

Workplace Policies to Support Staff Directly Affected by the Immigration System

Summary

We believe that supporting all members of our team is essential to the health and success of our organization. We have consistently endeavored to support our staff who are directly affected by United States immigration policy. These policies exist to promote flexible, inclusive, and equitable workplaces where employees can thrive.

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Section I. Who Qualifies

The following individuals are eligible for the assistance described below; the particulars of the benefits may vary by category and are defined in this policy:

- A. Current full-time employees and interns, who are non-citizens, with either (a) current or expired Deferred Action Childhood Arrivals (“DACA”), Temporary Protected Status (“TPS”), Deferred Enforced Departure (“DED”), Lawful Permanent Resident (“LPR”), an employment-based visa, or similar status, and/or (b) Undocumented Direct Family Members.
- B. Former full-time employees who (i) worked for the organization for at least one (1) year and (ii) left in good standing, with either (a) current or expired DACA, TPS, or similar status, and/or (b) Undocumented Direct Family Members. Former employees are eligible for the assistance described herein for up to three (3) years following the employee’s last date of employment with the organization. Undocumented Direct Family Members are eligible for assistance for up to one (1) year following the employee’s last date of employment with the organization.
- C. Former interns who completed the full term of their contract and left in good standing, with either current or expired DACA, TPS, or similar status. Former interns are eligible for the assistance described herein for up to three (3) years following their last date of employment. This does not apply to interns’ Direct Family Members unless otherwise noted by the President or COO.

“Undocumented Direct Family Members” include the following: a spouse, parent, sibling, or child with current or expired DACA, TPS, or with no immigration status/no current protections.

The benefits provided to interns may be limited based on their time at the organization.

Section II. Visas, DACA, TPS, Loss of Work Authorization, and Naturalization

Please note that if the value of any benefits described herein is determined to be taxable income to the recipient, the recipient will be responsible for reporting and paying such tax obligations.

EMPLOYEE VISA AND NATURALIZATION SUPPORT

For current employees who are on an employment-based visa, the organization covers the costs associated with visa preparation and filing. Additionally, the organization will sponsor an employee for a green card and pay associated costs, once the employee has successfully completed the standard 90-day probationary period with the organization; the organization has the discretion to begin this process before then. Travel delays for those on an employment-based visa will not change employment status.

The organization will pay applicable filing fees, legal fees, and postage costs associated with naturalization applications for current full-time employees and interns as legally permissible. This includes Lawful Permanent Residence and naturalization costs.

When possible, the organization may consider sponsoring employees with DACA or another temporary immigration status for an employment-based green card or temporary work permit.

DACA FEES, APPLICATIONS, AND LEGAL COSTS

The organization will pay DACA renewal fees and standard preparation costs (limited to legal consultation, biometrics services, travel costs, postage, and materials) associated with DACA renewal applications for (a) current employees, (b) current interns, and/or (c) Undocumented Direct Family Members of the above. Other areas of support may include encouraging and helping staff to open a case file with a congressional representative or other advocacy avenues.

For former interns who left the organization in good standing, the organization will cover the cost of the intern's next DACA renewal application and associated legal fees. For former full-time staff, the organization will cover a subsequent DACA renewal and associated fees as well.

TPS FEES, APPLICATIONS, AND LEGAL COSTS

The organization will pay TPS renewal fees and standard preparation costs (limited to legal consultation, biometrics services, travel costs, postage, and materials) associated with TPS renewal applications for (a) current employees, (b) current interns, and/or (c) Undocumented Direct Family Members of the above. Other areas of support may include encouraging and helping staff to open a case file with a congressional representative or other advocacy avenues.

For former staff and interns who left the organization in good standing, the organization will cover the cost of the intern's next TPS renewal application and legal fees that come with the application process. For former staff, the organization will cover a subsequent TPS renewal and associated fees as well.

CONSEQUENCES OF LOSS OR LAPSE OF WORK AUTHORIZATION

In the event that a staff member or intern experiences a loss or lapse in work authorization and said individual is no longer authorized to work in the United States, the organization will initiate a thoughtful offboarding process to include the following steps:

- To the extent possible, the organization will honor the wishes of the individual regarding whether the loss of work authorization will be disclosed in public or internal communications.
- Senior management will work with staff on a personalized off-boarding plan designed to maximize all of the resources described in this policy and answer any and all questions for the affected individual.
- At its discretion, the organization may offer full-time staff a severance package in exchange for the individual's execution of a separation agreement containing a general release of claims and other standard terms.
- At its discretion, the organization may provide additional off-boarding support as permitted by federal, state, and local laws.

Some common examples of support include:

- **Salary continuation** - usually an amount based on years of service or position.
- **Insurance benefits** - Although an organization's insurance plan may not allow a terminated employee to remain on the group health plan, COBRA benefits may apply, and the employer may pay the COBRA premium (or a portion thereof) for a specified period of time.
- **Uncontested unemployment benefits** - an employer may agree not to challenge an exiting employee's application for unemployment benefits.
- **Outplacement services** - assistance with finding a new job or time-off flexibility to apply or interview for new jobs.
- **References** - an agreement on what information will be disclosed to future employers. Be sure to obtain legal advice before agreeing to omit information if there is a chance that the employer may, in the future, be held liable for that omission.
- **Miscellaneous** - other factors that may be relevant to the individual employee's situation, such as loan forgiveness or the transfer of an employer cell phone to the employee.

Employers are encouraged to seek legal advice when drafting and requiring waivers for exiting employees. Additionally, some states have severance pay laws.

ADDITIONAL BENEFITS TO CONSIDER, BUDGET PERMITTING

Loss of Work Authorization due to immigration-related policy or implementation changes

Any employee who loses their work authorization due to immigration-related policy or implementation changes will have their job, or a commensurate job, available to them if they regain the ability to work legally in the United States within an allowable time frame, as long as (a) said employee seeks to return to within a legally allowable/acceptable time frame) X months of regaining work authorization TBD by the organization, (b) the organization has not substantially changed in mission, size, or scope to make employment no longer possible, and (c) the employee has not engaged in conduct in violation of the organization's policies.

Loss of Work Authorization due to work authorization expiration

For employees forced to leave work due to work authorization expiration, the organization will make every legally allowable effort to ensure that the employee is not professionally disadvantaged should they become reauthorized to work in the United States. Consistent with business needs, pending promotions or other opportunities may still be available to individuals who become reauthorized to work in the United States and return to work within an allowable time frame, X weeks TBD by the organization.

Additional Legal Support

The organization will provide access to a legal consultation for employees directly impacted by immigration, especially those on temporary statuses such as DACA, TPS, or DED. A legal consultation from a knowledgeable and qualified lawyer can help DACA recipients and other immigrants discover if they are already eligible for an immigration benefit or pathway to legal status that they might not have considered or been aware of.

Legal consultations may uncover pathways for individuals to adjust their status through employer sponsorship. Sponsoring an employee for legal status can provide certainty that they will be able to continue working legally without disruption. Most organizations are not in a position to commit to covering former employees and interns' legal and travel costs for naturalization, given the multi-year application and approval process.

The organization may also consider a legal resources employee benefit available to all employees and/or establish an [emergency relief fund \(ERF\)](#) that will cover legal defense fees for the above-mentioned individuals should they become necessary during the time period defined in the “Who Qualifies” section.

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Section III. Advance Parole

Advance Parole is a policy that allows certain noncitizens, including DACA recipients, to obtain legal permission to re-enter the U.S. in advance of traveling abroad. Because Advance Parole allows DACA recipients to reenter the U.S. legally, it allows some DACA recipients to overcome immigration barriers that would have previously prevented them from adjusting to a more permanent immigration status.

The benefits related to Advance Parole are not extended to Undocumented Direct Family Members of former full-time staff or interns. This is a one-time benefit and does not renew yearly. The accessibility of Advance Parole may vary by presidential administration. DACA recipients should consult with an attorney before applying for Advance Parole.

