

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA,

COMPLAINANT,

v.

CHANCERY STAFFING SOLUTIONS, LLC
a/k/a TRANSPERFECT STAFFING
SOLUTIONS a/k/a TRANSPERFECT
LEGAL SOLUTIONS, individually and as
successor to TRANSPERFECT STAFFING
SOLUTIONS, LLC a/k/a TRANSPERFECT
LEGAL SOLUTIONS,

RESPONDENT.

8 U.S.C. § 1324b PROCEEDING

OCAHO CASE NO. _____

COMPLAINT

Complainant, the United States of America, alleges as follows:

1. Pursuant to 8 U.S.C. § 1324b, the Immigrant and Employee Rights Section (“IER”) brings this action on behalf of the United States to enforce the provisions of the Immigration and Nationality Act (“INA”) relating to unfair immigration-related employment practices prohibited under 8 U.S.C. § 1324b(a)(1)(B).
2. A former corporate entity, TransPerfect Staffing Solutions, LLC (“TransPerfect”), unlawfully imposed a U.S. citizens-only policy when recruiting, screening, and hiring employees to fill at least fifteen positions.
3. Specifically, TransPerfect, prior to converting to a Nevada corporation named Chancery Staffing Solutions, LLC (“Chancery”), engaged in a pattern or practice of citizenship status discrimination when it refused to consider for selection on a document review project any

worker who was not a U.S. citizen and later any worker who was a U.S. citizen holding dual citizenship, because of their citizenship status. TransPerfect violated 8 U.S.C.

§ 1324b(a)(1)(B) when it discriminated against protected individuals, as defined by 8 U.S.C.

§ 1324b(a)(3), on the basis of their citizenship status.

PARTIES

4. Complainant is the United States of America.
5. TransPerfect was a Delaware corporation, with a corporate headquarters located at 3 Park Avenue, New York, New York, 10016.
6. On August 3, 2018, TransPerfect converted from a Delaware corporation into a Nevada corporation named Chancery Staffing Solutions, LLC, and the corporate entity TransPerfect ceased to exist.
7. Chancery is a Nevada corporation whose commercial registered agent is CSC Services of Nevada, Inc., located at 2215-B Renaissance Drive, Las Vegas, Nevada 89119.
8. Chancery is a continuation of TransPerfect under Nevada's conversion statute, Nev. Rev. Stat. Ann § 92A.250(3)(d).
9. In the alternative, Chancery is the successor to TransPerfect.
10. Chancery is also known as and continues to do business as TransPerfect Staffing Solutions.
11. Chancery is also known as and continues to do business as TransPerfect Legal Solutions.
12. When it was a corporation based in Delaware, TransPerfect was also known as and did business as TransPerfect Legal Solutions.
13. During the period of discrimination described below, TransPerfect shared corporate leadership, ownership, a corporate headquarters, and control over labor and/or personnel with a group of companies under the ownership of TransPerfect Global, Inc., including but not

limited to TransPerfect Translations International, Inc., TransPerfect Remote Interpreting, Inc., TransPerfect Document Management, Inc., and TransPerfect US, Inc.

JURISDICTION

14. Pursuant to 8 U.S.C. §§ 1324b(c)(2) and (d)(1), IER investigates charges, initiates investigations, and prosecutes complaints alleging immigration-related unfair employment practices prohibited by 8 U.S.C. § 1324b.
15. TransPerfect was a person or entity within the meaning of 8 U.S.C. § 1324b(a) that employed more than three employees during the period of the discrimination described below.
16. Chancery is a person or entity within the meaning of 8 U.S.C. § 1324b(a) that employs more than three employees.
17. Among other services, TransPerfect hired temporary employees to perform work for third-party clients; such work included, but was not limited to, reviewing and coding documents.
18. [REDACTED] was a temporary employee of TransPerfect between April 25, 2017, and May 8, 2017, assigned to work on a document review project ("Project") in Washington, D.C. for the benefit of a TransPerfect client ("TP Client").
19. On May 9, 2017, less than 180 days after he last worked on the Project, [REDACTED] filed a charge under 8 U.S.C. § 1324b (Attachment A) with IER alleging citizenship status discrimination in hiring by, among others, TransPerfect.
20. On May 17, 2017, IER notified TransPerfect that IER had initiated an investigation into [REDACTED]'s charge against TransPerfect and informed TransPerfect that it would also investigate whether TransPerfect engaged in a pattern or practice of unfair immigration-related employment practices prohibited under 8 U.S.C. § 1324b.

