

YOU EARNED IT.



BUT CAN YOU ACCESS IT?

NEBRASKA IS THE **ONLY** STATE WHERE
DACA-RECIPIENTS CANNOT ACCESS
THEIR UNEMPLOYMENT INSURANCE.

Certain individuals, including DACA-recipients and TPS-recipients, are currently blocked from accessing the unemployment insurance that they earned and their employers already paid.

Help us close the gap between the insured and their insurance.

SUPPORT LB 298

Share why **#closethegap** in unemployment insurance matters to you!





QUICK FACTS

- In Nebraska, employers pay for unemployment insurance for each of their workers, regardless of immigration status.
- Current Nebraska law limits access to unemployment insurance to immigrants with lawful presence, which it evaluates based on whether an immigrant is a “qualified alien.”
- “Qualified alien” is a legal term, referring to list of certain categories of immigrant statuses with work authorization, but it does not include all categories of work authorized immigrants and it does not include all lawfully present.
- DACA-recipients, TPS-recipients, and asylum-seekers with work authorization do not fall under the category of “qualified alien” and slip through the cracks when we limit unemployment insurance to “qualified aliens” alone.
- **Nebraska is the only state to deny unemployment insurance access to work authorized applicants. It’s time to change that.**

NEBRASKA IS HOME TO...

**2900
DACA-
RECIPIENTS**

**1500
TPS-HOLDERS**

WHO PAY MORE THAN \$20 MILLION IN STATE TAXES EACH YEAR

Let’s come together over the pandemic and close Nebraska’s unemployment insurance gap. Share why **#closethegap** in unemployment insurance matters to you!



LB 298 FAQ'S

- **What makes unemployment insurance an earned benefit?** There are many types of benefit programs that support our communities through hardships, but they are not all funded similarly. Food Stamps (SNAP), Temporary Assistance for Needy Families (TANF), and Medicaid are all examples of well-known public benefits funded by state and federal taxes. Certain public benefits, however, are funded differently. Unemployment insurance, for example, is substantially funded by taxes on employers' exchange with employees for their performance of work or services. Unemployment insurance is an earned benefit because only people who have worked, for whom unemployment insurance coverage is paid, are eligible to receive it. **The United States Department of Homeland Security explicitly recognizes unemployment insurance as an earned benefit, regardless of citizenship or immigration status, and does not consider it a public benefit even under the highest scrutiny in evaluation of public charge.[1]**
- **How does Nebraska fund unemployment insurance?** In Nebraska, employers pay for unemployment insurance for each of their employees. Period. Whether an employee is a native-born citizen or DACA-recipient, employers pay for each employee's unemployment insurance. Additional funding comes from taxes. To put the numbers into picture: The Nebraska Department of Labor's most recent Unemployment Insurance Fiscal Report reports that the state paid approximately \$67 million in unemployment claims, with the monthly average claim amount around \$300. DACA-recipients make up only about one percent of Nebraska's population, but they pay over \$14 million dollars in state and local taxes annually.
- **Why can't DACA-recipients access their earned unemployment insurance?** State eligibility requirements determine who has access to unemployment insurance. Nebraska law limits unemployment insurance access to immigrants who are lawfully present,[1] as evaluated by whether someone is a "qualified alien." [2] The problem is that "qualified alien" is a federal term of art that describes a list of immigration statuses with lawful presence and work authorization, but the list was written long before the existence of the DACA program. Since DACA-recipients are not listed as "qualified aliens," they cannot access their earned unemployment insurance even though they are lawfully present and have work authorization. Similarly, lawfully present TPS-recipients and others with work authorization cannot access unemployment insurance.

