



Implementation of the
South Carolina
Illegal Immigration Reform Act

Policy and Procedures
Manual

Registrar's Office
Updated November 13, 2014

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Policy

COLLEGE OF CHARLESTON
Policy
To comply with
South Carolina Illegal Immigration Reform Act

1.0 BACKGROUND

(a) Statutory Requirement.

On June 4, 2008, the Governor signed into law the *South Carolina Illegal Immigration Reform Act* (H. 4400, Act 280) (the "Act"). Section 17 of the Act (codified at S.C. Code Ann. § 59-101-430) is specifically directed to public colleges and universities and became effective upon the Governor's signature. This Section of the Act requires that the Board of Trustees of each public institution of higher education adopt a process to verify the lawful presence in the United States of all students attending their respective institutions. The law provides as follows:

Section 59-101-430. (A) An alien unlawfully present in the United States is not eligible to attend a public institution of higher learning in this State, as defined in Section 59-103-5. The trustees of a public institution of higher learning in this State shall develop and institute a process by which lawful presence in the United States is verified. In doing so, institution personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 U.S.C. Section 1373(c).

(B) An alien unlawfully present in the United States is not eligible on the basis of residence for a public higher education benefit including, but not limited to, scholarships, financial aid, grants, or resident tuition.

(b) General Rule.

In accordance with the Act it is the policy of the College that:

A person unlawfully present in the United States is not eligible for enrollment at the College of Charleston and does not qualify on the basis of residence for any other benefit including, but not limited to, scholarships, financial aid, grants, or resident tuition.

(b) Nature of Proof Needed

Verification of lawful presence in the United States shall be based on criteria used by the Federal Government to determine immigration status and may include, but not be limited to: (1) original source documentation that establishes birth in the United States; (2) a South Carolina driver's license;¹ (3) an approved FAFSA; (3) a passport or visa; (4) verification through one or more Federal data bases; or (5) such other documentation that the College may determine, from time to time, to be sufficient evidence of lawful presence in the United States.

2.0 VERIFICATION OF STUDENTS AND APPLICANT FOR ENROLLMENT

2.1 Responsibility for Oversight

The Registrar's Office has the responsibility to manage this Process and to report on its operations to the Provost.

2.2. System Requirements

¹ Any driver's license from one of the states listed on web site of the South Carolina Department of Motor Vehicles would be acceptable. See http://www.scdmvonline.com/DMVNew/default.aspx?n=sc_illegal_immigration_reform_act.

(a) The Compliance and Student Enrollment Eligibility Officer (hereinafter referred to as the “Compliance Officer”) shall work with Information Technology and the Office of Institutional Research, Planning, and Information Management to develop reports from Banner data that will be used to record the names of each student or applicant for enrollment (hereinafter collectively referred to as the “Students” and each individually as a “Student”) and that, in addition, shall contain the following information: (1) whether that Student has been verified for lawful presence in the United States; (2) how and when that verification was made; and (3) the current status of the Student if verification was not made. The Compliance Officer shall also consult with the Office of Financial Aid to identify the financial aid that non-verified Students may have received by or through the College.

(b) The Compliance Officer shall be the steward of the data base described in subsection (a) of this Section 2.2. Only those employees who have a job related need to know shall have access to that data base. The Compliance Officer shall maintain a master list of all College employees who have such access.

2.3 Non-Verification: Appeals

(a) If a Student does not meet a verification threshold, the Compliance Officer must place a registration hold on the Student’s record or application and notify the Student, in writing, about the preliminary determination of ineligibility for enrollment or continued enrollment. Once a registration hold is placed on a Student’s record, all enrollment actions and financial aid decisions of the College related to that Student must be made by the Provost or his/her designee.

(b) The notification described in subsection (a) shall also: (i) state the basis for non-verification; (ii) inform the Student that the Student has 14 days from the date of the notification to appeal the preliminary determination through the submission of federally generated source documents or other acceptable proof that establishes the lawful presence of the Student in the United States; and (iii) advise the student of the consequences of a negative determination or of the student’s failure to timely respond to the notification. If the Student does not appeal the preliminary determination of the Compliance Officer within the 14 day period described in this subsection (b), the preliminary determination shall become the final determination of the College. A copy of the Compliance Officer’s notification shall be forwarded to the Office of Financial Assistance and Veterans’ Affairs, if the Student has received or is applying for aid by or through that Office.

