

Mathematics Science Education Network

MSEN



MSEN: A Bold Initiative

The emergence of the high technology society has focused renewed attention on the need for improved mathematics and science education in the public schools.

In North Carolina today significant numbers of mathematics and science teachers are either inappropriately certified or are teaching outside of their own fields of specialization. This, coupled with the chronic undersupply of mathematics and science teachers, has led the state to mount a bold new effort known as the Mathematics and Science Education Network.

Spanning North Carolina from coast to mountains and including every geographic locale, the network is a comprehensive, statewide program aimed at significantly upgrading mathematics and science education. It is composed of nine teacher training centers and a research and development center, each housed at a constituent institution of the University of North Carolina. Administered by a network coordination unit at UNC-Chapel Hill, the centers have as their goals:

- increasing the quality and availability of mathematics and science teachers in N.C. public schools.
- strengthening instruction in the middle grades and high school programs in mathematics and science.
- sponsoring basic research and development in mathematics and science education.
- increasing the effective use of educational technologies in all schools.

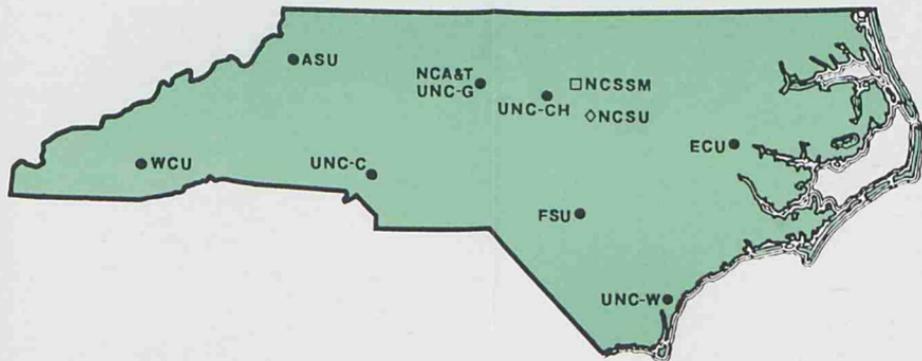
Focus On Teachers

Center activities are planned around the needs of the classroom teacher. Each center operates on a year-round basis to provide in-service training and continuing education for middle grades and high school mathematics and science teachers. Among the centers' many offerings are special workshops, summer institutes, graduate credit courses and other instructional programs aimed at helping to update and recertify teachers.

Specifically, the network, through its member centers, seeks to identify and serve:

- teachers "teaching out-of-field" who need certification.
- teachers who wish to prepare to teach in mathematics and science fields.
- teachers certified to teach in other fields who wish to change to mathematics or science.
- teachers with "A" certification who need "G" certification in mathematics or science.
- teachers with "G" certification who wish or need sixth year certification.

Mathematics and Science Education Network



- teachers who wish to add "gifted and talented" certification to an existing certificate.
- teachers who wish to add a certificate in remedial instruction.

Participant teachers have at their disposal a wide range of resources found on center campuses. These include university faculty from the departments of education, mathematics and science, engineers and scientists from campus and private industry, other k-12 teachers in local school systems, libraries, laboratories and much more.

History

The Mathematics and Science Education Network was initiated in 1983, when the state called upon the University of North Carolina to assist in the improvement of mathematics and science education in the public schools.

The strategy chosen was to develop a network of mathematics and science education centers at selected constituent institutions of the UNC system. These centers would be responsible for providing in-service training and continuing education for school teachers in fields of mathematics and science. Together, their operations would represent an enlightened extension of a pilot program started at UNC-Chapel Hill in 1981.

During the 1983-84 academic year, the network's two pilot centers opened at UNC-Chapel Hill and UNC-Charlotte, and

offered workshops, special programs and credit courses to more than 150 teachers.

Eight new centers were added to the network in 1984. The sites include Appalachian State University, East Carolina University, Fayetteville State University, N.C. A&T/UNC-Greensboro, UNC-Wilmington, Western Carolina University and the N.C. School of Science and Mathematics. A research and development unit also was established at N.C. State University to focus on applied educational research directed toward improving teacher training and instruction.

This expansion led to significant increases in the number of teachers served during the 1984-85 academic year. More than 2,700 participated in center-sponsored activities ranging from such formal credit courses as "Principles of Physics for Middle School Science Teachers" and "Modern Geometry" to workshops and seminars covering such topics as field ecology and microcomputers.

Organization

Each center has a director and a local planning and advisory committee composed of representatives of North Carolina's educational, scientific, industrial and governmental communities, which help guide the planning, development and operation of the centers. While each center enjoys the autonomy to respond to the particular needs of public school teachers in its region, the network's overall efforts are coordinated by a network coordination unit at UNC-Chapel Hill.

MSEN Team

- Teachers
 - Public School Administrators
- State Department of Public Instruction
 - Professional Society Members
- MSEN Staff
 - University Faculty
- Corporate Employees
 - Community Organizations
- School of Science and Mathematics

Teamwork

Strengthened mathematics and science education programs in the public schools, along with increases in the supply of qualified teachers, is the first step toward improved student performance in the classroom. But the network's success in achieving its goals largely depends on teamwork.

The network seeks to utilize the state's many and varied resources by developing effective working partnerships among educators, university faculty, industrial scientists, business leaders and the government. All have vital resources to contribute to the educational process and all will benefit from improvements in mathematics and science education.

For more information about how you can join the team or become a participant teacher contact:

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Or the center nearest you.

mSEN



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PROMOTING SUCCESS

THROUGH COLLABORATIVE VENTURES
IN PRECOLLEGE SCIENCE
AND MATHEMATICS



NAPD

*National Association of
Precollege Directors*

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PROMOTING SUCCESS THROUGH COLLABORATIVE VENTURES IN PRECOLLEGE SCIENCE AND MATHEMATICS is a product of the National Association of Precollege Directors (NAPD), a coalition of nineteen precollege program directors whose mission and program efforts are directed at increasing the pool of minority students who pursue engineering and math based college study. Funding for the document was made possible through a grant from the Alfred P. Sloan Foundation supplemented with funds from the National Action Council for Minorities in Engineering (NACME).

**TO ALL OUR STUDENTS WHO STRIVE FOR EXCELLENCE,
LABOR IN THEIR STUDIES AND SHARE THEIR
GIFTS OF LEARNING WITH OTHERS.**

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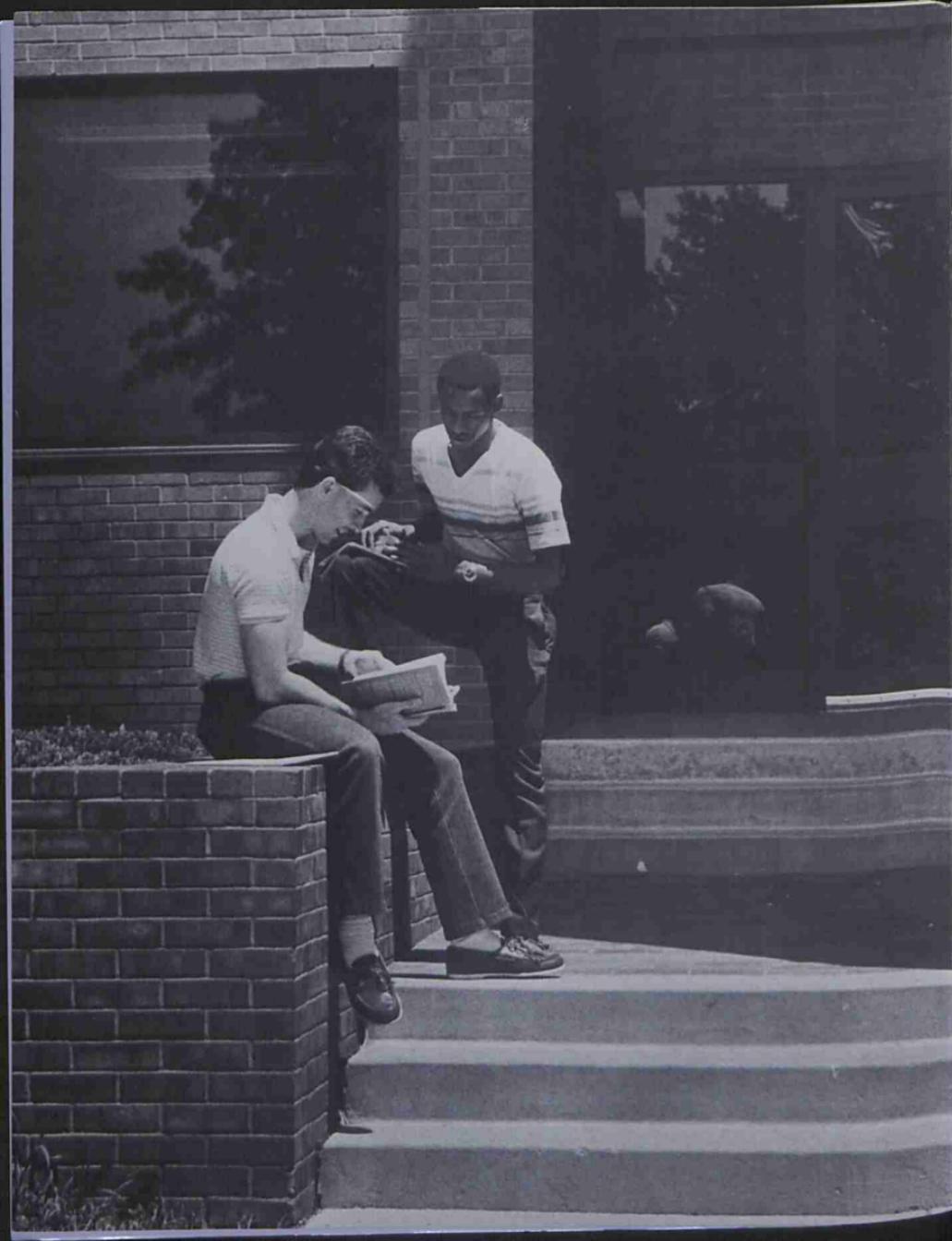


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PREFACE

PROMOTING SUCCESS is the description of an evolutionary process by which a diverse set of programs reached a common set of themes. Behind this process is a story of support and commitment which many view as unparalleled in the annals of American philanthropic ventures.

This publication has two purposes: to offer our friends, contributors, and advocates a global view of what has resulted from a decade of work at the precollege level to increase the pool of minority students who pursue engineering studies; and to make available to those who are concerned with the many problems of precollege science and mathematics the product of our positive experience in combatting most of those same problems in a slightly different context.

We wish to acknowledge the assistance of many individuals and organizations, among them:

The Alfred P. Sloan Foundation whose early studies gave impetus to precollege programs and whose funding not only gave birth to several programs but enabled the directors to come together, support, and learn from one another.

The hundreds of corporations that made the continuation of these programs possible for over a decade and through their generous support of NACME helped enable our collaborative efforts.

Joel B. Aronson and Gil Lopez who served as the primary writers of this document. Gil worked with the NAPD executive committee to develop a conceptual framework and format for the document. Joel visited programs and conducted interviews with students, teachers, administrators, and others to give a first-hand view of the programs, what they share in common, and why they work.

The directors and former directors who helped create the programs, had the perseverance to make them work, and by sharing their years of experiences made this publication possible.

Carolyn C. Chesnutt, Chair
National Association of
Precollege Directors

INTRODUCTION

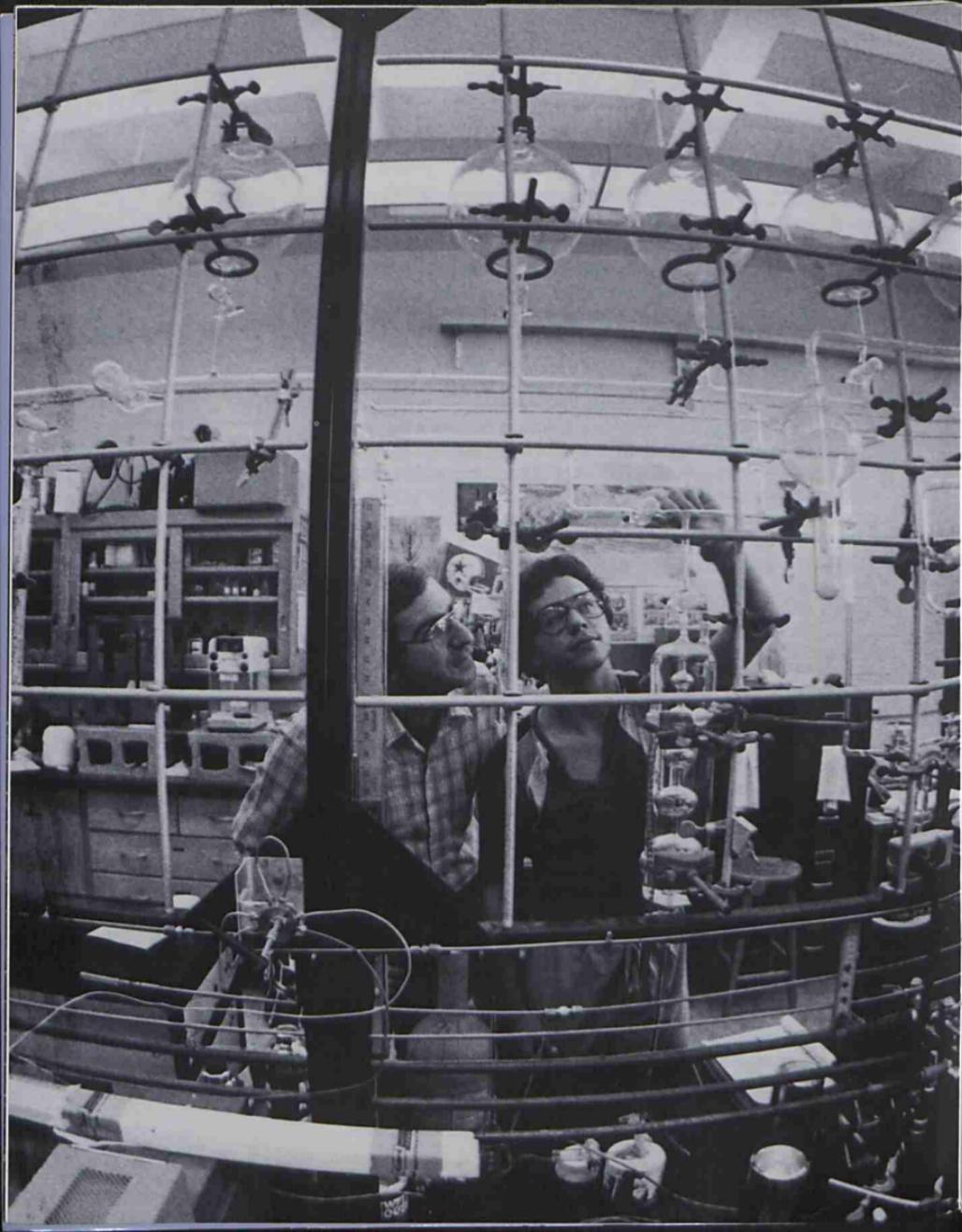
In 1983, the President's Commission on Excellence in Education, the National Science Board, and the Carnegie Foundation for the Advancement of Teaching all issued reports that focused on precollege science and mathematics. The reports challenged those concerned with high quality education to find ways to attract and prepare larger numbers of students for careers in science and engineering because the nation may not have enough people in the technical professions in the 1990's and beyond. A decade earlier, a similar challenge was faced—finding ways to attract and prepare minority students for engineering studies and careers in engineering where they were severely underrepresented.* In response to that challenge, senior executives from industry, working together with leaders from engineering colleges and local school systems, embarked on an action plan in 1973 which led to the development of a group of precollege programs that now enhance the study of mathematics and science in hundreds of secondary schools across the country.

The question of why greater numbers of students do not follow academic paths which lead to technical careers is as pertinent today as it was in 1973. A major part of the problem is that students are often left to make important academic selections by themselves and do so many times with information which is insufficient to make those choices wisely. Short term rather than long term goals are pursued and the paths of least resistance are easily taken. Before they can understand and feel the impact of the consequences, many students drop Algebra for General Mathematics and opt for General Science and commercial courses over Biology, Chemistry and Physics. By making such choices, large numbers of students close the door to a wide array of potential careers, and that door stays closed unless they receive positive outside guidance and support.

The principal quality of the precollege programs described in this document is their capacity to create intervention and support systems that promote success in students. United by a common philosophy and set of goals, nineteen precollege programs founded over the last twelve years are now member organizations of the National Association of

**THE CENTRAL PURPOSE
OF THESE PROGRAMS
IS TO BRING STUDENTS
TO MATH AND SCIENCE
STUDY WHO WOULD
NOT OTHERWISE BE
THERE.**

*The four ethnic minority groups underrepresented in engineering were Black, Mexican American, American Indian and Puerto Rican.



Precollege Directors (NAPD) which serves as a central base for program networking and the sharing of ideas and information. NAPD programs operate across a wide range of school demographics and community environments. Though their approaches may differ, their basic mission is the same:

- To increase student academic achievement in all subject areas, especially mathematics and science, and
- To heighten student awareness of careers in engineering, science and technology.

Utilizing a systems approach to identify and nurture student academic potential, NAPD programs bring a spectrum of resources to local school systems that augment and enrich the process of education at the precollege level. Functioning as educational extensions to participating schools, they tap elements of the outside world of industry and higher education to help students see how the study of mathematics and science is related to the practices of engineering and technology.

Common Elements of NAPD Programs

The process of NAPD intervention is long term. Once started in the lower high school grades it continues uninterrupted throughout the students' high school years. NAPD programs work closely with students to ensure their enrollment and achievement in the subject areas prerequisite to engineering college study. Mathematics and science curricula are supplemented with engineering applications, guidance and tutorial services are provided and detailed records that continually monitor student academic performance are maintained. The close ties and attention given students bring about a realization and purpose of study and upon graduation students enter college with the necessary academic preparation and confidence to succeed.

What NAPD programs do in their cooperative relationships with schools is viewed by parents, teachers and educational administrators as very beneficial and positive for both students and schools. Not only are NAPD programs effective in promoting success in students, they also provide schools with an interactive link through which relationships with a host of institutions and agencies can be formed and maintained at minimal cost.

An NAPD presence at a school stimulates the develop-

ALTHOUGH THE PROGRAMS HAVE COME TO THEIR PRESENT STATES FROM DIFFERENT DIRECTIONS, A SHARED PHILOSOPHY HAS CREATED A LARGE NUMBER OF COMMON ELEMENTS WHICH FORM THE FOUNDATION FOR PROGRAM SUCCESS.

ment of special programs that bring meaning and significance to mathematics and science study. In this capacity NAPD programs function to provide resources to revitalize the mathematics and science curricula with real world applications which help teachers and students keep up to date with advances in science and technology.

NAPD programs promote success in students through a process which is at first catalytic and then resourceful, leading to a system of instruction and learning where students and teachers work together to effect high student academic performance. The NAPD programs and the work in which they are engaged with students and schools are collaborative in nature and are unique in these important ways:

- They have been funded almost exclusively by the private sector for more than a decade.
- They are grassroots efforts initiated by people who have a personal and professional stake in improving education at the local level.
- They are a collaboration among local business, the university, and the school system, bringing expertise and resources to participant schools to supplement what is already available.
- They are sustained efforts; both students and teachers can count on program continuation from year to year.

In addition:

- Program interaction with students begins early (usually at the eighth or ninth grade level but sometimes earlier) and continues throughout students' high school tenure, and beyond if possible.
- Program costs are low. The programs work within the school administrative structure and make maximum use of volunteers as well as professionals on sabbatical leave from industry and college. Yearly costs per student vary from \$35 to \$200 depending on location and program.
- Many of the recommendations and suggestions in the 1983 reports—"Master-Teachers"; "Adopt-a-School" programs with industry, summer enrichment and expanded time-on-task, to name just a few—are employed by NAPD programs as part of their school intervention strategies.

Though the efforts and work of NAPD programs have been directed towards engineering and the students who benefit are underrepresented minorities, there is nothing inherent in the model approach which limits the system to minorities or engineering. On the contrary, the objective of NAPD programs has always been to provide each student with a strong academic foundation and a sense of confidence and determination that can be utilized to successfully pursue college study.

This NAPD document is meant to describe the programs, not to assess or critique them. Formal review is not yet possible because of the progressive and developing nature of the effort and because comprehensive data are not yet available on a national basis. In the interim, all those involved with the programs agree that much progress has been made and that students, teachers and schools alike have benefited. Teachers' attitudes are very positive, their level of enthusiasm is high and they routinely volunteer to participate in the often demanding nature of NAPD program activities. Student interest and achievement have resulted in larger mathematics and science classes and more upper-level courses being offered. Students' SAT performance has improved. High schools report higher rates of college acceptance among their graduates, and greater numbers of students have chosen engineering and other math-based courses of study in college. In addition to these indicators of progress, NAPD programs have been independently judged time after time by corporate contributors, national foundations, state legislatures, and participating school systems. This scrutiny has repeatedly yielded increased program involvement and steady expansion.

What follows is a brief history of the precollege minority engineering effort, how NAPD programs evolved over the years, the qualities that make them unique models of school intervention, what they have in common and general description of the programs themselves.



THE PRECOLLEGE VENTURE

The precollege programs which are the focus of this publication have their roots in a meeting in July of 1972, when General Electric hosted an Engineering Education Conference in Crotonville, New York devoted to discussion of the scarcity of minorities in the engineering professions. Further impetus came about a year later at a symposium on Increasing Minority Participation in Engineering convened by the National Academy of Engineering in Washington, D.C. This three-day event was attended by senior executives from two dozen major industrial companies, staff members from numerous colleges (forty of which were Deans of Engineering or Assistant Deans), and by representatives from federal government agencies, engineering societies, public schools, and a variety of other organizations with similar concerns for science and engineering education.

The problem these meetings addressed was twofold. A large segment of American society was not actively participating in the rapidly expanding technological world, and industry was not getting its full share of bright minority people or their ideas. Senior management at major industrial corporations knew that engineering was the most common pathway into management and there were not many minority engineering students and still fewer minority engineers. In 1972, Blacks, Hispanics, and American Indians constituted about 3% of the student body at engineering schools and less than 1% of the engineering profession. The reasons for this underrepresentation were complex, but several industrial leaders felt that a sustained, coordinated, well-supported effort based on a thorough analysis of the problem could help remedy the situation. The Alfred P. Sloan Foundation contributed to this goal by funding a planning commission and publishing in 1974 a summary report entitled "Minorities in Engineering: A Blueprint for Action." Because of its careful documentation of the problems and its action-oriented suggestions, this report quickly became the "Bible" in the effort to increase minority participation in engineering.

As a direct result of the National Academy meeting, several organizations were established to enlist broad industrial support, provide scholarship funds to minority engineering students, and coordinate the many activities which were beginning around the country. Ultimately, the National Action Council for Minorities in Engineering (NACME)

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was organized to lead the national effort. Under the leadership of chief executive officers from companies like Dupont, Exxon, Honeywell, IBM, and Bethlehem Steel, NACME has provided scholarship funds for minority engineering students, given technical assistance to emerging precollege and college level programs and served as a clearinghouse for information on minorities in engineering programs.

Originally, the major focus was at the college level. It was thought that if engineering were promoted more widely among minority students and if financial support were made more available, the field would attract students in significant numbers. However, early experience and further analysis (Alfred P. Sloan Foundation, 1975) suggested that a far more active precollege effort was necessary if minority participation in engineering was to be increased. Most students simply were not electing the mathematics and science courses in high school which would prepare them for college science and engineering study.

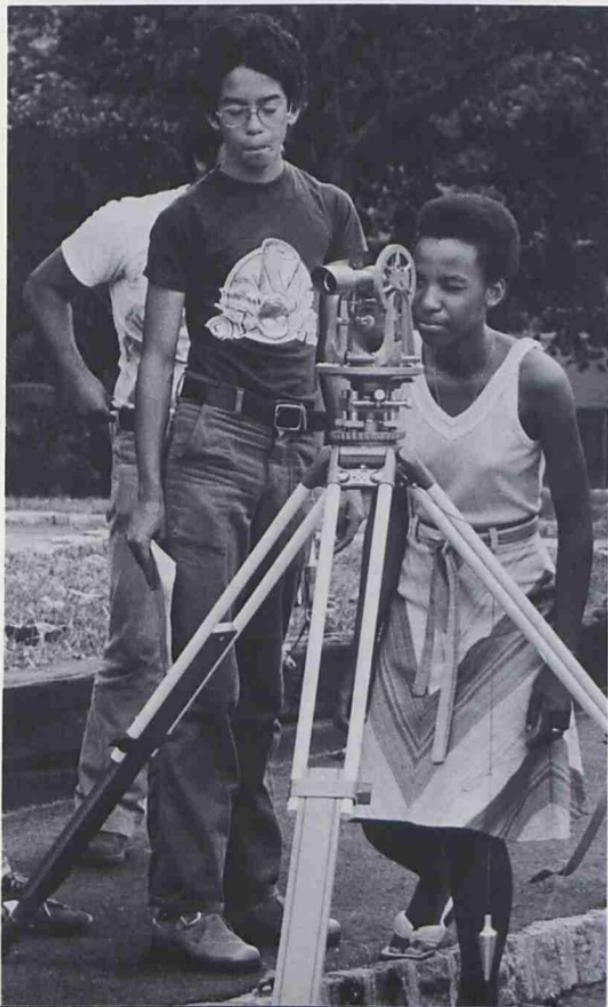
The Sloan Foundation reiterated its concern by making several multi-year grants to local and regional consortia which could serve large numbers of minority youth at the precollege level. As the programs grew and others started, a group of directors developed an informal network as they sought advice from one another.

Finally, in 1978—again with Sloan Foundation assistance—the National Association of Precollege Directors (NAPD) was formed. Its purposes were to analyze common problems and opportunities, review program operations, share insights and successful techniques, and interact with other groups interested in similar objectives. Today, programs represented by NAPD have years of experience engaging in activities which have cut across geography, ethnicity, and specific education structures in order to better serve schools and students.

It is thirteen years since the Crotonville conference, and the initial group of corporate organizers* is still investing in these programs. They have been joined by more than 200 nationally known companies, as well as scores of others active in regional and local markets. In addition to millions of dollars contributed for operating funds, they lend personnel and provide equipment and expertise to local, state and regional programs in all parts of the country.

*ALCOA, AT&T, Bechtel, Dupont, EXXON, General Electric, General Motors, IBM, McDonnell Douglas, Olin Corporation, RCA, Union Carbide, United States Steel, Westinghouse, and Xerox.

In return, the companies have gained immediate visibility as educational partners in local school systems. More importantly, they will also gain the considerable contributions of hundreds of new employees who will be able to enter technical careers because of the programs these companies have supported.



TODAY, PROGRAMS REPRESENTED BY NAPD HAVE YEARS OF EXPERIENCE ENGAGING IN ACTIVITIES WHICH HAVE CUT ACROSS GEOGRAPHY, ETHNICITY, AND SPECIFIC EDUCATION STRUCTURES IN ORDER TO SERVE SCHOOLS AND STUDENTS.

THE RECORD— IMPACT ON THE STUDENTS

**ACROSS PROGRAMS,
MORE THAN 80% OF
THE PARTICIPANTS GO
ON TO A FOUR-YEAR
COLLEGE, AND NEARLY
THREE FOURTHS OF
THOSE CHOOSE TO
STUDY ENGINEERING
OR OTHER MATH-BASED
FIELDS.**

Of the nineteen comprehensive precollege programs which are part of NAPD, several have many years of experience and offer a mix of services and support, while others have been recently established and are still in the process of evolving. Indeed, for several, the first product of their efforts—high school seniors accepted by universities for technical study—is still before them.

Even the oldest programs are just beginning to see the ultimate results of their labors—students with baccalaureate degrees in engineering and other related fields. The early years were a time of development when the number of students involved was small. Now, however, there are thousands of students currently in college studying engineering and other technical subjects and many more thousands in NAPD programs in high schools heading in the same direction. (See Table I.) Across programs, more than 80% of the participants go on to a four-year college and nearly three fourths of those choose to study engineering or other math-based fields (Chart I).

Student motivation is far too complex to claim a clear cause and effect relationship between the influences of these programs and student success in a college-level engineering degree program. However, the extensive records kept by each program and the interim goals they have achieved make a strong case for their positive impact.

Scores of students from various programs have been interviewed. They tell of becoming involved for one of three primary reasons:

- They had a well-developed interest in science and mathematics and saw the program as a pathway to their career goals.
- They were not especially interested in a math-based career field, but saw the program as supportive, rigorous, and demanding, and wanted to be part of it to get the best out of themselves.
- They were able students with no specific goal orientation who were urged to participate by teachers, parents, older brothers and sisters, friends, or counselors.



Program impact is hardest to assess for the students who are in the first of these categories because many of the driving forces are already present when they begin to participate. For these students, the most likely effect of the programs is to help sustain their interest in becoming engineers and scientists. Students in this group are especially important because their strong motivation makes them likely to succeed in university level studies.

Students who participate without any special interest in engineering certainly form the smallest group, but the impact of the programs upon them is still important. Some are intrigued by the challenge of a technical career as they learn more about those options. Others never enter a math-based profession but emerge with a solid mathematics and science foundation to their education which will improve their understanding of the technical aspects of whatever field they do enter. Though these students may not be counted as successful products of the programs, their own careers will be enriched by their involvement.*

*A 1981 National Research Council study "Science for Non-Specialists; The College Years" found that practitioners felt a good grounding in science and mathematics was important to potential leadership in fields as diverse as politics, journalism, law, business, religion and education.

STUDENTS FROM NAPD PROGRAMS TALK ABOUT FEELING BETTER ABOUT THEMSELVES AS THEY SUCCEED AT LEARNING, ESPECIALLY WHEN THE COMPETITIVE SUBJECTS OF SCIENCE AND MATHEMATICS ARE INVOLVED. THEY DESCRIBE AN INCREASE IN SELF-CONFIDENCE FROM KNOWING THAT THEY HAVE LEARNED A RIGOROUS BODY OF KNOWLEDGE.

It is the students from the third group who are the most crucial. While the obviously capable student is always welcome, the NAPD programs do not merely recruit engineering candidates from among the already likely. The central purpose of these programs is to bring students to math and science study who would not otherwise be there. Their goal is to substantially increase the pool of students with the pre-college credentials needed to enter engineering study and other technical areas. The third group includes large numbers of able students whose chance of going to any four-year college is small due to family financial circumstances, lack of role models among family and friends, fear of failure at rigorous course work, indifference, or poor counseling. The programs seek out these students and many of the program services are directed specifically toward them and their families. The programs' experience with these students show that most get caught up in the adventure; they become enthusiastic about science and mathematics, and many go on to study at first rate universities. This group of students provides a large number of engineering and science candidates who would not otherwise emerge from high school without program intervention in the normal process of education.

Data from the California/MESA program provides some support for the impressionistic conclusions from the student interviews. MESA now has 4,000 graduates, more than 85% of whom have gone on to four-year colleges and universities. Of this group, half have come from families which never before included a college graduate. This is a far higher proportion of first-time college students than among college freshmen nationally. Other data compiled by the State of California show that of the minority students in California who continue their education past high school, 85% attend two-year community colleges from which less than 5% transfer to a four-year institution. In contrast, among MESA students from comparable backgrounds, 85% go directly to four-year colleges and universities.

Beyond these head counts are changes in students, teachers and the process of education which cannot be quantified. These changes include shifts in attitude and perception which are both caused by and lead to more productive teaching and learning.

Students from NAPD programs talk about feeling better about themselves as they succeed at learning, especially when the challenging subjects of science and mathematics

are involved. They describe an increase in self-confidence from knowing that they have mastered a rigorous body of knowledge.

Within the next three years, large numbers of former NAPD students will be emerging from colleges and embarking on technical careers. There is ample reason to believe that many of them would not be there except for the influence of the NAPD precollege programs.

Changes in teachers' attitudes also reflect positively on the students. Teachers enjoy working with students who are highly motivated to learn. They enjoy being able to teach more advanced courses (physics, trigonometry, and calculus) as student interest increases. They are pleased with the access they have to engineering faculty, industry professionals, and the world outside the classroom. Many say that their classroom effectiveness is improved by their more complete understanding of the relationships between precollege education, industry and the university.

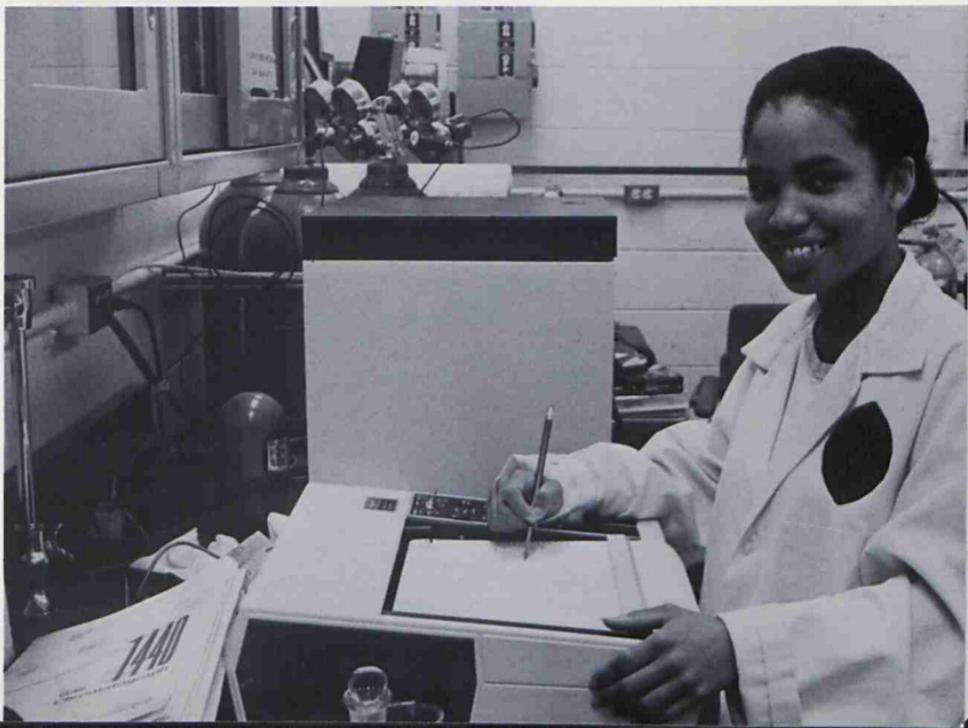


Table I. NAPD Program Summary Data

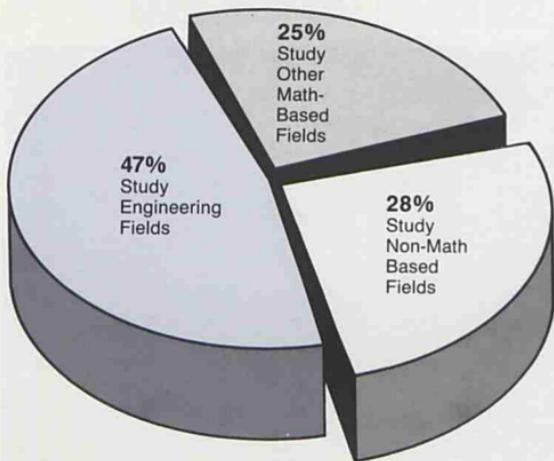
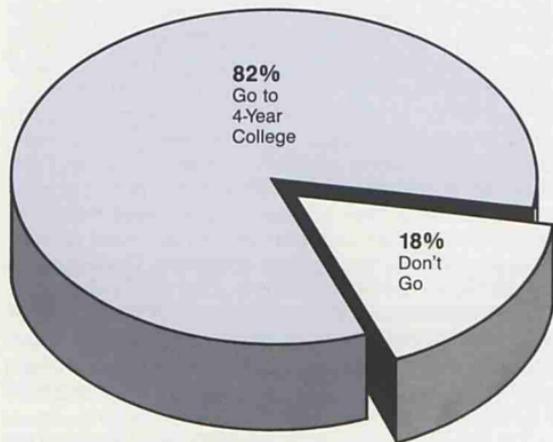
	1984 Precollege Participation		Year of First H.S. Graduates	High School Graduates Since Inception
	Students ^a	Schools		
BEAM	320	11	1983	33
CMEA	820	53	1983	84
CMSP	2,550	11	1975	1,650
DAPCEP	1,300	22	1981	503
FAME	250	b	1978	150
<hr/>				
GEST	50	6	1977	150
IIT	450	b	1974	5,014
LEAP	238	8	1982	128
MASSPEP	300	6	1982	90
MESA/Cal.	3,820	138	1977	4,400
<hr/>				
MESA/N.Mex.	310	10	1984	5
MESA/Wash.	2,200	11	1985	
METCON	981	13	1982	84
PRIME	1,866	33	1976	1,695
PRIS ² M	603	6	1980	257
<hr/>				
SECME	9,211	160	1979	6,216
TAME	15,000	120	1979	4,000
UCMEP	500	4	1984	45

NOTES:

a. These figures represent only minority students who are full program participants. There are many additional minority and non-minority students who benefit from individual program elements but are not regular participants.

b. FAME and IIT both bring students from the schools to a central location for program activities.

