



U.S. immigration law prohibits certain types of employment discrimination and retaliation, including: (1) **citizenship status** discrimination with respect to hiring, firing, or the recruitment or referral for a fee of protected individuals; and (2) **national origin** discrimination (involving employers with four to fourteen employees) with respect to the hiring, firing, or recruitment or referral for a fee of all individuals who are lawfully authorized to work in the United States. The law also prohibits (3) **unfair documentary practices** which occur when an individual, business, or organization refuses to accept a valid document, requests specific documentation or demands more or different documents than are required for completing the Form I-9 because of an individual's citizenship status or national origin. The law also prohibits (4) **retaliation** against individuals for asserting their rights protected under the anti-discrimination provision of the immigration law, or for having participated or assisted in an investigation conducted by this office.

## CHARGE FORM INSTRUCTIONS

**Who can file a charge:** Anyone who alleges he or she is a victim of discrimination or retaliation or an authorized person on behalf of the victim. **This charge form must be mailed to the address below or faxed to (202) 616-5509 or emailed to [IER@usdoj.gov](mailto:IER@usdoj.gov) within 180 days of the alleged date of discrimination.** Please complete this form by typing or by legibly printing the information requested, in any language. If a question does not apply to you, leave it blank.

U.S. Department of Justice  
Civil Rights Division  
Immigrant and Employee Rights Section – 4CON  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

12/3/20 - Due to the spread of COVID-19, IER is working remotely and processing charges received by mail on a delayed basis. If possible, please file your charge electronically or by fax during this time.

Questions concerning this charge form can be directed to IER by telephone at (202) 616-5594 or 1-800-255-7688 (toll free), TTY (202) 616-5525 or TTY 1-800-237-2515 (toll free).

## SECTION 1: EMPLOYER INFORMATION

Who committed the alleged discriminatory act?

Company (Employer) name: \_\_\_\_\_

Street or mailing address: \_\_\_\_\_

Suite: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

If you know, does the Company operate under any other names? ☐ Yes ☐ No

If yes, under what other name(s)? \_\_\_\_\_

Number of Employees the Company or Employer employs?

☐ Fewer than 4 ☐ 4-14 ☐ 15 or more ☐ Don't know/Unable to estimate

## SECTION 2: TYPE OF DISCRIMINATION ALLEGED

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What type of discrimination is being alleged? Check all that apply:

- ☐ **National Origin Discrimination** (The Injured Party was discriminated against with respect to hiring, firing, or recruitment or referral for a fee because the Injured Party is from a particular country or part of the world, because of the Injured Party's ethnicity or accent, or because of limited English ability.)
- ☐ **Citizenship Status Discrimination** (The Injured Party was discriminated against with respect to hiring, firing, or recruitment or referral for a fee because the Injured Party is, or is not, a U.S. citizen, or based on the Injured Party's immigration status.)
- ☐ **Retaliation for Asserting Protected Under 8 U.S.C. § 1324b** (The Injured Party filed a charge of discrimination, complained about discrimination, participated in the investigation or case of another individual's discrimination claim, or otherwise asserted a right under the anti-discrimination provision, and, as a result, the Injured Party was retaliated against, intimidated, threatened, or coerced.)
- ☐ **Unfair Documentary Practices** (The individual, business, or organization refused to accept a valid document, requested specific documentation from the Injured Party, or demanded more or different documents than are required for completing the Employment Eligibility Verification (Form I-9 or E-Verify) because of the Injured Party's citizenship status or national origin.)

## SECTION 3: DATE AND PLACE THE DISCRIMINATION OCCURRED AND THE SPECIFICS OF THE DISCRIMINATION ALLEGED

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When did the discrimination occur? (Month) \_\_\_\_\_ (Day) \_\_\_\_\_ (Year) \_\_\_\_\_

Where did the discrimination occur? Place: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Explain in detail what happened when the Injured Party was discriminated against. Include whether the Injured Party was fired, laid-off, not hired, delayed in starting work, asked for additional documents, retaliated against, or other, and describe what happened in detail. (Attach additional sheets if needed. If the Injured Party has any documents to support the claim, you may attach them. Please only send copies of documents, not originals.)

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#### SECTION 4: INJURED PARTY CONTACT INFORMATION

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How would you like to be addressed: ☐ Mr. ☐ Ms. ☐ Other \_\_\_\_\_

Full Name: \_\_\_\_\_

Street or Mailing Address: \_\_\_\_\_

APT: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Cell) \_\_\_\_\_

FAX: \_\_\_\_\_ E-mail: \_\_\_\_\_

Would you like us to communicate with the Injured Party in another language? ☐ Yes ☐ No

Specify language: \_\_\_\_\_

What are the best times to contact the Injured Party by telephone (if not represented)? \_\_\_\_\_

#### SECTION 5: INJURED PARTY'S NATIONAL ORIGIN AND OTHER PERSONAL INFORMATION

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What is the Injured Party's country of birth? \_\_\_\_\_

What is the Injured Party's national origin (ancestry)? \_\_\_\_\_

What is the Injured Party's date of birth? (Month) \_\_\_\_\_ (Day) \_\_\_\_\_ (Year) \_\_\_\_\_

#### SECTION 6: INJURED PARTY'S CITIZENSHIP OR IMMIGRATION STATUS INFORMATION

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☐ Citizen

☐ National of the United States

☐ Lawful Permanent Resident: **Date residency granted:** (Month) \_\_\_\_\_ (Day) \_\_\_\_\_ (Year) \_\_\_\_\_

Has the Injured Party applied for naturalization? ☐ Yes ☐ No

**Date of Application:** (Month) \_\_\_\_\_ (Day) \_\_\_\_\_ (Year) \_\_\_\_\_

☐ Asylee

☐ Refugee

☐ Temporary Resident admitted under § 1160(a) or § 1255(a) (certain individuals eligible to have their status adjusted based on amendments to the INA in the 1980s)

☐ None of the above, but is authorized to work: **Expiration date:** (Month) \_\_\_\_\_ (Day) \_\_\_\_\_ (Year) \_\_\_\_\_

**Please specify:**

☐ H-1 ☐ H-2 ☐ F-1/OPT ☐ J-1 ☐ B-1 ☐ Asylee Applicant ☐ Freely Associated States (FAS)

☐ Temporary Protected Status (TPS): (Country) \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

**Alien #/USCIS # (for all non-citizens):** \_\_\_\_\_

**Admission # (if no alien #):** \_\_\_\_\_

**SECTION 7: CHARGING PARTY CONTACT INFORMATION (The Charging Party is the person who is filing this form. Most times the Charging Party is the same as the Injured Party, but there are times when they are different, such as when someone files this form on behalf of an Injured Party)**

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Is the Charging Party the same as the Injured Party? ☐ Yes, the same. If yes, skip to #8. ☐ No

If no, how would you like to be addressed? ☐ Mr. ☐ Ms. ☐ Other \_\_\_\_\_

Full Name: \_\_\_\_\_ Title: \_\_\_\_\_

Entity Name: \_\_\_\_\_

Street or mailing address: \_\_\_\_\_

APT: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Cell) \_\_\_\_\_

FAX: \_\_\_\_\_ E-mail: \_\_\_\_\_

What are the best times to contact the Charging Party? \_\_\_\_\_

**SECTION 8: CHARGES FILED WITH OTHER FEDERAL OR STATE AGENCIES BASED ON THE SAME FACTS**

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Has a charge based on this set of facts been filed with any federal, state, or local governmental agency? ☐ Yes ☐ No

If yes: Full Agency Name: \_\_\_\_\_

Agency Street or Mailing Address: \_\_\_\_\_

Suite: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date Filed: (Month) \_\_\_\_\_ (Day) \_\_\_\_\_ (Year) \_\_\_\_\_

File # (if known): \_\_\_\_\_ Investigator name (if known): \_\_\_\_\_

If IER determines that another government agency would be the appropriate office to investigate your claim, would you like IER to forward your charge to that office? ☐ Yes ☐ No, contact me before forwarding my charge.

