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Resources for Labor Agencies: Supporting Workers' Requests to DHS for Immigration Relief

In January 2023, the Department of Homeland Security announced a new process for labor and employment agencies to support workers by requesting immigration relief from DHS. Since then, government agencies and nonprofits have developed a range of resources on this issue. As more local and state agencies and enforcement officials work to create their own procedures and guidance materials for requesting deferred action and other immigration relief, we have compiled a list of resources—including recently released FAQs from state departments of labor—to support these efforts.

Department of Homeland Security

- DHS Support of the Enforcement of Labor and Employment Laws: <https://www.dhs.gov/enforcement-labor-and-employment-laws>
- DHS Policy on Worksite Immigration Enforcement (Oct. 2021): <https://www.dhs.gov/publication/memorandum-worksite-enforcement>

U.S. Department of Labor

- FAQ: Process for Requesting DOL Support for Prosecutorial Discretion: <https://www.dol.gov/sites/dolgov/files/OASP/files/Process-For-Requesting-Department-Of-Labor-Support-FAQ.pdf>

U.S. Equal Employment Opportunity Commission

- FAQ: EEOC's Support for Immigration-Related Deferred Action Requests to DHS: <https://www.eeoc.gov/faq/eeocs-support-immigration-related-deferred-action-requests-dhs>

California's Office of the Labor Commissioner

- FAQ: LCO's Role in Supporting Immigration-Related Prosecutorial Discretion: https://www.dir.ca.gov/dlse/dhs_deferred_action_FAQ.htm

Illinois Department of Labor

- FAQ: Immigration Relief: <https://labor.illinois.gov/immigrationrelief.html#faq-2whoqualifiesfordeferredaction-faq>

National Immigration Law Center

- FAQ & Overview of DHS Guidance on Prosecutorial Discretion for Labor Disputes: <https://www.nilc.org/wp-content/uploads/2023/01/FAQ-New-DHS-Guidance-on-Prosecutorial-Discretion-for-Labor-Disputes-v-2023-01-17.pdf>
- Overview of USDOL FAQs Regarding Immigration-Related Prosecutorial Discretion: <https://www.nilc.org/wp-content/uploads/2022/07/Factsheet-on-DOL-FAQs-Deferred-Action-2022-07-07.pdf>
- Overview of DHS Worksite Enforcement Memo: <https://www.nilc.org/wp-content/uploads/2021/11/Website-Summary-of-Oct-2021-DHS-Worksite-Enforcement-Memo-2021-11-03.pdf>
- FAQ for Workers: Deferred Action for Workers in Labor Disputes: https://www.nilc.org/wp-content/uploads/2023/03/2023_March-NIPNLG-NILC-Worker-FAQ.pdf
- Practice Manual on Labor-Based Deferred Action for Immigration Practitioners: https://www.nilc.org/wp-content/uploads/2023/03/2023_24March-labor-deferred-action-advisory.pdf

If your agency or organization has created a resource that you would like to see included in this document, contact WJL at wjl-RU@smlr.rutgers.edu.