

**WORKFORCE
ADVISORY**

Number: 15-003
Date: July 22, 2014
Expiration: Continuing

TO: Workforce Investment Act Grant Recipients

FROM: Wanetta Ayers, Director
Division of Business Partnerships

SUBJECT: Eligibility of Deferred Action for Childhood Arrivals (DACA) participants for the Workforce Investment Act and Wagner-Peyser Act Programs

PURPOSE: To provide guidance to staff and grantees concerning the eligibility of individuals granted relief under the Deferred Action for Childhood Arrivals (DACA) Initiative with employment authorization for the Workforce Investment Act (WIA) and Wagner Peyser program eligibility as outlined in Training and Employment Guidance Letter 02-14.

BACKGROUND: On June 15, 2012, Department of Homeland Security announced its process for Deferred Action for Childhood Arrivals (DACA). This program allows certain undocumented immigrants, brought here as children, to live and work legally in the United States on a two-year grant of deferred removal (deportation). These individuals must apply for DACA and meet several key guidelines to be found eligible for DACA and obtain employment authorization.

Section 188 of WIA contains a specific nondiscrimination provision that ensures participation in WIA is available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. Individuals with DACA approval and employment authorization qualify under this provision and may access WIA services.

Workforce Investment Act grants recipients may provide WIA core, intensive and/or training services to DACA participants who have employment authorization. Every individual who is granted deferred action will be lawfully permitted to work. In order to be permitted to work, an application for an Employment Authorization Document must be filed with the DACA application. Once granted it is valid for a period of two years and may be renewed. DACA information and resources are available here at www.uscis.gov/humanitarian. Information on how to avoid immigration scams is available here www.uscis.gov/avoid-scams. Guides on requesting consideration of DACA are available here at www.uscis.gov/tools/how-do-i-customer-guides.

ACTION REQUIRED: Appropriate documentation of DACA approval and employment authorization must be collected and retained in the participant file and must include self-attestation at a minimum.

Any questions regarding this Workforce Advisory should be directed to Shawna Harper, Program Coordinator for the Workforce Investment Act Programs.