

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

November 23, 2021

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2021B00007
)	
FACEBOOK, INC.,)	
Respondent.)	
_____)	

ORDER GRANTING JOINT MOTION TO DISMISS

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, the Immigrant and Employee Rights Section (IER) of the Civil Rights Division of the United States Department of Justice, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) alleging that Respondent, Facebook, Inc. (Facebook), violated 8 U.S.C. § 1324b by discriminating against “U.S. workers” in its hiring and recruiting practices related to positions it earmarked for the permanent labor certification (PERM) process between January 1, 2018, and September 18, 2019.

On October 29, 2021, the parties filed a Joint Motion to Dismiss Pursuant to Settlement, which provides the following:

The parties hereby jointly move to dismiss the above-captioned case with prejudice, due to the Parties’ settlement agreement executed on October 19, 2021. The Parties represent that the settlement resolves every aspect of the dispute that has been the subject of this lawsuit. Thus, there is no dispute or controversy left to adjudicate in this case.

Joint Mot. Dismiss 1. The parties state the filing comports with the requirements of 28 C.F.R. §§ 68.11(a) and 68.14(a)(2). *Id.* The Court concurs.

Pursuant to 28 C.F.R. § 68.14(a)(2), where parties have entered into a settlement agreement, they shall “[n]otify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.”

The parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2) by providing notice of settlement. While the Court may require the filing of a settlement agreement, *id.*, it declines to do so in this instance.

Because the parties have jointly requested dismissal with prejudice and because the Court finds they have complied with the regulatory requirements upon which the requested dismissal is predicated, the Joint Motion to Dismiss is GRANTED and the case is hereby DISMISSED with prejudice.

SO ORDERED.

Dated and entered on November 23, 2021.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge