

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

August 4, 2022

TAREQ ZIAD FOUAD ZAKARNEH,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2022B00013
	)	
INTEL CORPORATION,	)	
Respondent.	)	
	)	

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Appearances: Tareq Ziad Fouad Zakarneh, pro se, for Complainant  
Patrick Shen, Esq., for Respondent

ORDER DENYING COMPLAINANT’S REQUEST FOR DISCLOSURE  
OF IER’S INVESTIGATORY RECORDS

This case arises out of the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On December 28, 2021, Complainant, Tareq Ziad Fouad Zakarneh, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Intel Corporation, alleging citizenship status discrimination, retaliation, and unfair documentary practice related to the employment eligibility verification process in violation of § 1324b. On February 28, 2022, Respondent filed its Answer to Complaint. *See Zakarneh v. Intel Corp.*, 16 OCAHO no. 1414, 1, 3 (2022).<sup>1</sup>

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<sup>1</sup> Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

On July 12, 2022, Complainant filed a submission entitled “Order to Release the Investigation Statements by Immigration Employee Rights Section and Intel Corporation” (Motion). On July 19, 2022, Respondent filed “Respondent’s Opposition to Complainant’s Proposed ‘Order to Release Investigation Statements’” (Opposition).

## II. PARTIES’ POSITIONS

On June 13, 2022, the Immigrant and Employee Rights Section (IER) of the U.S. Department of Justice’s Civil Rights Division sent him a letter (attached to his submission) informing Complainant of IER’s assessment of his allegation that Respondent violated § 1324b. In his motion, Complainant requests the Court “force an order on the respondent and the IER to release the investigation and investigation statement’s (sic) with the respondent employee according to the Freedom of Information / Privacy Acts law enforcements as the complainant[.]” Mot. 1.

Respondent opposes the motion, referring Complainant to OCAHO’s discovery process and proposing Complainant consider his options under the Freedom of Information Act (according to Respondent, the procedures for such a request are located at 28 C.F.R. § 16.3(a)(1)). Opp’n 1.

## III. DISCUSSION

Complainant appears to be requesting the Court compel IER to produce records in accordance with the Privacy Act and the Freedom of Information Act.

“The right of individuals to obtain and the duty of government agencies, including [IER], to disclose investigatory or other agency records is governed by the Freedom of Information Act, 5 U.S.C. § 552 (FOIA), and the Privacy Act of 1974, 5 U.S.C. 552a(b)...” *In re Investigation of Conoco, Inc.*, 8 OCAHO no. 1049, 738, 747 (2000). Assisting with a request under either statute or compelling compliance with either statute is outside the jurisdiction of this Court and the ambit of these proceedings.

Accordingly, Complainant’s motion is DENIED.

SO ORDERED.

Dated and entered on August 4, 2022.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge