



U.S. Department of Homeland Security

DHS Helps Hold Exploitative Employers Accountable

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In first year of new process for workers supporting labor investigations and enforcement actions, DHS has protected over one thousand workers

DHS announces process for requesting renewal of deferred action for these workers

WASHINGTON – Through the enhanced process announced one year ago, the Department of Homeland Security (DHS), in partnership with the Department of Labor and other federal, state and local labor agencies, has protected over one thousand noncitizen workers who were victims of, or witnesses to, a violation of labor rights. [This process \(https://www.dhs.gov/news/2023/01/13/dhs-announces-process-enhancements-supporting-labor-enforcement-investigations\)](https://www.dhs.gov/news/2023/01/13/dhs-announces-process-enhancements-supporting-labor-enforcement-investigations) to streamline and expedite consideration of workers' deferred action requests has maintained DHS's longstanding practice of using its discretionary authority to consider labor and employment agency-related deferred action requests for workers on a case-by-case basis.

These improvements advance the Biden-Harris Administration's commitment to empowering workers and to improving workplace conditions by enabling all workers, including noncitizens, to more freely assert their legal rights. Fear of reporting violations due to immigration-based retaliation can create an unfair labor market and perpetuate the commission of unlawful and inhumane acts by employers, ranging from nonpayment of wages to imposing unsafe working conditions and chilling workers' ability to organize and collectively bargain to improve their work conditions. Workers can visit [DHS.gov \(https://www.dhs.gov/enforcement-labor-and-employment-laws\)](https://www.dhs.gov/enforcement-labor-and-employment-laws) for additional information and to submit requests.

"Noncitizen workers should never be afraid to report exploitation in the workplace or fear retaliatory actions from an abusive employer," said Secretary of Homeland Security Alejandro N. Mayorkas. "No employer is above the law. DHS will work with our law enforcement partners to hold those who prey on the vulnerability of migrants accountable and provide protection to those who come forward to report abuse. Combatting labor exploitation helps ensure fair wages and safe working conditions for all workers in our country."

DHS is announcing new guidance for noncitizen workers requesting a renewal of deferred action through these processes. A noncitizen granted deferred action based on a labor agency enforcement interest may request a subsequent period of deferred action for an additional two years when there continues to be an ongoing labor agency need. This will protect workers when the labor agency investigation or enforcement action has not yet concluded. DHS is also releasing information for labor agencies on how to provide updated statements describing the ongoing labor agency need.

Subsequent requests from workers must be accompanied by an updated statement from the labor agency explaining the continued need for workers to assist in their investigation or prosecution, or in the enforcement of any court order or settlement agreement.

Agencies tasked with enforcing labor and employment laws depend on the cooperation of these workers in their investigations and enforcement actions. DHS's practice of offering discretionary protection on a case-by-case basis to workers increases the ability of labor and employment agencies to more fully investigate worksite violations and support those agencies in fulfilling their mission to hold abusive employers accountable through their enforcement actions.

Noncitizens can submit such requests to U.S. Citizenship and Immigration Services (USCIS) through a central intake point established specifically to support labor agency investigative and enforcement efforts. Learn about [the process for workers and labor agencies \(https://www.dhs.gov/enforcement-labor-and-employment-laws\)](https://www.dhs.gov/enforcement-labor-and-employment-laws).

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Topics

[CITIZENSHIP AND IMMIGRATION SERVICES \(https://www.dhs.gov/topics/citizenship-and-immigration-services\)](https://www.dhs.gov/topics/citizenship-and-immigration-services)

Keywords

[SECRETARY ALEJANDRO MAYORKAS \(https://www.dhs.gov/keywords/secretary-alejandro-mayorkas\)](https://www.dhs.gov/keywords/secretary-alejandro-mayorkas)

[U.S. CITIZENSHIP AND IMMIGRATION SERVICES \(USCIS\) \(https://www.dhs.gov/keywords/us-citizenship-and-immigration-services-uscis\)](https://www.dhs.gov/keywords/us-citizenship-and-immigration-services-uscis)

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