



# OSC UPDATE



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.

## OSC's Recent Enforcement Activities

On [April 9, 2013](#), OSC entered into a [settlement agreement](#) with a national residential property management firm that improperly reverified the documentation of lawful permanent residents when their documentation expired but did not reverify the expired documentation of other permanently work-authorized individuals.

On [March 25, 2013](#), OSC entered into a [settlement agreement](#) with a Georgia pecan supplier that required more or specific documentation from work-authorized non-U.S. citizens than from U.S. citizens when completing the Form I-9 and the employment eligibility verification process.

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*Photo: OSC Attorney, Liza Zamd, at an outreach event in San Juan, Puerto Rico for the Dominican Alliance.*

## OSC Partnerships with Fair Employment Practices Agencies

Since its creation, OSC has entered into more than 50 Memoranda of Understanding (MOUs) with state and local fair employment practices agencies (FEPAs). Most recently, OSC has sought to reinvigorate these relationships and develop new MOU partnerships nationwide. To that end, OSC has developed a [form](#) designed to assist FEPAs in identifying and referring matters to OSC (for more information visit OSC's [website](#)). Partnerships with FEPAs strengthen OSC's working relationship with community organizations and allow OSC to better identify and investigate employers that engage in discriminatory employment practices in violation of the Immigration and Nationality Act (INA).

Recently, OSC entered into new MOUs with the Missouri Commission on Human Rights, the Minnesota Department of Human Rights, and the City of Fort Wayne Metropolitan Human Relations Commission (Fort Wayne, IN). Over the past few years, OSC has also provided training to and revitalized MOUs with organizations located in Florida, Illinois, Indiana, Massachusetts, Minnesota, and Tennessee. In addition to its formal MOU agreements, OSC also welcomes opportunities to meet with FEPA staff to discuss OSC's work and employer obligations and employee protections under the anti-discrimination provision. In March of this year, OSC's Deputy Special Counsel presented to FEPA representatives at a training session in the mid-Atlantic region. OSC looks forward to continuing its relationships with FEPAs and to pursuing additional partnerships and educational opportunities in the future.

**If your agency is interested in exploring an MOU partnership with OSC or in scheduling staff training, please email [oscrcr@usdoj.gov](mailto:oscrcr@usdoj.gov).**

## New Form I-9

U.S. Citizenship and Immigration Services has released a [new version of the Form I-9](#). The Form I-9 is used to verify the identity and employment authorization of workers hired for employment in the U.S. As of May 7, 2013 only the new version, dated 03/08/13, will be accepted for the purposes of the employment verification process. While employers do not have to submit the Form I-9 to USCIS or ICE, they are required to keep a Form I-9 for each person on payroll for three years after the date of hire or for one year after employment is terminated, whichever is later.

To learn more about discrimination related to the Form I-9, join us for an upcoming [webinar](#) or call our hotlines: Employer Line 1-800-255-8155, Worker Line 1-800-255-7688, or TTY 1-800-237-2515.

**How can you work with OSC?**

Email OSC at [oscrcrt@usdoj.gov](mailto:oscrcrt@usdoj.gov) to request:

- ⇒ A customized webinar or a live presentation for your company or organization.
- ⇒ An OSC article for your company or organization's newsletter.
- ⇒ Outreach materials to distribute in your waiting room, at one of your conferences, or in your community.

**OSC's Recent Enforcement Activity Continued**

On [February 28, 2013](#), OSC entered into a [settlement agreement](#) with an Illinois staffing agency that treated work-authorized non-U.S. citizens differently during the employment eligibility verification and E-Verify process. OSC began investigating through a referral from U.S. Citizenship and Immigration Services (USCIS) under a memorandum of agreement between the Civil Rights Division and USCIS.

On [February 20, 2013](#), OSC entered into a [settlement agreement](#) with a national retail florist that retaliated against a worker after he alleged unfair documentary practices and expressed his intention to assert his rights under the anti-discrimination provisions of the Immigration and Nationality Act.

**Join us for an upcoming webinar:**

May 21, 2013 at 3:00 pm EST  
Click [here](#) to register for OSC "en Español" Worker/Advocate webinar

June 19, 2013 at 3:30 pm EST  
Click [here](#) to register for OSC "en Español" Worker/Advocate webinar

May 23, 2013 at 10 am EST  
Click [here](#) to register for the Employer Rights Webinar by OSC and USCIS

July 9, 2013 at 2:00 pm EST  
Click [here](#) to register for OSC Worker/Advocate webinar

May 28, 2013 at 2:00 pm EST  
Click [here](#) to register for OSC Worker/Advocate webinar

July 17, 2013 at 2:00 pm EST  
Click [here](#) to register for OSC Employer/HR Representative webinar

June 6, 2013 at 2:30 pm EST  
Click [here](#) to register for OSC Worker/Advocate webinar

July 30, 2013 at 3:30 pm EST  
Click [here](#) to register for OSC "en Español" Worker/Advocate webinar

June 11, 2013 at 1:00 pm EST  
Click [here](#) to register for OSC Employer/HR Representative webinar

Picture Courtesy of <http://www.hitsp.org/images/graphic/webinars.jpg>

**OSC's Recently Released Educational Video**

The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) has released a new educational video in English and Spanish to remind employers that they should not reverify the employment authorization of lawful permanent resident workers when their Permanent Resident Cards expire. OSC's new video illustrates that this practice is not permissible and may lead to a violation of the anti-discrimination provision. Watch the Spanish Language Video [here](#), or watch the same video subtitled in English [here](#). This latest OSC video is part of OSC's series of educational videos launched last year through the [Justice Department's YouTube channel](#).

OSC offers a variety of educational tools for employers and workers in addition to its educational video series. Through its hotline program and webinars, OSC frequently provides guidance to employers on how to avoid discrimination and educates employees on rights protected by the anti-discrimination provision. For more information about protections against employment discrimination under the immigration law, call OSC's worker hotline at: 1-800-255-7688 (1-800-237-2525, TDD for the hearing impaired); call OSC's employer hotline at: 1-800-255-8155 (1-800-362-2735, TDD for the hearing impaired); [sign up for a free webinar](#); or visit OSC's website <http://www.justice.gov/crt/about/osc>.

**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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**WE VALUE YOUR FEEDBACK! IS THERE A TOPIC YOU WOULD LIKE TO READ ABOUT IN OUR NEWSLETTER? EMAIL US AT [OSCRCRT@USDOJ.GOV](mailto:oscrcrt@usdoj.gov)**