

Supporting DACA Team Members: A Guide for Employers

Concrete ways employers can support their DACA-impacted employees, interns and contractors in a time of uncertainty

IN REGARD TO THE UPCOMING SUPREME COURT CASE DECISION ON DACA

BACKGROUND

The [Supreme Court heard oral arguments on November 12th of 2019](#) regarding the prolonged legal battle over the Trump administration's efforts to end DACA. In their rulings, the Court will decide the following:

1. Whether the decision to rescind the DACA program is reviewable and, if so
2. Whether the decision to end the program was lawful.

RECOMMENDATIONS

Employers can engage and show their support in a variety of ways. Below is a list of ways to internally and externally support their employees. We expect the court to rule on the legality of rescission, not on the legality of the program. We do not expect that the ruling would endanger existing work permits or change their expiration dates.

1. Ensure DACA recipients know that due to the Coronavirus, USCIS has closed their offices as of March 18th and suspended all biometrics appointments until further notice. The agency will reuse previously submitted biometrics in order to process work authorization applications. Resources are available to help with the DACA renewal process at www.InformedImmigrant.com, employers can assist with employees' DACA renewal fees and encourage them to consider speaking with an immigration attorney and applying as soon as possible.
2. Perform a company-wide showcase of solidarity on the day the Supreme Court issues their decision.
3. Film and share brief videos with company leadership showing organizational or individual support of DACA Recipients. Please contact Fwd.us if you'd like support on this project.
4. Show your support on social media; Facebook, Instagram and Twitter.
5. Write and submit an Opinion piece to a local news outlet or publication.
 - Check out [this guide](#) for further instructions.
6. Support local organizations and nonprofits hosting renewal workshops or scholarships.
 - Find a list of recommended organizations [here](#).
7. Publicly share how you're engaging and supporting DACA

SEE EXAMPLES OF PAST SUPPORT FROM THE BUSINESS COMMUNITY BELOW



Jamie Dimon, Chairman and Chief Executive Officer of [JPMorgan Chase & Co. and Chairman of Business Roundtable](#).

America is and always has been a country of immigrants. We should do everything in our power to continue to attract the best and brightest because they make us stronger as a people and as an economy. And, when people come here to learn, work hard and give back to their communities, we should allow them to stay in the United States," [Johnson and Johnson clip](#)



time.com/4927825/spotify-dreamer-playlist-daca/



U.S. Chamber of Commerce

[U.S. Chamber Statement on DACA Decision](#)

Tuesday, September 5, 2017 – 11:00am

WASHINGTON, D.C. — U.S. Chamber of Commerce Senior Vice President and Chief Policy Officer Neil Bradley issued the following statement regarding the announcement to wind down the Deferred Action for Childhood Arrivals (DACA) program:

"The original DACA program announced in 2012 was premised on sound public policy, and unlike DAPA, it was not challenged in court. Individuals enrolled in good faith and became ingrained in our communities and the nation's economy. To reverse course now and deport these individuals is contrary to fundamental American principles and the best interests of our country.

"With approximately 700,000 DACA recipients working for all sorts of businesses across the country, terminating their employment eligibility runs contrary to the president's goal of growing the U.S. economy.

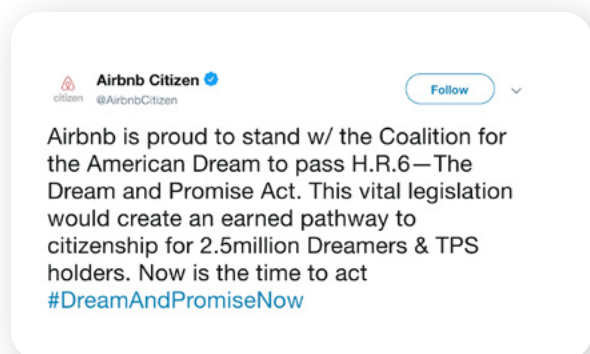
"We ask that the administration and the Congress work together to quickly find a legislative solution before the program expires."



Senior Executive Vice President and Chief Diversity Officer in Public Policy [Comcast NBCUniversal](#), including Telemundo

"Swift action to protect Dreamers is consistent with our values as Americans and in the best interests of our country. We are hopeful that Congress will act in a bipartisan manner swiftly to resolve this issue for all families affected by Tuesday's announcement."

<https://time.com/4927825/spotify-dreamer-playlist-daca/>



[Apple CEO Tim Cook](#)

"In a note to employees, meanwhile, Apple CEO Tim Cook similarly said he is "deeply dismayed" by Trump's decision — and pledged the company would "work with members of Congress from both parties to advocate for a legislative solution that provides permanent protections for all the Dreamers in our country."