21. Pursuant to 28 C.F.R. § 44.303(b), on September 6, 2017, IER transmitted and [REDACTED] received a written determination notice (Attachment B) of his right to file a complaint with the Office of the Chief Administrative Hearing Officer within 90 days of receipt of IER's letter.
22. On April 19, 2018, IER notified TransPerfect that IER had concluded its investigation and found reasonable cause to believe that TransPerfect had engaged in a pattern or practice of unfair immigration-related employment practices violating 8 U.S.C. § 1324b(a)(1).
23. The United States files this Complaint with the Office of the Chief Administrative Hearing Officer pursuant to 8 U.S.C. § 1324b(e)(1).
24. The Office of the Chief Administrative Hearing Officer has jurisdiction to hear this matter alleging violations of 8 U.S.C. § 1324b. 28 C.F.R. §§ 44.101(d) and 68.1.

BACKGROUND

25. In 1986, Congress amended the INA expressly to prohibit and sanction employers that hire, recruit, or refer for a fee an individual whom the employer knows to lack authorization to work in the United States. 8 U.S.C. § 1324a(a).
26. Congress also amended the INA to protect work-authorized individuals from employment discrimination based on citizenship status or national origin in hiring, firing, or referral or recruitment for a fee. 8 U.S.C. § 1324b.
27. Under 8 U.S.C. §§ 1324b(a)(1) & (3), United States citizens and nationals, certain lawful permanent residents, asylees, and refugees are protected individuals against whom employers may not discriminate in hiring, firing or recruiting based on their citizenship status.
28. Notwithstanding this prohibition, 8 U.S.C. § 1324b(a)(1)(B) allows entities to discriminate

based on citizenship status if the discrimination is required in order to comply with a law; regulation; executive order; Federal, State, or local government contract; or determination by the Attorney General. 8 U.S.C. § 1324b(a)(2)(C).

STATEMENT OF FACTS

29. Until its conversion, TransPerfect conducted business in, among other locations, Washington, D.C., where it provided temporary staffing to third-party clients. As part of its staffing projects for clients, TransPerfect recruited individuals, screened them using clients' selection criteria, and nominated candidates for clients to select. After a client selected the candidates it wanted, TransPerfect hired the selected candidates as temporary employees to work on the client's project.
30. On or around November 13, 2014, TransPerfect, holding itself out as TransPerfect Legal Solutions, LLC, entered into a "Master Service Agreement For the Placement of Temporary Legal Staff" ("Agreement") with TP Client. The Agreement required TransPerfect to provide temporary staffing support to TP Client.
31. On or around March 29, 2017, pursuant to the Agreement, TP Client requested that TransPerfect recruit, nominate, refer, and, if authorized by TP Client, hire temporary legal staff who were admitted to practice law in the District of Columbia and spoke English for placement as document reviewers on a project for TP Client.
32. On or before April 4, 2017, TP Client contacted TransPerfect and directed that TransPerfect consider, nominate and refer only U.S. citizens for placement on the Project.
33. Beginning on or before April 4, 2017, and continuing until the Project ended on or about July 7, 2017, TransPerfect only considered, nominated, referred, and hired U.S. citizens to work on the Project.

34. On or about April 19, 2017, TransPerfect sent out a blast email to at least 900 individuals advertising the Project and stating that candidates “must be able to demonstrate US Citizenship.”
35. On or before April 4, 2017, and continuing until the Project ended on or about July 7, 2017, TransPerfect asked each otherwise qualified candidate for placement on the Project, either telephonically or in writing, whether the candidate was a U.S. citizen, and if so, whether the candidate could prove that status.
36. On or before April 4, 2017, and continuing until the Project ended on or about July 7, 2017, TransPerfect disqualified from further consideration any candidate who was not a U.S. citizen or could not prove that status.
37. Beginning no later than April 4, 2017, and continuing until at least May 7, 2017, TransPerfect recruited, nominated, and referred at least 29 potential document reviewers to TP Client after identifying each as a U.S. citizen who could prove that status.
38. Beginning on March 30, 2017, and continuing until at least May 11, 2017, TransPerfect hired 20 document reviewers for placement on the Project, all of whom satisfied the U.S. citizenship requirement.
39. TransPerfect paid wages directly to each temporary employee assigned to TP Client under the Agreement; withheld and paid required federal, state, local and social security taxes for them; and completed Section 2 of each temporary employee’s Form I-9.
40. On or about May 12, 2017, TP Client directed TransPerfect to expand the citizenship status restriction to further exclude any U.S. citizens who were also citizens of another country (“dual citizens”).
41. Beginning no later than May 12, 2017, and continuing until the Project ended on or about

July 7, 2017, TransPerfect asked each otherwise qualified candidate, either telephonically or in writing, whether the candidate was a U.S. citizen who could prove that status and was not a dual citizen.

