

Mass Workforce Issuance

Workforce Issuance No. 14-68

☐ Policy ☒ Information

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: August 25, 2014

Subject: **Eligibility of Deferred Action for Childhood Arrivals Participants for WIA and Wagner-Peyser Act Programs**

Purpose: To notify local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce investment partners of Training and Employment Guidance Letter [\(TEGL\) 02-14](#), dated July 14, 2014 to provide guidance to states and grantees concerning the eligibility of individuals granted relief under the Deferred Action for Childhood Arrivals [\(DACA\)](#) Initiative (DACA participants) with employment authorization documents (employment authorization) for program eligibility for Workforce Investment Act (WIA) and Wagner-Peyser Act programs.

Background: On June 15, 2012, Department of Homeland Security (DHS) announced its “Deferred Action for Childhood Arrivals” (DACA) process for individuals who came to the United States as children and meet the following key guidelines:

- Were under the age of 31 as of June 15, 2012;
- Came to the US before reaching their 16th birthday;
- Have continuously resided in the US since June 15, 2007, up to the present;
- Were physically present in the US on June 15, 2012, and at the time of making their request for consideration of deferred action with US Citizenship and Immigration Services (USCIS);
- Entered without inspection before June 15, 2012, or their lawful immigration status expired as of June 15, 2012;

- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a GED certificate, or other equivalent State-authorized exam in the US, or are an honorably discharged Veteran of the Coast Guard or Armed Forces of the US; and
- Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

The DACA process may result in a 2-year period of “deferred action,” or relief from removal from the country or from entering into removal proceedings, subject to renewal, and issuance of employment authorization for the period of deferred action. Under existing regulations, an individual whose case has been deferred is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate “an economic necessity for employment.”

This TEGL applies to all programs authorized under WIA. State Workforce Agencies and WIA grant recipients must have policies and procedures in place to ensure that the intensive or training services provided to DACA participants under WIA programs are limited to those DACA participants who have employment authorization. The appropriate method of verifying an applicant’s employment authorization will depend upon the requirements and needs of the particular program, including, but not limited to the:

- Nature of the benefits to be provided;
- Need for benefits to be provided on an expedited basis;
- Length of time during which benefits will be provided;
- Cost of providing the benefits;
- Length of time it will take to verify based on a particular method; and
- Cost of a particular method of verification

Action

Required: Please share the TEGL with all appropriate staff.

Inquiries: Additional information on DACA is available at www.dhs.gov/deferred-action-childhood-arrivals and www.uscis.gov/childhoodarrivals.