



Process for Requesting a Statement of US DOL Interest During Labor Disputes

Frequently Asked Questions For Workers and Their Representatives¹

Overview

The U.S. Department of Labor (US DOL or Department)'s mission and effective enforcement depend on the cooperation of workers. However, workers who lack work authorization or whose immigration status is tied to their employer are often reluctant to report violations, engage with government enforcement agencies, or otherwise exercise their rights. For example, certain workers who experience labor law violations may fear that cooperating with an investigation will result in the disclosure of their immigration status or that of family or community members, or will result in immigration-based retaliation from their employers and adverse immigration consequences for themselves or their family or communities. As a result, both workers and the Department face barriers to equitable and effective enforcement of workplace rights and protections, and the many employers that adhere to labor and employment laws face unfair competition.

US DOL has long supported the Department of Homeland Security (DHS)'s use of their prosecutorial discretion on a case-by-case basis, to further enforcement of laws within US DOL's jurisdiction. Such immigration-related prosecutorial discretion may include deferred action, parole, or other forms of discretionary protection.

This document clarifies the Department's process for workers and their representatives to request US DOL's support for their requests for discretionary immigration relief, including deferred action, to DHS on a case-by-case basis to strengthen US DOL's enforcement and worker protection efforts.

For more information regarding DHS's use of deferred action to support labor enforcement, visit www.dhs.gov/enforcement-labor-and-employment-laws.

For more information about the laws enforced by US DOL and other federal labor agencies, visit <https://www.worker.gov>.

Requesting a Statement of US DOL Interest

Workers who are experiencing a labor dispute at their worksite can request that US DOL provide a "Statement of US DOL Interest" by sending a request to statementrequests@dol.gov with the subject line "Request for Statement of US DOL Interest."

As discussed in more detail in FAQ #3 below, requesters are encouraged to provide enough information in the emailed request for the Department to identify the worksite that is the subject of the labor dispute. Requesters are invited to include facts that support any factors discussed in FAQ #6 that US DOL may consider in responding to these requests, including but not limited to:

- A description of the labor dispute including its location and how it is related to the laws enforced by US DOL;
- A description of any retaliation or threats workers at the worksite may have witnessed or experienced related to labor disputes; and



¹ These Frequently Asked Questions were updated on April 3, 2024. The Department of Homeland Security webpage entitled "DHS Support of the Enforcement of Labor and Employment Laws" with additional information is available at: <https://www.dhs.gov/enforcement-labor-and-employment-laws>.



- A description of how fear among workers at the worksite of potential immigration-related retaliation or other immigration enforcement in the future is likely to deter workers from reporting violations related to the labor dispute to US DOL or otherwise cooperating with US DOL. As relevant, it will be helpful to include the time, place, and manner of any such facts.

US DOL may contact the requester with questions, so it will be helpful to include reliable contact information for the requester. A request may be made by a worker or by an advocate or representative. Requests may be made on behalf of a group of workers.

Requesters should not disclose certain information to US DOL in their request, as summarized in the chart below.

Information that is Helpful to US DOL:	Please do NOT include:
<p>Information to Identify Worksite or Employer</p> <ul style="list-style-type: none"> • Employer’s name (such as the name of a business) • Address of worksite • Time period of the labor dispute • Name of US DOL agency to which complaint was submitted or that is investigating or litigating <p>Information about the Labor Dispute</p> <ul style="list-style-type: none"> • Description of labor dispute and relation to the laws enforced by US DOL • Description of any retaliation or threats related to labor dispute • Description of how fear among workers of immigration-related retaliation or enforcement is likely to deter workers from reporting to or cooperating with US DOL • Contact information for requester <div style="text-align: center;"></div>	<ul style="list-style-type: none"> • Do NOT include individual workers’ names (Statements of US DOL Interest name the worksite or employer, generally not individual workers); • Do NOT include individual workers’ particular immigration histories or needs; • Do NOT include individual workers’ home addresses • Do NOT include copies of workers’ identity documents, including passports, drivers’ licenses, and identification cards; • Do NOT include sensitive personally identifiable information, including dates of birth, Social Security Numbers, or Alien Registration Numbers; • Do NOT include G-28 and other immigration forms <div style="text-align: center;"></div>

The Department will generally respond to the requester within 30 days with a determination on the request or a status update. Please see FAQ #13 for more detail. If US DOL, in its discretion, issues a Statement of US DOL Interest, US DOL will send a copy to both DHS and the requester.

