

Dislocated Worker and Federal Adult Programs (DWFAP)

ADVISORY: Technical Assistance Bulletin (TAB) 26-08

TO: All Dislocated Worker and Federal Adult Programs (DWFAP) Grantees
FROM: Minnesota Department of Employment and Economic Development (DEED) DWFAP Unit
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SUBJECT: Work Authorization Verification in Minnesota’s Workforce Innovation and Opportunity Act (WIOA) Adult, WIOA Dislocated Worker (DW), and State DW Programs

1. Purpose

This TAB reminds stakeholders of existing DWFAP work authorization policy requirements and provides interim guidance until the U.S. Department of Labor (DOL) publishes new work authorization regulations or guidance.

2. Action Requested

Stakeholders are encouraged to review this TAB and share with appropriate staff as needed.

3. Relevant Laws, Policies and References

Workforce Innovation and Opportunity Act (WIOA) (42 USC 3101 et seq)

[Minnesota State Statute 116L.17](#)

[DWFAP WIOA Adult Eligibility and Priority of Service Policy \(8/8/18\)](#)

[DWFAP WIOA DW Eligibility Policy \(1/10/2023\)](#)

[DWFAP State DW Eligibility Policy \(12/9/24\)](#)

4. Changes to Advisories

None

5. Summary and Background

In February 2024 the DOL’s Employment and Training Administration (ETA) published [Training and Employment Guidance Letter \(TEGL\) 10-23](#) regarding reducing administrative barriers within ETA’s programs (WIOA Adult, WIOA DW, etc.). TEGL 10-23 was rescinded in March 2024 by [TEGL 10-23, Change 1](#). In July 2025, ETA published [TEGL 10-23, Change 2](#). Change 2 significantly altered the original focus of TEGL 10-23 from reducing administrative barriers to work authorization verification. TEGL 10-23, Change 2 was met with legal challenges, [including from the Minnesota Attorney General](#), and was rescinded by [TEGL 10-23, Change 3](#) in March 2025.

This leaves states and providers without comprehensive WIOA work authorization guidance. DWFAP is publishing this TAB as interim work authorization guidance for Minnesota’s WIOA Adult, WIOA DW, and State DW Programs. If and when ETA publishes additional work authorization regulations or guidance, DWFAP will update its policies and guidance as appropriate.

6. Work Authorization Verification in the WIOA Adult, WIOA DW, and State DW Programs

Separate from federal rules, current DWFAP policy (see “Relevant Laws, Policies and References” above) already requires people to have work authorization to enroll in Minnesota’s

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WIOA Adult, WIOA DW, or State DW programs. A participant’s work authorization must be checked when they enroll. There are no exceptions to this rule.

DWFAP strongly encourages providers to use the [acceptable documents in ‘List A’ or ‘List C’ in of the U.S. Citizenship and Immigration Services I-9 Employment Eligibility Verification Form \(I-9 Form\)](#). See Figure One below.

Figure One: Screenshot of Page Two of the I-9 Form

| LIST A Documents that Establish Both Identity and Employment Authorization | OR | LIST B Documents that Establish Identity | AND | LIST C Documents that Establish Employment Authorization |
|---|----|---|-----|--|
| <ol style="list-style-type: none"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For an individual temporarily authorized to work for a specific employer because of his or her status or parole: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport; and (2) An endorsement of the individual’s status or parole as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI | OR | <ol style="list-style-type: none"> 1. Driver’s license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address 3. School ID card with a photograph 4. Voter’s registration card 5. U.S. Military card or draft record 6. Military dependent’s ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver’s license issued by a Canadian government authority <li style="text-align: center;">For persons under age 18 who are unable to present a document listed above: 10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record | AND | <ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240) 3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 4. Native American tribal document 5. U.S. Citizen ID Card (Form I-197) 6. Identification Card for Use of Resident Citizen in the United States (Form I-179) 7. Employment authorization document issued by the Department of Homeland Security <p style="font-size: small; margin-top: 5px;">For examples, see Section 7 and Section 13 of the M-274 on uscis.gov/i-9-central.</p> <p style="font-size: small; margin-top: 5px;">The Form I-766, Employment Authorization Document, is a List A, Item Number 4, document, not a List C document.</p> |

Work Authorization Verification Reminders:

- Work authorization must be checked when someone enrolls in the program.
- People with expired work authorization cannot enroll.
- People whose work authorization is still being processed cannot enroll until it is approved.
- If a participant’s work authorization expires while they are in the program, they must be exited right away. See below for guidance on expiring work authorization.
- Documents verifying work authorization must be valid and unexpired at the time of enrollment.
- Participants cannot simply state on their own that they have work authorization (self-attest).
- Any document from List A or List C in the I-9 Form is acceptable. Providers cannot ask for specific documents.

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- Case managers must look at the participant’s work authorization documents and record in case notes that they have seen them.

7. Participants With Expiring Work Authorization

Providers with an enrolled participant with expiring work authorization have options on how to best proceed. See below for examples and related guidance.

Expiration With Renewal (No Lapse in Authorization):

If a participant’s work authorization is set to expire during enrollment but that authorization is being renewed, providers can continue to serve that participant as normal. Once the renewed work authorization is issued providers should case note and record the new work authorization.

Expiration With Renewal (Lapse in Authorization):

If a participant’s work authorization is set to expire during enrollment but that authorization is being renewed, providers can continue to serve that participant as normal up until their work authorization expires. Providers should use the ‘Pending Exit, Other’ activity in Workforce One once their authorization expires. This must happen regardless of how long the lapse in authorization is (even if just one day). Once the renewed work authorization is issued providers should case note and record the new work authorization and can continue to serve that participant as normal.

Expiration Without Renewal:

If a participant’s work authorization is set to expire during enrollment and there are no options or plans to renew that authorization, they must be exited immediately when that work authorization expires. Providers can continue to serve that participant up until their work authorization expires.

8. Explaining the Need for Work Authorization Verification

Some individuals may not wish to disclose whether or not they are authorized to work. Others may have a changing or under review status or may not know what their status is. In these situations, providers should clearly explain what services they can and cannot provide to individuals who may not yet have work authorization documentation. Providers should also clearly explain that employers will need work authorization documentation when filling out I-9 documentation upon getting hired. Unsubsidized, self-sufficient, employment with family-supporting wages is the ultimate goal of the WIOA Adult, WIOA DW and State DW programs.

9. Inquiries

Questions about this TAB can be directed to DWFAP’s email: Dwfaprograms.deed@state.mn.us

10. Attachments

None

11. Advisory History

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|----------------|----------------------|---------|
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