(b) The Student shall also be sent the College form entitled *Verification of Lawful Presence in the United States* along with the letter of notification required in subsection (a) of this section. The Compliance Officer shall evaluate the response to the notice and the completed form and, if acceptable, the matter shall be resolved in favor of the student. If not acceptable, the student shall be advised of the same and the appeal shall progress to the next level for a final determination pursuant to subsection (c).

(c) Appeals that are unresolved for any reason after the process in subsection (b) has been pursued shall be decided by the Office of Legal Affairs which shall be the final College determination on the matter. The student shall have an additional 14 days to appeal to the Office of the Legal Affairs a denial by the Compliance Officer to find the student lawfully present in the United States under subsection (b). If the Student does not appeal the Compliance Officer’s decision within 14 days of the Compliance Officer’s notice of decision to the student under subsection (b), the determination of the Compliance Officer shall become the final determination of the College.

(d) In the event a Student is not verified, AAPA shall consult with the Office of Legal Affairs as to the appropriate remedial measures that should be taken under the circumstances.

3.0 CONTINUING OVERSIGHT

3.1 Implementation

The Provost and other senior managers of the College shall undertake such administrative action as may be necessary to implement this Process and further its intent. Appropriate measures shall be taken to protect the privacy of the Students’ information and to maintain such information for the minimum period of time needed to assure compliance with all requirements. The Provost shall review this Policy periodically and advise the Board of Trustees

of any recommended modifications as may be needed to further the purposes of the Act or the academic integrity of the College.

3.2 Authority

The Provost is authorized to take such actions as the Provost deems necessary or appropriate to implement this Process and to effectuate the intent of Section 17 of the *South Carolina Illegal Immigration Reform Act* first cited and quoted above.

3.3 Operating Procedures

The Registrar's Office shall develop and maintain internal operating procedures to implement this Policy. Such procedures shall be published along with this Policy and shall be deemed incorporated herein by this reference. Operating procedures shall not conflict nor be inconsistent with this Policy and any amendments to such procedures shall be published by the AAPA no less than one semester prior to their intended effective date, provided that, for good cause shown, the Provost may determine that a shorter period of time is needed to protect the integrity of the Policy.

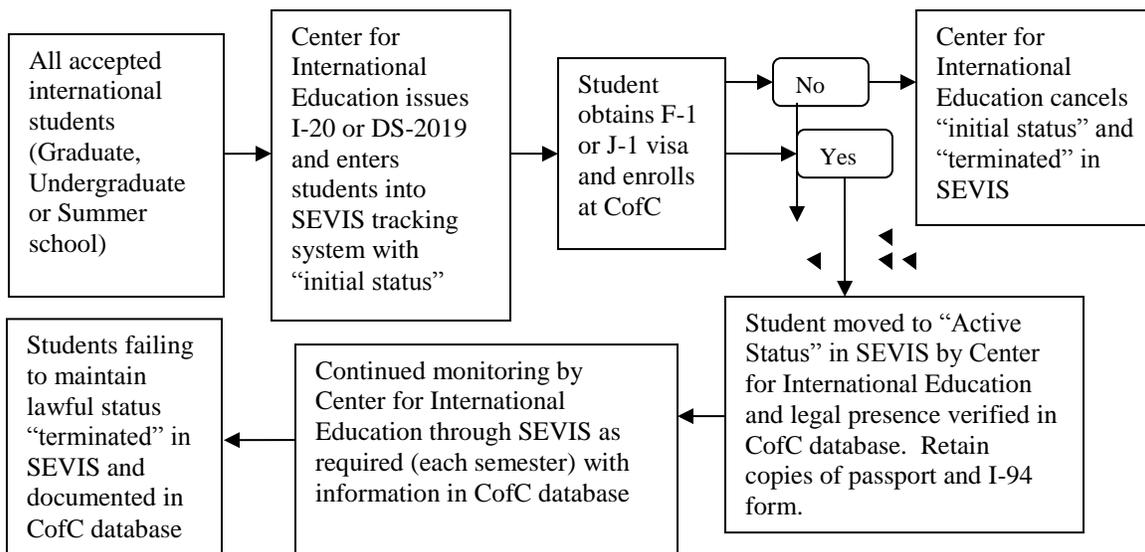
Verification Operating Procedures

COLLEGE OF CHARLESTON
Operating Procedures
for Verification
of Lawful Presence in the United States
as required by the
South Carolina Illegal Immigration Reform Act

