

Special Notice
Evidence of Citizenship or Qualified Alien Status Must be Submitted to the Commission
Rules and Requirements Effective July 1, 2002

The Real Estate Commission has promulgated a new rule concerning license renewals and reinstatements, and has amended an existing rule regarding applications for licenses. This was done due to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The act requires states to eliminate a broad array of "public benefits" for illegal immigrants. Federal law defines "Public benefits" to include professional and commercial licenses.

The changes will be implemented as follows:

1. **License Renewals** At license renewal, licensees will be required to send a copy of documentation which verifies citizenship or qualified alien status. If the documentation is approved as proof of the person being a U.S. citizen, submission of documentation will only be required one (1) time. Persons with qualified alien status will be required to submit proof with each license renewal until citizenship is granted and proof of citizenship is approved. If an applicant does not submit the required proof, the license will be renewed inactive and a hold will be placed on the license.
2. **License Reinstatements** All license applicants will be required to send a copy of documentation which verifies citizenship or qualified alien status. If an examination is required, the applicant can **not** take the examination until the documentation is approved. If the documentation is approved as proof of the person being a U.S. citizen, submission of documentation will only be required one (1) time. Persons with qualified alien status will be required to submit proof with each license renewal until citizenship is granted and proof of citizenship is approved. If an applicant does not submit the required proof, the license will be reinstated inactive and a hold will be placed on the license.
3. **Applications for Licenses** All license applicants will be required to send a copy of documentation which verifies citizenship or qualified alien status. If the documentation is not approved, the applicant will **not** be approved for a license. If an examination is required, the applicant can **not** take the examination until the documentation is approved. If the documentation approved is proof of the person being a U.S. citizen, submission of documentation will only be required one (1) time. Persons with qualified alien status will be required to submit proof with each license renewal until citizenship is granted and proof of citizenship is approved.
4. **Approval of New Instructors** All new instructors will be required to send a copy of documentation which verifies citizenship or qualified alien status. If the documentation is not approved, the new instructor will **not** be approved. If an examination is required, the applicant can **not** take the examination until the documentation is approved.

Acceptable Documents To Establish Evidence of Citizenship or Qualified Alien Status

SECTION I.

PRIMARY EVIDENCE OF CITIZENSHIP

- _____ - **A birth certificate** showing birth in one of the 50 States, the District of Columbia , Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands, unless the person was born to foreign diplomats residing in the U.S.;
- _____ - **United States passport** (except limited passports, which are issued for periods of less than five years);
- _____ - **Report of birth abroad of a U.S. citizen (FS-240)** (issued by the Department of State to U.S. citizens);
- _____ - **Certificate of birth (FS-545)** (issued by a foreign service post) or Certification of Report of Birth (DS-1350) (issued by the Department of State) , copies of which are available from the Department of State;

_____ - **Certificate of Naturalization (N-550 or N-570)** (issued by the INS through a Federal or State court, or through administrative naturalization after December 1990 to individuals who are individually naturalized; the N-570 is a replacement certificate issued when the N-550 has been lost or mutilated or the individual's name has been changed);

_____ - **Certificate of Citizenship (N-560 or N-561)** (issued by the INS to individuals who derive U.S. citizenship through a parent; the N-561 is a replacement certificate issued when the N-560 has been lost or mutilated or the individual's name has been changed);

_____ - **United States Citizen Identification Card (I-197)** (issued by the INS until April 7, 1983 to U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossing) (formerly Form I-179, last issued in February 1974);

_____ - **Northern Mariana Identification Card** (issued by the INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 3, 1986);

_____ - **Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen** (This is given to an individual born outside the U.S. who derives citizenship through a parent but does not have an FS-240, FS-545 or DS-1350) ; or

_____ - **American Indian Card with a classification code "KIC" and a statement** on the back (identifying U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border.)

SECTION II. SECONDARY EVIDENCE OF CITIZENSHIP

If the applicant cannot present one of the documents listed in Section I, the following may be relied upon to establish U.S. citizenship or nationality:

_____ - **Religious record** recorded in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Island or the Northern Mariana Islands (unless the person was born to foreign diplomats residing in such a jurisdiction) within three months after birth showing that the birth occurred in such jurisdiction and the date of birth or the individual's age at the time the record was made;

_____ - **Evidence of civil service employment by the U.S. government before June 1, 1976;**

_____ - **Early school records** (preferably from the first school) showing the date of admission to the school, the child's date and place of birth, and the name(s) and place(s) of birth of the parent(s);

_____ - **Census record** showing name, U.S. citizenship or a U.S. place of birth, and date of birth or age of applicant;

_____ - **Adoption Finalization Papers** showing the child's name and place of birth in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands (unless the person was born to foreign diplomats residing in such a jurisdiction) or, where adoption is not finalized and the state or other jurisdiction listed above in which the child was born will not release a birth certificate prior to final adoption, a statement from a state-approved adoption agency showing the child's name and place of birth in one of such jurisdictions (Note: the source of the information must be an original birth certificate and must be indicated in the statement); or

_____ - **Any other document that establishes** a U.S. place of birth or in some way indicates U.S. citizenship (e.g., a contemporaneous hospital record of birth in that hospital in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Swain's Island or the Northern Mariana Islands unless the person was born to foreign diplomats residing in such a jurisdiction).

SECTION III. OTHER EVIDENCE OF CITIZENSHIP

If the applicant cannot present one of the documents listed in Section I or II, the following will establish U.S. citizenship for collectively naturalized individuals:

Puerto Rico:

_____ - **Evidence of birth in Puerto Rico** on or after April 11, 1899 and the applicant's statement that he or

she was residing in the U.S., a U.S. possession, or Puerto Rico on January 13, 1941; or

_____ - **Evidence that the applicant was** a Puerto Rican citizen and the applicant's statement that he or she was residing in Puerto Rico on March 1, 1917 and that he or she did not take an oath of allegiance to Spain.

