

## **ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

**Program Name:** Vocational Rehabilitation (VR)

**Policy Number:** VR-4.1-v1

**Effective Date:** July 1, 2008

**Last Revision:** March 31, 2021

**CHAPTER 4:** Individualized Plan for Employment

**Section 4.1:** Legal Ability to Work in the US

### **I. Policy Statement**

This policy provides guidelines regarding an individual's ability to legally work in the U.S. as per federal and state requirements prior to the implementation of their Individualized Plan for Employment (IPE).

### **II. Authority**

Authority for policies contained in this document includes the following:

- Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3101 et seq.
- Title IV Amendments to the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.
- A.R.S. §§ 23-502 and 503

### **III. Applicability**

- A. This applies to all applicants and clients that participate in the VR program. Documentation of legal ability to work in the U.S. is required prior to the search for employment and an actionable plan to obtain these documents must be shared with the VR counselor.

### **IV. Standards**

- A. VR staff must verify the client is legally able to work in the United States in accordance with the Form I-9 Employment Eligibility Verification requirements prior to implementing an IPE.
- B. Documents that establish employment eligibility and identity must be consistent with forms required by the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS). A complete list of required documents is available at <https://www.uscis.gov/i-9>.
- C. VR does not have the authority or requirement to report to federal authorities the applicant's/client's legal ability to work in the United States.

- D. In instances when the client provides an actionable plan for obtaining documents to ensure their legal ability to work in the U.S., the client's IPE may proceed with development and implementation.
- E. All required proof of legal documents must be submitted to VR staff prior to moving forward with implementing the IPE in accordance with Section 4.3 of this manual.
- F. VR staff must review the client's legal ability to work documentation on an annual basis throughout the life of the case to ensure documents are current.
- G. The VR Counselor will close the case if the client is unable to develop a plan or make progress in obtaining documents which allows them to legally work in the U.S.

**V. Procedure**

- A. The VR Counselor must provide no-cost information, referral services, and monitor the client's progress in obtaining documents allowing them to legally work in the U.S.

**VI. Documentation Requirements**

The client's electronic case file unit include the following:

- A. Required documents in accordance with Form I-9 as per <https://www.uscis.gov/i-9>.