eliminate immigration-related employment discrimination. Rather than represent an occasion for self-congratulation, however, we view our 20th anniversary as an opportunity to embrace new challenges ahead. The most recent U.S. Census statistics reveal communities of lawful immigrants expanding in nearly every state in the nation. As a result, OSC must redouble its efforts to combat unlawful discrimination and expand outreach opportunities to specifically address these new challenges. Now more than ever, we must all work together to protect lawful immigrants from workplace discrimination. We believe that with communication and cooperation among employers, workers, advocacy groups and the general public, we can better fulfill the mission of OSC in the decades ahead. We urge you to continue to assist us in this effort.

Jurisdictional Differences Between OSC and EEOC

When a worker believes that he or she has experienced employment discrimination, the worker may be confused about which federal agency is the most appropriate one to accept the charge of discrimination. In some cases, different aspects of the alleged employment discrimination will be handled by more than one federal agency. At the federal level, the Equal Employment Opportunity Commission (“EEOC”) is the government agency that handles the most employment discrimination charges. The EEOC enforces the civil rights protections set forth by Congress in Title VII of the Civil Rights Act of 1964 (“Title VII”) and other statutes that protect workers from employment discrimination. OSC has exclusive jurisdiction, however, over immigration-related employment discrimination, as set forth in the anti-discrimination provision of the Immigration and Nationality Act (“INA”).

Congress enacted the anti-discrimination provision of the INA in part to redress gaps in civil rights protections in Title VII. Title VII protects an individual from employment discrimination on the basis of national origin, but does not protect that same individual from discrimination based on citizenship or immigration status—even though the individual is legally authorized to work in the United States. As a result of this gap in Title VII’s coverage, Congress enacted the anti-discrimination provision to protect against citizenship status discrimination, and assigned responsibility for enforcement of this provision to OSC. The anti-discrimination provision also expands the national origin employment discrimination protections contained in Title VII. Whereas Title VII covers national origin discrimination by larger employers - those that employ fifteen or more employees for 20 or more weeks during the preceding or current calendar year - the anti-discrimination provision covers smaller employers -those employing between four and fourteen employees on the date of the alleged discrimination. This and other jurisdictional differences between OSC and the EEOC are set forth below:

Overview of OSC’s Jurisdiction	Overview of EEOC’s Jurisdiction
<p><u>Prohibited Conduct:</u></p> <p>Citizenship/immigration status and national origin discrimination with respect to hiring, firing, and recruitment or referral for a fee; unfair documentary practices during the employment eligibility verification (Form I-9) process; and retaliation.</p> <p><u>Employers Covered:</u></p> <p>Employers with four or more employees are covered by the prohibition against citizenship/immigration status discrimination and unfair documentary practices. Employers with four to fourteen employees are covered by the prohibition against national origin discrimination.</p> <p><u>Covered Persons:</u></p> <p>U.S. citizens and work authorized aliens are protected from national origin discrimination and document abuse. U.S. citizens, many lawful permanent residents, asylees and refugees are protected from citizenship/immigration status discrimination.</p>	<p><u>Prohibited Conduct Includes:</u></p> <p>Discrimination on the basis of religion, national origin, race, color, and sex with respect to any aspect of employment, including the terms and conditions of employment.</p> <p><u>Employers Covered:</u></p> <p>Employers with fifteen or more employees.</p> <p><u>Covered Persons:</u></p> <p>All individuals, regardless of immigration status.</p>

OSC's Interagency and Policy Efforts: Collaboration and Coordination

By collaborating with other government agencies, OSC is able to reach a wider audience and is able to address specific issues of common concern among multiple federal and state agencies through a coordinated approach. OSC currently collaborates with several federal agencies, including the Equal Employment Opportunity Commission ("EEOC"), Social Security Administration ("SSA"), U.S. Department of Labor ("DOL"), U.S. Department of Health and Human Services ("HHS"), U.S. Department of Housing and Urban Development ("HUD"), and the U.S. Department of Homeland Security ("DHS").

One of OSC's most recent interagency efforts is working with DHS in the implementation of the Basic Pilot Program, which allows employers to verify the employment eligibility of new employees through an automated electronic verification system. OSC is working with DHS to ensure that the new program does not lead to increased discrimination. Through on-line training for employers and web-based information services for workers and immigration advocates, DHS and OSC will be able to educate the public in order to prevent abuse of the program.

