



# Office of Faith-Based and Community Initiatives

Mitchell E. Daniels, Jr., *Governor* • Paula Parker-Sawyers, *Executive Director*

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## COMMUNICATION 2006-D-02

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**TO:** OFBCI AmeriCorps\*State Sub-Grantee Organizations  
**FROM:** Paula Parker-Sawyers  
**CC:** Agency Operations Manual (2006)  
**DATE:** February 10, 2006  
**SUBJECT:** **INS Form I-9 (Employment Eligibility Verification)** (Use of)

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### **PURPOSE**

To provide guidance on verification of AmeriCorps\*State Member eligibility.

### **EFFECTIVE DATE**

Retroactive to January 1, 2006

### **SCOPE**

This communication applies to all OFBCI AmeriCorps\*State Sub-Grantee Organizations.

### **RECESSION**

None.

### **STATEMENT OF POLICY**

#### **A. *Eligibility Requirements Established.***

The Corporation for National and Community Service (CNCS) and federal law establish eligibility requirements for individuals that desire to participate in the AmeriCorps national service program. Participation is limited to the following categories of individuals:

- (1) A U.S. citizen
- (2) A U.S. national
- (3) A lawful permanent resident alien (LPRA)

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**B. Acceptable Documentation for Verification of Eligibility.**

- (1) An AmeriCorps\*State sub-grantee organization shall accept the following forms to certify the status of an AmeriCorps participant as a U.S. citizen or national.
  - (a) birth certificate showing that the individual was born in one of the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, or the Northern Mariana Islands;
  - (b) A United States passport;
  - (c) A report of birth abroad of U.S. Citizen (FS-240) issued by the State Department;
  - (d) A certificate of birth – foreign service (FS-545) issued by the State Department;
  - (e) A certification of report of birth (DS-1350) issued by State Department;
  - (f) A certificate of naturalization (Form N-550 or N-570) issued by the Immigration and Naturalization Service; or
  - (g) A certificate of citizenship (Form N-560 or N-561 issued by the Immigration and Naturalization Service.
- (2) An AmeriCorps\*State sub-grantee organization shall accept the following forms to certify the status of an AmeriCorps participant as a lawful permanent resident alien of the United States.
  - (a) Permanent Resident Card (INS Form I-551)
  - (b) Alien Registration Receipt Card (INS Form I-551)
  - (c) A passport indicating that the INS has approved it as temporary evidence of lawful admission for permanent residence; or
  - (d) A Departure Record (INS Form I-94) indicating that the INS has approved it as temporary evidence of lawful admission for permanent residence.
- (3) An AmeriCorps\*State sub-grantee shall not accept the following pieces of identification as proof of individual Member eligibility. Unacceptable documents include a Social Security card, driver's license, other state-issued identification, and/or an application for permanent-resident status.

**C. Use of INS Form I-9 (Employment Eligibility Verification).**

The Corporation for National and Community Service (CNCS) noted in the Code of Federal Regulations (C.F.R.) on July 9, 2002: "The I-9 – the Immigration and Naturalization Service's Employment Eligibility Verification Form – form is not, however, an appropriate basis for determining eligibility for AmeriCorps." The CNCS provided a justification in a previous C.F.R. citation on April 9, 1999. "...because that form includes categories of non-citizens who may also be eligible for employment but who are not eligible under the more narrow eligibility for participation in AmeriCorps."

An AmeriCorps\*State sub-grantee organization shall not employ INS Form I-9 to verify and/or certify Member eligibility.

## **REFERENCES AND PRECEDENCE**

### **A. *References.***

National and Community Service Act of 1990, as amended  
45 C.F.R., Chapter XXV, Part 2522, Sub-Part B, Section 2522.200, Sub-sections (a)(3)  
45 C.F.R., Chapter XXV, Part 2522, Sub-Part B, Section 2522.200, Sub-sections (c)(1-7)  
45 C.F.R., Chapter XXV, Part 2522, Sub-Part B, Section 2522.200, Sub-sections (d)(1-4)

### **B. *Precedence.***

Should there be any inconsistency between the United States Code, Indiana Code, Indiana Executive Orders, the U.S. Code of Federal Regulations, Indiana Administrative Code, and this internal policy the order of precedence that will prevail is (1) the United States Code; (2) the U.S. Code of Federal Regulations; (3) the Indiana Code; (4) Indiana Executive Orders; (5) Indiana Administrative Code; and (6) this internal policy.

## **INTERPRETATION**

The OFBCI executive director and Corporation for National and Community Service personnel shall have the sole authority to interpret the provisions set forth in this directive.

### **APPROVAL:**



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**Paula Parker-Sawyers, Executive Director**

February 10, 2006

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**Date**