

## **Department of Justice**

Office of Public Affairs

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Justice Department Settles Allegations of Immigration-Related Employment Discrimination Against Maricopa Community College District

WASHINGTON – The Justice Department today reached a settlement agreement with the Maricopa County Community College District in Arizona, resolving allegations that the district engaged in a pattern or practice of discrimination against non-citizens in the hiring and employment-eligibility verification process. The district, which consists of 10 community colleges and two skill centers, has agreed to pay \$45,760 in civil penalties and \$22,123 in back pay to settle a lawsuit filed by the Justice Department on Aug. 30, 2010.

According to the department's findings, the district had a policy of requiring newly hired workers who are not U.S. citizens but are authorized to work to present specific documentation that is not required by federal law. In accordance with that policy, at least two individuals were denied the opportunity to begin their employment despite having produced documentation sufficient to establish their employment eligibility. Specifically, a lawful permanent resident who accepted an adjunct mathematics faculty appointment and an honor student who was to begin a federal work-study position were not permitted to work when they did not comply with the district's excessive and discriminatory documentary requirements. Both individuals will receive full back pay.

Under the terms of the settlement agreement, the district will alter its practices to ensure that citizens and non-citizens are treated equally in the employment eligibility verification process. The district has also agreed to train its human resources personnel about employers' non-discrimination responsibilities in the employment eligibility verification process, to produce Forms I-9 for inspection, and to provide periodic reports to the department for three years.

"Employers have a responsibility to conduct the employment-eligibility verification process in a non-discriminatory manner," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "We are pleased to have reached this agreement with the district, and we look forward to continuing to work with all employers, both public and private, to educate them about their obligations under federal law."

The Immigration and Nationality Act (INA) includes a provision designed to protect lawful workers who may look or sound foreign by prohibiting employers from treating non-citizens differently than U.S. citizens in the I-9 process. When Congress enacted this provision as part of the Immigration Reform and Control Act of 1986, it sought to strike a balance between immigration worksite enforcement and the civil rights of workers. While employers are banned from hiring unauthorized workers, they must also treat all work-authorized individuals the same regardless of citizenship status or national origin.

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

For more information about protections against employment discrimination under federal immigration law, call OSC's worker hotline at 1-800-255-7688 (1-800-237-2515, TDD for hearing impaired), OSC's employer hotline at 1-800-255-8155 (1-800-237-2515, TDD for hearing impaired); email [oscrt@usdoj.gov](mailto:oscrt@usdoj.gov) ; or visit OSC's website at [www.justice.gov/crt/about/osc](http://www.justice.gov/crt/about/osc) .

<http://www.justice.gov/opa/pr/2011/May/11-crt-627.html>