



Office of Special Counsel for Immigration-Related Unfair Employment Practices

U.S. Department of Justice — Civil Rights Division

"Look at the Facts. Not at the Faces"

10 Steps To Take To Avoid Immigration-Related Employment Discrimination

The Office of Special Counsel (OSC) for Immigration-related Unfair Employment Practices enforces the laws that prohibit discriminatory practices in the recruitment, hiring, employment eligibility verification ("Form I-9") process or dismissal of persons authorized to work in the United States. To avoid such discriminatory practices, employers should follow the 10 steps provided below. The Department of Homeland Security (DHS) enforces laws against hiring unauthorized workers. Employers should consult their legal counsel or DHS regarding activities that fall within DHS purview.

1. **Treat all people the same when announcing a job, taking applications, interviewing, offering a job, verifying eligibility to work, hiring, and firing.**
2. **Examine and accept original documents that reasonably appear genuine and relate to the employee.**
3. **Do not demand different or additional documents as long as the documents presented prove identity and work authorization, are listed on the back of Form I-9, and appear genuine.**
4. **So long as the job applicants are authorized to work in the United States, avoid requiring job applicants to have a particular citizenship status, such as U.S. citizenship or permanent residence, unless mandated by law or federal contract.**
5. **Give out the same job information over the telephone to all callers, and use the same application form for all applicants.**
6. **Base all decisions about firing on job performance and/or behavior, not on the appearance, accent, name, or citizenship status of your employees.**
7. **Complete the I-9 form and keep it on file for at least 3 years from the date of employment or for one year after the employee leaves the job, whichever is later.**
8. **On the I-9 form, verify that you have seen documents establishing identity and work authorization for all your new employees—U.S. citizens and noncitizens alike—hired after November 6, 1986.**
9. **If reverification of employment eligibility becomes necessary, accept any valid documents your employee chooses to present—whether or not they are the same documents the employee provided initially. For reverification, employees need only present either a List A document or a List C document.**
10. **Be aware that U.S. citizenship, or nationality, belongs not only to persons born within the fifty states, but may belong to persons born to a U.S. citizen outside the United States. Persons born in Puerto Rico, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, or Swains Island also are U.S. citizens or nationals. Finally, an immigrant may become a U.S. citizen by completing the naturalization process.**

For more information, call the OSC Employer Hotline 1-800-255-8155,
TDD for hearing impaired: 1-800-237-2515
or visit the OSC website at: www.justice.gov/crt/osc