

# DHS' Efforts to Support Labor Agencies Through Worker Protection



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

- Focuses on unscrupulous employers who exploit the vulnerability of noncitizen workers by:
  - 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



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# 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

- 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**



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# Step One: Labor Agency Statement of Interest (SOI)

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- 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.



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# Submission of Statement of Interest to DHS

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



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# Step One Recap:

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

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.



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# 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



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# 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



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# Step Two Recap:

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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.



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# 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](mailto:laborenforcement@dhs.gov)
  - Labor enforcement agencies
  - Briefings prior to submission of first SOI
  - Technical assistance
- [CRCLImmigration@hq.dhs.gov](mailto:CRCLImmigration@hq.dhs.gov)

## For additional information:

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



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