42. Beginning no later than May 12, 2017, and continuing until the Project ended on or about July 7, 2017, TransPerfect disqualified from further consideration any candidate who was a dual citizen, any candidate who was not a U.S. citizen, and any candidate who was a U.S. citizen who could not prove that status.
43. Beginning no later than May 12, 2017, and continuing until the Project ended on or about July 7, 2017, TransPerfect recruited, nominated, and referred at least 22 candidates to TP Client, identifying each as a U.S. citizen who was not a dual citizen.
44. The Charging Party, [REDACTED], is a dual citizen who was otherwise qualified to work on the Project for TP Client.
45. TransPerfect included the Charging Party as a recipient of at least the April 19, 2017 blast email, TransPerfect nominated the Charging Party to work on the Project after considering his qualifications, TP Client selected him for the Project, and TransPerfect hired him for the Project.
46. On or about May 8, 2017, TP Client removed the Charging Party from the Project because he was a dual citizen.
47. On or about May 12, 2017, the Charging Party was available and eligible for consideration for re-hire by TransPerfect.
48. On or about May 12, 2017, TransPerfect failed to send the Charging Party a blast email advertising placement on the Project.
49. [REDACTED] is a dual citizen who was otherwise qualified to work on the Project for TP Client.

50. TransPerfect included [REDACTED] as a recipient of at least one blast email in association with the Project; TransPerfect nominated [REDACTED] to work on the Project after considering his qualifications; TP Client selected him for the Project; and TransPerfect hired him for the Project.
51. On or about May 8, 2017, TP Client removed [REDACTED] from the Project because he was a dual citizen.
52. On or about May 12, 2017, [REDACTED] was available and eligible for consideration for re-hire by TransPerfect.
53. On or about May 12, 2017, TransPerfect failed to send [REDACTED] a blast email advertising placement on the Project.
54. Beginning no later than May 12, 2017, and continuing until the Project ended on or about July 7, 2017, TransPerfect failed to consider for recruitment, nomination, referral, or hire at least two otherwise qualified U.S. citizens, including the Charging Party and [REDACTED], to TP Client for placement on the Project because they were dual citizens.
55. Beginning no later than May 12, 2017, and continuing until the Project ended on or about July 7, 2017, TransPerfect successfully hired at least one document reviewer for placement on the Project.

COUNT I
PATTERN OR PRACTICE OF CITIZENSHIP STATUS DISCRIMINATION AGAINST PROTECTED
INDIVIDUALS UNDER 1324b

56. Complainant incorporates by reference the allegations set forth in Paragraphs 1 through 55 as if fully set forth herein.
57. TransPerfect's standard operating procedure beginning no later than April 4, 2017, and continuing until the Project ended on or about July 7, 2017, was to limit recruitment,

nomination, referral, and hiring of otherwise qualified candidates for placement on the Project to U.S. citizens.

58. TransPerfect's actions constitute a pattern or practice of unfair immigration-related employment practices prohibited under 8 U.S.C. § 1324b(a)(1)(A) against otherwise qualified non-citizens, including non-citizens who are protected individuals as defined in 8 U.S.C. § 1324b(a)(3)(B).
59. No law; regulation; executive order; provision of Federal, State or local contract; or Attorney General determination authorized the citizenship status restriction imposed by TransPerfect.
60. TransPerfect knowingly and intentionally engaged in a pattern or practice of citizenship status discrimination when it failed to consider or hire otherwise qualified non-U.S. citizen candidates for placement on the Project based on their citizenship status.
61. Chancery is liable for TransPerfect's pattern or practice of citizenship status discrimination as a continuation of TransPerfect under Nevada's conversion statute, Nev. Rev. Stat. Ann § 92A.250(3)(d). In the alternative, Chancery is liable for TransPerfect's pattern or practice of citizenship status discrimination as TransPerfect's successor.

COUNT II
PATTERN OR PRACTICE OF CITIZENSHIP STATUS DISCRIMINATION AGAINST U.S. CITIZENS
WHO HOLD DUAL CITIZENSHIP

62. Complainant incorporates by reference the allegations set forth in Paragraphs 1 through 55 as if fully set forth herein.
63. TransPerfect's standard operating procedure beginning no later than May 12, 2017, and continuing until the Project ended on or about July 7, 2017, was to limit recruitment, nomination, referral, and hiring of otherwise qualified U.S. citizens for placement on the Project to U.S. citizens who could prove that status and were not also citizens of another

country.

