



617 POLICY – Immigration Status and Secondary Confirmation Documentation

617.1 Statement of Policy

Per federal regulations, Redlands Community College has a policy for requesting proof and securing confirmation of the immigrant status of applicants for Title IV HEA student financial assistance who claim to meet the eligibility requirements. When a student's output document (SAR/ISIR) does not confirm a student's status as an eligible non-citizen, the student must provide Redlands Community College with appropriate documentation showing that he/she is a permanent resident or other eligible non-citizen. Redlands Community College will initiate a Secondary Confirmation of this documentation with the Department of Homeland Security (DHS) to ensure validity. The criteria and procedures to be followed in implementing this policy are published in the Procedures section of the Policies and Procedures Manual.

Adopted March 2017



617 **PROCEDURE - Immigration Status and Secondary Confirmation Documentation**

617.1:1 Secondary Paper Confirmation

If the student does not pass automated secondary confirmation or if conflicting information is provided about his/her immigration status after receiving a match result, the institution must use paper secondary confirmation.

The student will be notified by the Financial Aid Office that a confirmation process is necessary to verify their citizenship status.

The student must provide unexpired documentation showing he/she is an eligible non-citizen.

As a last resort, if the Financial Aid Office determines that the documentation is legitimate, the G-845 document is forwarded to the U.S. Citizenship and Immigration Services (USCIS).

The G-845 will be submitted within 10 days from the date Redlands Community College receives the results of the primary confirmation. If the student does not comply with the supporting documentation within this deadline, FSA funds may not be awarded.

The student is informed that no determination of the student's eligibility will be made until an opportunity to submit immigration status documents is provided.

The G-845 is submitted to the United States Citizenship and Immigration Services (USCIS) for final determination.

The following is a partial list of documentation that may be used as evidence; however additional documentation may be required:

- **Lawful permanent residents** are non-citizens who are legally permitted to live and work in the U.S. permanently. The standard document is the Permanent Resident Card (Form I-551 since 1997) or Resident Alien Card (Form I-551 before 1997). Both forms are referred to colloquially as "green cards," though they have changed colors over the years. Possessors of the older Alien Registration Receipt Card (Form I-151, issued prior to June 1978) should have replaced it with a newer card, but for receiving FSA funds it is acceptable as evidence of permanent residence.

Permanent residents may also present an Arrival/Departure Record (CBP Form I-94) or the Departure Record (Form I-94A, which is used at land border ports of entry) with the endorsement "Processed for I-551. Temporary Evidence of Lawful Admission for



Permanent Residence. Valid until (date specified on document). Employment Authorized." **Under certain circumstances, the I-94 will no longer be issued to students who are not refugees, asylees, or parolees. Students without I-94 documentation may have their status confirmed by a Customs and Border Patrol (CBP) stamp, showing class of admission and date admitted, on their passport, although an I-551 is preferable, if available.** The form will have an A-Number annotated on it and is acceptable if the expiration date has not passed.

The U.S. Department of State issues a machine readable immigrant visa (MRIV) in the holder's passport. The MRIV will have a U.S. CBP inspector admission stamp, and the statement "UPON ENDORSEMENT SERVES AS TEMPORARY I-551 EVIDENCING PERMANENT RESIDENCE FOR 1 YEAR" will appear directly above the machine readable section. An MRIV with this statement, contained in an unexpired foreign passport and endorsed with the admission stamp, constitutes a temporary I-551, valid for one year from the date of endorsement on the stamp.

The USCIS issues the United States Travel Document (mint green cover), which contains the Reentry Permit (Form I-327) and the Refugee Travel Document (Form I-571). It is used by lawful permanent residents (as well as refugees and asylees) and is annotated with "Permit to Reenter Form I-327 (Rev. 9-2-03)."

If the student has an I-551 with a baby picture, he/she should update the I-551 with the USCIS. Permanent residents are expected to get a new picture and be fingerprinted at the age of 14. Redlands Community College may submit the documents to USCIS and pay a student who has an I-551 with a baby picture as long as confirmation has been obtained that it belongs to the student. Redlands Community College obtains confirmation by comparing the I-551 to a current photo ID that has the student's name, date of birth, and signature. The current ID must also be consistent with any identifying information in the student's file.

