



**U.S. Immigration  
and Customs  
Enforcement**

MEMORANDUM FOR: All Employees

FROM: Scott Lanum *SFL*  
Assistant Director  
Office of Diversity and Civil Rights

SUBJECT: Processing Gender Identity Claims

On April 20, 2012, U.S. Equal Employment Opportunity Commission (EEOC) issued a decision in the matter of Macy v. Holder, U.S. Department of Justice, EEOC Appeal No. 0120120821 (Apr. 20, 2012), identifying discrimination based on gender identity as a form of sex discrimination. Specifically, for the first time, EEOC held that traditional sex discrimination prohibitions and processes outlined in Title VII of the Civil Rights Act of 1964 apply to gender identity discrimination claims. In response to the Macy decision, EEOC issued guidance directing agencies to process complaints alleging discrimination based on gender identity pursuant to Title VII procedures.

As a result of the Macy decision, Office of Diversity and Civil Rights (ODCR), Complaints and Resolution Division, will begin processing gender identity discrimination claims pursuant to EEOC regulations. Specifically, ODCR will conduct intake, offer counseling or alternative dispute resolution, issue Notice of Right to File letters, receive formal complaints, accept allegations stating a claim of discrimination, and investigate claims of gender identity discrimination.

If an employee or applicant believes he or she has been discriminated against on the basis of gender identity or any protected basis (race, color, national origin, religion, sex, age, disability, protected genetic information, sexual orientation, parental status, and/or reprisal), the individual must contact ODCR within 45 calendar days of the alleged discriminatory action or, in the case of a personnel action, within 45 calendar days of the effective date of the action.

For more information please review the ODCR Intranet site at **(b) (7)(E)** or contact:

Office of Diversity and Civil Rights  
Complaints Management Branch  
500 12th Street SW, Mail Stop 5010  
Washington, D.C. 20536-5010  
(202) 732-**(b) (6), (b) (7)(C)** or email: [EEO-ADR-ICE@ice.dhs.gov](mailto:EEO-ADR-ICE@ice.dhs.gov)