**DACA Frequent Asked Question**

1. **When does my DACA expire?**

Your DACA and Employment Authorization Documents will remain valid until their expiration date. Look at your DACA for your expiration date.

1. **What happens to my Social Security?**

Your social security number is yours for life even if you no longer have legal authorization to work. If you receive work authorization in the future, you will be able to go back to using your social security number for employment purposes.

1. **Should I tell my employer that my DACA and work authorization will expire?**

You are not responsible for telling your employer that you have DACA, that your DACA has been terminated, or that your work authorization has expired or will expire.

1. **Can my employer ask to see my work permit again?**

Once your work permit expires, your employer has an obligation to ask to see your new work permit. Your employer may re-verify your employment eligibility – and ask to see your documents again – if your document is about to expire or has already expired.

1. **Are there any limits on my employer’s ability to re-verify my work authorization?**

If your employer singles you or a certain group of fellow employees out for re-verification without having legitimate reason – such as the expiration of your document – the employer may be engaging in illegal re-verification. Under immigration law, it is unlawful discrimination for an employer to selectively re-verify the employment eligibility of certain employees on the bases of their country of origin, citizenship, or type of immigration status.

If you believe your employer has engaged in unlawful conduct, seek assistance legal assistance.

1. **Can my employer fire me?**

In general, unless you are covered by a union or other employment contract, employment in the U.S. is considered “at will” and an employer can fire an employee at any time, as long as the employer is not impermissibly discriminating or retaliating against you. If you believe you have been unlawfully terminated, seek legal assistance.

1. **Is there anything else I can do to keep my job?**

Your employer will most likely lay you off when your work authorization expires, since you will no longer have legal authorization to work. In some situations, you may be able to negotiate with your employer to be placed on a leave of absence or reinstated when you can show you are authorized to work again (in the case DACA is re-activated, a clean legislative solution is passed, or you gain work authorization some other way). Your employer could then give you your job (or a comparable job) back when you receive your new work permit.

If your employer is willing to place you on a leave of absence, request that any reinstatement to your previous position be with the seniority that corresponds to your original hire date. Note, however, that your employer is not obligated to do any of this.

1. **Can I work as an independent contractor?**

Businesses are not required to check if an independent contractor has work authorization. Generally, a Form W-9 is used by businesses for independent contractors. The independent contractor is required to provide his/her correct name and Social Security Number (SSN) on the W-9, although workers who are not eligible for an SSN may instead use an Individual Tax Identification Number (ITIN). If the worker does not have a SSN or ITIN, he/she can apply for an ITIN and in the interim, fill out “Applied For” in the space on the W-9 for the tax identification number and leave the W-9 certification blank.

However, regardless of whether you are an employee or independent contractor, individuals are not permitted to work in the United States without work authorization. Nor may businesses contract for labor with someone who the business knows is unauthorized to work.

1. **If I lose my job, am I entitled to be paid out my vacation and paid sick leave balances?**

Generally, yes, but it may depend on applicable state laws, some of which distinguish between accrued paid vacation and paid sick time and require that you be paid out the vacation, but not the sick time. You will need to check the laws of the state in which you were employed and performed the work to determine precisely which types of accrued paid time off the employer is obligated to pay you upon termination. For more information, see https://www.workplacefairness.org/ and <https://www.lawhelp.org/>.

1. **If I lose my job, do I qualify for unemployment benefits?**

No. In order to be eligible for unemployment benefits, a person must be ready, willing and able to work. If you are not authorized to work, then you cannot meet the requirement of being “able to work.”