

## FEQUENTLY ASKED QUESTIONS AUTHORIZATION TO WORK VERIFICATION

**FAQ #1** - What are the authorization to work requirements when the Local Workforce Development Board (Local Board) or the WIOA Service Provider is the employer of record?

**Response** - This situation may occur when the Local Area is the employer of record for work experiences. The Local Area must document authorization to work prior to employment in accordance with procedures for employers on the U.S. citizenship and Immigration Services (USCIS) website <http://www.uscis.gov/i-9>

**FAQ #2** – How will staff validate the selective service requirement without a Social Security Number?

**Response** - In order to be eligible to receive WIOA Title I funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Military Selective Service Act. The Military Selective Service Act requires that undocumented immigrants between the ages of 18 and 26 (who do not have authorization to work) register with the Selective Service.

Acceptable documentation to determine a person's eligibility for WIOA Title I programs include the following:

- Selective Service acknowledgement letter.
- Report of Separation form (Form DD-214). Should be used only if veteran was discharged after his 26th birthday.
- Screen printout of the Selective Service Verification site. For males who already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
- Selective Service registration card.
- Selective Service verification form (Form 3A).
- Stamped post office receipt of registration.

Individuals who failed to register by the age of 26 may self-attest that their failure to register was not knowing and willful. This self-attestation satisfies the WIOA Title I selective services. This self-attestation does not satisfy authorization to work requirements for employers.

For further information on Selective Service guidance see WSD15-06, *Selective Service Registration*.

**FAQ #3** - Under what scenario can a Local Area co-enroll an undocumented immigrant in a WIOA Title I and II programs?

**Response** - There are situations where an individual is in the process of adjusting their status and work authorization. For example, an individual is petitioning for lawful permanent resident status

and files for work authorization. The individual could have work authorization granted pending the adjustment, in which case the person is eligible for a broader range of services.

**FAQ #4** – How can Local Areas assist a farmworker (with work authorization) who has limited English proficiency and is interested in learning English and obtaining training?

**Response** – The Local Area may co-enroll the individual in Title I and Title II. The goal would be to start the individual with language acquisition in Title II, and provide work readiness skills in Title I. For the mechanics of how to co-enroll, contact the Employment Development Department’s CalJOBS<sup>SM</sup> team for assistance. A second option is for the Local Area to refer the individual to the local Migrant and Seasonal Farmworker (MSFW) Program (WIOA Section 167 Program). The umbrella organization for the MSFW program is [La Cooperativa Campesina de California](#), which has member partners that provide services across California. Local Areas can better serve the farmworker by co-enrolling the participant and leveraging the funding from both programs. In the case that the farmworker is undocumented, the Local Area should refer the individual to Title II, and provide as many services as possible under Title I.

**FAQ #5** - How can Local Areas provide services for a refugee who is no longer being provided services by a resettlement agency?

**Response** - Refugees entering the United States arrive with documentation of legal status and work authorization and are served through funding from the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR). The best way to provide services to refugees is to establish partnerships with resettlement agencies and community based organizations serving refugees and co-enroll refugees in WIOA Title I or refer to Title II to provide additional English language, job search, work-based learning and/or occupations skills training resulting in employment.

Eligible for ORR funded services to the same extent as refugees, Special Immigrant Visa (SIV) holders from Afghanistan and Iraq may also be co-enrolled in ORR programs, as well as in WIOA Title I or/and Title II to provide additional English language, job search, work-based learning and/or occupations skills training resulting in employment. Services must blend and not be duplicated. Also, in most cases, the “primary” SIV, the individual who worked for the U.S. Armed Forces in Afghanistan or Iraq, is eligible under WIOA Title I, Dislocated Worker, as a result of not only being displaced from his/her home country due to fear of persecution, but also the loss of employment due to the withdrawing of troops from those regions.

**FAQ #6** - How may a Local Area provide services for a federally-certified victim of human trafficking (VOT)?

**Response** - Human trafficking is a crime where force, fraud, or coercion are used to compel a person to provide labor or services (Labor Trafficking) or commercial sex (Sex Trafficking). More information on Human Trafficking can be found with the [Office on Trafficking in Persons](#).

If a foreign national adult is in possession of a HHS Victim of Trafficking Certification Letter, he/she is eligible for federal and state benefits to the same extent as refugees. As such, they can

co-enroll in WIOA Title I and refer to Title II and other programs. This includes ORR's grant funded employment services programs, which are available in refugee impacted counties across the state. When available, efforts should be made to establish partnerships with resettlement agencies and community based organizations serving refugees under these grants to co-enroll in ORR's Refugee Social Services and Targeted Assistance grant programs. Additionally, collaboration with a U.S. Department of Justice , Office of Victims of Crime (OVC) funded Human Trafficking Services grantees providing comprehensive case management services, including shelter, advocacy, health care, as well as mental health services, is strongly encouraged. OVC Human Trafficking Services grantees are located across the nation, including a large number in California.

**FAQ #7** - What services are unaccompanied undocumented minors (UUMs) eligible for?

**Response** - UUM is not an immigration category. UUMs may be undocumented, or may have a pending immigration case, and/or have work authorization. Local Areas should evaluate the eligibility for services of a UUM like any other immigrant. The California Department of Social Services (CDSS) has contractors across the state that provide immigration services to this population, and may be a resource. Local Areas can find a contractor nearby visiting the [CDSS Immigration Branch website](#).

**FAQ #8** – Are there situations where individuals pending a visa decision can receive work authorization in the interim?

**Response** – Yes. For example, U Visa applicants are victims of violent crimes. Those with strong cases can expect to receive work authorization, protection from deportation and finally, legal permanent resident status and green cards. The first step in the application process involves sending a form with the police report to the police department that made the police report in the first place or to the local District Attorney. A signature from either of these two entities is required in order to file a U Visa petition. After submitting the U Visa application, the wait to obtain status can be over three years. However, USCIS occasionally reviews cases and allows applicants to apply for work permits and grants them protection from deportation before they actually receive U Visa status. This is because they plan to approve the petition but a visa is still not available for the applicants. These individuals would have work authorization while their final adjustment is pending.