

May 8, 2015

Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws Action Plan

On November 20, 2014, the federal government announced the formation of the [Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws](#) (Interagency Working Group), comprised of the Department of Labor, Department of Homeland Security, Department of Justice, Equal Employment Opportunity Commission and National Labor Relations Board. This Interagency Working Group builds on the existing relationships between the member departments and agencies and agreements such as the [Department of Labor and the Department of Homeland Security's Revised Memorandum of Understanding Concerning Enforcement Activities at Worksites \(2011\)](#).

The Interagency Working Group's goals are to enhance coordination in those cases where federal responsibilities to enforce labor, employment, and immigration laws may overlap, to ensure that workers who cooperate with labor and employment enforcement may continue to do so without fear of retaliation, to ensure that unscrupulous parties do not attempt to misuse immigration enforcement or labor laws to thwart or manipulate worker protections or labor and immigration enforcement, and to ensure the effective enforcement of these laws.

To achieve these goals, the Interagency Working Group commits to pursuing the following tasks:

- Identify and recommend, as needed, policies and procedures that ensure effective enforcement of labor, employment, and immigration laws and prevent the abuse of the legal process to undermine that enforcement;
- Develop consistent internal standards and procedures for agencies to resolve conflicts regarding ongoing civil investigations into the violation of immigration and labor laws;
- Provide greater clarity to workers, worker representatives, advocates, employers and federal agencies regarding processes and procedures when immigration law enforcement and labor and employment law enforcement intersect;
- Review existing processes for staying the removal of certain undocumented workers who assert meritorious workplace claims, providing access to apply for temporary employment authorization when consistent with regulations and policy, and establishing interagency coordination to facilitate these actions in appropriate cases; and
- Provide open and transparent modes of communication between enforcement authorities and external stakeholders, including workers, worker representatives, advocates and employers, as appropriate.

Within six months of the issuance of this Action Plan, the Interagency Working Group will have initiated or completed the following steps:

- Establish regular meetings of the Interagency Working Group to ensure closer coordination, and a strong network of contacts across departments and agencies that will convene throughout the implementation of this Action Plan and continue thereafter for as long as the Interagency Working Group deems necessary.
- Produce a coordinated set of resources on Workplace Protections and Immigration Enforcement. These resources, which may be made available as a handbook, online, or in other formats deemed easily accessible to the public, will include:
 - A compilation of relevant agreements between Interagency Working Group members, as well as appropriate agency guidance on the intersection between immigration law enforcement and labor and employment law enforcement that presently exists or may be created as part of this Action Plan;
 - Clear explanations and methods for accessing any temporary or permanent immigration benefits or relief that may be available as the result of workplace violations or criminal activity in the workplace. This will include information on how to seek a stay of deportation or removal, significant public benefit or humanitarian parole, deferred action, and other exercises of prosecutorial discretion. This will also include information on how to obtain employment authorization, if available;
 - Clear guidance to employers on avoiding retaliation and explaining their obligations to workers in the case of a workplace dispute, including guidance on avoiding discrimination when conducting an internal Employment Eligibility Verification Form I-9 Audit; and
 - Instructions on ways for the public to engage the Interagency Working Group and its members with related inquiries.
- Facilitate formal communication and processes among Interagency Working Group members. In particular, the Interagency Working Group will identify procedures to ensure the respective civil authorities of its members do not conflict. Interagency Working Group Members also agree to explore development of potential agreements or other procedures as appropriate.
- Maintain a robust dialogue with stakeholders, including workers, worker representatives, advocates, and employers as appropriate, through public engagement.
- Engage other federal or state agencies and officials on an ad hoc basis as necessary to achieve articulated goals and objectives.