Requesting an Updated Statement of US DOL Interest to Support Subsequent Requests for Deferred Action

To ensure that US DOL can effectively process a request for an updated Statement of US DOL Interest, requesters should submit requests **no less than 160 days prior to the expiration of the original period of deferred action.**

Requests may be emailed to statementrequests@dol.gov with the subject line “Updated Statement of US DOL Interest Request.” In the emailed request, requesters should clearly indicate that they are seeking a Statement of US DOL Interest to support a subsequent request to DHS. Requesters are encouraged to provide enough information for the Department to identify the worksite that is the subject of the labor dispute.



Generally, the employer's name (such as the name of a business), address of the worksite, and date of the initial Statement of US DOL Interest are helpful. The Department will generally respond to the requester within 30 days with a determination. Please see FAQ #3 for more detail on how to submit a request. If US DOL, in its discretion, issues an Updated Statement of US DOL Interest to support a subsequent request for deferred action, US DOL will send a copy to both DHS and the requester. If US DOL decides not to issue the updated Statement of US DOL Interest, US DOL will notify the requester.

Frequently Asked Questions

1. Does the US Department of Labor accept requests to express support for deferred action for workers involved in labor disputes?

Yes. We consider such requests naming employers and/or worksites on a case-by-case basis. If the Department issues a Statement of US DOL Interest, a worker may use the Statement to support an individual request to the Department of Homeland Security (DHS) for deferred action. For US DOL to enforce the laws under its jurisdiction, regardless of immigration status, workers must feel free to participate in the Department's investigations and proceedings without fear of retaliation or immigration-related consequences.

2. What is a Statement of US DOL Interest?

A Statement of US DOL Interest is a letter from US DOL to DHS identifying an employer and/or worksite and a circumstance where DHS's use of its prosecutorial discretion would assist US DOL's enforcement of the laws under its jurisdiction. Statements of US DOL Interest are generally issued on an employer or worksite basis and generally do not identify individual workers by name.

3. How do I ask US DOL for a Statement of Interest?

Workers who are experiencing a labor dispute at their worksite can request that US DOL provide a "Statement of US DOL Interest" by sending a request to statementrequests@dol.gov with the subject line "Request for Statement of US DOL Interest." In the emailed request, requesters are encouraged to provide enough information for the Department to identify the worksite that is the subject of the labor dispute. Generally, the employer's name (such as the name of a business), address of the worksite, time period of the dispute, name of the US DOL agency to which a complaint was submitted or that is investigating or litigating (such as the Wage and Hour Division or Occupational Safety and Health Administration) and/or case number, are helpful for US DOL. **Individual workers' names and personal information should not be submitted (see below).**

Additionally, requesters are invited to include facts that support any factors listed in FAQ #6 that US DOL may consider in responding to these requests, including but not limited to:

- A description of the labor dispute including its location and how it is related to the laws enforced by US DOL;
- A description of any retaliation or threats workers at the worksite may have witnessed or experienced related to labor disputes; and
- A description of how fear among workers at the worksite of potential immigration-related retaliation or other immigration enforcement in the future is likely to deter workers from reporting violations related to the labor dispute to US DOL or otherwise cooperating with US DOL. As relevant, it will be helpful to include the time, place, and manner of any such facts.

US DOL may contact the requester with questions, so it will be helpful to include reliable contact information for the requester. A request may be made by a worker or by an advocate or representative. Requests may be made on behalf of a group of workers.



NOTE: US DOL will evaluate requests to determine whether a labor dispute related to a law enforced by US DOL exists at a particular worksite and whether and how deferred action for workers at the worksite would help US DOL carry out its enforcement mission and priorities. For more information, see FAQ #6. Disclosure of individual worker names may not be necessary to establish that a labor dispute exists, depending on, for instance, US DOL's additional corroborating information.

