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JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, September 11, 2012

Justice Department Files Lawsuit Alleging Employment Discrimination by Texas Farm

The Justice Department filed a motion to intervene today in a lawsuit against Jerry Estopy, d/b/a Estopy Farms, a sorghum and soy farm in McAllen, Tex., which also provides equipment and equipment operators for harvests at other farms. The Justice Department seeks to intervene in a lawsuit filed by two U.S. citizens against the farm. The department alleges that the company discriminated against one of the U.S. citizens when it refused to hire him based on his citizenship status. The Immigration and Nationality Act's (INA) anti-discrimination provision prohibits employers from discriminating against workers based on national origin or citizenship status in the hiring or firing process.

According to the department's complaint, the injured party, a U.S. citizen with over twelve years experience operating cotton combines and tractors, applied for a position with Estopy Farms as a cotton picker operator around June of 2010. The U.S. citizen was not hired, and Estopy Farms hired a number of seasonal foreign workers instead. The department found reasonable cause to believe that the company did not hire the U.S. citizen because it preferred to hire foreign workers under the H-2A visa program. The H-2A visa program allows foreign nationals into the U.S. for temporary or seasonal agricultural work. Employers that seek to participate in the program file an application with the U.S. Department of Labor certifying that they have actively tried to recruit U.S. workers for the jobs and that the temporary workers' employment will not adversely affect the wages and working conditions of similarly employed U.S. workers. The U.S. Citizenship and Immigration Services is charged with approving applications for the H-2A visas.

"The Justice Department will not tolerate discriminatory hiring practices," said Thomas E. Perez, Assistant Attorney General in charge of the Civil Rights Division. "While the department does not enforce the rules pertaining to the H-2A program, we will vigorously enforce the INA's anti-discrimination provision, which protects U.S. workers against an employer's illegal and discriminatory preferences."

Texas Rio Grande Legal Aid filed a lawsuit with the Office of the Chief Administrative Hearing Officer (OCAHO) within the Justice Department's Executive Office for Immigration Review on behalf of the two U.S. citizens on Nov. 14, 2011. Because a complaint has already been filed, the department seeks to intervene in the existing lawsuit. The Justice Department is represented by trial attorney Liza Zamd in this matter.

The Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) is responsible for enforcing the anti-discrimination provision of the INA. For more information about protections against employment discrimination under the INA, call 1-800-255-7688 (OSC's worker hotline) (1-800-237-2525, TDD for hearing impaired), 1-800-255-8155 (OSC's employer hotline) (1-800-362-2735, TDD for hearing impaired), or 202-616-5594; email oscercr@usdoj.gov; or visit OSC's website at www.justice.gov/crt/osc.

12-1096

Civil Rights Division

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