

## Dislocated Worker and Federal Adult Programs (DWFAP)

### ADVISORY: Technical Assistance Response Letter (TAR) Letter 26-03

**TO:** Requester

**FROM:** Minnesota Department of Employment and Economic Development (DEED) DWFAP Unit

**PUBLICATION DATE:** March 13, 2026<sup>1</sup>

**EXPIRATION DATE:** None (Continuing)

**NUMBER:** 26-03 (Public Version)

**SUBJECT:** Using W-2s From Employers As Work Authorization Verification for Workforce Innovation and Opportunity Act (WIOA) Adult, WIOA Dislocated Worker (DW) and State DW Incumbent Worker Training (IWT) Contracts

#### 1. Purpose

To clarify if W-2s from employers can be used for work authorization verification for WIOA Adult, WIOA DW and State DW IWT contracts.

#### 2. Action Requested

Please carefully review this TAR Letter for its guidance and utilize it as appropriate.

#### 3. Relevant Laws, Policies and References

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

[U.S. Citizenship and Immigration Services I-9 Employment Verification Form](#) (January 20, 2025)

[DWFAP Incumbent Worker Training Programs Policy](#) (April 18, 2025)

#### 4. Changes to DWFAP Advisories

None

#### 5. Summary and Background

A Workforce Development Area (WDA) asked for clarification on using W-2s from employers to verification work authorization for IWT contracts. This TAR Letter clarifies that W-2s cannot be used for work authorization verification due to Minnesota's current program enrollment and reporting structure.

#### 6. W-2s as Work Authorization for WIOA Adult, WIOA DW and State DW IWT Contracts

Minnesota's current IWT policy requires that IWT participants enroll in one of the following programs: WIOA Adult, WIOA DW, or State DW programs.<sup>2</sup> Due to this requirement, all IWT participants are included in the state's official performance numbers reported to the Minnesota Legislature and U.S. Department of Labor. This means providers must determine eligibility and collect all required documentation when enrolling participants.

Currently, enrollment requires verifying work authorization, often using the list from the U.S. Citizenship and Immigration Services I-9 Employment Verification Form (I-9 Form).. We recognize that using a W-2 as verification may be efficient however, as currently structured, relying on a W-2 alone for this purpose could lead to data validation failures as well as potential issues with monitoring and reporting. DEED is working with the U.S. Department of Labor to assess feasibility of revising how Minnesota does enrollment and reporting for IWT, but it is not yet finalized.

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<sup>1</sup> Date published on the DWFAP website. TAR Letter 26-01 originally sent to requester on March 3, 2026.

<sup>2</sup> DWFAP IWT Programs Policy

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One recommendation would be for the employer to provide copies of the participant’s I-9 employment verification documents/copies to WDAs so they don’t have to get it from the participant. IWT providers can also use any of the documents in ‘List A’ or ‘List C’ in the I-9 Form to verify work authorization. See Figure One below.

**Figure One: Screenshot of Page Two of the I-9 Form (January 20, 2025)**

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"> <li>1. U.S. Passport or U.S. Passport Card</li> <li>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</li> <li>4. Employment Authorization Document that contains a photograph (Form I-766)</li> <li>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"> <li>a. Foreign passport; and</li> <li>b. Form I-94 or Form I-94A that has the following:                   <ol style="list-style-type: none"> <li>(1) The same name as the passport; and</li> <li>(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.</li> </ol> </li> </ol> </li> <li>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</li> </ol>		<ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>3. School ID card with a photograph</li> <li>4. Voter's registration card</li> <li>5. U.S. Military card or draft record</li> <li>6. Military dependent's ID card</li> <li>7. U.S. Coast Guard Merchant Mariner Card</li> <li>8. Native American tribal document</li> <li>9. Driver's license issued by a Canadian government authority</li> <li><b>For persons under age 18 who are unable to present a document listed above:</b></li> <li>10. School record or report card</li> <li>11. Clinic, doctor, or hospital record</li> <li>12. Day-care or nursery school record</li> </ol>		<ol style="list-style-type: none"> <li>1. A Social Security Account Number card, unless the card includes one of the following restrictions:               <ol style="list-style-type: none"> <li>(1) NOT VALID FOR EMPLOYMENT</li> <li>(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION</li> <li>(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</li> </ol> </li> <li>2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)</li> <li>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</li> <li>4. Native American tribal document</li> <li>5. U.S. Citizen ID Card (Form I-197)</li> <li>6. Identification Card for Use of Resident Citizen in the United States (Form I-179)</li> <li>7. Employment authorization document issued by the Department of Homeland Security  For examples, see <a href="#">Section 7</a> and <a href="#">Section 13</a> of the M-274 on <a href="https://uscis.gov/i-9-central">uscis.gov/i-9-central</a>.  The Form I-766, Employment Authorization Document, is a List A, <b>Item Number 4.</b> document, not a List C document.</li> </ol>

### 7. Inquiries

Questions about this TAR Letter should be directed to the DWFAP email:

[Dwfaprograms.deed@state.mn.us](mailto:Dwfaprograms.deed@state.mn.us)

### 8. Attachments

None

### 9. Advisory History

Version Number	Description	Date
TAR Letter 26-03	Original Publication. TAR Letter 26-03 sent to requester on March 3, 2026	3/13/26