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Best Practices for Online Job Postings

The Immigration and Nationality Act prohibits citizenship status and national origin discrimination with respect to hiring, termination, and recruiting or referring for a fee. 8 U.S.C. § 1324b(a)(1)(B).

Employers may not treat individuals differently because they are, or are not, U.S. citizens or work authorized individuals. U.S. citizens, asylees, refugees, recent permanent residents and temporary residents are protected from citizenship status discrimination. Employers may not reject valid employment eligibility documents or require more or different documents on the basis of a person's national origin or citizenship status.

Over the past decade, the Internet has proven to be a valuable resource for matching employers with job seekers. The following list of best practices is intended as a guide for Internet job search engine sites and employers and recruiters who post job ads on the Internet.

DOs for Internet Job Search Engines	DOs for Employers and Recruiters
<p>Do require employers, recruiters, and others posting employment ads to sign a membership agreement and client contract that require compliance with all applicable equal employment opportunity laws, including the anti-discrimination provision of the Immigration and Naturalization Act, and:</p> <ul style="list-style-type: none"> • Prohibit any posting that requires U.S. citizenship or lawful permanent residence in the U.S. as a condition of employment, unless otherwise required in order to comply with law, regulation, executive order, or government contract. • Prohibit any job requirement or criterion in connection with a job posting that discriminates on the basis of citizenship status or national origin. 	<p>Do treat equally U.S. citizens, lawful permanent residents, temporary residents, asylees, and refugees in recruitment or hiring.</p> <p>Do embrace equal employment practices, including:</p> <ul style="list-style-type: none"> • refraining from discriminating on the basis of national origin; • and/or immigration and citizenship status.
<p>Do create a link for employers posting directly on the website that outlines prohibited employment practices and email the link to employers prior to permitting a job posting on the site.</p>	<p>Do avoid making the assumption that only U.S. citizens are authorized to work in the United States.</p>
<p>Do send employers an email each time the employer posts mass job announcements via file transfer protocol (FTP) that includes a link to the prohibited job postings link mentioned above.</p>	<p>Do avoid the following language in job postings:</p> <ul style="list-style-type: none"> "Only U.S. Citizens" "Citizenship requirement" "Only U.S. Citizens or Green Card Holders" "H-1Bs Only" "Must have a U.S. Passport" "Must have a green card" <p>*UNLESS U.S. citizenship is required by law, regulation, executive order, or government contract.</p>
<p>Do create an Equal Employment Opportunity page or an Employer Resources page discussing EEO issues and prohibited job postings. For further reference, these pages can link to the website of the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) at http://www.usdoj.gov/crt/osc/.</p>	<p>Do allow all employees (including non-U.S. citizens) to provide any permissible documents to establish their identity or work authorization during the employment verification process.</p>
<p>Do monitor employers' postings and pull ads that use prohibited discriminatory language or criteria.</p>	<p>Do recognize that refugees and those newly granted asylum who have not yet received a Social Security number may not be fully able to complete on-line applications even though they are authorized to work in the U.S. indefinitely, and avoid creating unnecessary hurdles for such individuals.</p>

For further information on immigration-related employment discrimination, contact OSC at 1-800-255-8155 (Employer Hotline) or at (202) 616-5594 (main line).

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