OSC is also working with SSA to ensure that SSA's "no match" letters do not lead to immigration-related employment discrimination. SSA sends out "no match" letters to employers and workers when SSA's records do not match the names and Social Security numbers of employees provided to SSA by employers. Employers that receive a "no match" letter may unjustly assume that the employee provided fraudulent Social Security information or is an undocumented worker, when the discrepancy instead may have been caused by administrative error, name changes (e.g., marriage or divorce), or

cultural differences in the use of surnames. In some instances, employers may then precipitously terminate employees for whom they have received a "no match" letter. Such termination may constitute discrimination under the anti-discrimination provision if employees are treated differently based on their national origin or citizenship status.

To prevent such discrimination, OSC and SSA advise employers that discrepancies in SSA's records can arise for several reasons, including simple administrative errors. Employers are encouraged to first consult with employees to make sure that the disparity is not a clerical error.

OSC currently educates employers through OSC's toll-free employer hotline on how to best respond to such letters. OSC also helped revise the training manual used by SSA phone operators, providing guidance on how to help employers avoid discrimination.

Many communities, such as the colonias on the U.S.-Mexico border, have special legal needs. Working alongside members of the DOL, HUD, Internal Revenue Service ("IRS"), and DHS, OSC helped educate local groups -- including legal aid groups -- that address the particular needs of migrant farm workers. The Federal Interagency Legal Working Group for Colonias and Migrant Farmworker Issues educates workers on their rights regarding national origin and citizenship discrimination, and creates videos and educational tools on related issues.

After the 9/11 terrorist attacks, South Asian and Middle Eastern workers became the target of increased national origin and citizenship discrimination. In conjunction with other components of the Civil Rights Division, OSC worked to ensure that individuals facing post-9/11 discrimination were educated about their rights and received appropriate remedies. OSC also created a fact sheet distinguishing between OSC's jurisdiction and EEOC's jurisdiction

over 9/11-related employment discrimination complaints.

OSC has also participated in the Worker Exploitation Task Force, which deals primarily with the issue of human trafficking. By lending its expertise on outreach matters and immigrant civil rights, OSC assisted with the implementation of the human trafficking legislation. OSC drafted English and Spanish language portions of the Justice Department's law enforcement brochure for trafficking victims, advocates and law enforcement agencies.

Asylees and refugees are also often subject to citizenship discrimination and unfair documentary practices. For example, they are frequently denied employment because many employers do not recognize their work authorization documents. OSC works with the HHS Office of Refugee Resettlement ("ORR") to create a joint OSC/ORR letter that provides guidance to refugees, asylees and employers regarding proper employment eligibility verification requirements and explains how the OSC can assist in the process.

Office of Special Counsel
for Immigration Related Unfair Employment Practices
U.S. Department of Justice Civil Rights Division

