

MEMORANDUM

To: Applicants Seeking to Obtain or Renew Certification per O.C.G.A 12-7-19, for Individuals Involved in Land Disturbing Activities

From: Georgia Soil and Water Conservation Commission

Re: Verification of Lawful Presence within the United States

As a result of a law change to O.C.G.A. § 50-36-1, the Georgia Soil and Water Conservation Commission (Commission) is required to obtain a signed and sworn affidavit verifying the applicant's lawful presence in the United States accompanied by a copy of at least one "secure and verifiable document." O.C.G.A. § 50-36-1(e).

Attached to this Memorandum there is a Checklist for Verification of Lawful Presence within the United States (Checklist) along with three different affidavits from which the applicant must choose that provide the basis for his or her lawful presence in the United States. The Checklist must be completed by an applicant to identify which of the three types of affidavits and which one of the 16 secure and verifiable documents listed is being submitted to the Commission.

In determining which affidavit is appropriate, an applicant that is a United States citizen should complete the affidavit with that title (first affidavit). An applicant that is a legal permanent resident should complete the affidavit with that title (second affidavit). An applicant that is a qualified alien or nonimmigrant under Title 8 U.S.C. with an alien number issued by the Department of Homeland Security or other federal immigration agency should complete the affidavit with that title (third affidavit).

A legible photocopy of at least one secure and verifiable document must accompany the affidavit that is being submitted by an applicant. A "secure and verifiable document" is defined in O.C.G.A. § 50-36-2 as "a document issued by a state and federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies. A secure and verifiable document shall not mean a Matricula Consular de Alta Seguridad, matricula consular card, consular matriculation card, consular identification card, or similar identification card issued by a foreign government regardless of the holder's immigration status. Only those documents approved and posted by the Attorney General pursuant to subsection (f) of this Code section shall be considered secure and verifiable."

Depending on which affidavit an applicant is submitting, there is included on the Checklist at least one type of secure and verifiable document that has been determined by the Georgia Attorney General's Office as being acceptable to support an affidavit. Once the appropriate affidavit is selected by an applicant and a photocopy of his or her secure and verifiable document has been made, he or she must complete the affidavit and sign it in the presence of a notary public.

Prior to attending a certification or re-certification course, each applicant is encouraged to mail to the Commission the following three documents: 1) a Checklist completed in its entirety by the applicant, 2) the appropriate original signed and notarized affidavit attesting to the basis for his or her lawful presence in the United States, and 3) a legible photocopy of the applicant's secure and verifiable document in support of the affidavit being submitted.

Please make sure that the applicant's name, ten digit Personal ID number, certification number (if applicable) and a current email address are included on each of the three documents being submitted, including the copy of the secure and verifiable document. An applicant's Personal ID number is the applicant's date of birth (mm/dd/yy) and the last four digits of their Social Security number. For example an applicant's date of birth is September 10, 1963 and the last four digits of their Social Security number are 1234, their Personal ID number would be 0910631234. The Personal ID number is the identifying number the Commission uses to track an individual's certification.

These three documents should be sent to the:

The Georgia Soil and Water Conservation Commission, 4310
Lexington Rd, Athens, GA 30605

Applicants will be notified only by email that their citizenship has been verified. Verification of citizenship can take up to 5 business days.

An applicant has the option of completing the documentation at the certification or re-certification course, the Commission's Approved Trainers will be able to notarize the documentation. Please note that applicants, who take a course prior to obtaining citizenship verification from the Commission, must sign a waiver that states he/she understand that course refunds or certification/re-certification will not be issued if citizenship cannot be verified.

Individuals who elect to take an online re-certification course must complete and submit documentation to the Commission via mail.

For your records, it is recommended that each applicant keep a photocopy of all of the documents that he or she submits to the Commission to verify his or her lawful presence in the United States in case any issue arises as to whether the applicant has submitted a complete and correct copy of what must be provided

Failure to provide the documentation called for by this Memorandum will prevent an Applicant from having his or her certification or re-certification issued and may result in his or her certification being revoked. If you have any questions regarding this Memorandum, please e-mail the Education and Certification Program at gaswcc.certification@gaswcc.ga.gov