




Title:	Residency / Immigration
Policy #:	80-VR-21
Legal Reference:	ORC 3304.15, 3304.14, 3304.17; OAC 3304-2-51; 34 CFR 361.42; Federal Rehabilitation Act 101(a)(12); Immigration Reform and Control Act of 1986, Pub.L. 99-603 (8USC 1324 a.)
Date:	May 16, 2016, (Reviewed 06/05/17)
Approved:	Kevin L. Miller, Executive Director 
Origin:	Bureau of Vocational Rehabilitation and Bureau of Services for the Visually Impaired
Supersedes:	VRP-1810 (04-28-08)
History:	VRP-1810 (12-31-06, 05-03-07, 06-07-07)
Review/ Implementation	Begin Review – 11/16/18 Implement Revisions By – 05/16/19

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code (ORC) §3304.15 which establishes the power and authority of the Opportunities for Ohioans with Disabilities (OOD) and its Executive Director to develop all necessary rules and policy in furtherance of its statutory duties.

II. PURPOSE

The purpose of this policy is to provide guidelines for establishing that applicants have a presence in Ohio and that they are a United States (U.S.) citizen or authorized to work in the U.S. by the Department of Homeland Security, Citizenship and Immigration Services (DHS) in accordance with appropriate federal (e.g. Code of Federal Regulations [CFR]) and state law (i.e. Ohio Revised Code, Ohio Administrative Code) Governor Directives and executive orders, other governing agency (e.g. DAS, OBM) policy or guidance, and/or Executive Director expectations.

III. APPLICABILITY

This policy applies to VR Staff and VR Contractors.

IV. DEFINITIONS

Refer to “Vocational Rehabilitation Definitions” (80-VR-99.A).

Presence in Ohio - the applicant must be includable for per capita income purposes in Ohio.

Non-citizen National – persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.

V. POLICY

A. General

1. OOD shall provide various information to applicants and eligible individuals throughout the VR process as required by law (e.g. rights and duties). This information shall be provided to the individual and if applicable, their legal guardian, in writing, and when appropriate, in their native language or through an appropriate mode of communication.
2. AWARE shall be updated with **all** conversations, recommendations, justifications, approvals and/or other actions taken in relation to this procedure. If supervisory or management approval is required during the VR process, the supervisor or manager shall either directly approve or document their approval in AWARE. If written approval is received from a supervisor or manager it shall be added to AWARE.
3. Prior to determining eligibility (refer to "Eligibility" [80-VR-06-01]), VR Staff or VR Contractors working with applicants interested in receiving vocational rehabilitation (VR) services shall:
 - a. have a presence in Ohio;
 - b. be in the U.S. legally with the Department of Homeland Security, Citizenship and Immigration Services documentation that permits work; and
 - c. meet the criteria outlined in "Eligibility" (80-VR-06-01).
4. OOD shall not provide services to individuals who do not have a presence in Ohio or are not legally permitted to work in the U.S.

B. Demonstrating Presence in Ohio

1. Prior to determining eligibility, an individual shall demonstrate that they have an Ohio presence. Establishing an Ohio presence can be determined by any of the items listed below, although this list is not all inclusive.
 - a. Maintaining an Ohio residence (resides or owns property).
 - i. Street addresses provided at referral and/or application are sufficient to establish that the individual resides in Ohio.
 - a) A P.O. Box is not sufficient to establish an Ohio presence.
 - 1) If a P.O. Box is listed on the referral and/or application, or if mail is returned, additional information must be obtained to establish an Ohio presence.
 - b. Paying Ohio income taxes.
 - c. Voting in Ohio.
 - d. Working for an Ohio employer.
2. When the applicant is a minor, their parent or legal guardian, shall demonstrate an Ohio presence.
3. When additional information is needed to demonstrate an Ohio presence, the eligible individual, or if applicable, their legal guardian, may provide one or more of the items listed below. This is not an all-inclusive list but examples of acceptable documents.
 - a. An Ohio Driver's License

- b. A state-issued ID card.
 - c. Ohio voter's registration card.
 - d. Copy of an Ohio tax document (property or income).
 - e. Copy of a pay stub establishing the person works for an Ohio employer and pays Ohio Taxes
4. While the applicant is required to show an Ohio presence, there is no duration of residence requirement.

C. Citizenship or Legal Entrance into the U.S.

1. Applicants are responsible for confirming their citizenship or their immigration status on their Information/Application for Vocational Rehabilitation Services (80-VR-1.A)
2. Applicants who are not U.S. citizens or non-citizen nationals shall provide documentation that he/she is lawfully admitted and legally authorized to work in the U.S.
 - a. To demonstrate this, the applicant shall provide his/her Alien Registration Number (A-Number)/USCIS Number or if not yet received, his/her Admission Number on Form I-94 admission number; and the expiration date of their employment authorization.
 - b. As stated on the I-9 form (<https://www.uscis.gov/sites/default/files/files/form/i-9.pdf>) , the following are acceptable forms of documentation for employment authorization:
 - i. Permanent Registration Card or Alien Registration Receipt Card (Form I-551);
 - ii. foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa;
 - iii. Employment Authorization Document (Card) that contains a photograph (Form I-766).

Note: A copy of this documentation must be scanned into AWARE but if not available, the information entered into AWARE must include, at a minimum, the name of the document, identification number and any expiration date.

D. Violation

An employee who violates this policy may be subject to discipline up to and including removal.

FORMS AND ATTACHMENTS

- N/A

RESOURCES

- Eligibility (80-VR-06-01)
- Participant Information/Application for Vocational Rehabilitation Services (80-VR-1.A)
- Federal I-9 form

REVIEW

It is the responsibility of the Deputy Director, or designee, to annually review this policy, on or before, the date listed in the header and if applicable, make any necessary revisions. The Deputy Director or designee shall document the annual review as required in OOD Policy 10-ADM-01 "Policy and Procedure Development, Review, Dissemination and Acknowledgement".