Chart I. Education Plans of NAPD Students.



THE THIRD PARTY MODEL

The precollege programs of NAPD differ in critical ways from other attempts to improve education. The most significant departure is that these programs come to the school from outside, adding unique resources to what the school has already. It is this "third party" model that has facilitated the delivery of the assistance students need for success in precollege science and mathematics. Each program operates through a small staff which is not from industry, but is guided by it; frequently is university-based, but is not part of the university administration; works closely with the schools and the school board, but is not interwoven with the public school structure. Because of their position outside these organizations, program staff can deal with senior personnel without having to go through hierarchical channels. They can cut through red tape to solve problems quickly and directly and they can act unilaterally, if necessary, under conditions of urgency. Program staff can elicit ideas from all sources, use the combined strengths of its constituencies to resolve problems, and act as a broker to bring resources to meet the needs of the schools.

For the NAPD programs, development has been an evolutionary process, not a prescription. There had been no assumption, explicit or implicit, that any answers were known. Many things were tried. Some worked, and the successes



gave direction to the effort. This is the embodiment of the "engineering approach" and it applies as well to problems in education as it does to new product development.

The programs deal directly with the needs of students and teachers and are well accepted by them. This "bottom-up" approach is often favorably contrasted with the more common "top-down" approach where change is mandated and a budget appropriated to implement prescribed programs.

As problems have been resolved, the programs have expanded. Each is directly responsive to local needs and conditions; yet each is part of a network linked in a positive relationship with one another through their common philosophy, overlapping program elements and shared procedures and experiences.

MODELS OF ORGANIZATION

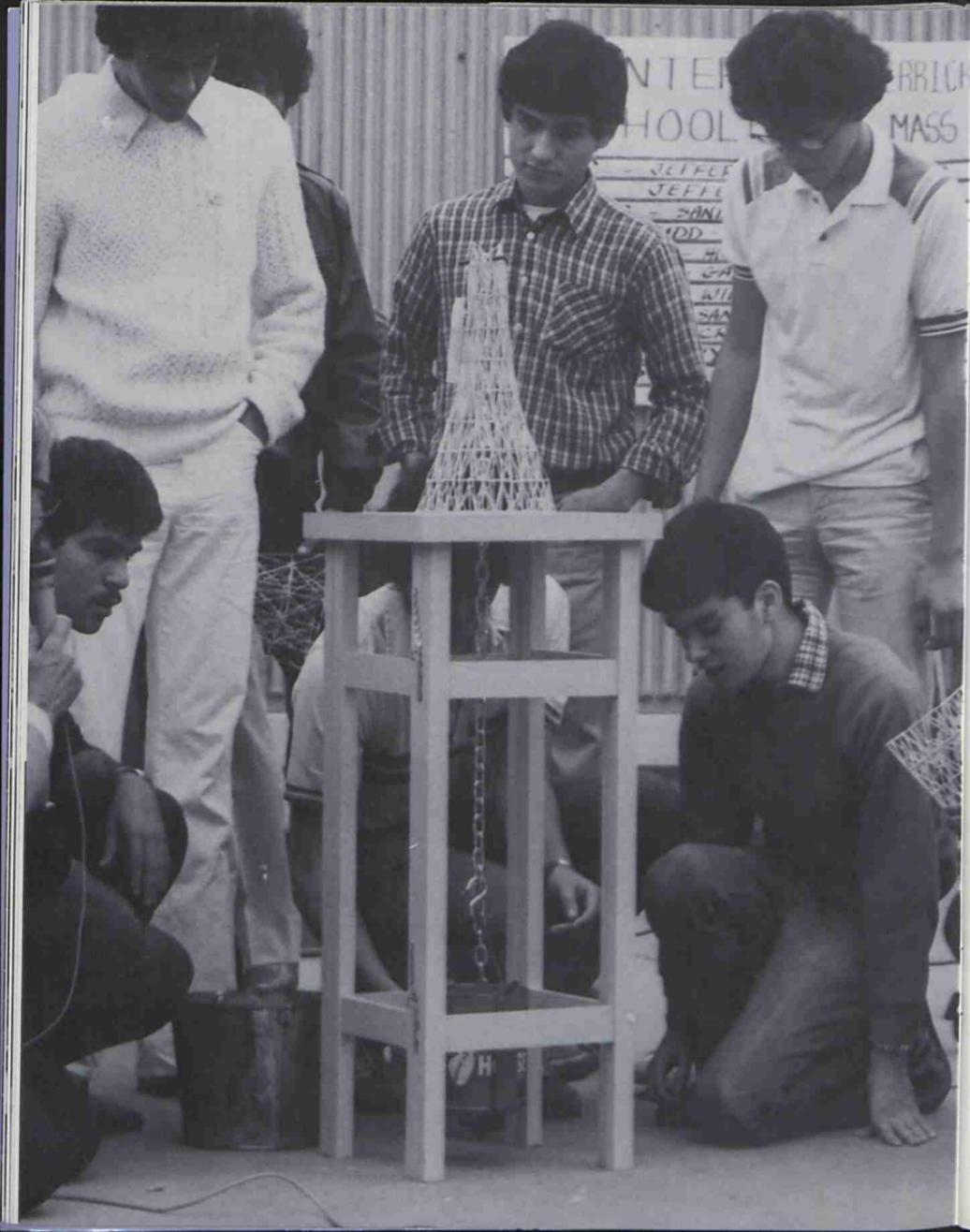
The mix of services provided by the NAPD programs differs from location to location, but always includes informational, motivational, and enrichment activities, and usually contains elements which strengthen the capability of the teachers and the schools. Most programs offer both school-year and summer activities. All concentrate on mathematics, science, and communications skills. In each program, the objective is to:

- provide assistance needed by student participants but which is not fully provided by the school,
- promote students' understanding of technical careers and ensure academic progress through constant individual monitoring and long-term support, and
- build self-esteem among students and a heightened sense of confidence necessary for achieving their academic and career goals.

All nineteen NAPD programs are described in Appendix A. Of those, there are five which are distinctively organized and collectively provide models of development for an extremely wide range of settings.

PRIME, the "Philadelphia Regional Introduction for Minorities to Engineering," has a very strong centralized organization. All of its activities are coordinated by a small staff guided by the Executive Director. PRIME staff persons deal directly with schools, teachers, students, businesses, and

EACH PROGRAM OPERATES THROUGH A SMALL STAFF WHICH IS NOT FROM INDUSTRY, BUT IS GUIDED BY IT; FREQUENTLY IS UNIVERSITY-BASED, BUT IS NOT PART OF THE UNIVERSITY ADMINISTRATION; WORKS CLOSELY WITH THE SCHOOLS AND THE SCHOOL BOARD, BUT IS NOT INTERWOVEN WITH THE PUBLIC SCHOOL STRUCTURE.



universities, and thus can closely control the quality of the effort. As with all NAPD programs, PRIME's Board of Directors, which includes members from the business, academic, and civic sectors, is actively involved with planning, fund raising, and monitoring the program's performance. PRIME is incorporated as a non-profit education organization and is housed in its own offices in central Philadelphia.

The "Comprehensive Math and Science Program" (CMSP) is largely a research and development project that creates and tests models of math and science curriculum and technical career guidance in a sample of high schools in New York City. Operating as a collaborative, the CMSP has organizational ties with the six New York City engineering colleges, locally based industries and the New York City Board of Education. Together they provide institutional resources to high schools participating in the project. The staff of the CMSP includes New York City math and science teachers and engineers assigned through IBM's faculty loan program, and a core development team from Columbia University. The CMSP operates under the aegis of the School of Engineering and Applied Science at Columbia University in consort with the High School Division and the Office of Career and Occupational Education of the New York City Board of Education.

California's MESA, Mathematics, Engineering, Science Achievement, has a less centralized organizational structure. The central program office is housed at the Lawrence Hall of Science, University of California at Berkeley. The statewide program operates through semi-autonomous centers. This allows maximum flexibility at the local level, while the statewide office provides umbrella services such as overall planning, workshops and conferences, evaluation, tracking of students, etc. Each center hires its own full-time Director and provides support to as many as a dozen individual schools in its vicinity. The center finds its own private sector support; it deals directly with the school system, it helps to organize parent support groups, and in most other ways operates as a free-standing entity. The MESA model has been adopted in neighboring states, and the central office makes little organizational distinction between centers in California and those outside the state.

TAME, the "Texas Alliance for Minorities in Engineering" has a somewhat more decentralized organization than MESA. It operates in fourteen areas of Texas through autonomous chapters which are linked only loosely to TAME's

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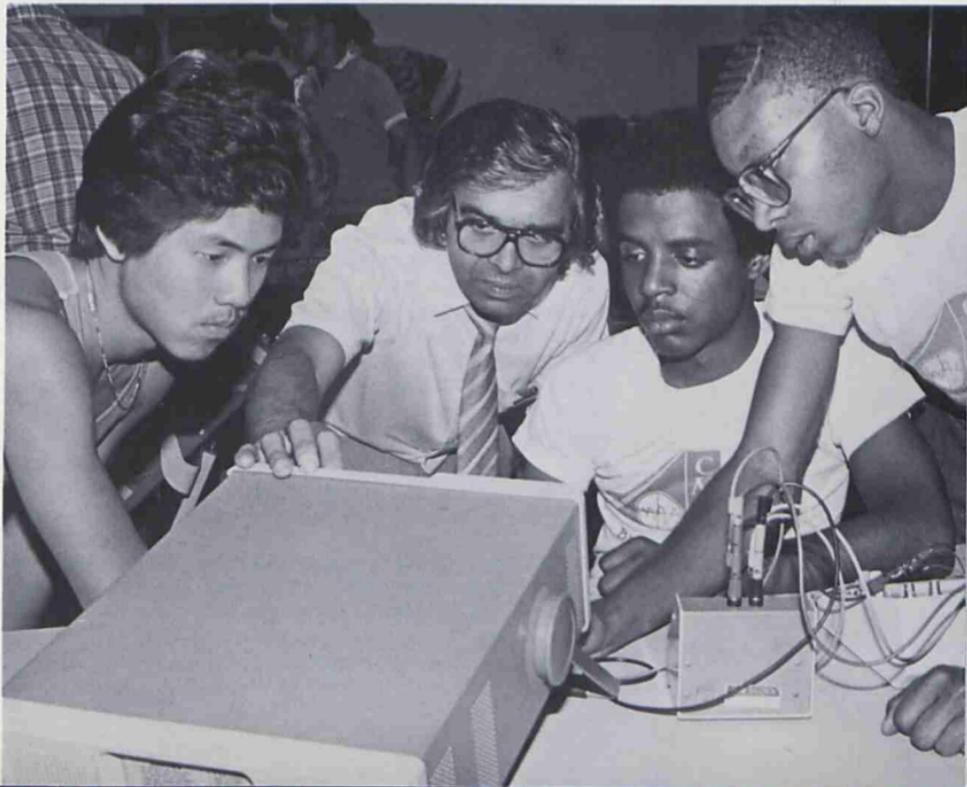
central office and to each other. Each establishes its own relationship with the local school and with the university and industry in its area. It raises its own funds and decides what program services will be offered. TAME's central office serves a limited coordinating function and provides overall quality control through data collection and visitations. TAME is incorporated as a non-profit educational organization.

SECME, the "Southeastern Consortium for Minorities in Engineering," operates over an extraordinarily large area which encompasses both inner-city school systems and rural systems distant from any possible industrial support. It manages this by working through a decentralized structure while overseeing operations centrally. Individual SECME programs operate at the school system level. The local Program Director is responsible for guiding development of the program at the schools and for maintaining communication with the engineering faculty at the cooperating university, with industry consultants, and with the SECME office in Atlanta. This office provides a variety of resource materials and collects longitudinal data on the students. The most important unifying activity carried out by SECME's central office is the annual Summer Technological Institute, where teachers and school personnel from local SECME programs all over the region gather at a member university for a graduate credit course. Here they learn about SECME, about the engineering profession and about curriculum enrichment through teaching strategies and microcomputer techniques. The end product of these institutes is an implementation plan for the SECME program in individual schools and classrooms.

Each of these five programs has achieved a structure which fits the local circumstances. PRIME's strong central control works well in heavily populated, urban areas. CMSP works intensively within individual schools to develop new models of mathematics and science curriculum and instruction. TAME's operation seems well-suited to the Texas pattern of medium to large cities separated by great distances. SECME's organization suits the mixture of urban and rural school systems found in the Southeast. MESA's university-based center system works very well in California, where the university network is extensive and reaches into virtually all portions of the state. Other NAPD programs have patterned their own structure after these five, sometimes combining elements from two or more. Experience has shown that these programs are "transportable"; the established network readily supports the formation of new sites.

LEARNING FROM EXPERIENCE: COMMON ELEMENTS WHICH PROMOTE SUCCESS

An immense amount of thought and energy has been devoted to the development of the NAPD precollege programs. Each program, whether spontaneously occurring or carefully modeled on another, strongly conforms to local needs so that even those with similar names are quite different from one another. (See Appendix A—Program Summaries.) Although the programs have come to their present state from different directions, a shared philosophy has created a large number of common elements which form the foundations for program success.



Program Structure

Any intervention should be a *long-term* venture. This makes effective planning and goal-setting possible and allows the program to evolve as it seeks to satisfy students' needs in additional ways. If a program has permanence, people are more willing to work with it and less likely to try to work around it.

The programs must provide *extensive interaction* with the students over a period of years. Once a student becomes involved, the program should maintain that student's involvement through high school graduation. Enlarging the pipeline at only one point does little good if constrictions remain farther along the path.

Early intervention should be a priority. Some programs originally selected participants after the students had "proven" themselves capable in mathematics (usually algebra), but it became apparent to all that the earlier the intervention, the better for the student. This is especially true in mathematics because, from the student's point of view, one bad experience with a school subject is usually enough to foreclose interest in it. Recognition of this has prompted MESA to expand from high school to junior high school, SECME to encourage students to start participating in eighth grade, PRIME to move into the elementary grades, and most of the more recently established programs to work immediately at the seventh or eighth grade level. All programs are moving toward the earlier school years as they search for a point of initial intervention which maximizes the benefits for the students.

The program should be a *collaborative effort* among local employers, the nearest university, and the school system. Each of these sectors has its own concerns, indeed, its own culture, but each has an important role to play in education. By bringing them together, the program not only marshals diverse forces to help solve educational problems, it also promotes a shared sense of community enterprise.

It is important that the effort should seek *multiple funding* from as wide a group of contributors as possible. Experience shows that single-source funding is rarely stable, whether it is from a government agency, foundation grant, or any other origin. With single source funding, the ultimate result is nearly always program demise. Funding priorities change, budgets are sometimes cut, and sympathetic people may leave the contributing organization. To have a chance at success, the program needs to be insulated from these occurrences. With multiple funding, the flow of dollars is not

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ENLARGING THE PIPELINE AT ONLY ONE POINT DOES LITTLE GOOD IF CONSTRUCTIONS REMAIN FARTHER ALONG THE PATH.

always constant and much effort is needed to stimulate that flow, but the resultant economic stability is vital to program success.

The collaborative nature of the program should be maintained through a *formal mechanism* for participation which recognizes the contributions of local industry, business, community groups and parents. Representation of these groups on an advisory council or local board of directors is especially important. Their long-term interest will be better maintained if they see that their suggestions can affect the process.

