

SUMMARY OF
MEMORANDUM OF UNDERSTANDING BETWEEN
THE DEPARTMENT OF STATE (DOS)
BUREAU OF CONSULAR AFFAIRS (CA)
AND
U.S. DEPARTMENT OF JUSTICE (DOJ)
IMMIGRANT AND EMPLOYEE RIGHTS SECTION (IER)
CIVIL RIGHTS DIVISION
ON INFORMATION SHARING

I. PARTIES

The Parties to this Memorandum of Understanding (MOU) are the Department of State, Bureau of Consular Affairs (DOS/CA), and the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (DOJ/IER) (hereinafter referred to collectively as “Parties”).

II. PURPOSE

This MOU establishes the overarching arrangement by which DOS/CA and DOJ/IER will facilitate interagency information sharing of DOS/CA nonimmigrant and immigrant visa data and DOJ/IER information about employers that abuse visa programs, and documents the basic mechanisms and responsibilities established to protect this data.

The Parties intend for information sharing and collaboration to support foreign policy objectives and other national interests of the United States, including but not limited to ensuring the proper administration and enforcement of U.S. immigration laws by the Parties consistent with their respective missions.

III. AUTHORITY

The Parties enter into this MOU under the authority provided by:

A. The Immigration and Nationality Act (INA), 8 U.S.C. §§ 1101; 1104- 1185, 1202(f) (INA § 222(f)), and 1324b (INA § 274B); 28 C.F.R. Part 44; and

B. The Privacy Act of 1974, 5 U.S.C. § 552a, in compliance with the standards set forth in 5 U.S.C. § 552a(b)(7) and in the 5 U.S.C. § 552a(b)(3) published routine uses including: DOS’ published Routine Uses under State-39, Office of Visa Services System of Record Notice (SORN), which permits the release of information when consistent with INA § 222(f), including to other government agencies having a statutory or other lawful authority to use such information; and DOJ/IER published Routine Uses under CRT-001, Central Civil Rights Division Index File and Associated Records and CRT-003, Civil Rights Interactive Case Management System.

IV. BACKGROUND

- A. The mission of DOS/CA is to protect and assist U.S. citizens abroad, enhance U.S. border security, issue secure passports to eligible U.S. citizens, and facilitate legitimate international travel. DOS/CA is responsible for Department of State's visa operations worldwide, the adjudication of visa applications, and the issuance of visas and other travel documents.
- B. The Department of Justice's Civil Rights Division prosecutes violations of civil rights statutes and enforces federal statutes and executive orders that prohibit, among other things, unlawful discrimination in voting, education, employment, housing, police services, public accommodations and facilities, and federally funded and conducted programs.
- C. DOJ/IER is the Section within the Civil Rights Division that is responsible for enforcing the anti-discrimination provision of the Immigration and Nationality Act (INA) at 8 U.S.C. § 1324b, which prohibits: (1) covered persons or entities that employ four or more employees from discriminating against certain work-authorized individuals on the basis of citizenship status in hiring, firing, or recruitment for a fee; (2) covered persons or entities that employ four to fourteen employees from discriminating against work-authorized individuals on the basis of national origin in hiring, firing, or recruitment for a fee; (3) covered persons or entities from engaging in unfair documentary practices in the employment eligibility verification (Form I-9 and E-Verify) process on the basis of citizenship status or national origin; and (4) covered persons or entities from retaliating against individuals who engage in protected activity relating to the rights and privileges secured under 8 U.S.C. § 1324b. Through its enforcement of this statute, IER protects U.S. workers from discrimination on the basis of citizenship status.
- D. Injured parties or their authorized representatives may file charges with IER alleging a violation of 8 U.S.C. § 1324b within 180 days of the alleged discrimination. However, IER also initiates independent investigations (without the filing of a charge) if there is reason to believe that unlawful discrimination has occurred. Although independent investigations typically involve alleged discriminatory policies that potentially affect many employees or applicants, IER may also conduct independent investigations when even one person is allegedly discriminated against.