PROCESS

Prior to starting an Advance Parole application, staff must obtain written prior approval from the designated approver. Employees are advised to include the desired travel dates and the name of the hosting work/education program, if applicable. Again, written approval is required for all Advance Parole cases, no exception.

For informational purposes only. Please consult an employment and labor law professional to ensure your organization's compliance with applicable federal/state laws.

COVERED SUPPORT

Please note that if the value of any benefits described herein is determined to be taxable income to the recipient, the recipient will be responsible for reporting and paying such tax obligations.

APPLICATION FEES AND LEGAL COSTS

The organization will pay the Advance Parole application filing fee of \$575 and standard preparation costs (legal consultation up to \$600) associated with the application for (a) current full-time employees, (b) current interns, and (c) Undocumented Direct Family Members of current full-time employees.

The application filing fee and related legal fees covered by the organization are available only to first-time applicants. For all other applicants, see the section titled "Other Applicants" below.

TRAVEL COST

The organization will cover the cost listed below for one (1) Advance Parole trip per employee for (a) current full-time employees and (b) current interns while they are employed with the organization.

Flight

The organization will cover up to \$1,200.00 USD, before taxes and fees, for one (1) Economy Class round-trip flight ticket for employees traveling abroad with Advance Parole.

Hotel

The organization will cover up to \$250.00 USD, before taxes and fees, per night for a maximum of four (4) nights for employees traveling abroad with Advance Parole. If an employee travels for more than 4 nights, all associated hotel costs must be covered by the employee.

Meals and incidental expenses

Employees will be responsible for covering their own meal and incidental expenses while traveling abroad with Advance Parole.

Undocumented Direct Family Members of current full-time employees

The organization will reimburse up to \$1,000.00 per employee for flight and/or hotel expenses for undocumented direct family members of current employees traveling abroad with Advance Parole. This is a one-time benefit and does not renew yearly.

ADDITIONAL LEGAL SUPPORT

InfoPass

In cases where an applicant needs to have an InfoPass appointment for their case, the organization will cover the related costs. The organization will cover the costs related to an InfoPass appointment for first-time applicants only. This may include travel to the local USCIS appointment and a new AP application fee of

\$575.00 (increasing to \$630.00 on April 1, 2024). It's important to note that Advance Parole application fees during an InfoPass appointment will need to be paid in person by the applicant via check or credit card. In this case, the organization will reimburse the application fee to the employee.

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Section IV. Logistics

APPROVAL PROCESS

Staff eligible for support outlined in this policy must reach out to [insert designated staff] prior to incurring allowable reimbursable expenses for prior approval, budgeting, and tracking purposes.

PERSONAL DAYS

The organization will provide up to 5 days per year of paid time off, not to be deducted from vacation days, for current employees and interns to work on immigration-related matters or preparations for themselves or designated family members. Staff should reach out to their HR representative for more information. These 5 days include travel days for employees traveling with an Advance Parole permit. Employees who wish to travel for more than 5 days may use their vacation days and request approval from their managers.

GENERAL BEST PRACTICES

We ask that if staff identify additional ways to help, they raise those suggestions to management. In addition to the above specific areas, the organization will do the following:

- **Ensure accessible and reliable communication** on a routine basis with the Executive Director, senior staff members, and directly affected individuals to discuss these issues.
- **Host yearly Know Your Rights trainings** during work hours for all staff that cover an individual's rights when interacting with law or immigration enforcement.
- **Upon request, host calls with a mental health professional** to facilitate conversations around mental health and wellness.
- **Provide an employee resource group** where staff affected by the immigration system can discuss current issues and provide support for each other.
- **Provide guidance to managers** on how to handle immigration-related inquiries from law enforcement.
- **Acknowledge the differing levels of comfort of employees with respect to being public** about their immigration status. The organization will seek to ensure we do not wrongly exclude anyone from being considered directly affected, but to the extent possible, we will never "out" someone without their permission.