

Department of Justice

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Justice Department Files Lawsuit Alleging Immigration-Related Employment Discrimination by Farmland Foods Inc. in Missouri

WASHINGTON - The Justice Department today filed a lawsuit against Farmland Foods Inc., a major producer of pork products in the United States, alleging that it engaged in a pattern or practice of discrimination by imposing unnecessary documentary requirements on non-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 department's investigation revealed that Farmland required all newly hired non-U.S. citizens and some foreign-born U.S. citizens at its Monmouth plant in Illinois to present specific and, in some cases, extra work authorization documents beyond those required by federal law. The Immigration and Nationality Act (INA) requires employers to treat all authorized workers in the same manner during the hiring process, regardless of their citizenship status. Farmland imposed different and greater requirements on non-U.S. citizens and foreign-born U.S. citizens as compared to applicants who were native-born U.S. citizens.

"Employers may not treat authorized workers differently during the hiring process based on their citizenship status," said Thomas E. Perez, the Assistant Attorney General in charge of the Civil Rights Division. "Federal law prohibits discrimination in the employment eligibility verification process, and the Justice Department is committed to enforcing the law."

The lawsuit charging Farmland with discriminatory practices has been filed before the Office of the Chief Administrative Hearing Officer (OCAHO) within the Executive Office for Immigration Review, another component of the Department of Justice.

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 law, 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 oscrt@usdoj.gov; or visit OSC's website at www.justice.gov/crt/osc.

<http://www.justice.gov/opa/pr/2011/June/11-crt-844.html>