

## **Department of Justice**

Office of Public Affairs

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Justice Department Settles Document Abuse Claim Against Ross Stores Inc.

WASHINGTON – The Justice Department announced today that it reached an agreement with Ross Stores Inc., resolving allegations that the company had engaged in a pattern or practice of discrimination based on citizenship status while verifying employment eligibility at its store in San Ysidro, Calif. The department also alleged that Ross Stores discriminated against a work-authorized individual when it refused to honor a genuine work authorization document and requested that she produce a green card, despite the fact that the company did not require U.S. citizens to show specific work authorization documents.

The department's investigation began in response to a charge of discrimination filed by a work-authorized, non-U.S. citizen, who was not permitted to work at the San Ysidro store after showing a valid employment authorization document (EAD) for the Form I-9. The charging party alleged that Ross Stores refused to allow her to work after presenting her EAD, requested more or different documents for the Form I-9 and eventually withdrew her job offer. The charging party had already produced sufficient documentation establishing her work authorization. The department also alleged that Ross Stores subjected newly hired non-U.S. citizens to excessive demands for documents issued by the Department of Homeland Security, in order to verify their employment eligibility, but did not require the same of U.S. citizens. The Immigration and Nationality Act (INA) requires employers to treat all authorized workers equally during the employment eligibility verification process, regardless of their national origin or citizenship status.

“Employers must not treat authorized workers differently during the employment eligibility verification process based on their citizenship status or national origin,” said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. “The department is committed to ensuring authorized workers are treated fairly during the employment eligibility verification process.”

Under the settlement agreement, Ross Stores agrees to reinstate the charging party and pay \$6,384 in back pay plus interest to the charging party and \$10,825 in civil penalties to the United States. Ross Stores also agrees to comply with the law, to train its human resources personnel about employers' responsibilities to avoid discrimination in the employment eligibility verification process and to be subject to reporting and compliance monitoring requirements for 18 months.

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](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/2012/March/12-crt-363.html>