



ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS FOR WIOA SERVICES

Overview:

Individuals granted relief under the Deferred Action for Childhood Arrivals Act (DACA) with employment authorization documents are eligible to access programs and services under the Workforce Investment & Opportunity Act (WIOA).

While the DACA program has been in effect since 2012, on September 5, 2017, the Department of Homeland Security (DHS) announced the rescission and phasing out of the program. DACA recipients who were eligible to file renewal applications for DACA by October 5, 2017 may receive an additional two-year work authorization extension.

This information notice affirms that DACA recipients with a valid work authorization remain eligible for WIOA services and should be encouraged to participate in WIOA programs until their work authorization permit expires or is otherwise revoked.

Resources:

USCIS [Memorandum from Acting DHS Secretary Elaine Duke](#) Regarding Rescission of DACA.

Background:

On June 15, 2012, the Department of Homeland Security (DHS) announced its "[Deferred Action for Early Childhood Arrivals](#)" (DACA) process for individuals who came to the United States as children and meet a number of requirements.

The DACA program provides recipients with a two-year period, subject to renewal, of deferred action, offering protection from deportation or from being placed in removal proceedings, as well as employment authorization for the period of deferred action. Under current regulations, an individual whose immigration case is deferred is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate an economic necessity for employment.

On September 5, 2017 the Department of Homeland Security initiated the phase out of DACA. Individuals who currently have DACA and work authorization will be able to retain them until they expire or are otherwise revoked.

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

The phasing out of the program provides for the following schedule:

- Initial applications for DACA received as of September 5, 2017 were accepted.
- Renewal requests for DACA received as of September 5, 2017 were accepted.
- DACA renewal requests for those who had DACA and a work permit expire between September 5, 2017 and March 5, 2018 were accepted through October 5, 2017.
- For those who did not file an initial DACA application or whose DACA status and work permit expired on or before September 5, 2017 and did not renew, DACA is no longer available.

Federal DOL Past Action:

On July 14, 2014, the US Department of Labor issued Training and Employment Guidance Letter (TEGL) No. 02-14 available here: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_2-14_Acc.pdf. This TEGL provides eligibility requirements as they relate to DACA recipients.

On January 18, 2017 the US Department of Labor issued [Training and Employment Notice No. 28-16, Change 2](#). The TEN reaffirmed the need to serve English Language Learners, Immigrant, Refugees, and New Americans. TEN No. 28-16 provides sample best practices, partnership models and resources to serve these target populations.

State Action:

The Immigration Branch of the California Department of Social Services (CDSS) Welfare-to-Work Division was created as part of the state budget to provide legal services to DACA-eligible immigrants and to provide naturalization assistance. [The Immigration Branch](#) ensures the development and implementation of programs and funding initiatives necessary to support legal services, outreach, community education, and other immigrant integration efforts. The Branch's initiatives include services to increase access to Deferred Action for Childhood Arrivals (DACA), naturalization, and immigration protections for Unaccompanied Undocumented Minors (UUM). The Immigration Branch can serve as a resource for addressing any questions regarding DACA and other immigration questions.

On September 6, 2017, the California Labor & Workforce Development Agency released a [statement](#) reminding employers that the decision to end DACA at the federal level does not require employers to re-verify work authorization documents.

Through this guidance, the State affirms the need to continue to serve DACA recipients with valid work authorization for as long as their work permit remains valid.

Additional Resources on DACA:

[Immigration Services, California Department of Social Services](#): CDSS has a [list of DACA Legal Services organizations](#) that are funded by the state to provide legal assistance and information around the DACA program.

[Immigrant Legal Resource Center](#): The Immigrant Legal Resource Center provides resources on immigration remedies including DACA, “know your rights” materials for immigrants, along with resources to respond to raids and detentions.

[U.S. Citizenship and Immigration Services \(USCIS\)](#) is the government agency that oversees lawful immigration to the United States. USCIS provides a series of resources regarding DACA online.

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Attachment is available on the internet:

1. List of CDSS Contractors