



OSC UPDATE

Office of Special Counsel for Immigration-Related Unfair Employment Practices

The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) investigates and prosecutes allegations of national origin and citizenship status discrimination in hiring, firing, and recruitment or referral for a fee, as well as unfair documentary practices during the employment eligibility verification process and retaliation under the anti-discrimination provision of the Immigration and Nationality Act (INA). In addition, OSC conducts outreach aimed at educating employers, workers and the general public about their rights and responsibilities under the INA's anti-discrimination provision.

OSC Settles Allegations of a Pattern or Practice of Document Abuse Against Large Hospital Provider

INSIDE THIS ISSUE

**OSC Reaches Settlement 1
with Large Hospital
Provider**

**OSC Announces 2
2010 Grant Recipients**

**Temporary Protected 3
Status (TPS) Updates**

**Recent OSC 4
Enforcement Activity**

**New OSC Outreach 4
Materials**

**Puerto Rico Issues 5
New Birth Certificates**

On October 19, 2010, OSC reached a settlement with Catholic Healthcare West (CHW), resolving allegations that CHW engaged in a pattern or practice of document abuse by imposing unnecessary and discriminatory hurdles to employment for work-authorized non-U.S. citizens and foreign-born U.S. citizens. CHW is the eighth largest hospital provider in the nation.

OSC opened its investigation of CHW based on an individual charge of discrimination. The Charging Party, a lawful permanent resident, alleged that she was denied a transfer from one CHW hospital to another CHW hospital because she could not produce a Form I-551 ("green card"), despite the fact that she had other documents establishing her identity and work eligibility. OSC's investigation revealed a pattern of document abuse; specifically, that CHW required non-U.S. citizen and naturalized U.S. citizen new hires at those two hospitals to present more work authorization documents than required by federal law, and more than native-born U.S. citizens were required to provide.

Under the terms of the settlement, CHW agreed to pay \$257,000 in civil penalties –the largest amount of civil penalties in OSC's history. CHW also agreed to engage in an internal review of its I-9 process over the next 11 months at all of its 41 facilities to identify and compensate any additional victims of over-documentation who suffered lost wages, and to devise and implement policies and procedures for ensuring best practices with regard to hiring and employment eligibility verification. Further, CHW agreed to provide enhanced training and anti-discrimination education to all CHW personnel involved in the I-9 process. CHW also agreed to provide OSC updates on its I-9 review process every 60 days and to report to OSC for three years on compliance issues. A copy of the [settlement agreement](#) can be found on the [Enforcement](#) section of OSC's website.

WE'RE ON THE
WEB:
WWW.JUSTICE.GOV
/CRT/OSC

OSC Employer Hotline:

1-800-255-8155

1-800-237-2515 (TDD)

OSC Worker Hotline:

1-800-255-7688

1-800-237-2515 (TDD)

OSC Announces 2010 Grant Recipients

OSC is pleased to announce the award of \$720,321 in grants to thirteen groups to conduct public education programs for workers and employers about immigration-related job discrimination. Recipients of the grants, ranging from \$43,664 to \$88,000, will assist discrimination victims; conduct seminars for workers, employers and immigration service providers; distribute educational materials in various languages; and place advertisements in local communities through both mainstream and ethnic media to educate workers and employers about their rights.

The 2010 OSC grant recipients are:

- **University of Iowa** (sub-contracting with University of Minnesota Labor Education Service and Nebraska Appleseed Center for Law in the Public Interest): In its second year as an OSC grantee, the University of Iowa will provide outreach through workshops, presentations, public service announcements (PSAs), and radio programming. Their target audience includes Latino workers and employers in the food processing and construction industries throughout Omaha, NE, Council Bluffs, IA, and Minneapolis/St. Paul, MN.
- **Catholic Charities Diocese of Palm Beach, Inc.:** This previous OSC grantee provides outreach through workshops, presentations, PSAs, radio programming, and identifying potential claims of immigration-related employment discrimination. Its target audience includes employers, service providers, and Haitian and Latino immigrant workers in five counties surrounding Palm Beach, FL.
- **California Rural Legal Assistance Foundation:** CRLA will engage in outreach through workshops, presentations, PSAs, and radio programming to Latino employees and workers in the food processing and construction industries throughout seven rural counties in the Northern California Central Valley.
- **Colorado Legal Services:** In its fifth year as an OSC grantee, CLS will provide outreach to farm workers (mainly Latinos) and service providers in rural mountain and agricultural communities statewide and throughout the Denver metro area. Outreach plans include workshops, presentations, PSAs, radio programming, and posting information about the anti-discrimination provision of the INA on its website.
- **Arab Community Center for Economic and Social Services** (sub-contracting with the National Network for Arab American Communities and the Sugar Law Center for Economic and Social Justice): ACCESS will engage in outreach to Arab immigrants in Michigan and Illinois. Outreach plans include workshops, presentations, PSAs, radio programming and posting information on its website.
- **National Immigration Law Center:** With fifteen years as an OSC grantee, NILC provides nationwide outreach to immigrant advocates and service providers through trainings, conferences, national webinars, and technical assistance.
- **Catholic Charities of Dallas** (sub-contracting with Catholic Charities offices in adjacent states): With twenty years as an OSC grantee, CC Dallas provides outreach to employers; immigrant workers, African, Middle Eastern, and South Asian asylees and refugees; and service providers in Oklahoma, Arkansas, 123 counties in northern Texas, four counties in southeastern Texas. Outreach plans include workshops, presentations, PSAs and radio programming.
- **New York City Commission on Human Rights** (sub-contracting with the New York Immigration Coalition): In its fourth year as an OSC grantee, NYCCHR will provide outreach to employers, immigrant workers (including those with limited English proficiency) employment organizations, community-based organizations, and service providers. Outreach plans include development of an English for Speakers of Other Languages (ESOL) curriculum for beginner English learners and the training of immigration attorneys.
- **Lutheran Children and Family Service of Eastern Pennsylvania** (in partnership with its 26 affiliates nationwide): Receiving its second OSC grant, LCFS will provide nationwide outreach (with

