

BILL RITTER, JR.  
Governor

DONALD J. MARES  
Executive Director



DEPARTMENT OF LABOR AND EMPLOYMENT  
OFFICE OF THE EXECUTIVE DIRECTOR  
633 Seventeenth Street, Suite 1200  
Denver, Colorado 80202-3612

September 5, 2008

The Honorable Abel Tapia, Chair  
Senate Committee on State, Veterans and Military Affairs  
State Capitol  
Denver, CO 80203

The Honorable Paul Weissmann, Chair  
House Committee on State, Veterans and Military Affairs  
State Capitol  
Denver, CO 80203

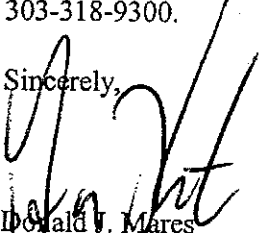
Re: Annual Compliance Report: Verification of Lawful Presence

Dear Senator Tapia and Representative Weissmann:

Enclosed, pursuant to §24-76.5-101, C.R.S., *et. seq.*, is the Annual Compliance Report for State Fiscal Year 2008 on the Verification of Lawful Presence from the Colorado Department of Labor and Employment. The report is in compliance with House Bill 06S-1023.

If you have any questions regarding this report, please contact Rita Roybal or Keith Trinder at 303-318-9300.

Sincerely,

  
Donald J. Mares  
Executive Director

Enclosure

**2007 ANNUAL COMPLIANCE REPORT  
 COLORADO REVISED STATUTES—TITLE 24, ARTICLE 76.5  
 VERIFICATION OF LAWFUL PRESENCE**

**OVERVIEW**

As of August 1, 2006, House Bill 06S-1023, Restrictions on Public Benefits, became law and compels each state agency or political subdivision providing “state or local public benefits” to require persons 18 years of age or older to provide proof that they are lawfully present in the United States prior to receipt of public benefits. The law defines state or local public benefits by referring to U.S. Code 8, Section 1621. (Unemployment insurance [UI] benefits are specifically mentioned in [c][1][B].)

This newly enacted statute also requires a person applying for benefits to sign an affidavit stating that he or she is a U.S. citizen or legal permanent resident. The law prohibits state agencies or political subdivisions from providing benefits that are in violation of this statute. This statute establishes reporting requirements, and each state agency is required to subscribe to the U.S. Department of Homeland Security’s Systematic Alien Verification for Entitlements (SAVE) Program.

**VERIFYING LAWFUL PRESENCE**

**Verification of Immigration Status**

Only U.S. citizens and certain aliens are eligible to receive UI benefits. Prior to the implementation of this statute, the UI Program asked claimants if they were U.S. citizens. If the response is “No,” then they are required to provide their alien permit number. The UI Program verifies immigration status by using the federal SAVE Program. If the UI Program cannot verify immigration status via SAVE, follow up with claimants is completed. Claimants **are denied** UI benefit payments if counterfeit documentation is submitted, claimants are not lawfully admitted for permanent residence or are not lawfully present for purposes of performing services, or requests for additional information—such as valid work-authorization documentation, birth certificates, or marriage licenses—are ignored.

<b>Verification of Immigration Status</b>	<b>10/2006–12/2006*</b>	<b>01/2007–12/2007</b>
Number of claims filed where the claimants are not U.S. citizens	2,203	6,534
Number of inquiries of claimants’ immigration status through the SAVE Program	2,203	6,534
Number of claimants who required a secondary inquiry of their immigration status through the SAVE Program	365	1,255
Number of nonmonetary determinations pertaining to immigration status	241	1,010
Number of claimants <b>denied</b> UI benefits	146 (6.6%)	570 (8.7%)

\*Statistics are compiled quarterly; therefore, statistics from 08/2006 through 09/2006 are not available.

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**Addressing New Requirements**

To address the new statute's requirements, the UI Program implemented the following processes and automation enhancements.

