



**U.S. Department of Justice
Civil Rights Division
Office of Special Counsel for Immigration-Related
Unfair Employment Practices (OSC)**

OMB Number 1190-0018
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OSC Charge Form

U.S. immigration law prohibits discrimination on the basis of **citizenship status** with respect to the hiring, firing, or recruitment or referral for a fee of protected individuals: citizens, nationals of the United States, permanent residents, temporary residents, refugees, and asylees (excluding lawful permanent residents who do not apply for naturalization within six months of eligibility). It also prohibits discrimination on the basis of **national origin** (against 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 **document abuse**: when an individual, business, or organization refuses to accept a valid document, specifies the documentation an individual can provide 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 **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 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 e-mailed to oscrt@usdoj.gov within 180 days of the alleged date of discrimination.** This form should be completed by typing or by legibly printing the information requested, in any language. If a question is not applicable, it should be left blank.

**U.S. Department of Justice
Civil Rights Division
Office of Special Counsel for Immigration-Related Unfair Employment Practices - NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530**

Questions concerning this charge form can be directed to OSC 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: Injured Party Contact Information

Name and Address of the **Injured Party** (the person who claims to have been the victim of discrimination or retaliation):

Male Female

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 2: Injured Party's Citizenship or Immigration Status Information

Please provide Injured Party's **citizenship** or **immigration status** or **work authorization type**:

- Citizen
 National of the United States
 Lawful Permanent Resident: **Date residency granted:** (Day) _____ (Month) _____ (Year) _____
Has the Injured Party applied for naturalization? No Yes
Date of Application: (Day) _____ (Month) _____ (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 1980's)
 None of the above, but is authorized to work: **Expiration date:** (Day) _____ (Month) _____ (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 3: Injured Party's National Origin and Other Personal Information

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? (Day) _____ (Month) _____ (Year) _____

Section 4: Type of Discrimination Alleged

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 Rights 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.)
- Document Abuse** (The individual, business or organization refused to accept a valid document, specified the documentation the Injured Party could show, 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 5: 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 6: Date and Place the Discrimination Occurred and the Specifics of the Discrimination Alleged

When did the discrimination occur? (Day) _____ (Month) _____ (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 start date, 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.) _____

Section 7: Charges Filed with Other Federal or State Agencies Based on the Same Facts

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

If yes: Full Agency Name: _____

Agency Street or mailing address: _____

Suite: _____ City: _____ State: _____ Zip Code: _____

Telephone: _____

Date Filed: (Day) _____ (Month) _____ (Year) _____

File No. (if known): _____ Investigator name (if known): _____

Section 8: Charging Party Contact Information (Injured Party or person filing charge on the Injured Party's behalf)

Is the Charging Party the same as the Injured Party? Yes, the same. If yes, skip to #9. No

If no, are you (check one): Male Female

Full Name: _____ Title: _____

Entity Name: _____

Street or mailing address: _____

Apt: _____ City: _____

State: _____ Zip Code: _____ Telephone: _____

FAX: _____ E-mail: _____

What are the best times to contact the Charging Party? _____

Section 9: Communications with OSC

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

If so, when? (Day) _____ (Month) _____ (Year) _____

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

If you know, what is the name of the OSC representative you spoke to or communicated with? _____

Section 10: Affirmation and Signature of Charging Party

If this charge is being filed by the INJURED PARTY:

If this charge is being filed by the Injured Party:

As a person alleging that I have been injured by an unfair immigration-related employment practice, I understand that OSC 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. I affirm that, to the best of my knowledge, the information provided on this form is true.

_____ Date: _____
(Signature of Injured Party)

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

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 OSC may find it necessary to reveal my 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.

Print Representative Name: _____
_____ Date: _____
(Signature of Authorized Representative)

Section 11: Optional Information

How did you hear of OSC? (check all that apply)

- Internet OSC Outreach E-Verify SSA No Match I-9 Form or Employer Handbook Poster/Brochure
- TV Radio Department of Labor (DOL) Equal Employment Opportunity Commission (EEOC)
- State or Local Agency United States Citizenship and 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 Jennifer Sultan, Special Policy Counsel, USDOJ-CRT-OSC, 950 Pennsylvania Avenue, NW-NYA, 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.