

**Chapter 619: FOREIGN CREDENTIALING AND SKILLS RECOGNITION GRANT PROGRAM –Amendment 2**

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**SUMMARY:** This rule establishes the criteria to be met and procedures to be followed by individuals seeking to participate in the Foreign Credentialing and Skills Recognition Grant Program.

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**SECTION 1. DEFINITIONS**

- A. Certain terms used in this rule, which are defined in the *Finance Authority of Maine Act*, 10 M.R.S.A. §961 *et seq.* and in 10 M.R.S.A. Chapter 110, subchapter 13, shall have the meanings set forth therein, unless clearly specified otherwise or unless the context clearly indicates otherwise.
- B. **Defined Terms**
1. “Authority” means the Finance Authority of Maine
  2. “Chief Executive Officer” means the chief executive officer of the Authority or a person acting under the supervisory control of the chief executive officer.
  3. "Eligible costs" means the following costs incurred or to be incurred by an applicant prior to their obtaining a work permit and incurred or to be incurred for the purpose of improving the applicant’s work-readiness once they obtain a work permit:
    - (a) Costs of translating into English any diplomas, transcripts, certifications or other proof of trainings or experience in trades, or other documents establishing courses studied or the completion of secondary school or of higher education at either the undergraduate or graduate level;
    - (b) Fees related to education evaluations establishing the equivalency level of education or experience attained abroad;
    - (c) Costs of translation into English of documents related to professional licenses, registrations or certifications of trainings or other experience obtained abroad;
    - (d) Costs of translation into English of letters of reference or recommendations related to education or experience obtained abroad;
    - (e) Fees related to test preparation courses or registration fees for a standard test of English as a foreign language such as the *Test of English as a Foreign Language*® (TOEFL) or other standardized test recognized worldwide that measures English language proficiency, when necessary for an immigrant's work;

- (f) Expenses for employment or professional applications, certifications, licensing fees and related requirements for seeking employment, including but not limited to fingerprinting and required tests;
  - (g) Fees related to obtaining a Maine driver's license, including a commercial driver's license, including but not limited to driver's education course fees, learner's permit application fees and driver's license fees;
  - (h) Costs to travel to the nearest location of any exam or test needed to establish the applicant's skills or credentials or English language proficiency, such as the TOEFL, if there is no location within sixty miles of the Maine town in which the immigrant resides; and
  - (i) Costs of a filing fee required by the United States Department of Homeland Security, United States Citizenship and Immigration Services, or any successor federal agency, to apply for the immigrant's initial work permit.
- 5. "Fund" means the Foreign Credentialing and Skills Recognition Grant Program Fund established at 10 M.R.S.A. §1100-AA.
- 6. "Immigrant" means a person who:
  - (a) Is not a United States citizen;
  - (b) Has filed applications or petitions with the United States Citizenship and Immigration Services or with the immigration courts of the United States Department of Justice, Executive Office for Immigration Review or with any successor federal immigration authority entitling the person to request a work permit while the person's applications or petitions are pending; and
  - (c) Has received education, work experience or work training, or any combination, in a foreign country.
- 7. "Initial work permit" means the first work permit that the immigrant is authorized to apply for under 8 Code of Federal Regulations, Section 274a.12(c) (2019).
- 8. "Program" means the Foreign Credentialing and Skills Recognition Grant Program established at 10 M.R.S.A. §1100-AA.
- 9. "Work permit" means a document provided by the United States Department of Homeland Security or any other federal immigration authority confirming a federal authorization of a person who is not a United States citizen to work in the United States.

## **SECTION 2. PROGRAM IMPLEMENTATION**

The program shall be administered by and is delegated to the Chief Executive Officer.

## **SECTION 3. GRANT APPLICATION AND ELIGIBILITY**

### **A. Application**

An applicant shall apply for a grant on forms designated by the Authority. The application may be filed directly by the applicant or, at the request of and on behalf of the applicant, by an adult education program of a school administrative unit that provides English as a second language, job skills or other instruction or assistance to improve the work readiness of the immigrant. Applications will be considered by the Authority on a first-come, first-served basis as long as sufficient funds remain in the fund. In the event the Authority receives multiple applications on a day that would deplete the remaining fund balance, the Authority may award the remaining funds at its discretion.

### **B. Eligibility**

To be eligible for a grant under the program, an applicant must:

1. Be an immigrant residing in Maine and have filed an application or petition with federal immigration authorities that entitles the immigrant to request a work permit in any of the categories set forth in 8 Code of Federal Regulations, Section 274a.12(c) (2019). The immigrant shall provide electronic or paper evidence establishing that such application or petition was filed with federal immigration authorities and shall state which section of 8 Code of Federal Regulations, Section 274a.12(c) (2019) allows the immigrant to request a work permit. An immigrant is not eligible if the immigrant has been denied a work permit at the time of making the application to the program. In the case of an immigrant who, pursuant to 8 Code of Federal Regulations, Section 274a.12(c)(8) (2019) or other federal statute or regulation, is required to wait a period of time after filing an application for asylum or another immigration benefit or relief before becoming authorized to receive an initial work permit, the immigrant is eligible if the immigrant's underlying application for asylum or another immigration benefit or relief entitling the immigrant to request an initial work permit following the required period has been filed and is pending at the time of making the application to the program; and
2. Submit evidence acceptable to the Authority of the costs incurred or to be incurred in the amount of the grant requested.

The Authority shall review the application for eligibility and, if the Authority determines the applicant is eligible, may authorize a grant to the grantee.

## **SECTION 4. GRANTS**

- A. Grants under the program must conform to the following requirements:

1. A grant to any individual for eligible costs may not exceed \$1,000, but this limit may be adjusted upward by the Authority from time to time to reflect inflation or cost of living or other necessary adjustments. No individual who receives more than one program grant may receive more than \$1,000 (or such other amount as may have been set by the Authority) in the aggregate;
  2. In no event may any person charge an applicant a user fee for providing assistance with preparing and/or submitting an application to the program.
- B. **Agreement Requirements.** An individual who has been approved for a program grant shall enter into an agreement with the Authority, which shall include the following terms and conditions:
1. Agreement by the grantee that they will use the funds only to pay for eligible costs;
  2. Agreement by the grantee to retain copies of receipts for expenditures on eligible costs incurred and provide these to the Authority upon request for auditing or reporting purposes;
  3. A provision that, if the grantee breaches the contract with the Authority, the Authority may require immediate repayment of the grant balance to the Authority; and
  4. The grantee must report any change of address to the Authority within two weeks of any address change.
- C. **Disbursement from the Fund.** Upon approval of an application, the Authority shall determine the amount to be disbursed from the fund to the grantee. Funds will be disbursed directly to and must be used by the grantee pursuant to the agreement entered into between the grantee and the Authority in accordance with subsection B above. Funds shall be disbursed by the Authority in one lump sum.

## **SECTION 5. ADMINISTRATIVE COSTS**

The Authority may charge the fund for its reasonable administrative costs, not to exceed 5% annually of the fund balance, for its administration of the fund.

## **SECTION 6. WAIVER OF RULE.**

The chief executive officer may waive any requirement of this rule, except to the extent that the requirement is mandated by the governing program statute, in cases where the deviation from the rule is insubstantial and is not contrary to the purposes of the program.