

CHAPTER 7
PROOF OF LEGAL PRESENCE

282—7.1(272) Purpose. This chapter outlines a uniform process for applicants and licensees of the board of educational examiners to establish proof of legal presence pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621).

282—7.2(272) Applicability.

7.2(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. If requested, submission of evidence will be required once. Acceptable evidence (List A) is outlined in subrule 7.3(1).

7.2(2) Applicants and licensees residing in the United States, other than those described in subrule 7.2(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 7.3(2).

7.2(3) Evidence shall not be required by foreign national applicants or licensees who are not physically present in the United States.

282—7.3(272) Acceptable evidence. The board shall accept as proof of lawful presence in the United States documents outlined in Lists A and B below. The board will not routinely retain the evidence sent and will not return the evidence once submitted. Documents may be retained by the board in computer “imaged” format. Legible copies of documents will be accepted. Original documents will not be required unless a question arises concerning the documentation submitted.

7.3(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-570, 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 which establishes a U.S. place of birth or indicates U.S. citizenship.

7.3(2) List B—acceptable documents to establish alien status.

a. An alien lawfully admitted for permanent residence under the Immigration and Naturalization Act (INA). 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 the 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 to establish alien status.
- These rules are intended to implement the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621).

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