Status as a *non-profit educational organization* is extremely beneficial. This can be done directly by incorporation or indirectly by organizing the program within the larger structure of a non-profit institution such as a university. The major advantage of the non-profit status is that donations of money and equipment from local business are more readily attracted and received.

All of the programs benefit from receiving *in-kind support*. This can range from printing a brochure or hosting an important meeting to covering the significant costs of an employee's salary while that person devotes time to the program effort. Many companies can make in-kind contributions more readily than cash contributions, while others will enthusiastically make both. Several NAPD programs have secured large in-kind contributions which expand their operating budgets significantly.



Program Functions: Teachers

Positive teacher attitudes toward engineering and math-based careers greatly influence student attitudes. In education research, the teacher has been found to be the single greatest influence outside the home on the student's career choice. The more a teacher knows about technical careers and the academic prerequisites for them, the more effective that teacher will be because there are 180 opportunities a year to influence the student. The teacher holds the key to effective academic preparation; it is the teacher who can relate subject matter to career activities and thus perform a guidance function. Where the programs operate in the schools, the teacher is recognized as the critical agent of change. SECME, for example, has formalized this link by granting graduate-course credit for its Summer Institute which has trained over 800 teachers. PRIME has trained nearly 400, and most of the other programs carry out some activities designed to augment teachers' abilities, to make them more knowledgeable about science and engineering careers and more responsive to students' interests in that direction.

There is a conscious effort to *enhance the status of the teachers* associated with the programs in order to improve self-esteem and develop self-confidence. Most programs recognize outstanding contributions through "Teacher of the Year" nominations and awards or through the conferring of "Master Teacher" status. In addition, most programs promote career development by selecting capable teachers for coordinator roles which allow them to sharpen their organizational and managerial skills. Finally, and most commonly, the success of a program naturally moves the teachers associated with it closer to the center of the spotlight; they become known within the school system and to the parents and the community. Once a program is established, teachers have found their involvement with it personally satisfying and professionally rewarding.

There are program elements which *help the teachers do their job better*. In addition to program-sponsored teacher training, there are day-to-day links with the university and industry. These show teachers how their subject matter relates to actual research or operations and provide concrete examples the teachers can use in the classroom. The industry links also keep teachers abreast of new technologies, especially in the computer field. Indeed, many teachers have become familiar with computers and computer applications for the first time through NAPD programs.

ONCE A PROGRAM IS ESTABLISHED, TEACHERS HAVE FOUND THEIR INVOLVEMENT WITH IT PERSONALLY SATISFYING AND PROFESSIONALLY REWARDING.

**IT IS CLEAR THAT A
SOLID ALGEBRA BASE
FACILITATES STUDENT
COMMITMENT TO A
PRECOLLEGE SE-
QUENCE OF MATH
AND SCIENCE
COURSES.**

The programs all provide frequent opportunities for sharing experiences among teachers. Within schools, science, mathematics, and English teachers are generally organized into teams which plan program activities cooperatively and coordinate instruction. This promotes professional association across discipline lines, often for the first time in the teachers' experience. There is also ample opportunity for teachers from different schools to meet on "neutral" territory independent of the school system to trade techniques and gain insight into the workings of the program under circumstances different from their own.

Program Functions: Students

An *early student commitment* to science and mathematics course sequences is very important. Many NAPD programs begin involvement with students at the ninth grade, as the students begin algebra. Others, observing that students who delay algebra until ninth grade are not likely to take enough mathematics in high school to qualify for engineering or science studies, intervene earlier in the education process. It is clear that a solid algebra base facilitates student commitment to a precollege sequence of math and science courses.

All programs offer students a *mix of services*. The mix differs among programs but always includes informational, motivational, and enrichment activities. Academic advisement, career counseling, role models, tutoring, supplemental curricula, field trips, and classroom projects are common. The objective is to provide a context within which consideration of engineering and other math-based fields is facilitated and natural.

All programs improve the students' *time on task* in science, mathematics, and language arts courses. CMSP does this very explicitly by doubling instruction hours. Other programs do it in other ways, such as organizing group homework sessions, after school programs, and summer involvement. In the classroom, there is more learning and less disruption when teachers can make the subject matter more interesting, when students put more time and energy into their studies, and where good preparation means less class time needed for review of old material.

Students' *problem solving abilities* are sharpened. Nearly all programs concentrate on problem solving strategies and practice as part of the classroom experience. They place special emphasis on the relation between classroom science

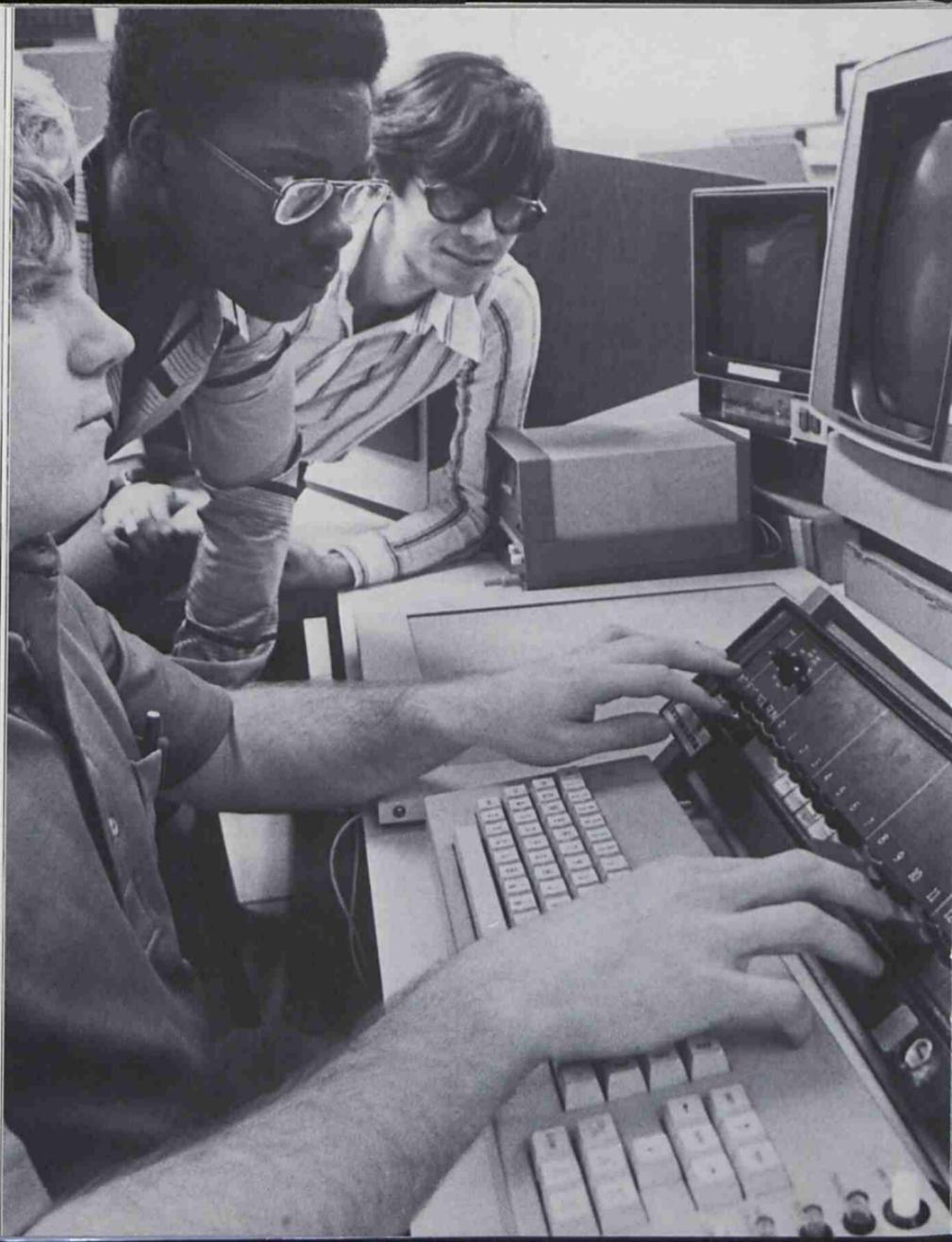
and mathematics problems and real-world applications. To do this they invite industry representatives to the classroom, visit industrial sites and university laboratories, and apply textbook principles to the practical task of completing individual special individual projects.

Longitudinal tracking is important for a variety of reasons. Typically, it lets the programs know how well the students do in their courses, which careers the students prepare for and, often, where the students have gone to work on their first job following college graduation. Tracking helps to pinpoint problem areas and to guide the program toward more effective use of its resources. Further, it provides important feedback to school systems and individual schools. Finally, tracking gives tangible data on program impact to industrial sponsors, community organizations, parent groups, and other supporters. Though a few national studies* have followed groups of students from year to year, the longitudinal tracking carried out by these NAPD programs is the only broad-scale attempt in the country to follow individual students as they progress through their high school and college careers, as well as the only one to focus on engineering, science, and other math-based fields.

**TRACKING HELPS TO
PINPOINT PROBLEM
AREAS AND TO GUIDE
THE PROGRAM
TOWARD MORE EF-
FECTIVE USE OF ITS
RESOURCES.**

* Two multi-year longitudinal studies initiated by the National Center for Education Statistics are the "National Longitudinal Study: The High School Graduating Class of 1972" and "High School and Beyond," which is studying a large sample of students who were high school sophomores and seniors in 1980.





Motivational Activities

The programs all stress improved *two-way communication* between teacher and student. Because of the resources the program brings to the classroom, the teacher can spend more time with the students engaging in dialogue which goes beyond normal academic learning. The resulting quality of teacher-student interaction is very high.

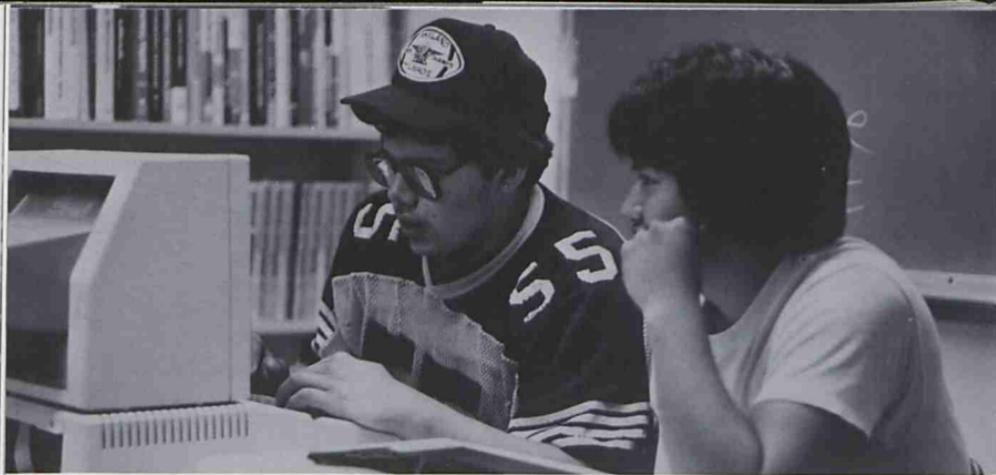
The coordinated math/science/language *team approach to class instruction*, a feature of most programs, helps the students understand that these subjects will be part of their future adult life experience, not merely unrelated school subjects to be taken and forgotten.

All programs establish a *peer support group* for their students. MESA operates as a science club within the school system, SECME schools set up science clubs to supplement classroom activities, CMSP and PRIME participants attend classes as a group, and the other programs all have a mechanisms for helping students feel they are part of something special. The prestige of being identified as a specially selected student has a motivational effect not only on the individual, but also on non-participating peers and younger students.

Nearly all programs have specific ways to *recognize student achievement*. Program participants can win cash awards, calculators, or scholarships for superior performance. Most programs host end-of-year awards banquets attended by the students, their parents, their teachers, and many people from the university and local business involved with the program. This recognition is important to maintain morale at a high level and satisfy the basic human need to feel rewarded for one's achievement.

In summary, the structural features and program functions described above are part of each NAPD program. Most have evolved as a result of a lengthy trial and error process that has led to a system of services that can be delivered in a variety of ways—and are. This flexibility of the NAPD model is its greatest asset.

THE PRESTIGE OF BEING IDENTIFIED AS A SPECIALLY SELECTED STUDENT HAS A MOTIVATIONAL EFFECT NOT ONLY ON THE INDIVIDUAL, BUT ALSO ON NON-PARTICIPATING PEERS AND YOUNGER STUDENTS.



CONCLUSION

The precollege programs represented by the National Association of Precollege Directors (NAPD) constitute a large scale coordinated effort to increase the pool of minority high school students with the academic qualities and resolve to pursue college study in engineering. Born out of a concern for the small number of minorities in the engineering professions in 1973, NAPD programs have evolved into broad based models of school intervention that over the years have increased significantly the educational and career opportunities for tens of thousands of young high school students across the country.

NAPD programs are currently serving well over 30,000 students from large school systems located in densely populated urban centers as well as school systems located in less populated urban and rural areas of the country. In almost all instances the organization and development of individual NAPD programs was initiated by *private sector funding*. Although the initial donors were few in number, the programs now attract support from multiple funding sources which include a large number of engineering employers. This support mechanism has paid rich dividends not only by furthering program goals, but also by establishing long term stability and allowing the programs to increase their funding base through matching school system appropriations.

Although each of the nineteen precollege programs that comprise NAPD has developed and evolved in its own unique way, all are characterized by strong *collaborative* ties with engineering employers and colleges in the school communities which they serve. This collaboration has provided a basis for the blending of institutional resources that give NAPD participant schools substantial leverage and flexibility for making school mathematics and science programs more challenging and rewarding to students. It has also given mathematics and science teachers valuable sources of information and has created an environment in which they can enrich their teaching and advisement of students.

The evolution of NAPD programs, while directed towards engineering, has matured into a comprehensive effort aimed at improving in wholesale fashion the learning experiences of young people. What has emerged in participant schools is a spectrum of services and activities that goes far beyond that which is generally available in traditional school

programs. *College and industry sponsored seminars, science fairs, special college programs for students and teachers, continual student academic assessment, emphasis on college and career guidance, visitations to industry sites, engineering applications to mathematics and science instruction and interschool networking* are just some of the multi-faceted activities that comprise NAPD programs. These are not just one shot events but instead are scheduled regularly throughout the academic year and in the summer. While participating in these special program activities, students put forth their best efforts under the guidance and tutelage of teachers and NAPD staff who work together to broaden the education of students both *inside and outside* the school environment.

In large measure NAPD programs function as very special educational extensions of participant schools. Aply described as *third party* models, they serve as both *catalyst and resource* to help students and schools adapt to the rapidly changing world of science and technology. Their engineering college affiliation and strong connections to industry ensure this through real world applications made available to students to complement mathematics and science instruction. It is this focus on technology and access to timely resources that make NAPD programs effective in *promoting success* in students who choose to pursue engineering and math-based college studies.

NAPD programs represent the state of the art in *collaborative ventures in precollege science and mathematics education*. Started as private sector initiatives with a determined purpose to nurture the academic potential of minority students, NAPD efforts have developed into model networks of school intervention. Their presence in school communities throughout the country has stimulated a process of change through which schools work cooperatively with surrounding industry and colleges to make education more realistic and meaningful to students and teachers. The return on the private sector investment is continually demonstrated as significantly more minority high school students excel in their academic work and greater numbers enter promising careers in engineering, science and technology.

APPENDIX A

Program Summaries

There are more than 100 minority precollege science and mathematics programs around the country (a lengthy list of programs is included in NACME's Precollege Directory, 1984 edition), only a few of which are comprehensive, multiple-funded efforts. Of the latter, most are members of the National Association of Precollege Directors, the only associated group of these programs in the country. It is the NAPD membership organizations which are the subject of this document.

Each of the NAPD programs is described in this Appendix. For more information, the reader is encouraged to contact NAPD c/o NACME or the individual programs.

BEAM

The Buffalo Area Engineering Awareness for Minorities program began in 1983 as a joint effort of local industry, the State University of New York at Buffalo, and the Omega Psi Phi service fraternity. BEAM identifies potential minority engineering students in the seventh through twelfth grades at participating junior and senior high schools. The twice-monthly in-school programs are led by engineers from local companies who give demonstrations, take students on field trips and guide hands-on projects in order to provide students and teachers with a better understanding of the engineering professions. The BEAM organization assists students in identifying the high school courses required for admission to college engineering programs, encourages them and provides





tutorial support. Science and mathematics teachers work with engineers to develop more effective curricula, to provide students with career education activities and to apply classroom learning experiences to the solution of engineering problems.

Students are given opportunities to visit college campuses to familiarize themselves with engineering program offerings, to observe research activities and to consult with engineering students and professors. BEAM also conducts a six-week college credit summer program for talented post-eleventh grade students.

Though BEAM originally operated in the Buffalo School System, it has now extended its programming to all of the Western New York Region. This area includes four American Indian reservations which BEAM serves in special ways.

CAPCEP

The Chicago Area Pre College Engineering Program is designed to increase the number of minorities (including women) in engineering and technical careers. It provides technical, financial and administrative assistance to Chicago area public and private school systems to enrich the academic curriculum

and develop student interest in these careers. A teacher training project is being conducted by the National College of Education for teachers in the Chicago school system.

CMEA

The Colorado Minority Engineering Association operates both a precollege program (MESA) based on the California MESA model and a university level Minority Engineering Program (MEP). Though recently instituted (1980), the MESA program operates within more than 50 schools in seven key districts and reaches over 800 students throughout the state.

