

**PROFESSIONAL LICENSING AND REGULATION BUREAU[193]**

**Notice of Intended Action**

**Proposing rulemaking related to social security numbers and proof of legal presence and providing an opportunity for public comment**

The Professional Licensing and Regulation Bureau hereby proposes to rescind Chapter 4, “Social Security Numbers and Proof of Legal Presence,” Iowa Administrative Code, and to adopt a new chapter with the same title.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code chapter 546.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapter 546 and sections 252J.8(1) and 272D.8(1) and 8 U.S.C. 1621 and 42 U.S.C. 666(a)(13).

*Purpose and Summary*

This proposed chapter outlines the process for applicants and licensees to establish proof of legal presence pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621). This chapter also establishes the requirement that a licensee provide a Social Security number under 42 U.S.C. 666(a)(13) and Iowa Code sections 252J.8(1) and 272D.8(1) for the purposes of collecting child support and debts owed to the State of Iowa.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department of Inspections, Appeals, and Licensing for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on February 14, 2024. Comments should be directed to:

Lori SchraderBachar  
Iowa Department of Inspections, Appeals, and Licensing  
6200 Park Avenue, Suite 100  
Des Moines, Iowa 50321  
Phone: 515.725.9030  
Email: [lori.schraderbachar@dia.iowa.gov](mailto:lori.schraderbachar@dia.iowa.gov)

## Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

|                                 |   |
|---------------------------------|---|
| February 13, 2024<br>11:30 a.m. | 6200 Park Avenue, Suite 100<br>Des Moines, Iowa<br>Video call link: <a href="https://meet.google.com/zuu-vunu-dcc">meet.google.com/zuu-vunu-dcc</a> |
| February 14, 2024<br>11:30 a.m. | 6200 Park Avenue, Suite 100<br>Des Moines, Iowa<br>Video call link: <a href="https://meet.google.com/zuu-vunu-dcc">meet.google.com/zuu-vunu-dcc</a> |

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 193—Chapter 4 and adopt the following **new** chapter in lieu thereof:

#### CHAPTER 4

#### SOCIAL SECURITY NUMBERS AND PROOF OF LEGAL PRESENCE

**193—4.1(546) Purpose.** This chapter outlines a uniform process for applicants and licensees of the professional licensing boards as defined in 191—Chapter 1 to establish proof of legal presence pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621). This chapter also addresses the requirement that a license applicant provide a social security number under 42 U.S.C. 666(a)(13) and Iowa Code sections 252J.8(1) and 272D.8(1) for purposes including the collection of child support obligations and debts owed to the state of Iowa.

#### **193—4.2(546) Applicability.**

**4.2(1)** Applicants and licensees who are U.S. citizens or permanent resident aliens may be requested to produce evidence of their lawful presence in the United States as a condition of initial licensure or license renewal. Acceptable evidence (List A) is outlined in subrule 4.3(1).

**4.2(2)** Applicants and licensees residing in the United States, other than those described in subrule 4.2(1) above, may be requested to provide evidence of lawful presence in the United States at the time of initial licensure and with every subsequent renewal. Acceptable evidence (List B) is outlined in subrule 4.3(2).

**4.2(3)** Evidence is not required by foreign national applicants or licensees who are not physically present in the United States.

**193—4.3(546) Acceptable evidence.** The professional licensing boards accept as proof of lawful presence in the United States documents outlined in Lists A and B below. The professional licensing boards will not routinely retain the evidence sent and will not return the evidence once submitted. Documents may be retained in computer “imaged” format. Legible copies will be accepted. Original documents will not be necessary unless a question arises concerning the documentation submitted.

**4.3(1) List A—acceptable documents to establish U.S. citizenship.**

- a. A copy of a birth certificate issued in or by a city, county, state, or other governmental entity within the United States or its outlying possessions.
- b. U.S. Certificate of Birth Abroad (FS-545, DS-135) or a Report of Birth Abroad of U.S. Citizen (FS-240).
- c. A birth certificate or passport issued from:
  - (1) Puerto Rico, on or after January 13, 1941.
  - (2) Guam, on or after April 10, 1989.
  - (3) U.S. Virgin Islands, on or after February 12, 1927.
  - (4) Northern Mariana Islands after November 4, 1986.
  - (5) American Samoa.
  - (6) Swain's Island.
  - (7) District of Columbia.
- d. A U.S. passport (expired or unexpired).
- e. Certificate of Naturalization (N-550, N-57, N-578).
- f. Certificate of Citizenship (N-560, N-561, N-645).
- g. U.S. Citizen Identification Card (I-79, I-197).
- h. An individual Fee Register Receipt (Form G-711) that shows that the person has filed an application for a New Naturalization or Citizenship Paper (Form N-565).
- i. Any other acceptable document that establishes a U.S. place of birth or indicates U.S. citizenship.

