

Making Sure WIOA Works for All:

Michigan's Obligations and Opportunities
in Serving Immigrant and Refugee
Jobseekers

Smart design benefits all customers

- The federal Workforce Innovation and Opportunity Act (WIOA) helps ensure that jobseekers can contribute their skills in Michigan's economy, and local employers can benefit from Michiganders' talent
- Improving access to WIOA is an example of **customer-centered design** that can help **all** workforce system customers – whether immigrants or American-born

A workforce system that works for all

- Many kinds of jobseekers can face barriers to employment, including:
 - Individuals who are returning from incarceration
 - Veterans
 - People with disabilities
 - Youth aging out of the foster-care system
 - English language learners

Ensuring that the workforce system is responsive to individual customers' needs will benefit *all* jobseekers, regardless of their specific circumstances

Let's get practical: How does this work?

- As Michigan Works! and State of Michigan Talent Investment Agency (TIA) staff, **you have the power** to ensure that our state benefits from the talents and abilities of all jobseekers, including immigrants, refugees, and English Language Learners
- This guide will provide you with resources and guidance to answer common questions

Michigan is required by law to serve eligible immigrants, refugees, and English Language Learners

- Every federal program, including the Workforce Innovation and Opportunity Act (WIOA) has its own individual eligibility requirements.
- But every federally funded program **also** has obligations under the Civil Rights Act of 1965 and related federal policy guidance to refrain from discrimination against otherwise-eligible individuals on the basis of national origin (that is, whether they were born outside the United States), or Limited English Proficiency (LEP).

All WIOA-funded providers are subject to federal nondiscrimination requirements

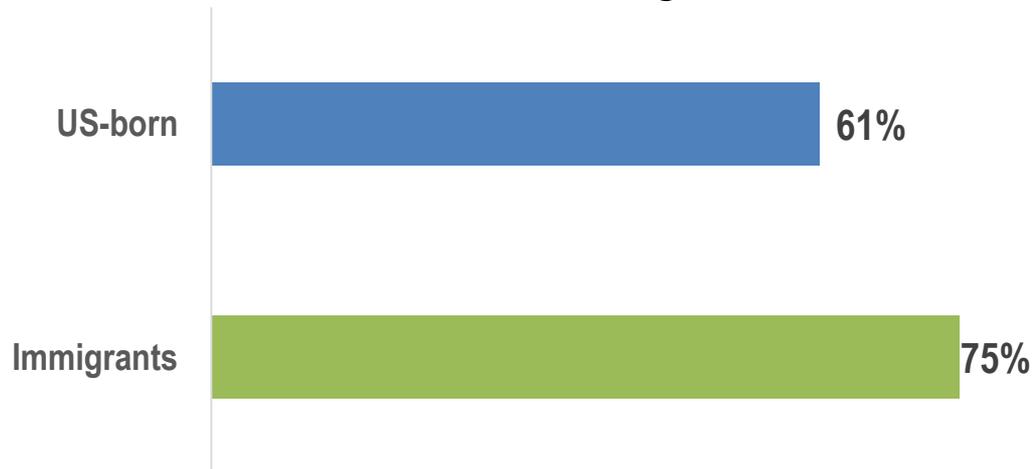
- Local workforce boards, Michigan Works! centers, and **all** other organizations that are recipients of federal funds are obligated to meet federal nondiscrimination requirements.
- Failure to meet these requirements can expose providers to legal liability for violation of federal civil rights law.

Resources for complying with legal requirements about nondiscrimination

- Specific information on assessing individuals' eligibility for WIOA services and ensuring compliance with nondiscrimination provisions can be found in the Michigan Talent Investment Agency [Official WIOA Manual](#), Section 2-8.
- The full Workforce Innovation and Opportunity Act (Pub. L. 113-128) Section 188 Nondiscrimination and Equal Opportunity Regulations are available at [29 CFR Part 38](#).
- Federal guidance on nondiscrimination under WIOA is available from the US Department of Labor at <https://www.dol.gov/crc/188rule/> and via Training and Employment Notice [20-16](#).
- General resources on serving Limited English Proficient individuals are available at www.LEP.gov.

Who are Michigan's immigrants?

