



Obama Plan Grants Work Authorization to Nearly 5 Million

News

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Kim Thompson was quoted on *SHRM.org* on November 21, 2014. The article “Obama Plan Grants Work Authorization to Nearly 5 Million” discussed how nearly five million undocumented immigrants residing in the United States would be eligible for work authorization under an executive action announced by President Barack Obama.

Kim was quoted on her take of the Deferred Action for Parental Accountability (DAPA) program.

“The deferred action is the splashiest part of the announcement,” said Kim. “For certain industries more than others, this will be crucial. But all employers will have access to a greater pool of workers,” she added.

“I don’t expect you’re going to see employment authorization documents issued to beneficiaries until late next year,” said Kim. “USCIS won’t accept applications until May. The agency takes at least 90 days to process those applications. With four million applications coming in, it won’t happen right away,” she said.

ICE will proceed with their audits and inspections and will expect employers to terminate individuals not authorized to work, agreed Thompson. “But we might see ICE willing to work with employers if individuals flagged in an audit are identified for this deferred action, she qualified. “ICE may work with employers and provide a pass, or some period of time for the eligible worker to apply for the benefit instead of requiring termination. It’s possible,” Kim said.

“I am worried about how we deal with individuals who self-identify to take advantage of the program, and the impact on employers waiting for them to apply for the benefit that will allow them to work legally,” said Kim. “Employers will be put in a position where they are required by law to terminate what might be a good, long-tenured employee because they self-identified too soon.” Kim advised human resources professionals to communicate the announcement to their workforce in a neutral manner, if at all. “Say that it may benefit ‘someone you know,’ without pointing people out, to stay removed from knowing about a person’s undocumented status,” she said. “If someone comes to HR and starts to talk about the announcement or the program, refer them to immigration attorneys or to the USCIS website, but don’t talk about it, because you will then be put on notice about that person’s status. It’s a dangerous position for employers, trying to help longtime workers and also protect themselves.”

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