

## **Supporting DACA Recipient Employees and Team Members**

*11 concrete ways employers can support their DACA recipient employees, interns and contractors in a time of uncertainty*

### **SERVICE**

1. Pay for employee's and/or contractor's DACA renewal fees. If an employee's family member has DACA, pay for their fee as well. A DACA renewal application is \$495, not including preparation costs (legal consultation, postage and other materials). These costs can be prohibitive, and it is within an employer's rights and interest to provide this service. If an EAD expiration date is nearing and your employee has not yet received their renewal, contact your U.S. Senator or Representative and request that they work with USCIS to expedite the application.
2. Provide immigration legal assistance/counsel to DACAmented employees, contractors, and immediate family members of employees (potentially via outside counsel to waive or avoid any conflicts). Set up regular 1:1s for the employee and outside counsel to check in on needs. Cover legal defense fees for above-mentioned individuals should they become necessary - including for former employees who are detained or encounter other legal troubles arising from losing protection from deportation upon their DACA expiration.
3. Commit company or contracted lawyer's hours to provide in-kind, pro-bono legal assistance at local immigrant-serving organizations. You can find a list of organizations at [InformedImmigrant.com/organizations](https://www.informedimmigrant.com/organizations).
4. Arrange offboarding programs for employees unable to renew their DACA and forced to leave the workplace. Consider healthy severance packages or other lawful assistance at the time their employment permission ceases.
5. Affirm that employees forced to leave work temporarily due to DACA expiry won't be punished or disadvantaged from a professional development standpoint upon return should they regain work authorization. If possible, make the position they vacate available to them upon return should they regain work authorization. Reassure them that any pending promotion or other opportunity will be still be available to them.
6. Over-communicate the availability of mental health resources for immigration-impacted staff. Make a list of in-network mental health service providers for easy access - and if superior options are only offered out of network, cover the difference.
7. Host a regular call with senior management, HR, and directly affected individuals to ensure that the company is being attentive to employee's needs.

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8. Host Know Your Rights trainings during work hours for all staff that cover an individual's rights when interacting with law or immigration enforcement at home, in public spaces, and in the workplace. Establish, communicate, and implement company protocol to protect employee rights should immigration enforcement visit the work site or request employee information from managers. Employers can take these steps while simultaneously ensuring they observe their own legal obligations.
9. Be sensitive to people's differing levels of comfort with being public about their immigration status. Never "out" somebody to coworkers or speak about somebody's immigration status with others if that individual has not made explicitly clear that they are comfortable with this information being shared. Make all trainings and resources on immigration and rights widely known and available to all staff, and clearly designate an HR Point of Contact for anyone looking for additional resources or assistance (including legal assistance) to access confidentially.

## **ADVOCACY**

10. Recommit to Dreamers by releasing a statement of support for all employees, regardless of citizenship status. Reaffirm commitment to growing the company's talent and diversity and protecting DACAmented staff while federal policy is debated and changed. Distribute message through company's social media, written editorials, videos, or other outlets.
11. Prioritize/add Dreamer legislation as a priority within company's own congressional goals. Further efforts by funding trips for DACA-recipient employees to Washington, D.C. and meet with Members of Congress.

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## Supporting DACAmented Employees

### *What is DACA?*

#### **DACA Explainer**

The Deferred Action for Childhood Arrivals (DACA) program was established in 2012 and granted eligible individuals who came to the U.S. as children with a temporary, renewable two-year work permit and protection from deportation. It does **not** confer legal status to beneficiaries, but instead **temporary lawful presence**. As DACA is not a visa but rather administrative relief, DACA beneficiaries do not have the option of adjusting their legal status through the program as many visa holders do.

#### **What Are The Requirements For DACA?**

- To be considered for DACA, you must submit an application along with a \$495 application fee, include extensive documentation of your presence in the U.S., and submit to a biometrics exam;
- You were under 31 years old as of June 15, 2012;
- You first came to the United States before your 16th birthday;
- You have lived continuously in the United States from June 15, 2007 until the present;
- You were physically present in the United States on June 15, 2012 and at the time you apply;
- You came to the United States without documents before June 15, 2012, or your lawful status expired as of June 15, 2012;
- You are currently studying, or you graduated from high school or earned a certificate of completion of high school or GED, or have been honorably discharged from the Coast Guard or military (technical and trade school completion also qualifies); and
- You have NOT been convicted of a felony, certain significant misdemeanors (including a single DUI), or three or more misdemeanors of any kind. Consult with an attorney about ANY contact you have had with law enforcement or immigration authorities.

Unfortunately, on September 5th, 2017 the Trump administration announced that it was ending DACA. USCIS immediately ceased accepting initial DACA applications and discontinued renewals in October. **However, due to a federal court injunction issued in January 2018, USCIS is once again accepting and processing renewal applications only.** This injunction remains in place following the Supreme Court decision on February 26, 2018 to deny the Administration's request for an expedited appeal hearing. This means that for the time being, USCIS will continue to accept DACA renewal applications. It is unclear how long this window will remain open, and thus DACA recipients whose permits expire in 8-9 months or less should consider renewing as soon as possible.

Furthermore, regardless of renewal status, all EADs including those issued to DACA recipients are *valid until their printed expiration date* (viewable on the EAD card).

During this window, it is critical that companies commit to #ProtectDreamers while advocacy for a legislative solution continues.

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