

DISCRIMINATION-BASED COMPLAINT¹

There are many Federal laws against discrimination. They were passed to protect people who, because of their race, color, religion, sex, national origin, age, or disability, are denied their rights. Discrimination is treating one person differently than another because of a particular characteristic, however, not all kinds of different treatment are illegal or even unfair.

Discrimination is illegal when it is based on:

- **Race**, which is generally understood to be membership in a racial group. Depending on which law is involved, membership in an ethnic group can also constitute race.
- **Color**, which refers to a person's actual skin shade, and may constitute a separate discrimination factor regardless of the person's race.
- **Sex**, which refers to gender.
- **Religion**, which refers to a person's religious beliefs and practices, or lack thereof, or a person's membership in a religious group.
- **National origin**, which refers to an individual's country of origin, the origin of an individual's ancestors, or the physical, cultural, or linguistic characteristics of a particular nationality. This includes characteristics such as last name, accent, and cultural heritage.
- **Age**, which refers to persons age 40 or over; or
- **Disability**, which refers to physical or mental impairments that substantially limit one or more major life activity of an individual.

Among the Federal laws which require people to be treated equally are the Civil Rights Act of 1964 and 1991, the Americans with Disabilities Act of 1990, the Voting Rights Act of 1965; the Equal Credit Opportunity Act, the Equal Educational Opportunities Act of 1974, the Individuals With Disabilities Act; the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975; the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Community Reinvestment Act of 1977, the Immigration Reform and Control Act of 1986, the Fair Housing Act of 1968, the Family and Medical Leave Act of 1993, and Executive Order 11246 (1965) as amended by Executive Order 11375 (1967).

¹ U.S. Commission on Civil Rights (USCCR) web page.

Many Federal agencies are responsible for enforcing these laws and the regulations in place to implement them. Sometimes the government must get a specific complaint from an individual before it can act against an individual or organization that violates people's rights. Since laws and regulations frequently require that complaints be filed within certain time limits, **it is important to file as soon as possible after the discriminatory act occurs.**

HOW TO FILE A COMPLAINT

Your complaint should be in **writing**, preferably typed or printed neatly, dated, signed, and should include the following information:

- Your name;
- Your address, and your home and work telephone numbers (if applicable);
- The name(s) and address(es) of the person(s) and/or establishment you believe to have discriminated against you;
- A description of the act(s) of discrimination. This should include the date and place of the action(s), and what you believe to be the basis for discrimination (race, sex, etc.); and
- The name(s), address(es) and telephone number(s) of any person(s) with information concerning your complaint.

Generally, most government agencies require that complaints be postmarked within 180 days of the discriminatory action. You should, however, inquire about specific deadlines that may apply to your case. Depending on your type of case or your status, you may be required to file your complaint earlier.

Federal criminal civil rights law prohibits law enforcement agents from conspiring to interfere with federally protected rights, depriving rights under color of law, or using or conspiring to use force, or threat of force, to interfere with the free exercise of your civil rights.

To report criminal activities that constitute violations of civil rights, contact:

**U.S. Department of Justice
Civil Rights Division
Criminal Section
10th Street & Constitution Avenue, NW
Washington, DC 20530
(202) 514-1412
Fax (202) 514-3003
Please write LEGAL MAIL on your envelope.**

If you are a victim of gender-motivated violence in which the level of violence under State or Federal law constitutes a felony, there is a Federal, civil remedy under the Violence Against Women Act of 1994. To make use of this remedy it is not required that charges be filed or there be a conviction. If you have access to a computer and the internet, you may find additional information at www.usdoj.gov. **Unlike other civil rights actions, this action is not brought by the government, but by the private individual through an attorney.**

If you have a complaint against a law enforcement agency for discrimination based on race, color, national origin, religion, sex, or age, you may file a complaint with:

**U.S. Department of Justice
Civil Rights Division
Coordination and Review Section
PO Box 66560
Washington, DC 20035-6560
(202) 307-2222
Fax (202) 307-0595
Please write LEGAL MAIL on your envelope.**

or

**U.S. Department of Justice
Office of Justice Programs
Office for Civil Rights
633 Indiana Avenue, NW
Room 1101
Washington, DC 20531
(202) 307-0690
Fax (202) 616-9865
Please write LEGAL MAIL on your envelope.**

Complaints of discrimination on the basis of disability by law enforcement agencies may also be sent to the:

**U.S. Department of Justice
Civil Rights Division
Disability Rights Section
PO Box 66738
Washington, DC 20035-6738
1-800-514-0301
Fax(202) 307-1198
Please write LEGAL MAIL on your envelope.**

PRISONERS RIGHTS

The constitutional rights of inmates serving their criminal sentences are very limited. Prisoner's rights that are protected are:

- a right to be free from cruel and unusual punishment, which is usually construed to mean the infliction of unnecessary and unrestricted pain; and
- a right to exercise religious beliefs. Prisoners must be allowed the opportunity to pray and to meet with other inmates to worship within a group. Even individuals in disciplinary detention are entitled to pray and read religious texts.