(Continued on page 3)

2010 Grant Recipients

(Continued from page 2)

a targeted focus on Pennsylvania) to service providers; Cambodian, Laotian, and Middle Eastern immigrants; African refugees; and agricultural, manufacturing, food processing, and construction workers through strong contact with nationwide refugee resettlement agencies. Outreach plans include the development of an ESOL curriculum and a toll-free service line.

- **Legal Aid Society of Mid-New York Inc.** (in partnership with Pine Tree Legal Assistance, Inc.): The Legal Aid Society will provide outreach to immigrants, farm workers, and refugees, with a focus on Native Americans and Canadian Americans victimized by citizenship status discrimination throughout the northeast. Outreach plans include visits to labor camps and rural tribal communities and the creation of a bilingual calendar and print media.

- **International Institute of Metro St. Louis:** The Institute will engage in outreach to employers, advocates, the general public, and work-authorized immigrants from the Bosnian, Chinese, Korean, Vietnamese, Russian, and Hispanic communities in the Metro St. Louis and St. Charles areas. Outreach plans include the development of an ESOL curriculum.

- **La Raza Centro Legal** (collaborating with area nongovernmental organizations): The Center will engage in outreach to low income workers and Latinos in Northern California through workshops, presentations, PSAs, radio programming, representation at festivals and community events, and counseling and referrals to OSC.

- **Legal Aid Foundation of Los Angeles:** In its sixth year as an OSC grantee, LAFLA provides outreach to Asian and Latino low-income immigrants, including lawful permanent residents, asylees, and refugees in the greater Los Angeles/Long Beach area. Outreach plans include workshops, presentations, PSAs, radio programming, and the development of educational DVDs.

Temporary Protected Status Updates

TPS is granted by the Secretary of DHS to individuals in the United States who are nationals of countries subject to environmental disaster, armed conflict, or other extraordinary and temporary conditions. TPS beneficiaries are granted employment authorization and a stay of removal while under Temporary Protected Status. Information about TPS designations, extensions, and automatic extensions of work authorization for TPS beneficiaries is published by notice in the *Federal Register*. The following countries are currently under TPS designation: El Salvador, Haiti, Honduras, Nicaragua, Somalia, and Sudan. Please visit OSC's website at <http://www.justice.gov/crt/osc/> or USCIS's website at <http://uscis.gov> for additional information regarding these TPS Designations.

El Salvador

On July 9, 2010, DHS formally announced an eighteen-month extension of the TPS designation for eligible Salvadoran nationals from September 9, 2010, to March 9, 2012. In addition, Employment Authorization Documents (EADs) for Salvadoran TPS beneficiaries bearing (1) category A-12 or C-19 and (2) an expiration date of September 9, 2010, were automatically extended for a six-month period, through March 9, 2011.

Employers should accept the EADs as valid "List A" documents. Employers should not request proof of Salvadoran citizenship or ask for additional Form I-9 documentation if a worker presents an EAD that has been automatically extended. Please see USCIS's El Salvador [TPS Webpage](#) for more details.

Somalia

On November 2, 2010, DHS formally announced an eighteen-month extension of the TPS designation for eligible Somali nationals from March 17, 2011 to September 17, 2012. The 60-day re-registration period begins November 2, 2010 and will remain in effect until January 3, 2011. EADs for Somali TPS beneficiaries were not automatically extended. For more information, visit USCIS's Somalia [TPS Webpage](#).

Recent OSC Enforcement Activity

Below are examples of some of OSC's enforcement activity during the fourth quarter of fiscal year 2010.

