

Department of Justice

Office of Public Affairs

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Justice Department Resolves Citizenship Status Discrimination Charge Against New Jersey Employer Iflowsoft LLC

WASHINGTON – The Justice Department announced today that it has reached a settlement agreement with Iflowsoft LLC, a computer programming services provider in Iselin, N.J., to settle allegations that Iflowsoft engaged in a pattern or practice of citizenship status discrimination by preferring to hire temporary visa holders over U.S. citizens.

According to the department's findings, Iflowsoft posted several job advertisements for IT professionals expressing a preference for temporary visa holders (specifically H-1B transfers and/or OPT candidates). The facially discriminatory advertisements deterred the charging party, a U.S. citizen, from applying to Iflowsoft. In addition, the department found Iflowsoft hired an H1-B visa holder without considering a qualified U.S. citizen applicant. The Immigration and Nationality Act (INA) generally prohibits employers from discriminating based on citizenship status during the hiring process.

Under the terms of the settlement, Iflowsoft has agreed to pay \$6,400 in civil penalties and \$7,158.49 in back pay to two U.S. citizens who were qualified for the positions advertised and applied, or would have applied for the positions. Iflowsoft has also agreed to provide its employees training on the INA anti-discrimination requirements, adopt nondiscrimination policies with respect to recruitment and hiring, and maintain and submit records to the United States for the three-year term of the agreement.

“All workers who are authorized to work in the United States, whether they are citizens or not, have the right to look for a job without facing discrimination,” said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. “We are pleased to have reached a settlement with Iflowsoft and look forward to continuing to work with public and private employers to educate them about anti-discrimination protections and employer obligations under the law.”

The Civil Rights Division's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) is responsible for enforcing the INA anti-discrimination provision, which prohibits employers from discriminating against work-authorized individuals on the basis of citizenship status or national origin in hiring, firing, recruitment or referral for a fee.

For more information about protections against employment discrimination under federal immigration law, call OSC's worker hotline at 1-800-255-7688 (1-800-237-2525, TDD for hearing impaired), OSC's employer hotline at 1-800-255-8155 (1-800-362-2735, TDD for hearing impaired), or 202-616-5594; email oscrt@usdoj.gov ; or visit the website at www.justice.gov/crt/osc .

<http://www.justice.gov/opa/pr/2011/May/11-crt-632.html>