CMEA activities begin at the seventh grade and extend through twelfth grade. Students are selected on the basis of their interest in mathematics and science-related careers and on their potential for achievement in high school. They must agree to participate regularly in MESA activities and to enroll in college preparatory courses, including four years each of mathematics, science and English.

CMEA's MESA program provides tutoring, specialized counseling, role models, speakers, monetary incentives, field trips, full parent involvement, career awareness/preparation, and science and engineering special projects. Summer activities have included both "bridge" and enrichment programs operated through universities or in conjunction with local community organizations.

CMEA is a private non-profit corporation based at the University of Colorado at Denver. Its operations are funded entirely by the private sector.

CMSP

The Comprehensive Math and Science Program operates as a field based research and development project engaged in creating and testing models of mathematics curricula and instruction in several New York City high schools. The model development effort is conducted during the regular school day as a joint venture of the CMSP with the New York City Board of Education, making it unique among NAPD programs.

Founded in 1974, CMSP functions as a collaborative in New York City with the six locally based engineering colleges and industry, providing resources to support high school project activities both in and outside of the school environment. In the 1983/84 academic year, over 2,500 students participated in a variety of academic and career oriented CMSP

programs and events that make up the total CMSP effort. Its major focus has been an Algebra and Geometry program which restructures the first two years of high school mathematics. This curriculum based model allows incoming ninth year students to build a strong mathematics foundation by integrating math courses with science topics and computer applications. Initial mathematics model development began in 1979, and since then over 3,000 students have studied Pre-Algebra and Algebra using this highly structured model.

Other CMSP initiatives include a series of Seminars on Careers in Engineering, Technology and Computer Science for juniors who visit local engineering colleges and also attend special industry seminars at their home school, in addition to the College Fair for Engineering and Technology held at Brooklyn Technical High School (which annually attracts 600 juniors and seniors from 15 high schools to meet with admissions staff and faculty from 40 engineering colleges and military academies).

The CMSP operates under the aegis of the School of Engineering and Applied Science at Columbia University in consort with the High School Division and the Office of Career and Occupational Education of the New York City Board of Education. Institutional and grant support for project development and management comes from the private sector with matching budget allocations for school based expenses supplied by participating high schools and school board project offices.

DAPCEP

The Detroit Area Pre-College Engineering Program, founded in 1976, works with the Detroit Public Schools and six area universities to provide enrichment classes and program support for junior high and high school students interested in engineering and other technical careers. The program, which serves 1,300 students from 30 Detroit schools, has three interrelated components: A Summer Skills Intensification Program, Saturday Morning Enrichment Classes, and In-School Pre-Engineering classes. There is also an active and supportive parents advisory group and an after-school tutorial program run by DAPCEP graduates now in college. DAPCEP receives funding and technical support from about two dozen major corporations, foundations and other organizations. Presently, there are nearly 200 DAPCEP students pursuing engineering study throughout the country.

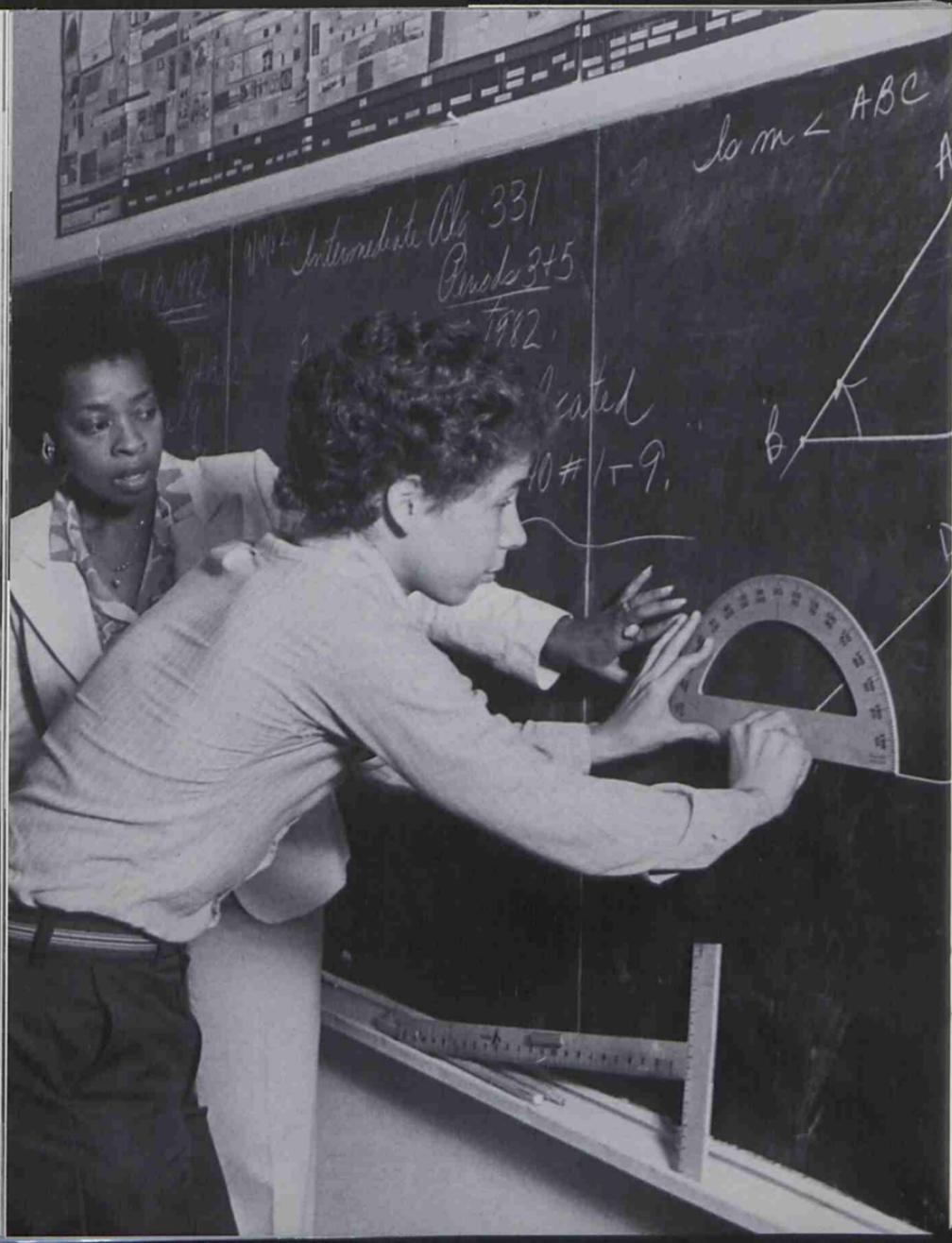


FAME

The Forum to Advance Minorities in Engineering was organized in 1977 and has grown to be a broad-based, community-wide program in the greater Wilmington, Delaware area. FAME's goal is to motivate students to pursue and succeed in science and mathematics. Approximately 250 students in the seventh through the twelfth grades meet periodically for various programs, including a Saturday Calculus Club sponsored by the University of Delaware for twelfth grade students, a test awareness program offered bi-weekly for all students, and a number of special events and activities. There are also summer enrichment activities for grades seven through twelve, prefreshmen summer employment at one of the sponsoring industries, and off-to-college nights where prefreshmen receive assertiveness training. FAME's director is an E.I. duPont Company employee on special assignment, and the program is supported by more than two dozen other companies and community organizations.

GEST

The Gateway to Engineering, Science and Technology program, based at the University of Wisconsin in Milwaukee, was established in its present form in 1975. Using the IIT model of Saturday enrichment activities (see next program description), GEST recruits highly capable minority secondary students throughout the city who meet for mathematics and science programming at the university during the school year. At these Saturday sessions, students get a taste of college life by attending lectures, working with computers, and performing laboratory tasks which demonstrate the link between



science and engineering. The seven-week summer program meets daily to focus on engineering design along with math and science academic study. The best of the summer students are chosen to carry out their design projects with the assistance of university engineering faculty. This effort results in a working model which demonstrates some aspect of the application of science to everyday life. While carrying out these projects, the students experience both the frustrations and the satisfactions which are part of the normal course of engineering development.

During the school year, a number of the student-produced models are displayed for a week at a time at six Milwaukee area secondary schools. The purposes of this Mobile Science Display are to help educate the 1,500 students per year who have an opportunity to interact with and learn from the models, and to promote the GEST program among both the students and their teachers.

IIT

The Illinois Institute of Technology Minorities in Engineering Program was started in the Chicago area in 1973, making it among the oldest of the NAPD efforts. It now includes pre-college engineering, precollege medical, and college retention elements. In order to participate, students must be in the tenth grade and currently taking regular college preparatory second year mathematics. The program stresses talent, and the number of students accepted is kept to a modest level so that each can get individual attention at all times, thus greatly improving their chances of success in college. While the program includes intensive motivational and informational activities, its main thrust is individual academic preparation in mathematics and science with a heavy emphasis on "hands-on" laboratory experiments. These activities spread across the entire year including seven weeks of all-day summer work. Diagnostic tests are used to determine math and reading deficiencies, and students are grouped and tutored accordingly.

Each year IIT works with 450 students in the pre-college effort, one third of whom go on to engineering study, while nearly all the others engage in other math-related curricula. As of June, 1984, close to 1,000 former IIT precollege program participants had received an engineering degree, and the IIT precollege model has been used as the basis for programs at seven other colleges.

LEAP

The Louisiana Engineering Advancement Program was founded in 1980 and operates from centers located in New Orleans and Lake Charles. Activities include regular group meetings, study and tutorial sessions, field trips, presentations by practicing engineers and an incentive awards program. Presently, there are about 300 student participants in grades seven through twelve. Criteria for entry to LEAP are purposely kept liberal in order to maximize participation, but once involved, students are expected to maintain a minimum 2.50 grade point average and to enroll in all of the available prerequisite engineering mathematics and science courses. LEAP is based at Xavier University in New Orleans and program activities are underwritten by more than two dozen businesses and foundations.

MASSPEP

The Massachusetts Pre-Engineering Program for minority students began in the Boston and Cambridge school systems in 1979. Currently, 300 students at eight schools participate in the MASSPEP program. Each MASSPEP school forms a planning team consisting of mathematics, science and English teachers and a guidance counselor. One of these members is responsible for developing and implementing the program which has a school club format and meets weekly. The in-school program includes activities which help the students develop a positive achievement orientation, expose them and their teachers to technology and its opportunities, and bring in technical volunteers to act as first-hand sources of information and role models. The summer program is operated in conjunction with local engineering colleges and helps students supplement their school program and acquire advanced technical skills. MASSPEP coordinates a consortium composed of the school systems, a number of industrial sponsors, the Boston Museum of Science and the six Boston area engineering universities.

MESA/California

Mathematics, Engineering and Science Achievement is designed to increase the numbers of underrepresented ethnic groups in professions related to mathematics, engineering and the physical sciences by providing precollege programs at both the high school and junior high school levels as well



as a university retention program. In 1970, the MESA pre-college program began with 25 students in Oakland Technical High School in California. Today, it serves 4,049 students from 139 California high schools and provides support for associated MESA programs in New Mexico, Colorado, Washington, Arizona and New York.

To be selected as participants, students must have completed Algebra I, be enrolled in an academic math course and have at least two years remaining before high school graduation. Most candidates are identified through teacher, counselor or administrator recommendations, but many come to program attention through pre-MESA activities for younger students. Specific services of the MESA precollege programs include: tutoring; independent study groups; academic, university and career advising; field trips; summer enrichment and employment programs; and scholarship incentive awards.

Results have been gratifying. More than 90% of MESA high school graduates enroll in college. MESA high school students achieve a mean Mathematics SAT score approximately 75 points higher and a mean Verbal SAT score approximately 35 points higher than the average for non-MESA college-bound students from similar ethnic backgrounds in California. Among the minority women high school graduates who have participated in MESA, five times as many plan to become engineers than do their non-MESA counterparts in California.

MESA/New Mexico

The Mathematics, Engineering and Science Achievement program in New Mexico began its operations during the 1982-83 school year in the Albuquerque, Bernalillo and Socorro public school systems. The two MESA Centers which serve those areas are located at the University of New Mexico and New Mexico Institute of Mining and Technology, both of which have strong engineering and physical science departments. The program is based on the model developed by MESA/California, and that program provided considerable assistance to the New Mexico effort during its planning and early implementation stages.



Students are selected at the eighth and ninth grade levels on the basis of expressed interest in mathematics and science-related careers and are required to enroll in college-preparatory mathematics and science courses and to participate in MESA activities until they graduate from high

school. The program includes tutoring by engineers, scientists and college students; academic, university and career counselling; field trips; scholarship incentive awards for students who maintain a high grade point average in advanced level college preparatory mathematics, science and English courses; and summer enrichment and employment programs. In addition to the junior and senior high school programming, MESA/New Mexico provides minority college students with a wide range of supportive services through coordination of corporate, government and university resources. Though still in its formative period, the MESA program in New Mexico is presently reaching more than 300 students in 10 schools and has concrete plans for expansion not only within the present schools, but to new schools, and to additional school systems by establishing new MESA Centers at universities throughout the State.

MESA/Washington

The Washington State Mathematics, Engineering, Science Achievement program began in 1982, but is built on earlier elements, some of which were in place in 1972. It is patterned after the California MESA program and retains most of that effort's significant characteristics.

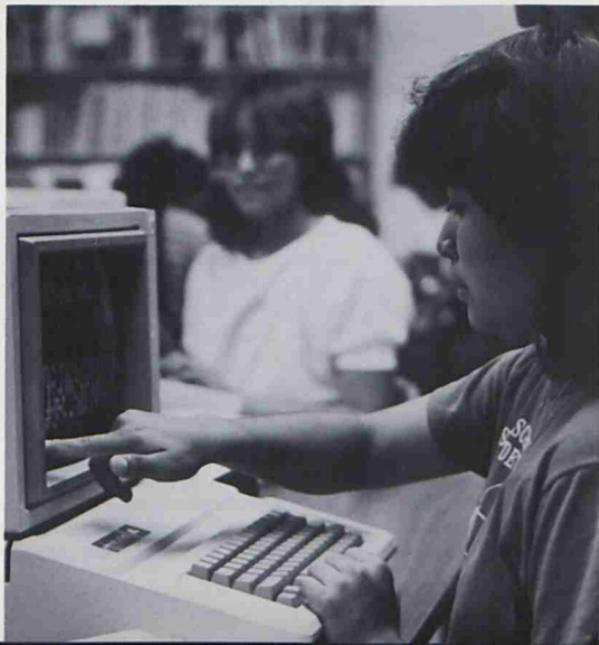
The program operates from a series of Centers located at universities with strong engineering and physical science curricula. Faculty sponsors at each Center organize an advisory board and establish relationships with local engineering companies, professional associations and community organizations.

MESA/Washington is working with 2,500 students in 11 schools at both the junior high and high school levels. Its participants are nominated by their teachers on the basis of above-average grades in mathematics and science as well as their potential to pursue and succeed in college engineering study. Students must agree to take a four-year academic sequence of mathematics, science and English courses. MESA/Washington provides a broad in-school program designed to enrich the students' regular educational activities. Elements include tutoring, independent study groups, academic/university/career advising, field trips, and scholarship incentive awards. There is also a summer employment program and a five-week summer enrichment program.

The activities of MESA/Washington are supported by more than a dozen major industries and foundations.

METCON

The District of Columbia Metropolitan Consortium for Minorities in Engineering is a group of engineering schools and organizations from the public and private sectors which have established a link between the public school systems and technology oriented resources in the Washington, D.C. metropolitan area. Currently working with 17 junior and senior high schools (grades seven through twelve), the program provides once a week contact which includes speakers, trips, science projects and an annual engineering orientation for eighth-grade students and their parents. In addition, METCON conducts an annual Summer Orientation Program for students and a Summer Workshop for teachers on the campus of Howard University. Work experiences in conjunction with the National Oceanic and Atmospheric Administration, the Department of Energy, the National Bureau of Standards and the General Electric Company provide selected students with technically oriented exposure to the day-to-day work of engineers at universities and several government agencies. The activities of METCON are supported by more than 20 major industries and federal agencies.



PRIME

The Philadelphia Regional Introduction for Minorities to Engineering began operations in the Philadelphia school system in November of 1973 and expanded to include Camden, N.J. schools the following year. Its network now includes forty area businesses and government agencies, nine universities and colleges, thirty middle and senior high schools, and several parent and civic organizations. About 1,650 students a year, selected on the basis of interest and math ability, are provided with a structured, in-school program from the seventh through the twelfth grades. Support services are also furnished to about 500 college students.

PRIME has long been a leader in the minority pre-college effort. A decade ago, PRIME pioneered the "adopt-a-school" concept by pairing corporate sponsors with individual schools. The idea of a consortium of business, university, and school system interests has been part of PRIME's concept from the beginning. The PRIME Universities' Program (PUP) was initiated in 1976. It brings the best of its student participants through four successive summers of specialized programming at a different area university each year. They study mathematics and communications skills, work in an engineering laboratory and participate in engineering design activities.

Over the years, nearly all of PRIME's graduates have gone on to college. Of those, 60% have studied for engineering and other math-based careers.

PRIS²M

The Program for Rochester to Interest Students in Science and Math operates under the sponsorship and fiscal support of the Industrial Management Council of Rochester, a local manufacturers' association. Implementation of the program began in 1978 with the endorsement of the City School District and the leadership of the minority community. PRIS²M is now working with approximately 400 students in ten junior and senior high schools. The program focuses on problem-solving science curricula for junior high students, summer workshops for selected students, forming of science teams of approximately 20 students each at grade levels nine through eleven, industry internships for post-eleventh grade students, college orientation courses, and the "PRIS²M PROS" program, a role model support effort.

