

**PRESS RELEASE**

# Justice Department Secures \$25 Million Landmark Agreement with Apple to Resolve Employment Discrimination Allegations Based on Citizenship Status

  
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Thursday, November 9, 2023

  
**For Immediate Release**

Office of Public Affairs

The Justice Department announced today that it has secured a landmark agreement with Apple Inc. (Apple) to resolve allegations that Apple illegally discriminated in hiring and recruitment against U.S. citizens and certain non-U.S. citizens whose permission to live in and work in the United States does not expire.

Under the agreement, Apple is required to pay up to \$25 million in backpay and civil penalties, the largest award that the department has recovered under the anti-discrimination provision of the Immigration and Nationality act (INA).

“Creating unlawful barriers that make it harder for someone to seek a job because of their citizenship status will not be tolerated,” said Assistant Attorney General Kristen Clarke of the Justice Department’s Civil Rights Division. “This resolution reflects the Civil Rights Division’s commitment to ending illegal discriminatory employment practices.”

The settlement agreement resolves the department’s determination that Apple violated the INA’s anti-discrimination requirements during Apple’s recruitment for positions falling under the permanent labor certification program (PERM). The PERM program is administered by the U.S. Department of Labor and the U.S. Department of Homeland Security. It allows employers to sponsor workers for lawful permanent resident status in the United States after completing

recruitment and meeting other program requirements. Any U.S. employer that utilizes the PERM program cannot illegally discriminate in hiring or recruitment based on citizenship or immigration status.

The department's investigation, which started in February 2019, found that Apple engaged in a pattern or practice of citizenship status discrimination in recruitment for positions it hired through PERM, and that the company's unlawful discrimination prejudiced U.S. citizens, U.S. nationals, lawful permanent residents, and those granted asylum or refugee status. These less effective recruitment practices deterred protected workers from applying to positions that Apple preferred to fill instead with PERM beneficiaries.

Specifically, the department's investigation found that Apple did not advertise positions Apple sought to fill through the PERM program on its external job website, even though its standard practice was to post other job positions on this website. It also required all PERM position applicants to mail paper applications, even though the company permitted electronic applications for other positions. In some instances, Apple did not consider certain applications for PERM positions from Apple employees if those applications were submitted electronically, as opposed to paper applications submitted through the mail. These less effective recruitment procedures nearly always resulted in few or no applications to PERM positions from applicants whose permission to work does not expire.

Pursuant to the \$25 million agreement, Apple is required to pay \$6.75 million in civil penalties and establish an \$18.25 million back pay fund for eligible discrimination victims. The agreement also requires Apple to ensure that its recruitment for PERM positions more closely matches its standard recruitment practices.

Specifically, Apple will be required to conduct more expansive recruitment for all PERM positions, including posting PERM positions on its external job website, accepting electronic applications, and enabling applicants to PERM positions to be searchable in its applicant tracking system. Apple has implemented some of these measures after the department opened its investigation. Additionally, Apple will train its employees on the INA's anti-discrimination requirements and be subject to departmental monitoring for the three-year period of the agreement.

The Civil Rights Division's Immigrant and Employee Rights Section (IER) is responsible for enforcing the INA's anti-discrimination provision. This law prohibits discrimination based on [citizenship status and national origin](#) in hiring, firing or recruitment or referral for a fee; [unfair documentary practices](#); and [retaliation and intimidation](#). Learn more about IER's work and how to get assistance through this [brief video](#) or [watch an on-demand presentation](#). Find more information on how employers can avoid discrimination when hiring and recruiting on [IER's website](#).

Workers who have questions about this settlement can contact IER at 1-888-473-3897 or [ierapplecase@usdoj.gov](mailto:ierapplecase@usdoj.gov). The public can get more information about how to get help from IER by visiting IER's [English](#) and [Spanish](#) websites. Subscribe for [email updates](#) from IER.

[View the settlement agreement here.](#)

[View Attachment A here.](#)

*Updated November 9, 2023*

## Topic

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Press Release Number: 23-1261

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