



## Frequently Asked Questions

### *What are the eligibility requirements for NFJP participants?*

As explained in TEGL 18-16, to be eligible to receive services through the NFJP program, including career services, training services, housing assistance services, youth services, and/or related assistance services, an individual must meet criterion A (farmworker status) and criterion B (low-income status) below as defined in 20 CFR § 685.110:

- A. To receive NFJP services an individual must be either a(n):
  - i. Eligible seasonal farmworker adult;
  - ii. Eligible migrant farmworker adult;
  - iii. Eligible MSFW youth;
  - iv. Dependent adult of an eligible MSFW; or
  - v. Dependent youth of an eligible MSFWand,
- B. A low-income individual who faces multiple barriers to economic self-sufficiency as defined in the Workforce Innovation and Opportunity Act (WIOA) Section 3(36)(A).

### *Could a grantee enroll a participant as a MSFW adult and a MSFW youth at the same time?*

No. Grantees may enroll a participant as either a MSFW adult or a MSFW youth as described in 20 CFR § 685.320, but not in both categories.

### *Who is eligible to receive NFJP housing services?*

As stated in 20 CFR § 685.360(d), permanent housing developed with NFJP funds must be promoted and made widely available to eligible MSFWs, but occupancy is not restricted to eligible MSFWs. Temporary housing services must only be provided to eligible MSFWs.

### *For the purpose of housing assistance, what is the definition of family?*

Family means the eligible MSFW and all the individuals identified under the definition of dependent in § 685.110 who are living together in one physical residence.

### *To qualify as a dependent of an eligible MSFW, does an applicant need to demonstrate that they meet criterion A (farmworker status) and criterion B (low-income status)?*

No. However, for the purposes of determining eligibility for a “dependent of an eligible MSFW”, the dependent’s farmworker family member is required to demonstrate that they are an

“eligible MSFW” by meeting both the eligibility requirements in criterion A (farmworker status) and criterion B (low-income status).

*For a MSFW dependent to be eligible to receive services, does a dependent’s farmworker family member, who is not receiving assistance or benefiting from NFJP services, need to demonstrate that they meet other key requirements such as Selective Service Registration requirements in addition to meeting eligibility requirements as specified in Section 4 in TEGL 18-16?*

No. In these circumstances, only the dependent, who is a program participant, is required to meet other key requirements because the dependent is the individual receiving assistance or benefiting from WIOA-funded services.

*Do grantees need to demonstrate that an individual is either chronically unemployed or underemployed to meet the eligibility criterion A (farmworker status)?*

No, the terms “chronic unemployment or underemployment” used in the definition of eligible migrant and seasonal farmworker refer to the nature of the agriculture or fish farming labor force as a whole and not whether an applicant is either chronically unemployed or underemployed. Similarly, grantees do not need to demonstrate that an individual faces multiple barriers to economic self-sufficiency for the purposes of determining eligibility. By being an eligible migrant and seasonal farmworker, the applicant meets the definition of “individual with a barrier to employment” under WIOA Section 3(24)(J).

*What is the definition of low-income under WIOA section 3(36)(A)?*

Under WIOA Section 3(36)(A), an applicant meets the low-income eligibility requirement if he or she fits 1 of 6 different criteria. A low-income individual is defined in WIOA Section 3(36)(A) as an individual who:

- (i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); the program of block grants to States for temporary assistance for needy families program (TANF) under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or the supplemental security income (SSI) program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or State or local income-based public assistance;
- (ii) is in a family with total family income that does not exceed the higher of:
  - I. The poverty line; or
  - II. 70 percent of the lower living standard income level;
- (iii) is a homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)), or a homeless child or youth (as defined under Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- (iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
- (v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is an individual with a disability whose own income meets the income requirement of item (ii) above, but who is a member of a family whose income does not meet this requirement.

The chart below specifies the eligibility period for each low-income provision under WIOA.

WIOA 3(36)(A) Provisions	Eligibility Period
i. <ul style="list-style-type: none"> <li>• SNAP</li> <li>• TANF</li> <li>• SSI</li> <li>• State or local income-based public assistance</li> </ul>	receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received
ii. family income	Twelve (12) consecutive months out of the 24 months prior to application for the program involved
iii. homeless individual	At the time of the application
iv. free or reduced lunch	At the time of the application
v. foster child	At the time of the application
vi. individual with a disability	Disability status needs to be present at the time of the application; yet applicant must meet the income level requirement for twelve (12) consecutive months out of the 24 months prior to application for the program involved

### *What counts as income under WIOA?*

The definition of what counts as income when determining an individual’s low-income status has changed under WIOA Section 3(36). It is important to know that the definition of a low-income individual under WIOA Section 3(36) does not exclude unemployment compensation, old-age survivors insurance benefits, or child support payments from income calculations that were previously provided under the Workforce Investment Act (WIA) Section 101(25). Therefore, NFJP grantees must include unemployment compensation, old-age survivors insurance benefits, or child support payments as income when determining an individual’s low-income eligibility.

### *What are the requirements for using free or reduced-price lunch under WIOA sec. 3(36)(iv) to determine low-income status for applicants?*

An individual who receives or is eligible to receive free or reduced price lunch would meet the low-income requirement. Note that some school districts subsidize all student meals from the Community Eligibility Provision (CEP) Healthy, Hunger-Free Kids Act of 2010.

- When a school does not use individual eligibility criteria to determine who is eligible for free or reduced price lunch, whole school receipt of free or reduced price lunch cannot be used to determine WIOA low-income status for applicant. In schools where the whole

school automatically receives free or reduced price lunch, NFJP grantees must base low-income status on an individual's eligibility to receive free or reduced price lunch or on meeting one of the other low-income categories under WIOA sec. 3(36). NFJP grantees can check with their local school districts for determining whether individual students are eligible to receive free or reduced price lunch.

- If a family member living in the same household as a child who receives or is eligible to receive free or reduced-price lunch based on their income level, then such individual would meet the low-income criteria based on his/her child's qualification. Family means all the individuals identified under the definition of dependent for NFJP who are living together in one physical residence (described in § 685.110).

### ***What is the eligibility period to demonstrate an applicant meets criterion A (farmworker status) for NFJP?***

An applicant must have met the farmworker status for any consecutive 12 months within the 24-month period immediately preceding the date of application.

### ***What is the eligibility period to demonstrate an applicant meets criterion B (low-income status) for NFJP for WIOA Section 3(36)(A)?***

When using income as defined by WIOA Section 3(36)(A) ii, an applicant must have met low-income requirement for any consecutive 12 months within the 24-month period immediately preceding the date of application.

### ***Is it required that the determination period for criterion A (farmworker status) be the same as the period used to determine criterion B (low-income status)?***

No, a grantee can use two different periods for farmworker status and low-income status.

### ***How long is an applicant's eligibility determination valid?***

An applicant's eligibility determination shall be valid for 60 days from the date of initial application. After the initial 60-day period has elapsed, if the individual is not an enrolled participant, the grantee will update information to re-certify the applicant.

### ***Is there any flexibility for applicants who were not available for work in the period immediately preceding the date of application because they had been in the armed forces, institutionally confined by incarceration or other legal detainment, hospitalized or otherwise unavailable due to a documented disability?***

Yes. When an applicant was unavailable for work due the reasons listed above in the period immediately preceding the date of application, grantees may establish an eligibility determination period during the 24 months immediately preceding the date of such unavailability, provided, however, that such period may not begin more than 48 months prior to the date of application.