PRIS²M was established as a long-term initiative by the IMC, and the secure base of support has promoted innovative responses to changing conditions over the years. For example, the science curricula for the seventh and eighth grades developed by PRIS²M are in the process of validation by the State Education Department. Once approved, several thousand junior high students in Rochester will be impacted every year.

SECME

The Southeastern Consortium for Minorities in Engineering was established in 1975 by the Deans of Engineering from seven Southeastern universities. Today, SECME's network is the largest in the country, linking 23 universities and 50 corporations with 160 schools and more than 12,000 students in seven Southeastern states.

The program works within the existing education structure at the secondary school level. At each participating school, a SECME Team is formed to plan and carry out the program. The team usually includes the principal, a counselor, a math teacher, a science teacher and an English teacher.

Team members are trained by SECME at a Summer Institute held for two weeks at a different engineering school campus each year. Education faculty join engineering school faculty and SECME staff to conduct the Institute which is designed to help attendees understand SECME's goals, to teach new methodology for curriculum enrichment, to use the microcomputer as an instructional tool, to explain the opportunities in the engineering profession and to review the requisites for successful engineering study. Participants work with their school system colleagues, engineering faculty and industry consultants to develop an implementation plan for their classrooms and to coordinate a SECME program in their home schools.

The local SECME program is a grassroots effort and typically has direct links with the faculty at an engineering school as well as support from community organizations. It raises cash and in-kind contributions from local sources and is often able to provide summer technical employment for students.

Student participants are identified as early as the sixth grade. Nominations come from teachers or counselors and include both those students who are achieving and those with the potential to achieve. Overall, more than 85% of graduating

SECME seniors attend a college or university and more than half of those opt for engineering or other math-based pursuits.

TAME

The Texas Alliance for Minorities in Engineering was started in 1973, when a group of educators and corporate executives in Dallas, concerned about the nearly total absence of minority students in Texas' university engineering programs, set out to stimulate corporate interest in helping resolve the problem. A pilot effort in twelve Dallas high schools quickly demonstrated the interest of minority students and the willingness of local industry to support that interest. Since then, TAME has expanded to fourteen chapters located in school systems throughout the state.

TAME has been a pioneer in the use of volunteers, and the chapters are able to function on very modest budgets because of that. Loaned industry executives direct each chapter and of the more than 700 people associated with the Alliance, only one, the Executive Director, is paid by the program.

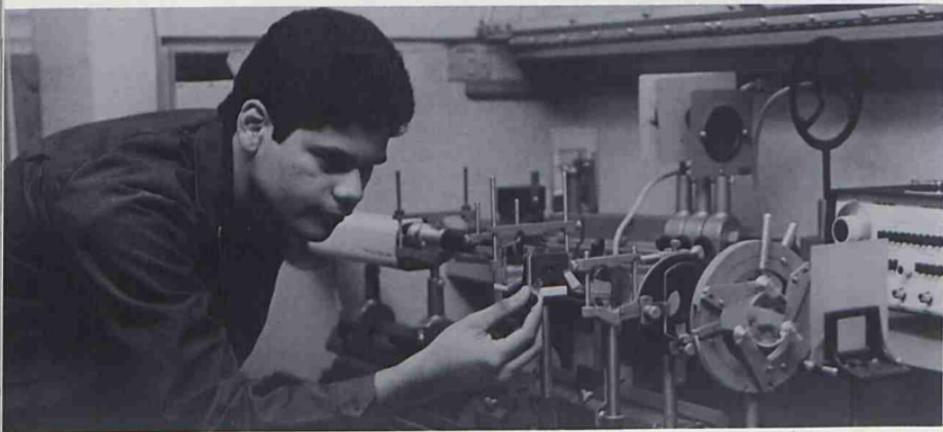
TAME has also been in the forefront nationally because of its linkage between industries and schools. Adopt-a-school programs are a key feature of most TAME chapters. Specific program features differ from chapter to chapter, but all provide varied services to the participants during school,



after school and in the summer.

Students can become a part of the TAME program as early as the seventh grade and are selected on the basis of their interest and their abilities in mathematics, science and English. Teacher and counselor recommendations are also important, especially for identifying students whose potentials have not yet been realized.

Among the high school graduates of TAME, approximately half have opted for an engineering curriculum in college. Today, minority students make up 17% of Texas' engineering school enrollment.



UCMEP

The Union County College Pre-College Program began in 1979 in four Union County, New Jersey school districts. Operating in grades seven through twelve, UCMEP emphasizes mathematics, science, technology and communications skills. The student participants (nearly 500 in 1984) receive supplemental instruction in those subject areas as well as close supervision of progress by a designated guidance counselor. The program also coordinates field trips and provides role models to stimulate student interest in technical careers. Summer programming is designed to sustain that motivation and to provide broader experiences in engineering through emphasis in successive years on mathematics, communications, science and engineering projects.

APPENDIX B

NAPD Members January, 1985

- BEAM** Buffalo Area Engineering Awareness for Minorities. 221 Fronczak Hall, SUNY at Buffalo, Buffalo, New York 14260. James Legge, Director.
- CAPCEP** Chicago Area Pre-College Engineering Program. 300 West Adams Street, Chicago, Illinois 60606. Deborah A. Minor, Executive Director.
- CMEA** Colorado Minority Engineering Association, Incorporated. College of Engineering, University of Colorado at Denver, 1100 14th Street, Room 517, Denver, Colorado 80202. Miguel A. Garcia, Executive Director.
- CMSP** Comprehensive Math and Science Program. School of Engineering and Applied Science, Columbia University, New York, New York 10027. Gil Lopez, Director.
- DAPCEP** Detroit Area Pre-College Engineering Program. Rackham Memorial Building, 60 Farnsworth, Detroit, Michigan 48202. Kenneth Hill, Director.
- FAME** Forum to Advance Minorities in Engineering. Room N-13535, 10th and Orange Street, Wilmington, Delaware 19898. John H. Mathis, Executive Director.
- GEST** Gateway to Engineering, Science and Technology. The University of Wisconsin at Milwaukee, P.O. Box 784, Milwaukee, Wisconsin 53201. Rose Daitsman, Director.
- IIT** Illinois Institute of Technology Minorities in Engineering Program. Building E-1, Chicago, Illinois 60616. Nathaniel Thomas, Executive Director.
- LEAP** Louisiana Engineering Advancement Program for Minorities. Xavier University, New Orleans, Louisiana 70125. George W. Baker, Executive Director.

MASSPEP	Massachusetts Pre-Engineering Program. Wentworth Institute of Technology, 550 Huntington Avenue, Boston, Massachusetts 02115. Richard Mullins, Executive Director.
MESA/ California	Mathematics, Engineering and Science Achievement. Lawrence Hall of Science, University of California, Berkeley, California 94720. Esteban Soriano, Executive Director.
MESA/ New Mexico	Mathematics, Engineering and Science Achievement. University of New Mexico, Farris Center 345, Albuquerque, New Mexico 87131. Tom Cummings, Director.
MESA/ Washington	Mathematics, Engineering and Science Achievement. College of Engineering, 353 Leow FH-10, Seattle, Washington 98195. Patricia MacGowan, Director.
METCON	District of Columbia Metropolitan Consortium for Minorities in Engineering. School of Engineering, Howard University, Washington, D.C. 20059. Elbert Cox, Executive Director.
PRIME	Philadelphia Regional Introduction for Minorities to Engineering. 1831 Chestnut Street, 6th Floor, Philadelphia, Pennsylvania 19103. Dr. Alexander Tobin, Executive Director.
PRIS ² M	Program for Rochester to Interest Students in Science and Math. Industrial Management Council, 12 Mortimer Street, Rochester, New York 14604. Constance M. Mitchell, Program Director.
SECME	Southeastern Consortium for Minorities in Engineering. Georgia Institute of Technology, Room 208, Savant Building, Atlanta, Georgia 30332. Carolyn Chesnutt, Executive Director.
TAME	Texas Alliance for Minorities in Engineering. College of Engineering, University of Texas at Arlington, Arlington, Texas 76019. John S. Robottom, Executive Director.
UCMEP	Union County College Minorities in Engineering Program. Union County College, Springfield Avenue, Cranford, New Jersey 07016. Robert Blount, Coordinator.

APPENDIX C

Selected Bibliography

Note: These entries are arranged by date of publication in order to preserve a sense of the evolution of precollege science and mathematics programming for minority students.

Proceedings of the Symposium on Increasing Minority Participation in Engineering. Commission on Education, National Academy of Engineering. May, 1973.

This symposium was the first large-scale effort to delineate the problems of minority engineering participation and to frame potential solutions. The three-day gathering was attended by more than 250 participants from universities, professional societies, foundations, industry and government.

Minorities in Engineering: A Blueprint for Action. The Alfred P. Sloan Foundation. 1974.

Provides a comprehensive overview of the process by which engineering students are educated. The book sets out specific educational goals and measures of progress, suggests mechanisms for achieving those goals, estimates the financial cost and identifies possible sources of support.

Minorities in Engineering: The Chatham Summer Study on Pre-Engineering Education. Alfred P. Sloan Foundation. June, 1975.

The first major document to detail the need for activity at the precollege level if substantial numbers of minority students were to be prepared for engineering careers.

Building Effective Minority Programs in Engineering Education. National Academy of Sciences. September, 1975.

A summary of effective minority engineering program elements at both the precollege and college levels.

Proceeding of the National Workshop on Precollege Minority Engineering Efforts. Philadelphia Regional Introduction for Minorities to Engineering, Inc. October, 1977.

This three-day workshop brought together more than 300 participants representing industry, government, engineering schools and high schools. Individual sessions covered seven different aspects of precollege

programming including funding, industry involvement and innovative approaches.

Building the Multiplier Effort. National Academy of Sciences. 1979.

Summary of a September, 1978 symposium that brought together leaders of the minorities in engineering effort five years after the original 1973 symposium. The result of the 1978 meetings was a major push to expand and strengthen the program and the emphasis toward the precollege years.

Science and Engineering Education for the 1980's & Beyond. The National Science Foundation and the Department of Education. October, 1980.

An analysis of the needs of science and technology education at the precollege, college and graduate levels.

A Handbook and Resource Guide for Teachers, Industry Personnel and Program Managers. Philadelphia Regional Introduction for Minorities to Engineering, Inc. 1981.

An 80-page, step-by-step guide to the organization and implementation of a community-based precollege science and mathematics program.

Helping People Grow. Southeastern Consortium for Minorities in Engineering. February, 1982.

A 42 page manual for secondary school counselors and administrators compiled from ideas, suggestions and recommendations of high school counselors, administrators and engineering college representatives.

A "how to" manual designed to help prepare students for engineering and other mathematics-science based fields.

I Speak Basic to My TRS-80. Aubrey B. Jones, Jr. Hayden Book Co. (N.J.) 1982.

This is a textbook for a high school computer course which was developed by PRIME in Philadelphia and is now used by more than 150 schools across the country. Versions for Apple and Commodore are also available.

Educating Americans for the 21st Century. The National Science Board Commission on Pre-College Education in Mathematics, Science and Technology. 1983.

A proposal for sweeping change in the way precollege

mathematics and science education is carried out, including the need to involve many more students and to improve what is taught and learned.

The High School Study. Ernest L. Boyer. Carnegie Foundation for the Improvement of Teaching. 1983.

Proposes an urgent 12 point comprehensive school improvement program, including significant expansion of guidance services and the strengthening of connections between schools and colleges and between schools and industry.

A Nation at Risk: The Imperative of Educational Reform. The National Commission on Excellence in Education. 1983.

An assessment of the quality of teaching and learning in schools, colleges and universities and a definition of the problems which exist. One major recommendation is that three years of math and three years of science (including applications to everyday life) be made a requirement to earn a high school diploma.

Design for Excellence: How to Study Smartly. Lloyd M. Cooke. National Action Council for Minorities in Engineering, Inc. 1984.

This booklet, intended for the advanced secondary and beginning college student, outlines methods for improving study skills by organizing the material, focussing on what is yet unlearned and avoiding fruitless effort.

Leadership Training Manual. Southeastern Consortium for Minorities in Engineering. 1984.

In-depth guide for precollege program leadership. Designed for use in a workshop setting, the manual identifies and explains functions of SECME leaders: university and industry consultants, school system program directors and school coordinators.

Pre-College Program Directory. National Action Council for Minorities in Engineering, Inc. Annual Publication.

The 1984 edition provides basic information about more than 100 precollege minority programs which address the problem of increasing the number of minority secondary students prepared to study engineering and other technical university curricula. Appendices provide useful statistical information about national participation.



Robert A. Finnell, president of NACME, Mary Garcia, Walter F. Williams, president of Bethlehem Steel at NACME Forum '83 held in Chicago on June 7th. Mary was designated a member of NACME's first "All-American" team for excellence in engineering.



Eight future engineering students were awarded merit prizes named for former chairmen of the National Action Council for Minorities in Engineering at Forum '83 in Chicago on June 7.

NACME's "All-American" student team for excellence in engineering (l to r): Norris Kirby, Louisville, KY; Virginia Perdue, Atlanta, GA; Chris Gregory, Wilmington, DE; Regina Nelson, Holbrook, AZ; Craig Gregory, Wilmington, DE; Lourdes Rivera, Colorado Springs, CO; Collin Gregory, Wilmington, DE; Mary Garcia, New York City.

Former NACME chairmen (back row, l to r): Edson W. Spencer, chairman of Honeywell; John R. Opel, IBM chairman; Edward R. Kane, former chairman of DuPont; Howard C. Kauffmann, president of Exxon.

APPENDIX D

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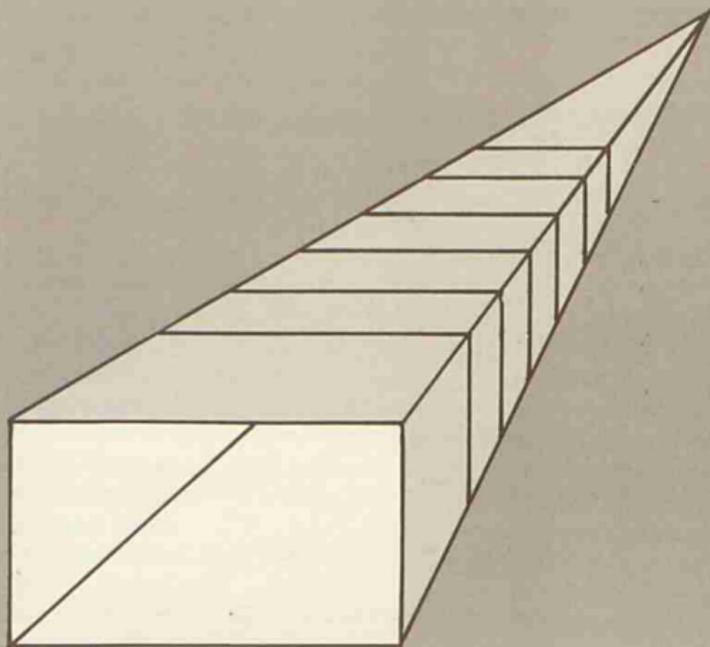
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**Maximizing the Potential
of Women and Minorities
in Mathematics and Science:**

**An Intervention Program Proposal
for North Carolina**



July 10, 1985

Jane S. McKimmon Center
North Carolina State University

LUNCHEON

Chicken Salad Stuffed Croissant with Nuts

Carrot Salad

Sliced Melon

Bran Muffins

Coconut Cream Pie

Iced Tea/Coffee

PROGRAM

9:00- 9:15 a.m.WELCOME AND INTRODUCTION

Dr. Nash N. Winstead
Provost, North Carolina State University

Dr. Lawrence M. Clark*
Associate Provost, North Carolina State University

9:15- 9:30 a.m.PROFILE/STATUS

Dr. Robert T. Williams
School of Education, North Carolina State University

9:30-10:00 a.m. KEYNOTE ADDRESS

Representative Daniel T. Blue, Jr.
North Carolina House of Representatives

10:00-10:30 a.m. NORTH CAROLINA INTERVENTION PROGRAM

Dr. Vinetta Jones
Mathematics and Science Education Network
University of North Carolina

10:30-11:30 a.m. SUPPORTING STATEMENTS

Mr. Robert Finnell
National Action Council for Minorities in Engineering

Mr. J. T. Childs
IBM Corporation

Dr. Raymond Dawson
Academic Affairs Division, UNC General Administration

~~Mr. Sandy Shugart~~ *Kathryn Baker-Smith*
North Carolina Community College System

Dr. Robert R. Jones
Mathematics Division, N. C. Department of Public Instruction

Dr. Paul H. Taylor
Science Division, N. C. Department of Public Instruction

Ms. Arlene Kahn
Carnegie Foundation

11:30-12:00 NoonCOST OF IMPLEMENTATION

Dr. Robert D. Bereman
School of Physical and Mathematical Sciences, NCSU

*Moderator

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Lee Stiff, North Carolina State University

Augustus Witherspoon, North Carolina State University

Special appreciation is expressed to Ms. Carol Maidon, Ms. Carol Ingram, and Ms. Claudia Pattison for their help in coordinating this conference.

BUDGET

NORTH CAROLINA INTERVENTION PROGRAM FOR WOMEN AND MINORITIES
IN MATHEMATICS AND SCIENCE

This budget reflects the cost of carrying out Phase I of the Program at four pilot Centers and the overall coordination at the Network administrative level for FY 1986-87 and FY 1987-88. In addition, it reflects the budget projection for the implementation and first two years of Phase II (the Senior High School Component).

