



# IER Charge Referral Checklist

U.S. Department of Justice | Civil Rights Division | Immigrant & Employee Rights Section

The anti-discrimination provision of the Immigration and Nationality Act, codified at 8 U.S.C. § 1324b, prohibits discrimination by any person or entity based on citizenship status, immigration status or national origin in hiring, termination, recruitment/referral, and employment eligibility verification process. The provision also prohibits intimidation and retaliation against any person for asserting his/her rights under 8 U.S.C. § 1324b.

Your agency and the U.S. Department of Justice Civil Rights Division's Immigrant and Employee Rights Section (IER) have entered into an agreement permitting the referral, in whole or in part, of certain employment-related discrimination charges received by your agency to IER for investigation.

This referral checklist is provided to assist you in identifying charges for possible referral to IER. If the Charging Party has already filed a charge with IER, please inform us of the parallel investigation by your agency, but do not refer the charge.

REFERRAL CRITERIA	NO	YES
Did the alleged discrimination occur in connection with ANY of the following? <input type="checkbox"/> Hiring, firing (incl. constructive discharge) or recruitment/referral; OR <input type="checkbox"/> Actions to verify or investigate an individual's work authorization (e.g., Form I-9, E-Verify, background check, etc.), including the presentation or rejection of documents to prove work authorization		
Were the alleged discriminatory actions potentially taken on the basis of the Charging Party's citizenship/immigration status or national origin, or in retaliation against the Charging Party?		
Did the employer or recruiter/referrer for a fee employ 4 or more employees on the date of the alleged discrimination? <sup>1</sup>		
Did the charge indicate that the discrimination either occurred within 180 days of the filing of the charge or is it potentially continuing?		

**If you believe all of the above criteria may be met, this charge should be considered for referral to IER. To refer the charge, please review IER's referral procedures at [www.justice.gov/crt/partnerships](http://www.justice.gov/crt/partnerships) and consult your agency's policies and procedures.**

<sup>1</sup> Certain types of national origin charges should only be referred if the employer or recruiter/referrer employs fewer than 15 employees. To speak with an IER representative about whether the charge should be referred, call IER at 202-616-5594 (M-F 9am-5pm ET) and ask to speak with a Special Litigation Counsel. Questions about a referral may also be directed to [IERReferral@usdoj.gov](mailto:IERReferral@usdoj.gov).