

## FREQUENTLY ASKED QUESTIONS AND ANSWERS House Bill 1023

Last updated 6/17/2008  
University of Colorado Denver

### **What is HB 1023?**

As of August 1, 2006, Colorado law (HB06S-1023) requires that all students age 18 or older who apply for certain public benefits that entail any payment or financial assistance provide proof that they are lawfully present in the United States. In the higher education arena, these public benefits include the College Opportunity Fund (COF), in-state or reduced tuition rates, some types of institutional and state-sponsored financial aid and any other benefit for which there is an application, excluding employment benefits.

### **What is considered a "public benefit"?**

Some of the identified benefits include the College Opportunity Fund (COF), in-state tuition, some types of state or institutional financial aid, Military and Olympic Athlete tuition waivers, WUE/WICHE, departmental scholarships, Postsecondary Enrollment Options Act (PSEO) for anyone over the age of 18, CU Succeed program participation for anyone over the age of 18, or any other state-funded benefits that entail any payment or financial assistance, excluding employment benefits.

### **Does this include faculty and staff who are taking classes as part of their educational benefit, and for whom the institution pays tuition ?**

No. Faculty/staff tuition benefits, and students receiving reduced tuition through employment benefit, such as graders, TA, RA or other types of employment, do not have to comply with HB 1023.

### **Who is required to show proof of lawful presence?**

All students age 18 or older who apply to the University of Colorado, or who apply for any state benefits (i.e., in-state tuition, some forms of institutional or state aid, etc.) on or after August 1 2006, are subject to the requirements of HB06S-1023 legislation. However, any student whose lawful presence is confirmed through the process of completing a Free Application for Federal Student Aid (FAFSA) or a College Opportunity Fund (COF) application will be considered to have met the requirements of House Bill 1023.

### **Are there any students who applied for state or institutional benefits but will be exempt from having to sign the affidavit/provide identification?**

Any student who applied, accepted/confirmed or enrolled as an in-state student at a University of Colorado campus prior to August 1, 2006. In addition, any out-of-state student who applied, accepted/confirmed or enrolled on any University of Colorado campus prior to August 1, 2006, will be grandfathered in for any current benefits they are receiving.

However, if any new state or institutional benefits are awarded to an out-of-state student on August 1, 2006, or later, such as in-state tuition, the student must sign an affidavit and produce the appropriate identification. Any student whose lawful presence is confirmed through the process of completing a Free Application for Federal Student Aid (FAFSA) will be considered to have met this House Bill 1023 requirement.

Any student "grandfathered" as of August 1, 2006 will be required to go through the verification process if he/she receives a new benefit on or after August 1, 2006.

### **How do I provide proof of lawful presence?**

Students who are required to show proof of lawful presence will have to sign an affidavit of lawful presence and produce a form of identification specified in the law. Students in this category for fall 2006 will receive a notice concerning this requirement. This requirement can be fulfilled in person at their campus registrar's office or other location determined for the campus. The affidavit is available electronically under the "House Bill 1023" link on the Registrar's webpage.

### **What are the consequences of not complying with this HB 1023 requirement?**

All students receiving in-state tuition or reduced out-of-state tuition benefits will have their tuition changed to the higher, out of state rate. Students who apply for and are eligible for state or institutional aid will be required to return their award in full if they fail to comply with this legislation.

If you delay complying with HB 1023 requirements and if your tuition is changed to the non-resident tuition rate, you are liable for all tuition as well as late fees and service charges, received by the billing deadline. If during the semester, you later comply with the affidavit and documents verification, your tuition will be adjusted, and a refund may be issued. Late fees/service charges will not be removed – only the tuition amount will be adjusted.

### **How long do I have to comply with the affidavit and document verification ?**

The sooner you take care of this, the better. If you do not comply, you will lose institutional aid and may have your tuition recalculated at the higher non-resident tuition rate. Technically, you can verify any time until the last day of classes for a semester, but we encourage you to take care of this as soon as possible to avoid billing fees, late charges, possible registration stops, and other problems.

### **What is an appropriate form of identification?**

(Any of the following non-picture ID's will require a picture ID also be presented):

- Unexpired Colorado Driver's License
- Unexpired Colorado Identification Card issued by Dept. of Motor Vehicles
- Unexpired United States Military Card
- Unexpired United States Military Dependent Identification Card
- Unexpired United States Coast Guard Merchant Mariner Card
- Native American Tribal Document
- Birth Certificate (with accompanying photo ID)
- United States Passport, except for "limited" passports issued for less than five (5) years
- United States Citizenship or Naturalization document
- Unexpired Foreign Passport (not U.S. Passport) with an unexpired I-94 indicating a specific future "until date" or I-94 with Duration of Status (D/S) notification
- Unexpired Driver's License from one of the following states:  
Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Virginia, West Virginia, or Wyoming
- I-94 with refugee or asylum status.
- Unexpired foreign passport bearing an unexpired "Processed for I-551" stamp or with an attached unexpired "Temporary I-551" visa.
- "Unexpired "resident alien" card, "permanent resident" card, "temporary resident" card, or "employment authorization" card"

### **What are not appropriate forms of identification, according to the State Attorney General ?**

Adoption papers

Driver's license from one of not accepted states: Alaska, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Nebraska, New Mexico, North Carolina, Oregon, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin.

### **What if I don't have one of the "appropriate" forms of identification listed above ?**

You could :

- Apply for FAFSA. The FAFSA has been determined by the Colorado State Attorney General as meeting the required rigor of the verification process. Generally this process takes two weeks from the time that you apply, request that your data be sent to UCDHSC, and we receive it. Applying for the FAFSA, and having the FAFSA data sent to the University of Colorado at Denver and Health Sciences Center meets the requirements for both the affidavit and the identification document.
- Apply for a Colorado driver's license or Colorado identification card. This process requires that you surrender your other driver's license at the time of your Colorado license or ID card application.
- Apply for a temporary waiver of the required credential. In order to do this, you must contact the Colorado Department of Revenue, and complete the waiver application at the following web site.

Rules: [http://www.revenue.state.co.us/EDO\\_dir/wrap.asp?incl=LawfulPresenceRules](http://www.revenue.state.co.us/EDO_dir/wrap.asp?incl=LawfulPresenceRules)

Waiver Form: [http://www.revenue.state.co.us/EDO\\_dir/pdf/dr4678.pdf](http://www.revenue.state.co.us/EDO_dir/pdf/dr4678.pdf)

### **Instead of coming in to the registrar's office, can I fax in a copy of my identification card?**

No. The Attorney General's office for the State of Colorado has determined that all identification must be made in person.

### **I will not be able to satisfy the identification requirement but would be able to sign the affidavit. Would it be possible for me to sign the affidavit and be eligible for my state benefits?**

No. House Bill 1023 requires compliance with both the affidavit as well as the identification.