<u>NETWORK</u>	<u>PHASE I</u>	<u>PHASE I</u>	<u>PHASES</u>	<u>PHASES</u>
	<u>FY 1986-87</u>	<u>FY 1987-88</u>	<u>I & II</u>	<u>I & II</u>
	<u>FY 1988-89</u>	<u>FY 1989-90</u>		
Project Coordinator	30,000	30,000	30,000	30,000
Secretary	7,000	7,000	7,000	7,000
Fringe Benefits	7,400	7,400	7,400	7,400
Development of Materials	15,000	15,000	15,000	15,000
Printing and Binding	5,000	5,000	5,000	5,000
Travel	5,000	5,000	5,000	5,000
Communication	3,000	3,000	3,000	3,000
Evaluations	10,000	10,000	10,000	10,000
Subtotal	\$82,400	\$82,400,	\$82,400	\$82,400
<u>EACH PILOT CENTER (x 4 Centers)</u>				
	<u>Per Site</u>			
Assistant Director	23,000	92,000	92,000	92,000
Secretary	14,000	56,000	56,000	56,000
Fringe Benefits	7,350	29,400	29,400	29,400
Travel	4,000	16,000	16,000	16,000
Communication	1,000	4,000	4,000	4,000
Inservice	15,000	60,000	60,000	60,000
MESA Programs	20,000	80,000	80,000	80,000
Academic Tutoring				
Field Trips				
Saturday Academy				
Recognition Awards				
Supplies				
Subtotal	\$84,350	\$337,400	\$337,400	\$337,400
MESA Senior Program x 4 Centers (Phase II)			\$200,000	\$200,000
<u>TOTAL DIRECT COSTS</u>	<u>\$419,800</u>	<u>\$419,800</u>	<u>\$619,800</u>	<u>\$619,800</u>
<u>INDIRECT COSTS (15%)</u>	<u>62,970</u>	<u>62,970</u>	<u>92,970</u>	<u>92,970</u>
<u>TOTAL CASH REQUIREMENTS</u>	<u>\$482,770</u>	<u>482,770</u>	<u>712,770</u>	<u>712,770</u>

(continued)

BUDGET (Continued)

	PHASE I	PHASE II	PHASES	PHASES
	FY1986-87	FY1987-88	I & II	I & II
	<u>FY1986-87</u>	<u>FY1987-88</u>	<u>FY1988-89</u>	<u>FY1989-90</u>
<u>NETWORK IN-KIND SUPPORT</u>				
Director	15,000	15,000	15,000	15,000
Assistant Director	5,000	5,000	5,000	5,000
Secretarial Support	5,000	5,000	5,000	5,000
Fringe Benefits	4,000	4,000	4,000	4,000
Development of Materials	2,000	2,000	2,000	2,000
Printing & Binding	2,000	2,000	2,000	2,000
Travel	2,000	2,000	2,000	2,000
Communication	1,000	1,000	1,000	1,000
Evaluations	5,000	5,000	5,000	5,000
Center Directors (4)	16,000	16,000	16,000	16,000
Secretary (4)	4,000	4,000	4,000	4,000
Fringe Benefits	4,000	4,000	4,000	4,000
Travel	4,000	4,000	4,000	4,000
Communication	2,000	2,000	2,000	2,000
TOTAL NETWORK IN-KIND SUPPORT	\$ 71,000	71,000	71,000	71,000
GRAND TOTAL	\$553,770	\$553,770	\$783,770	\$783,770

PROPOSED EXPENDITURES OF FUNDS FROM
CARNEGIE CORPORATION

Funds will be used to support project activities at two center sites during the period from July 1, 1986 to June 30, 1988.

		PHASE I	PHASE I
		FY1986-87	FY1987-88
	<u>Per Site</u>		
Assistant Director	\$ 23,000	\$ 46,000	\$ 46,000
Fringe Benefits	4,600	9,200	9,200
Travel	3,000	6,000	6,000
Communications/Supplies	4,000	8,000	8,000
Teacher In-Service	7,900	15,800	15,800
MESA Programs	20,000	40,000	40,000
Academic Tutoring			
Field Trips			
Saturday Academy			
Recognition Awards			
Supplies			
<hr/>			
Total	\$ 62,500	\$125,000	\$125,000

BUDGET NARRATIVE

- A. Network Project Staff
1. Project Coordinator. This individual will be responsible for overall supervision and coordination of the four center sites.
 2. Secretary. Full-time secretarial support is necessary for administration of the overall project.
- B. Project Evaluation. The Network will conduct a thorough and continuous assessment of the project, including tracking of all individual student and teacher participants.
- C. Pilot Center Project Staff.
1. Assistant Director. Funding is requested for four center assistant directors @ \$23,000 per site. Each assistant director will implement and supervise the project at his or her center.
 2. Secretary. Funding is requested for half-time secretarial support @ \$7,000 per site.
- D. In-Service Training. Funding is required for teacher training programs, e.g. workshops, seminars, etc.
- E. MESA Activities. Funding is necessary for support of MESA activities (e.g. academic tutoring, Saturday Academy) @ \$20,000 per site.
- F. MESA Senior Program. Expansion of the project to Phase II will require an additional \$200,000 (\$50,000 per site) during FY 1989 and FY 1990.
- G. Indirect Costs. Indirect costs are calculated at the rate of .15 X total direct costs.
- H. Network In-Kind Support. These figures represent the Network's contribution to the project.

Carnegie Corporation funds will be used for two years to support the salary and fringe benefits for the assistant director for the Pre-College Program at two Center sites, as well as for the MESA activities, in-service teacher training and administration costs at those two sites.

OFFICE OF THE LIEUTENANT GOVERNOR
STATE OF NORTH CAROLINA
RALEIGH 27611

ROBERT B. JORDAN III
LIEUTENANT GOVERNOR

March 26, 1986

Dear Dr. Clark:

It was a pleasure meeting you and discussing your proposal for the North Carolina Intervention For Women and Minorities in Mathematics and Science.

I have shared your proposal with the Lt. Governor and Laura Bingham, Assistant For Policy and have briefed them on our meeting.

I wanted to wish you the best of luck and to commend you on the good work you are doing.

Let me know when you hear from the Carnegie Foundation.

Sincerely,

Ellen

Ellen Stainback

Dr. Lawrence Clark
North Carolina State University
Raleigh, North Carolina

Lee Monroe 733-5811



DEPARTMENT OF PUBLIC INSTRUCTION



STATE OF NORTH CAROLINA / RALEIGH / 27611

October 22, 1985

Dr. Larry Clark, Vice Provost
Office of the Provost and Vice Chancellor
N. C. State University
P. O. Box 7101
Raleigh, NC 27695 - 7101

Dear Dr. Clark,

This letter is to inform you that your request for funds to support your proposed Pilot Intervention Program for Women and Minorities project has been considered by the Mathematics and Science Divisions of the Department and that a total of \$8,000 -- \$4,000 from the Science Division, \$4,000 from the Mathematics Division, has been earmarked to support this effort. Steps are being taken to have a check sent to the Mathematics and Science Educational Network's Pre-College Program in support of the project.

We are anxious that this project get off to a good start and that substantial support can be found to develop the concept to its fullest. Keep us posted.

Sincerely,

Handwritten signature of Robert R. Jones in black ink.

Robert R. Jones, Director
Division of Mathematics

Handwritten signature of Paul H. Taylor in black ink.

Paul H. Taylor, Director
Division of Science

RRJ/PHT/bb



North Carolina State University

Office of the Chancellor



October 16, 1985

Box 7001, Raleigh 27695-7001
(919) 737-2191

Dr. Lawrence M. Clark
Associate Provost
Box 7101
NCSU Campus

Dear Dr. Clark:

Due to your strong recommendation of support for the **Intervention Program Proposal concerning Women and Minorities** in Math and Science, I am prepared to support the program by granting your request for \$5,000. I understand that others are also making donations in order to begin the planning phase of this proposed program. It is also my understanding that this planning phase will be under the direction of Dr. Vinetta Jones of the Mathematics and Science Education Network.

I believe this program promises to be successful in encouraging minorities and women to enroll in the upper level mathematics and science courses.

Please contact Margie Mills to arrange for the transfer of funds.

Sincerely,

Bruce R. Poulton
Chancellor

vm

AN OVERVIEW OF THE NORTH CAROLINA INTERVENTION PROGRAM
FOR WOMEN AND MINORITIES IN MATHEMATICS AND SCIENCE

I. Objectives

- A. To increase the pool of target minority students who can leave junior high/middle school already on a college-preparatory track that will enable them to graduate from high school with four years (where applicable) of mathematics, science, and English course work.
- B. To increase the number of females in the advanced mathematics and science courses in secondary schools.

II. Structure for Phase I

- A. The pilot programs will be directed by an Associate Coordinator who will be a staff member of the existing Mathematics and Science Education Network of North Carolina.
- B. Located at each of the network centers involved in the pilot programs will be an additional staff member, the Center's Assistant Director. His or her job will be to directly oversee and administer the pilot connected with that Center (assisted by clerical support) at the junior high/middle schools.
- C. Each pilot will involve four or five junior high/middle schools.
- D. The first year of the pilot program will concentrate on 6th, 7th and 8th grade students. The second year will include 9th grade students.
- E. Direct service delivery to program participants will be provided by advisor teams at each junior high/middle school. The team of advisors at each school will consist of a mathematics, a science, and an English faculty member as well as an academic advisor (counselor). At least one member of the team will have a period of release time or a stipend.

III. Target Population

- A. The target minority population in North Carolina consist primarily of Blacks and American Indians. Other minority populations which may be included are Mexican-Americans/ Chicanos and Puerto Ricans.

- B. The grade levels of primary concern for this program are the 6th, 7th, 8th and 9th grades. Initial contact with the recruiting of the target students will occur within the appropriate grade.
- C. The principal focus will be on mid-track students. These are students who may have the potential to perform and be successful in the College-preparatory track, but have lacked the opportunity and support to do so. Target students already in a college-preparatory track will be contacted and provided necessary services to ensure their continued success and participation in their college-bound program.
- D. Students will be selected for participation in the program through an analysis of the student's previous academic records and specific additional assessment instruments.

IV. Programs and Activities

- A. The junior high/middle school participants will take part in this programming from three to five days per week. To specifically address the unique needs of the junior high/middle school student, ten major elements are included in the program.
 - 1. Academic Tutoring
 - 2. Independent Study Groups
 - 3. Summer Enrichment Programs
 - 4. Intensive Academic, College, Career Advising/Counseling
 - 5. Field Trips and Role Model Presentations
 - 6. Recognition Awards
 - 7. Intensified Teacher Training
 - 8. Enhancement of the Relevant Curricula
 - 9. Saturday Academy
 - 10. Parent Involvement and Participation
- B. Other features of the program are included.
 - 1. Building a cooperative network of institutions (public schools, universities, industry, professional societies, etc.).
 - 2. Creating a sense of community among the target students, parents, teachers, volunteers, and others.
 - 3. Measuring results of the program annually to enable investigators to assess the influence of their involvement.
- C. Inservice Training for teachers focuses on several successful inservice programs such as the EQUALS program and the program developed by the Southeastern Consortium for Minorities in Engineering (SECME).

Summary of the conference:

Maximizing the Potential of Women and Minorities
in Mathematics and Science

An Intervention Program Proposal
for North Carolina

July 10, 1985

Preliminary to the dissemination and forwarding to granting agencies the Proposal for The North Carolina Intervention Program for Women and Minorities in Mathematics and Science, North Carolina State University hosted the second of two conferences on July 10, 1985 at the Jane S. McKimmon Center. This conference, "Maximizing the Potential of Women and Minorities in Mathematics and Science: An Intervention Program Proposal for North Carolina" was targeted for an audience of approximately eighty legislators, educators, foundation and industrial representatives. The major purpose of the conference was to present the Intervention Program and give the various representatives an opportunity to respond. State Representative Daniel T. Blue, Jr. gave the keynote address; "The Role of Education in the Future of the State in Technology with Major Emphasis on Maximizing the Potential of all Citizens, Particularly Minorities and Women."

Dr. Vinetta Jones (Director of Mathematics and Science Education Network) presented an overview of the Intervention Program. Mr. J. T. Childs (IBM Corporation) and Mr. Robert Finnell (National Action Council for Minorities in Engineering, New York City) delivered comments on the Intervention Program with Mr. Finnell pledging financial support for its implementation.

Dr. Raymond Dawson (Vice-President of Academic Affairs, UNC General Administration) and Ms. Kathryn Baker-Smith (North Carolina Community College System) indicated the need to increase the background. Dr. Dawson described the minimum academic admission requirements necessary to enroll in the UNC System beginning in the fall of 1986. He also pointed out the impact that these requirements may have on minorities.

Dr. Robert R. Jones and Dr. Paul H. Taylor (NC Department of Public Instruction) gave strong endorsements for the Intervention Program.

Ms. Arlene Kahn (Carnegie Foundation) indicated that the proposal addresses the appropriate grade levels and that the Carnegie Foundation would be interested in it being submitted to the Foundation for consideration.

The next step in the project is to obtain the necessary funds in order to begin the planning phase.



THE UNIVERSITY OF NORTH CAROLINA
AT
CHAPEL HILL

Mathematics and Science Education Network
(919) 966-3256

The University of North Carolina at Chapel Hill
Peabody Hall 037 A
Chapel Hill, N.C. 27514

Mathematics and Science Education Network
The University of North Carolina

Center	Director	Address
Network Headquarters Chapel Hill, N. C.	Vinetta Jones Network Coordinator (919) 966-3256	Math & Science Education Network 201 Peabody Hall 037A UNC-Chapel Hill, N.C. 27514
Appalachian State University Boone, N.C.	William McGalliard (704) 262-3185	Dept. of Math Sciences 425 Sanford Hall Boone, N.C. 28608
UNC-Chapel Hill Chapel Hill, N.C.	Hunter Ballew (919) 966-5922	School of Education 201 Peabody Hall UNC-Chapel Hill, N.C. 27514
UNC-Charlotte Charlotte, N.C.	Don Steila (704) 597-4543	Math & Science Education Center UNC-Charlotte Charlotte, N.C. 28223
Western Carolina University Cullowhee, N.C.	Ralph DeVane (704) 227-7311	Mathematics Dept. - W.C.U. Room 225 Killian Bldg. Cullowhee, N.C. 28723
School of Science & Math. Durham, N.C.	Keith Brown (919) 683-6566	N.C. School of Science and Math. P.O. Box 2418 Durham, N.C. 27705
Fayetteville State University	Valeria P. Fleming (919) 486-1469 Leo Edwards (919) 486-1669	Fayetteville State University Fayetteville, N.C. 28301
N.C. A&T State University UNC-Greensboro	Vallie Guthrie (919) 379-7938	Math/Science Education Center 217 Marteena Hall Greensboro, N.C. 27411
East Carolina University Greenville, N.C.	Floyd Mattheis (919) 757-6736	Dept. of Science Education East Carolina University Greenville, N.C. 27834
N.C. State University Raleigh, N.C.	Ann C. Howe (919) 737-2238	Math & Science Education Dept. N.C.S.U., Box 7801 Raleigh, N.C. 27695
UNC-Wilmington Wilmington, N.C.	Catherine Cleare (919) 395-3168	Dept. of Curricula Studies UNC-Wilmington Wilmington, N.C. 28403

Mathematics & Science Education Network
STATEWIDE ADVISORY BOARD

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Personnel Services
State Dept. of Public Instruction
Raleigh, N.C. 27611

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Carolina Campus

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Winston-Salem, N.C. 27102

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Administrative Building
Raleigh, N.C. 27611

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A-806 Kenan 069A
Carolina Campus

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P.O. Box 12195
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Chapel Hill High School
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Math Dept.
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UNCC Station, N.C. 28223

James Werntz, Jr. (704) 597-2224
Vice Chancellor/Academic Affairs
UNC-Charlotte,
UNCC Station, N.C. 28223

Bland Worley (919) 722-5388
Barclay American Corp.
P.O. Box 31488
Charlotte, NC 28231

EX-OFFICIO MEMBERS

Jake Dunlop (919) 962-8191
Director, UNC Center for
Public Television
910 Raleigh Road 499A
Carolina Campus

Donald Stedman (919) 962-6981
Assoc. Vice Pres./Academic Affairs
General Administration
910 Raleigh Road 499A
Carolina Campus

Vinetta Jones, Coordinator (919) 966-3256
Mathematics & Science Education Network
201 Peabody Hall 037A
Chapel Hill, N.C. 27514

REPRESENTING CENTER DIRECTORS

Hunter Ballew (919) 966-5922
Director, Math & Science Center
201 Peabody Hall 037A
Carolina Campus

Don Steila (704) 597-2293
Director, M. & S. Education Center
UNC-Charlotte
UNCC Station, N.C. 28223

all need
put dist - 1, 2, 3, 5
w Educ 7, 8, 9, 10
plus 6, #4 w
Foundation

Add to invitees,

1. Joe Webb - Asst. Superintendent
SDPI
2. Bill Church - Asst. for
Secondary Educ.
(over all math & Sci. area)
SDPI
3. E. V. Wilkins - State Board
now Mayor of Roper, N.C.
& retired ~~Principal~~ ^{Principal}
4. Neil Kevin ^{Kuvib} - Pres., Wake Co.
Educ. Foundation
601 Reverend St.
P.O. Box 28041
Raleigh, N.C. 27611
5. James Clark - Superintendent
Halifax Co.