Under OSC's statute, citizenship status, national origin, document abuse, and retaliation suits are filed before the Office of the Chief Administrative Hearing Officer within the Executive Office for Immigration Review, another component of the Department of Justice.

OSC Files Lawsuit Alleging Document Abuse by Garland Sales, Inc.

On July 8, 2010, OSC filed a lawsuit against Garland Sales Inc., a rug manufacturer and seller located in Dalton, Georgia, alleging it engaged in a pattern or practice of discrimination by imposing unnecessary and discriminatory hurdles to employment for work-authorized individuals.

Our complaint alleges that Garland required all non-U.S. citizen applicants to present DHS-issued work authorization documents during the employment eligibility verification (Form I-9). The INA requires that employers treat all authorized workers in the same manner during the I-9 process, regardless of their citizenship status or national origin. OSC's investigation revealed that Garland imposed different and greater requirements on non-U.S. citizens as compared to U.S. citizens.

Moreover, OSC found that Garland retaliated against a naturalized U.S. citizen with limited-English proficiency when it rescinded a job offer. Specifically, Garland requested that the individual produce a "Green Card" (Form I-551 Permanent Resident Card), which the applicant did not have because he is a U.S. citizen. When the applicant did not produce this document and voiced concern about being asked to produce it, Garland withdrew its offer of employment.

OSC Files Lawsuit Alleging Discrimination in Hiring by Maricopa Community Colleges

On August 30, 2010, OSC filed a lawsuit against the Maricopa County Community College District, alleging that it engaged in a pattern or practice of discrimination by imposing unnecessary and discriminatory hurdles to employment for work-authorized non-citizens. The Community College District, known as Maricopa Community Colleges, is located in Maricopa County, Arizona.

OSC's investigation revealed that Maricopa Community Colleges required all newly hired non-U.S. citizens to present additional work authorization documents beyond those required by law, but did not require U.S. citizens to do so. The INA requires employers to treat authorized workers in the same manner during the hiring process, regardless of their citizenship status. However, OSC found that Maricopa Community Colleges imposed different and greater documentary requirements on at least 247 non-U.S. citizens, and did not end this practice until January 2010, almost a year after OSC initiated its investigation.

New Outreach Materials Available on OSC's Website

OSC has recently posted four new flyers on its website addressing common employment eligibility verification issues with respect to the employment of refugees, asylees, and individuals under TPS and DED status. The flyers, two directed at employers and two directed at workers, provide helpful information for completing the Form I-9 for individuals in these categories and describe unique situations that may arise during the verification process. The [TPS/DED flyers](#) and the [Refugee/Asylee flyers](#) are available on www.justice.gov/crt/osc.

OSC's Telephone Interventions

OSC's telephone intervention program is an innovative form of alternative dispute resolution. It allows a caller to OSC's worker or employer hotline to work informally with OSC's staff to resolve potential immigration-related employment disputes within hours or minutes, rather than months, without contested litigation.

Worker Hotline: 1-800-255-7688
Employer Hotline: 1-800-255-8155

Puerto Rico Issues New Birth Certificates

On July 1, 2010, Puerto Rico began issuing new Puerto Rican birth certificates to individuals born in Puerto Rico. Beginning October 31, 2010, Puerto Rican birth certificates issued prior to July 1, 2010, were no longer valid. USCIS has issued a [press release](#) providing guidance to U.S. employers with regard to the I-9 process. As of October 31, 2010, only the new Puerto Rican birth certificates (i.e., those birth certificates issued on or after July 1, 2010) are acceptable for employment eligibility verification (I-9) purposes.

The USCIS press release makes it clear that employers should not reverify the employment eligibility of current employees who previously presented pre-July 1, 2010, Puerto Rican birth certificates.

U S D E P A R T M E N T O F J U S T I C E

Office of Special Counsel for Immigration-Related
Unfair Employment Practices
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W. (NYA)
Washington, D.C. 20530

Main Number: (202) 616-5594

Toll Free Information Number and Worker Hotline:

1-800-255-7688/(202) 616-5594 or 1-800-237-2515 (TDD for hearing impaired)
(Language interpretation available)

Employer Hotline: 1-800-255-8155 or 1-800-237-2515 (TDD for hearing impaired)

Fax Number: (202) 616-5509

Website Address: <http://www.justice.gov/crt/osc>

Special Counsel Vacant	Deputy Special Counsel Katherine A. Baldwin	Special Litigation Counsel Elizabeth I. Hack	Acting Special Policy Counsel Jennifer Sultan
----------------------------------	---	--	---



**WE VALUE YOUR FEEDBACK! IS THERE A TOPIC YOU WOULD LIKE TO READ ABOUT IN OUR NEWSLETTER?
EMAIL US AT OSCCRT@USDOJ.GOV**