*August 2006*

Existing Form UIB-1, Claim for Unemployment Insurance Benefits, (Claim for Benefits) was modified to:

- Advise claimants they **must** possess one of the forms of identification (ID) listed in the new statute.
- Request claimants to check the type of ID they possess, provide the ID number, and expiration date.

NOTE: If claimants do not possess one of the forms of ID or do not provide the requested information, their UI benefit payments may be denied.

- Include an affirmation statement to be signed by claimants stating they understand that their lawful presence in the U.S. will be verified before UI benefit payments are issued. They also affirm that they are U.S. citizens, legal permanent residents, or are otherwise lawfully present in the U.S.

Beginning September 18, 2006, 100 claimants who indicated they possess and provided information regarding a Colorado driver's license or ID on their Claims for Benefits are randomly selected each week for verification purposes. The UI Program accesses the Colorado Department of Motor Vehicle's (DMV's) database to attempt to verify the license or ID number provided by claimants. Because various circumstances may identify a license or ID number as invalid—such as a suspended or revoked license—and the DMV is not willing to provide additional information on their inquiry screen, UI benefit payments **are not denied** if numbers cannot be validated on the DMV's database.

<b>Verification through DMV</b>	<b>09/2006–12/2006</b>	<b>01/2007–12/2007</b>	<b>01/2008–03/10/2008</b>
Number of inquiries	1,500	5,225	1,020
Number of licenses or IDs that were not valid	125 (8.3%)	358 (6.9%)	65 (6.4%)
Number of claimants <b>denied</b> UI benefits	0	0	0

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*January 2008*

Computer programming was completed and the Claim for Benefits was again modified to:

- Store an indicator that a signed Claim for Benefits was received.
- Store the Colorado driver's license and ID numbers provided by claimants.
- **Deny** UI benefit payments on claims filed on or after January 24, 2008, for the entire benefit year if the Claim for Benefits is not within seven days after claimants request their first benefit payment.

NOTE: UI benefit payments are allowed as of the week the signed form and/or required documentation is received if the claimant is otherwise entitled to receive the payments.

Claimants who stopped requesting their UI benefit payments for a period of time may resume activity on their claim. The potential exists that some of these claimant did not sign their Claim for Benefits or did not return the document within seven days after they request their first benefit payment. The UI Program researches these claims, and either resolves the issues or provides the claimants with another opportunity to submit a signed Claim for Benefits.

Signed Affirmation Statements	01/24/2008– 03/12/2008
Number of claims filed	18,422
Number of claimants who had a hold placed on their benefit payments because signed affirmation statements were not received when they submitted their first payment request	2,321 (12.6%)
Number of claimants <b>denied</b> benefit payments for their entire benefit year because their signed affirmation statements were not received within seven days after the first payment request was submitted	551 (3%)
Number of claimants who were allowed benefit payments because signed affirmation statements were received after they were denied benefit payments for their entire benefit year for failure to submit signed affirmation statements	213 (1.2%)

**FUTURE ENHANCEMENTS**

The UI Program will pursue the possibility of sharing the cost to purchase a new scanning/imaging system with other state agencies. The new system will detect the presence of a signature. If a signature is not detected, claimants can be automatically sent correspondence requesting they sign the Claim for Benefits. This new process will eliminate the current manual process to return the Claim for Benefits to the claimant.

