

Deferred Action for Childhood Arrivals and Eligibility for Georgia Unemployment Insurance

With thousands of Georgians across the state being laid off from their jobs, unemployment insurance (UI) is one of the most important tools Georgia has to keep workers afloat during this public health and economic crisis. Georgia is home to approximately 20,900 active Deferred Action for Childhood Arrivals (DACA) beneficiaries. Since the program began in 2012, these individuals have been afforded an opportunity to work lawfully in the U.S. In Georgia alone, DACA recipients contribute approximately \$66 million a year in state and local taxes and have a spending power of approximately \$802.7 million annually.¹ DACA recipients who have been laid off during the coronavirus pandemic and are in need of assistance should apply for UI if they meet the eligibility criteria.

Here are a few things Georgian DACA recipients should know about UI

What is unemployment insurance (UI)?

UI provides short-term income to individuals who lost their jobs through no fault of their own. In Georgia, the state's Department of Labor (GDOL) administers UI payments.

Can DACA recipients apply for UI in Georgia?

Yes, if they meet all the eligibility requirements.

Georgia law requires individuals to meet all of the following criteria to receive UI:

- 1) A minimum of \$1,134 in wages earned over at least two quarters of the previous year.
- 2) Having been laid off from their last employer due to no fault of their own.
- 3) Proof of lawful presence in the U.S. (A person is lawfully present if they are a U.S. Citizen, lawful permanent resident or are a non-citizen legally present in the U.S. DACA recipients are lawfully present through the expiration date on their most current Employment Authorization Document.)
- 4) Able, available and actively searching for suitable work. GDOL has waived this requirement during the coronavirus pandemic for all new cases filed on or after March 14, 2020, but previous applicants must still meet the requirement.



If the Supreme Court ends DACA, how will that impact eligibility for UI?

If the Court allows the termination of the program, it could wind down DACA over the next two years and let the program expire naturally. The Court's decision could also end the program at the time the decision is released. Due to this uncertainty, DACA recipients should talk to an immigration lawyer about their particular case and renew their DACA as soon as possible. If their DACA expires, they should refrain from applying for UI. At that point, they will neither be lawfully present nor able to continue working lawfully in the U.S.

Are undocumented immigrants without DACA eligible for UI?

No. Unfortunately, individuals who do not have legal authorization to work and are not lawfully present in the U.S. are ineligible for UI, and an application for UI by such person could lead to serious civil and criminal legal consequences.

Does receiving UI make me a public charge?

No, U.S. Citizenship and Immigration Services (USCIS) explicitly states that UI is not a public benefit and is not a factor in a public charge determination. In fact, USCIS considers UI an “earned benefit” because recipients have worked for an employer that has paid a payroll tax to the federal government on their behalf.²

[1] Svajlenka, N. P. (2019, September 12). *What we know about DACA recipients, by state*. Center for American Progress.
<https://www.americanprogress.org/issues/immigration/news/2019/09/12/474422/know-daca-recipients-state/>

[2] U.S. Citizenship and Immigration Services. *Policy manual, Chapter 10. Public benefits (See, Part B. Public benefits not considered)*.
<https://www.uscis.gov/policy-manual/volume-8-part-g-chapter-10>