

How Do I Know if an Immigrant or Refugee is Eligible for WIOA Title I Services?

ALL INDIVIDUALS who seek to access Workforce Innovation and Opportunity Act (WIOA) Title I services are covered by Equal Opportunity regulations and related guidance under U.S. law. See WIOA (Pub. L. 113-128) Section 188 Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38).

To receive services under WIOA Title I, individuals must be US citizens or eligible noncitizens. Eligible noncitizens are those who are authorized to work in the United States. Immigrants or refugees may demonstrate their work authorization using any of the unexpired documents or combination of documents allowed by the federal Form I-9, such as a valid US driver's license and unrestricted Social Security card. Individuals are not

required to present the specific documents listed below; the below documents are examples only.

Further information on assessing individuals' eligibility for WIOA services can be in the US Citizenship and Immigration Services Handbook for Employers M-274. Images showing the different types of immigration documents can be found in the US Citizenship and Immigration Services Guide to Selected US Travel and Identity Documents.

PLEASE NOTE: This checklist focuses on eligibility for WIOA Title I (workforce) services. In contrast, under federal law, WIOA Title II (adult education) services do NOT require individuals to present proof of immigration status or to have employment authorization.

TYPE OF IMMIGRATION STATUS	ARE THEY WIOA TITLE I ELIGIBLE?
Naturalized US citizen	YES. Immigrants who have become US citizens are always employment-authorized. Example of potential documentation: Certificate of Naturalization or a US passport.
Lawful permanent resident ("green card" holder)	YES. Green card holders are always employment-authorized. Even though their card may show a 10-year expiration date, the status is permanent. Example of potential documentation: Lawful permanent resident card.
Immigrant with an I-551 stamp in their foreign passport	YES. Many individuals have this stamp for their first few months in the US, before getting their official green card. Example of potential documentation: Foreign passport with I-551 stamp.
Refugee	YES. Refugee status is permanent, and the person is always employment authorized. Examples of potential documentation: I-766 Employment Authorization Document with a 1-, 2- or 3-year renewable term. Alternatively, refugees who are newly arrived to the U.S. may have a computer-generated I-94 card showing refugee status. This document is valid proof of employment authorization for 90 days. More details are available from US Citizenship and Immigration Services.
Immigrant with Work Permit	YES. Individuals may choose to present foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable visa.
LESS COMMON CATEGORIES	ARE THEY WIOA TITLE I ELIGIBLE?
Asylee (person granted asylum because of persecution in their home country)	YES. Asylees typically have an I-766 Employment Authorization Document that has a 1-, 2- or 3-year renewable term. Example of potential documentation: I-766 Employment Authorization Document.
Asylum-seeker (person who is currently in the process of requesting asylum)	SOMETIMES. If an asylum seeker has been granted a work permit, they will have an I-766 document. Example of potential documentation: I-766 Employment Authorization Document.
Student visa holder	NO. People in the United States under an F1 or J1 student visa are not eligible for WIOA Title I services. (In some cases they may have a temporary work permit which allows them to work on-campus or in other special circumstances, but this does not make them eligible for federally funded workforce services.)
Tourist or visitor visa holder	NO. People in the US on a temporary visitor visa such as a B1 or B2 visa are not eligible for WIOA Title I services unless they have separately obtained employment authorization (for example, if they have filed to seek asylum as described above).
Other visa categories	POSSIBLY. Individuals in other, less common visa categories (such as E or L2) may have employment authorization. If an individual can present the document(s) necessary to satisfy the requirements of the federal Form I-9, he or she is employment authorized.
Deferred Action for Childhood Arrivals (DACA)	YES. Individual may choose to present Form I-766, also called Employment Authorization Document (EAD).
Temporary Protected Status (TPS):	YES. Individual may choose to present Form I-766, also called Employment Authorization Document (EAD).



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