64. TransPerfect's actions constitute a pattern or practice of unfair immigration-related employment practices prohibited under 8 U.S.C. § 1324b(a)(1)(A) against a sub-class of otherwise qualified U.S. citizens, who are protected individuals as defined in 8 U.S.C. § 1324b(a)(3)(A).
65. No law; regulation; executive order; provision of Federal, State or local contract; or Attorney General determination authorized the dual citizenship status restriction imposed by Respondent.
66. TransPerfect knowingly and intentionally engaged in a pattern or practice of citizenship status discrimination when it failed to consider or hire otherwise qualified U.S. citizen candidates who were dual citizens of another country, based on the candidates' citizenship status.
67. As a result of TransPerfect's pattern or practice of discriminatory recruitment, nomination referral, and hiring, at least two otherwise qualified U.S. citizens were denied employment on the Project because of their status as dual citizens.
68. Chancery is liable for TransPerfect's pattern or practice of citizenship status discrimination as a continuation of TransPerfect under Nevada's conversion statute, Nev. Rev. Stat. Ann § 92A.250(3)(d).
69. In the alternative, Chancery is liable for TransPerfect's pattern or practice of citizenship status discrimination as TransPerfect's successor.

COUNT III
CITIZENSHIP STATUS DISCRIMINATION AGAINST [REDACTED]

70. Complainant incorporates by reference the allegations set forth in Paragraphs 1 through 55.
71. TransPerfect knowingly and intentionally committed citizenship status discrimination against the Charging Party, [REDACTED] when it failed to consider him for re-hire on the Project beginning no later than May 12, 2017, and continuing until the Project ended on or about July 7, 2017, because of his citizenship status as a dual citizen.
72. TransPerfect's actions constitute an unfair immigration-related employment practice prohibited under 8 U.S.C. § 1324b(a)(1)(A) against a sub-class of otherwise qualified U.S. citizens, who are protected individuals as defined in 8 U.S.C. § 1324b(a)(3)(A).
73. No law; regulation; executive order; provision of Federal, State, or local contract; or Attorney General determination authorized TransPerfect to fail to consider or hire a dual citizen for the Project.
74. Chancery is liable for the citizenship status discrimination against [REDACTED] as a continuation of TransPerfect under Nevada's conversion statute, Nev. Rev. Stat. Ann § 92A.250(3)(d).
75. In the alternative, Chancery is liable for the citizenship status discrimination against [REDACTED] as TransPerfect's successor.

COUNT IV
CITIZENSHIP STATUS DISCRIMINATION AGAINST [REDACTED]

76. Complainant incorporates by reference the allegations set forth in Paragraphs 1 through 55.
77. TransPerfect knowingly and intentionally committed citizenship status discrimination against [REDACTED] when it failed to consider him for re-hire on the Project beginning no later than May 12, 2017, and continuing until the Project ended on or about July 7, 2017, because of his citizenship status as a dual citizen.

78. TransPerfect's actions constitute an unfair immigration-related employment practice prohibited under 8 U.S.C. § 1324b(a)(1)(A) against a sub-class of otherwise qualified U.S. citizens, who are protected individuals as defined in 8 U.S.C. § 1324b(a)(3)(A).
79. No law; regulation; executive order; provision of Federal, State, or local contract; or Attorney General determination authorized TransPerfect to fail to consider or hire a dual citizen for the Project.
80. Chancery is liable for the citizenship status discrimination against [REDACTED] as a continuation of TransPerfect under Nevada's conversion statute, Nev. Rev. Stat. Ann § 92A.250(3)(d).
81. In the alternative, Chancery is liable for the citizenship status discrimination against [REDACTED] as TransPerfect's successor.

REQUEST FOR RELIEF

THEREFORE, Complainant respectfully requests:

- A. That the Administrative Law Judge assigned to this proceeding grant the following relief:
1. Order Chancery to cease and desist from the alleged illegal practices described in the Complaint;
 2. Order Chancery to pay an appropriate civil penalty as determined by the Administrative Law Judge for each individual discriminated against in violation of 8 U.S.C. § 1324b(a)(1);
 3. Order Chancery to pay back pay, including interest, to each protected individual discriminated against who is found to have suffered uncompensated lost wages due to denied or delayed employment as a result of the discriminatory practices alleged in this Complaint; and

4. Order such additional relief as justice may require.

Dated: May 8, 2019

Respectfully Submitted,

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