Ohio Unemployment Program Policy

Eligibility for Non-Citizens

11/25/2025 (Updated 10/30/2026)

Purpose

To outline the eligibility requirements for unemployment insurance (UI) benefits for individuals who are not U.S. citizens or nationals, in compliance with federal and state laws. This policy ensures consistent and lawful administration of UI benefits to non-citizen applicants.

Reference

- Ohio Revised Code: ORC 4141.29(J)
- Immigration Reform and Control Act (IRCA) of 1986
- United States Citizenship and Immigration Services (USCIS)
- Systematic Alien Verification for Entitlements (SAVE) Program

Legal Requirements

Under ORC 4141.29(J) and federal law, individuals who are not U.S. citizens or nationals may be eligible for UI benefits only if they meet one of the following conditions:

- They have been lawfully admitted for permanent residence.
- They are lawfully present for work.
- They are otherwise living permanently in the U.S.

All individuals must also meet the following eligibility requirements:

- **Monetary Eligibility**: Only wages earned during periods of authorized employment within the applicant's base period or alternate base period may be used to establish a claim.
- **Non-monetary Eligibility**: Individuals without current work authorization are not considered available for work. To be eligible, all individuals must be available for work.

Verification of immigration status is conducted through the SAVE program in three steps:

1. **Initial Verification** – Automated database check.
2. **Additional Verification** – Manual review if initial results are inconclusive.
3. **Third-Step Verification** – Submission of documentation to USCIS for final determination.

During the verification process, IRCA provides presumptive eligibility. This means benefits cannot be denied solely based on initial SAVE results. Pending SAVE verification alone does not justify delaying, denying, or stopping benefits unless SAVE returns an 'invalidated' status, which requires immediate action.

An invalidated Employment Authorization Document (EAD) means the government has removed the individual's legal right to work, even if the card still looks valid.

Policy Statement

The Ohio Department of Job and Family Services uses the SAVE system to determine UI eligibility for non-citizen applicants based on their lawful presence in the U.S. and work authorization. If requested, Claimants must provide valid documentation confirming their immigration status and employment authorization. Commonly accepted documents include:

- Permanent Resident Cards (Forms I-151, I-551)
- Employment Authorization Documents (Form I-766)
- Arrival/Departure Records (Form I-94)
- Refugee or Re-entry Travel Documents
- Foreign Passports with appropriate visas or stamps

This list is not exhaustive. Additional DHS-issued documents may also be acceptable if they demonstrate lawful presence and work authorization.

Documents that do not confer work authorization, such as Border Crosser Cards (Forms DSP-586 and DSP-150), do not establish UI eligibility.

Claimants denied benefits based on immigration status may appeal through the standard UI appeals process. The U.S. Department of Homeland Security may provide technical support or testimony upon request.

If the SAVE system returns a response indicating that an individual's status has been *invalidated*, this means that the immigration status previously verified through SAVE is no longer considered valid by DHS. When a status is invalidated, any work authorization or lawful presence tied to that status cannot be used to establish unemployment insurance eligibility. When invalidated by DHS, benefits will be immediately denied back to the date of invalidation.

Review and Updates

This policy will be subject to periodic review to ensure alignment with state and federal updates and organizational requirements. Any necessary amendments will be communicated accordingly.

Questions?

Contact the Ohio Department of Job and Family Services at **1-877-644-6562** or submit an inquiry form on the **Contact Us** page at **unemployment.ohio.gov**.