

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Friday, April 16, 2010

Justice Department Files a Complaint Alleging Employment Discrimination by City University of New York, John Jay College

WASHINGTON – The Justice Department filed a lawsuit alleging that John Jay College engaged in a pattern and practice of discrimination by requiring all non-U.S. citizens to present certain work authorization documents, to the exclusion of other acceptable documents, thereby imposing unnecessary and discriminatory hurdles to employment for work authorized non-U.S. citizens. John Jay College is a New York City public college in the City University of New York (CUNY) system.

The Immigration and Nationality Act (INA) prohibits employers, both private and public, from imposing different or greater employment eligibility verification (I-9) standards on non-citizens as compared to U.S. citizens. Nevertheless, John Jay College imposed different and greater requirements on non-U.S. citizens as compared to applicants and employees who were U.S. citizens.

"Every individual who is authorized to work in this country has the right to know they will be free from discrimination as they look for a job, and that they will be on the same playing field as every other applicant or worker," said Thomas E. Perez, Assistant Attorney General for the Justice Department's Civil Rights Division.

John Jay, until sometime in 2009, required more or different employment eligibility verification documents issued by INS or DHS for non-citizens, as compared to U.S. citizens, in order for non-U.S. Citizens to either be hired or re-verify their employment eligibility. Moreover, the department found that John Jay College fired a lawful permanent resident based upon her citizenship status after rejecting her valid work authorization documents.

The employee provided John Jay with her unrestricted Social Security card and driver's license for the purpose of employment verification. John Jay required that she also produce her Green Card, even though the documents she had already produced were legally sufficient for a showing of employment eligibility. John Jay's standard practice or operating procedure resulted in a violation of the INA, commonly referred to as document abuse.

The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) is responsible for enforcing the anti-discrimination provisions of the INA, which protect U.S. citizens and certain work-authorized individuals from citizenship status discrimination. The INA also protects all work-authorized individuals from national origin discrimination, over-documentation in the employment eligibility verification process, and retaliation.

For more information about protections against employment discrimination under the immigration laws, call 1-800-255-7688 (OSC's worker hotline) (1-800-237-2525, TDD for hearing impaired), 1-800-255-8255 (OSC's employer hotline) (1-800-362-2735, TDD for hearing impaired), or 202-616-5594. Email oscrcrt@usdoj.gov, or visit the Web site at www.justice.gov/crt/osc.

10-432

Civil Rights Division