Chapter 36
Verification of Lawful Presence within the United States

GSWCC Trainer Webinar
December 2012
Verification of Lawful Presence Within United States

• The law went into effect on July 1, 2007.

• In October 2012, the Office of the Attorney General determined that certification issued by GSWCC is a “public benefit” and GSWCC must adhere to the requirements of 50-36-1.
O.C.G.A. § 50-36-1

- Must verify the legal immigration status of any person 18 years or older who applies for state or local public benefits as defined in federal law under 8 U.S.C. Section 1621,
State and Local Public Benefit

8 U.S.C. Section 1621 (c) (1) defines ‘state and local public benefit’ as:

“any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.”
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<th>List of Public Benefits in Statute</th>
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<td>• Adult Education</td>
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<td>• Rent Assistance</td>
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<td>• State Grant or Loan</td>
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<td>• Unemployment Insurance</td>
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Similar to commercial licenses, where performing or holding a certain job is conditioned upon holding a license issued by a state or local government, it would be considered a public benefit and would be subject to verification.

O.C.G.A. 50-36-1 (a)(4)(A)(xv) and (xvi)
How Does this Effect the E&S Program

Citizenship verification is an additional step in the certification process.

There is no change in the actual administration of the certification/re-certification course.

Individuals will continue to create and use their Personal ID numbers for identification purposes.
How Does this Effect the E&S Program

Trainer’s role

• Trainers will be responsible for collecting the documentation from the student and submitting it to GSWCC with the exams or re-certification roster.

• Trainers will be responsible for notarizing documentation, if needed.
Verification of Individuals

Effective January 1, 2013, GSWCC must verify the citizenship of all individuals that apply for certification/re-certification.

This is not retroactive, individuals who already hold a current certification will not have citizenship verified until they seek re-certification.

Individuals will have to submit documentation for each course they take.
Verification of Individuals

GSWCC has created a memo to explain the requirements and process for submitting documentation.

MEMORANDUM

To: Applicants Seeking to Obtain or Reissue Certification per O.C.G.A. 12-5-19, for Individuals Involved in Land Disrupting Activities

From: Georgia Soil and Water Conservation Commission

Re: Verification of Lawful Presence within the United States

As a result of a law change to O.C.G.A. § 50-36-1, the Georgia Soil and Water Conservation Commission (Commission) is required to obtain a signed and sworn affidavit verifying the applicant’s lawful presence in the United States accompanied by a copy of at least one “secure and verifiable document” O.C.G.A. § 50-36-1(a).

Attached to this Memorandum there is a Checklist for Verification of Lawful Presence within the United States (Checklist) along with three types of affidavits from which the applicant must choose that provide the basis for his or her lawful presence in the United States. The Checklist must be completed by an applicant to identify which of the three types of affidavits and which one of the 15 secure and verifiable documents listed is being submitted to the Commission.

In determining which affidavit is appropriate, an applicant that is a United States citizen should complete the affidavit with that title (first affidavit). An applicant that is a legal permanent resident should complete the affidavit with that title (second affidavit). An applicant that is a qualified alien or nonimmigrant under Title 8 U.S.C. with an alien number issued by the Department of Homeland Security or other federal immigration agency should complete the affidavit with that title (third affidavit).

A legible photocopy of at least one secure and verifiable document must accompany the affidavit that is being submitted by an applicant. A “secure and verifiable document” is defined in O.C.G.A. § 50-36-2 as “a document issued by a state and federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies. A secure and verifiable document shall not mean a matrimonial certificate of marriage, matrimonial marriage certificate, consular identification card, or similar identification card issued by a foreign government regardless of the holder’s immigration status. Only three documents approved and posted by the Attorney General pursuant to subsection (b) of this Code section shall be considered secure and verifiable.”

Depending on which affidavit an applicant is submitting, there is included on the Checklist at least one type of secure and verifiable document that has been determined by the Georgia Attorney General’s Office as being acceptable to support an affidavit. Once the appropriate affidavit is selected by an applicant and a photograph of the other secure and verifiable document has been made, he or she must complete the affidavit and mail it in the presence of a notary public.

Prior to submitting a certification or re-certification request, each applicant is encouraged to mail to the Commission the following three documents: 1) a Checklist completed in its entirety by the applicant, 2) the appropriate original signed and notarized affidavit attesting to the basis for his or her lawful presence in the United States, and 3) a legible photocopy of the applicant’s secure and verifiable document in support of the affidavit being submitted.