Also, the Equal Protection Clause of the 14th amendment to the Constitution requires that the conditions of women's prisons must be equal to the conditions under which male prisoners are held, and vice versa.

If you are detained in a **Federal Bureau of Prisons** institution and believe you have been discriminated against by the institution, you should file a formal written complaint at the institution **within 15 days of the incident**. Extensions of time will be granted where there is a valid reason for the delay. You should follow the internal grievance procedure unless you think that your complaint is such that you might be adversely affected if the nature of the complaint became known within the institution, in which case you may file a complaint with the appropriate Regional Director (see attachment 6). Your complaint should include an explanation of why you have chosen to file with the Regional Director. If the complaint alleges that your health or welfare is immediately threatened, the warden must respond through the regional office within **48 hours** of receiving the complaint.

If you are confined to a non-Federal institution and want to file a complaint about conditions or practices of the institution, follow the internal grievance procedure of the institution. In some prison systems it is necessary to file an institutional grievance before filing suit in federal court.

Under the Civil Rights of Institutionalized Persons Act (CRIPA), the Attorney General is authorized to file suit on behalf of inmates at a given institution to redress systematic deprivations of inmates' constitutional rights. To file a complaint with the Attorney General, write to:

**U.S. Department of Justice
Civil Rights Division
Special Litigation Section
PO Box 66400
Washington, DC 20035-6400
(202) 514-6255
Please write LEGAL MAIL on your envelope.**

Under the Americans with Disabilities Act (ADA), prisoners with disabilities, particularly prisoners with **HIV**, may have a right to participate in various services, programs, and activities. Complaints of discrimination under the ADA should be filed with the Department of Justice within **180 days** of the alleged discriminatory act at:

**U.S. Department of Justice
Civil Rights Division
Disability Rights Section
PO Box 66738
Washington, DC 20035-6738
1-800-514-0301
Fax (202) 307-1198**
Please write LEGAL MAIL on your envelope.

ADDITIONAL RESOURCES FOR SUPPORT
FOR ABUSE, MISCONDUCT AND OTHER IMMIGRATION DETENTION
VIOLATIONS

Please write LEGAL MAIL on your envelope when writing any of the following agencies.

Office of the United Nations High Commissioner for Refugee*
1775 K Street NW Suite 300
Washington, DC 20006
Tel. (202) 296-5191
Fax.(202) 296-5660

*For applicants for asylum/withholding of removal or Torture Convention protection only.

U.S. Detention Watch Network
C/O Lutheran Immigration and Refugee Service
700 Light Street
Baltimore, MD 21230
Tel.: (410) 230-2721
Fax.: (410) 230-2893

American Civil Liberties Union
Immigrant Rights Project
125 Broad Street
New York, NY 10004
Tel.: (212) 549-2654

Refugee Program*
Amnesty International USA
600 Pennsylvania Ave., SE, 3rd Floor
Washington, DC 20003, USA
Phone:(202) 544-0200 x 497
Fax: (202) 546-7142

*For applicants for asylum/withholding of removal or Torture Convention protection only.

Center for Human Rights and Constitutional Law
256 S. Occidental Blvd.,
Los Angeles, CA 90057
Tel. (213) 661-5212

National Immigration Law Center
1102 S. Crenshaw Blvd., Ste. 101
Los Angeles, CA 90019
Tel.: (213) 938-6452
Fax.: (213) 938-7940

Catholic Legal Immigration Network
564 Market St., Ste. 416
San Francisco, CA 94104
Tel.: (415) 394-8695
Fax.: (415) 394-8694

Lawyers' Committee for Civil Rights Under Law of Texas
601 Haines Avenue
Dallas, TX 75208
Tel.: (214) 943-6465
Fax.(214)943-6644

Immigrant and Refugee Rights Project
Lawyers' Committee for Civil Rights
301 Mission Street, Suite 400
San Francisco, CA 94105
Tel. (415) 543-9444
Fax.(415) 543-0296

The Lesbian and Gay Immigration Rights Task Force*
350 West 31st Street, Suite 505
New York, NY 10001
Tel. (212) 714-2904

*For gays, lesbians and people with HIV/AIDS only.

Congress:

You are free to contact your local congressional representative or senator's office in writing to share your concerns either in Washington D.C. or their district where you are from or where you are detained. You might address such correspondence to their immigration official.

Media:

You are also free to contact local and national representatives of the media to share your concerns. Many newspapers have reporters assigned to immigration issues. The Detention Standards provide for detainee access to media representatives provided that the detainee sign a waiver to speak with the media.

APPENDIX 1

