

# ELIGIBILITY MATRIX FOR FEDERAL MIGRANT PROGRAMS

## Introduction

The Office of Migrant Education (OME) has developed an Eligibility Matrix for Federal Migrant Programs as a technical assistance document to education partners and stakeholders about the complexities of participant eligibility for these programs, and to assist partners and stakeholders in ensuring that seasonal and migrant farmworkers receive the services they need. The document compares eligibility requirements for six programs:

The Department of Education:

- Migrant Education Program (MEP),
- High School Equivalency Program (HEP), and
- College Assistance Migrant Program (CAMP),

The Department of Health and Human Services:

- Migrant Health Program (MHP), and
- Migrant and Seasonal Head Start Program (MSHS),

The Department of Labor:

- National Farmworker Jobs Program (NFJP).

	DEPARTMENT OF EDUCATION			DEPARTMENT OF HEALTH AND HUMAN SERVICES		DEPARTMENT OF LABOR
	<a href="#"><u>Migrant Education Program (MEP)</u></a>	<a href="#"><u>High School Equivalency Program (HEP)</u></a>	<a href="#"><u>College Assistance Migrant Program (CAMP)</u></a>	<a href="#"><u>Migrant Health Program</u></a>	<a href="#"><u>Migrant and Seasonal Head Start Program (MSHS)</u></a>	<a href="#"><u>National Farmworker Jobs Program (NFJP)</u></a>
<b>Statutory Authority</b> <i>Statutory and Regulatory Authority references are eligibility based</i>	Elementary and Secondary Education Act of 1965 (ESEA), as amended §1309	Higher Education Act of 1965 (HEA), as amended §408		Public Health Service Act, as amended §330(g)	Head Start Act, as amended §637	Workforce Innovation Opportunity Act of 2014 (WIOA), Title I Section 167
<b>Regulatory Authority</b>	34 CFR Part 200 §200.81	34 CFR Part 206 §206.1—206.3		42 CFR Part 56 42 USC, 254b	45 CFR Part 1302 §1302.10—1302.18	20 CFR Part 685 §685.100 - §685.550
<b>Requirements to qualify for the program</b>	Children who are a migratory agricultural workers or migratory fishers, or who have a parent or spouse who is a migratory agricultural worker or migratory fisher.	A person, or his or her immediate family member, who has been a migrant or seasonal farmworker; or the person must have participated, or be eligible to participate, in programs under 34 CFR part 200, subpart C (Title I -	A person, or his or her immediate family member, who has been a migrant or seasonal farmworker; or the person must have participated, or be eligible to participate, in programs under 34 CFR	Migratory and seasonal agricultural workers (and their families) whose principal employment is in agriculture.	Children who meet the Head Start age, and whose parents meet the income eligibility, and are in the defined Target Populations.	Migrant and seasonal farmworkers (MSFWs) who are primarily employed in agricultural or fish farming labor.  Additionally, dependents of eligible MSFWs may receive services. The

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	<p>For additional program provisions regarding eligibility, please refer to Department of Education's (ED's) <a href="#"><u>MEP Policy Guidance</u></a></p>	<p>Migrant Education Program) or 20 CFR part 685, subpart C (National Farmworker Jobs Program) Under Title I of the Workforce Innovation and Opportunity Act)</p> <p>For additional program provisions regarding eligibility, please refer to ED's HEP/CAMP <a href="#"><u>Non-Regulatory Guidance on Recruitment and Eligibility</u></a></p> <p>If a student is qualified through the MEP or NFJP program, please refer to the appropriate column (either MEP or NFJP) for eligibility information.</p>	<p>part 200, subpart C (Title I - Migrant Education Program) or 20 CFR part 685, subpart C (National Farmworker Jobs Program) Under Title I of the Workforce Innovation and Opportunity Act)</p> <p>For additional program provisions regarding eligibility, please refer to OME's HEP/CAMP <a href="#"><u>Non-Regulatory Guidance on Recruitment and Eligibility</u></a></p> <p>If a student is qualified through the MEP or NFJP program, please refer to the appropriate column (either MEP or NFJP) for eligibility information.</p>			<p>family members of an eligible MSFW must meet the definition of a dependent as described in <a href="#"><u>20 CFR 685.110</u></a>.</p> <p>For additional program provisions regarding eligibility, please refer to <a href="#"><u>Training and Employment Guidance Letter 18-16, Change 1</u></a>.</p>
<b>Target populations - Defined</b>	<p>Migratory child means a child or youth who made a qualifying move in the preceding 36 months as a migratory agricultural worker or a migratory fisher; or with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.</p>	<p>Seasonal farmworker means a person whose primary employment was in farmwork on a temporary or seasonal basis (that is, not a constant year-round activity) for a period of at least 75 days within the past 24 months.</p> <p>Migrant farmworker means a seasonal farmworker whose employment required travel that precluded the farmworker from returning to his or her domicile (permanent place of residence) within the same day.</p>		<p>Migratory agricultural worker means an individual whose principal employment is in agriculture, who has been so employed within the last 24 months, and who establishes for the purpose of such employment a temporary abode.</p> <p>Seasonal agricultural worker means an individual whose principal employment is in agriculture on a seasonal</p>	<p>Migrant family means, for purposes of Head Start eligibility, a family with children under the age of compulsory school attendance who changed their residence by moving from one geographic location to another, either intrastate or interstate, within the preceding two years for the purpose of engaging in agricultural work and whose family</p>	<p>Eligible seasonal farmworker means a low-income individual who for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and faces multiple barriers to economic self-sufficiency;</p>