**SECTION 9: COMMUNICATIONS WITH IER**

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Have you previously spoken or communicated with IER prior to filing this charge? ☐ Yes ☐ No

If yes: When? (Month) \_\_\_\_\_ (Day) \_\_\_\_\_ (Year) \_\_\_\_\_

If so, how? ☐ Telephone hotline ☐ E-mail ☐ Outreach event

If you know, what is the name of the IER representative you spoke to or communicated with? \_\_\_\_\_

## SECTION 10: AFFIRMATION AND SIGNATURE OF CHARGING PARTY

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### If this charge is being filed by the INJURED PARTY:

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As a person alleging that I have been injured by an unfair immigration-related employment practice, I understand that IER may find it necessary to reveal my identity and other information during the conduct of the investigation of my charge, during any hearing or other proceeding as a result of my charge, or in limited circumstances in response to inquiries under the Freedom of Information Act. I give my consent to such disclosure. I affirm that, to the best of my knowledge, the information provided on this form is true.

\_\_\_\_\_  
(Signature of Injured Party)

Date: \_\_\_\_\_

### If this charge is being filed by an AUTHORIZED REPRESENTATIVE of the Injured Party:

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I affirm that, to the best of my knowledge, the information provided on this form is true and that I am authorized to file this charge on behalf of the Injured Party. I understand that IER may find it necessary to reveal my identity and/or the Injured Party's identity during the conduct of the investigation of this charge, during a hearing or other proceeding as a result of this charge, or in limited circumstances in response to inquiries under the Freedom of Information Act. I give my consent to such disclosure.

Print Representative Name: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Authorized Representative)

Date: \_\_\_\_\_

## SECTION 11: OPTIONAL INFORMATION

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### How did you hear about IER? (check all that apply)

☐ Internet    ☐ IER Outreach    ☐ E-Verify    ☐ I-9 Form or Employer Handbook    ☐ Poster/Brochure

☐ News/ media reports    ☐ Department of Labor (DOL)    ☐ Equal Employment Opportunity Commission (EEOC)

☐ State or Local Agency    ☐ United States Citizenship or Immigration Services (USCIS)

☐ Union/Community Advocacy Group    ☐ Friend/Relative    ☐ Other (specify): \_\_\_\_\_

### The Injured Party is (check all that apply):

☐ Hispanic or Latino    ☐ Asian    ☐ Black or African American    ☐ White

☐ American Indian or Alaska Native    ☐ Native Hawaiian or Other Pacific Islander

☐ Two or more races

## **PRIVACY ACT STATEMENT**

The authority for requesting this information from the Injured or Charging Party is contained in 8 U.S.C. § 1324b. The information that the Injured or Charging Party provides will be used principally for investigating and processing the charge of prohibited discrimination; however, the information may also be used for other legitimate purposes, as detailed in the Department of Justice's Federal Register Notice published in the Federal Register at 68 Fed. Reg. 47611 (August 11, 2003) describing the routine uses of the information obtained by the Civil Rights Division. The Injured or Charging Party's failure to provide the information requested on this form could lead to the charge being dismissed or not being accepted. Knowingly making false statements on this form is punishable under 18 U.S.C. § 1001.

### **Paperwork Reduction Act Notice**

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is necessary to enable the Department to process and investigate individual charges of discrimination in violation of 8 U.S.C. § 1324b as required by statutory mandate. The use of this collection instrument will facilitate this process by assisting charging parties to identify and provide the information necessary to initiate an investigation.

The estimated average burden associated with this collection is 30 minutes per charging party or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to IER's Special Policy Counsel, USDOJ-CRT-IER, 950 Pennsylvania Avenue, NW-4CON, Washington, DC 20530.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.