

Subject:

The 1-9 Immigration and Naturalization Form is used when determining identity and Authorization to Work. WIOA service providers also use this form to determine eligibility for Adult, Dislocated Worker and Youth programs.

Purpose:

This document provides information to all WIOA service providers and includes instruction on how to verify that participants are eligible and authorized to work in the United States and are eligible to participate in registered WIOA services.

References:

TEGL 02-14, WIOA Section 188, WIOA Section 188(a)(5)

Background:

The 1-9 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. It is officially known as the Employment Eligibility Verification Form. Employers are legally required to have employees complete the 1-9 Form; including providing required original supporting documents to establish the identity and eligibility of any individual to perform work for an employer in the United States.

Citizenship is not required for WIOA eligibility. Applicants may 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; asylees 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.

Note: Before providing employment services to individuals, AJC staff must verify if the individual is allowed to work in the United States. This includes citizens and noncitizens. Both employees and employers (or authorized representatives of the employer) must complete the

form. On the form, an employee must attest to his or her employment authorization. Please ask the individual to fill in the I-9 Form, complete with date and signature, or go on line to find the form at: <https://www.uscis.gov/i-9>.

I. Instruction:

To ensure compliance with TEGL 02-14, LWDBs must ask WIOA participants to self-attest as to their citizenship status prior to receiving individualized career or training services. LWDBs 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. In alignment with WIOA Section 188, 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

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.

LWDBs 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/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)

U.S. Citizenship and Immigration Services, through the Department of Homeland Security, issued the attached notice to provide the most recently amended 1-9 Form for "Employment Eligibility Verification." This updated 1-9 Form contains a list of acceptable identity and employment authorization documents that reflect current regulations. As of January 23, 2017, the amended 1-9 Form is the only valid version used for identity and employment verification for employment purposes (see attachment). To ensure that WIOA program participants referred for employment purposes have valid identification, it is important that AJCs use the updated list "A" documents.

II. Responsibility of the Local Area to Develop a Policy:

LWSM must create policy/guidance concerning documentation to provide to its Local Board, the American Job Center (AJC) staff, all training providers, and service providers in the area receiving WIOA funds.

III. Federal Register and Additional Guidance:

Each AJC should use the instructions and information on this subject and the additional information provided online on February 3, 2017 at: <https://www.uscis.gov/i-9>
Please read the instruction carefully and pass them to staff directly dealing with participants who need to be informed that they must have legal documents for employment. For the most current guidance, see "Guidance for Employers Conducting Internal Employment Eligibility Verification Form I-9 Audits" (As of February 3, 2017, this document was available at: <http://www.justice.gov/crt/file/798276/download>).

Attachments:

- I-9 Form – English
- Guidance for Employers Conducting Internal Employment Eligibility Verification Form
- I-9 Instructions – Spanish
- I-9 Form – Spanish

Please use the Website below to find documents in English and Spanish to verify Employment Eligibility and the Form I-9 at: <http://www.uscis.gov/i-9>

Instruction Form (English); Eligibility Form (English); Acceptable Document Form (English) (See “I-9, Employment Eligibility Verification”-“Form I-9” – available at: <https://www.uscis.gov/i-9>).

Instruction Form (Spanish); Eligibility Form (Spanish); Acceptable Document Form in (Spanish) is also available at: <https://www.uscis.gov/i-9>.

IV. **EFFECTIVE DATE:** January 31, 2019 and will remain in effect until amended, modified, or set aside by the Southern Middle Tennessee Local Workforce Development Board.

Title: SMTLWDB Policy

Effective Date: January 31st, 2019

Duration: Indefinite

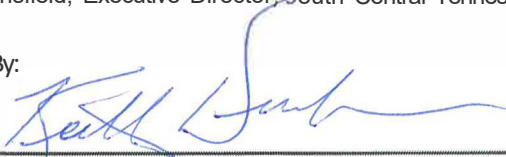
Authorized By:



Jerry Mansfield, Executive Director, South Central Tennessee Development District

Date

Approved By:



12/21/2018

Keith Durham, Board Chair, Southern Middle Tennessee Local Workforce Board

Date