**WORKFORCE CENTER PROCESS FOR DETERMINING  
CITIZENSHIP/ALIEN STATUS**

1. When determining eligibility for Workforce Investment Act (WIA) programs, staff obtains one or more of the following documents from the applicant to determine citizenship or alien status:

<p><b>Citizenship / Alien Status</b> (1 is required)</p>	<p><input type="checkbox"/> Social Security Card AND Driver's License or other government-issued photo ID</p> <p><input type="checkbox"/> Alien Registration Card indicating Right to Work (INS Forms I-151, I-551, I-94, I-688A, I-197, I-179, I-766, not expired)</p> <p><input type="checkbox"/> Unexpired Reentry Permit (I-327)</p> <p><input type="checkbox"/> Unexpired Refugee Travel Document (I-571)</p> <p><input type="checkbox"/> Unexpired Temporary Resident Card (I-668)</p> <p><input type="checkbox"/> Baptismal Certificate (if place of birth is shown)</p> <p><input type="checkbox"/> Birth Certificate</p> <p><input type="checkbox"/> Hospital Record of Birth</p> <p><input type="checkbox"/> DD-214, Report of Transfer or Discharge (if place of birth is shown)</p> <p><input type="checkbox"/> Foreign Passport stamped "Eligible to Work" (not expired)</p> <p><input type="checkbox"/> Naturalization Certification (N-5590, N-570)</p> <p><input type="checkbox"/> U.S. Citizenship Certification (N-560, N-561)</p> <p><input type="checkbox"/> U.S. Passport (unexpired or expired)</p> <p><input type="checkbox"/> Native American Tribal Document / CDBI (Certificate of Degree of Indian Blood)</p> <p><input type="checkbox"/> Food Stamp records</p> <p><input type="checkbox"/> Public Assistance records</p> <p><input type="checkbox"/> Other _____</p>
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2. In addition, to comply with Colorado HB1023, staff also completes and signs the Affidavit of Immigration Status after reviewing and obtaining copies of drivers' licenses, military IDs, state-issued IDs or American Indian Tribal IDs. Copies of these affidavits are kept on file at the local workforce center and at the Colorado Department of Labor and Employment, who is also responsible for verifying the IDs with the issuing agency. This process applies to applicants for the WIA and Trade Adjustment Assistance (TAA) programs.

**Colorado Department of Labor and Employment  
Workforce Development Programs  
AFFIDAVIT OF IMMIGRATION STATUS**

**Social Security Number:**

**Print Your Name:**

Are you a United States (U.S.) citizen?  Yes  No      Alien Permit Number

**If No, verify or provide your alien permit number.**

If you are not a U.S. citizen, are you in satisfactory immigration status?  Yes  No

In accordance with the Colorado Revised Statutes 24-76.5, you must possess **one** of the following forms of identification (ID). Check the appropriate box and provide the ID number. If you do not possess one of the forms of ID listed and do not provide the requested information, your benefits may be denied. If you do not possess one of the listed forms of ID, check "**Other,**" specify another type of ID, and provide the ID number.

- |  |  |
|--|--|
| <input type="checkbox"/> Colorado Driver's License<br>ID Number _____                  | <input type="checkbox"/> Colorado Identification Card<br>ID Number _____           |
| <input type="checkbox"/> U.S. Military Card<br>ID Number _____                         | <input type="checkbox"/> Military Dependent Identification Card<br>ID Number _____ |
| <input type="checkbox"/> U.S. Coast Guard Merchant Mariner Card<br>ID Number _____     | <input type="checkbox"/> Native American Tribal Document<br>ID Number _____        |
| <input type="checkbox"/> Other State Driver's License/State ID Card<br>ID Number _____ | Expiration Date _____  |

**Affirmation**

I affirm under penalty of perjury that the above information is true to the best of my knowledge. I understand that my lawful presence in the U.S. will be verified before workforce program services can be provided. I affirm that I am a U.S. citizen, legal permanent resident, or am otherwise lawfully present in the U.S. I understand that there are severe penalties for providing false statements and willfully misrepresenting information in order to obtain or increase workforce program services. I authorize the release of all information to determine my eligibility for workforce program services. I understand this may include release of information from former employers, verification with the U.S. Bureau of Citizenship and Immigration Services, and sharing of information with other public agencies in the performance of their public duties in accordance with the Colorado Employment Security Act 8-72-107.

**Signature**

**Date**