

## HAS YOUR EMPLOYER DISCRIMINATED AGAINST YOU?

*If you have permission to work in the United States, it is against the law for an employer to discriminate against you (or treat you differently) because of your citizenship or national origin.*



### IT IS ILLEGAL FOR EMPLOYERS TO:

- Fire you or refuse to hire you because of your citizenship status, if you are a U.S. citizen, a lawful permanent resident or “green card” holder (who has applied for naturalization within six months of first becoming eligible to do so), a refugee, or a person granted asylum.
- Fire you or refuse to hire you because of your national origin, in other words, what country you or your ancestors came from, whether you appear to have been born in another country or speak with a foreign accent, etc.
  - Generally, if an employer has more than 14 employees, and you believe this employer discriminated against you because of your national origin, you should file the claim with the **Equal Employment Opportunity Commission (EEOC)**. More information is available on its website at <https://www.eeoc.gov/>.
- Request more or different documents than are required for verifying your identity and work authorization (or completing the Employment Eligibility Verification Form I-9), reject acceptable identity and work authorization documents that appear to be genuine and belong to you, or specify certain identity and work authorization documents over others because of your citizenship status or national origin.
- Threaten or act against you for filing a charge or complaint (see next page) based on any of these acts of discrimination or because you asserted your rights against this type of discrimination.

### HOW TO FILE A COMPLAINT AGAINST AN EMPLOYER FOR DISCRIMINATION

*If you believe you have been the victim of any of these acts of discrimination, and wish to file a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), which hears cases of immigration-related employment discrimination, you must follow the steps below. You do not have to have a lawyer to file a complaint with OCAHO and you may represent yourself. There is no fee to file a complaint with OCAHO.*



## STEP 1:

- a) **Within 180 days of when the discrimination occurred**, file a discrimination charge with the U.S. Department of Justice's Immigrant and Employee Rights (IER) Section.
  - More information about filing a charge with IER is available online at <https://www.justice.gov/crt/immigrant-and-employee-rights-section>. You can also call 1-800-255-7688 [Voice] or 1-800-237-2515 [speech or hearing-impaired]. Language assistance is available.
- b) IER will send you a letter within 120 days after you filed the charge. This letter will let you know whether IER will continue to investigate your charge or whether or not it decided to file a complaint against your employer. **The letter will also inform you that you can now file your own complaint with OCAHO**, which is your right regardless of what IER decides to do.

## STEP 2:

- a) **Within 90 days of receiving the letter from IER**, file a complaint with OCAHO. For a copy of the complaint form and instructions on filing the complaint, go to <https://www.justice.gov/eoir/how-to-file-274b-complaint>. The complaint must be filed in English, but instructions on completing the complaint form are available in Spanish.



***After you have filed a complaint, OCAHO will mail you a Notice of Case Assignment, which has important information about your case, such as next steps that will be taken and the name of the Administrative Law Judge (ALJ) who will hear your case.***

## IF THE ALJ FINDS THAT THE EMPLOYER DISCRIMINATED AGAINST YOU, THE ALJ MAY ORDER:

- The employer to hire you;
- The employer to pay you lost wages;
- The employer to remove false information from your employment file;
- The employer to remove restrictions on your work assignments or work shifts;
- The employer to pay your lawyer's fees, if you hired an attorney.

**QUESTIONS?** Please visit OCAHO's website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer>.

*\*This fact sheet was prepared by the Office of the Chief Administrative Hearing Officer and the Office of Legal Access Programs at the Executive Office for Immigration Review. This information is not intended, nor should it be construed in any way, as legal advice. The information does not extend or limit the jurisdiction of OCAHO as established by law and regulation. Nothing in this packet shall limit the discretion of OCAHO Administrative Law Judges to act in accordance with law and regulation.\**