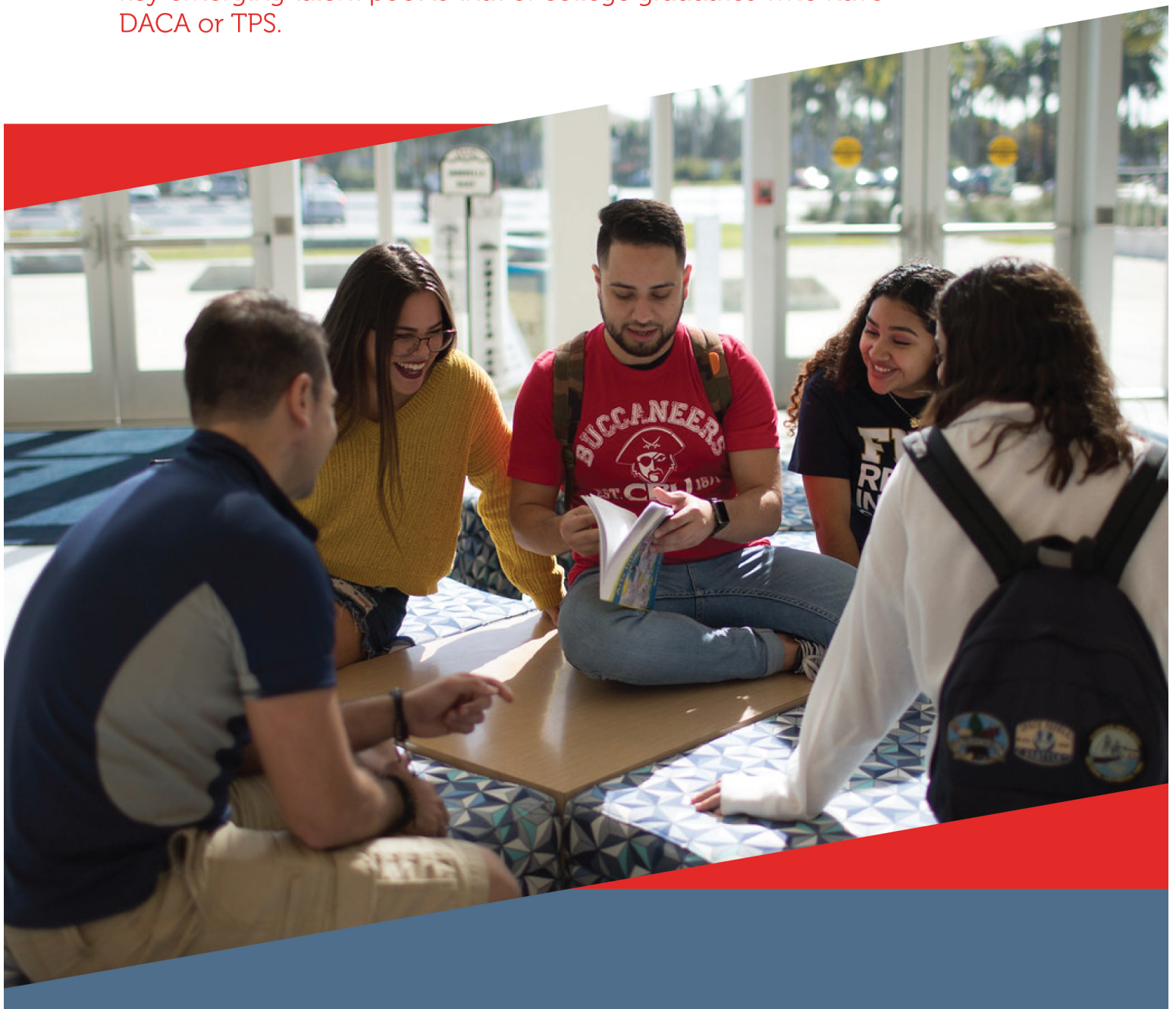


## An Employer's Guide to Hiring Individuals with DACA or TPS

As employers look to expand and diversify their workforces, a key emerging talent pool is that of college graduates who have DACA or TPS.



Across America, DREAMers with work permits are graduating from our colleges – ready to go to work. These graduates – who are from countries around the world and have grown up in the United States – have proven themselves to have an incredible work ethic and the motivation and determination to succeed in college and life. They are eager to find meaningful careers that will enable them to contribute to the social and economic prosperity of our country.

To help you tap into this talent pool, we have prepared the following FAQ to help you understand both the rights of this talented group of college graduates and how you can bring them into your workforce.

The FAQs below will help you understand how to hire these graduates.

#### **Who are DREAMers?**

DREAMers are young undocumented immigrants who came to this country at a very young age. DREAMers, as they are commonly known, have grown up in this country, have attended our schools and are leaders in their communities. The majority of DREAMers have DACA and some have TPS.

#### **What are DACA and TPS?**

In 2012, President Barack Obama put in place a policy called Deferred Action for Childhood Arrivals (DACA) that enabled undocumented young people who meet stringent eligibility criteria to apply for protection from deportation and an employment authorization document (EAD) that allows them to legally work in the USA. This authorization can be renewed every 2 years.

TPS is a humanitarian status given by the Secretary of Homeland Security to eligible foreign-born individuals who are unable to return home safely due to conditions or circumstances preventing their country from adequately handling their return. TPS holders can apply for a EAD as well.

