Update on DACA and Overview of Employment-Based Options

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Path2Papers

Bridging Opportunities for DACA Workers and Employers

Who are we?

Path2Papers (P2P) is a new nonprofit venture housed at Cornell Law School to help DACA recipients and employers pursue immigration work visas and other pathways to legal permanent residency

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What is DACA?

Deferred Action for Childhood Arrivals (DACA)

- Administrative policy created by the Obama Administration in 2012

- Provides temporary protection from deportation, work authorization, and ability to travel under limited circumstances

- Does not lead to U.S. citizenship

- Have to renew every two years

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Who is Benefiting from DACA?

How many people have DACA?

- **580,000** persons with DACA nationwide
- **183,000** in California
- **11,000** in the SF Metro area

Who is Benefiting from DACA?

DACA recipients possess advanced levels of education

- 47% with some college education nationwide

- 67% with some college education in SF Metro area

DACA recipients play a significant role in the workforce

- 94.1% in the workforce

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What is happening with DACA?

Texas v. United States

- We knew DACA was vulnerable from the day it was first introduced

- Lawsuit challenging the legality of DACA pending before Fifth Circuit

- After Fifth Circuit ruling, can appeal to the U.S. Supreme Court

- If U.S. Supreme Court decides to take on case, ruling could happen sometime in **Summer or Fall 2025**

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How should we prepare for a possible DACA termination?

Need to prepare now in case DACA ends next year

- Get legal consultation

- Having follow-up discussions before filing

- Some filings can take a while

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Overview of Employment Based Immigration Options

- Existing law allows for employers to sponsor an employee to obtain a different form of lawful status

- Employment-based options:

    - Green Cards

    - Non-immigrant Visas

Common Employment Based Immigration Options: Green Cards

- PERM (Labor Certification)

  - Filed with Department of Labor

  - For most green card applications, PERM must be filed first

  - Advertise job to show that no U.S. worker is "able, willing, qualified, and available" for job

- Green Card: Some categories don't require educational degree

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Common Employment Based Immigration Options: Nonimmigrant Visas

- H-1B

  - At least a bachelor's degree or its equivalent

  - Specialty Occupation: Degree and job must match

  - 65,000-85,000 visas a year so generally must enter lottery

  - *Colleges and universities, and certain government and non-profits are exempt from lottery

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Biden's Policy Announcement: Easing the Nonimmigrant Visa Process for U.S. College Graduates

- June 18

  - Easing D-3 waiver to be able to obtain nonimmigrant visa

    – Individuals with a degree from a U.S. institution of higher education and who come to work for a U.S. employer related to their education, are considered to have a positive effect on U.S. public interests.

  - Expedited

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Statistics

- Over 300 consultation in a few months
  - At least 54% are potentially eligible for an employment-based option

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Examples

- Organizer at immigrants' rights organization
- Staff at community health clinic
- Immigration attorney at nonprofit service provider
- Staff at school's undocumented service center
- Success Stories:
  - https://sites.lawschool.cornell.edu/path2papers/success-stories/

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How can P2P support?

- Path2Papers (P2P) can help eliminate legal and financial barriers to sponsorship:

- Free legal consultations to DACA recipients and their employers

- Free legal representation for Bay Area nonprofits, colleges and universities, and government agencies who sponsor DACA recipients

- Visit path2papers.org

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