



GEORGIA DEPARTMENT OF BANKING AND FINANCE

2990 Brandywine Road, Suite 200, Atlanta, Georgia 30341

O.C.G.A. § 50-36-1 VERIFICATION OF LAWFUL PRESENCE CITIZENSHIP AFFIDAVIT INSTRUCTIONS

Pursuant to the Official Code of Georgia Annotated § 50-36-1, the Georgia Department of Banking and Finance (“Department”) is required to verify the lawful presence of every individual, corporation, partnership, limited liability company or other business entity submitting a new application. Legal permanent residents, qualified aliens and non-immigrants are required to reverify their lawful presence annually at renewal.

Mortgage Loan Originators and Sole Proprietor Mortgage or Money Service Business applicants, seeking to obtain a license or registration in his or her own name will provide affidavit testimony regarding his or her legal presence in the United States using the attached Citizenship Affidavit.

For **Mortgage Broker, Mortgage Lender, Check Cashier, Money Transmitter and Seller of Payment Instrument company applicants** (corporations, partnerships, limited liability companies or other business entities), only one individual, an owner or officer with the authority to act on behalf of the company, must complete and submit a signed, notarized affidavit. The designated individual will be the “affiant,” providing affidavit testimony regarding his or her legal presence in the United States.

Please note that if the individual applicant, or the designated individual for a company, is not a United States citizen, this Department may be required by O.C.G.A. §50-36-1 to verify their immigration status through the Federal Systematic Alien Verification of Entitlement (SAVE) program. Additional documentation may be requested.

Checklist for Completion

- ✓ Print the Applicant or Licensee’s Name and NMLS (Nationwide Mortgage Licensing System) number. This is the name in which the license is or will be held and its unique NMLS identifier.
- ✓ Check only one of the boxes to indicate the affiant’s legal status (U.S. citizen, legal permanent resident, or qualified alien or non-immigrant). A **qualified alien or non-immigrant** must also include his or her federally issued alien number along with a Foreign Passport and I-94, or an Employment Authorization Document that contains a photograph.
- ✓ Check one of the secure and verifiable documents that will be submitted to verify the affiant’s legal status and attach a legible copy (front and back) to the affidavit.
- ✓ Print the city and state in which the document was executed.
- ✓ Print the name of the Affiant and, for company applicants, his or her title for the company.
- ✓ Affiant should sign the document in the presence of a notary who will affix his or her seal to the document.
- ✓ Submit the original, signed, notarized affidavit along with a legible copy (front and back) of the secure and verifiable document selected to the Department.

Applications will not be processed without a complete and notarized affidavit.

GEORGIA DEPARTMENT OF BANKING AND FINANCE
O.C.G.A. § 50-36-1 VERIFICATION OF LAWFUL PRESENCE CITIZENSHIP AFFIDAVIT

Applicant NMLS Number	Name of Company or Individual Applying for License	License Type Requested

By executing this affidavit under oath, as an Applicant, Licensee or Registrant, as referenced in O.C.G.A. § 50-36-1, from the Georgia Department of Banking and Finance, the undersigned verifies **one** of the following with respect to my application for a public benefit: *(Check only one of the following)*

- 1) I am a **United States citizen**.
- 2) I am a **legal permanent resident** of the United States.
- 3) I am a **qualified alien** or **non-immigrant** under the Federal Immigration and Nationality Act with a federally issued alien number. My **alien number**, issued by the Department of Homeland Security or other federal immigration agency, is: _____. I understand I am also required to provide a Foreign Passport and an I-94, or an Employment Authorization Document with a photograph.

The undersigned also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1, with this affidavit. The secure and verifiable document provided with this affidavit can best be classified as:

➤ *(Check only one of the following and submit a legible copy with affidavit) Color copies preferred. Qualified Aliens or Non-Immigrants must provide documents from Box 1 or Box 7.*

1 <input type="checkbox"/>	A United States passport , United States passport card or a passport issued by a foreign government <u>with</u> a valid U.S. Homeland Security Form I-94, I-94A or I-94W or other federal document specifying proof of lawful presence
2 <input type="checkbox"/>	A United States military identification card
3 <input type="checkbox"/>	A driver's license* issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the U.S. Virgin Island, American Samoa, the Swain Islands or a driver's license issued by a Canadian government authority
4 <input type="checkbox"/>	An identification card* issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the U.S. Virgin Island, American Samoa, or the Swain Islands
5 <input type="checkbox"/>	A tribal identification card* of a federally recognized Native American tribe. (www.bia.gov)
6 <input type="checkbox"/>	A United States Permanent Resident Card or Alien Registration Receipt Card
7 <input type="checkbox"/>	An Employment Authorization Document that contains a photograph of the bearer
8 <input type="checkbox"/>	A Merchant Mariner Document or Merchant Mariner Credential issued by the U.S. Coast Guard
9 <input type="checkbox"/>	A Free and Secure Trade (FAST) card, a NEXUS card or A Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card
10 <input type="checkbox"/>	A Certificate of Citizenship (Form N-560 or Form N-561) or Certificate of Naturalization (Form N-550 or Form N-570) issued by the U.S. Department of Citizenship and Immigration Services (USCIS)
11 <input type="checkbox"/>	Certification of Report of Birth (Form DS-1350), Certification of Birth Abroad (Form FS-545) or Consular Report of Birth Abroad (Form FS-240) issued by the U.S. Department of State
12 <input type="checkbox"/>	An original or certified copy of a birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal

**provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer*

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in _____ (city), _____ (state).

**SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE**

____ DAY OF _____, 20____

Signature of Affiant

**NOTARY PUBLIC
My Commission Expires:**

Printed Name of Affiant & Affiant NMLS #

Affiant Title

(Affix seal or stamp hereto)