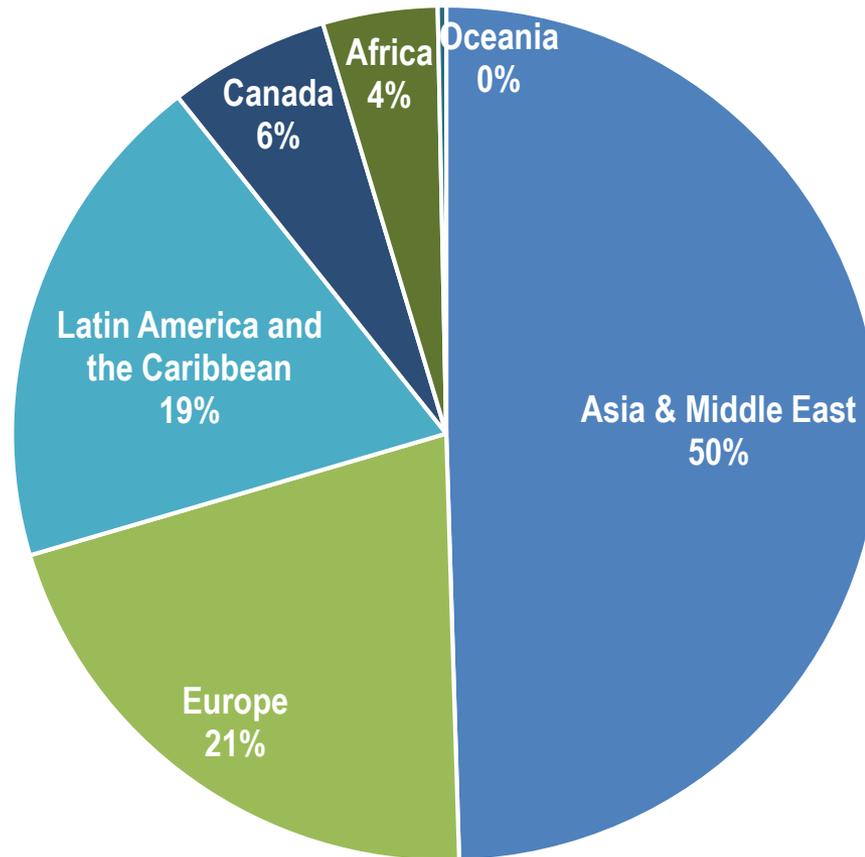
- There are 632,000 immigrants in Michigan, representing 7% of the total population
- Immigrants are more likely to be working-age, compared to American-born Michiganders.



A note about terminology: While the Census Bureau uses the technical term "foreign born," for ease of reading this document uses the more recognizable term "immigrants" when describing Census data.

Data source: US Census Bureau, American Community Survey, 2012-16 5-year estimates.

Michigan's immigrants come from around the world

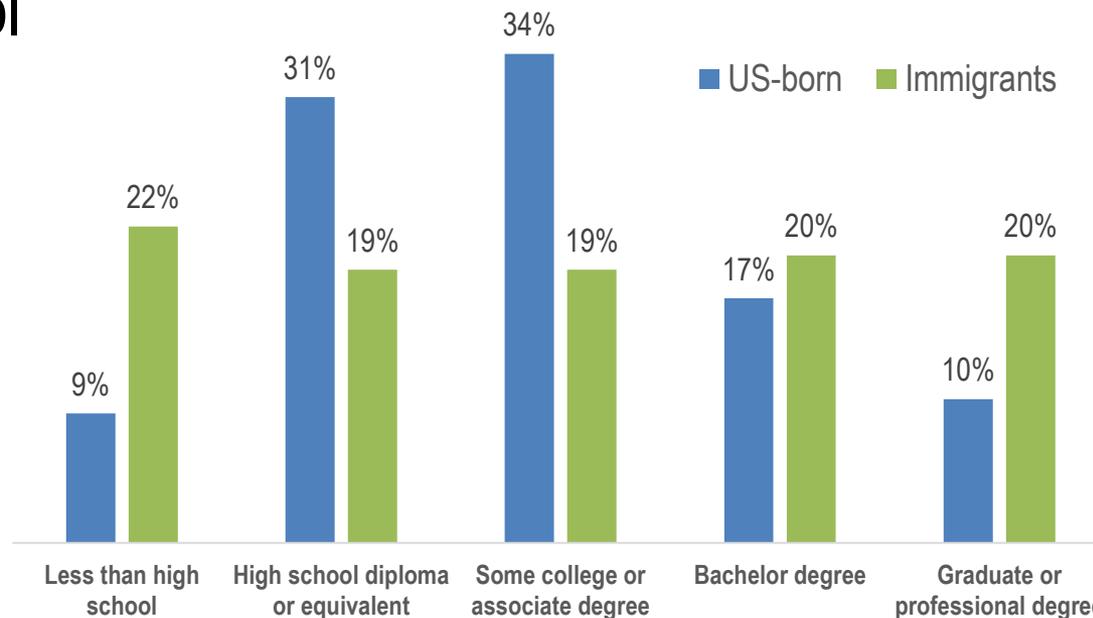


*Oceania includes Australia and New Zealand, as well as outlying islands.
Data source: US Census Bureau, American Community Survey, 2012-16 5-year estimates.*

■ Asia & Middle East ■ Europe ■ Latin America and the Caribbean ■ Canada ■ Africa ■ Oceania

Michigan's immigrants have varying levels of education

- Compared to their US-born peers, immigrants in Michigan are **more** likely to have a bachelor or graduate degree
- But immigrants are also more likely not to have finished high school



