

## **Justice Department Settles Several Citizenship Status Discrimination Claims**

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The Department of Justice, Office of Special Counsel (OSC) has recently stepped up its enforcement of unfair immigration practices. As an example, in the last several months, the OSC has settled cases with a landscaping company, pool management company and a university.

In ValleyCrest Landscaping Company, the parties settled charges alleging the company preferred to hire H-2B visa holders over U.S. citizens or lawful permanent residents (LPRs). Under the settlement agreement, the company will modify its hiring policy to significantly extend the time period during which it will recruit U.S. workers for jobs that would otherwise be filled with H-2B temporary visa holders. The company also agreed to pay \$11,173 in back pay to the only U.S. applicant who was identified during the investigation as a discriminatee.

In a second case, Aquatico Pool Management Company settled a document abuse claim concerning a LPR, who presented a Permanent Resident Card and a restricted Social Security Card, with the notation "valid for work only with DHS authorization", during the I-9 verification process. Thereafter, the company withdrew the job offer. Since the Permanent Resident Card was legally sufficient to prove work authorization, the company violated the law. The OSC and the pool management company agreed to settle the claim for \$1,500 in back pay and civil penalties. The third case involved Argosy University, who initially selected a LPR for hire but then withdrew the offer because it did not think it could hire non-U.S. citizens. Eventually, the university relented and re-offered the job but not before a manager at the university reprimanded the charging party for contacting the OSC. The settlement agreement provided for back pay of \$7,100 to the charging party, training for the university's management and HR staff regarding the anti-discrimination provision of the Immigration and Nationality Act and modification of the university's policy regarding the employment of foreign nationals.