CITY OF LAKEWOOD

LAWFUL PRESENCE AFFIDAVIT

SECTION 1: IDENTIFICATION DOCUMENTS	
	[print name], currently by of, the following identification document as evidence of
my lawful presence in the United States	(check one):
Valid Colorado driv Department of Rev	er's license or a Colorado identification card issued by the enue
United States milita	ry card or a military dependent's identification card
United States Coas	t Guard Merchant Mariner card
Native American tri	bal document
Other document all Lawful Presence. (owed by the Colorado Department of Revenue Rules for 1 CCR 201-17)
(available at http://www.revenue.stat	e.co.us/EDO_dir/wrap.asp?incl=LawfulPresenceRules)
**Provide a clear copy of document you States.	are relying upon to show your lawful presence in the United
SECTION 2: CITIZENSHIP AFFIDAVIT	
I,under penalty of perjury under the laws of	[print name], swear or affirm of the State of Colorado that (check one):
I am a United State	s citizen, or
I am a Permanent I	Resident of the United States, or
I am lawfully preser	nt in the United States pursuant to Federal law.
or I am a sole proprietor entering into a control the State of Colorado. I understand that a present in the United States prior to receive the City of Lakewood. I further acknowled representation in this sworn affidavit is proposed to the City of Lakewood.	required by law because I have applied for a public benefit, contract or purchase order with the the City of Lakewood, in state law requires me to provide proof that I am lawfully ipt of this public benefit or prior to entering into a contract with the dige that making a false, fictitious, or fraudulent statement or unishable under the criminal laws of Colorado as perjury in seed Statute 18-8-503 and it shall constitute a separate criminal dulently received.
Signature	Date
Print Full Legal Name	

MEMORANDUM

TO: Contract Administrators

FROM: City Attorney's Office

DATE: April 22, 2010

SUBJECT: Contract Requirements for determining Lawful Presence of

individuals seeking public benefits and the Systematic Alien

Verification for Entitlements (SAVE) Program

I. BACKGROUND

In 2006, the Colorado legislature passed a bill requiring that all governmental entities verify the lawful presence of any individual, eighteen years of age or older, applying for and receiving public benefits. The law requires that Lakewood verify the lawful presence of non-citizen applicants for benefits through the Systematic Alien Verification for Entitlements (SAVE) program. The SAVE program enables governmental entities to verify the immigration status of non-citizens who are applying for public benefits. The SAVE database utilizes information from various types of immigration documents and provides information back to the City regarding the applicant's legal status as a non-citizen.

This memo will explain the following: 1) When the City must determine an individual's lawful presence; 2) What information the City must require of the individual; 3) How to identify when an individual's lawful presence must be verified through SAVE; and 4) What to do with the information provided by the individual.

II. WHEN MUST THE CITY DETERMINE AN INDIVIDUAL'S LAWFUL PRESENCE?

State law requires that the City verify the lawful presence of any individual, eighteen years of age or older, applying for and receiving public benefits.¹ Public benefits are defined as follows:

Any grant, contract, loan, professional license, or commercial license provided by an agency of a State of 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. . . ²

-

¹ C.R.S. § 24-76.5-101 et. seq.

² 8 U.S.C. § 1621(c)

The following have been determined as public benefits that an individual may receive in the City of Lakewood³:

- 1. Grants
- 2. Loans
- 3. Professional licenses, such as a contractor license
- 4. Commercial licenses: Sales and use tax, Christmas tree sales, fireworks sales pawnbroker, crematory operation, concrete and asphalt plant operation, alcoholic liquor sales, optional premises liquor sales, fermented malt beverages sales, nonalcoholic dance club operation, alcoholic beverage tasting permit, CATV cable system franchise, amusement arcade, adult business, massage parlor operation, care-giver facility, escort services, and residential facilities
- 5. Employee benefits, such as retirement, health, disability, and unemployment
- 6. Public or assisted housing
- 7. Postsecondary education assistance
- 8. Contracts for services with the City: maintenance, lawn/gardening, janitorial, repair (plumbing, electrical, etc.), massage, manicure/pedicure, instruction, teaching, and tutoring.

