

ADMINISTRATIVE DIVISION ACAF Academic Affairs
POLICY NUMBER ACAF 3.40
POLICY TITLE Verification of Lawful Presence of Students
SCOPE OF POLICY USC System
DATE OF REVISION March 25, 2022
RESPONSIBLE OFFICER Executive Vice President for Academic Affairs and Provost
ADMINISTRATIVE OFFICE Office of the Provost

PURPOSE

This policy is adopted pursuant to section 59-101-430 of the South Carolina Code of Laws, as amended, which provides as follows: (A) An alien unlawfully present in the United States is not eligible to attend a public institution of higher learning in this State, as defined in Section 59-103-5. The trustees of a public institution of higher learning in this State shall develop and institute a process by which lawful presence in the United States is verified. In doing so, institution personnel shall not attempt to independently verify the immigration status of any alien but shall verify any alien's immigration status with the federal government pursuant to 8 U.S.C. Section 1373(c). (B) An alien unlawfully present in the United States is not eligible on the basis of residence for a public higher education benefit including, but not limited to, scholarships, financial aid, grants, or resident tuition.

DEFINITIONS

POLICY STATEMENT

A. General Enrollment Requirement

1. A student must be a citizen or national of the United States, an alien lawfully present in the United States, or a student outside the U.S. intending to enroll in fully online coursework to enroll at the University of South Carolina.
2. If at any time a student enrolled in the university ceases to be a citizen or national of the United States or an alien lawfully present in the United States, the University shall place a registration hold on the student's account which will prevent them from continued enrollment at the University until they provide updated citizenship verification paperwork.
3. Students enrolling in online programs while physically located outside the U.S. are not required to verify legal presence. They are required to complete the entirety of their programs from outside the U.S. and should provide necessary documentation to the office which administers distance education programs.

PROCEDURES

A. Verification of Immigration Status for Foreign Nationals

1. In order to enroll in the university a foreign national must first submit proof of legal presence

to seek verification of his or her immigration status via the United States Citizenship & Immigration Services SAVE Verification system.

2. The university shall deny enrollment for any foreign national who does not submit the documentation needed by the university to verify active immigration status via the United States Citizenship & Immigration Services SAVE Verification system.
3. The university shall seek verification via the United States Citizenship & Immigration Services SAVE Verification system that the foreign national student is lawfully present in the United States prior to enrollment. The verification shall be sought again upon expiration of current immigration status.
4. If the United States Citizenship & Immigration Services SAVE Verification system does not verify that a foreign national student is lawfully present in the United States, the university may request additional and/or updated documentation from the alien.
5. If after submission of the alien student's additional information the United States Citizenship & Immigration Services SAVE Verification system does not confirm that the student is lawfully present in the United States, the university shall discontinue the enrollment of the alien student.
6. The University Registrar has designated International Student Services to collect documents of admitted foreign nationals. The designated Columbia campus office (currently USC Columbia's International Student Services office) verifies legal presence of admitted foreign nationals for USC Columbia and Palmetto Campus students.
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8. Each comprehensive university chancellor will designate an official to administer the policy for foreign nationals on that campus. Verification of foreign nationals at USC Columbia and the regional Palmetto College campuses will be administered through the USC Columbia's Office of International Student Services.
9. Forms and letters related to the lawful presence of foreign nationals are approved by Office of General Counsel.
10. Verification officers designated in Section II.A.7. of this policy will perform the following tasks in administering the **non-citizen** verification policy:
 - a. Communicate to students requesting immigration documents for verification.
 - b. Verify immigration documents with the federal government and provide follow-up support/guidance to students who cannot be successfully verified.
 - c. Collect documentation or note transaction numbers which confirm that a verification took place.
 - d. Record data in appropriate institutional information system.

B. Verification of Citizens and Nationals of the United States

1. Proof of citizenship is required before a citizen or national of the United States will be allowed to enroll in classes at the university. The status of a citizen need only be checked once.
2. The university president is responsible for the implementation of this policy throughout the USC system. The executive vice president for academic affairs and provost will designate a citizenship verification officer for the Columbia campus. Each comprehensive university chancellor and Palmetto College campus dean will designate a citizenship verification officer to administer the policy on that campus.
3. The university shall deny enrollment to any student claiming to be a citizen or national of the United States who does not submit proof of citizenship acceptable to the verification officers designated above in procedure section B.2.
4. This verification process is adopted to deter and prevent false claims of citizenship by unlawful aliens attempting to evade the eligibility requirements of section 59-101-430 of the South Carolina Code of Laws.
5. The university registrar and Division of Information Technology (DoIT) in Columbia will coordinate enterprise-wide computer support and instruction for implementation of citizenship verification. A list of students needing verification will be made available to each campus.
6. Forms, letters, and acceptable documents for proof of citizenship are approved by Office of General Counsel. Information and resources will be made available to all verification officers on a central website: <http://registrar.sc.edu/html/citizenshipverification.stm>.
7. Central verification against all legally available federal or other data bases will take place before asking students to submit proof of verification documents.
8. Verification officers designated above in procedure section B.2. will perform the following tasks in administering the citizenship verification policy:
 - a. Communicate to students to provide proof of citizenship.
 - b. Receive and review verification form and proof of citizenship documents (Note: Student is apprised on signed form that federal law makes it a crime, punishable by up to three years in prison, to falsely and willfully represent oneself to be a citizen of the United States.)
 - c. Check that name and date of birth on proof of citizenship document matches that on USC student records.
 - d. Record information in student information system.
 - e. The proof of citizenship document and signed verification form must be included with

the official student admissions/enrollment folder and retained according to the records retention schedule adopted by the University of South Carolina.

C. Appeals

Any student denied enrollment because of this policy can appeal to the president of the university, whose determination shall be final.

D. Definitions

The terms alien, citizen of the United States, national of the United States, and lawfully admitted for permanent residence have the same meaning as those terms are defined in the U.S. Immigration and Nationality Act, codified in Title 8 of the United States Code. The term foreign national is synonymous with alien and is defined by the Federal Election Commission as "an individual who is not a citizen of the United States or a national of the United States (as defined in section 1101(a)(22) of title 8) and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8."

E. Implementation

1. The administrative staff of the university shall implement the process set forth herein as soon as administratively practicable.
2. In no event shall a student be allowed to enroll whose citizenship or immigration status has not been verified as required by this policy.
3. This policy was effective January 1, 2009 and applies to the entire University of South Carolina System.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

SC Code 59-101-430

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
January 7, 2009	New policy approval
April 14, 2016	Updated to reflect current practice.
March 25, 2022	The changes in this policy reflect updates to current immigration laws as well as current internal practice that has evolved over time. As you will see in the comments, our current process is more restrictive than other institutions in the state.