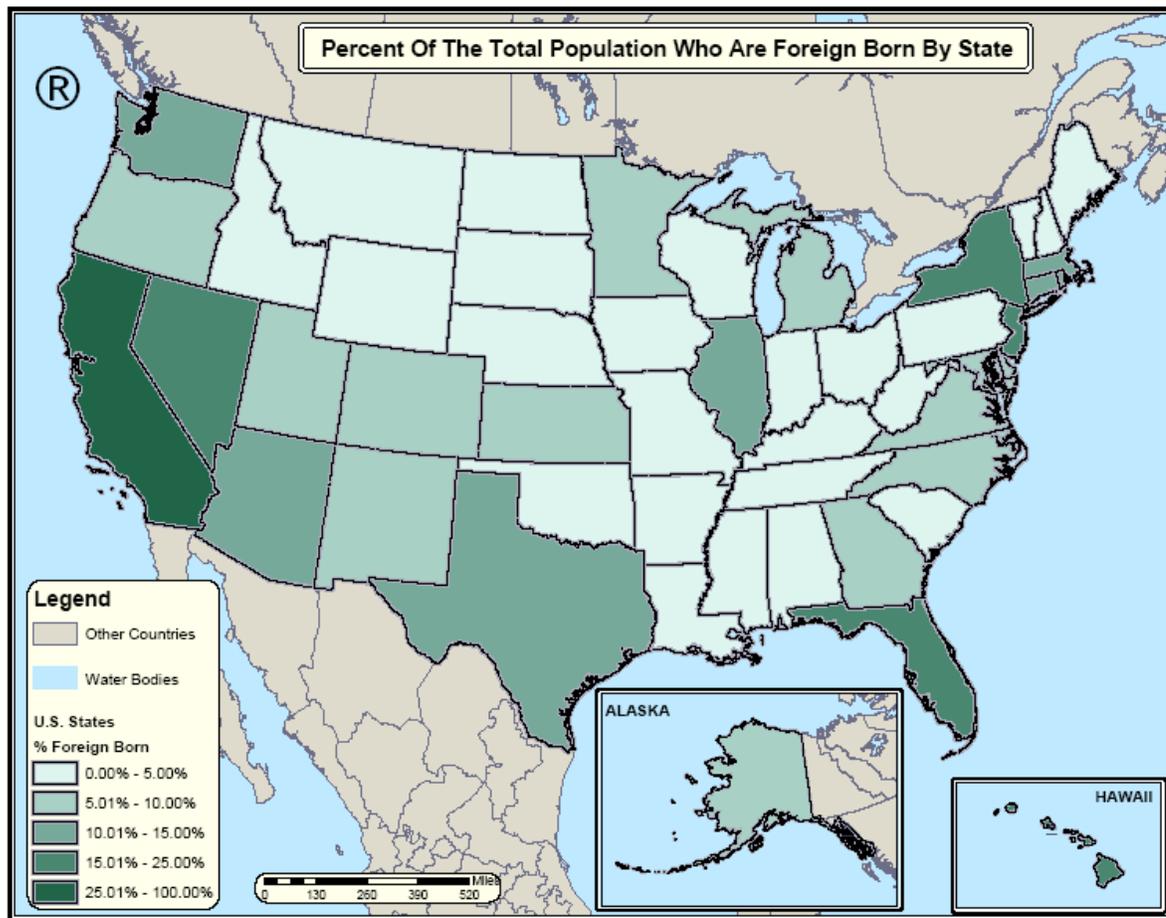


You Have a Right to Work

Achievements of the OSC Grant Program

To further its community outreach mission and to maximize its impact, OSC awards federal grants, generally ranging from \$35,000 to \$80,000, to organizations throughout the country that are capable of conducting cost-effective public education programs. By funding groups that have a significant local presence, OSC can directly inform employees of their rights and employers of their responsibilities under the INA's anti-discrimination provision. Past grantees have included immigrant service

organizations and state and local fair employment practices agencies. OSC grantees have also included community-based and faith-based organizations, as well as labor and business organizations. Through OSC funding, these organizations are able to distribute OSC-provided brochures; translate OSC-provided brochures into languages spoken in their communities; raise awareness of OSC's anti-discrimination enforcement efforts through inclusion of OSC in their informational materials and websites; develop collaborative networks with other local organizations to



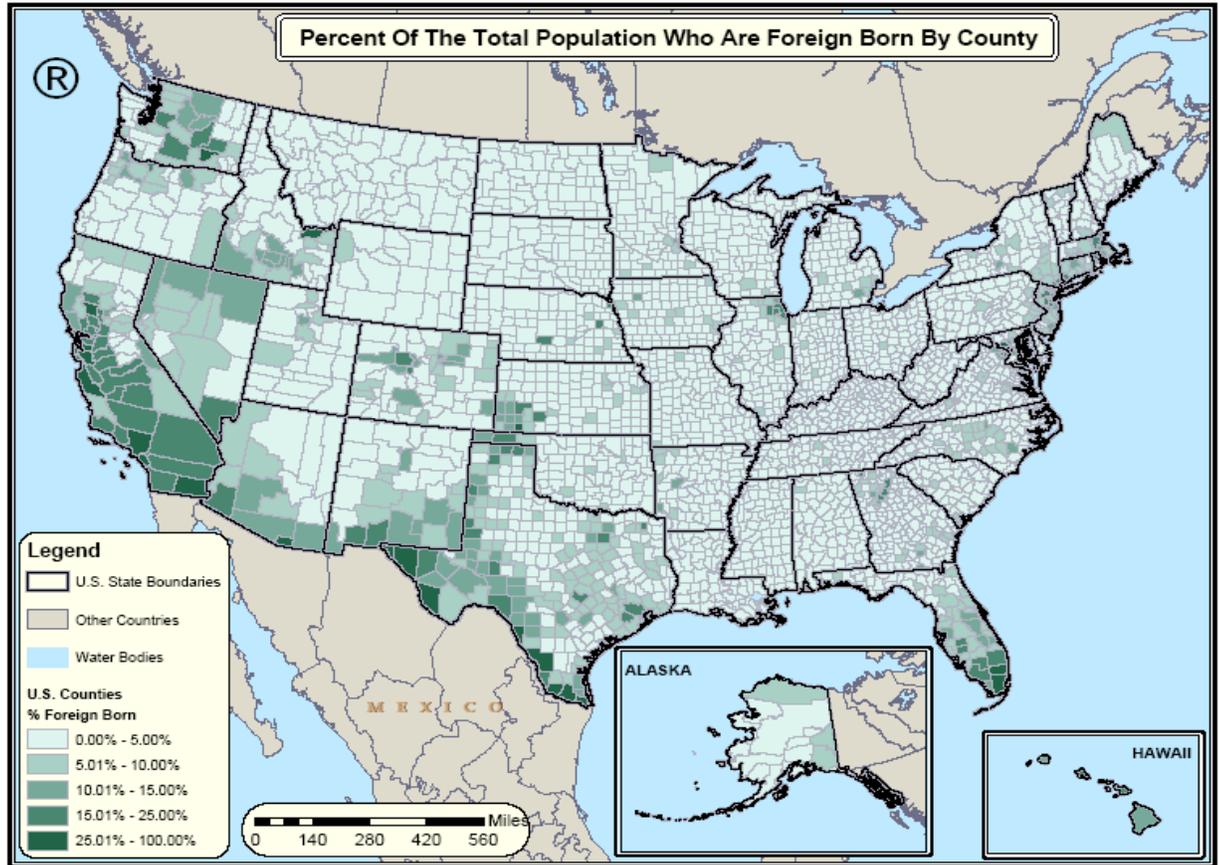
reach new immigrant populations; sponsor meetings and training seminars; update current legal manuals to include the anti-discrimination provision; and refer charges of discrimination to OSC. OSC assists these efforts by providing technical assistance and outreach materials to the grantees. Grantees can also request an OSC attorney to attend a grantee-sponsored outreach event (at OSC expense) to offer a face-to-face presentation on the anti-discrimination provisions of the INA.

