

Our Rights, Our Work, Our Home: Deferred Action for Workers In Labor Disputes

All of us, regardless of immigration status, deserve to work in a safe working environment, earn a living wage, and feel safe speaking up about workplace abuse without fear of retaliation. Yet many employers engage in wage theft and unfair treatment, retaliate against organizing efforts, and allow dangerous working conditions that result in injury and even death. Federal labor laws have not been updated in years, and while state and local laws exist to protect workers, they can vary dramatically based on location. Many workers are afraid to report abusive employers, who threaten undocumented workers with deportation to ensure they keep quiet regardless of the harm they experience. Workers who face firing, blacklisting, retaliation, or deportation are often too afraid to stand up for their rights. When undocumented workers are unable to speak out, workers cannot act together to challenge their employers' illegal practices, and this makes workplaces more dangerous for everyone.

A Historic Win

Recently, NILC and our partners secured a big win when the Department of Homeland Security (DHS) [announced](#) a streamlined process for workers asserting their rights against abusive employers to access temporary immigration protections.

This new process provides a simple path for workers to request 'deferred action' – temporary protection from deportation – for two years, with the possibility of renewal, if they are involved in a labor dispute at their workplace. As part of these protections, workers can also receive a temporary work permit. DHS is using deferred action in this process to promote fairness, safety, and encourage all workers – regardless of their immigration status – to report labor violations and assert their rights against abusive employers.

The first step in applying for deferred action through this new process is for a local, state, or federal labor

agency to issue a "Statement of Interest" or "SOI" that describes the work site, the workplace abuses and violations under investigation by the agency, and the group of workers engaged in the labor dispute. This SOI informs DHS that the labor agency is investigating a labor dispute, and that in order to further the law enforcement interests of the labor agency's investigation, it needs noncitizen workers at the worksite to be protected from deportation so that they may serve as witnesses, provide evidence, and otherwise assist with the investigation. Then, noncitizen workers can include the SOI in a request for deferred action to US Citizenship and Immigration Services (USCIS).

Any undocumented worker who is covered by an SOI can apply for deferred action, whether they are in deportation proceedings, have a removal order, or have never had interactions with U.S. Immigration and Customs Enforcement (ICE) or the immigration courts.

What's at Stake

In 2021, six workers in Gainesville, Georgia were killed by a nitrogen leak at a poultry processing plant that had years of recorded employer violations.ⁱ Many of the plant's workers were undocumented and feared the consequences of reporting the ongoing dangerous conditions. With these new protections, employees in a situation like this can speak out without the risk of deportation – and in doing so, hopefully avert future deadly tragedies at worksites.



Our Rights, Our Work, Our Home: Protecting Workers Rights and Ensuring the Freedom to Thrive

Thousands of people are potentially eligible for this relief – which could help improve working conditions across the country – but it's likely that many eligible workers have never heard about it. Even workers who have heard of deferred action may not know how or where to apply. Filing for deferred action without a lawyer is possible, but legal support and access to attorney representation are crucial to ensure all eligible workers can access these protections.

To meet this need, NILC has moved quickly to ensure impacted workers receive the legal representation and assistance they need to pursue these temporary protections, so that workers can hold their employers accountable without the fear of deportation. NILC has partnered with local community-based organizations to maximize the number of workers able to access relief and has published resources to educate attorneys and workers on how deferred action can make worksites--and entire communities--safer.

We need your help!

When more workers can speak out and fight back against employer violations, conditions can improve for all workers. This groundbreaking policy can have a positive impact for all workers across the country facing unfair or unsafe labor practices. But we need your help to get the word out and provide the support eligible workers need:

- ▶ Share this information widely with workers, community-based organizations, worker centers, and state and local labor agencies serving immigrant communities!
 - More resources are available on NILC's [website](#)
- ▶ Get involved locally. Worker rights organizations across the country are mobilizing to support workers who may be eligible, but they need resources to do so.
- ▶ [Support NILC's Work](#)

Every situation is unique. This is general information intended for educational purposes. It does not constitute legal advice. Please consult with a licensed attorney for legal advice on a particular situation or case.

i. <https://www.nilc.org/2023/01/27/two-years-after-deadly-nitrogen-leak-at-georgia-poultry-plant-a-big-step-forward-to-protect-immigrant-workers-reporting-labor-abuses/>