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JUSTICE NEWS

## Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Wednesday, August 22, 2012

## Justice Department Settles Discrimination Claim Against Illinois Company

The Justice Department announced today that it reached an agreement with MicroLink Devices, a manufacturer of semiconductor structures and advanced solar cells based in Niles, Ill. The agreement resolves allegations that the company violated the anti-discrimination provision of the Immigration and Nationality Act (INA), when it placed six online job postings that explicitly stated citizenship status preferences or requirements that excluded certain work-authorized non-citizens from consideration.

Under the INA, employers may not discriminate on the basis of citizenship status unless required to comply with law, regulation, executive order or government contract. Although MicroLink Devices is a party to several federal contracts subject to the International Traffic in Arms Regulations (ITAR), which control the export and import of sensitive technology, ITAR does not require or permit employers to limit job applicants to or prefer U.S. citizens in the hiring process. The job postings therefore impermissibly discriminated against non-citizen workers eligible for the advertised positions, such as lawful permanent residents, refugees and those given asylum in the United States.

Under the settlement agreement, MicroLink Devices will pay \$12,000 in civil penalties to the United States. MicroLink Devices further agreed to revise its hiring and recruiting procedures, conform future job postings to the requirements of the law, and to be subject to training, reporting and compliance and monitoring requirements. The case settled prior to the Justice Department filing a complaint in this matter.

"Employers must give all eligible candidates the equal opportunity to compete for employment," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "The department is committed to ensuring employers do not discriminate against protected individuals based on citizenship status."

The Office of Special Counsel (OSC) for Immigration-Related Unfair Employment Practices is

responsible for enforcing the anti-discrimination provision of the INA, which protects work-authorized individuals from employment discrimination on the basis of citizenship status or national origin discrimination, including discrimination in hiring and the employment eligibility verification (Form I-9) process.

For more information about protections against employment discrimination under the immigration laws, call the OSC's worker hotline at 1-800-255-7688 or the OSC's employer hotline at 1-800-255-8155. TDD for hearing impaired is 800-237-2515. You may also sign up for a no-cost webinar at <a href="https://www.justice.gov/crt/osc/webinars.php">www.justice.gov/crt/osc/webinars.php</a>, email <a href="mailto:oscrt@usdoj.gov">oscrt@usdoj.gov</a> or visit the website at <a href="https://www.justice.gov/crt/about/osc">www.justice.gov/crt/about/osc</a>.

12-1034 Civil Rights Division

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