

ZAJI OBATALA ZAJRADHARA,
Complainant,

v.

EFG PACIFIC HOLDINGS, LLC,
Respondent.

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8 U.S.C. § 1324b Proceeding
OCAHO Case No. 2024B00107

ORDER TO SHOW CAUSE – DOCUMENTARY PRACTICES

II. ORDER TO SHOW CAUSE

This Court may dismiss the complaint without a motion from the respondent if it finds that the complainant has failed to state a claim upon which relief can be granted. 28 C.F.R. § 68.10(b). Document abuse under 8 U.S.C. § 1324b(a)(6) occurs in a very specific context. That is, “when an employer, for the purposes of satisfying the requirements of § 1324a(b), requests more or different documents than necessary or rejects valid documents, and does so for the purposes of discriminating on the basis of citizenship or national origin.” *United States v. Mar-Jac Poultry, Inc.*, 12 OCAHO no. 1298, 25 (2017), citing *Angulo v. Securitas Sec. Servs. USA, Inc.*, 11 OCAHO no. 1259, 5-6 (2015). To drill down further, document abuse is prohibited if made “in connection with the employment verification process required by 8 U.S.C. § 1324a(b),” meaning “for the purpose of verifying the identity and work-eligibility of the individual.” *Id.*, citing *United States v. Swift & Co.*, 9 OCAHO no. 1068, 10 (2001).

In the Complaint, Complainant did not check yes or no for the question on page 8 of the complaint regarding documentary practices, but in section 10 on page 12, Complainant marked yes to the question “Did the Business/Employer reject or refuse to accept the documents you presented to prove your identity and/or show that you are authorized to work in the United States.” Complainant listed his resume as the document that the Business/Employer rejected, but then marked no to the question of whether he was asked for more or different documents than required for the employment eligibility verification process (or the Form I-9 or E-Verify system) to show eligibility to work in the United States.

The Complaint is inconsistent as to whether Complainant intended to pursue a claim of unfair documentary practices under 8 U.S.C. § 1324b(a)(6). In any event, assuming he did so intend, Complainant did not allege that the resume was rejected in connection with the employment verification process – i.e. in establishing Complainant’s identity and work eligibility. Nor could he as a resume is not included in the list of documents acceptable to establish identity or employment authorization, and thus is not a valid document for this purpose. *See* 8 C.F.R. §§ 274a.2(b)(1)(v)(A), (B) and (C).

The Complainant may respond to this Order and show cause as to why his Complaint states a claim for discrimination based on unfair documentary practices within 14 days of this notice. Respondent may file a response within ten days of the Complainant’s submission. The Court puts Complainant on notice that if he fails to submit a filing within the allotted 14 days, the Court may nevertheless proceed to rule on whether the Complaint states a claim for unfair documentary practices under 8 U.S.C. § 1324b(a)(5).

SO ORDERED.

Dated and entered on May 21, 2025.

Honorable Jean C. King
Chief Administrative Law Judge