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				<p>basis and who is not a migratory agricultural worker.</p> <p>Aged or Disabled: The term aged or disabled applies to individuals who have previously been migratory agricultural workers but who no longer meet the requirements because of age or disability and members of the families of such individuals who are within such catchment area.</p>	<p>income comes primarily from this activity.</p> <p>Seasonal farmworker families are those engaged primarily in seasonal agricultural labor and have not changed their residence to another geographic location in the preceding two-year period.</p>	<p>and dependents of the seasonal farmworker.</p> <p>Eligible migrant farmworker means an eligible seasonal farmworker whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day, and dependents of the migrant farmworker.</p> <p>Eligible MSFW Youth means an eligible MSFW aged 14-24 who is individually eligible or a dependent of an eligible MSFW.</p>
<b>Age Limit (to participate)</b>	Persons up through age 21 who are entitled to a free public education through grade 12 and preschool children below the age and grade level at which the agency provides free public education.	Persons who are 16 years of age or over, or beyond the age of compulsory school attendance in the State in which he or she resides.	No age limit, however, must be enrolled or admitted for enrollment on a full-time basis in the first academic year at an institution of higher education (IHE). Must also not be beyond the first academic year of a program of study at the IHE, as determined under the standards of the IHE.	No age limit	A child must be younger than compulsory school age by the date used to determine public school eligibility for the community in which the program is located.	Youth who are 14-24 years old and Adults who are 18 years and older. <sup>1</sup>  Grantees may enroll participants aged 18-24 as either an MSFW adult or an MSFW youth participant, but not in both categories.
<b>Eligibility Period (for</b>	Eligible to be served for 36 months from the date	Eligible as determined by the grantee to need the	Eligible as determined by the grantee to need the	Eligible to be served for an unlimited time if migratory	Eligible to be served through the end of the	Eligibility determination period is any consecutive

<sup>1</sup> <https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-18-16>

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<b>receiving services)</b>	of the child’s last qualifying move as a migratory agricultural worker or a migratory fisher or with, or to join, a migratory agricultural worker or migratory fisher, and may continue to be served under the Continuation of Services Provision after eligibility has expired.	<p>academic and supporting services and financial assistance provided by the project to attain the equivalent of a secondary school diploma and to gain employment or be placed in an IHE or other postsecondary education or training.</p> <p>To determine a prospective participant’s need for academic and supporting services, grantees may use information from a variety of sources, including correspondence with teachers and counselors, student records and transcripts, and interviews with prospective students and their families. While not required, most HEP projects tend to use a standard placement test to determine the academic skill level and potential academic needs of their incoming students.</p>	<p>academic and supporting services and financial assistance provided by the project to complete the first year of an academic program of study at the IHE.</p> <p>To determine a prospective participant’s need for academic and supporting services, grantees may use information from a variety of sources, including correspondence with teachers and counselors, student records and transcripts, and interviews with prospective students and their families.</p>	and seasonal agricultural workers (and their families), and individuals who have previously been migratory and seasonal agricultural workers (and their families) are within a designated catchment area (geographic area served by a project funded under section 330 of the Act).	<p>succeeding program year except that the Head Start program may choose not to enroll a child when there are compelling reasons for the child not to remain in Head Start, such as when there is a change in the child’s family income and there is a child with a greater need for Head Start services.</p> <p>Children who are enrolled in a program receiving funds under the authority of section 645A of the Act remain eligible while they participate in the program.</p>	<p>12-month period within the 24-month period immediately preceding the date of application for enrollment in the NFJP.</p> <p>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.</p>
<b>Minimum Duration or Financial Importance of the Qualifying Employment Activity</b>	Qualifying move must be due to economic necessity.	<p>A person, or his or her immediate family member, must have spent a minimum of 75 days during the past 24 months as a migrant or seasonal farmworker.</p> <p><i>Farmwork</i> means any agricultural activity, performed for either wages or personal subsistence, on a farm, ranch, or similar establishment</p>		Principal employment must be in agriculture within the last 24 months and the individual must have established a temporary abode for the purposes of such employment or principal employment is in	<p>The family’s income is equal to or below the poverty line and comes primarily from agricultural activity.</p> <p>A Head Start program may enroll up to 10% of their funded enrollment</p>	Must be primarily employed in agricultural or fish farming labor for 12 consecutive months out of the 24 months prior to application for the program involved.

