

The POWER Act

Protect Our Workers from Exploitation and Retaliation Act

IN MARCH 2023, Reps. Judy Chu (CA-28) and Robert C. “Bobby” Scott (VA-03) re-introduced the Protect Our Workers from Exploitation and Retaliation (POWER) Act (H.R.1828). This updated bill is a critical step forward in creating safe and just workplaces by providing labor protections and building worker power.

Too often, when immigrant workers assert their labor or civil rights or organize for better working conditions, they face threats of immigration enforcement from unscrupulous employers seeking to silence them. This retaliation undercuts workers’ ability to enforce their rights and results in more dangerous workplaces and lower wages for all workers.

Although DHS announced a process to streamline and expedite deferred action requests of immigrant workers involved in labor agency investigations and enforcement in January of this year, this process provides only temporary protection, with no path to permanent status. The POWER Act is the next step to strengthen and broaden protections to immigrant workers to ensure that our labor laws are upheld consistently.

POWER’s Key Provisions

- **Expands U Visa Eligibility for Workers Suffering Serious Labor Violations.** The POWER Act expands eligibility for a U visa for workers suffering serious labor violations who cooperate with local, state, or federal worker protection agencies and who have suffered substantial abuse or harm related to the workplace claim or would face extreme hardship upon removal.
- **Provides Temporary Protection for Victims of Crime and Labor Retaliation.** The bill allows federal, state, or local law enforcement officials, labor officials, and worker protection agencies to ask the Department of Homeland Security (DHS) to provide temporary lawful status with employment authorization to workers who have filed a workplace claim or are material witnesses in any pending or anticipated workplace claim.
- **Strengthens Labor Agencies’ Investigative Powers.** The bill mandates that when DHS conducts a worksite enforcement action, and (1) there is a labor dispute in progress or (2) the agency received information as a means to retaliate against workers for enforcing their labor rights, DHS must ensure that workers arrested or detained are not deported before the appropriate labor agency is notified and has a chance to interview the workers.
- **Removes the Caps on U visas.** There is a backlog of almost 240,000 U-visa applicants because only 10,000 visas are available annually. This bill would remove this limitation and expands the time frame for stays of removal while the U-visa petition is pending. It also waives the expensive fees for U-visa applicants.

POWER’s New Provisions

Among other things, the bill now includes ...

- Temporary protection from deportation for workers who have filed a workers’ compensation claim or are undergoing workplace injury or illness treatment. This change will allow immigrant workers suffering injury or illness at a U.S. workplace to receive medical care.
- “Emotional” abuse to the requirement that a U visa applicant demonstrates substantial abuse. This change clarifies that applicants do not need to suffer a diagnosable mental illness to be eligible.
- Confidentiality protections and eliminates fees for applying for this and other similar humanitarian protection.



**Economic
Policy
Institute**
POLICY CENTER



**JOBS
WITH JUSTICE**

