

Illegal Immigration Status Is Not Protected By Title VII

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On May 21, 2012, the Seventh Circuit issued a decision in *Cortezano v. Salin Bank & Trust Co.*, No. 11-1631, holding that an individual's immigration status, by itself, was insufficient to support a national origin discrimination claim under Title VII.

The case involved a bank manager whose spouse had come into the United States illegally from Mexico. The spouse used a tax identification number (which he obtained under what the court described as murky circumstances) to open joint accounts with at the bank. After the bank manager revealed that her spouse was unauthorized, the bank became concerned about whether the joint accounts were fraudulent and commenced an investigation. The bank manager subsequently walked away from her job after the bank refused to let her attorney attend a meeting during the investigation. The bank manager then sued under Title VII, claiming that her termination was the result of national origin discrimination because her spouse was an unauthorized alien.

The bank manager lost summary judgment at the trial court level and the Seventh affirmed. The Seventh ruled that the bank's actions were motivated by the fact that the spouse was an unauthorized alien - not because of his national origin. The court did not regard a person's immigration status as coming within the ambit of statutorily protected national origin discrimination.

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