Questions about the process outlined above may also be directed to statementrequests@dol.gov before a request is submitted. For more information about the laws enforced by US DOL and other federal labor agencies, visit <https://www.worker.gov>.

4. What Information Should I NOT Include in My Request?

In the emailed request, requesters **should not** disclose to US DOL:

- Individual workers' names (Statements of US DOL Interest name the worksite or employer generally not individual workers);
- Individual workers' particular immigration histories or needs;
- Individual workers' home addresses or copies of workers' identity documents, including passports, drivers' licenses, and identification cards;
- Sensitive personally identifiable information, including dates of birth, Social Security Numbers, or Alien Registration Numbers;
- G-28 and other immigration forms

5. How do I notify US DOL of the labor dispute and file a complaint?

If you have not yet filed a complaint with US DOL related to your labor dispute, you are encouraged to use the links below to find the appropriate local US DOL Office to file a complaint:

- Find a local **Wage and Hour Division** District Office here: <https://www.dol.gov/agencies/whd/contact/local-offices>
- Find a local **Occupational Safety and Health Administration** Area Office here: <https://www.osha.gov/contactus/bystate>
- Find a local **Office of Federal Contract Compliance Programs** District Office here: <https://www.dol.gov/agencies/ofccp/contact/district-area-offices>

In addition to filing a complaint, workers are encouraged to remain in contact with local offices to provide relevant case information. The Statement of US DOL Interest process is not a substitute for filing a complaint with the relevant enforcement agency. Delays in providing information about labor disputes to local offices may lead to a delay in US DOL's determination on whether a Statement of US DOL Interest should be issued.



6. What factors will the Department consider when deciding whether to provide a Statement of US DOL Interest in a worksite's labor dispute?

US DOL will assess each request on a case-by-case basis and in consideration of its specific enforcement needs. Statements of US DOL Interest are based on a labor dispute at a worksite that is related to laws enforced by US DOL, they are not based on individual workers. Factors that may be considered include, but are not limited to:

- US DOL's need for witnesses to participate in its investigation and/or possible enforcement;
- Whether DHS's use of discretionary immigration protection, such as deferred action, would support US DOL's interest in holding labor law violators accountable for such violations;
- Whether workers are experiencing retaliation, threats of retaliation, or fear retaliation and/or may be "chilled" from reporting violations of the law or participating in US DOL enforcement;
- Whether immigration enforcement concerning workers who may be witnesses to or victims of a violation of laws within US DOL's jurisdiction could impede US DOL's ability to enforce the labor laws or provide all available remedies within its jurisdiction;
- Likelihood that immigration enforcement could be an instrument used to undermine US DOL's enforcement of laws in the geographic area or industry and/or give rise to further immigration-based retaliation.

The Department will weigh factors listed above based on the specific circumstances of the labor dispute. US DOL may contact the requester with questions.

7. After I submit my request for a Statement of US DOL Interest, what will US DOL do?

US DOL will determine whether its enforcement interests justify support for a request for deferred action by DHS. If so, and in its discretion, US DOL will send both DHS and the requester a Statement of US DOL Interest. The Statement informs DHS that US DOL believes DHS's use of discretionary immigration protections such as deferred action for employees at a particular worksite or of a particular employer is necessary for US DOL to effectively carry out its mission, and that it supports workers' requests for deferred action or other applicable discretionary immigration protection.

For example, where workers have faced retaliation for complaining about their wages or working conditions and fear retaliatory immigration action if they participate in a US DOL investigation or legal proceeding, DHS's use of deferred action may help to alleviate that fear and further US DOL's investigation or enforcement action. Worker participation strengthens US DOL's ability to obtain redress and employer compliance.

8. How do individual workers who experience a labor dispute ask DHS for discretionary immigration protection such as deferred action?