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				agriculture on a seasonal basis.	for families that exceed the income requirements above. An additional 35% of funded enrollment for families that fall between 100% and 130% of the federal poverty guidelines.	The terms “primarily employed in agricultural or fish farming” used in the definition of eligible seasonal farmworker refer to an individual who earns at least 50 percent of their total income from farmwork or is employed at least 50 percent of their total employment time in farmwork.
<b>Qualifying Employment Activities</b>	<p>Agricultural work or employment means the production or initial processing of raw agricultural products such as crops, trees, dairy products, poultry, or livestock. It consists of work performed for wages or personal subsistence.</p> <p>Fishing work or employment means the catching or initial processing of fish or shellfish or the raising or harvesting of fish or shellfish at fish farms. It consists of work performed for wages or personal subsistence.</p>	<p><b>Farmwork</b> means any agricultural activity, performed for either wages or personal subsistence, on a farm, ranch, or similar establishment</p> <p>Agricultural activity means any activity directly related to the production of crops, dairy products, poultry or livestock, the cultivation or harvesting of trees, or fish farms. This does not include processing activities.</p>	<p>Farming in all its branches, including:</p> <p>(1) Cultivation &amp; tillage of soil;</p> <p>(2) The production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in, or on, the land; and</p> <p>(3) Any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in section (2) above. 42 CFR 56.102(b)(1)</p> <p>For either migratory or seasonal agricultural workers, report patients who meet the definition of</p>	<p>Families’ income must primarily come from agricultural activities as defined by each Head Start program. MSHS programs determine qualifying agricultural work or agricultural labor based upon their community assessments.</p>	<p>Farmwork means the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities. This includes the raising of livestock, bees, fur-bearing animals, or poultry, the farming of fish, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market. It also includes the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of</p>	

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				<p>agriculture as farming in all its branches, as defined by the Office of Management and Budget (OMB)-developed North American Industry Classification System (NAICS), and include seasonal workers included in codes 111 and 112 and all sub-codes therein, including sub-codes 1151 and 1152.</p> <p><a href="#"><u>HRSA UDS Manual, 2022</u></a></p>		<p>any agricultural or horticultural commodity in its unmanufactured state. For the purposes of this definition, agricultural commodities means all commodities produced on a farm including crude gum (oleoresin) from living tree products processed by the original producer of the crude gum (oleoresin) from which they are derived, including gum spirits of turpentine and gum rosin. Farmwork also means any service or activity covered under 20 CFR 655.103(c) and/or 29 CFR 500.20(e) and any service or activity so identified through official Department guidance such as a Training and Employment Guidance Letter.</p>
<p><b>Must Work be Temporary or Seasonal?</b></p>	<p>Yes. Temporary employment means employment that lasts for a limited period, usually a few months, but no longer than 12 months.</p> <p>Seasonal employment means employment that occurs only during a certain period of the year because of the cycles of nature and that, by its nature, may not be</p>	<p>Yes. Primary employment must be in farmwork on a temporary or seasonal basis (neither is a constant year-round activity).</p>	<p>Yes. Seasonal agricultural workers may be employed throughout the year for multiple crop seasons and as a result might work full-time.</p> <p><a href="#"><u>HRSA UDS Manual, 2022</u></a></p>	<p>It depends on the type of Head Start program providing services to the family: Migrant or Seasonal Head Start.</p> <p>See definitions for each provided in “target populations” section above</p>	<p>Yes.</p> <p>See definition in “target populations” section above.</p> <p>The terms “chronic unemployment or underemployment” used in the definition of eligible seasonal farmworker refer to the nature of the agriculture or fish farming labor force as a whole and</p>	