Effective career pathways are important for all Michiganders

- Ensuring that jobseekers and workers have access to career pathways with multiple entry and exit points is a key activity under WIOA
- Like their fellow Michigan residents, immigrants and refugees can be at any point along a career pathway, including:
 - Jobseekers searching for an entry-level job
 - Incumbent workers ready to earn an additional credential and advance in their careers
 - Out-of-school youth seeking to get back on track towards their career goals
 - Displaced homemakers ready to refresh their skills and re-enter the workforce
 - Dislocated workers starting a new chapter after a plant closure or other mass layoff
 - Under-employed workers trying to escape the “brain waste” of a low-wage job that does not draw on their full talents and abilities

Enrolling participants in WIOA Title I services

- WIOA Title I participants must be age 18 at the time of registration, legally work-authorized, and registered with the Selective Service (if applicable).
- To demonstrate employment authorization, potential participants can provide any of a variety of US government identity documents as outlined in the federal Form I-9.
- **Resource:** [Guide to Selected US Travel and Identity Documents](#) (US Immigration and Customs Enforcement):

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Immigrants & WIOA performance metrics

- Immigrant and refugee jobseekers are well-positioned to meet WIOA performance requirements
- The federal government provides a mechanism known as the “statistical adjustment model” to ensure that labor-market conditions (such as a recession) and participant characteristics are taken into account when negotiating states’ annual performance targets for WIOA outcome measures
- Programs in Missouri, Pennsylvania, and California have shown that immigrant participants can meet or exceed outcomes achieved by their US-born peers
- TIA will work with WIOA system partners so that Michigan Works! Agencies and their subcontractors are not unduly penalized if the customers they serve face greater barriers to success

WIOA & DACA recipients

- Federal policy guidance affirms that immigrants who are Deferred Action for Childhood Arrivals (DACA) recipients *are* eligible for WIOA Title I services
- **Resource:** US Dept. of Labor Training & Employment Guidance Letter (TEGL) 02-14 on DACA recipients and WIOA eligibility

https://wdr.doleta.gov/directives/corr_doc.cfm?docn=7233

WIOA & refugees

- Individuals who have been lawfully admitted to the US as refugees are always employment-authorized
- Newly arrived refugees may not yet have a full range of US government identity documents, but will typically be able to demonstrate employment authorization via an I-94 form
- Every refugee arrives in the US under the auspices of a nonprofit refugee resettlement agency. These agencies should be able to provide confirmation of a refugee's identity and employment authorization if necessary.

More on WIOA & refugees

- WIOA is the **primary federal investment** in workforce services for all populations, including immigrants and refugees
- Only a **tiny subset** of new arrivals to the United States – less than 7% each year – are also eligible for services via the federal Office of Refugee Resettlement. These services focus on rapid attachment to the workforce and do not typically include job training.
- Refugees cannot be excluded from consideration for WIOA services, and cannot be required to meet additional requirements beyond those set for other jobseekers.

WIOA and English Language Learners

- English Language Learners (ELLs) are sometimes also known as Limited English Proficient (LEP) individuals
- ELLs can and should be able to access WIOA Title I services
- In some cases, ELLs may **also** be accessing WIOA Title II adult education services via English language classes or other instruction. Unlike Title I workforce services, individuals are **not** required to have employment authorization in order to participate in Title II adult education services.
- Resource: US Department of Labor Training & Employment Notice (TEN) 28-16 on best practices in serving ELLs
https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6541

A final reminder

- Ensuring that immigrants and refugees have equitable access to WIOA services is a legal requirement, but it is also a customer-centered design issue.
- Fixing workforce system barriers for immigrants also means fixing them for American-born jobseekers.
- TIA is here to help as you improve the workforce system experience for all jobseekers. The Michigan Office for New Americans (MONA) is here to help with questions related to immigrants and refugees.

Recap: Resources on serving immigrants and refugees in workforce programs

- US DOL WIOA Sec. 188 Equal Employment Opportunity regulations training materials <https://tinyurl.com/WorkforceGPS>
- [*Guide to Selected US Travel and Identity Documents*](#) (US Immigration and Customs Enforcement).
- [*Immigrants and WIOA Services: Comparison of Socio-Demographic Characteristics of Native- and Foreign-Born Adults in Michigan*](#) (Migration Policy Institute, 2016.)
- Specific information on assessing individuals' eligibility for WIOA services and ensuring compliance with nondiscrimination provisions: Michigan Talent Investment Agency [Official WIOA Manual](#), Section 2-8.
- Explanation of [refugee employment authorization via Form I-94](#) (US Citizenship and Immigration Services, 2017).
- US Department of Labor Training & Employment Notice (TEN) [28-16](#) on best practices in serving English Language Learners
- Workforce Innovation and Opportunity Act (Pub. L. 113-128) Section 188 Nondiscrimination and Equal Opportunity Regulations: [29 CFR Part 38](#).
- Federal guidance on nondiscrimination under WIOA: US Department of Labor <https://www.dol.gov/crc/188rule/> and Training and Employment Notice [20-16](#).
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