



Written by [Warren Mass](#) on September 29, 2017

DOJ Files Suit Against Company for Allegedly Not Hiring Americans

The Department of Justice posted a press  release on September 28, announcing that it filed a lawsuit against Crop Production Services Inc. (Crop Production), headquartered in Loveland, Colorado, for allegedly discriminating against U.S. workers in violation of the Immigration and Nationality Act (INA).

The Immigration and Nationality Act of 1965 radically altered immigration law in the United States by changing national quotas and also created preference visa categories that focused on immigrants' skills and family relationships with citizens or U.S. residents. Under the act, employers must confirm that they are unable to hire American workers willing to perform the job for wages paid by employers for the same occupation in the intended area of employment.

The DOJ release stated:

The complaint alleges that in 2016, Crop Production discriminated against at least three United States citizens by refusing to employ them as seasonal technicians in El Campo, Texas, because Crop Production preferred to hire temporary foreign workers under the H-2A visa program.

The release quoted a statement from the department's head, Attorney General Jeff Sessions, who stated:

In the spirit of President Trump's Executive Order on Buy American and Hire American, the Department of Justice will not tolerate employers who discriminate against U.S. workers because of a desire to hire temporary foreign visa holders. The Justice Department will enforce the Immigration and Nationality Act in order to protect U.S. workers as they are the very backbone of our communities and our economy. Where there is a job available, U.S. workers should have a chance at it before we bring in workers from abroad.

Trump signed the executive order on April 18. The relevant provision of that order is: "In order to create higher wages and employment rates for workers in the United States, and to protect their economic interests, it shall be the policy of the executive branch to rigorously enforce and administer the laws governing entry into the United States of workers from abroad, including section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5))."

The DOJ complaint charged that Crop Production had subjected at least three U.S. citizens to "more exacting and onerous hiring standards" than H2A workers, requiring them to complete background checks and drug tests that H-2A workers did not have to take. The DOJ also accused the company of hiring H-2A workers who could not speak any English, while refusing to hire U.S. citizens with "limited English proficiency."

Finally, the DOJ accused Crop Production of hiring only temporary foreign workers to fill all 15 available seasonal technician jobs in 2016.

This is the first complaint that DOJ has filed against a company since the administration's "Protecting



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U.S. Workers Initiative” was started on March 1.

A Civil Rights Division official told Fox News that since the initiative’s launch, the division has opened 29 investigations of “potential discrimination against U.S. workers based on a hiring preference for foreign visa workers.”

DOJ officials also told Fox News the department has reached at least one settlement with a company discriminating against U.S. workers in favor of foreign visa workers, and distributed over \$100,000 as a result.

Just before signing his executive order on April 18, Trump told cheering workers at the headquarters of Snap-On Tools in Kenosha, Wisconsin: “The buy-and-hire-American order I’m about to sign will protect workers and students like you.”

“It’s America first, you better believe it. It’s time. It’s time, right?”

Though the complaint against Crop Production Services was submitted by Acting Assistant Attorney General John Gore, the ultimate authority for the complaint rests with Sessions. When he was a member of Congress as a senator from Alabama, Sessions was an outspoken opponent of the Obama administration’s lenient immigration policies, as well as the false immigration reform contained in the failed 2013 “gang of eight” immigration bill that passed the Senate but was never taken up by the House.

Sessions, who was chairman of the Senate Judiciary Subcommittee on Immigration and the National Interest, was one of the most outspoken members of Congress on the topic of the harmful effects of America’s unrestrained immigration policies. On April 9, 2015, he and Senate Minority Whip Richard Durbin (D-Ill.) led a bipartisan coalition of senators in sending a letter to then-Attorney General Eric Holder, Homeland Security Secretary Jeh Johnson, and Labor Secretary Thomas Perez, asking them to investigate Southern California Edison’s use of the H-1B guest-worker program to replace American workers.

The letter, which was signed by eight other senators besides Sessions and Durbin, noted: “A number of U.S. employers, including some large, well-known, publicly-traded corporations, have reportedly laid off thousands of American workers and replaced them with H-1B visa holders.”

Though the case against Crop Production involves giving preference to H-2A workers, rather than H-1B workers, the principle is the same in both instances.

Sessions, like most Americans, believes that American companies should give preference to American workers when hiring.

Image: Screenshot of [ad page for Crop Production Services](#)

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