



U.S. Immigration
and Customs
Enforcement

September 3, 2021

John J. Long
City Clerk, Somerville City Council
City Hall
93 Highland Avenue
Somerville, MA 02143

Dear Mr. Long:

Thank you for your June 7, 2021 letter to the Department of Homeland Security (DHS) regarding state and local labor rights and standards. Secretary Mayorkas asked that I respond on his behalf.

U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) special agents protect the public from crimes of victimization and exploitation by strategically targeting and investigating individuals, businesses, and networks that engage in labor exploitation, to include human trafficking. A pillar of this focus relates to HSI's efforts to combat labor exploitation investigations. HSI employs a victim-centered approach to ensure that those who are identified as victims during the course of an investigation receive necessary services and support.

HSI labor exploitation operations and efforts are focused on unscrupulous employers who seek to exploit vulnerable populations. Ultimately, the goal and focus of HSI's labor exploitation investigations is to create a culture of compliance among employers. HSI's focused efforts in this area involve investigations of business entities suspected of violating the Immigration and Nationality Act, as well as a host of other crimes that facilitate or result from the unlawful employment of noncitizens (e.g., human trafficking, human smuggling, document fraud, identity theft, money laundering, and abuse/exploitation of noncitizens).

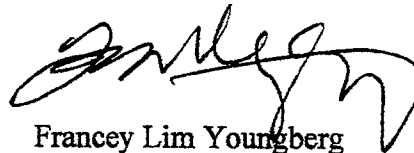
DHS plays a critical role in ensuring that our Nation's workplaces are in compliance with applicable laws and our values. HSI respects the labor rights of potentially exploited workers, regardless of their immigration status. The Department of Labor (DOL), the Equal Employment Opportunity Commission (EEOC), and the National Labor Relations Board (NLRB) currently participate in a joint Memorandum of Understanding with HSI to establish a culture of cooperation and integrated enforcement consistent with the purpose and mission of each agency. As part of this cooperative effort, prior to the initiation of a civil Form I-9 inspection, HSI attempts to deconflict its investigations with DOL, NLRB, and EEOC. HSI field offices are also encouraged to establish communications with other federal, state, and local agencies within their areas of jurisdiction.

As it relates to forms of relief, prosecutorial discretion may be extended to employees when ICE deems it to be in the best interest of the government, including for law enforcement or humanitarian reasons. This may include deferred action, requests for the termination of proceedings, granting of parole, and/or requests for employment authorization. In certain limited circumstances, the request and approval of an S nonimmigrant status (also referred to as an S-visa) may be appropriate. Prosecutorial discretion must comply with current DHS policies for the apprehension, detention, and removal of unauthorized noncitizens.

ICE will look to continue to engage in a meaningful dialogue with its partners across all sectors to promote transparency, provide clarity about HSI's critical mission, and foster trust and confidence in our efforts.

Thank you again for your letter. Should you wish to discuss this matter further, please do not hesitate to contact the ICE Office of Partnership and Engagement at iceope@ice.dhs.gov.

Sincerely,



Francey Lim Youngberg
Assistant Director
Office of Partnership and Engagement