Attachment I

Frequently Asked Questions
Authorization to Work Verification

FAQ #1 – What are the authorization to work requirements when Pacific Gateway or the *Workforce Innovation and Opportunity Act* (WIOA) Service Provider is the employer of record?

Response – This situation may occur when the Pacific Gateway is the employer of record for work experience. Pacific Gateway must document authorization to work prior to employment in accordance with procedures for employers on the U.S. Citizenship and Immigration Services (USCIS) website.

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, as described in WSD16-18 and the sample self-attestation letter. This self-attestation satisfies the WIOA Title I selective services.

For further information on Selective Service guidance see Workforce Services Directive WSD16-18, *Selective Service Registration*.

FAQ #3 – Under what scenario can Pacific Gateway co-enroll an undocumented immigrant in the 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 – 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. Staff 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 #5 – 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 may receive work authorization prior to receiving approval of their U Visa application. To apply for a U Visa, an individual must obtain a certification from a law enforcement agency that the individual was a victim of a qualifying crime and is collaborating with the investigation. 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 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.

Another example can be individuals who have a pending asylum application. After the asylum application has been pending for 180 days, they are eligible to receive work authorization while waiting for a determination.

FAQ #6– For a DACA participant enrolled in training services, can the Pacific Gateway use supportive services to assist with the cost of DACA renewal fees?

Response – Yes. As with LPRs, Local Areas must first consider other available funds. CDSS funds qualified non-profits to provide free legal services for low-income individuals including specific funding to help individuals with DACA. In addition to legal services, participants enrolled in WIOA Title I training activities may receive needs-related payments. Title 20 CFR Section 680.930 defines needs-related payments as payments that provide financial assistance to participants for the purpose of enabling a customer to participate in training. When other available funds do not cover the cost of the DACA renewal in part or in whole, the Local Area may use needs related payments. In accordance with Training and Employment Guidance Letter (TEGL) 19-16, the Local Board must establish the maximum level of needs-related payments.

FAQ #7 – Local Areas are strongly encouraged to enroll individuals who may lack work authorization documents, such as justice-involved individuals and homeless individuals, and use supportive services to help these individuals obtain their work authorization documents. What

supportive services are available to assist individuals with obtaining work authorization documents? What are legal services and what costs falls under the definition?

Response – The Department of Labor (DOL) does not provide an exhaustive list of supportive services for WIOA Title I Adult and Dislocated Workers (Title 20 CFR Section 680.900). The policy offers referrals to legal services as an example of supportive services Local Areas could use to help individuals obtain their work authorization documents. When determining costs that fall under supportive services, Local Areas must consider how the supportive service will enable participation in career or training services, and the availability of funds from other sources.

Legal services are a supportive service that can uniquely address certain barriers to employment such as obtaining a driver's license, expunging criminal records, and resolving issues with debt, credit, and housing (WIOA DOL-only Final Rules preamble page 56158). Before using supportive services to cover the cost of attorney fees, Local Areas must determine that other state programs such as the CDSS cannot provide free legal services or cover the cost of attorney fees.

FAQ #8 – According to this policy, Pacific Gateway must verify authorization to work documents for employer-connected services. Could the EDD please define "employer-connected services?"

Response – Employer-connected services are services that staff must coordinate with an employer including, but not limited to, transitional jobs, job placement assistance, and work experience. For these services, AJCC staff must verify authorization to work documents in accordance with the requirements of the USCIS Form I-9. For services that do not require interaction with an employer like basic skills education, English language instruction, résumé writing, proficiency testing, or initial assessment, career or group counseling, the Local Area is encouraged to not require verification in their local authorization to work policy.

FAQ #9 – Can staff use customer self-attestation for non-employer connected services?

Response – Yes. The intent of this policy is to ensure services are accessible to all Californians, particularly those with barriers to employment. One example of where self-attestation can improve service delivery is when serving the homeless, justice-involved individuals, and transient youth populations. In these cases, individuals may self-attest to their work authorization during the initial assessment (staff-assisted services). Staff can then enroll the individual into WIOA Title I programs and use supportive services to help them obtain their work authorization documents. Once individuals have their work authorization documents, they may participate in employer-connected services and ultimately find meaningful employment.

FAQ #10 – What services can staff provide if an individual states they are not authorized to work in the U.S.?

Response – At a minimum, staff must make self-service and information-only activities available and may refer the customer to other programs such as WIOA Title II or CDSS immigrant services. In situations where an individual is in the process of adjusting their legal status, Local Areas may co-enroll an individual without work authorization in the WIOA Title I and II programs.