U.S. Virgin Islands:

_____ - **Evidence of birth in** the U.S. Virgin Islands, and the applicant's statement of residence in the U.S., a U.S. possession, or the U.S. Virgin Islands on February 25, 1927;

_____ - **The applicant's statement** indicating resident in the U.S. Virgin Islands as a Danish citizen on January 17, 1927, and that he or she did not make a declaration to maintain Danish citizenship; or

_____ - **Evidence of birth in** the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S. possession or territory, or the Canal Zone on June 28, 1932.

Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI):

_____ - **Evidence of birth in** the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on November 3, 1986 (NMI local time) and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);

_____ - **Evidence of TTPI citizenship**, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or

_____ - **Evidence of TTPI citizenship**, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did owe allegiance to a foreign state on November 4, 1986 (NMI local time).

Note: If a person entered the NMI as a non-immigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.

SECTION IV.

DERIVATIVE CITIZENSHIP

If the applicant cannot present one of the documents listed in Section I, II or III, they should make a determination of derivative U.S. citizenship in the following situations:

Applicant born abroad to two U.S. citizenship parents:

_____ - **Evidence of** the U.S. citizenship of the parents and the relationship of the applicant to the parents, and evidence that at least one parent resided in the U.S. or an outlying possession prior to the applicant's birth.

Applicant born abroad to a U.S. citizen parent and a U.S. non-citizen national parent:

_____ - **Evidence that** one parent is a U.S. citizen and that the other is a U.S. non-citizen national, evidence of the relationship of the applicant to the U.S. citizen parent, and evidence that the U.S. citizen parent resided in the U.S., a U.S. possession, American Samoa or Swain's Island for a period of at least one year prior to the applicant's birth.

Applicant born out of wedlock abroad to a U.S. citizen mother:

_____ - **Evidence of** the U.S. citizenship of the mother, evidence of the relationship to the applicant and, for births on or before December 24, 1952, evidence that the mother resided in the U.S. prior to the child's birth, in the U.S. or a U.S. possession for a period of one year.

Applicant born in the Canal Zone or the Republic of Panama:

_____ - **A birth certificate showing** birth in the Canal Zone on or after February 26, 1904 and before October 1, 1979 and evidence that one parent was a U.S. citizen at the time of the applicant's birth; or

_____ - **A birth certificate showing** birth in the Republic of Panama on or after February 26, 1904 and before October 1, 1979 and evidence that at least one parent was a U.S. citizen and employed by the U.S. government or the Panama Railroad Company or its successor in title.

All other situations where an applicant claims to have a U.S. citizen parent and an alien parent, or claims to fall within one of the above categories but is unable to present the listed documentation:

_____ - **If the applicant** is in the U.S., refer him or her to the local INS office for the determination of U.S. citizenship.

_____ - **If the applicant** is outside the U.S., refer him or her to the State Department for a U.S. citizenship determination.

SECTION V. DOCUMENTATION TO DETERMINE QUALIFIED ALIEN STATUS

Alien Lawfully Admitted for Permanent Residence:

- _____ - **INS Form I-551** (Alien Registration Receipt Card, commonly known as a “green card”); or
- _____ - **Unexpired Temporary I-551** stamp in foreign passport or on INS Form I-94.

Asylee:

- _____ - **INS Form I-94** annotated with stamp showing grant of asylum under §208 of the INA;
- _____ - **INS Form I-688B** (Employment Authorization Card) annotated “27a.12(a) (5)”;
- _____ - **INS Form I-766** (Employment Authorization Document) annotated “A5”;
- _____ - **Grant letter from** the Asylum Office of INS; or
- _____ - **Order of an** immigration judge granting asylum.

Refugee:

- _____ - **INS Form I-94** annotated with stamp showing admission under §207 of the INA;
- _____ - **INS Form I-688B** (Employment Authorization Card) annotated “274a.12 (a) (3)”;
- _____ - **INS Form I-766** (Employment Authorization Document) annotated “A3”; or
- _____ - **INS Form I-571** (Refugee Travel Document).

Alien Paroled Into the U.S. for a Least One Year:

- _____ - **INS Form I-94** with stamp showing admission for at least one year under §212(d) (5) of the INA. (Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement.)

Alien Whose Deportation or Removal Was Withheld:

- _____ - **INS Form I-688B** (Employment Authorization Card) annotated “274a.12 (a) (10)”;
- _____ - **INS Form I-766** (Employment Authorization Document) annotated “A10”; or
- _____ - **Order from** an immigration judge showing deportation withheld under §243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under §241 (b) (3) of the INA.

Alien Granted Conditional Entry:

- _____ - **INS Form I-94** with stamp showing admission under §203 (a) (7) of the INA;
- _____ - **INS Form I-688B** (Employment Authorization Card) annotated “274a.12 (a) (3)”;
- _____ - **INS Form I-766** (Employment Authorization Document) annotated “A3.”

Cuban/Haitian Entrant:

- _____ - **INS Form I-551** (Alien Registration Receipt Card, commonly known as a “green card”) with the code CU6, CU7, or CH6;
- _____ - **Unexpired temporary I-551** stamp in foreign passport or on INS Form I-94 with the code CU6 or CU7; or
- _____ - **INS Form I-94** with stamp showing parole as “Cuba/Haitian Entrant” under § 212(d) (5) of the INA.

Alien Who Has Been Battered or Subjected to Extreme Cruelty:

- _____ - **INS petition** and appropriate supporting documentation