DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION

2ND QUARTER 2011

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.

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

USCIS Issues Revised Handbook for Employers

U.S. Citizenship and Immigration Services (USCIS) recently released a revised version of the Handbook for Employers – Instructions for Completing Form I-9 (Form M-274). Employers should go to http://www.uscis.gov/files/form/m-274.pdf to download the revised Handbook, dated 01/05/11.

The revised Handbook includes:

- Expanded guidance on how employers should reverify employment eligibility for workers who provide I-9 documentation that establishes temporary work authorization.
- The types of I-9 documentation available to lawful permanent residents (LPRs), refugees and asylees, Temporary Protected Status (TPS) recipients, H-1B and H-2A visa holders, exchange visitors and foreign students.
- Guidance on workers with temporary employment authorization for whom extensions of stay have been filed (i.e., STEM OPT extensions).
- Guidance on how to handle name changes for current employees and accepting a new hire's documents when the name on the document is different than the name on the Form I-9.
- Guidance for employers in the Commonwealth of the Northern Mariana Islands (CNMI) who must use the Form I-9 CNMI, including lists of acceptable documents.
- Expanded guidance on using an electronic Form I-9.
- New sample images of certain List A documents.

Employers can also review the new, more detailed table of contents for information on other topics of interest.

USCIS Announces Relief for Stranded Japanese Nationals

On March 14, 2011, USCIS announced relief programs for Japanese nationals who may be stranded in the U.S. in the wake of recent natural disasters. Affected individuals should visit USCIS's Special Situations page for more information.

AILA InfoNet Doc. No. 11041836. (Posted 4/18/11)

New USCIS Document for Adjustment Applicants

On February 11, 2011, USCIS began issuing a card that demonstrates both employment and travel authorization. This card is issued to individuals who file applications for permanent residence and is an acceptable List A document for Form I-9. An applicant may receive the new card when he or she files an Application for Employment Authorization, Form I-765, and an Application for Travel Document, Form I-131, concurrently with or after filing Form I-485. For more information, visit USCIS's website. The front of the new card looks like the standard Employment Authorization Card (EAD) but may carry an additional notation that reads "Serves as I-512 Advance Parole:"

Temporary Protected Status Updates

In 2010, USCIS automatically extended the employment authorization of individuals from Nicaragua, Honduras, and El Salvador who hold Temporary Protected Status. Specifically, USCIS automatically extended EADs issued under Nicaraguan and Honduran TPS until January 5, 2011, and automatically extended EADs issued under Salvadoran TPS until March 9, 2011. TPS recipients who did not receive a new EAD by the end of the extension deadlines for their respective country should immediately contact USCIS at 1-800-375-5283 because employers requesting updated documentation may not continue to employ an employee who is unable to produce documentation establishing current employment eligibility.

NOTE: Approximately 4,500 individuals with Salvadoran TPS were issued interim EADs and should have received their interim EADs by March 9, 2011.

Recent OSC Enforcement Activity

OSC Settles Citizenship Status Discrimination claim Against American Education and Travel Services, Inc.

On March 7, 2011, OSC and the Equal Employment Opportunity Commission (EEOC) jointly settled a claim against American Education and Travel Services, Inc. (AETS), based in Antioch, California, resolving a citizenship status claim under 8 U.S.C. § 1324b(a)(1) and a national origin claim under Title VII of the Civil Rights Act. The charge, filed by an LPR, alleged that AETS required applicants for summer residential counselor positions to be U.S. citizens and native English speakers. Under the settlement, AETS agreed to pay $10,000 in back pay and compensatory damages to the victim, train its staff on the anti-discrimination requirements of both the INA and Title VII, adopt nondiscrimination policies with respect to recruitment and hiring, and maintain and submit records to the United States for the two-year term of the agreement.

OSC Settles Citizenship Status Discrimination Claim Against Martin Farms

On March 23, 2011, OSC signed a settlement agreement with Martin Farms, resolving a charge of citizenship status discrimination. The charging party, a U.S. citizen, alleged that Martin Farms rejected her job application because it was seeking to hire H-2A workers. The settlement agreement requires that Martin Farms offer the charging party a job, assist OSC in the investigation of an H-2A recruiter, and receive OSC training on the anti-discrimination provision of the INA.

New E-Verify Newsletter

USCIS has launched an electronic newsletter with updates on E-Verify, called E-Verify Connection. E-Verify Connection also includes updates on employment eligibility verification policies, such as the recent release of the new Handbook for Employers (Form M-274). To sign up to receive E-Verify Connection, send an email to E-VerifyOutreach@dhs.gov with "SUBSCRIBE" in the subject line.

AILA InfoNet Doc. No. 11041836. (Posted 4/18/11)

New National Origin Rights Brochure

The National Origin Working Group (NOWG) of the Civil Rights Division recently released a revised "Federal Protections Against National Origin Discrimination" brochure. This brochure discusses the federal laws that prohibit national origin discrimination (discrimination based on a person's birthplace, ancestry, culture, or language), gives examples of such discrimination, and provides contact information for the various offices within the Civil Rights Division that may investigate issues relating to national origin discrimination.

The brochure is available in seventeen languages, including English, Arabic, Cambodian, Chinese, Farsi, French, Haitian Creole, Hindi, Hmong, Korean, Laotian, Punjabi, Russian, Spanish, Tagalog, Urdu, and Vietnamese and may be found at: http://www.justice.gov/crt/publications/.

E-Verify Self-Check System Arrives

On March 21, 2011, USCIS launched E-Verify Self Check, a companion program to E-Verify that will allow U.S. workers to verify their own employment eligibility status.

E-Verify Self Check is currently available for individuals who live in Arizona, Colorado, District of Columbia, Idaho, Mississippi, and Virginia.

Individuals who discover errors in their records will receive instructions on how to correct their records with the Department of Homeland Security and the Social Security Administration. More information is available at E-Verify Self Check.

US DEPARTMENT OF JUSTICE

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(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/about/osc

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We Value Your Feedback! Is there a topic you would like to read about in our newsletter? Email us at osccrt@usdoj.gov

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