Process for Verification

(a) The verification process for all students (including applicants for enrollment) **who do NOT have visas** shall be as depicted in Exhibit A (undergraduate students) or Exhibit B (graduate students).

(b) The verification process for all **International Students with F-1 and J-1 visas:**



(c) The verification process for all **International Students with visa type other than F1/J1** shall be as depicted in Exhibit C.

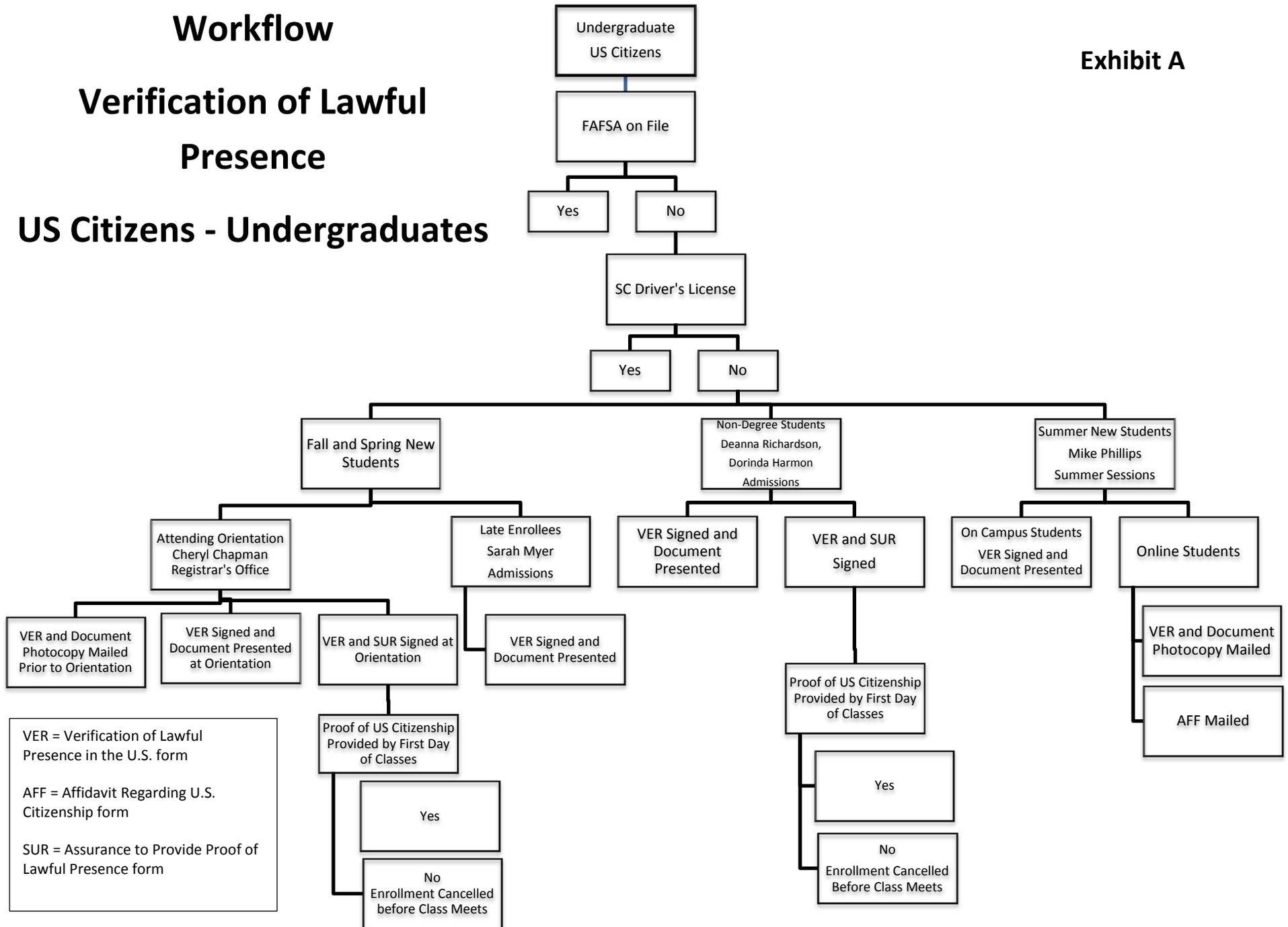
Appendix

Workflow

Verification of Lawful Presence

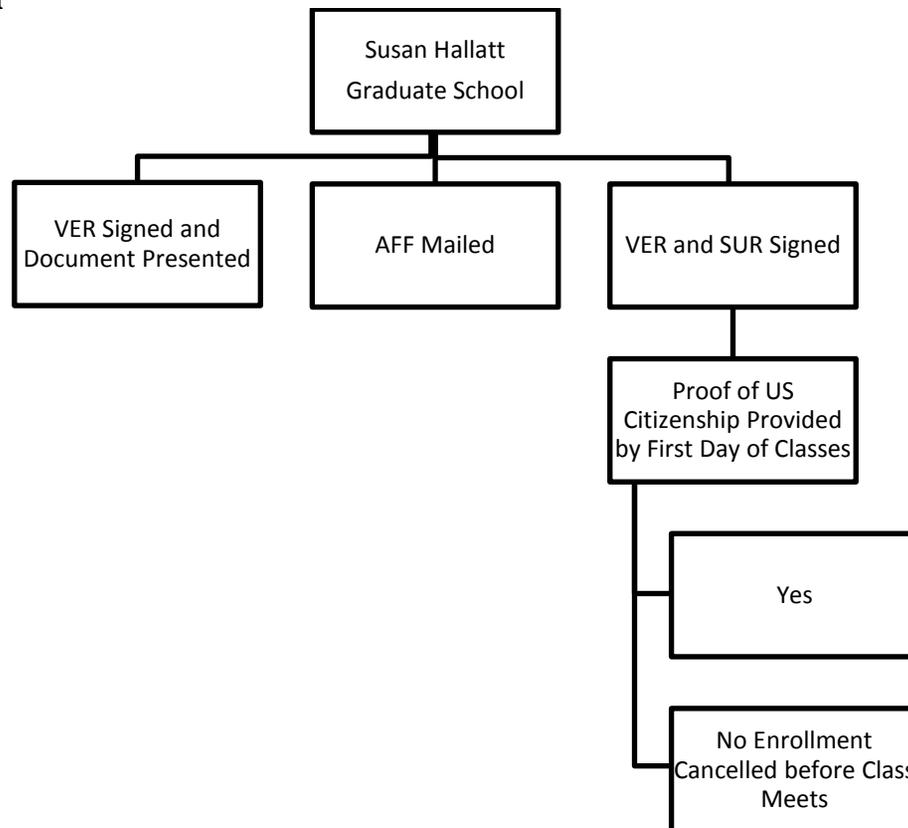
US Citizens - Undergraduates

Exhibit A



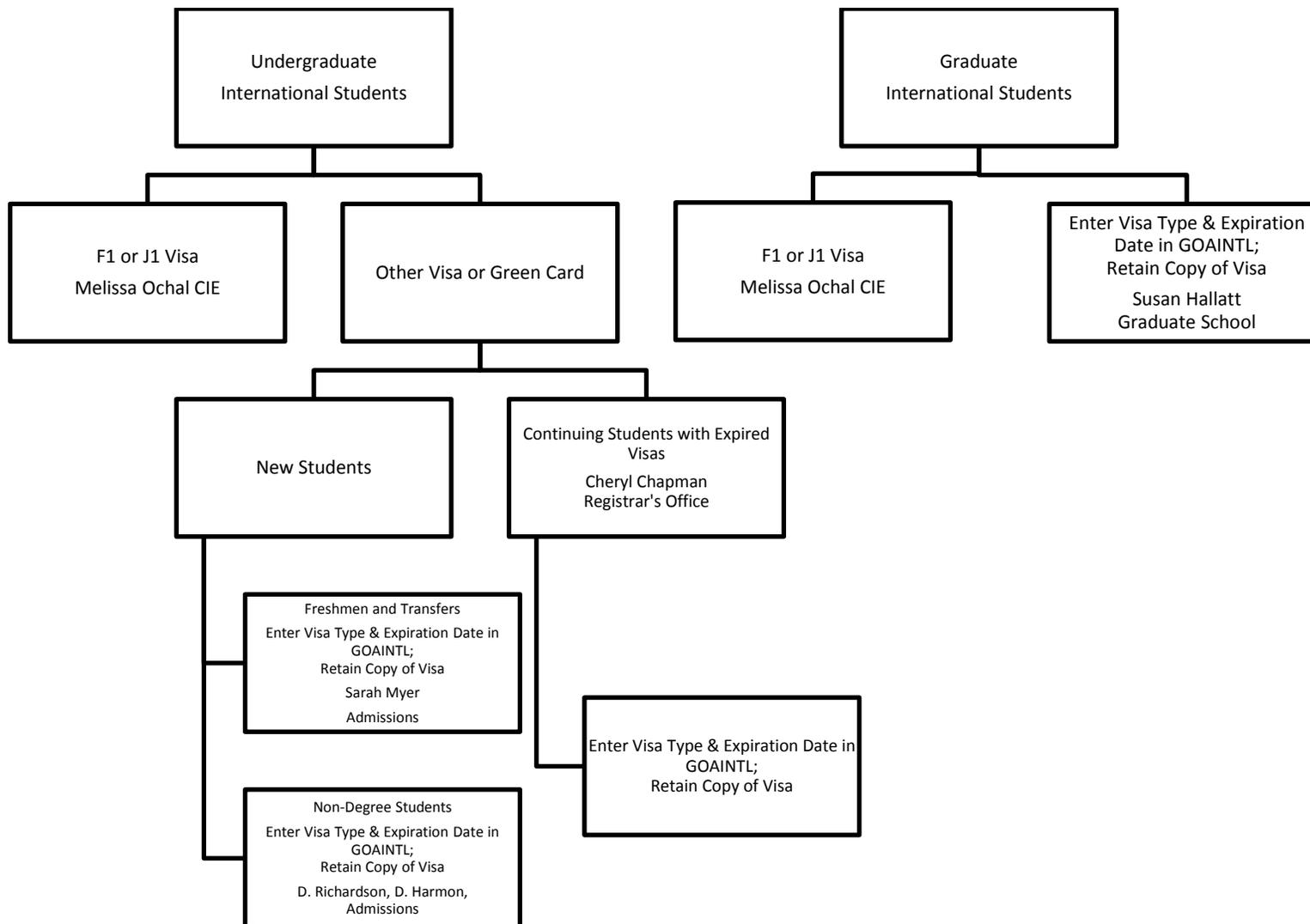
**Workflow
Verification of Lawful
Presence
US Citizens
Graduate School**

Exhibit B



Workflow Verification of Lawful Presence International Students

Exhibit C





Verification of Lawful Presence in the United States

Return the original of this form with your attached proof of Lawful Presence in the United States to:



Registrar's Office
66 George Street
Lightsey Center 2nd Floor
Charleston, SC 29424

Email questions to lawfulpresence@cofc.edu

More information at <http://registrar.cofc.edu/lawful-presence/index.php>

Student Name _____ CofC ID (Not SSN) _____

Pursuant to section 59-101-430 of the South Carolina Code of Laws, as amended in 2008, to attend a public university in the state a student must be a citizen or national of the United States or an alien lawfully present in the United States. College of Charleston is required to verify the status of all students prior to their enrollment. The Board of Trustees of the College has approved a verification process to comply with the law.

Every student must provide proof of U.S. citizenship before being allowed to enroll.

Visit the Registrar's Office, 2nd Floor of Lightsey Center, to present one of these documents with the original signed copy of this form; or mail the original of the form with a photocopy of one of the documents.