OSC often awards grants to organizations capable of targeting efforts within a geographic area or areas of the country with a historically high concentration of immigrant residents or a high foreign-born population. For instance, Catholic Charities of Dallas -- along with its four sub-grantees in Lubbock, Oklahoma City, Little Rock, and Albuquerque, -- serves immigrant communities throughout a four-state region and has been an OSC grantee for the past 15 years. As a grantee, Catholic Charities of Dallas disseminates anti-discrimination education to both immigrant workers and to employers. The organization hosts ESL (English as a Second Language) classes, High School GED (Graduate Education Degree) courses, and job training programs. Because immigrants and refugees are highly concentrated at these sessions, Catholic Charities of Dallas uses these courses to provide training on OSC and immigration-related employment discrimination. Information is also disseminated at PTA meetings, crime watch meetings, senior citizen meetings, health and nutrition classes, cultural events, and after-church socials. Catholic Charities of Dallas has also created a consortium of groups and agencies, such as the U.S. Department of Labor's Wage and Hour Division, Occupational Safety and Health Administration, Equal Employment Opportunity Commission, and the League of United Latin American Citizens, to work together to preserve the employment rights of immigrants. In addition, Catholic Charities of Dallas works with attorney organizations to ensure that immigrants and refugees are receiving proper counsel. It recently formed the Immigration Program Management Project to successfully connect volunteer lawyers to immigrant clients and to refer charges of discrimination to OSC.

Achievements of the OSC Grant Program (Continued)

Finally, like many OSC grantees, the organization regularly sponsors employer seminars to train employers on how to complete the employment eligibility verification (Form I-9) procedures properly and how to avoid discriminatory policies and practices during the employment eligibility verification process.

Other grantees have a national scope. The National Immigration Law Center (“NILC”), for example, is a national organization that focuses on the rights of low-wage immigrant workers throughout the country. As a member of the Low-Wage Immigrant Worker Coalition, NILC trains other organizations and advocates on the employment eligibility verification (Form I-9) process, keeping members updated on anti-



discrimination policy. NILC focuses on working with groups that have significant contact with immigrants. By educating organizations around the country, NILC can reach an even more expansive audience. NILC publishes a newsletter and update briefs to distribute at conferences and trainings in areas with large immigrant populations, such as California and New York. Much of NILC’s outreach is geared toward local immigrant worker organizations and labor unions, who then, in turn, educate their members on such topics as re-verification, no-match letters, and the Basic Pilot Program. Working with the U.S. Department of Labor and advocates in the Gulf Coast region, NILC is attempting to aid the thousands of immigrants affected by Hurricane Katrina. Because many immigrants lost their documentation during the hurricane, NILC aims to decrease the amount of abuse and employment discrimination occurring through education and assistance on specific cases.

