DHS' Efforts to Support Labor Agencies Through Worker Protection

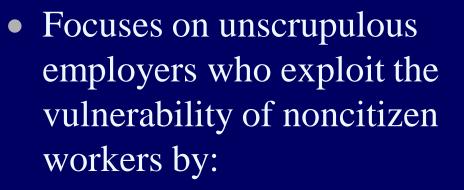




Background: DHS' Worksite Enforcement **Policy** (Oct. 2021)

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- Delivering more severe consequences to these employers
- Increasing workers' willingness to report violations and cooperate in labor standards investigations
- Enhancing coordination between DHS and federal, state, and local labor enforcement agencies

Roles and Responsibilities

DHS Office for Civil Rights and Civil Liberties

- Outreach
- Policy
- Technical Assistance

U.S. Citizenship and Immigration Services

- Outreach
- Policy
- Adjudication
- Coordination of Centralized Intake

U.S. Immigration and Customs Enforcement

- Outreach
- Policy
- Adjudication



Centralized Process for Workers to Request Deferred Action

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- Enables workers to request discretionary protection from removal on a case-by-case basis
- Increases the ability of labor and employment agencies to more fully investigate worksite violations
- Streamlines DHS' existing authority to grant such protection

Two-Step Process for Workers to Request Deferred Action

Step 1: Labor Agency Submits Statement of Interest Step 2: Worker Requests Deferred Action and Employment Authorization



Step One: Labor Agency Statement of Interest (SOI)

- Details the nature of the investigation and the need for DHS support;
- Describes the agency's enforcement interests that provide the basis for their request;
- Describes the worksite and the workers who may be helpful with the agency investigation; and
- Provides an agency point of contact who can address follow up questions from DHS.



Submission of Statement of Interest to DHS

- Labor agencies submit SOI to laborenforcement@dhs.gov
- Agencies encouraged to speak with DHS prior to submission of first SOI
- DHS adjudicators review SOIs within three business days



Labor Agency submits SOI to laborenforcement@dhs.gov. Labor Agencies are encouraged to connect with DHS prior to submitting first SOI.

Step One Recap:

DHS reviews Labor Agency's SOI within 3 business days. If DHS requires further information, DHS reaches out to Labor Agency.

Labor Agency provides copies of the SOI to workers that fall within the scope of its investigation.



Step Two: Worker Requests Deferred Action/Employment Authorization

Worker must provide:

- A written request signed by the labor agency and addressed to DHS stating the basis for the deferred action request
- A Statement of Interest that has been reviewed by DHS
- Evidence establishing worker is within scope of SOI:
 - W-2s, pay stubs, timecards
 - Other documentary evidence demonstrating they were employed during the period identified in the SOI
- Evidence of any additional factors supporting a favorable exercise of discretion



Step Two Continued

Worker must also provide:

- If applicable, any document used to lawfully enter the United States or other evidence relating to the noncitizen's immigration history or status;
- Form G-325A, Biographic Information (for Deferred Action);
- Form I-765, Application for Employment Authorization, with the appropriate fee or request for a fee waiver; and
- Form I-765WS, Worksheet



Step Two Recap:

Worker receives SOI from Labor Agency

Worker submits Deferred Action Request and Form I-765, Application for Employment Authorization, with the applicable fee, to USCIS' central intake point.

After filing, worker receives Form I-765 receipt notice and biometrics appointment notice. Filings that do not meet requirements (e.g., missing Form I-765) will be rejected.

USCIS or ICE adjudicates deferred action request. USCIS will consider all related employment authorization applications.



Processing and Adjudication

- Central intake point for applications
- Concurrent jurisdiction to adjudicate deferred action requests:
 - Applicants in removal proceedings or with final order: ICE
 - All other requests: USCIS
- Case-by-case determination; worker
 within scope of SOI is strong positive
 factor
- No appeal of denial; however, worker can reapply







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Contact DHS

- laborenforcement@dhs.gov
 - Labor enforcement agencies
 - Briefings prior to submission of first SOI
 - Technical assistance
- <u>CRCLImmigration@hq.dhs.gov</u>

For additional information:

• <u>https://www.dhs.gov/enforcement-labor-and-employment-laws</u>





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