

# INSTRUCTION LETTER



**LOCAL INSTRUCTION NUMBER:** WIOA 25-15

**TO:** WIOA Staff, Contractors and Partners

**SUBJECT:** Work Authorization Requirements

**DATE**

**ISSUED:** December 15, 2025

**DATE**

**EFFECTIVE:** Immediately

**DATE**

**EXPIRES:** Indefinitely

**PURPOSE:** To provide guidance on the requirement to verify work authorization for the Workforce Innovation and Opportunity Act (WIOA), Wagner-Peyser (WP), Trade Adjustment Assistance (TAA), National Dislocated Worker Grants (DWGs), Reemployment Services and Eligibility Assessment (RESEA), and Migrant and Seasonal Farmworker (MSFW) programs.

**BACKGROUND:** With the publication of TEGL 10-23, Change 2, DOL has established that all participant-level services are considered “federal public benefits” under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The chart of services that trigger participation is listed in Attachment II of TEGL 19-16, which is attached to this state instruction for ease of access.

**POLICY:** Participant-level services may only be delivered to individuals authorized to work in the United States for the following programs:

- WIOA Title I Adult, Dislocated Worker, and Youth
- WIOA National Dislocated Worker Grants
- Trade Adjustment Assistance
- WP Employment Services
- Reemployment Services and Eligibility Assessment
- Migrant and Seasonal Farmworker

These programs must verify work authorization only for individuals who would otherwise meet participation requirements. To complete the verification, a document must be submitted with a unique identifier. Staff should refer to the List of Acceptable Documents for Form I-9, Employment Eligibility Verification, to identify acceptable documentation for verifying work authorization, found here: <https://www.uscis.gov/sites/default/files/document/forms/i-9.pdf> . Some examples of acceptable documents include:

- An unrestricted Social Security card
- Form I-551, Permanent Resident Card (informally called a green card)
- Form I-765, Employment Authorization Document (EAD)
- A U.S. birth certificate
- A U.S. passport
- A U.S. driver’s license number/government issued identification number

**NOTE:** Self-attestation is NOT an acceptable means to verify work authorization. To receive participant-level services, individuals MUST provide an approved document that illustrates their work authorization.

To determine which documents are issued to which categories of individuals, see the U.S. Citizenship and Immigration Services' (USCIS) Form I-9 central website: <https://www.uscis.gov/i-9-central/form-i-9-acceptable-documents> .

Staff must familiarize themselves with all program services that trigger participation from TEGL 19-16, Attachment II, and ensure that the individual they are serving has had their work authorization verified **BEFORE** providing any participant-level services.

### **SAVE Online Service**

If an individual themselves or their documentation certifies that they are a non-citizen, DOL recommends that valid work authorization and immigration status be verified through the USCIS' Systematic Alien Verification for Entitlement (SAVE). This is an online service for registered federal, state, territorial, tribal, and local government agencies to verify U.S. citizenship and immigration status, as well as to verify work authorization. As of April 2025, SAVE is free to use for state, local, tribal, and territorial government agencies.

In some situations, the initial, automated SAVE response may not reflect an individual's employment authorization status or may provide an unexpected response. In these situations, or if the individual requests it, staff may need to request manual SAVE verification and provide an electronic copy of the individual's immigration document.

The Upstate Workforce Board is working to get staff access to SAVE.

If SAVE is not an available option to verify work authorization, the individual must provide the acceptable documentation as per the Form I-9 list of acceptable documents.

### **Maintenance**

The document used to verify a participant's work authorization must be kept in their case file, either as a physical copy—stored in a separate, locked file cabinet—or as an electronic copy on SC Works Online Services (SCWOS). All documentation must be appropriately redacted in accordance with State Instruction 25-02, Electronic and Physical Redactions of PII and Other Sensitive Information.

For participant's granted temporary work authorization, staff must verify their work authorization status once every three months beginning from the date of participation. If their authorization expires or has been revoked outside of the three-month check, staff must exit the participant.

All programs must comply with the nondiscrimination provisions at Section 188 of WIOA and its implementing regulations at 29 CFR section 38, as well as those of State Instruction Letter 16-13, Change 1, Implementation of Nondiscrimination and Equal Opportunity Requirements of the Workforce Innovation and Opportunity Act.

**ACTION:** Please ensure that all appropriate staff receive and understand this policy.

**INQUIRIES:** : Questions may be directed to Dana Hudgins, [Dana@upstatewb.org](mailto:Dana@upstatewb.org) or 864-596-2028 ext.1000 TTY:711.

  
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Dana Hudgins, Director