



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 23-3810, Version: 1

PROPOSED RESOLUTION

SUPPORTING THE PASSAGE OF DEFERRED ACTION FOR LABOR ENFORCEMENT (DALE)

WHEREAS, the Cook County Board supports the decision made by the U.S. Department of Homeland Security (DHS) that noncitizen workers who are victims of, or witnesses to, the violation of labor rights, can now access a streamlined and expedited deferred action request process.; and

WHEREAS, deferred action protects noncitizen workers from threats of immigration-related retaliation from the exploitive employers; and

WHEREAS, effective immediately, this process will improve DHS's longstanding practice of using its discretionary authority to consider labor and employment agency-related requests for deferred action on a case-by-case basis; and

WHEREAS, workers will be able to visit DHS.gov for additional information in English and Spanish and to submit requests; and

WHEREAS, these improvements advance the Biden-Harris Administration's commitment to empowering workers and improving workplace conditions by enabling all workers, including noncitizens, to assert their legal rights; and

WHEREAS, unscrupulous employers who prey on the vulnerability of noncitizen workers harm all workers and disadvantage businesses who play by the rules; and

WHEREAS, these predatory actors will be held accountable by encouraging all workers to assert their rights, report violations they have suffered or observed, and cooperate in labor standards investigations; and

WHEREAS, through these efforts, and with the federal labor agency partners, the American labor market will be effectively protected, along with the conditions of the American worksite, and the dignity of the workers who power our economy; and

WHEREAS, workers are often afraid to report violations of law by exploitative employers or to cooperate in employment and labor standards investigations because they fear removal or other immigration-related retaliation by an abusive employer; and

WHEREAS, agencies tasked with enforcing labor and employment laws depend on the cooperation of these workers in their investigations; and

WHEREAS, refraining from reporting violations due to a fear of immigration-based retaliation creates unfair labor market conditions and perpetuates the commission of unlawful and inhumane acts by employers, including nonpayment of wages, the imposition of unsafe working conditions, and chilling workers' ability to organize and collectively bargain to improve such conditions; and

WHEREAS, DHS's practice of offering discretionary protection on a case-by-case basis to noncitizen victims facilitates the ability of labor and employment agencies to more fully investigate worksite violations, supporting the agencies in fulfilling their mission and holding abusive employers accountable; and

WHEREAS, by streamlining this process and helping to improve workplace conditions for all workers, today's announcement is one of many ways in which DHS is taking action to fulfill its commitment to U.S. workers, pursuant to the White House Task Force on Worker Organizing and Empowerment; and

WHEREAS, in addition to providing new guidance to labor agencies regarding processes to seek deferred action for certain workers, DHS will also provide for a single intake point for deferred action requests from noncitizen workers that are supported by labor enforcement agencies; and

WHEREAS, the centralized intake process will allow DHS to efficiently review these time-sensitive requests, provide additional security to eligible workers on a case-by-case basis, and more robustly support the mission of labor agencies; and

WHEREAS, these process enhancements are consistent with Secretary Mayorkas' October 2021 memorandum, which directed DHS offices and agencies to ensure that DHS fulfills its critical role supporting the important work of labor agencies to enforce wage protections, workplace safety, labor rights, and other laws and standards; and

WHEREAS, DHS has long considered requests for deferred action submitted by noncitizen workers who fall within the scope of a labor agency investigation and/or enforcement action; and

WHEREAS, noncitizens will now be able to submit such requests to U.S. Citizenship and Immigration Services (USCIS) through a central intake point established specifically to support labor agency investigative and enforcement efforts; and

WHEREAS, for deferred action requests from noncitizens who are in removal proceedings or have a final order of removal, upon reviewing the submission for completeness, USCIS will forward such requests to U.S. Immigration and Customs Enforcement (ICE) to make a final determination on a case-by-case basis; and

WHEREAS, USCIS will consider all other deferred action requests on a case-by-case basis and will also consider all related employment authorization applications, including those related to deferred action requests decided by ICE; and

WHEREAS, given the often time-sensitive labor agency enforcement interests, efficient processing of deferred action and related applications for employment authorization will reduce potential risks to workers and retaliation by their employers under investigation; and

WHEREAS, in addition to satisfying individual criteria to facilitate case-by-case determinations, requests for deferred action submitted through this centralized process must include a letter (a Statement of Interest) from a federal, state, or local labor agency asking DHS to consider exercising its discretion on behalf of workers employed by companies identified by the agency as having labor disputes related to laws that fall under its jurisdiction; and

WHEREAS, consistent with existing practice, discretionary grants of deferred action under this process will typically last for a period of two years, subject to termination at any time. Individuals granted deferred action may be eligible for employment authorization under existing regulations, which require that they demonstrate an economic necessity for employment; and

WHEREAS, they may also be eligible for subsequent grants of deferred action if a labor agency has a continuing investigative or enforcement interest in the matter identified in their original letter supporting DHS use of prosecutorial discretion; and

WHEREAS, the Cook County Commission on Human Rights (CCCHR) investigates and mediates complaints made by members of the public including employment discrimination, minimum wage violations, and earned sick leave violations that are considered labor disputes for purposes of requesting deferred action; and

NOW, THEREFORE, BE IT RESOLVED, that Toni Preckwinkle, President, and Members of the Cook County Board Cook County Board of Commissioners do hereby extend their support for Deferred Action for Labor Enforcement to continue to protect workers' rights; and

BE IT FURTHER RESOLVED, that the (CCCHR) may provide "Statements of Interest" to request deferred enforcement from DHS because of a pending investigation that affects the labor market; and

BE IT FURTHER RESOLVED, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be tendered to the State of Illinois.