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JUSTICE NEWS

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Justice Department Settles Allegations of Immigration-Related Employment Discrimination Against Missouri Pork Producer

WASHINGTON — The Justice Department today reached a settlement agreement with Farmland Foods Inc., a major producer of pork products in the United States, resolving allegations that it engaged in a pattern or practice of discrimination by imposing unnecessary and excessive documentary requirements on non-U.S. citizens and foreign-born U.S. citizens when establishing their authority to work in the United States. Farmland Foods, a subsidiary of Smithfield Foods Inc., is headquartered in Kansas City, Mo. The settlement resolves the lawsuit filed against Farmland in June 2011.

The lawsuit, initiated by the Civil Rights Division's Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC), was based on an investigation revealing that Farmland required all newly hired non-U.S. citizens and some foreign-born U.S. citizens at its Monmouth, Ill., plant to present specific and, in many cases, extra work-authorization documents beyond those required by federal law. In the case of non-U.S. citizens, Farmland required the presentation of additional work authorization documents, generally by requiring social security cards, even when employees had already produced other documents establishing work authority. In the case of foreign-born naturalized U.S. citizens, Farmland required evidence of citizenship, such as certificates of naturalization or U.S. passports, even when those individuals had other means of proving their work authority. Farmland's demand for specific or excessive documents to establish work authority violated the anti-discrimination provision of the Immigration and Nationality Act (INA).

In addition to ending its impermissible document requests and modifying its employment eligibility verification process, Farmland has agreed to pay \$290,400 in civil penalties, the highest civil penalty paid through settlement since enactment of the INA's anti-discrimination provision in 1986. Farmland also agreed to monitoring and reporting provisions, as well as training for their human resources personnel.

"The Justice Department is committed to protecting the right of all work-authorized employees, regardless of their citizenship or immigration status, to work without having to overcome extra and discriminatory hurdles during the hiring process," said Thomas E. Perez, the Assistant Attorney General in charge of the Civil Rights Division. "We are pleased to have reached this agreement, and we

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will continue to rely upon both public education and focused enforcement to prevent and deter employers from engaging in discriminatory I-9 practices. ”

The lawsuit, filed before the Office of the Chief Administrative hearing officer within the Executive Office for Immigration Review, was prosecuted by Erik Lang and Phil Telfeyan, OSC Trial Attorneys, based on an investigation conducted by Alexandra Vince, an OSC Equal Opportunity Specialist.

The Office of Special Counsel for Immigration Related Unfair Employment Practices is responsible for enforcing the anti-discrimination provision of the INA, which protects work authorized individuals against employment discrimination on the basis of citizenship status or national origin discrimination, including discrimination in hiring, firing and the employment eligibility verification (Form I-9) process. For more information about protections against employment discrimination under federal immigration law, call OSC’s worker hotline at 1-800-255-7688 (1-800-237-2515, TDD for hearing impaired) or OSC’s employer hotline at 1-800-255-8155 (1-800-237-2515, TDD for hearing impaired), e-mail oscrt@usdoj.gov or visit OSC’s website at www.justice.gov/crt/about/osc .

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Civil Rights Division