

# DACA Eligibility & New Preference Points

DATE

October 2, 2024

PREPARED FOR

43<sup>rd</sup> Civil Service Conference



# Introduction

- Legislation (SSB 6157 – Civil Service - Competitive Examination Advantage and Deferred Action for Childhood Arrivals Recipients)
  - Reforms civil service to permit deferred action for childhood arrivals (DACA) recipients to apply for civil service positions
  - Incorporates optional civil service advantage for bilingual and multilingual applicants, applicants with higher education, and applicants with certain prior work experience
- Panelists
  - **James McMahan** – Policy Director at the WA Association of Sheriffs and Police Chiefs
  - **Leo Peng** – Immigration Principal at Foster Garvey
  - **Alexus Chrisley** – Senior Account Manager at ALTA Language Services, Inc.
  - **Steve DiJulio** – Municipal Principal at Foster Garvey

# DACA-Related Provisions

- Relevant Statutes: 41.08.070 (Civil Service for City Fire), 41.12.070 (Civil Service for City Police), 41.14.100 (Civil Service for Sheriff), 77.15.070 (Dept of Fish & Wildlife)
- Citizenship: An applicant for a position of any kind under civil service:
  - Must be a US citizen
  - A lawful permanent resident, or
  - A deferred action for childhood arrivals (DACA) recipient

# DACA-Related Provisions, cont'd

- Liability (RCW 41.04):
  - Any agency that employs a DACA recipient, under these provisions, may not be held liable for any breach of contract resulting from changes in federal law that would prohibit the agency from employing a DACA recipient
- Peace or corrections officers with a general or limited authority WA law enforcement agency shall have the authority to possess and carry firearms, subject to the written firearms policy of the employing agency
- Agencies employing a lawful permanent resident or a DACA recipient must have a written policy authorizing the possession and carry of firearms
- Policy must comply with federal law or regulation promulgated by the USDOJ, ATF, or any successor agency

# DACA-Recipient Verification

**Documentation**. The key documents include:

1. **Employment Authorization Document (EAD)**: This card, also known as a work permit, indicates that the individual is authorized to work in the United States. It will show the category code “C33,” which is specific to DACA recipients.
  - EAD is a list A document which verifies both identity and employment authorization for I-9 verification purpose.
  - No additional document is needed for I-9 if an original, valid EAD is presented.
  - The EAD is valid for 2 years at a time, so the I-9 will need to be reverified every 2 years.
2. **Form I-797** showing **Form I-821D** DACA approval.
  - Form I-797 (Notice of Action) / Form I-821D (Consideration of Deferred Action for Childhood Arrivals)

# DACA-Recipient Verification, cont'd

**Verify Documents.** Check the documents for authenticity. Look for:

- Correct and matching personal information (name, date of birth, etc.).
- Valid dates on the EAD and I-797. DACA status is typically granted for a period of two years, so ensure the dates are current.

## **Use E-Verify (if applicable)**

If you are an employer, you can use the E-Verify system to confirm employment eligibility. Note that E-Verify will only indicate if the person is authorized to work and may not specifically confirm DACA status.

## **Contact USCIS (if necessary)**

If you need further verification and have the individual's consent, you can contact USCIS directly. This might be necessary for legal or employment purposes. However, keep in mind that USCIS has strict privacy rules, and you will need the individual's permission to request their information.

# USCIS Employment Authorization Document (EAD)

# Redesigned EAD 2023

U.S. Citizenship and  
Immigration Services

Before



## Redesign



Display updated artwork for the eagle.



Display data fields in different places than on previous versions of the cards.



No longer display the cardholder's fingerprint on the front.



Have new tactile printing that is better integrated with the artwork.



Have enhanced optically variable ink and new highly secure holographic images on the front and back of the cards.



Have a new layer reveal feature with a partial window on the back photo box.



For more information about the 2023 EAD Redesign, visit [uscis.gov](https://uscis.gov).

# Discussion on DACA-related Provisions

# Advantage Points Provisions

- At the discretion of the agency head within the hiring organization
- Add a maximum of 15% to the passing mark, based on a possible rating of 100 as a perfect percentage
  - 10% for proficiency in two or more languages other than English
  - 5% for proficiency in one language other than English
  - 5% for 2 or more years professional or volunteer experience in the Peace Corp, AmeriCorps, DV counseling, mental or behavioral health care, homeless programs, or other social services professionals
  - 5% for educational qualifications (associate of arts or sciences degree, or higher degree)
- The percentage shall be added to the passing score/grade, until the candidate's first appointment.
- These preference points may not be used in promotional examinations

# Advantage Points Provisions, cont'd

- 10% who has obtained **full professional proficiency** or who is **completely fluent as a native speaker** in **two or more languages** other than English
- 5% who has obtained **full professional proficiency** or who is **completely fluent as a native speaker** in **one language** other than English
  - “**Full professional proficiency**” means the ability to have advanced discussions on a wide range of topics about personal life, current events, and technical topics, including but not limited to law enforcement, emergency services, and public safety-related protocols. Candidates with this level of fluency should demonstrate an extensive vocabulary and be able to carry on a conversation with ease, making only minor mistakes.
  - “**Native speaker**” means a person who was either raised speaking the language or has been speaking it for such a duration that the person is completely fluent

# Discussion on Advantage Points-related Provisions

# Questions?

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