<https://www.govinfo.gov/content/pkg/FR-2018-10-10/pdf/2018-21106.pdf>
<https://nebraskalegislature.gov/laws/statutes.php?statute=4-108>
<https://nebraskalegislature.gov/laws/statutes.php?statute=4-111>



Immigrant Legal Center

An Affiliate of the Justice For Our Neighbors Network

4223 Center Street | Omaha, NE 68105 | P: 402.898.1349 | F: 402.502.4604 | immigrantlc.org



LB 298 FAQ'S

- **Can Nebraska lawfully provide lawfully present and work-authorized immigrants, like DACA-recipients, access unemployment insurance?** Yes—in fact, **Nebraska is the only state to deny DACA-recipients and other such work-authorized, lawfully present immigrants access to the unemployment insurance that they earned.** Federal law establishes that states can provide unemployment insurance access to individuals like DACA-recipients, who do not fall under the category of “qualified alien,” by simply declaring their inclusion. LB 298 does this by adding language from federal law into our code to close Nebraska’s gap between employees insured and employees who can access their unemployment insurance.
- **Why should DACA-recipients have access to unemployment insurance?** Simply put, DACA-recipients are lawfully present, not to mention upstanding, members of our community who deserve to access their earned unemployment insurance, which is already funded. Obstructing DACA recipients’ access to their earned insurance hurts our families and our state, and it makes no sense. DACA-recipients and the immigrant community on whole make enormous contributions and are at the highest risk on Nebraska’s front lines as essential workers in the healthcare and meatpacking industries yet they are excluded from accessing the benefits that they earned. With the pandemic, unemployment access is all the more critical. The immigrant community suffers disproportionately from the coronavirus. Denying access denies families in the most need the resources they need to prioritize their health and well-being.
- **What does LB 298 do?** LB 298 acknowledges that unemployment insurance, unlike other public benefits, is an earned benefit and adds federal language to Nebraska’s unemployment laws to guarantee that DACA-recipients and similarly lawfully present and work-authorized immigrants can access their hard-earned unemployment insurance. LB 298 will help keep important skill and talent in our state.
- **What impact would LB 298 have?** LB 298 would provide nearly two-thousand hard-working DACA-recipients with the security that they can access their hard-earned unemployment benefits and survive if misfortunes like layoffs and illness befall them. Studies show that access to unemployment insurance has positive impacts on physical and mental health, with effects spilling over to children in the household.[1] LB 298 is a sound, sustainable policy that utilizes existing systems to unite lawful Nebraskans with their hard-earned insurance.



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LB 298 FAQ'S

- **Will LB 298 change Nebraska's unemployment insurance structure?** No, LB 298 will make no changes to Nebraska's unemployment insurance structure. Employers already pay for each of their employee's unemployment insurance, and so there are no practical changes necessary to implement LB 298. Administrative costs associated with processing applications is not expected to change, either, as the Nebraska Department of Labor already expends resources processing applications from work-authorized, lawfully present applicants who do not realize that they are excluded from accessing their earned unemployment. To the contrary, claims by such work-authorized, lawfully present applicants would require fewer resources because contested applications demand a more costly appeal process. LB 298 converts wasted resources into needed support for Nebraskans.
- **Does the state of Nebraska benefit from LB 298?** Yes! By fortifying members of our community hardest hit by the coronavirus, LB 298 brings our state closer to beating the virus. LB 298 would also benefit our state financially by positioning it to receive more federal funding that compounds state unemployment benefits.[1] In doing so, LB 298 will bring Nebraska up-to-date with the rest of the country, allowing DACA-recipients earn access to their unemployment insurance. LB 298 will make Nebraska a healthier, stronger, and more attractive state. The CARES Act provided an additional \$600 of federal funding for unemployment benefits each week per claim. If more unemployed people in Nebraska had access to their unemployment insurance, the state of Nebraska could have benefited from thousands of dollars more infused in the economy, like every other state.
- **Do businesses benefit from LB 298?** Yes! For one thing, employers don't like waste, and right now, that's what businesses are buying when they pay for unemployment insurance for employees who cannot access it. Secondly, "Nebraska nice" isn't skin deep among Cornhuskers—small business owners in particular care for their workers, and knowing that one employee will have security that the other lacks complicates inevitable decisions like downsizing and other adjustments because of the pandemic. And for large corporations, such as in the healthcare and technological industries, smart policies like LB 298 help attract and retain highly-sought talent. From Mom & Pop shops to corporate giants, businesses stand to benefit from LB 298, along with the rest of the state. Let's give companies one more reason to do business in Nebraska!

<https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2773234>.



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