



DACA: ADVOCATING FOR INCLUSIVE WORK POLICIES

Exploring ways that employers can support
employees if DACA is terminated

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With the future of the Deferred Action for Childhood Arrivals (DACA) policy hanging by a thread due to pending litigation, DACA employees are wondering whether they can continue earning a living if they were to lose their work authorization. If a DACA employee is concerned about losing their work authorization, it is helpful for DACA employees and their employers to work together to evaluate how the employer can continue supporting them.

Though it might seem easier and more appropriate for employers to proactively explore policies that will support their DACA employees, employers might not know the immigration status of their employees, and therefore DACA employees might have to take on the burden of advocating for such policies. Below we list some policy ideas that DACA employees and their employers can think about as they try to assess how employers can continue to support DACA employees.

IMPLEMENTING INTERNAL WORK POLICY

Employers should commit to evaluating how they can support DACA employees who lose their employment authorization and implement an internal policy. As employers create their policies, they should invite DACA employees to provide input throughout the process. Once policies are adopted, employers should share them with all their staff because they might not know which employees might be at risk of losing their work authorization and would need support.

EXPLORING PERMANENT IMMIGRATION OPTIONS

Employers should pay for thorough immigration law consultations by an outside immigration law firm for DACA employees and/or their immediate family members to assess the possibility of obtaining another immigration benefit like a green card. You can use ilrc.me/findhelp to find free or low-cost non-profit legal services who specialize in general immigration benefits.

Employers should evaluate the possibility of sponsoring DACA employees through employment-based immigration petitions. You can read more about these petitions at immigrantsrising.org/resource/getting-a-perm. Employers and DACA employees should contact immigration attorneys with expertise on employment-based immigration options for this process. You can use AILALawyer.com to find a local attorney or representative near you with business and employment immigration expertise.

Employers should also consider paying the legal fees of DACA employees who are eligible for immigration benefits and are going to retain an immigration lawyer to manage their cases.

Employers should give DACA employees enough extra paid days off to sort out their immigration situations. These days can be used for attorney meetings, gathering evidence, interview or hearing preparation, court hearings, United States Citizenship and Immigration Services (USCIS) interviews and appointments, and other immigration related matters.

PAYING FOR IMMIGRATION APPLICATION FEES

Employers should pay their employees' USCIS DACA renewal fees for work authorization. Additionally, employers should pay for other immigration application fees for employees and their family members that would benefit employees in obtaining other immigration benefits. This can include advance parole applications, a family visa or other immigration application, any relief from deportation, or other

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forms of immigration benefits that could lead to an employee's green card.

INCOME REGARDLESS OF STATUS

Employers should help DACA employees access information and resources to form a business structure, like a Limited Liability Company (LLC), or other business entities that can serve as contracting vehicles. Employers should pay for the formation of the business structure and associated technical assistance consultation fees to understand state and federal incorporation requirements and tax implications.

Employers should also identify and share contracting opportunities as part of their job listings and create a clear distinction between employment opportunities and contract work.

Employers should ensure that adequate pay is provided to contractors to help offset taxes, benefits, and other expenses that the contractor must pay on their own.

Lastly, employers should revisit their contracting guidelines to ensure that they are not requiring contractors to provide a work permit or a social security number when it is not needed to fill out a W-9 tax form used for independent contractors.

For more information about these topics, visit immigrantsrising.org/making-money/.

PROVIDING OTHER BENEFITS

For DACA employees who must leave their employment because of the loss of employment authorization, employers should investigate paying the DACA employee a substantial severance package, which includes access to health benefits and roll over of any 401(k), 403(b), and pension benefits.

Employers should also help DACA employees pay for mental health counseling and other mental health services they need. Visit [Immigrants Rising's Mental Health](#) page for more information and resources on this topic.

Employers should also point DACA employees to resources for them to understand

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their rights as workers. Check out the resource that the ILRC created in partnership with United We Dream and Texas AFL-CIO: [**DACA Workers' Rights Guide**](#) for more information.

ENGAGING IN ADVOCACY

Employers should be outspoken and continue to advocate with elected officials about the need for a legislative fix that can provide a pathway to legal status for those most vulnerable of losing their work authorization.

To learn more about how employers can be more active, read Professor Bill Ong Hing's article titled [**Resisting Employer Sanctions: A Strategy for Civil Disobedience**](#).

STAY UPDATED

For more information and news related to DACA, visit [**ilrc.org/daca**](http://ilrc.org/daca) and [**immigrantsrising.org/beyond-daca**](http://immigrantsrising.org/beyond-daca)

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