



Northern Middle Tennessee Local Workforce Development Board

Workforce Innovation and Opportunity Act Policy Letter

Subject: Verifying Identity and Employment Eligibility

From: Susie Bourque, Director of Policy and Planning

Background:

Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. The I-9 Form is a United States Citizenship and Immigration Services document used by employers to verify employee's identities and establish that workers are eligible to accept employment in the United States. Citizenship is not required for WIOA eligibility. However, applicants must present documentation of either citizen status or legal right to work in the United States. Individuals meeting the requirements set forth in TEGL 02-14 (Eligibility of Deferred Action for Childhood Arrivals [DACA]), along with participants for Title I and Wagner-Peyser Act programs, are granted relief under the DACA Initiative with employment authorization documents. In addition, WIOA Section 188(a)(5) specifies that participation in WIOA is available to citizens and nationals of the U.S., lawfully admitted permanent resident aliens, refugees; asylee and parolees, and other immigrants authorized by Attorney General to work in the United States. Individuals with employment authorization qualify as "immigrants authorized by the Attorney General to work in the United States." Therefore, workforce participants with employment authorization may access any WIOA services for which they otherwise would qualify.

I. Purpose:

This policy will establish guidelines consistent with WIOA Section 188, Section 188(a)(5), TEGL 02-14 and, the I-9 and Naturalization Form used when determining identity, authorization to work and, determine eligibility for Adult, Dislocated Worker and Youth programs.

II. Instructions

American Job Center (AJC) staff must verify if the individual is allowed to work in the United States before providing employment services to individuals.

- A. AJC staff must ask WIOA participants to self-attest as to their citizenship status prior to receiving individualized career or training services. Staff must make a copy of the documents used to verify employment eligibility and upload the information into the participant's Virtual One-Stop file for monitoring and audit purposes. The individual may identify as any of the following:
- Citizen of the U.S.
 - Lawfully admitted permanent resident alien
 - Refugee, asylee, or parolee

- Other immigrants authorized by the Attorney General to work in the U.S.
 - None of the above
- B. If any individual responds that he/she is a DACA recipient then AJCs must ask if they are authorized to work in the US.
- DACA recipient with authorization to work are eligible for all WIOA Title I services. Training services include: On-the-Job training, short term skills upgrade, transitional training services, Work based training, entrepreneur training, apprenticeship, and incumbent worker training.
 - DACA recipient who are not authorized to work are eligible for basic career services. Basic career services include: eligibility determination, outreach and intake, assessment, LMI services, local performance information, information on support services, information regarding UI benefits, assistance in establishing eligibility for education and financial assistance.
- C. AJC staff may ask the individual to fill in the Employment Eligibility Verification 1-9 Form. This document will establish both the identity and employment authorization of the individual. Self-attestation is acceptable as long as the individual self-attest his or her employment authorization on the 1-9 Form. Documentation needed to verify Employment Authorizations includes:
- A U.S. passport or U.S. Passport Card
 - A Permanent Resident Card or Alien Registration Receipt Card (1-551 Form)
 - Foreign passport that contains a temporary 1-551 stamp or temporary 1-551 printed notation on a machine-readable immigrant visa
 - Employment Authorization Document that contains a photograph (1-766 Form)

III. Access to Guidance

For the most current guidance, see "Guidance for Employers Conducting Internal Employment Eligibility Verification Form I-9 Audits", effective February 3, 2017. Available at: <http://www.justice.gov/crt/file/798276/download> . I-9, Employment Eligibility Verification is available as an attachment to this policy or, may be accessed at: <https://www.uscis.gov/i-9> .

IV. CONTACT:

Questions concerning the above may be addressed to the Director of Policy and Planning.

EFFECTIVE DATE:

Effective October 1, 2018 and will remain in effect until amended, modified, or set aside by the Northern Middle Tennessee Local Workforce Development Board.



John Zobl, Chairman

NMTLWDB

Attachments:

I-9 Form – English

Guidance for Employers Conducting internal Employment Eligibility Verification Form

I-9 Instructions – Spanish

I-9 Form - Spanish

