

Information Memorandum Transmittal Vocational Rehabilitation



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Topic: Other

Number: VR-IM 23-02

Issue date: 02/10/2023

Due date: 02/10/2023

Subject: Vocational Rehabilitation (VR) Program Services for Deferred Action for Childhood Arrival (DACA) Recipients

Applies to (check all that apply):

☐	All DHS employees	☐	County Mental Health Directors
☐	Area Agencies on Aging	☐	Health Services
☐	Aging and People with Disabilities	☐	Office of Developmental Disabilities Services (ODDS)
☐	Self Sufficiency Programs		
☐	County DD program managers	☐	ODDS Children's Intensive in Home Services
☐	Support Service Brokerage Directors		
☐	ODDS Children's Residential Services	☐	Stabilization and Crisis Unit (SACU)
☐	Child Welfare Programs	☒	Vocational Rehabilitation

MESSAGE:

Vocational Rehabilitation (VR) has witnessed an increase in applicants and clients that are participants in the Deferred Action for Childhood Arrival (DACA) Program.

This transmittal clarifies how VR may serve individuals who meet these criteria.

Note: Over time the DACA program has undergone numerous legal challenges and is expected to continue to do so. The potential for federal changes in program implementation continues to be considerable. Should federal requirements change, we will publish updated information as quickly as possible.

PROCEDURES:

Employment Authorization

DACA recipients are provided an Employment Authorization Document (EAD or INS Form I-766) that permits the individual to work within the United States. VR recognizes this document as a legal authorization to work and permits individuals who are eligible for VR to receive services.

DISCUSSION:

DACA recipients may be permitted to work in the United States and are eligible to participate in VR services if otherwise qualified.

When working with DACA recipients, the Vocational Rehabilitation Counselor (VRC) must also be aware of some important considerations.

Legal challenges

The DACA program has faced numerous challenges at the federal level. These challenges are anticipated to continue for the foreseeable future. There is potential for rapid changes in what is considered permissible under the Deferred Action Program. As these changes occur, it may impact DACA recipients who are eligible for VR services.

Should changes occur, the Program will publish this information in the form of an updated transmittal. These changes could result in the termination or reduction of services for VR clients that are DACA recipients.

Eligibility for employment

The DACA recipient's authority to work in the United States (US) is only valid up to the expiration date on the Form I-766. Eligibility to work in the US is a requirement for VR services. VR Individualized Plan for Employment (IPE) services may only exist up to that date of expiration. This is not waivable.

Inclusive Career Advancement Program (ICAP) participants who are DACA recipients are eligible for all the VR services they are eligible to receive.

Providing Services in the Individualized Plan for Employment (IPE)

The Program recognizes that this may create challenges for clients that have long-term support needs or are pursuing extended educational goals.

Under current guidance, IPE services must be completed prior to the expiration date of the individual's I-766.

Any education or training services in the client's plan, must be projected to be completed, and the client finished with the IPE service(s), prior to the I-766 expiration date.

- This means that if the client is enrolled in an education or training plan, the individual must finish and graduate from that training prior to their DACA expiration date.

Extension of DACA eligibility

The date of expiration on the I-766 is the legal and technical end of eligibility for VR services. Both the counselor and the client may reasonably expect that a DACA status will be extended. However, the date of expiration must be treated as the end of services.

Should a client receive an extension on their DACA eligibility date, a new IPE must be written to reflect this change. Services may not be extended or cross over the eligibility periods. A new IPE must be complete within the current eligibility period.

The same or similar services may continue in the new IPE:

- For example, counseling and guidance or information and referral may continue as needed
- Services with a completion date or a beginning date and an ending date must be completed during the new IPE that coincides with the DACA eligibility dates. For example, training, education, certifications, or other time delimited services must start and end within the current eligibility period for the DACA eligible participant
- If you have questions, please consult with your supervisor

Legal protections and occupations

In most instances, DACA recipients have the same legal employment protections as any other eligible worker.

However, a DACA recipient may not hold jobs in the federal government, nor are they eligible to work on jobs supporting federal contracts.

Any potential restrictions must be considered when helping the client determine their employment goals. There may be additional restrictions in some other fields

and care should be taken to research any potential DACA stipulations prior to agreeing to an employment goal. Again, due to the fluid nature of the DACA situation, each case should be examined independently as information about this program may change without notice.

Ineligible for federal student loans

DACA recipients are not eligible for federal student loans. Because of this ineligibility, they are not required to apply for FAFSA when their employment outcome requires a VR education plan. It is recommended that VRCs case note this exemption when developing the clients plan.

DACA recipients are eligible for other types of loans, scholarships, and work-study programs. Clients who pursue an employment outcome that requires an educational plan should contact the post-secondary institution's financial aid office to determine what forms of financial assistance are available.

REFERENCES:

[U.S. Citizen and Immigration Services \(USCIS\)](#). Consideration of Deferred Action for Childhood Arrivals (DACA)

Deferred Action for Childhood Arrivals. A Proposed Rule by the Homeland Security Department on 09/28/2021 (Source: [Federal Register, 86 FR 53736](#))

[National Immigration Law Center \(NILC\)](#). DACA. (Last updated 12/19/2022)

[Federal Financial Aid](#). Financial Aid and Undocumented Students. Questions and Answers. (June 2022)

[Oregon Financial Aid](#). I am a... DACA/Undocumented Student (accessed 2/6/2023)

If you have any questions about this information, contact:

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MSC 0080 (01.19)