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| OFFICE OF APPRENTICESHIPBULLETIN | **NO.**2023-42 |
| **DATE**January 5, 2023 |

**TO:** NATIONAL APPRENTICESHIP SYSTEM STAKEHOLDERS

 OFFICE OF APPRENTICESHIP STAFF

 STATE APPRENTICESHIP AGENCIES

**FROM:** JOHN V. LADD /s/

 Administrator, Office of Apprenticeship

**SUBJECT:** Registered Apprenticeship Eligibility with Respect to United States (U.S.) Citizenship

1. **Purpose.** To provide the staff of the Office of Apprenticeship (OA), State Apprenticeship Agencies (SAAs), Registered Apprenticeship Program (RAP) sponsors, and other Registered Apprenticeship partners with information clarifying that the U.S. Department of Labor’s (Department or DOL) regulations governing the registration of apprenticeship programs and equal employment opportunity (EEO) in Registered Apprenticeship under 29 CFR parts 29 and 30 do not require apprentices to be U.S. citizens.
2. **Action Requested.** This bulletin is being provided to OA staff and Registered Apprenticeship stakeholders for informational purposes only. OA staff, existing RAP sponsors, and potential RAP sponsors should familiarize themselves with this bulletin to ensure that all individuals who are eligible to work in the U.S. are afforded an opportunity to participate and complete a RAP.
3. **Summary and Background.**
	1. Summary – In recent months, RAP sponsors and participating employers have sought clarification regarding their ability to permit non-citizens across the U.S. to participate and enroll in Registered Apprenticeships. The Department’s apprenticeship regulations do not restrict Registered Apprenticeship opportunities to only U.S. citizens. The Department affirms that both U.S. citizens and eligible non-citizens, who are authorized to work in the U.S., can participate in a RAP so long as they meet the qualifications and requirements for enrollment into a particular program and are not required by law, regulation, or government contract to be a U.S. citizen.
	2. Background – The Department remains committed to expanding access to Registered Apprenticeship opportunities and ensuring that diverse and traditionally underrepresented and underserved populations, including immigrants and people of color, are connected to such opportunities. In December 2016, the Department amended and modernized its EEO in apprenticeship regulation at 29 CFR part 30, which prohibits discrimination in RAPs on the basis of race, color, national origin, religion, sex (including pregnancy, gender identity, and sexual orientation), disability, age (40 or older), sexual orientation, and genetic information, and prescribes affirmative action efforts sponsors must take to ensure equal opportunity within their programs. Discrimination with respect to the protected bases covered under 29 CFR part 30 is prohibited in all aspects of a RAP, including recruiting; hiring and advancement; wages and benefits; work assignments; discipline, layoffs and discharge; provision of related instruction; and any other term, condition, or privilege of employment or apprenticeship.

In particular, national origin discrimination involves treating apprentices or applicants for apprenticeship differently because they are from a particular country or part of the world, or because they are or appear to be of a certain ethnic background (whether or not they are). In addition, national origin discrimination may involve treating people unfavorably because they are married to (or associated with) a person of a particular national origin. The Department notes that while national origin is distinct from citizenship or immigration status, employment discrimination based on citizenship status may be deemed as unlawful national origin discrimination if it has the purpose or effect of discriminating on the basis of national origin.

Additionally, the [Immigration and Nationality Act (INA)](https://www.uscis.gov/laws-and-policy/legislation/immigration-and-nationality-act) makes it illegal for an employer to discriminate with respect to hiring, firing, or recruitment or referral for a fee, based upon an individual's citizenship status. Under the law, employers are prohibited from hiring only U.S. citizens or lawful permanent residents unless required to do so by law, regulation, or government contract.

Information and resources on employment discrimination based on national origin, citizenship, or immigration status can be found by visiting the following websites:

* DOL’s EEO in Registered Apprenticeship: National Origin –

<https://www.apprenticeship.gov/eeo/protected-characteristics/national-origin>

* U.S. Equal Employment Opportunity Commission (EEOC): National Origin Discrimination –

<https://www.eeoc.gov/national-origin-discrimination>

* USCIS: Preventing Discrimination –

<https://www.uscis.gov/i-9-central/employee-rights-and-resources/preventing-discrimination>

* U.S. Department of Justice’s Civil Rights Division’s Immigrant and Employee Rights Section: Types of Discrimination –

<https://www.justice.gov/crt/types-discrimination>

1. **Inquiries.** If you have any questions concerning this bulletin, please contact Andrew Ridgeway, Director, Division of Registered Apprenticeship and Policy (DRAP), at Ridgeway.Andrew@dol.gov or (202) 693-3536.