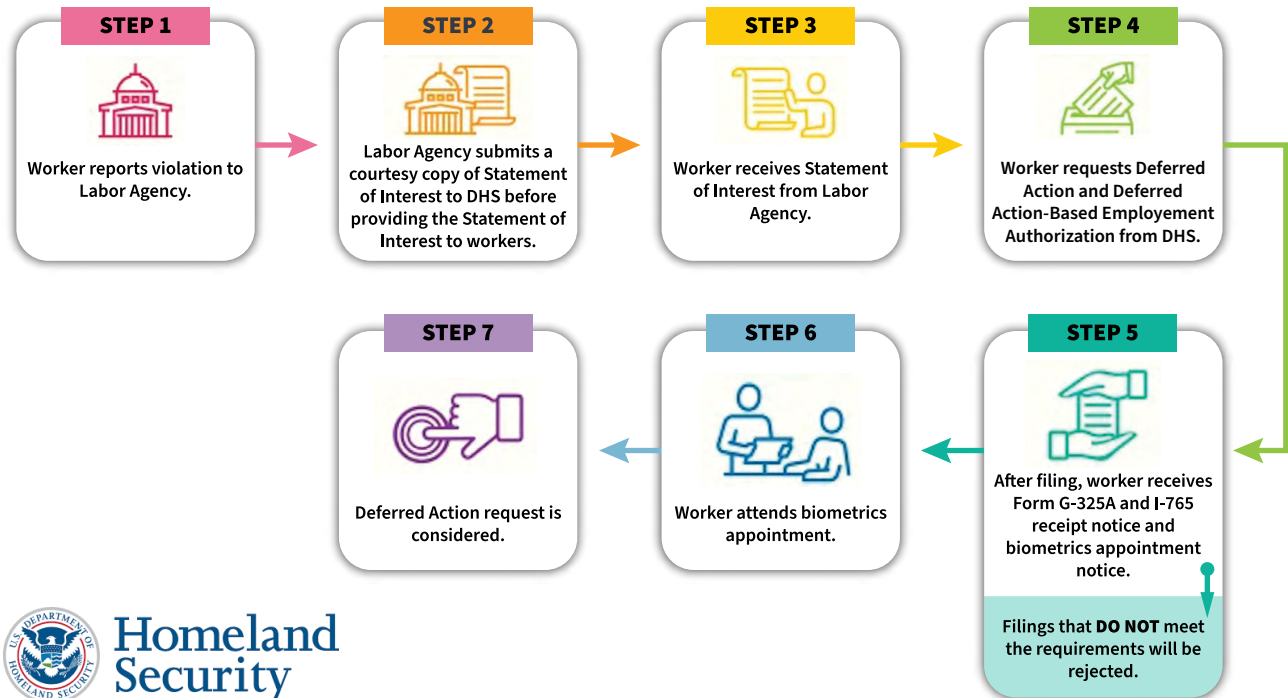
Workers seeking deferred action from DHS must make such requests directly to DHS. For more information on how to make such requests to DHS, visit www.dhs.gov/enforcement-labor-and-employment-laws.

DHS has an explanatory graphic on the process, included on the next page.



REQUESTS FOR DEFERRED ACTION

FOR WORKERS IN SUPPORT OF LABOR AGENCY INVESTIGATIONS



Homeland Security

This FAQ provides information about how a worker may request a Statement of US DOL Interest regarding a labor dispute, which is the DOL portion of the process shown above.

NOTE: Workers may have additional bases for requesting that DHS provide deferred action or other immigration relief that are not addressed in this FAQ. For more information, you may wish to seek immigration legal advice. For a list of pro bono legal service providers, please visit: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>. A specific outcome for any individual worker cannot be guaranteed; each worker should consider seeking counsel to better understand the individual implications of submitting a request to DHS for discretionary immigration protection.

9. Does a Statement of US DOL Interest in a worksite’s labor dispute provide any immigration status or protection to a worker?

No. A Statement of US DOL Interest in a labor dispute does not confer immigration status, nor any specific immigration protection, to individual workers. Instead, individual workers may include the Statement of US DOL Interest as part of a request for deferred action directed to DHS. For more information regarding DHS’s use of deferred action to support labor enforcement, visit www.dhs.gov/enforcement-labor-and-employment-laws.

10. Does the Statement of US DOL Interest guarantee that DHS will grant deferred action or other applicable discretionary immigration protection in a particular case?

