



## DEFERRED ACTION FOR WORKERS IN LABOR DISPUTES

### What is deferred action?

Deferred action is a form of prosecutorial discretion to defer removal action against a noncitizen for a certain period of time. This means that someone who applies for deferred action, if they are approved, is allowed to remain in the United States for a set amount of time that the government specifies, even if they were undocumented. The amount of time you can stay in the country can be up to two years, but it can also be shorter if the government chooses. During that time, however, you are safe from being removed, unless you commit other crimes that make you removable from the United States. The two-year period of deferred action can be renewed if needed, though, potentially allowing an applicant to stay for longer in two-year increments.

### What is a labor dispute?

A labor dispute is a formal complaint made to a designated labor agency where workers claim that an employer has violated their labor rights. If the labor agency responds to the complaint with a “statement of interest,” then the Department of Homeland Security will recognize that the labor issue is being investigated and allow impacted workers to remain in the United States while the issue is being investigated.

### Who is eligible for deferred action through a labor dispute?

If you are still a worker, or were formerly a worker, for an employer who is under scrutiny for the labor violation covered by the statement of interest, you can be eligible for deferred action. You do not have to have valid legal status in order to be eligible – even undocumented workers are covered by this protection. In DHS’ own words, “victims who lack work authorization” are specifically eligible for this program.

### How do I apply for deferred action?

To apply for deferred action, you must submit the following documents or information to the address below: (1) a written, signed request stating the reason for your request for deferred action, (2) a statement of interest from a labor agency addressed to DHS supporting the request, (3) evidence that you worked for the employer in question during the relevant period, (4) proof of your identity, (5) Form G-325A, (6) Form I-765, Application for Work Authorization and Form I-765WS.

### Where do I send the information?

USCIS  
Attn: Deferred Action  
10 Application Way  
Montclair, CA 91763-1350

### Does this give me legal status?

No, deferred action only allows you to remain in the United States for the period you are given deferred action. This is not a status, simply a permission to remain in the United States.