- South Carolina Driver's License or identification card if it was issued after January 1, 2002. The College may verify the validity of the license with the South Carolina Department of Motor Vehicles.
- Current and valid Driver's License or identification card from one of the following states: **(If your state is not on this list, it is not eligible.)** Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, North Carolina, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, or Wisconsin.
- Current U.S. Passport or U.S. Passport that has not been expired more than 10 years
- Certified Birth Certificate indicating you were born in the United States or a territory of the United States, with your given name and surname, date and place of birth, date birth record was filed and the seal or other certification of the official custodian of the certificate.
- Certificate of Citizenship (N-560 or N-561)
- Certificate of Naturalization (USCIS Form N-550 or N-570)
- U.S. government issued Consular Report of Birth Abroad
- Unexpired U.S. Active Duty/Retiree/Reservist Military ID card (DOD DD-2)

Photocopies are acceptable, but College of Charleston reserves the right to demand production of the certified original if needed.

NOTE: If student's name has changed since birth, applicant must present all legal documents (i.e., adoption records, marriage certificate, certificate of naturalization, court ordered name change) supporting all name changes from the name which appears on the document presented as proof of lawful presence in the United States.

By my signature below, I hereby attest and certify that I am a citizen of the United States.

Full Signature of Student

Date

For office use: Received by & date _____

Updated system by & date _____

VER

Last updated on 10/23/2014



Assurance to Provide Proof of Lawful Presence

Student Name _____ CofC ID (Not SSN) _____

I understand that I have until _____ at 4:00 PM to provide an original or photocopy of one of the specified documents verifying my lawful presence in the United States. Failure to meet this deadline will result in the cancellation of my enrollment in classes at the College of Charleston.

Full Signature of Student

Date



Assurance to Provide Proof of Lawful Presence

My deadline to provide documentation of lawful presence is _____ at 4:00 PM.

I must present proof of lawful presence in person or by mail to:

Lawful Presence
Registrar's Office
66 George Street
Lightsey Center, 2nd Floor
Charleston, SC 29424

Or via email to: lawfulpresence@cofc.edu

I must provide an original (in person) or a photocopy (via mail or email) of one of these documents:

- South Carolina Driver's License or identification card if it was issued after January 1, 2002. The College may verify the validity of the license with the South Carolina Department of Motor Vehicles.
- Current and valid Driver's License or identification card from one of the following states: **(If your state is not on this list, it is not eligible.)** Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, North Carolina, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, or Wisconsin.
- Current U.S. Passport or U.S. Passport that has not been expired more than 10 years
- Certified Birth Certificate indicating you were born in the United States or a territory of the United States, with your given name and surname, date and place of birth, date birth record was filed and the seal or other certification of the official custodian of the certificate.
- Certificate of Citizenship (N-560 or N-561)
- Certificate of Naturalization (USCIS Form N-550 or N-570)
- U.S. government issued Consular Report of Birth Abroad
- Unexpired U.S. Active Duty/Retiree/Reservist Military ID card (DOD DD-2)
- Permanent Resident Card (Green Card)
- Valid Unexpired visa (except F-1 and J-1): documentation by visa stamp in passport or official approval notice

SUR

Last updated on 10/23/2014



Affidavit Regarding United States Citizenship

Return the original of this form to:



Cheryl B. Chapman,
Registrar's Office
66 George Street
Lightsey Center 2nd Floor
Charleston, SC 29424

Email questions to lawfulpresence@cofc.edu

More information at <http://registrar.cofc.edu/lawful-presence/index.php>

Student Name _____ CofC ID (Not SSN) _____

Pursuant to section 59-101-430 of the South Carolina Code of Laws, as amended in 2008, I hereby verify under penalty of perjury under the laws of the State of South Carolina that I am a United States citizen and that I am not an alien whose lawful presence in the United States must be verified by the College of Charleston in order for me to enroll or to receive any public higher education benefit.

I understand that providing false information on this Affidavit could subject me to civil and/or criminal penalties or to action taken by the College of Charleston including imposition of a registration block, suspension, revocation of scholarships, or revocation of degrees.