No. The decision of whether to grant deferred action or other discretionary immigration protection rests solely with DHS. A Statement of US DOL Interest does not guarantee that DHS will grant deferred action in any individual immigration case. Individual workers must independently request deferred action from DHS. For more information regarding DHS’s use of deferred action to support labor enforcement, visit www.dhs.gov/enforcement-labor-and-employment-laws.



11. Which agencies within US DOL will consider issuing a Statement of US DOL Interest concerning immigration-related deferred action?

US DOL will consider requests for Statements of Interest related to the enforcement of laws within the jurisdiction of its enforcement agencies on a case-by-case basis and at the discretion of the agency. Given the manner in which US DOL processes requests for Statements of US DOL Interest, more than one agency may issue a Statement of US DOL Interest for a particular worksite or employer.

Some workers requesting a Statement of US DOL Interest from OSHA may instead be covered by an OSHA-approved workplace safety and health program operated by a state or a U.S. territory (called a “State Plan”). For requests for statements of interest related to labor disputes covered by a State Plan, you may wish to reach out to the State Plan to ask whether they process requests for labor agency statements of interest in support of deferred action. To see if you live in a state with a State Plan, and to find the State Plan contact information, please go to OSHA’s website: www.osha.gov/stateplans/.

12. Will US DOL keep the information contained in my request confidential?

In keeping with US DOL’s standard practices, US DOL will keep requests for a Statement of US DOL Interest confidential to the maximum extent permitted by law. If US DOL grants a request, US DOL will share the Statement of US DOL Interest with the requesters and DHS.

13. How long does the Department expect it will take to respond to these requests?

The Department will generally respond to the requester within 30 days with a determination on the request or a status update. US DOL will seek to provide status updates every 30 days while a request remains under consideration. Please note that this timeframe may vary depending on the complexity of the request and the overall volume of requests for Statements of US DOL Interest that the Department has received.

14. What should a requester expect if the Department declines to provide a Statement of US DOL Interest in a worksite’s labor dispute?

If US DOL declines to provide a Statement of US DOL Interest in a labor dispute, the requester or their representative will be informed as soon as possible. Statements of US DOL Interest are wholly discretionary.

If the Department declines to provide a Statement of US DOL Interest in a labor dispute, US DOL typically **will not** communicate with DHS about the request. US DOL **does not** enforce worksite immigration law.

15. What role does US DOL play in DHS’s adjudication of an individual worker’s request for deferred action?

The decision about whether to provide deferred action or other discretionary immigration protection rests solely with DHS. US DOL or other law enforcement agencies may inform DHS of a need for immigration enforcement discretion to carry out their missions and may respond to requests for additional information from DHS regarding requests for immigration enforcement discretion.

For more information regarding DHS’s use of deferred action to support labor enforcement, visit www.dhs.gov/enforcement-labor-and-employment-laws.

For more information about the laws enforced by US DOL and other federal labor agencies, visit <https://www.worker.gov>.



16. What if I want to add additional information to my initial request to US DOL for a Statement of US DOL Interest?

Information about the request generally may be supplemented as needed by the requester using the email address provided above.

17. Where can I get more information about whether I should request a Statement of US DOL Interest and/or seek deferred action from DHS?

You may wish to seek immigration law advice before deciding whether to request a Statement of US DOL Interest or whether to submit a request for deferred action to DHS. For a list of pro bono legal service providers, please visit: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>. A specific outcome for any individual worker cannot be guaranteed; each worker should consider seeking counsel to better understand the individual implications of submitting a request for deferred action to DHS. For more information regarding DHS's use of deferred action to support labor enforcement, visit www.dhs.gov/enforcement-labor-and-employment-laws.

18. If I seek deferred action from DHS by using a Statement of US DOL Interest, how long will the deferred action last? Can the deferred action be renewed?

The decision of whether to grant deferred action, and the duration of deferred action, rests solely with DHS. DHS has stated that deferred action, if approved, may be granted for a period of up to two years, subject to termination at any time. DHS also has guidance for workers who have been granted deferred action and are requesting a subsequent period of deferred action through this process. A worker granted deferred action based on a labor agency enforcement interest may request a subsequent period of deferred action for an additional two years when there continues to be an ongoing labor agency need. For more information on seeking subsequent periods of deferred action to support labor enforcement from DHS, visit <https://www.dhs.gov/enforcement-labor-and-employment-laws>.

