

TOPIC: HB 1023 LAWFUL PRESENCE VERIFICATION POLICY UPDATE

PREPARED BY: JOHN KARAKOULAKIS

I. Summary

On August 1, 2007, the Department of Revenue promulgated permanent rules regarding the implementation of HB06S-1023 Restrictions on Defined Public Benefits, which replaced earlier emergency rules. Current CCHE policy on the College Opportunity Fund, Financial Aid, and Tuition Classification reference the outdated emergency rules. This agenda item simply updates those existing policy references to reflect the new permanent rules. The suggested changes to policy are below, with additions in bold:

Verification of Lawful Presence

Colorado law requires state agencies and institutions of higher education to verify the lawful presence in the United States of all persons 18 years of age or older for receipt of public benefits, such as financial aid, by requiring the applicant to produce one of the following forms of identification:

- (1) Valid Colorado Driver's License or a Colorado Identification Card
- (2) U.S. Military Card or a Military Dependent's Identification Card
- (3) U.S. Coast Guard Merchant Mariner Card
- (4) Native American Tribal Document
- (5) An alternative form of identification as listed in the Department of Revenue's Rules for Evidence of Lawful Presence, 1 CCR 201-17.**

An applicant also must execute an affidavit stating that he or she is a U.S. citizen or legal permanent resident; or that he or she is otherwise lawfully present in the U.S. pursuant to federal law. (C.R.S. §24-76.5-103(4)).

All applicants for state-funded financial aid must meet the identification requirements of C.R.S. §24-76.5-103(4) the Department of Revenue's **Rules for Evidence of Lawful Presence, 1 CCR 201-17, which are effective as of August 1, 2007.**

Institutions must satisfy the verification requirements of C.R.S. §24-76.5-103(4) in a manner consistent with statutory requirements, Attorney General Guidance and CCHE policy. CCHE shall audit institutions to ensure compliance.

An applicant may also meet the requirements of this statute for state-funded financial aid through any waivers granted by the Department of Revenue as provided for in the

Department of Revenue's **Rules for Evidence of Lawful Presence, 1 CCR 201-17,**
which are effective as of August 1, 2007.

II. STAFF RECOMMENDATION

The Commission should approve the suggested changes to the following policies:

- **Section II, Part D, Policy for Public Institutional Reporting College Opportunity Fund Student Credit Hour Stipend**
- **Section II, Part E, Policy for Participating Private Institutional Reporting on College Opportunity Fund Student Stipend**
- **Section VI, Part B, In-State Tuition Classification**
- **Section VI, Part F, State Funded Student Financial Aid Policy**