

Hospitals, Medical Providers Come under Scrutiny for Potentially Discriminatory Ads

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The U.S. Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) has been notifying hospitals and medical providers by letter that their advertisements placed through the Centralized Application Service for Podiatric Residencies ("CASPR") for podiatric residency positions may be in violation of specific provisions of the Immigration and Naturalization Act (INA), 8 U.S.C. § 1324b.

The OSC enforces the anti-discrimination provisions (§ 274B) of the Immigration and Nationality Act. Violations of the anti-discrimination provisions can result in significant civil fines and ongoing document requests from OSC.

The OSC letter states that the company advertisement may be impermissibly restricted to United States citizens or United States citizens and Green Card holders. The letter typically requests that the company respond with specific information explaining the basis for the restriction and asks that the company provide information regarding residency positions filled in 2014 and 2015, along with the anticipated number of such positions to be filled in 2016.

Attorneys with Jackson Lewis' [Immigration](#) practice regularly represent employers, including hospitals and other medical providers, in OSC matters, including in responding to these OSC letters. Jackson Lewis is ready to assist you to minimize the potential for civil fines and disruption to your business operations. Please contact the Jackson Lewis attorney with whom you regularly work or a member of our [Immigration](#) practice if you have any questions.

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