



## Office of Special Counsel for Immigration-Related Unfair Employment Practices

U.S. Department of Justice Civil Rights Division

# Best Practices for Job Postings

The anti-discrimination provision of the Immigration and Nationality Act (8 U.S.C. § 1324b) prohibits discrimination in the hiring and recruitment or referral for a fee processes based on citizenship status and national origin. Below are best practices to avoid potential discrimination when advertising for employment:

## Best Practices for Employers and Recruiters

- Treat work-authorized job applicants equally in recruiting and hiring without regard to their citizenship status or national origin unless required by law, regulation, executive order, government contract, or determination by the Attorney General.
- Understand that in addition to U.S. citizens, there are many classes of immigrants who are authorized to work in the United States.
- If you believe a certain position requires a specific citizenship status (i.e., U.S. citizen), carefully review the legal support for such a requirement (i.e., law, regulation, government contract, etc.) before posting the job advertisement.
- If not legally required, avoid unjustified discriminatory language in job postings, such as the following:
  - "Only U.S. Citizens"
  - "Citizenship requirement"
  - "Only U.S. Citizens or Green Card Holders"
  - "H-1Bs Only," "OPT Candidates Only/Preferred," etc.
  - "Must have a U.S. Passport"
  - "Must have a green card"
  - "I-9 qualifying identification required at time of application"
- Avoid job requirements related to an individual's national origin (i.e., language fluency requirements) unless they are necessary to perform the job effectively.
- Ensure that all individuals involved in hiring and recruiting are familiar with equal employment opportunity laws, including the anti-discrimination provision of the Immigration and Nationality Act, 8 U.S.C. § 1324b.

**For further information on immigration-related employment discrimination, contact OSC at 1-800-255-8155 (Employer Hotline) (TTY 1-800-237-2515) or visit our website at [www.justice.gov/crt/about/osc](http://www.justice.gov/crt/about/osc).**



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- If advertising a job on behalf of a customer that requires or prefers individuals with a certain citizenship status, verify the legal basis for the citizenship status restriction or preference prior to posting a job announcement.
- Recognize that it can take up to a few months for newly-arrived refugees to receive a Social Security number. These individuals are authorized to work in the United States indefinitely even though they have not yet received a Social Security card.
- Read the terms and conditions of online job boards before posting a job advertisement. Many of these job boards prohibit the use of discriminatory language.

## Best Practices for Internet Job Search Engines

- Provide information about prohibited employment practices to employers, recruiters, and other entities posting job advertisements. Encourage them to comply with all applicable equal employment opportunity laws, including the anti-discrimination provision of the Immigration and Nationality Act, 8 U.S.C. § 1324b.
- If potentially discriminatory advertisements are discovered, remove such advertisements or seek legal guidance. Prohibit any postings that require U.S. citizenship or lawful permanent residence in the U.S. as a condition of employment, unless otherwise required to comply with law, regulation, executive order, government contract, or determination by the Attorney General.
- Create an Equal Employment Opportunity page or an Employer Resources page discussing EEO issues and prohibited job postings which includes a link to the website of the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) (<http://www.justice.gov/crt/about/osc>).

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