

Federal Protections Against National Origin Discrimination

INTRODUCTION

Federal laws prohibit discrimination based on a person's national origin, race, color, religion, disability, sex, and familial status. Laws prohibiting national origin discrimination make it illegal to discriminate because of a person's birthplace, ancestry, culture or language. This means people cannot be denied equal opportunity because they or their family are from another country, because they have a name or accent associated with a national origin group, because they participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

The Department of Justice's Civil Rights Division is concerned that national origin discrimination may go unreported in the United States because victims of discrimination do not know their legal rights, or may be afraid to complain to the government. To address this problem, the Civil Rights Division has established a National Origin Working Group to help citizens and immigrants better understand and exercise their legal rights. If you think you, or someone you know, has been discriminated against because of national origin and want to learn more about exercising your legal rights, you should read this brochure.

This brochure explains the laws prohibiting national origin discrimination and provides some examples. You may find additional information about the Civil Rights Division and its Sections on the internet at <http://www.usdoj.gov/crt>. You may contact the Division to report complaints of discrimination as explained below.

KNOWING YOUR LEGAL RIGHTS

The Civil Rights Division of the Department of Justice enforces federal laws that prohibit discrimination in:

Education
Employment
Housing
Lending
Public Accommodations
Law Enforcement / Police Misconduct
Voting

The Division also enforces laws that prohibit discrimination on the basis of disability, protects the civil rights of persons who are institutionalized in certain state or local facilities, and prosecutes crimes that are motivated by a crime victim's race, color, or national origin.

In some cases, the Division may only become involved if there is a "pattern or practice" of discrimination. A "pattern or practice" generally means that there is more than a single incident of discrimination, and that there is a policy or repeated conduct that is discriminatory.

CRIMINAL VIOLATIONS OF CIVIL RIGHTS

** A young man of South Asian descent is assaulted as he leaves a concert at a nightclub. The assailant, a member of a skinhead group, yells racial epithets as he beats the victim unconscious in the club's parking lot with fists and a pipe.*

** At Ku Klux Klan meetings, a Klansman tells other members that Mexicans and Puerto Ricans should go "back where they came from." They burn a cross in the front yard of a young Hispanic couple in order to frighten them and force them to leave the neighborhood. Before burning the cross, the defendant displays a gun and gives one of his friends another gun in case the victims try to stop them.*

** An American company recruits workers in a small Mexican town, promising them good work at high pay. The company smuggles the Mexicans to the United States in an empty tanker truck. When they finally arrive in the U.S., the workers are threatened, told that if they attempt to leave their factory they will be killed.*

The Criminal Section of the Civil Rights Division prosecutes people who are accused of using force or violence to interfere with a person's federally protected rights because of that person's national origin. These rights include areas such as housing, employment, education, or use of public facilities. You can reach the Criminal Section at (202) 514-3204 or write to:

U.S. Department of Justice
Civil Rights Division
Criminal Section, PHB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

DISABILITY RIGHTS

** An HMO that enrolls Medicaid patients tells a Mexican American woman with cerebral palsy to come back another day for an appointment while it provides immediate assistance to others.*

This example may be a violation of federal laws that prohibit discrimination because of disability as well as laws that prohibit discrimination because of national origin. If you believe you have been discriminated against because you have a disability you may contact the Disability Rights Section at (800) 514-0301 (voice) or 800-514-0383 (TTY). You may also write to:

U.S. Department of Justice
Civil Rights Division
Disability Rights Section, NYA
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

EDUCATION

** A child has difficulty speaking English, but her school does not provide her with the necessary assistance to help her learn English and other subjects.*

** A majority Haitian school does not offer honors classes. Other schools in the district that do not have many Haitian students offer both honors and advanced placement courses.*

These examples may be violations of federal law, which prohibits discrimination in education because of a person's national origin. The Division's Educational Opportunities Section enforces these laws in elementary and secondary schools as well as public colleges and universities. The Education Section's work addresses discrimination in all aspects of education, including assignment of students to schools and classes, transportation of students, hiring and placement of faculty and administrators, distribution of school resources, and provision of educational programs that assist limited English speaking students in learning English.