When an individual person, one who is not an entity, i.e. LLC, Co., Corp., Partnership, applies for any of the benefits listed above, the contract administrator must take steps to verify the individual's lawful presence. This list may not be exhaustive. If the administrator believes the contract is dealing with a benefit, please contact the City Attorney's Office for guidance.

III. WHAT INFORMATION MUST THE CITY RECEIVE FROM AN INDIVIDUAL SEEKING A PUBLIC BENEFIT?

In order for the City to comply with state law, the City must receive, photocopy, and retain identification information from an individual seeking a public benefit. The individual seeking the public benefit must produce one of the following types of identification⁴:

- 1. A valid Colorado driver's license or a Colorado identification card, issued pursuant to article 2 of title 42, C.R.S.; or
- 2. A United States military card or a military dependent's identification card; or
- 3. A United States Coast Guard Merchant Marine card; or
- 4. A Native American tribal document; or
- 5. A valid driver's license or ID card bearing applicant's photograph issued by one of the following: Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New

³ See also "Contract and Benefit Guides Regarding Lawful Presence" last updated July 2008

⁴ C.R.S. §24-76.5-103(4)(a)(I-IV)

Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Washington D.C., Wisconsin and Wyoming

In addition to the identification document, the individual must execute an affidavit stating⁵:

- 1. That he or she is a United States citizen or legal permanent resident; or
- 2. That he or she is otherwise lawfully present in the United States pursuant to federal law

When an individual affirms in the affidavit that he or she is either a legal permanent citizen, or is otherwise lawfully present in the United States, but has not been issued one of the above-listed accepted forms of identification, the individual must provide one of the following:

- 1. Permanent Resident Card, Form I-551
- 2. Alien Registration Receipt Card, Form I-151
- 3. Employment Authorization Document, Form I-766
- 4. Temporary Resident Card, From 688
- 5. Employment Authorization Card, From I-688A
- 6. Employment Authorization Document, Form I-688B
- 7. Employment Authorization Card, Form I-766
- 8. Arrival-Departure Record, Form I-94
- 9. Reentry Permit, Form I-327
- 10. Refugee Travel Document, Form I-571
- 11. Certificate of Naturalization
- 12. Certificate of Citizenship
- 13. Unexpired Foreign Passport
- 14. Certificate of Eligibility for Nonimmigrant (F-1) Student Status, Form I-20
- 15. Certificate of Eligibility for Exchange Visitor (J-1) Status, Form DS2019

IV. WHEN DOES AN INDIVIDUAL'S LAWFUL PRESENCE NEED TO BE VERIFIED THROUGH THE SAVE PROGRAM?

If the individual requesting a public benefit provides one of the five forms of ID listed above, and signs the required lawful presence affidavit, that individual's lawful presences is presumed, and the contract administrator need only make a photocopy of the identification provided. Contract administrators should make efforts to ensure that the identification is legitimate.

If, in addition to the lawful presence affidavit, the individual provides one of the 15 non-citizen forms of identification, that individual's lawful presence must be verified through the SAVE program.

_

⁵ C.R.S. §24-76.5-103(4)(b)(I-II)

V. WHAT DOES THE CONTRACT ADMINISTRATOR NEED TO DO WITH THE INDIVIDUAL'S IDENTIFICATION INFORMATION?

If the individual applying for the benefit is one whose lawful presence is presumed, based upon the type of identification provided, the contract administrator need only make a copy of the identification and have the applicant provide the required lawful presence affidavit.

If the individual applying for the benefit is one whose lawful presence must be verified through the SAVE program, the identification information should be forwarded to Kim Wonders in the City Clerk's Office, who is the administrator for the City's access to SAVE. The individual's information will then be submitted to the SAVE program, and the City should have a response very quickly, unless additional information is required by SAVE.