

Know Your Rights!
The Anti-Discrimination Provision
of the Immigration and Nationality Act (INA)

The U.S. Department of Justice, Civil Rights Division has an office dedicated to ensuring that employers are not discriminating against work-authorized individuals based on their national origin or immigration status. It is unlawful to fire or refuse to hire certain workers because of where they are from or because they are not U.S. citizens. The law also protects workers where employers discriminate against them by asking for too many work-authorization documents or by rejecting valid documents.

Q: How can I tell if an employer is violating the law?

A: An employer may be discriminating based on citizenship or national origin in employment if the employer:

- Specifically asks a worker for a “green card.”
- Asks certain workers for more documents than needed to complete the I-9 form.
- Rejects valid work authorization documents.
- Refuses to allow certain workers to begin working based on a name and Social Security number no-match.
- Refuses to hire refugees and asylees because they don’t have Social Security numbers or green cards.
- Only hires U.S. citizens (unless that policy is specifically required by law).
- Asks certain workers for work authorization documents before offering them jobs.
- Fires work-authorized workers for lying about their prior undocumented status, but has not fired other workers for lying about different aspects of their background.

Q: What about E-Verify?

A: An employer’s use of E-Verify may be discriminatory if the employer treats workers differently during the E-Verify process based on national origin or citizenship or immigration status, such as if it:

- Runs certain workers through E-Verify before offering them jobs.
- Asks certain workers to run themselves through E-Verify’s Self Check.
- Uses E-Verify to check only some, but not all, new workers.
- Refuses to allow certain workers to contest “tentative nonconfirmations” (TNCs).
- Refuses to allow certain workers to work while contesting TNCs.

Q: What should I do if I think I or someone I know has been discriminated against in hiring or firing based on national origin or citizenship status?

*A: Call the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) at the Civil Rights Division of the U.S. Department of Justice on its **Worker Hotline at 1-800-255-7688**, 9am-5pm, E.S.T. (TTY for the hearing impaired: 1-800-237-2515).*

You do not have to provide your name, and telephone interpreters are available in many

languages as needed. It is unlawful to intimidate, threaten, or retaliate against anyone for contacting the Hotline, assisting in any way in an investigation, or filing a charge with OSC.

For more information, to obtain outreach materials or a charge form, or to learn about OSC's new worker webinars call the Hotline or visit <http://www.justice.gov/crt/about/osc>.