To file a complaint or for more information, contact the Education Section at (202) 514-4092, or write to:

U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section, PHB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

EMPLOYMENT

** A transit worker's supervisor makes frequent racial epithets against the worker because his family is from Iran. Last week, the boss put up a fake sign on the bulletin board telling everyone not to trust the worker because he is a terrorist.*

** A woman who immigrated from Russia applies for a job as an accountant. The employer turns her down because she speaks with an accent even though she is able to perform the job requirements.*

** A food processing company requires applicants who appear or sound foreign to show work authorization documents before allowing them to complete an employment application while native born Caucasian applicants are not required to show any documents before completing employment applications. Moreover, the documents of the ethnic employees are more closely scrutinized and more often rejected than the same types of documents shown by native born Caucasian employees.*

These examples may be violations of the law that prohibits discrimination against an employee or job applicant because of his or her national origin. This means an employer cannot discipline, harass, fire, refuse to hire or promote a person because of his or her national origin.

If you believe an employer, labor organization or employment agency has discriminated against you because of your national origin, contact:

Equal Employment Opportunity Commission
(800) 669-4000
(Employers with 15 or more employees)

Office of Special Counsel
(800) 255-7688
U.S. Department of Justice
Civil Rights Division
Office of Special Counsel for Immigration-Related Unfair Employment Practices, NYA
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(Employers with 4 to 14 employees)

Employment Litigation Section
(202) 514-3831
U.S. Department of Justice
Civil Rights Division
Employment Litigation Section, PHB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(State or local government employer with a pattern or practice of illegal discrimination)

In addition, an employer may violate federal law by requiring specific work authorization documents, such as a green card, or rejecting such documents only from applicants of certain national origins. For more information or to file a charge, contact the Division's Office of Special Counsel at the above address or toll-free number.

HOUSING

** A Native Hawaiian family is looking for an apartment. They are told by the rental agent that no apartments are available, even though apartments are available and are shown to white applicants.*

** A realtor shows a Latino family houses only in Latino neighborhoods and refuses to show the family houses in white neighborhoods.*

These examples may be violations of the federal Fair Housing Act. That law prohibits discrimination because of national origin, race, color, sex, religion, disability, or familial status (presence of children under 18) in housing. Individual complaints of discrimination may be reported to the Department of Housing and Urban Development (HUD) at (800) 669-9777. If you believe there is a pattern or practice of discrimination, contact the Division's Housing and Civil Enforcement Section at (202) 514-4713.

LENDING

** A Latina woman is charged a higher interest rate and fees than white male customers who have similar financial histories and apply for the same type of loan.*

This example may be a violation of federal laws that prohibit discrimination in lending because of national origin, race, color, sex, religion, disability and marital status or because any of a person's income comes from public assistance. If you believe you have been denied a loan because of your national origin or other protected reason, you may ask the lender for an explanation in writing of why your application was denied.

If the loan is for a home mortgage, home improvement, or other housing-related reasons, you may file a complaint with the Department of Housing and Urban Development at (800) 669-9777. If the loan is for purposes other than housing (such as a car loan), you may file a complaint either with the Division's Housing and Civil Enforcement Section or with the lender's regulatory agency. If your experience was part of a pattern or practice of discrimination you may also call the Housing and Civil Enforcement Section at (202) 514-4713, to obtain more information about your rights or to file a complaint.

PUBLIC ACCOMMODATIONS

** In a restaurant, a group of Asian Americans waits for over an hour to be served, while white and Latino customers receive prompt service.*

** Haitian American visitors to a hotel are told they must pay in cash rather than by credit card, are charged higher rates than other customers, and are not provided with the same amenities, such as towels and soap.*

These examples may be violations of federal laws that prohibit discrimination because of national origin, race, color, or religion in places of public accommodation. Public accommodations include hotels, restaurants, and places of entertainment. If you believe you have been denied access to or equal enjoyment of a public accommodation where there is a pattern or practice of discrimination, contact the Housing and Civil Enforcement Section at (202) 514-4713. You may also write to:

U.S. Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section, NWB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

POLICE MISCONDUCT

** Police officers constantly pull over cars driven by Latinos, for certain traffic violations, but rarely pull over white drivers for the same violations.*

** A police officer questioning a man of Vietnamese origin on the street gets angry when the man is unable to answer his questions because he does not speak English. The Officer arrests the man for disorderly conduct.*

These examples may be violations of the Equal Protection Clause of the United States Constitution. They may also be violations of the Omnibus Crime Control and Safe Streets Act of 1968. That law prohibits discrimination because of national origin, race, color, religion, or sex by a police department that gets federal funds through the U.S. Department of Justice. They may also violate Title VI of the Civil Rights Act of 1964, which prohibits discrimination by law enforcement agencies that receive any federal financial assistance, including asset forfeiture property.

