

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISOR SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Unemployment Insurance
	CORRESPONDENCE SYMBOL OUI/DUIO
	DATE December 30, 2024

ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 07-25

TO: STATE WORKFORCE AGENCIES

**FROM: JOSÉ JAVIER RODRÍGUEZ /s/
Assistant Secretary**

SUBJECT: Federal and State Benefit Eligibility Change for Certain Qualified Non-Citizens

1. Purpose. To advise states that certain qualified non-citizens,¹ specifically nationals of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, are eligible to receive federal, state, and local public benefits including unemployment benefits.

2. Action Requested. The U.S. Department of Labor’s (Department) Employment and Training Administration (ETA) requests that State Workforce Agency (SWA) Administrators:

- provide information in this Unemployment Insurance Program Letter (UIPL) to the appropriate staff; and
- implement business processes necessary to carry out this guidance.

3. Summary and Background.

- a. Summary – The enactment of the Consolidated Appropriations Act, 2024 amended the definition of “qualified alien” as defined under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) to include certain nationals of the freely associated states. Under the amendments to PRWORA, certain nationals of the freely associated states who are *lawfully residing* in one of the 50 states or the District of Columbia or in Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa are no longer barred from eligibility for federal, state, and local public benefits, including unemployment benefit programs. Only those states and territories that administer unemployment benefit programs are impacted by these changes and, therefore, must follow this guidance.

These changes apply to all unemployment benefit claims filed on or after March 9, 2024. States must make unemployment benefit determinations following this guidance and must also make any programming changes needed to implement this guidance.

¹ The statutory term is “qualified alien.” The meaning of qualified alien and qualified non-citizen is intended to be synonymous.

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b. Background - The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (Pub. L. 104-193) was enacted in 1996. It laid out a uniform set of rules concerning the eligibility of “aliens” (individuals who are not US citizens) for “Federal public benefits” and state and local public benefits. Unemployment benefits are public benefits covered by PRWORA. See 8 U.S.C. §§ 1611(c); 1621(c). Previously, certain nationals of the freely associated states were only considered qualified non-citizens with respect to specified public benefits and were not eligible for unemployment benefit programs.

4. Guidance. The Consolidated Appropriations Act (CAA), 2024, signed into law on March 9, 2024, amended PRWORA’s definition of “qualified alien” to include certain nationals of the freely associated states of Micronesia, the Marshall Islands, and Palau. The law included a provision titled “Compact Impact Fairness,” which impacts the eligibility of Compacts of Free Association (COFA) citizens residing in the United States for certain federal, state, and local public benefits, including unemployment benefit programs.

Under PRWORA (as amended by the CAA), nationals of the freely associated states who are *lawfully residing* in one of the 50 states or the District of Columbia or in Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa are now considered qualified non-citizens for unemployment benefit programs.

a. **Effective date of change.** The CAA applies to unemployment benefit claims filed on or after March 9, 2024.

States must make unemployment benefit determinations following this guidance and make any programming changes needed to implement this guidance.

b. **Unemployment benefit programs affected.** This change applies to the Unemployment Insurance (UI) program, Unemployment Compensation for Federal Employees (UCFE), Unemployment Compensation for Ex-servicemembers (UCX), Disaster Unemployment Assistance (DUA), Trade Readjustment Allowances (TRA), Extended Benefits (EB), Self-Employment Assistance (SEA), Short-Time Compensation (STC), and other temporary programs provided by legislation. Only those states and territories that administer unemployment benefit programs are impacted by these changes and, therefore, must follow this guidance.

c. **Other eligibility requirements.** Section 303(f) of the Social Security Act (SSA) requires states to administer an eligibility verification system that meets the requirement of Section 1137 of the SSA. Section 1137(d) of the SSA provides that, as a condition of eligibility for unemployment compensation, a state shall require each individual to sign a declaration, under penalty of perjury, whether the individual is a citizen or national of the United States, and, if not, whether they are in "satisfactory immigration status" (the SSA defines this term to mean an immigration status that does not render an individual ineligible for benefits under the applicable program). Further, section 1137(d) of the SSA requires such individuals to also present to states documentation or other proof indicating a satisfactory

immigration status. While nationals of the freely associated states who are *lawfully residing* in one of the 50 states or the District of Columbia or in Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa are now considered qualified non-citizens for unemployment benefit programs, they must still meet all other unemployment program eligibility requirements in order to receive benefits.

5. Inquiries. Please direct inquiries to the appropriate ETA Regional Office.

6. References.

- Consolidated Appropriations Act, 2024;
- The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;
- 8 U.S.C. §§ 1611(c) and 1621(c);
- Section 303(f) of the Social Security Act (SSA);
- Section 1137 of the SSA. Section 1137(d); and
- UIPL No. 37-96, *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, issued September 25, 1996, https://oui.doleta.gov/dmstree/uipl/uipl96/uipl_3796.htm.

7. Attachment(s). N/A