#### **What are the rights of employees with DACA or TPS and an EAD?**

Employees with a valid EAD can legally work and you cannot refuse to hire them because of their DACA/TPS status.

#### **Should I ask an applicant if they have DACA or TPS?**

No. Neither DACA nor TPS holders are required to disclose their status and you may not ask whether they are DACA or TPS recipients. You also may not ask what the employee's immigration status is. You only need to know if they can lawfully work.

#### **What are my obligations with regard to employees with EADs?**

At hiring, all employees are required to produce documents that satisfy the Form I-9 requirements. Employees with DACA or TPS may use an EAD to do so.

You cannot ask employees with DACA/TPS for more or different work authorization documents than what is permitted by the Form I-9. Likewise, you cannot reject work authorization documents because of the applicant's citizenship status or national origin.





**Can I rescind a job offer if an employee presents an EAD or if the EAD will expire in the near future?**

No. This is a form of employment discrimination.

**Once an employee with an EAD is hired, can I ask them to re-verify their EAD?**

No. Once the Form I-9 or E-Verify process is completed you should not ask to see an employee's EAD (or any other employment eligibility verification document) until the time that it is to expire.

You are required to track Form I-9 expiration dates and reverify I-9 documents when they expire. You cannot terminate the employee for failing to meet I-9 requirements before the EAD expires. When it does expire, you must give an employee a reasonable period of time to present other I-9 documentation.



**If an employee has a lapse in work authorization, what options can I consider?**

You can give the employee a reasonable opportunity to present documentation of lawful employment authorization before terminating employment on that basis. If you reasonably believe the employee will present updated I-9 documentation shortly, you can place an employee on unpaid leave until the updated documentation is presented.

If you terminate the employee who has lawful employment authorization, it can violate federal law and subject you to substantial fines and penalties.

**Do I need to provide immigration sponsorship to employees with DACA/TPS?**

No. DACA/TPS does not require an employer sponsor and a DACA holder can leave one employer and move to another without losing work authorization.

## How can I support DACA/TPS employees?

- Ensure HR and hiring managers are informed of the rights of DACA/TPS applicants and employees;
- Create a welcoming environment where diversity and inclusivity are appreciated and hateful or discriminatory treatment or language are not tolerated;
- Advocate for federal and state protections for DREAMers including access to in-state tuition, federal and state financial aid, professional licensure (e.g., nursing licenses), and other protections that will enable them to fully participate in our country;

## What is TheDream.US and who are TheDream.US Scholars?

TheDream.US is the nation's largest college access and success program for immigrant youth, having provided more than 5,000 scholarships to students with DACA and TPS at more than 75 partner colleges in 15 states and Washington, DC.

Our Scholars are highly motivated, resilient, and driven students who went through a rigorous selection process to receive TheDream.US Scholarship. They are thriving and leading on their campuses. Their overall persistence rate is 83%; their average GPA is a 3.2; and they are joining and leading college student bodies and clubs while often holding 1 to 3 jobs. These are people you want working for you!

### Resources

TheDream.US - To partner with us to hire highly motivated and diverse employees contact [tania.wilcox@TheDream.US](mailto:tania.wilcox@TheDream.US)

### Data Resources/Graphs

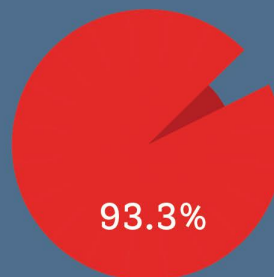
<https://www.newamericaneconomy.org/locations/national/#the-daca-eligible-population>

## The DACA-Eligible Population

DACA-eligible people contribute billions of dollars to the U.S. economy. Clawing back the protections afforded to DACA recipients will likely upset local economies, communities, and schools, hurting employers and businesses dependent these young immigrants as workers and customers.

### Number of DACA Eligible Residents

1,250,202



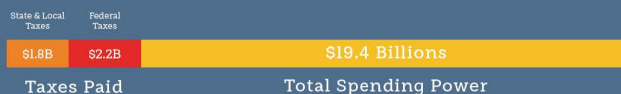
Share of DACA Eligible Population in Labor Force that is Employed



Number of DACA-Eligible Entrepreneurs

### DACA Holders' Household Income

\$23.4 Billions



### Did you know...

91% of DACA recipients - or roughly 627,900 individuals - are currently working and 18 of the top 25 Fortune 500 companies have DREAMers in their workforces.

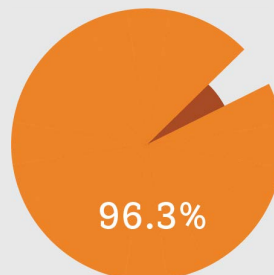
(Source: <http://fortune.com/2017/09/07/daca-dreamer-employers/>)

## Temporary Protected Status Holders

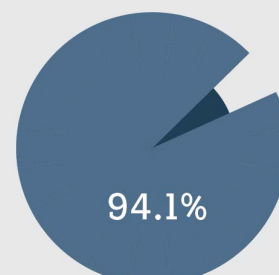
Recipients of Temporary Protected Status (TPS) have made enormous contribution to various industries and paid a significant amount in federal, state, and local taxes in the United States.

### Number of TPS Holders

318,170



Share of TPS Holders Working Age



Share of TPS Holders in Labor Force Employed

### TPS Holders' Household Income

\$7.3 Billions