Complaints of individual discrimination can be filed with the Coordination and Review Section at:

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section, NWB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

or contact the Coordination and Review Section at (888) 848-5306.

Complaints of individual discrimination may also be filed with the Office of Justice Programs at Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, Washington, D.C. 20531, or contact Office of Justice Programs at (202) 307-0690.

The Special Litigation Section investigates and litigates complaints that a police department has a pattern or practice of discriminating on the basis of national origin. To file a complaint, contact the Special Litigation Section at (202) 514-6255 or write to:

U.S. Department of Justice
Civil Rights Division
Special Litigation Section, PHB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS

** A jail will not translate disciplinary hearings for detainees who do not speak English.*

** A state's psychiatric hospital has no means of providing treatment for people who do not speak English.*

These examples may be violations of the Equal Protection Clause of the United States Constitution. The Special Litigation Section enforces the constitutional rights of people held in state or local government institutions, such as prisons, jails, juvenile correctional facilities, mental health facilities, developmental disability or mental retardation facilities, and nursing homes. If you are a resident of any such facility and you believe there is a pattern or practice of discrimination based on your national origin, contact the Special Litigation Section at (202) 514-6255. You may also write to:

U.S. Department of Justice
Civil Rights Division
Special Litigation Section, PHB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

FEDERALLY ASSISTED PROGRAMS

** A local social services agency does not provide information or job training in Korean even though one quarter of local residents speak only Korean.*

** A hospital near the Texas/Mexico border dresses its security officers in clothes that look like INS uniforms to scare Latinos away from the emergency room. Latino patients are told to bring their own translators before they can see a doctor.*

These examples may be violations of federal laws that prohibit discrimination because of national origin, race or color by recipients of federal funds. If you believe you have been discriminated against by a state or local government agency or an organization that receives funds from the federal government, you may file a complaint with the Division's Coordination and Review Section at (888) 848-5306. You may also write to:

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section, NWB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Coordination and Review Section will refer the complaint to the federal funding agency that is primarily responsible for enforcing nondiscrimination prohibitions applicable to its recipients.

VOTING

** Despite requests from voters in a large Spanish-speaking community, election officials refuse to provide election materials, including registration forms and sample ballots, in Spanish or to allow Spanish speakers to bring translators into the voting booth.*

** A polling official requires a dark-skinned voter, who speaks with a foreign accent and has an unfamiliar last name, to provide proof of American citizenship, but does not require proof of citizenship from white voters.*

The election officials' conduct may violate the federal laws prohibiting voting discrimination. The Voting Rights Acts do not specifically prohibit national origin discrimination. However, provisions of the Acts make it illegal to limit or deny the right to vote of any citizen not only because of race or color, but also because of membership in a language minority group. In addition, the Acts also require in certain jurisdictions that election materials and assistance be provided in languages other than English.

Additionally, Section 208 of the Voting Rights Act allows voters, who need help because of blindness, disability or because they cannot read or write, to bring someone (other than an employer or union representative) to help. This means that a voter who

needs help reading the ballot in English can bring a friend or family member to translate. In some places, election officials must provide information, such as voter registration and the ballot, in certain language(s) other than English. This can include interpreters to help voters vote.

If you believe that you have been discriminated against in voting or denied assistance in casting your ballot, you may contact the Division's Voting Section at (800) 253-3931. You may also write to:

U.S. Department of Justice
Civil Rights Division
Voting Section, NWB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

When you call any of the offices listed in this brochure, the phone will be answered in English. If you need an interpreter, tell the operator what language you speak. The operator will put you on hold while an interpreter is found. Please do not hang up. Through a language interpreter service, we are equipped to assist callers in all languages.

Note: For persons with disabilities, this document will be available in large print, audio tape, computer disc, and Braille.

Please feel free to make copies of this brochure.

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