I also understand that I have the option of providing alternate documentation to verify my citizenship. *Do not use this form to provide alternate documentation. Instead, submit the form entitled "Verification of Lawful Presence in the United States."*

- South Carolina Driver's License or identification card if it was issued after January 1, 2002. The College may verify the validity of the license with the South Carolina Department of Motor Vehicles.
- Current and valid Driver's License or identification card from one of the following states: Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, North Carolina, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, or Wisconsin.
- Certified Birth Certificate indicating you were born in the United States or a territory of the United States, with your given name and surname, date and place of birth, date birth record was filed and the seal or other certification of the official custodian of the certificate.
- Certificate of Citizenship (N-560 or N-561)
- Certificate of Naturalization (USCIS Form N-550 or N-570)
- Current U.S. Passport or U.S. Passport that has not been expired more than 10 years
- U.S. government issued Consular Report of Birth Abroad
- Unexpired U.S. Active Duty/Retiree/Reservist Military ID card (DOD DD-2)

By my signature below, I hereby attest and certify that I am a citizen of the United States.

Full Signature of Student

Date

NOTARY REQUIRED:

State of South Carolina

County of _____

On this ____ day of _____, 20__ before me personally appeared _____ who provided satisfactory evidence of his/her identification to be the person whose name is subscribed to this instrument, and he/she acknowledged that he/she executed the foregoing instrument.

My commission expires: _____

Notary Public

For office use: Received by & date _____ Updated system by & date _____

AFF

Last updated on 10/21/2014

Email Sent to Students Who Intend to Enroll

Greetings,

Congratulations on your acceptance to the College of Charleston!

South Carolina (like most states) requires that all students attending a public college or university must provide proof of lawful presence in the United States before **being allowed to enroll** at the college.

We have reviewed your file and need some additional information to complete your verification. Click the link below to complete the Lawful Presence form. Please mail, email or fax your signed form with a photocopy of one of the following documents below as soon as possible:

- South Carolina Driver's License or identification card if it was issued after January 1, 2002. The College may verify the validity of the license with the South Carolina Department of Motor Vehicles.
- Current and valid Driver's License or identification card from one of the following states: **(If your state is not on this list, it is not eligible.)** Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, North Carolina, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, or Wisconsin.
- Current U.S. Passport or U.S. Passport that has not been expired more than 10 years
- Certified Birth Certificate indicating you were born in the United States or a territory of the United States, with your given name and surname, date and place of birth, date birth record was filed and the seal or other certification of the official custodian of the certificate.
- Certificate of Citizenship (N-560 or N-561)
- Certificate of Naturalization (USCIS Form N-550 or N-570)
- U.S. government issued Consular Report of Birth Abroad
- Unexpired U.S. Active Duty/Retiree/Reservist Military ID card (DOD DD-2)

Lawful Presence Form: <http://registrar.cofc.edu/lawful-presence/lawful-presence.pdf>

If you have questions, please feel free to email lawfulpresence@cofc.edu

Sincerely,

Cheryl Chapman
Compliance Officer
Registrar's Office
College of Charleston
66 George Street
Lightsey Center, 2nd Floor
Charleston, SC 29424
Phone 843-953-5756
Fax 843-953-6560

First Email Sent to Students Attending Orientation

Greetings,

Congratulations on your acceptance to the College of Charleston! We are looking forward to seeing you at Orientation. South Carolina (like most states) requires that all students attending a public college or university must provide proof of lawful presence in the United States before **being allowed to enroll** at the college.

We have reviewed your file and need some additional information to complete your verification. Click the link below to complete the Lawful Presence form. Please bring this form along with either the original or a photocopy of one of the following documents below to orientation:

- South Carolina Driver's License or identification card if it was issued after January 1, 2002. The College may verify the validity of the license with the South Carolina Department of Motor Vehicles.
- Current and valid Driver's License or identification card from one of the following states: **(If your state is not on this list, it is not eligible.)** Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, North Carolina, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, or Wisconsin.
- Current U.S. Passport or U.S. Passport that has not been expired more than 10 years
- Certified Birth Certificate indicating you were born in the United States or a territory of the United States, with your given name and surname, date and place of birth, date birth record was filed and the seal or other certification of the official custodian of the certificate.
- Certificate of Citizenship (N-560 or N-561)
- Certificate of Naturalization (USCIS Form N-550 or N-570)
- U.S. government issued Consular Report of Birth Abroad
- Unexpired U.S. Active Duty/Retiree/Reservist Military ID card (DOD DD-2)

Lawful Presence Letter: <http://registrar.cofc.edu/lawful-presence/lawful-presence.pdf>

A Lawful Presence table will be set up at Orientation check-in to scan your original documentation. It's a quick process that you're only required to do once at the College of Charleston.