19. Does US DOL provide updated Statements of US DOL Interest in support of workers' subsequent requests for deferred action?

Yes. US DOL considers requests for updated Statements of US DOL Interest on a case-by-case basis to further its interest in enforcing the laws under its jurisdiction.

DHS allows workers to submit subsequent requests for deferred action to extend the initial deferred action period, which must include an updated Statement of Interest from the labor agency, 120 days prior to the expiration of the original period of deferred action. Subsequent requests for deferred action received by DHS with less than 120 days remaining in the original period of deferred action could result in delays in adjudications and gaps in deferred action and related employment authorization.

To ensure that US DOL can effectively process a request for an updated Statement of US DOL Interest, requesters should submit requests to US DOL **no less than 160 days prior to the expiration of the original period of deferred action**.

Requests may be emailed to statementrequests@dol.gov with "Updated Statement of US DOL Interest Request" included in the subject line. In the emailed request, requesters should clearly indicate that they are seeking a Statement of US DOL Interest to support a subsequent request to extend the period of deferred action to DHS. Requesters are encouraged to provide enough information for the Department to identify the worksite that is the subject of the labor dispute. Generally, the employer's name (such as the name of a business), address of the worksite, and date of the initial Statement of US DOL Interest are helpful. The Department will generally respond to the requester within 30 days with a determination. Please note that this timeframe may vary depending on the complexity of the request and the overall volume of requests for Statements of US DOL Interest that the Department has received.



The updated Statements of US DOL Interest will not be specific to an individual worker; they will be issued based on a worksite or employer.

20. Can US DOL provide a Statement of US DOL Interest in a labor dispute to DHS without receiving a request for such a statement?

Yes. Where appropriate to further the Department's enforcement work, the Department issues Statements of US DOL Interest or similar statements regarding a worksite's labor dispute on its own, without receiving a request.

21. Is there any cost associated with the request for a Statement of US DOL Interest?

There is no cost associated with submitting a request for a Statement of US DOL Interest. This request may be submitted directly by the affected individual(s) involved in the labor dispute or by a representative of the individual(s) involved in the labor dispute, such as legal representatives or others assisting the workers.

22. Must I file a complaint with a US DOL agency regarding my labor dispute if I have submitted a request for a Statement of US DOL Interest?

Workers experiencing a labor dispute over a law enforced by US DOL are encouraged to file a complaint with their appropriate local US DOL office if US DOL is not already aware of the particular labor dispute. The Statement of US DOL Interest process is not a substitute for filing a complaint with the relevant enforcement agency, and submitting a request for a Statement of US DOL Interest is not intended as a mechanism to report potential violations of workplace laws.

- Find a local **Wage and Hour Division** District Office here: <https://www.dol.gov/agencies/whd/contact/local-offices> or call 1-866-487-9243
- Find a local **Occupational Safety and Health Administration** Area Office here: <https://www.osha.gov/contactus/bystate> or call 1-800-321-6742 (OSHA)
- Find a local **Office of Federal Contract Compliance Programs** District Office here: <https://www.dol.gov/agencies/ofccp/contact/file-complaint>

For more information about workers' rights, visit <https://www.worker.gov/>.

23. Is US DOL the only labor agency that provides Statements of Interest for these purposes?

No. DHS's process permits any federal, state, or local labor and employment agency to submit Statements of Interest. Two other federal labor and employment agencies, the National Labor Relations Board (<https://www.nlr.gov/guidance/key-reference-materials/immigrant-worker-rights>) and the Equal Employment Opportunity Commission (<https://www.eeoc.gov/faq/eeocs-support-immigration-related-deferred-action-requests-dhs>) also provide Statements of Interest. In addition, some state and local labor agencies provide Statements of Interest. The US DOL is a separate entity from these federal, state, and local departments of labor. Individuals who are impacted by a matter or investigation pending with another labor agency or who are interested in requesting statements of interest from one of these other labor agencies should contact that agency directly. The US DOL will not issue Statements of Interest when a labor dispute does not involve a DOL enforcement.