



# Career Services Practitioners:

## *What to Know When Advising Undocumented Students*

### About Undocumented Students with DACA & TPS

#### **Who are DACA and TPS holders?**

DACA (Deferred Action for Childhood Arrivals) is a program that allows undocumented immigrants who came to this country at a young age (their average age of arrival is 7 years old) and have grown up in the United States. TPS (Temporary Protected Status) is a program that protects immigrants who were forced to leave their countries because of natural disasters, civil unrest, or violence. They have attended our K-12 schools and colleges and are a part of our communities.

#### **Are undocumented students with DACA or TPS able to legally work?**

Yes. DACA holders have a renewable two-year employment authorization document (EAD) that allows them to legally work without sponsorship. TPS holders also have renewable employment authorization. ***An employer does not have to sponsor an individual with DACA or TPS – they can hire them just as they would any U.S. citizen.*** It is unlawful for an employer to refuse to hire DACA or TPS holders with a valid work authorization because of their DACA or TPS status. Undocumented students without DACA or TPS status do not have work authorization but have alternative career pathway options including independent contracting, starting a business, or joining a workers' cooperative.

### **Undocumented Students with DACA or TPS (work authorization)**

- DACA and TPS recipients have full work authorization for the duration of their status and are legally able to work in the United States. Their employment authorization card (which looks like a driver's license) includes a social security number and expiration date.
- DACA and TPS recipients are eligible and can apply to most job and internship opportunities; they are not eligible for opportunities that require U.S. Citizenship.
- Because they have work authorization, DACA and TPS recipients do not need work sponsorship. On job applications, DACA and TPS recipients should answer "No" to the "Do you now or in the future require sponsorship for employment visa status?"
- DACA and TPS recipients are not required to disclose their status at any point to employers. The [Disclosing your Status during Job Interviews](#) video can help recipients decide whether or not to disclose their status.
- Once a recipient accepts a job offer, they will have to provide proof of work authorization (their EAD card). Their EAD card is the only work authorization document the company's HR office needs.
- It is unlawful for employers to deny employment to DACA and TPS recipients based on their status.
- DACA recipients work in many industries including healthcare and education. DACA recipients work for many of the top 25 Fortune 500 companies, including Apple, Amazon, and Wells Fargo.



## Undocumented Students without DACA or TPS (no work authorization)

- Undocumented students without DACA or TPS do not have work authorization and are not legally eligible for employment opportunities. However, they have alternative career pathway options including independent contracting, starting a business, or joining a workers' cooperatives. (Note: These opportunities are not employment-based and do not require work authorization.)
- Undocumented students without work authorization can legally earn income using an Individual Tax Identification Number (ITIN) or an Employer Identification Number (EIN) so long as they file and pay taxes each year.

## Career Pathways for Undocumented Students without DACA or TPS

- **Independent Contracting:** An undocumented student will need an ITIN in order to work and pay taxes as an independent contractor. Undocumented students without DACA or TPS may already have an ITIN if their parents have filed income taxes and claimed them as a dependent. They can find out if they have an ITIN by reviewing their parents' tax forms. If they have an ITIN, they should find out if it has expired. Information on ITIN expiration and renewal can be found here: [IRS ITIN video](#). For those that do not have an ITIN, they can learn how to obtain one here: [ITIN Guide](#) or [Independent Contractor Forms video](#) from Immigrants Rising. (Note: Obtaining an ITIN is a lengthy process and can take several months.) Independent contracting includes freelancing, consulting, and participating in the gig economy.
  - **Parker Dewey Micro-Internships:** Parker Dewey works with employers to offer students paid micro-internships as independent contractors. Undocumented students with an ITIN and/or SSN are eligible for these projects.
- **Starting a Business:** Undocumented students can start their own businesses. They can learn how to do so through resources created by [Immigrants Rising](#) and [Spark's Entrepreneurship Hub for Immigrants](#).
- **Worker Cooperatives:** A worker cooperative is a business that is structured as an LLC that is owned and managed by its members. Visit the [Democracy at Work Institute](#) for information on the worker cooperative model.

## Graduate & Professional School Resources for Undocumented Students

- [TheDream.US Mini-Conference Resource List](#)
- [Navigating Graduate School: Resource Guide for Undocumented Students](#)
- [NYSYLC Undocu-Grad School Guide](#)
- [Immigrants Rising Law School Guide for Undocumented Students](#)
- [TheDream.US Law School Guide](#)

## Additional Resources

- **[TheDream.US General Guides:](#)** TheDream.US is the nation's largest college and career success program for undocumented students.
- **[Higher Education Immigration Portal:](#)** A digital platform that integrates data, policies, effective practices, and resources for immigrant students including state level information on in-state tuition, state aid, and professional licensing policies.
- **[List of Companies in Support of DACA/TPS Holders:](#)** Companies that have used their voices in support of DACA and TPS holders.