

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE U.S. DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION,
OFFICE OF THE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR
EMPLOYMENT PRACTICES AND THE MINISTRY OF FOREIGN AFFAIRS OF PERU
REGARDING WORKER PROTECTIONS AGAINST EMPLOYMENT DISCRIMINATION
BASED ON CITIZENSHIP, IMMIGRATION STATUS, AND NATIONAL ORIGIN**

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 of Peru ("Ministry"), 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 that OSC enforces;

CONSIDERING that the Consulates of Peru in the United States of America ("Consulates") provide services to Peruvian nationals in the United States of America 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 understanding:

**SECTION I
Objective**

The objective of this Memorandum of Understanding ("MOU") is to recognize the collaborative relationship between the Participants to protect Peruvian workers in the United States of America 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.

The Ministry designates the Embassy of Peru in the United States of America ("the Embassy") to implement the MOU on its behalf.

SECTION II

Scope

To achieve the objective of this MOU, the Participants, consistent with their respective resources, legal authority and obligations, intend to collaborate to:

1. Provide Peruvian 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

In order to achieve the goals of Section II of this MOU, the Participants, consistent with their respective resources, legal authority, and obligations, intend to continue working together to carry out the following collaboration activities:

For OSC:

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

For the Ministry through its Embassy:

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

SECTION IV Coordination and Monitoring

To achieve the objective of this MOU, each Participant intends to designate a coordinator to 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.

OSC designates its Deputy Special Counsel and the Ministry designates the Head of the Consular Coordination at the Embassy as their respective coordinators under this MOU.

For the purposes of this MOU, OSC designates its address as the one located at 1425 New York Avenue, NW, Suite 9000, Washington, DC 20005 and the Ministry designates its address as the one located at 1700 Massachusetts Av. NW., Washington, DC 20036.

Each Participant intends to notify the other Participant in a timely way of any change of coordinator, address, telephone number, or email address.

SECTION V Effects

This MOU, as a statement of intent and collaboration, is subject to and does not alter any applicable laws or policies.

This MOU does not create binding or enforceable legal obligations and/or rights of any kind with respect to the Participants or their countries. Furthermore, it 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, the Consulates and/or its employees and OSC, or vice versa.

**SECTION VI
Consultations**

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

**SECTION VII
Final Provisions**

This MOU is effective from the date of its signature and continues in effect indefinitely until any Participant decides to discontinue its participation in this MOU. A participant is expected to give notice in writing to the other Participant of any such discontinuation.

This MOU may be modified at any time through the mutual, written consent of the Participants. Any modification is intended to be effective on the date mutually decided by the Participants.

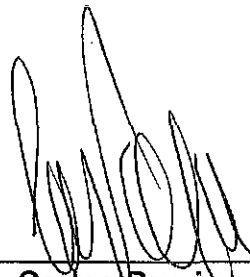
Signed in duplicate at Washington, D.C., the seventeenth of January, two thousand and seventeen, in the English and Spanish languages.

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



**Vanita Gupta
Principal Deputy Assistant Attorney
General**

**FOR THE MINISTRY OF FOREIGN
AFFAIRS OF PERU**



**Carlos Pareja
Ambassador of Peru to the
United States**