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	continuous or carried on throughout the year.					not whether an applicant is either chronically unemployed or underemployed. For the purposes of determining eligibility, grantees do not need to demonstrate that an individual is either chronically unemployed or underemployed.
<b>Is Change of Residency Required To qualify for services?</b>	Yes.	Only applicable if the eligibility for HEP/CAMP was based on MEP participation.		Yes, for Migrant farmworkers.  No, for Seasonal farmworkers.	Yes, for Migrant farmworkers.  No, for Seasonal farmworkers.	Not applicable
<b>Distance of Move</b>	No minimum distance; however, the move must be from one school district to another school district (with limited exceptions).	Only applicable if the eligibility for HEP/CAMP was based on MEP participation.		Not applicable		Not applicable
<b>Must Move Specifically to Seek or Obtain Qualifying Work</b>	Not applicable	Not applicable		Not applicable	Yes, for Migrant farmworkers.  No, for Seasonal farmworkers.	Not applicable
<b>Income Requirements</b>	None	An individual must be determined by the grantee to need the academic and supporting services and financial assistance provided by the project to attain the equivalent of a secondary school diploma and to gain employment or be placed in an IHE or	An individual must be determined by the grantee to need the academic and supporting services and financial assistance provided by the project to complete an academic program of study at the IHE. Most CAMP projects rely on the Free Application for	None. Any fees or payments required by the health center for such services will be reduced or waived.	The family's income is equal to or below the poverty line and comes primarily from agricultural work.  Head Start allows limited additional allowances for families who do not meet these criteria.	For NFJP: An individual must be determined by the grantee to be in a low-income status as defined in WIOA Section 3(36)(A), and incorporating the low-income provision of the NFJP appropriations language in Public Law 116-260.

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		<p>other postsecondary education or training.</p> <p>To determine a prospective participant's financial assistance needs, a HEP grantee may consider information from a variety of sources, such as a worker's pay stubs or W-2 forms.</p>	<p>Federal Student Aid (FAFSA) to determine financial assistance needs.</p>		<p>See "minimum duration or financial importance of the qualifying employment activity" section above.</p>	<p>To determine an applicant's low-income status, grantees must calculate income that reflects the applicant's financial circumstances at the time of application.</p>
<b>Other Program Provisions</b>	<p><u>Continuation of Services.</u> Under certain conditions, participants can continue to receive services after their eligibility ends. Notwithstanding any other provision of the Title I, Part C statute (1) a child who ceases to be a migratory child during a school term shall be eligible for service until the end of such term; (2) a child who is no longer a migratory child may continue to receive services for 1 additional school year, but only if comparable services are not available through other programs; and (3) students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.</p>	<p>To be eligible to participate in a HEP project, a person must not have earned a secondary school diploma or its equivalent and not be currently enrolled in an elementary or secondary school.</p>	<p>Since CAMP is a federally funded program under which participants receive direct services to help them to succeed in their first year of college or university, participants who are not "qualified aliens" would be recipients of postsecondary education services, and so they are not eligible to participate in CAMP. Section 431 of the Welfare Reform Act defines a "qualified alien" as one who has been lawfully admitted for permanent residency, as well as one who falls into one of several other narrowly defined groups, such as those formally granted asylum, refugees, and Cuban and Haitian entrants, aliens paroled into the United States for a period of at least one year, aliens granted</p>	<p>None</p>	<p>At least 10% of total funded enrollment is filled by children eligible for services under the Individuals with Disabilities Education Act (IDEA).</p>	<p><u>Selective Service Registration.</u> Male participants in NFJP must have presented and submitted to registration as required by Section 3 of the Military Selective Service Act.</p> <p>For additional information regarding Selective Service Registration Requirements for Employment and Training Administration Funded Programs, please refer to <a href="#">TEGL 11-11 Change 1</a> and <a href="#">TEGL 11-11 Change 2</a>.</p> <p><u>Employment Authorization.</u> NFJP grantees obtain source documentation for an applicant's employment authorization. Additionally, Please note that <a href="#">TEGL 2-14</a> specifies that an individual who has</p>

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			withholding of deportation by the United States Citizenship and Immigration Services (USCIS), aliens granted conditional entry into the United States, and certain battered alien spouses and children. Thus, the Department believes that all other aliens are prohibited from receiving services under CAMP			been granted relief under DACA and has employment authorization documents may be eligible to receive DOL-funded services (provided that the individual meets all other program eligibility requirements).
<b>For Further Information, Contact:</b>	Office of Migrant Education U.S. Department of Education (202) 260-1164 <a href="mailto:Migrant.education@ed.gov">Migrant.education@ed.gov</a>			National Center for Farmworker Health (512) 312-2700 <a href="http://www.ncfh.org/contact.html">http://www.ncfh.org/contact.html</a>  Health Resources and Services Administration Bureau of Primary Health Care (877) 464-4772	National Migrant and Seasonal Head Start Collaboration Office FHI 360   U.S. Programs (202) 884-8607 <a href="mailto:HeadStart@eclkc.info">HeadStart@eclkc.info</a>	Division of National Programs, Tools, and Technical Assistance Employment and Training Administration U.S. Dept. of Labor (866) 487-2365 <a href="mailto:NFJP@dol.gov">NFJP@dol.gov</a>