# PART A, CHAPTER 3.2:CITIZENSHIP AND AUTHORIZED IDENTIFICATION

|  |  |  |  |
| --- | --- | --- | --- |
| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part A, Chapter 3.2 | N/A | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to accessing required identification documents, including authorization to work in the United States, necessary to participate in TWC-VR services.

## DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules. This includes the option to refuse providing identification or authorization to work in the U.S. while understanding the potential implications of doing so.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

## POLICY

### General Overview

Employment hinges on the crucial steps of identification and authorization for employment. Individuals must provide appropriate documentation to verify their identity and legal right to work in the United States (U.S.). This process ensures compliance with employment regulations and safeguards against unauthorized employment. Employers typically require proof of identity and work authorization before hiring individuals, thereby upholding legal and regulatory standards while promoting a safe and lawful work environment.

### Customer Identification and Authorization for Employment

At the time the individual is applying for TWC-VR services, a TWC-VR staff member asks them to provide original unexpired documents that prove their identity and show that the customer can work legally in the U.S.

Customers may provide identification and employment authorization documents in-person, by mail, or by using videoconference, fax, encrypted email, or other acceptable secure electronic means. This required documentation must be received by TWC-VR prior to eligibility.

### Prohibited Factors

It is not required that a customer reside in Texas for any duration to be considered for determining eligibility for TWC-VR services; they must only be present in Texas in order to participate in the assessment process and TWC-VR services.

## PROCEDURES

### Customer Identification and Authorization For Employment

If an individual says that they are legally authorized to work in the U.S., but they do not have the required unexpired documentation when completing the application for TWC-VR services, TWC-VR staff—

* Allow the individual to complete an application for TWC-VR services;
* Explain that the individual must provide documents verifying identification and authorization for employment before TWC-VR can determine eligibility for VR services; and
* Refer the customer to the Department of Homeland Security (DHS) or other local organizations that can assist the individual in obtaining the required documentation.

### SSI/SSDI Recipients

If the customer has been determined eligible for SSI/SSDI benefits due to their disability, they must provide proof of identity and current, unexpired authorization for employment documents prior to determination of eligibility for TWC-VR services. Once all required documentation is received, the customer may be presumed eligible for VR services.

### Maintaining Authorization for Employment Documents

Customers are responsible for providing and maintaining current employment authorization documents throughout the life of their TWC-VR case. The VR Counselor must remind the customer of this requirement prior to their expiration and document this as a VR counseling and guidance case note.

### Acceptable Documents

DHS maintains lists of documents a customer can use to verify their identity and/or employment authorization. The DHS [Form I-9 Acceptable Documents](https://www.uscis.gov/i-9-central/form-i-9-acceptable-documents) webpage provides examples of the various documents:

* List A – Documents that Establish Both Identity and Employment Authorization: Customers presenting an acceptable List A document should not be asked to present any other document.
* List B – Documents that Establish Identity: The documents on List B establish only identity. Customers who present a List B document must also present a document from List C. List B includes acceptable documents for individuals under the age of 18.
* List C – Documents that Establish Employment Authorization: The documents on List C establish only employment authorization. Customers who present a List C document must also present a document from List B.

### TWC-VR Consultation Required

If a customer presents documents not listed on DHS [Form I-9 Acceptable Documents](https://www.uscis.gov/i-9-central/form-i-9-acceptable-documents) to prove their identity and/or employment authorization, email the customer's name and case ID, as well as copies of the documents presented to the Policy Planning and Statewide Initiatives Team (PPSI) at vrsm.support@twc.texas.gov.

If the PPSi Team is not able to determine the validity of the documents, they will contact TWC Office of General Counsel (OGC) for review and consultation. This must be completed before the customer can be determined eligible for TWC-VR services.

### Purchasing Identification

After the customer provides an acceptable List C document to confirm employment authorization and otherwise meets the eligibility requirements of TWC-VR, the VR Counselor may authorize the purchase of a State-issued driver's license or ID card for the customer, if needed to help make an eligibility determination or for the customer to participate in TWC-VR services.

For information on renewing and/or obtaining a Texas driver's license or ID card from the Texas Department of Public Safety (DPS), see the [Driver License and IDs section](https://www.dps.texas.gov/section/driver-license) of the DPS website.

### Expired Employment Authorization Documents

Expired employment authorization documents do not satisfy the requirements for TWC-VR services. Unexpired employment authorization documents must be maintained throughout the life of the case.

If employment authorization documents are not expired, but will expire prior to completion of IPE services, TWC-VR staff—

* Explain to the customer that unexpired documents are required by an employer; and
* Monitor status of documents to ensure that the documents do not expire.

If the customer's employment authorization documents expire while the customer is participating in TWC-VR services, the customer is no longer eligible for TWC-VR services and the case must be closed, unless the case is in employment status.

For customers who have completed all TWC-VR services and are in employment status, pending case closure, the case should remain open until it is able to be closed successfully; no additional service authorizations should be issued. However, if additional services are needed while in employment status, the employment authorization documents must be updated in RHW prior to the purchase.

In the event that DPS or Federal offices are closed or operating at a reduced capacity due to a public health or other safety concern, TWC-VR staff should refer to the TWC-VR State Office guidance, DPS website, and DHS [Form I-9 Acceptable Documents](https://www.uscis.gov/i-9-central/form-i-9-acceptable-documents) for information on accepting expired identification and work authorization documents.

### Expired Identity Documents

Expired identity verification documents, such as a driver’s license or identification card issued by Federal, State or local government agencies or entities, do not satisfy the requirements for employment authorization documents.

After eligibility for TWC-VR services has been determined, if the customer is a U.S. citizen or is authorized to work in the U.S. and the customer’s identity verification documents expire, these documents do not need to be updated to continue participation in TWC-VR services. However, if the customer’s case is closed for any reason, the customer will be required to provide unexpired identify verification documents to reapply for TWC-VR services. The customer should be advised that employers require unexpired documents and should be encouraged to update these documents in a timely manner. This communication is documented as a VR counseling and guidance case note.

### Data Corrections

If a customer’s identity or employment authorization documents have expired or the information was entered incorrectly in RHW, a VR Supervisor or VR Manager can update the record in RHW through the data correction request process.

The *RHW Data Correction Request (VR5158)* is used to request and document all RHW data corrections. A copy of this form is filed in the customer’s paper case file.

### Copies of Documents

A copy of the customer's documents is filed in the paper or virtual case file.

If the customer is reluctant to allow the documents to be copied, or if a copier is not immediately available, enter the following information in a case note for each document:

* Document title;
* Issuing authority;
* Document number; and
* Expiration date (if any).

If the applicant is unable or unwilling to provide identity and employment authorization documents before their eligibility determination is due, the case should be closed. The customer may reapply when they have the required documentation.

### Mismatched Identification Documentation

Some individuals may have mismatched identification documentation. They may have both documentation with a previous name and/or gender marker and current documentation with corrected name and/or gender marker. This situation is common. Such discrepancies must not prevent an individual from getting a job, participating in a program, or receiving TWC-VR services.

### Dual VR Agency Coordination

If a customer presents an unexpired identification or authorization for employment document with an out-of-state address, TWC-VR staff should ask the customer if they are receiving VR services from another state. If the answer is yes, TWC-VR staff must coordinate with the out-of-state VR agency to ensure that services are not duplicated.

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

|  |  |  |
| --- | --- | --- |
| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |