

Deferred Action FAQ and Procedures to request a Statement of Interest (SOI) from OLS

1. What is deferred action?

Deferred action is a form of prosecutorial discretion to defer removal action (deportation) against a noncitizen for a certain period of time. Although deferred action does not confer lawful status or excuse any past or future periods of unlawful presence, a noncitizen granted deferred action is considered lawfully present in the United States for certain limited purposes, while the deferred action is in effect. If granted deferred action, a noncitizen may be eligible for employment authorization. The US Department of Homeland Security (DHS) can terminate deferred action at any time, at its discretion.

An immigration attorney can help you decide if prosecutorial discretion or other forms of immigration relief may help you.

2. Who qualifies for deferred action?

Noncitizen workers who fall within the scope of a labor agency investigation, including an investigation conducted by OLS.

3. Does the OLS support requests for deferred action for workers involved in OLS cases?

Yes. OLS may submit a Statement of Interest in certain active investigations to allow OLS to fully investigate workplace violations while protecting workers. OLS will review requests for a Statement of Interest and issue them on a case-by-case basis.

4. Who can request a Statement of Interest in support of deferred action from OLS?

A request can be made by a worker, advocate, or a worker representative, when there is a pending OLS labor complaint in a workplace. If there is no pending complaint, advocates may assist workers with filing a complaint with OLS and then proceed to request a Statement of Interest. Requests may also be made on behalf of a group of workers.

5. How do I ask OLS for a Statement of Interest in support of my request that DHS grant deferred action?

If you believe OLS has an active investigation against your employer, you can send the request to BACPLaborStandards@cityofchicago.org with the subject line "Request for Statement of Interest". OLS will contact the requester with any questions and for additional information which may be necessary to evaluate the request. You may also call 312-744-2211 for additional information.

6. What do I need to include in my request for a Statement of Interest?

Requests should include the following information:

- Name and address of the employer;
- Worksite addresses;
- OLS complaint number (if known);
- A brief description of the complaint and impact of the violations on workers;
- Any coercion, retaliation, or threats of retaliation the worker(s) have witnessed or experienced;
- A point of contact who can respond to follow-up questions from OLS

7. What should I **NOT** include in my request for a Statement of Interest?

The disclosure of individual worker names is NOT NECESSARY; requesters should not disclose:

- Individual workers' immigration histories or needs;
- Any Personal Identifiable Information, including dates of birth, Social Security Numbers or Alien Registration Numbers.

8. Will OLS submit the letter of support to DHS?

OLS will decide on a case-by-case basis whether to submit an SOI in support of deferred action. OLS never communicates with your employer about your request. If OLS decides to support the request, OLS will send DHS the SOI and provide the requestor with a copy of the SOI.

9. Does the submission of a Statement of Interest guarantee that DHS will grant deferred action in a particular case?

No. DHS exercises sole discretion in deciding whether to exercise deferred action. The submittal of a Statement of Interest from OLS does not guarantee that DHS will grant deferred action.

10. Will OLS seek deferred action for me?

No. OLS' role is limited to supporting requests for deferred action by submitting a Statement of Interest explaining why granting deferred action in a particular case will aid OLS' active investigation.

11. Where can I get more information?

For submitting requests or questions about deferred action, please contact us at BACPLaborStandards@cityofchicago.org or call 312-744-2211

For more information on how to request deferred action from DHS visit [this link](#). The link also contains an FAQ document in English and Spanish.