**4.3(2) List B—acceptable documents to establish alien status.**

a. An alien lawfully admitted for permanent residence under the Immigration and Naturalization Act (INA). References to the INA in this rule are to the INA as amended to November 1, 2023. Evidence includes:

- (1) INS Form I-551 (Alien Registration Receipt Card commonly known as a “green card”); or
- (2) Unexpired Temporary I-551 stamp in foreign passport or on INS Form I-94.

b. An alien who is granted asylum under Section 208 of the INA. Evidence includes:

- (1) INS Form I-94 annotated with stamp showing grant of asylum under Section 208 of the INA.
- (2) INS Form I-668B (Employment Authorization Card) annotated “274a.12(a)(5).”
- (3) INS Form I-776 (Employment Authorization Document) annotated “A5.”
- (4) Grant Letter from the Asylum Office of INS.
- (5) Order of an immigration judge granting asylum.

c. A refugee admitted to the United States under Section 207 of INA. Evidence includes:

- (1) INS Form I-94 annotated with stamp showing admission under Section 207 of the INA.
- (2) INS Form I-668B (Employment Authorization Card) annotated “274a.12(a)(3).”
- (3) INS Form I-766 (Employment Authorization Document) annotated “A3.”
- (4) INS Form I-571 (Refugee Travel Document).

d. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA. Evidence includes INS Form I-94 with stamp showing admission for at least one year under Section 212(d)(5) of the INA.

e. An alien whose deportation is being withheld under Section 243(h) of the INA (as in effect immediately prior to September 30, 1996) or Section 241(b)(3) of such Act (as amended by Section 305(a) of Division C of Public Law 104-2-8). Evidence includes:

- (1) INS Form I-668 (Employment Authorization Card) annotated “271a.12(a)(10).”
- (2) INS Form I-766 (Employment Authorization Document) annotated “A10.”
- (3) Order from an immigration judge showing deportation withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of the INA.

f. An alien who is granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980. Evidence includes:

- (1) INS Form I-94 with stamp showing admission under Section 203(a)(7) of the INA.
- (2) INS Form I-668 (Employment Authorization Card) annotated “274a.12(a)(3).”
- (3) INS Form I-776 (Employment Authorization Document) annotated “A3.”

g. An alien who is a Cuban or Haitian entrant (as defined in Section 501(e) of the Refugee Education Assistance Act of 1980). Evidence includes:

(1) INS Form I-551 (Alien Registration Receipt Card, commonly known as a “green card”) with the code CU6, CU7, or CH6.

(2) Unexpired temporary I-551 stamp in foreign passport or on INS Form I-94 with code CU6 or CU7.

(3) INS Form I-94 with stamp showing parole as “Cuban/Haitian Entrant” under Section 212(d)(5) of the INA.

h. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA. Evidence includes INS Form I-94 showing this status.

i. An alien who has been declared a battered alien. Evidence includes INS petition and supporting documentation.

j. Any other documentation acceptable under the INA.

**193—4.4(252J,272D,546) Social security number disclosure.**

**4.4(1)** An individual applying for a license from a professional licensing board will disclose the individual’s social security number on the application form unless:

a. The applicant demonstrates to the satisfaction of the board that the applicant does not possess and is not eligible for a social security number, or

b. The applicant demonstrates or attests that the applicant is in the process of applying for a social security number and will provide such number within 60 days of the date on which the applicant submits the application to the board. The license of an applicant who is licensed pursuant to this subrule may be revoked for failure to provide a valid social security number within 60 days of the date on which the application was filed.

**4.4(2)** An applicant who does not possess a social security number and is not eligible for a social security number will need to demonstrate lawful presence in the United States, if applicable, and provide government-issued photo identification as needed to verify identity. If circumstances change and the applicant or licensee later attains a social security number, the applicant or licensee will disclose the social security number to the board within 30 days of the date on which the social security number is issued.

These rules are intended to implement Iowa Code chapter 546.