A student who has an approved application for permanent residence on file with the USCIS and who is waiting for a permanent resident card should have an I-797 Approval Notice from USCIS indicating such, as well as an alien number, which will give notice of current status. Note that an application for permanent resident status alone is not sufficient for determining eligibility for FSA funds.

If a person is applying to suspend deportation, he/she must request a hearing before an immigration law judge who will render an oral or written decision. If that is favorable, the USCIS will give the applicant a Form I-551, which will certify his/her lawful permanent resident status. There is no special category for persons who have been granted suspensions of deportation.



- **Conditional resident aliens** are eligible for aid if their documentation has not expired. They may have a valid I-551, I-94, I-94A, or a passport with an MRIV bearing the statement "Upon endorsement serves as temporary I-551 evidencing permanent residence for 1 year."

The Marriage Fraud Amendments established a two-year conditional permanent resident status for alien spouses of U.S. citizens or legal immigrants whose marriage took place less than two years before the spouse applied for permanent resident status. This status may also apply to any of the spouse's children who are aliens.

A Form I-551 of a conditional permanent resident alien is the same I-551 that is issued to regular permanent residents, except that the card for a conditional permanent resident expires in two years, as opposed to 10 years for the regular card. A conditional permanent resident must file a petition for removal of this restriction in the 90 days before the end of the two years. The USCIS will review the petition and, if the result of the review is satisfactory, drop the restriction and issue new documents.

Refugee status continues unless revoked by DHS or until lawful permanent resident status is granted, which refugees apply for after one year (although they may remain in refugee status much longer). They may have a Form I-94 or I-94A annotated with a stamp showing admission under Section 207 of the Immigration and Nationality Act (INA). They may also have the old Refugee Travel Document (Form I-571) or the newer U.S. Travel Document annotated with "Refugee Travel Document Form I-571 (Rev. 9-2-03)." Refugees are given indefinite employment authorization.

- **Persons granted asylum** can apply for permanent residence after one year. Asylees status continues unless revoked by DHS or until permanent resident status is granted. Asylees will have an I-94 or I-94A with a stamp showing admission under Section 208 of the INA. They may also have the same travel documents described for refugees. Persons granted asylum in the United States are authorized for indefinite employment.
- **Persons paroled into the U.S. for at least one year** must provide evidence (such as having filed a valid permanent resident application) from the DHS that they are in the U.S. for other than a temporary purpose and intend to become a citizen or permanent resident. Their documentation must have a stamp indicating that the student has been paroled into the United States for at least one year, with a date that has not expired (federal student aid cannot be disbursed after the document has expired).
- **Cuban-Haitian entrants** as defined by Section 501(e) of the Refugee Education Assistance Act (REAA) of 1980. Such students will have a stamp across the face of



the I-94 indicating that they have been classified as a “Cuban-Haitian Entrant (Status Pending).” **Under certain circumstances, the I-94 will no longer be issued to students who are not refugees, asylees, or parolees. Students without I-94 documentation may have their status confirmed by a Customs and Border Patrol (CBP) stamp, showing class of admission and date admitted or paroled on their passport.** Note that a document showing that the holder is a Cuban-Haitian entrant is valid even if the expiration date has passed.

- **Conditional entrants** are refugees who entered the United States under the seventh preference category of P.L. 89-236 or whose status was adjusted to lawful permanent resident alien under that category. They had to have entered the U.S. prior to the enactment of the Refugee Act of 1980. Students may have an I-94 with a stamp displaying “Section 203(a)(7)” and indicating that the person was admitted to the United States as a conditional entrant. Because the predecessor of the DHS stopped using this category after March 31, 1980, you should not disburse FSA funds if the student has an I-94 with conditional entrant status granted after that date.

Redlands Community College has an established procedure to ensure due process for the student if FSA funds are disbursed but the Financial Aid Office later determines (using secondary confirmation) that the student isn’t an eligible non-citizen. Redlands Community College will notify the student of his or her ineligibility and the student will be given an opportunity to contest the decision by submitting to Redlands Community College any additional documents that support their claim to be an eligible non-citizen.

If the documents appear to support the student’s claim, Redlands Community College will submit them to U.S. Citizenship and Immigration Services (USCIS) using paper secondary confirmation. Redlands Community College will then notify the student of the final decision, based on the secondary confirmation results.

617.1:2 Federal Regulation

This policy was created and is maintained to be in compliance with Federal regulation 34CFR 668.134, 668.135.

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