

**MEMORANDUM OF UNDERSTANDING  
REGARDING WORKER PROTECTIONS AGAINST EMPLOYMENT  
DISCRIMINATION BASED ON CITIZENSHIP, IMMIGRATION STATUS, OR  
NATIONAL ORIGIN**

**BETWEEN**

**THE U.S. DEPARTMENT OF JUSTICE  
CIVIL RIGHTS DIVISION  
OFFICE OF SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR  
EMPLOYMENT PRACTICES**

**AND**

**THE MINISTRY FOR FOREIGN AFFAIRS AND HUMAN MOBILITY OF ECUADOR**

The U.S. Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration-Related Unfair Employment Practices (“OSC”), and the Ministry for Foreign Affairs and Human Mobility of Ecuador through its Embassy 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;

**Considering** that the Ecuadorean Consulates provide services to Ecuadorean nationals 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 understandings:

**Section I  
Objective**

The objective of this MOU is to recognize the collaborative relationship between the Participants to protect workers 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 continue to collaborate to:

1. Provide Ecuadorean 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**

Consistent with their respective resources, legal authority, and obligations, the Participants intend to continue to work together to achieve the following goals.

For OSC:

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

For the Embassy:

1. Establishing 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 Ecuadorean Consulates are referring discrimination, unfair documentary practices, and retaliation allegations in accordance with OSC's guidance for referrals.

#### **Section IV General Provisions**

For the purpose of this MOU, the Embassy designates its address as the one located at 2535 15<sup>th</sup> Street, NW, Washington, DC 20009. 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 in a timely way of any change of address, telephone number, or email address.

#### **Section V Coordination and Monitoring**

To achieve the objective of this MOU, each Participant intends to designate a coordinator who should 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 its Chief of Consular Coordination Division and OSC designates its Deputy Special Counsel, as their respective coordinators under this MOU.

#### **Section VI Effect**

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 and/or its employees and OSC, or vice versa.

#### **Section VII Dispute Resolution**

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

**Section VIII**  
**Final Provisions**

The Participants intend this MOU to be effective from the date of its signature and to continue in effect until a Participant decides to discontinue it, by giving notice in writing. This MOU may be modified through mutual, written understanding of the Participants.

Signed at Washington, DC, United States of America, the 4th day of December, 2015, in the English and Spanish languages.



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Vanita Gupta  
Principal Deputy Assistant Attorney General  
U.S. Department of Justice  
Civil Rights Division



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Francisco Borja Cevallos  
Ambassador of Ecuador in the  
United States of America