Cook also said the company would provide the roughly 250 at Apple affected by the decision with the "support they need, including the advice of immigration experts."

"On behalf of the hundreds of employees at Apple whose futures are at stake; on behalf of their colleagues and on behalf of the millions more across America who believe, as we do, in the power of dreams, we issue an urgent plea for our leaders in Washington to protect the Dreamers so their futures can never be put at risk in this way again," Cook said in the note obtained by Recode."



[Chairman and CEO The Walt Disney Company Robert Iger](#).

"Rescinding DACA is cruel and misguided. Dreamers contribute to our economy and our nation. Congress must act fast to protect them!"

For more detailed ways to support your DACA employees outside of the Supreme Court Case decision in the everyday work environment, please review the suggestions and resources below.

EMPLOYEE SUPPORT

1. Provide **financial assistance** for DACA renewal application processes. A DACA renewal application is \$495, not including preparation costs (legal consultation, postage and other materials).
 - These costs can be prohibitive to the employee, and it is within an employer's rights and interest to provide this service. If an employment authorization document (EAD) expiration date is nearing and your employee has not yet received his/her renewal, contact your U.S. Senator or Representative and request that they work with USCIS to expedite the application. Among other reasons, a basis to request expedited processing of a request is severe financial loss to the company or person. Please note that employees have no legal obligation to inform you of the expiration date on their EAD.
 - [Expedite criteria](#)
2. Offer **immigration legal assistance/counsel** to immigration-impacted employees, contractors, and family members of employees, including spouses, parents, siblings, etc. (using outside counsel to avoid potential conflicts). Assistance can include legal defense of employees who are detained or encounter other legal troubles arising from losing protection from deportation (i.e., their DACA status and ancillary work authorization).
3. Arrange **employee-centered, supportive offboarding programs** for employees unable to renew their work authorization and who are forced to leave the workplace. Review existing company policies to determine if affected employees can receive separation benefits, including accrued sick leave, vacation leave balances, and continuation of health benefits. Consider what health care benefits can be extended despite termination.
4. Prepare for possibility of a Supreme Court decision upholding termination of DACA. Employees will need legal assistance/counseling regarding whether DACA work permits remain valid until their expiration date. For employees whose work authorizations are close to expiration, review company policies to determine availability of separation benefits and continuation of health benefits. Provide legal assistance/counseling to employees who lose work authorization regarding the possibility of creating an independent contractor/LLC and/or obtaining a nonprofit, government, or private sector fellowship.
5. Assuming the employer has an employee assistance program (EAP), remind immigration-impacted employees of available **mental health resources**.
 - If your company does not already have existing EAPs in place, 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.
6. **Host a regular call** with senior management, HR, and directly affected individuals to ensure that the company is being attentive to employees' needs.

7. 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. Consider using outside counsel to host this training.
 - 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.
 - Plans should include employees' emergency contact list, attorney's contact information, family contact, and alien numbers as necessary.
8. Make all **training 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.
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 consent to this information being shared.

SOLIDARITY AND SERVICE

1. Ask large law firms used by the company whether they will agree now to **participate in pro bono program** being set up that, if DACA termination is upheld, will provide advice to DACA recipients and to small/medium sized businesses that employ DACA recipients.
2. Commit **company or contracted lawyer's hours** to provide in-house, pro-bono legal assistance at local immigrant-serving organizations. You can find a list of organizations to volunteer [here](#).
3. Join the '[I Stand With Immigrants](#)' initiative to promote solidarity throughout the calendar year and publicly showcase your support for immigrants/ immigration reform.
 - Publish a blog post on immigrant contributions within the company/organization
 - E.g.: Celebrate Immigrant Heritage Month in June
4. Collaborate or support internal collaborators who partner with immigrant-serving community organizations to offer volunteer and/or mentoring hours that capitalize on company or employee strengths and expertise.
 - E.g.: Employees from a financial institution conduct a financial literacy workshop with an immigrant-serving community organization and its members
5. Support [Informed Immigrant](#)'s work with local organizations providing immigration legal services.
 - Sponsor a legal services clinic for immigration and consular services
 - Donate to a Know Your Rights card fund for local immigrant-serving organizations. [KYR cards \(example\)](#) have prevented civil rights violations of undocumented individuals in the past.
 - Sponsor a local know your rights training for a school, faith group, youth group or other community organization.