Please note that the applicant’s name, ten digit Personal ID number, certification number (if applicable) and a current email address must be included on each of these documents being submitted, including the copy of the secure and verifiable document. An applicant’s Personal ID number is the applicant’s date of birth (mm/dd/yyyy) and the last four digits of their Social Security number. For example, an applicant’s date of birth is September 10, 1963 and the last four digits of their Social Security number are 1234, then their Personal ID number would be 09101963. The Personal ID number is the identifying number the Commission uses to track an individual’s certification.
1. GSWCC Checklist for Verification of Lawful Presence Within the United States

**Required Documentation**

**1. GSWCC Checklist for Verification of Lawful Presence Within the United States**

- **Legal Permanent Residency**
- **Citizen Affidavit**
- **States or Territories of the United States**
- **The Commonwealth of Puerto Rico, the U.S. Virgin Islands, or the Northern Mariana Islands**

**2. Additional Documentation**

- **Passport or Travel Document**
- **Permanent Resident Card**
- **Employment Authorization Document**
- **Birth Certificate**
- **Marriage Certificate**

**Formal Procedure**

- **Submit the completed form to the Commission**
- **A legible copy of the original and a certified copy of the document**

**Signature of Applicant**

[Signature]

[Date]
2. Affidavit

Applicant must complete one of the following affidavits:

- Legal US Citizen
- Legal Permanent Resident
- Qualified Alien or Nonimmigrant under the Federal Immigration and Nationality Act
The affidavit needs to be notarized.
Becoming A Public Notary

GSWCC Trainers must become a Public Notary or have one present at the certification or re-certification course.

Trainers are not to charge course attendees for this service.
Becoming A Public Notary

Georgia public notaries are commissioned for a four-year term by the Clerk of Superior Court in their county of residence.

The fee for a new notary appointment or for reappointment is $37.00.

If you are a legal resident of the State of Georgia, you may only apply in your county of residence. You may notarize documents in any county within GA.
Becoming A Public Notary

If you are a legal resident of a state bordering on the State of Georgia, and are regularly employed or carry on a business or profession in Georgia, You may only apply in the county of employment. You may notarize documents in any county within Georgia.

For complete information visit:
http://www.gsccca.org/projects/npapp.asp
Required Documentation

3. A legible photocopy of at least one secure and verifiable document must accompany the affidavit that is being submitted by an applicant. A “secure and verifiable document” is defined in O.C.G.A. § 50-36-2
Examples of secure and verifiable document per O.C.G.A. § 50-36-2

Issued August 1, 2012 by the Office of the Attorney General, Georgia
United States Passport or United States Passport Card

Passports are issued to citizens and non-citizens owing allegiance to the United States.
United States Uniformed Services Privilege and Identification Card

Military ID cards come in many different forms.
Driver’s Licenses and Identification Cards

- Driver’s licenses and identification cards from:
  - all states in the United States,
  - the District of Columbia,
  - Puerto Rico,
  - Guam,
  - the Northern Marianas Islands,
  - the U.S. Virgin Islands,
  - American Samoa, or
  - the Swain Islands as long as the card has a photograph and identifying information.
Tribal Identification Card

• Cards must be from a federally recognized Native American tribe and contain a photograph and identifying information.

• There is a very large number of Native American tribes and many have their own identification card. For a full list of federally recognized tribes, please check: http://www.bia.gov/whoweare/bia/ois/tribalgovernmentservices/tribaldirectory/index.htm.

• Below is a sample ID card from the Cherokee Nation.
United States Permanent Resident Card or Alien Registration Receipt

- The United States Permanent Resident Card (Form I-551) was formerly known as the Alien Registration Receipt Card (I-151).

- The card is also commonly known as a “green card” due to many versions having a green hue.
Employment Authorization Document (EAD)

- This document is commonly known as a “work permit” and allows a recipient to legally work in the United States.
- The document must contain a photograph.
Passport of a Foreign Government

• There are nearly 200 countries in the world, many of which issue passports.
• Passports from foreign countries must be assessed on an individual basis.
• Below and above are sample from covers from a few select countries.
Merchant Mariner Document or Credential issued by the United States Coast Guard

• A Merchant Mariner Credential will replace the Merchant Mariner Document as they are phased out and looks like a passport.

