



NOTICE REGARDING CITIZENSHIP STATUS DISCRIMINATION

Citizenship or Immigration Status Discrimination

- The anti-discrimination provision of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1324b, prohibits discrimination in hiring, firing, and recruitment or referral for a fee based on citizenship status or national origin.
- U.S. citizens, recent lawful permanent residents, asylees and refugees are protected from citizenship status discrimination.
- Employers **CANNOT** refuse to consider or hire these individuals because of their citizenship or immigration status unless a law, regulation, executive order, government contract, or Attorney General determination requires a preference for U.S. citizens.
- **DO NOT** specify that you hire only U.S. citizens unless you have reviewed the legal support for such a requirement.
- **DO NOT** refuse to consider or hire work-authorized non-U.S. citizens because of their citizenship or immigration status.
- **DO** ensure that all individuals involved in hiring and recruitment are familiar with equal employment opportunity laws, including the anti-discrimination provision of the INA.

Visa Sponsorship

- Many non-U.S. citizens, including lawful permanent residents (who are often referred to as having a “green card”), asylees, and refugees, are authorized to work without employer sponsorship.
- Other non-U.S. citizens, such as students on a temporary work or training visa, may need sponsorship by their employer to complete a residency. It is permissible for an employer to choose not to sponsor individuals for employment-based visas, such as H1-B visas.
- **DO NOT** assume that non-U.S. citizens require employer sponsorship. Consider each applicant individually. If you do not know, ask them whether they will require sponsorship.
- **DO NOT** specify immigration documents that individuals must have or present to be hired or to begin work. For example, do not specify that individuals must have a green card.

**Contact the Office of Special Counsel
for further information on immigration-related employment discrimination
Employer Hotline: 1-800-255-8155 (TTY 1-800-237-2515)**

www.justice.gov/crt/about/osc