

# Congress of the United States

Washington, DC 20515

September 29, 2022

The Honorable Alejandro Mayorkas  
Secretary  
Department of Homeland Security  
301 7<sup>th</sup> Street, SW  
Washington, DC 20528

Dear Secretary Mayorkas:

Under your leadership, the Department of Homeland Security (DHS) has recognized the crucial role it has in facilitating the ability of *all* workers to report violations of law and cooperating with employment and labor standards investigations. As you recognized in your October 2021 memo, the “Department has a critical role in ensuring that the Nation’s workplaces comply with our laws” and “must adopt immigration enforcement policies to facilitate the important work of the Department of Labor and other government agencies to enforce wage protections, workplace safety, labor rights, and other laws and standards.”<sup>1</sup>

We share the Department’s aim of promoting fairness, equity, and civil rights, and the White House’s goal of creating “good-paying union jobs.”<sup>2</sup> We write to urge you to act quickly to protect labor and civil rights by establishing an effective process to provide immigration protections and work authorization for witnesses and victims of labor and civil rights violations, thereby ensuring all workers, regardless of immigration status, can exercise their rights.<sup>3</sup> As the White House Task Force on Worker Organizing and Empowerment has recognized, without a clear process to provide immigration protections and work authorization for immigrant workers who defend their labor and civil rights, exploitation “drive[s] down wages, discourage[s] organizing, and create[s] unsafe working conditions for all workers.”<sup>4</sup>

We applaud the Department of Labor’s (DOL) decision to issue clarifying guidance aimed at guaranteeing that workers—regardless of immigration status—can file labor complaints and assert their labor rights.<sup>5</sup> It is essential that DHS follow the lead of DOL and release guidance and clarify the process by which these workers who witness or are subject to civil or workplace rights violations may seek protection. To be effective, this process should include, at a minimum, the following components:

- Consistent processing by United States Citizenship and Immigration Services (USCIS), where immigrants in civil rights or labor disputes can affirmatively request parole and deferred action (where eligible);
- Concurrent processing of employment authorization applications by USCIS;

---

<sup>1</sup> Memo from Secretary Mayorkas, Worksite Enforcement: The Strategy to Protect the American Labor Market, the Conditions of the American Worksite, and the Dignity of the Individual (Oct. 12, 2021), <https://www.dhs.gov/publication/memorandum-worksite-enforcement>.

<sup>2</sup> President Biden’s Bipartisan Infrastructure Law, <https://www.whitehouse.gov/bipartisan-infrastructure-law/>.

<sup>3</sup> This is one of the Congressional Progressive Caucus’s recommendations for Executive Action. See CPC Issues Executive Action Agenda for Biden Administration, March 17, 2022, <https://progressives.house.gov/2022/3/congressional-progressive-caucus-issues-executive-action-agenda-for-biden-administration>.

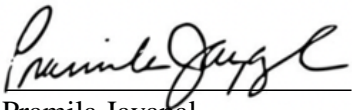
<sup>4</sup> White House Task Force on Worker Organizing and Empowerment: Report to the President at 28, <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2022/02/OSEC20220195.pdf>.

<sup>5</sup> Dep’t of Labor, “U.S. Department of Labor Posts Process for Seeking its Support for Immigration-Related Prosecutorial Discretion During Labor Disputes” (Jul. 6, 2022) <https://www.dol.gov/newsroom/releases/sol/sol20220706>.

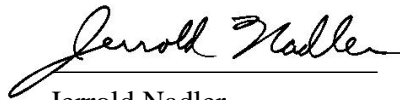
- A commitment to using the full range of prosecutorial discretion, including stays of removal and release from detention where applicable;
- An expedited process timeline for adjudicating applications in a timely manner;
- The re-establishment of an interagency working group including DHS, DOL, the National Labor Relations Board (NLRB), Equal Employment Opportunity Commission (EEOC), and other relevant federal agencies to avoid communication delays and ensure timely protections for workers; and
- Guidance on handling requests for immigration protections supported by state and local agencies enforcing civil rights and workplace laws.

From day one, the Biden-Harris Administration has promised to “ensure that every worker is protected, can join a union, and can exercise their labor rights—regardless of immigration status—for the safety of all workers.”<sup>6</sup> Establishing a clear, effective process to provide immigration protections and work authorization to immigrants who assert their civil and labor rights is an essential step in achieving this vision. Your leadership on this issue will secure our potential to “grow the economy sustainably and equitably so that everyone gets ahead for decades to come.”<sup>7</sup>

Sincerely,



Pramila Jayapal  
Chair  
Congressional Progressive Caucus



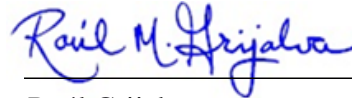
Jerrold Nadler  
Chair  
House Judiciary Committee



Zoe Lofgren  
Chair  
Subcommittee on Immigration and  
Citizenship



Veronica Escobar  
Member of Congress



Raúl Grijalva  
Member of Congress

CC: Hon. Martin J. Walsh, Secretary of Labor  
Amb. Susan E. Rice, Director, Domestic Policy Council

<sup>6</sup> The Biden Plan for Securing Our Values as a Nation of Immigrants, <https://joebiden.com/immigration/>.

<sup>7</sup> See *supra* n.2.