• A Merchant Mariner Document is also known as a Z-Card and is about the size of a driver’s license. It is being phased out of use.
Free and Secure Trade (FAST) Card

• The Free and Secure Trade program enacted to expedite trade between the United States and Canada and the United States and Mexico.
• FAST driver cards are travel documents for expedited entry into the United States to approved drivers making qualified trips.
NEXUS Card

• The NEXUS program allows pre-screened travelers expedited processing by Canadian or United States officials for air, land and sea travel.
Secure Electronic Network for Travelers Rapid Inspection (SENTRI) Card

- The Secure Electronic Network for Travelers Rapid Inspection (SENTRI) Program allows pre-screened travelers expedited processing by United States or Mexican officials for land, air or sea travel.
Canadian Driver’s License

• Canada has thirteen total provinces and territories
• A few sample Canadian driver’s licenses are provided here.
A Certificate of Citizenship issued by the United States Department of Citizenship and Immigration Services (USCIS)

• The Certificate of Citizenship (Form N-560 or Form N-561) is a document issued by the United States government as proof of citizenship.
A Certificate of United States Naturalization (Form N-550 or Form N-570) is a document issued by the United States government which proves a person has obtained citizenship through naturalization.
Other Secure and Verifiable Documents

• The Office of the Attorney General of Georgia created a catch-all in the list of Secure and Verifiable documents requiring acceptance of documents for proof of or documentation of identity if so required by federal law.

• Such documents are deemed “secure and verifiable documents” by the Attorney General of Georgia.
Unacceptable Forms of ID

• Matricula Consular de Alta Seguridad

• Matricula Consular Card

• Consular Matriculation Card

• Consular Identification Card
Submitting Documentation

Individuals may submit documentation prior to the course via mail

or

Submit documentation at the course. Trainers will be responsible for sending documentation to GSWCC with exams or re-certification roster.
Submitting Documentation

If mailed, it should be addressed to:

The Georgia Soil and Water Conservation Commission
PO Box 1665
Athens, GA 30603

Applicants that submit documentation via mail will receive an email, within 5 business days of receipt, notifying them of their citizenship verification status.
Submitting Documentation at the Course

If an individual chooses to submit documentation at the certification or re-certification* course. The following procedures must be followed.

*Individuals that take online re-certification courses must submit documentation via mail.
Submitting Documentation at the Course

Trainers are to collect from the applicant:

• The checklist

• The appropriate affidavit
  • If the affidavit has not been notarized prior to the course, trainers must notarized the affidavit.

• A legible photocopy of secure and verifiable form of ID
Submitting Documentation at the Course

• The applicant’s completed forms are to be placed into an envelope*. One set of forms per envelope.

• The applicant must print their name on the front, seal the envelope closed and sign their name over the seal.

• Documentation will not be accepted if it is not submitted as required by GSWCC.

• Exams and answer sheets are not to be placed in sealed envelopes.

*Trainers will need to provide envelopes at the course.
Submitting Documentation at the Course

Applicant’s Name

Applicant’s name printed on the front of the envelope

Envelope sealed with applicant’s signature on back
Submitting Documentation to GSWCC

Sealed envelopes should be submitted in the same package as the exams/answer sheets/rosters.
Waivers

Applicants that submit documentation at the course or are unable to show proof of citizenship verification (email from GSWCC) are required to sign a waiver at the course.

The waiver states he/she understand that course refunds and certification/re-certification will not be issued if citizenship cannot be verified.
How Do I Get a Copy of the Forms?

All forms will be available at www.gaswcc.georgia.gov on the Documents and the Education and Certification page.

- GSWCC will send trainers an electronic copy of all forms. It is recommended that trainers have forms available if someone forgets to bring theirs.
Verification Process

GSWCC will be solely responsible for verifying an individual's citizenship status.

If individual is:

- A US Citizen or Legal Permanent Resident, documentation is verified and will be filed.

- If individual is a Qualified Alien or Nonimmigrant, their information will be verified through the SAVE Program and filed.
What is the SAVE program?

- The Systematic Alien Verification for Entitlements (SAVE) program is operated by the Department of Homeland Security division of the United States Citizenship and Immigration Services (USCIS)

- Used to determine the legal status of individuals seeking federal, state or local public benefits through benefit granting agencies
Informing the Public of New Requirements

The GSWCC will:

• Have information posted on website, which will include:
  • Home page
  • Education and Certification page
  • Course Date page

• send email to all individuals in Certification database

• send press release to various associations and organizations
Informing the Public of New Requirements

Trainers should remind applicants of requirements when they register for the course.
GSWCC staff will be present at your first certification/re-certification course to assist you with this new requirement.
Questions