



Virginia Department of Criminal Justice Services
Division of Licensure and Regulatory Services
INFORMATIONAL NOTICE

Updated May 23, 2019

Issued May 15, 2019

This notice is in regards to: Legal Presence Verification Change

What will change?

- Effective immediately, DCJS will no longer require that legal presence documentation be submitted with initial applications. Instead, applicants will be required to answer whether they are a citizen or legal resident in lieu of providing documentation of such.

NOTE: An individual's legal presence will still be verified as a part of the criminal background check. Individuals must submit their fingerprints for the background check through Fieldprint, Inc. Fieldprint, Inc., is only authorized to process fingerprints submitted by citizens or legal residents and requires that individuals provide proof of their identity.

What is the issue?

- In the past, DCJS has required initial applicants to submit legal presence documentation with their applications to prove that they are a United States citizen or legal resident alien of the United States. DCJS, however, is not the employer of any of these applicants.
- The Immigration Reform and Control Act of 1986 prohibits employers from hiring and employing an individual for employment in the U.S. knowing that the individual is not authorized with respect to such employment.
- Employers also are prohibited from continuing to employ an individual knowing that he or she is unauthorized for employment in the U.S.
- The Immigration Reform and Control Act of 1986 also prohibits employers from hiring any individual, including a U.S. citizen, for employment in the U.S. without verifying his or her identity and employment authorization.

What happens to initial applications with outstanding legal presence requirements?

- Initial applications received prior to May 9, 2019, have been updated to reflect a “waived” legal presence documentation status.
- Legal presence documentation deficiency notices that were issued prior to May 9, 2019, can be disregarded.

What happens to new applicants?

- If an individual indicates during the online application process that they are not a United States citizen nor a legal resident, they will immediately be notified that they are not be eligible to apply for a credential and will not be able to proceed.

Please ensure that the contents of this email are provided to everyone within your company who has a responsibility in the hiring process. Failure to properly register your employees may result in administrative action being taken against your business license, including revocation.

Direct any questions regarding this email to regulatory.affairs@dcjs.virginia.gov