

Support for Workers' Deferred Action Requests to DHS



Español

To fulfill the Civil Rights Division's law enforcement mission, witnesses must feel safe reporting violations to the Civil Rights Division and participating in its investigations and enforcement actions without fear of retaliation, including immigration consequences. This fact sheet explains to workers and their advocates how the Civil Rights Division can support a worker's request for **deferred action** — a form of temporary immigration relief — and how to ask for the Civil Rights Division's support.

Background



On January 13, 2023, the Department of Homeland Security (DHS) [announced](#) improvements to how it handles requests for deferred action from non-U.S. citizens who are assisting agencies in labor and employment investigations and enforcement actions. **Deferred action** is a discretionary decision by DHS to defer civil immigration enforcement action against an individual. Deferred action allows a non-U.S. citizen to stay in the United States for a temporary period. Someone granted deferred action also may be eligible to receive permission from DHS to work.

DHS made the improvements to streamline the process for such individuals to request deferred action, empower non-U.S. citizens to assert their rights, and bolster labor and employment agencies' law enforcement efforts. This process is referred to as DHS's enhanced process.

DHS also detailed how labor and employment agencies, like the Civil Rights Division, can submit letters supporting requests for deferred action made by individuals who are participating in an agency-conducted investigation or enforcement action. DHS refers to these letters of support as a "[Statement of Interest](#)."

Q1: Will the Civil Rights Division consider supporting deferred action requests from non-U.S. citizens who are assisting in Civil Rights Division investigations or enforcement actions involving workplace violations?

Yes. You can ask the Civil Rights Division to support your request for deferred action, and we will consider supporting your request for deferred action on a case-by-case basis. If you would like the Civil Rights Division to consider supporting your request for deferred action from DHS based on your participation in a Civil Rights Division matter involving workplace violations, you or your representative must ask for the Civil Rights Division's support. See Question 3 below.

Q2: For which kinds of civil rights violations will the Civil Rights Division consider supporting someone's request for deferred action under DHS's enhanced process?

The Civil Rights Division will consider supporting someone's request for deferred action under DHS's enhanced process if their request for deferred action relates to a Civil Rights Division matter involving a potential workplace-related violation. This can include investigations or cases involving employment discrimination, human trafficking, and other types of discrimination that occurred at or relate to a workplace. To qualify for the enhanced DHS process, the investigations or cases must relate to the workplace. The Civil Rights Division will decide whether to support a request for deferred action on a case-by-case basis. Learn more about the [Civil Rights Division's enforcement work](#). To ask the Civil Rights Division to support a request for deferred action involving matters that do not relate to the workplace, see Question 12 below.

If you are asking the Civil Rights Division to support a deferred action request relating to a matter involving a potential workplace violation

The [Section in the Civil Rights Division](#) handling the matter to which your request for deferred action relates will follow up with you. For example, if the Civil Rights Division's Immigrant and Employee Rights Section is handling the workplace-related matter that forms the basis for your deferred action request, that Section will follow up with you.

Q4: What information should be included if I ask the Civil Rights Division to support my request for deferred action?



Include:

- A statement indicating that you would like the Civil Rights Division to support your request for deferred action;
- Information identifying the workplace involved in the relevant Civil Rights Division matter;
- The name of the Section in the Civil Rights Division handling the matter to which your request for deferred action relates; and
- Contact information for you or your representative.

Do NOT include:

- Your immigration status or immigration history; or
- Sensitive personally identifiable information, such as your birth date, Social Security number, USCIS/A number, or Individual Taxpayer Identification Number (ITIN).


Q5: What happens after I ask the Civil Rights Division to support my request for deferred action under DHS's enhanced process?



Q6: What will the Civil Rights Division consider when deciding whether to support a request to DHS for deferred action? 

The Civil Rights Division will consider whether: 1) your request for deferred action relates to your participation or involvement in a Civil Rights Division matter involving potential workplace violations; 2) you have experienced workplace-related harms that the Civil Rights Division can remedy; 3) you have witnessed possible workplace violations that fall within the Civil Rights Division's authority to remedy or are assisting with a Civil Rights Division matter; 4) you are experiencing retaliation or fear retaliation (or threats of retaliation) if you participate in a workplace-related investigation or enforcement action handled by the Civil Rights Division; and/or 5) deferred action would help the Civil Rights Division carry out its enforcement mission given the particular circumstances.

The Civil Rights Division will consider whether to support a request for deferred action on a case-by-case basis. After considering these factors, and at its discretion, the Civil Rights Division may provide a letter of support (or "Statement of Interest") to DHS explaining how DHS's granting of deferred action would affect the Civil Rights Division's ability to carry out its mission.

Q7: Do I have to file a complaint of discrimination or file a report of a workplace violation with the Civil Rights Division to be able to ask the Division to support my request for deferred action under DHS's enhanced process? **Q8: What does it mean to participate in or assist on a Civil Rights Division matter?** 

Participation or assistance can include different types of things depending on the matter and what stage it is in. For instance, when the Civil Rights Division is investigating a matter, assistance or participation can include providing information that helps the Civil Rights Division determine whether there has been a violation that

Q9: Does a letter of support (or “Statement of Interest”) submitted through DHS’s enhanced process confer any immigration status, protection, or relief?

No, if the Civil Rights Division submits a Statement of Interest to DHS in the form of a letter supporting your request for deferred action, this letter does not confer any immigration status, protection, or relief. DHS retains sole discretion over whether it will exercise its prosecutorial discretion. The Statement of Interest simply provides information that DHS may consider when determining whether to grant deferred action.

Q10: What happens after the Civil Rights Division decides whether to provide a letter of support (or “Statement of Interest”) under DHS’s enhanced process?

If the Civil Rights Division decides to support your request for deferred action, it will submit the Statement of Interest in the form of a letter supporting your request for deferred action directly to DHS. You or your representative will also receive a copy of this letter, which you must submit with your deferred action request to DHS.

If the Civil Rights Division decides not to support your request for deferred action, the Civil Rights Division will not communicate with DHS about your request.

Q11: Can the Civil Rights Division advise me about whether I should ask the Civil Rights Division to support a request for deferred action under DHS’s enhanced process?

If you are asking the Civil Rights Division to support a deferred action request relating to a matter involving a potential violation outside the workplace

Q12: Will the Civil Rights Division consider supporting requests for deferred action related to an open or closed Civil Rights Division matter that does not involve workplace-related violations?

Yes. If you are asking the Civil Rights Division to support a deferred action request related to an open or closed Civil Rights Division matter that does not involve workplace allegations, you can [contact the Civil Rights Division](#), and we will consider whether to support your request for deferred action on a case-by-case basis. Please include the general information discussed in Question 4, above, such as information about the Civil Rights Division matter to which your request for deferred action relates.

However, DHS's enhanced process is limited to potential workplace violations. The process for requesting deferred action from the Department of Homeland Security is different if your deferred action request relates to a Civil Rights Division matter that does not involve workplace violations (for example, discrimination in housing or education). For non-workplace-related matters, deferred action requests from non-U.S. citizens who are in removal proceedings or have a final order of removal should be submitted to your local [ICE office](#) (find more information about [ICE's use of prosecutorial discretion in these situations](#)); requests for deferred action from noncitizens who are not in removal proceedings and do not have a final order of removal should be submitted by following the filing instructions for USCIS's [Form G-325a](#).

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