

United States Department of Labor

Secretary of Labor Thomas E. Perez

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

Action Plan Update — December 2015

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 or Group), comprised of the Department of Labor (DOL), Department of Homeland Security (DHS), Department of Justice (DOJ), Equal Employment Opportunity Commission (EEOC) and the National Labor Relations Board (NLRB). This Interagency Working Group builds on the existing relationships between the member departments and agencies and agreements such as the DOL and DHS [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.

In April 2015, the Interagency Working Group announced a [six-month action plan](#) and identified activities to initiate or complete. Over the last six months, members of the Interagency Working Group have worked together to make progress on these objectives. The members of the Interagency Working Group are committed to continuing this important work, value input from the public, and intend to further engage stakeholders in the near future. For the purposes of sharing progress made to date, the Interagency Working Group is providing the following updates.

Action Plan Updates

In the six-month action plan, the Interagency Working Group committed to providing 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. In furtherance of this work, the members of the Interagency Working Group have conducted cross-training to learn about existing immigration relief that may be available to facilitate law enforcement. The following newly-updated guide will serve as a valuable resource for this work:

- DHS' U and T Visa Law Enforcement Resource Guide, available at <http://www.dhs.gov/publication/u-visa-law-enforcement-certification-resource-guide>. This document provides guidance to law enforcement officers regarding their role in the process of applying for U nonimmigrant status (for victims of certain crimes) or T nonimmigrant status (for victims of human trafficking).

The Group also committed to providing clear guidance to employers on preventing retaliation against workers and clarifying their obligations to workers in the case of a workplace dispute. In furtherance of this commitment, the following documents have been released today:

- Fact Sheet: Retaliation Based on Exercise of Workplace Rights is Unlawful, available at

AILA InfoNet Doc. 15121500. (Posted 12/15/15)

<http://www.dol.gov/dol/fact-sheet/immigration/>. DOL, DOJ, EEOC, and the NLRB jointly release this document because they recognize the critical importance of ensuring that all workers can come forward and report potential violations of the law without fear of retaliation.

- Guidance for Employers Conducting Internal Employment Eligibility Verification Form I-9 Audits, available at <http://www.justice.gov/crt/file/798276/download>. DHS' U.S. Immigration and Customs Enforcement (ICE) and DOJ's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) are jointly issuing this guidance, which provides important information to employers to ensure that any internal I-9 audits comply with immigration laws and are conducted fairly, without discrimination, or retaliation against workers.
- The Interagency Working Group would also like to highlight the existing resources that are available in this context¹:
 - ICE Form I-9 Inspection Overview, available at <https://www.ice.gov/factsheets/i9-inspection>. This document provides an overview of the Employment Verification System and Form I-9 inspection process.
 - OSC's Employer Best Practices During Worksite Enforcement Audits, available at http://www.justice.gov/sites/default/files/crt/legacy/2011/07/20/worksite_enforcement.pdf. This document contains best practices for employers during worksite enforcement audits.

The Group also agreed to facilitate formal communication and processes among Interagency Working Group members. The Interagency Working Group's meetings and cross-training on each other's respective legal enforcement authorities have strengthened interagency relationships at both the headquarters and field levels.

The Group agreed to identify procedures to ensure the respective civil authorities of its members do not conflict, and explore development of potential agreements or other procedures as appropriate. In furtherance of this work, the Group announces the following:

- ICE and DOL component agencies continue to collaborate pursuant to a [Memorandum of Understanding](#). Additionally, ICE, DOL, EEOC, and the NLRB launched a pilot in August 2015 to identify and prevent instances in which ICE and the employment and labor enforcement agencies have enforcement conflicts in order to ensure that individuals who cooperate with investigations can do so without fear of retaliation and that unscrupulous individuals or organizations cannot thwart or manipulate the effective enforcement of the employment, labor, and immigration laws. The parties to the pilot have agreed to evaluate its effectiveness on an ongoing basis, to make changes as necessary in consultation with one another, and to maintain the confidentiality of all information shared to effectuate this pilot. The parties are seeking to formalize the pilot in the near future. The Group members will update internal guidance to implement any new formalized policies and procedures as appropriate.

Footnotes

¹ Group members may have additional information already available on these or related topics which are not contained on this document in an exhaustive form.