Some grantees focus on very specific populations of immigrant workers and are awarded OSC grants through the demonstration of urgent need. For instance, OSC provided additional outreach to immigrant farmworkers in Oregon through a recent grant to the Legal Aid Services of Oregon (“LASO”). Working with the Oregon Legal Center (“OLC”), LASO educates agricultural workers about the anti-discrimination provision of the INA and offers farmworkers free legal services. LASO and OLC educate workers about their legal rights through presentations at hundreds of labor camps and public service announcements on Spanish-speaking radio shows. Although most agricultural workers speak Spanish, in the 1990’s LASO and OLC began noticing that a significant number of immigrant farmworkers were speaking indigenous languages as their first language, so they developed and launched the Indigenous Farmworker Project in 2001. While there is no official census, recent studies show that approximately 40% of the 170,000 agricultural workers who live and work in Oregon each year are of Latin American indigenous heritage. Communication and cultural gaps make indigenous people particularly susceptible to employment and other forms of discrimination, meaning most members of indigenous farmworker communities were uninformed of their legal rights. In order to fill this cultural and language void, two former farmworkers from Oaxaca, Mexico, who speak Mixteco, were hired as outreach workers. Since most indigenous languages do not have a common written form, the organizations gave oral presentations at labor camps and community meetings and recorded radio programs in Mixteco. The LASO and OLC also developed cassette tapes in Spanish, Mixteco, and Triqui that contain information about the anti-discrimination provision.

OSC OUTREACH ACTIVITIES

OSC Announces 2006 Grants

OSC is pleased to announce the award of nearly \$725,000 in grants to eleven nonprofit groups to conduct public education programs for workers and employers about immigration-related job discrimination. Recipients of the grants, ranging from \$45,000 to \$85,000, will assist discrimination victims; conduct seminars for workers, employers and immigration service providers; distribute educational materials in various languages; and publicize information in local communities through the media.

The selected grantees are known and respected in their communities and will work with OSC to provide assistance to employers to prevent discrimination and to workers to protect them against discrimination.

The 2006 OSC grant recipients are:

Association of Farmworker Opportunity Programs - Washington, D.C.- will educate thousands of agricultural workers and employers through a network of 340 member agencies' rural offices throughout the lower 48 states and Puerto Rico.

Catholic Charities of Dallas - Dallas, TX - will serve workers and employers in Texas, Arkansas, New Mexico, and Oklahoma.

Catholic Charities of the Diocese of Arlington, Hogar Hispano - Arlington, VA - will serve immigrant workers and employers in Virginia, Maryland and Washington, D.C.

Centro Legal de la Raza - Oakland, CA - will reach Latino workers and employers throughout the five-county San Francisco Bay area.

Civil Society - St. Paul, MN - will serve workers and employers in the Twin Cities' Asian, African and Hispanic communities.

Colorado Legal Services - Denver, CO - will educate service providers and newly-arrived Asian and Muslim immigrants in the Denver area as well as rural migrant and seasonal farm workers throughout the state.

Employers' Association of New Jersey - Livingston, NJ - will advise thousands of employers on the anti-discrimination provision of the Immigration and Nationality Act.

Legal Assistance Corporation of Central Massachusetts - Worcester, Mass - will educate workers, service providers and leaders among the Latino, Southeast Asian and African communities in central Massachusetts.

National Immigration Law Center (NILC) - Los Angeles, CA- will carry out a national program to educate immigration service providers and pro bono attorneys through regional seminars in California's Central Valley and in the post-Katrina Gulf Coast region.

YMCA of Greater New York - New York, NY- will provide education to employers, service providers and immigrant workers from Latin America, the Caribbean, Asia and South Asia.

Celebrating 20 Years of Accomplishments:

OSC's 20th Anniversary Commemorative Luncheon

On Wednesday, September 27, 2006, OSC commemorated its 20th anniversary at a luncheon held during OSC's 2006 annual grantee training conference. The conference and luncheon took place at the Charles Sumner School, a historic landmark in Washington, D.C., that houses the archives of the District of Columbia Public Schools and has served as OSC's grantee training conference venue since 2003.

The luncheon opened with welcoming remarks by Wan Kim, the Assistant Attorney General for Civil Rights, and Deputy Assistant Attorney General Loretta King. The Assistant Attorney General discussed the significance of OSC's 20th anniversary, and Ms. King discussed the role grantees play in educating the public about the anti-discrimination provision of the Immigration and Nationality Act.

