



Cook County Commission on Human Rights
Deferred Action Labor Enforcement
Procedures and Information

Published: July 13, 2023

Overview: Requesting a “Statement of Interest” from Cook County Commission on Human Rights (CCCHR)

On January 13, 2023, the U.S. Department of Homeland Security (DHS) announced process enhancements for supporting labor enforcement investigations. The process enhancements are frequently referred to as “Deferred Action (for) Labor Enforcement.” The process enhancement means that immigrant “workers who are victims of, or witnesses to, the violation of labor rights, can access a **streamlined and expedited deferred action request process,**” which supports obtaining temporary protection from deportation and work authorization if there are ongoing allegations of labor violations in the workplace.

Regarding the process enhancements, DHS stated that “[w]orkers 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. **Agencies tasked with enforcing labor and employment laws depend on the cooperation of these workers in their investigations. ... Deferred action protects noncitizen workers from threats of immigration-related retaliation from exploitive employers.** 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.”

Agencies, including CCCHR, may provide “Statements of Interest” upon request to explain to DHS that the agency has a pending investigation that affects the labor market. Please refer to DHS’ website for more information, <https://www.dhs.gov/enforcement-labor-and-employment-laws>.

CCCHR works to protect people in Cook County from discrimination and harassment in the areas of **employment**, housing, public accommodations, credit transactions, and access to Cook County facilities, services, and programs and ensure that those who work in, or for the benefit of, Cook County are **paid an appropriate wage for their labors and receive appropriate benefits**. CCCHR investigates and mediates complaints made by members of the public, which may result in compensatory damages and other relief.

CCCHR’s investigations into employment discrimination, minimum wage violations, and earned sick leave violations help fulfill our mandate to protect workers and ensure fair working practices. CCCHR accepts requests for a “Statement of Interest” when there is an open (pending) labor-related complaint (employment discrimination or harassment complaint, Minimum Wage complaint, and/or Earned Sick Leave complaint) filed here. This packet explains CCCHR’s process and procedures for requesting that CCCHR provide a “Statement of Interest.”

Please note, you must file a complaint with CCCHR to request a “Statement of Interest.”

This packet includes the following:

1. Instructions on how to submit a “Statement of Interest” Request, and
2. Frequently Asked Questions (FAQs) about the process.

For questions, please contact us at human.rights@cookcountyil.gov or 312-603-1100.

How to Request a "Statement of Interest" from CCCHR

Step 1: To request a "Statement of Interest" from CCCHR, an employment discrimination or harassment complaint, Minimum Wage complaint, and/or Earned Sick Leave complaint must already be filed with CCCHR.

Step 2: Individuals (Complainants) or their representatives seeking a "Statement of Interest" should complete a "Statement of Interest" request using the **Department of Homeland Security Statement of Interest Request Form available online from CCCHR here: <https://forms.office.com/g/ixUhbCU2iU>.**

Using the online form, requests should include:

- (1) Name of the Requester.
- (2) Requester's contact information.
- (3) The workplace involved in the relevant CCCHR investigation or litigation.
- (4) The assigned case number of their Complaint filing with CCCHR (if known).
- (5) The assigned CCCHR Investigator to their Complaint filing (if known).
- (6) Information of any discrimination, coercion, retaliation, or threats of retaliation you are aware of in your workplace.

Federal immigration officials have the exclusive discretion to determine whether a person is eligible for labor-based deferred action. By issuing a "Statement of Interest," CCCHR confirms that a labor-related Complaint has been filed and currently is being investigated by CCCHR. A "Statement of Interest" by CCCHR verifies information relevant to the federal immigration benefit sought, including information relevant for federal immigration officials to determine eligibility for discretionary relief, such as deferred action.

For questions about requesting a "Statement of Interest," contact your assigned Investigator or CCCHR directly at human.rights@cookcountyil.gov.

Cook County Commission on Human Rights' Support for Immigration-Related Deferred Action Requests to the U.S. Department of Homeland Security (DHS)

FREQUENTLY ASKED QUESTIONS

Q1: Does the Cook County Commission on Human Rights (CCCHR) accept requests to support labor-based deferred action for individuals who may have been unlawfully discriminated against or harassed in the workplace or who may have received incorrect wages or sick time?

A1: Yes, CCCHR will review requests for "Statements of Interest" on a case-by-case basis. If additional information is needed, CCCHR will contact the requester for more information.

