

CALIFORNIA PROTECTS THE CIVIL RIGHTS OF IMMIGRANTS

FACT SHEET

DFEH



The Department of Fair Employment and Housing (DFEH) is California's civil rights agency. DFEH enforces the state's robust laws against discrimination and harassment in employment, housing, business establishments, and state-funded programs and activities, as well as laws against bias-motivated violence and human trafficking. DFEH is committed to ensuring that all Californians, regardless of immigration status, can live free from discrimination.

EMPLOYMENT

You are protected from being fired from your job, harassed at work, treated worse than co-workers with the same job, and other forms of discrimination, because of your race, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, disability, religion, age (40 and over), and certain other characteristics. In addition, there are certain protections related to immigration status, citizenship, and language.

EXAMPLES OF UNLAWFUL DISCRIMINATION:

- **National Origin/Ancestry.** "My employer treats employees from a particular country (or a particular ancestry) worse than employees originally from the United States, even though we do the same job and have more experience."
- **Harassment.** "My co-workers regularly say derogatory things about immigrants and people originally from the country where I was born, and my employer refuses to do anything to stop it."
- **English Only.** "My employer told me I have to speak English, even when I'm on break and even though, during work time, there is no business reason for this rule."
- **Accent.** "My employer treats me unfairly because I speak English with an accent, even though my co-workers and our customers understand me perfectly."
- **Retaliation.** "My employer threatened to call immigration authorities on me because I complained about harassment I was experiencing on the job."
- **Immigration Inquiries.** An employer may not look into an applicant's or employee's immigration status, unless the employer must do so to comply with federal immigration law.
- **Citizenship Requirements.** Citizenship requirements are unlawful if a pretext for discrimination or have the purpose or effect of discriminating against applicants or employees on the basis of national origin or ancestry, unless pursuant to a permissible defense.
- For more information about immigration, citizenship, and language issues in employment, see California Code of Regulations, Title 2, Section 11028.

If you have been the subject of unlawful employment discrimination, you may be entitled to back pay, front pay, reinstatement, and other remedies.

For more information, visit:
www.dfeh.ca.gov/employment/

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BUSINESSES

You are protected from discrimination by businesses of every kind, such as retail stores, restaurants, hospitals, and health care providers.

All immigrants are protected against discrimination because of their race, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, disability, religion, and certain other characteristics, as well as primary language, immigration status, and citizenship.

EXAMPLES OF UNLAWFUL DISCRIMINATION:

- “A hardware shop would not rent machinery to me if I could not prove I am a lawful immigrant.”
- “A restaurant denied service to me and my family because we are not from the United States.”
- “A hospital made me wait much longer than every other patient because they were not sure I am a citizen or lawful immigrant.”

If you have been the subject of unlawful discrimination by a business, your remedies could include damages of no less than \$4,000.

For more information, visit:
www.dfeh.ca.gov/unruh/

HOUSING

You are protected from being evicted, denied an apartment, charged higher rent, denied repairs, and other forms of discrimination if based on your race, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, disability, religion, source of income, and other bases.

If your landlord/housing provider qualifies as a business, you are also protected against housing discrimination related to your citizenship, immigration status, or primary language.

EXAMPLES OF UNLAWFUL DISCRIMINATION

- “The management company that runs the apartment complex I live in threatened to tell immigration authorities that I am undocumented if I don’t move out of my apartment.”

- “A landlord wanted to charge me a higher rent than advertised, because I wasn’t originally from the U.S.”
- “A new condominium complex is selling units and refused to provide me with an application because I am not a U.S. citizen.”
- “A realtor’s office refused to show me properties because I was not born in the United States.”

If you have been the subject of unlawful housing discrimination, you may be entitled to access the housing that was denied to you, out-of-pocket expenses, and other remedies.

For more information, visit:
www.dfeh.ca.gov/housing/

BIAS-MOTIVATED VIOLENCE

You are protected from violence or threats of violence against you, your family, and your property. Violence and threats of violence that are motivated by your race, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, disability, religion, citizenship, primary language, immigration status, and certain other characteristics are considered “hate violence” or “bias-motivated violence.”

EXAMPLES OF BIAS-MOTIVATED VIOLENCE

- “A stranger spit on me and yelled at me to go back to where I came from.”
- “My co-worker keyed my car because I don’t speak English very well.”
- “My neighbor tried to punch me while screaming racial slurs.”

If you have been the victim of bias-motivated violence, you have the option to go to the police. You also have the option to file a civil complaint with the DFEH, and your remedies could include a restraining order and money to compensate you for the harms you suffered.

For more information, visit:
www.dfeh.ca.gov/hateviolence/

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PROGRAMS AND SERVICES ADMINISTERED OR FUNDED BY CALIFORNIA

Any program or service that is run by California or receives government funding must obey certain civil rights laws. While some of these programs and services may not be available to all immigrants, none may discriminate against applicants and beneficiaries on the basis of race, ethnicity, ancestry, national origin, sex, sexual orientation, gender identity, disability, religion, or certain other characteristics.

EXAMPLES OF UNLAWFUL DISCRIMINATION

- “Even though I’m eligible for a program for young mothers and families in need, the organization that runs the program turned me away because of my ethnicity. The program is funded by state money.”
- “The public school where my children go to school would not let my children play extracurricular sports because of our ancestry.”
- “A hospital that takes Medi-Cal treated me unfairly because I am originally from another country.”

Any state-funded program or activity that unlawfully discriminates could lose some or all of its state funding, and the victim of the discrimination may be entitled to other remedies.

For more information, visit:
www.dfeh.ca.gov/statefundedprograms/

HUMAN TRAFFICKING

California law protects everyone, regardless of immigration status, from human trafficking, which is the exploitation of human beings through force, fraud, or coercion for the purposes of commercial sex or forced labor. It is an unlawful employment practice for an employer or other covered entity to use force, fraud, or

coercion to compel the employment of, or subject to adverse treatment, applicants or employees on the basis of national origin.

In addition, if you are the victim of human trafficking or many other crimes, you may qualify for a U or T visa if you cooperate with law enforcement to prosecute those crimes.

For more information, visit:
www.dfeh.ca.gov/humantrafficking/

If you think you have been a victim of discrimination, please contact DFEH.

TO FILE A COMPLAINT

Department of Fair Employment and Housing
dfeh.ca.gov
Toll Free: 800.884.1684
TTY: 800.700.2320

If you have a disability that requires a reasonable accommodation, DFEH can assist you with your complaint. Contact us through any method above or, for individuals who are deaf or hard of hearing or have speech disabilities, through the California Relay Service (711).