If you have questions, please feel free to email lawfulpresence@cofc.edu

Sincerely,

Cheryl Chapman
Compliance Officer
College of Charleston
Charleston, SC 29424
Phone 843-953-5756
Fax 843-953-6560

Reminder Email to Students Attending Orientation

Greetings,

We look forward to seeing you next week at the College of Charleston! This is just a quick reminder that your lawful presence is still not verified, so be sure to bring your documentation to Orientation.

Lawful Presence verification is a fast and easy process that only needs to be done once while you are at the College of Charleston. Fill out the attached Lawful Presence form and bring the form along with either an original or photocopy of one of the following documents to orientation:

- South Carolina Driver's License or identification card if it was issued after January 1, 2002. The College may verify the validity of the license with the South Carolina Department of Motor Vehicles.
- Current and valid Driver's License or identification card from one of the following states: **(If your state is not on this list, it is not eligible.)** Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, North Carolina, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, or Wisconsin.
- Current U.S. Passport or U.S. Passport that has not been expired more than 10 years
- Certified Birth Certificate indicating you were born in the United States or a territory of the United States, with your given name and surname, date and place of birth, date birth record was filed and the seal or other certification of the official custodian of the certificate.
- Certificate of Citizenship (N-560 or N-561)
- Certificate of Naturalization (USCIS Form N-550 or N-570)
- U.S. government issued Consular Report of Birth Abroad
- Unexpired U.S. Active Duty/Retiree/Reservist Military ID card (DOD DD-2)

Lawful Presence Form: <http://registrar.cofc.edu/lawful-presence/lawful-presence.pdf>

There will be a Lawful Presence table located next to the Orientation check-in area. If for some reason we miss you at Orientation, please bring your documentation to the Registrar's Office. The Registrar's Office is located on the 2nd floor of the Lightsey Building. If you have questions, please feel free to email lawfulpresence@cofc.edu.

Sincerely,

Cheryl Chapman

Compliance Office

College of Charleston

Charleston, SC 29424

Phone 843-953-5756

Fax 843-953-6560

Language for the Admissions Application

Section 17 of the South Carolina Illegal Immigration Reform Act (H.4400, Act 280 of 2008), enacted June 4, 2008, requires South Carolina public colleges and universities to verify the lawful presence in the United States of their students. To attend a public college or university in the State, a student must be a citizen or national of the United States or an alien lawfully present in the United States.

All students are required to provide proof of lawful presence in the United States before being allowed to enroll at the College. The Board of Trustees of the College of Charleston has approved a verification process to comply with the law.

You may direct questions to the Compliance and Student Enrollment Eligibility Officer in the Registrar's Office, lawfulpresence@cofc.edu.

Language for the Undergraduate and Graduate Catalogs

South Carolina Illegal Immigration Reform Act

Section 17 of the South Carolina Illegal Immigration Reform Act (codified at S.C. Code Ann. 59-101-430) requires South Carolina public colleges and universities to verify the lawful presence in the United States of their students. To attend a public college or university in the State, a student must be a citizen or national of the United States or an alien lawfully present in the United States.

All College of Charleston students are required to document lawful presence in the United States before being allowed to enroll or continue enrollment at the College. The Board of Trustees of the College of Charleston has approved a verification policy to comply with the law.

Students who are not initially verified as being lawfully present in the United States will receive written notification of that initial finding. To change that initial finding the student will be required to present proof of lawful presence as listed in the College's standard form entitled Verification of Lawful Presence in the United States that will accompany such notification.

You may direct questions about the College's policy and procedures regarding this matter to the Compliance and Student Enrollment Eligibility Officer in the Registrar's Office, second floor of Lightsey Center, or send email inquiries to lawfulpresence@cofc.edu.