Q2: Can CCCHR provide me advice about whether I should request a "Statement of Interest?"

A2: No, CCCHR cannot provide any individual with legal advice, including regarding whether to request a "Statement of Interest." For specific questions, please consult with an immigration attorney.

For a list of recognized organizations and accredited representatives, visit:

<http://www.justice.gov/eoir/page/file/942306/download#ILLINOIS>

Q3: How can an individual or their representative request a "Statement of Interest" from CCCHR?

A3: Individuals (Complainants) or their representatives seeking a "Statement of Interest" should complete a "Statement of Interest" request using the **Department of Homeland Security Statement of Interest Request Form available online from CCCHR here: <https://forms.office.com/g/ixUhbCU2iU>**. The request has been submitted after all required form fields are completed and the "Submit" button has been clicked.

Q4: What information should be included in the request for a "Statement of Interest?"

A4: Requests should include all required fields of the online request form, including:

- (1) Name of the Requester.
- (2) Requester's contact information.
- (3) The workplace involved in the relevant CCCHR investigation or litigation.
- (4) The assigned case number of their Complaint filing with CCCHR.
- (5) Information of any discrimination, coercion, retaliation, or threats of retaliation you are aware of in your workplace.

Requests should NOT include:

- (1) Personally identifiable information, including date of birth, Social Security Number, or Alien Registration Number.
- (2) Requester's immigration history.

Q5: What happens after CCCHR issues a decision on an individual's request for a "Statement of Interest?"

A5: If a request is granted, CCCHR will submit the "Statement of Interest" directly to DHS, per its instructions. The individual/complainant or their representative will also receive a copy of the "Statement of Interest" so they may include the statement with their petition for Deferred Action to DHS.

Q6: How long does it take to get a response back regarding my request for a “Statement of Interest” from CCCHR?

A6: CCCHR will inform the requester whether it will provide a “Statement of Interest” and submit the associated “Statement of Interest” to DHS as soon as practicable. CCCHR anticipates that this portion of the process will take, on average, two weeks. Once CCCHR receives a response from DHS (or after 72 hours from our submission to DHS), CCCHR will provide the “Statement of Interest” to the requester.

Q7: What factors will CCCHR consider when deciding whether to issue a “Statement of Interest” for an individual/complainant’s request for Deferred Action with DHS?

A7: It is important to CCCHR that Cook County residents know and trust that they can file a complaint with CCCHR, regardless of immigration/citizenship status. CCCHR will not ask about immigration/citizenship status in our investigation process, nor will we request or share immigration/citizenship status information as part of our “Statement of Interest” procedures.

CCCHR supports “Statement of Interest” requests on a case-by-case basis where such requests support preventing and remedying employment discrimination, minimum wage violations, and earned sick leave violations. CCCHR will consider: (1) whether the request is related to an ongoing or closed CCCHR investigation or litigation; and (2) information of any discrimination, coercion, retaliation, or threats of retaliation you are aware of in your workplace. If so, CCCHR at its discretion may provide a “Statement of Interest.”

Q8: Does CCCHR require a finding of substantial evidence in the individual/complainant’s case to issue a “Statement of Interest?”

A8: No, there does not need to be a finding of substantial evidence by CCCHR to issue a “Statement of Interest.” However, there must be a formal complaint filed with CCCHR and the requester will need to provide information as it relates to an open or closed CCCHR investigation or litigation and why they believe deferred action would help CCCHR carry out its enforcement of the Cook County Human Rights Ordinance.

Q9: If CCCHR grants my request for a “Statement of Interest,” will CCCHR identify me personally in the Statement as the individual/complainant who requested it?

A9: No, CCCHR will not identify any individuals in a “Statement of Interest.” CCCHR’s “Statement of Interest” will refer generally to the workers at the specified workplace where there is a pending investigation by CCCHR.

Q10: Does a “Statement of Interest” provide any immigration status, protection, or relief?

A10: No, issuance of a “Statement of Interest” by CCCHR simply verifies information relevant to the federal immigration benefit sought, including information relevant for federal immigration officials to determine eligibility for discretionary relief such as deferred action. It does not provide any immigration status, protection, or relief. It is the exclusive responsibility of federal immigration officials to determine whether to exercise prosecutorial discretion.