

Defending Immigrant Worker Rights In a Time of Peril: A checklist of key demands organizers can make of local and state labor agencies

In just two weeks, the new administration has authorized numerous executive orders, administrative rulings, and agency actions targeting immigrants and those working in solidarity with them. Mass deportations, detention, and raids are creating fear in immigrant communities across the country.

These actions will undoubtedly suppress worker complaints, undermine workplace protections, and destabilize industries with large immigrant workforces. This anti-immigrant environment will embolden unscrupulous employers to exploit and attempt to silence immigrant workers, including by weaponizing immigration enforcement to retaliate against those who speak out.

As we all look for organizing solutions that will work to counter the intensive “Flood the Zone” strategy -- one approach to consider is approaching local and state labor agencies. Wherever possible, and we know that will not be everywhere, we urge partnerships and coordination between agencies and organizations. This checklist includes key demands organizers and advocates can make of agencies, for additional protections that can be made as part of a collective response to the attacks on immigrant workers. A companion checklist for state and local agencies with more detailed policy suggestions and resources is also [available](#).

Organizer’s Checklist

1. Prepare for increased retaliation against immigrant workers.

- Ask state and local labor agencies to act quickly* to investigate and stop retaliation when immigration-based retaliation occurs as relevant law permits. (*e.g. within 48 hours)
- Demand state and local labor agencies levy damages to the fullest extent possible. For example, seeking all damages that are statutorily permissible.

- Ask state and local agencies to provide all workers experiencing immigration-related retaliation with a list of immigration attorneys. Suggest collaborating with the agency to develop the list of trusted community attorneys.
- Where a worker was retaliated against with threats to call authorities to arrest or deport the worker, ask the appropriate agency to certify a T Visa under a theory of abuse of process, which means the employer used or threatened use of a law or legal process, including threats to call authorities to arrest or deport workers.

2. Review and update investigative forms or processes to mitigate risks to workers.

- Ask your state and local agencies to review all forms and remove any information that is not related to labor enforcement.

3. Prepare for aggressive federal immigration enforcement.

- Coordinate with your city or locality to create an immigration enforcement response plan. Ask state and local labor agencies to meet with community organizations to review and share their respective plans, coordinate strategies, and regularly share information. Ensure community organizations have a dedicated point of contact in the agency and vice-versa.
- Ask state and local labor agencies to create a plan or protocol for responding to workplace raids in your state, county, or city. Where possible, this plan should include sending agency staff or leadership to observe and document the raid, contacting relevant consulates to obtain the names and A-Numbers of anyone who was detained, and sharing information with workers' families, advocates, and immigration attorneys, as appropriate.
- In a co-enforcement case, when a state or local agency learns that a worker involved in their investigation is detained by ICE, ask the state or local agency to contact the co-enforcement partner. Similarly, when a worker advocate learns that a worker in a co-enforcement case has been detained, they should work with the state and local partner to determine whether the agency could intervene in any deportation defense strategy.
- Ask the city or state to establish a deportation detention defense fund.

4. Create a communications strategy that promotes immigrant workers' workplace rights.

For employers:

- Ask state and local labor agencies to develop messaging warning employers against retaliation and wage theft, and reminding them that robust enforcement of state and local labor standards will continue under any federal administration.

For workers:

- Ask state and local labor agencies to publish affirmative messages to reassure immigrant workers and communities that they are protected by labor standards laws, and that the agency respects and serves all residents.
- Ask state and local labor agencies to gather or develop Know Your Rights materials for workers on workplace raids, sanctuary laws, and workplace rights.
- Ask agencies to translate these materials into languages spoken by communities likely to be targeted for immigration enforcement. Where possible, agencies should get feedback from community partners to ensure materials are accessible and culturally relevant and create and execute a plan to disseminate these materials, including through partnerships with community organizations.
- Advocates can provide information to employers covering topics that include [illegal search and seizures](#) and what employers can do [if ICE arrives at their place of business](#).

5. Strengthen co-enforcement partnerships.

- Ask state and local labor agencies to send a written statement in multiple languages to all community partners stating their commitment to continuing to enforce labor standards for all workers regardless of immigration status. (*Exchange sample know-your-rights materials as described above*)
- Ask state and local labor agencies to request new or additional funding for outreach and co-enforcement programs to support community organizations who can reach immigrant workers and partner on labor standards enforcement in industries where immigrant communities are highly represented.
- Ask State and local labor agencies to develop or enhance processes for initiating investigations that do not require individual workers to file a complaint. Work with community partners to develop a process that is sensitive and responsive to increased threats and fear. Consider initiating proactive strategic enforcement investigations based on agency analysis of likely violators and information from community partners; and accepting third-party complaints from worker advocacy organizations or other parties so that individual workers do not have to come forward.