After the welcome, Special Counsel Lawrence J. Siskind addressed the grantees and other assembled guests, including OSC staff. Mr. Siskind was appointed by President Ronald Reagan to be the first Special Counsel for Immigration-Related Unfair Employment Practices and served from 1987-1989. He is currently a partner at Harvey Siskind Jacobs LLP, a San Francisco law firm. Mr. Siskind discussed OSC's history and shared his personal memories about OSC's inception, including the unique challenges facing an office tasked with enforcing a new law. The remarks were both nostalgic for OSC veterans in the group and motivational to the newer members of the office.

OSC's Public Outreach Mission

A fundamental aspect of OSC's mission is educating the public about its rights and responsibilities under the Immigration and Nationality Act's (INA's) anti-discrimination provision. Through public service announcements, outreach events, brochures, employee and employer hotlines, a public education grant program, and memoranda of understanding with other government agencies, OSC is able to target its outreach to employers, as well as potential victims of discrimination.

One of the most broad-ranging outreach programs that OSC has recently implemented is a public service announcement ("PSA") campaign. Through this campaign, radio and television public service announcements highlighting OSC's mission have been aired in both English and Spanish throughout the country. With over 3,000 television announcements already aired, OSC has been able to reach an audience of almost 24 million potential viewers. The PSAs feature information on the anti-discrimination provision, and how to contact OSC with questions or complaints.

Similar information is distributed through videos, pamphlets, brochures, and fact sheets, many of which are available in multiple languages. One brochure, for example, is printed in English, Vietnamese, Korean, and Chinese. Some publications focus on the rights of employees to be free from immigration-related employment discrimination, while other publications attempt to answer frequently asked employer questions. OSC's educational materials are easily accessible online, and are available free of charge to groups or individuals upon request.

OSC staff members also participate in public outreach opportunities throughout the country. For instance, in response to a recent increase in the immigrant population in Alaska, the Anchorage Equal Rights Commission invited OSC to speak before a group of immigration attorneys, community service providers, and representatives of immigrant communities in Anchorage. The presentation included an overview of statutes protecting immigrant workers from discrimination, an explanation of how the employment eligibility verification Form I-9 should be completed, and a discussion of common issues regarding employment eligibility verification.

One of the most important goals of OSC's outreach program is to deter and resolve discrimination through OSC's employee and employer hotlines. OSC staff members (who have access to language interpreters) can assist workers through a telephone intervention program, in which OSC attempts to secure an immediate resolution of a worker's allegation of immigration-related employment discrimination and/or assist an employer in ensuring that its practices are non-discriminatory. OSC has found this to be a very expedient and cost effective way of enforcing the anti-discrimination provision.

In an effort to ensure that all charges of discrimination that fall within OSC's jurisdiction are appropriately referred to it, OSC has secured memoranda of understanding ("MOUs") with over 50 local, state, and federal agencies. The MOUs allow OSC to refer charges to other government agencies, and to accept from those agencies charges that allege possible violations of the anti-discrimination provision. A key feature of the MOUs is that charges first filed with an MOU partner within 180 days of the date of the alleged discrimination are deemed timely when received by OSC. This protects workers from being disenfranchised because they initially filed with the wrong office. OSC continues efforts to train MOU partners on the anti-discrimination provision so that they know how to spot immigration-related unfair employment practices.

How To Contact OSC

<p>Mailing Address: Office of Special Counsel for Immigration-Related Unfair Employment Practices U.S. Department of Justice Civil Rights Division 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530</p>		<p>Main Number: (202) 616-5594 /TDD: (202) 616-5525 Fax Number: (202) 616-5509</p> <p>Toll Free Information Number and Worker Hotline: 1-800-255-7688 (202) 616-5525 or 1-800-237-2515 (TDD for hearing impaired) (Language interpretation available)</p> <p>Employer Hotline: 1-800-255-8155 1-800-362-2735 (TDD for hearing impaired)</p> <p>E-mail Address: oscrt@usdoj.gov</p> <p>Web Address: http://www.usdoj.gov/crt/osc</p>	
<p>Special Counsel Vacant</p>	<p>Deputy Special Counsel Katherine A. Baldwin</p>	<p>Special Policy Counsel Carol J. Mackela (Acting)</p>	<p>Special Litigation Counsel Robin M. Stutman</p>