

Eligibility - Verification of Lawful Presence Policy

References:

Workforce Investment Act of 1998; Legislative Bill 403; Equal Opportunity and Nondiscrimination policy; Eligibility for Dislocated Workers policy; TEGL 02-14; and DAS Memorandum of July 21, 2009.

Background:

On April 8, 2009, the Governor signed into law Legislative Bill 403 (LB 403), which requires the verification of lawful presence in the United States for recipients of public benefits, public contractors, and public employees. This legislation requires (unless specifically exempted) that “every agency or political subdivision of the State of Nebraska shall verify the lawful presence in the United States of any person who has applied for public benefits administered by an agency or a political subdivision of the State of Nebraska.” The Workforce Investment Act, section 188(a)(5), clarified who was eligible in regard to citizenship when it stated: “Participation in programs and activities or receiving funds under this title shall be 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.” Now that LB 403 has been signed, it is necessary to have every WIA applicant complete the attached “United States Citizenship Attestation Form” as part of the eligibility determination process.

Action:

After the 10 day review period, this policy is considered final. Questions and comments should be submitted in writing to Stan Odenthal, stan.odenthal@nebraska.gov.

Policy:

Beginning October 1, 2009, every agency responsible for determining eligibility for WIA benefits in Nebraska is required to:

1. Have each applicant for WIA services attest that he or she is a U.S. citizen or a qualified alien. This must be done using the format prescribed by the Nebraska Department of Administrative Services (DAS). Attached you will find an attestation form developed by DAS for this purpose.
 - If in the above Step 1, the applicant indicates he or she is an alien, then complete Step 2 as follows:
2. Verify his or her lawful presence in the United States using the SAVE (Systematic Alien Verification for Entitlements) Program operated by the U.S. Department of Homeland Security.

Section 188 of WIA contains specific nondiscrimination provisions providing the availability of participation in WIA to citizens or nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, or parolees, or other immigrants authorized by the Attorney General to work in the United States. Pursuant to the guidance in TEGL 02-14, individuals with employment authorization, including individuals granted relief under the Deferred Action for Childhood Arrivals (DACA), may access any WIA services for which they otherwise would qualify. The SAVE program can confirm the status and eligibility of individuals granted relief under DACA through a verification process using the DACA recipients Employment Authorization Card and "Valid for Work Only" Social Security Card.

United States Citizenship Attestation Form

For the purpose of complying with Neb. Rev. Stat. §§ 4-108 through 4-114, I attest as follows:

I am a citizen of the United States.

— OR —

I am a qualified alien under the federal Immigration and Nationality Act, my immigration status and alien number are as follows: _____, and I agree to provide a copy of my USCIS documentation upon request.

I hereby attest that my response and the information provided on this form and any related application for public benefits are true, complete, and accurate and I understand that this information may be used to verify my lawful presence in the United States.

PRINT NAME

(first, middle, last)

SIGNATURE

DATE

7/2009