6. Sandy Sargent - Asso. Pres. of
Comm. College
7. Bob Scott - Pres. of Comm. College
8. Theo Wain - Pres. Durham Tech
9. Ed. Silvey - Wake Tech Rep.
(attended First Conf)
10. Dalton - State Board
11. Clem Thompson, Jr. - Pres. Friday's office

~~same address as~~

~~Pres. Jr.~~

V. Pres. for Student
Services & Special
Program

Panel Administration

910 Raleigh

P. O. Box 2688

(courier 3")

Valaria Alston	Billie Goodman	Carole Newman
Norman Anderson	Lawrence Gould	Charlotte Nunnally
Diane Avery	William Grant	Rebecca Oats
Mack Baker	Valerie Guthrie	John Ogle
Hunter Ballew	Sarah Hamilton	John Packenham
Robert Bereman	Balanche Haning	Pauletta Parker
George Bland	Ron Hann	Toni Patterson
Carol Brewer	Carolyn Harris	Walter Pattillo
Nancy Brice	Hugh Haskael	Claudia Pattison
Jake Brown	Helen Hilger	Marilyn Perkerson
Judy Brown	Ginny Holt	Bobby Pettis
Dot Carey	Byard Houck	Daniel Piggot
Gilbert Casterlow	Ann Howe	John Ruffin
Lawrence Clark	Nevis Hughes	Susan Schmidt
Gwen Clay	Arthur Jones	Phares Sechler
Joyce Clemmons	Gail Jones	Ed Silvey
G. G. Clemons	Henrietta Jones	Selia Shoffner
Helen Compton	Yvonne Jordon	Sandy Shogart
Carolyn Cooper	<i>LS on last PS.</i>	William Smith
Gloria Dantzler	Carol Maidon	Julia Snellgroves
Nancy Davis	David Mallette	<i>Sandy Spence</i>
Dorothy Demby	Bettye McCaine	Lee Stiff
Nancy Driscoll	Barbara McGill	Dave Stipe
Leo Edwards	Manley Midgette	Helen Stone
Zannie Efierd	Julie Mobley	Linda Sullivan
Deborah Evans	Carolyn Morris	Harriet Taylor
Johnny Farmer	Mattie Moss	Steven Teeter
Margaret Gayle	Ruby Murchison	Marcell Thomas

V. R. Thompson
✓ Lawrence Wakeford
✓ Nancy Walker
✓ Velma Watts
Barnetta White
Reba Wilkes
Robert Williams
✓ Carolyn Wynn
✓ Wanda Young

✓ Katharin Hodgins
✓ Keith Brown
✓ Malcom Spaulding

Need folders

✓ Joan Nordens
Patricia Weiss
✓ Ola Aringer
✓ Deloris Foreman
✓ Catherine Cornwell
✓ Nancy Kreiberg
✓ Bill McCalliard
✓ Tom Buddin
✓ Catherine Clear
✓ Don Steila
- Ellanor Graves over

L's

Vann Langston
Lynn Lee
Vivian Leeper - Ford
Barbara Leland
✓ Bena Lindstrom

Send pkg. to:

Linda DeSuir
School of Educ.
UPC - G
Durham, N.C.

27412

Bernard Charles

Shelma Watts
needs a copy of



North Carolina State University
School of Physical and Mathematical Sciences

Office of the Associate Dean
for Academic Affairs
(919) 737-2502

Box 8201
Raleigh 27695-8201

Larry

I thought you might be interested
in looking at this paper which Garrett
and I wrote for the 2nd National
Desegregation Conference held last week in
Durham. The paper was well received
by the session where I presented it.

Bob. Bowen

(Rachel Hawnaer - Scheduling Officer)

CONSORTIUM FOR MINORITIES & WOMEN IN MATHEMATICS & SCIENCE
Fayetteville State University; Mathematics and Science Education
Network of North Carolina; North Carolina Agricultural & Technical
State University; North Carolina Board of Science and Technology;
North Carolina Council for Minorities in Science, Mathematics
and Engineering; North Carolina Department of Public Instruction;
North Carolina School of Science and Mathematics; North Carolina
State University; University of North Carolina at Chapel Hill

June 12, 1985

The Honorable Robert Jordan
Lieutenant Governor
State of North Carolina
116 Jones Street
Raleigh, North Carolina 27611

RE: MAXIMIZING THE POTENTIAL OF WOMEN AND MINORITIES IN MATHEMATICS
AND SCIENCE: AN INTERVENTION PROGRAM PROPOSAL FOR NORTH CAROLINA

Dear Lieutenant Governor Jordan:

On July 10, 1985, N.C. State University will be hosting the second of two conferences concerned with increasing enrollment and maximizing potential of women and minorities in mathematics and science in North Carolina. This conference will be held at the Jane S. McKimmon Center from 9:00 a.m. until 1:00 p.m. and will include a luncheon.

I am writing to extend an invitation to you to lead off this conference as our keynote speaker. A suggested topic might be "The Role of Education in the Future of the State in Technology with Major Emphasis on Maximizing the Potential of all Citizens, Particularly Minorities and Women." We are suggesting that your keynote address begin between 9:30 and 10:00 and last approximately twenty minutes. Perhaps this will help in considering this request in the event that you cannot stay for the entire conference.

We are inviting other program participants from the General Administration of the UNC System, the Community College System, the State Board of Education, State Department of Public Instruction, private industry, and educational foundations. In addition, we have invited educators, legislators and key industry executives from throughout the State of North Carolina to participate in this conference.

I am enclosing a program from our first conference held on March 28-29, 1985 and if I can provide any additional information, please let me know.

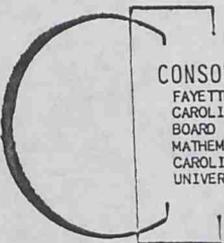
I look forward to hearing from you.

Sincerely,

Lawrence M. Clark
Lawrence M. Clark
Associate Provost

LMC/ci

Enclosure



CONSORTIUM FOR MINORITIES & WOMEN IN MATHEMATICS & SCIENCE

FAYETTEVILLE STATE UNIVERSITY; MATHEMATICS AND SCIENCE EDUCATION NETWORK OF NORTH CAROLINA; NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY; NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY; NORTH CAROLINA COUNCIL FOR MINORITIES IN SCIENCE, MATHEMATICS, AND ENGINEERING; NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION; NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS; NORTH CAROLINA STATE UNIVERSITY; THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

July 3, 1985

As a leader in industry concerned with education, I am sure you are aware of the critically small percentage of minorities (Blacks and American Indians) in pre-college mathematics and science courses and the small percentage of females in the advanced mathematics and science courses in our secondary schools. In a recent survey*, it was found that out of the 127 school systems in North Carolina reporting their figures, the population distribution was 30% Black and 70% white. However, the course population respectively in Geometry, Algebra II, and Pre-Calculus for Blacks was 20%, 17%, and 11%. The survey further indicated that female representation in physics and advanced mathematics was low. More importantly, the demand for technically-trained personnel at all levels is expected to outpace the supply. Blacks and American Indians, as well as women, represent an enormous pool of largely untapped talent which must be developed and employed if North Carolina's economy is to have the human resources to remain competitive. Various groups in the state of North Carolina have been meeting to discuss this issue and potential solutions, thus a consortium was formed.

I would like to extend an invitation to you to attend an extremely important conference and luncheon entitled "MAXIMIZING THE POTENTIAL OF WOMEN AND MINORITIES IN MATHEMATICS AND SCIENCE: AN INTERVENTION PROGRAM PROPOSAL FOR NORTH CAROLINA," which will be held on July 10, 1985, 9:00 a.m. to 1:00 p.m. at the Jane S. McKimmon Center on the campus of North Carolina State University. The major objective of the proposal is to increase the number of target minority students who are prepared to take higher level classes in mathematics, science and English in high school and to increase the number of females in the advanced mathematics and physical science classes. Your input will be of vital to the success of this conference and I certainly hope you will plan to attend.

This conference is sponsored by the Steering Committee of the consortium and the proposal is an outgrowth of the recommendations which were formulated at a two-day conference in March. Participants of the March conference included key teachers and administrators from school systems across the state, as well as university personnel and representatives of the governor's office. Participants listened to and interacted with directors of various programs which have been proven successful throughout the nation in helping to overcome the shortage of minorities and women in mathematics and science. The conference also included speakers who had insight into these problems on a national level.

I certainly hope you or your designee will plan to attend this conference and ask that you notify us of your plans by returning the attached form to the address on the form no later than July 8, 1985.

Sincerely,

Lawrence M. Clark
Chairman of the Steering Committee

LMC:cfp

*A Survey of Participation in College Preparatory Mathematics and Science Courses in North Carolina by Camille F. Bishop, Byard Houck, and Dr. Robert T. Williams, conducted under the auspices of the N. C. Council for Minorities in Mathematics, Science and Engineering.

CONSORTIUM FOR MINORITIES & WOMEN IN MATHEMATICS & SCIENCE

FAYETTEVILLE STATE UNIVERSITY; MATHEMATICS AND SCIENCE EDUCATION NETWORK OF NORTH CAROLINA; NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY; NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY; NORTH CAROLINA COUNCIL FOR MINORITIES IN SCIENCE, MATHEMATICS, AND ENGINEERING; NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION; NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS; NORTH CAROLINA STATE UNIVERSITY; THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

July 3, 1985

As an educator, I am sure you are aware of the critically small percentage of minorities (Blacks and American Indians) in pre-college mathematics and science courses and the small percentage of females in the advanced mathematics and science courses in our secondary schools. In a recent survey*, it was found that out of the 127 school systems in North Carolina reporting their figures, the population distribution was 30% Black and 70% white. However, the course population respectively in Geometry, Algebra II, and Pre-Calculus for Blacks was 20%, 17%, and 11%. The survey further indicated that female representation in physics and advanced mathematics was low. More importantly, the demand for technically-trained personnel at all levels is expected to continue to outpace the supply. Blacks and American Indians, as well as women, represent an enormous pool of largely untapped talent which must be developed and employed if North Carolina's economy is to have the human resources to remain competitive. Various groups in the state of North Carolina have been meeting to discuss this issue and potential solutions, thus a consortium was formed.

I would like to extend an invitation to you to attend an extremely important conference and luncheon entitled "MAXIMIZING THE POTENTIAL OF WOMEN AND MINORITIES IN MATHEMATICS AND SCIENCE: AN INTERVENTION PROGRAM PROPOSAL FOR NORTH CAROLINA," which will be held on July 10, 1985, 9:00 a.m. to 1:00 p.m. at the Jane S. McKimmon Center on the campus of North Carolina State University. The major objective of the proposal is to increase the number of target minority students who are prepared to take higher level classes in mathematics, science and English in high school and to increase the number of females in the advanced mathematics and physical science classes. Your input will be vital to the success of this conference and I certainly hope you will plan to attend.

This conference is sponsored by the Steering Committee of the consortium and the proposal is an outgrowth of the recommendations which were formulated at a two-day conference in March. Participants of the March conference included key teachers and administrators from school systems across the state, as well as university personnel and representatives of the governor's office. Participants listened to and interacted with directors of various programs which have been proven successful throughout the nation in helping to overcome the shortage of minorities and women in mathematics and science. The conference also included speakers who had insight into these problems on a national level.

I certainly hope you or your designee will plan to attend this conference and ask that you notify us of your plans by returning the attached form to the address on the form no later than July 8, 1985.

Sincerely,

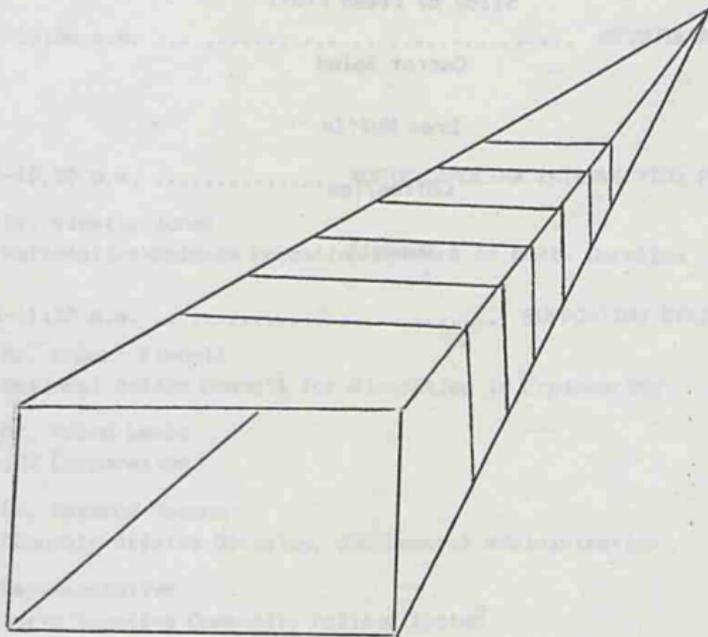
Lawrence M. Clark
Chairman of the Steering Committee

LMC:cfp

*A Survey of Participation in College Preparatory Mathematics and Science Courses in North Carolina by Camille F. Bishop, Byard Houck, and Dr. Robert T. Williams, conducted under the auspices of the N. C. Council for Minorities in Mathematics, Science and Engineering.

WJ

MAXIMIZING THE POTENTIAL
OF WOMEN AND MINORITIES
IN MATHEMATICS AND SCIENCE:
AN INTERVENTION PROGRAM PROPOSAL
FOR NORTH CAROLINA



JULY 10, 1985

JANE S. MCKIMMON CENTER
NORTH CAROLINA STATE UNIVERSITY

LUNCHEON

Chicken Salad on Croissant

Slice of Fresh Fruit

Carrot Salad

Bran Muffin

Coffee/Tea

Dessert

PROGRAM

9:00- 9:15 a.m. WELCOME AND INTRODUCTION

Dr. Nash N. Winstead
Provost, North Carolina State University

Dr. Lawrence M. Clark
Associate Provost, North Carolina State University

9:15- 9:30 a.m. PROFILE/STATUS

Dr. Robert T. Williams
School of Education, North Carolina State University

9:30-10:00 a.m. KEYNOTE ADDRESS

10:00-10:30 a.m. NORTH CAROLINA INTERVENTION PROGRAM

Dr. Vinetta Jones
Mathematics-Science Education Network of North Carolina

10:30-11:30 a.m. SUPPORTING STATEMENTS

Mr. Robert Finnell
National Action Council for Minorities in Engineering

Mr. Namon Lewis
IBM Corporation

Dr. Raymond Dawson
Academic Affairs Division, UNC General Administration

Representative
North Carolina Community College System

Dr. Robert R. Jones
Mathematics Division, N. C. Department of Public Instruction

Dr. Paul H. Taylor
Science Division, N. C. Department of Public Instruction

Ms. Arlene Kahn
Carnegie Foundation

11:30-12:00 Noon COST OF IMPLEMENTATION

Dr. Jerome Melton
Consultant, Business Committee for Education

SPONSORS

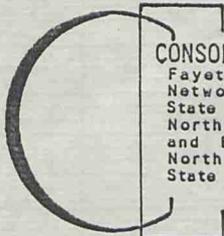
Fayetteville State University
Mathematics-Science Education Network of North Carolina
North Carolina Agricultural and Technical State University
North Carolina Board of Science and Technology
North Carolina State University
Center for Research and Development in Mathematics and
Science and Schools of: Physical and Mathematical
Sciences, Agriculture and Life Sciences, and Engineering
University of North Carolina-Chapel Hill

STEERING COMMITTEE

Hunter Ballow, University of North Carolina-Chapel Hill
Robert Bereman, North Carolina State University
Gilbert Casterlow, North Carolina Agricultural and Technical
State University
Lawrence Clark, North Carolina State University
Leo Edwards, Fayetteville State University
William Grant, North Carolina State University
Valarie Guthrie, North Carolina Agricultural and Technical
State University
Sarah Hamilton, North Carolina School of Science and Mathematics
Blanche Haning, North Carolina State University
Jennie Holt, EQUALS Project, Charlotte, NC
Vinetta Jones, University of North Carolina-Chapel Hill
David Mallette, North Carolina Department of Public Instruction
Susan Schmidt, Wake County Schools
William Smith, University of North Carolina-Chapel Hill
Julia Snellgroves, Cumberland County Schools
Lee Stiff, North Carolina State University
Augustus Witherspoon, North Carolina State University

Special appreciation is expressed to Ms. Carol Maidon, Ms. Carol
Ingram, and Ms. Claudia Pattison for their help in coordinating
this conference.

W July 10



CONSORTIUM FOR MINORITIES & WOMEN IN MATHEMATICS & SCIENCE

Fayetteville State University; Mathematics and Science Education Network of North Carolina; North Carolina Agricultural & Technical State University; North Carolina Board of Science and Technology; North Carolina Council for Minorities in Science, Mathematics and Engineering; North Carolina Department of Public Instruction; North Carolina School of Science and Mathematics; North Carolina State University; University of North Carolina at Chapel Hill

June 20, 1985

to save as best 46

N.C. State Univ please to have this conference occur on our campus - although much has been done to encourage more minorities & women to try to achieve in math & science - still have a long way to go - all you have much to do - meeting & program - under the one day or essential for progress - the need is great - best wishes - pch

Dr. Nash Winstead
Provost and Vice Chancellor
Box 7101
NCSU Campus

Dear Nash:

We will be hosting the second Mathematics Conference on July 10, 1985 in the Jane S. McKimmon Center. This Conference, entitled "Maximizing the Potential of Women and Minorities in Mathematics and Science: An Intervention Program Proposal for North Carolina", will be held from 9:00 a.m. to 1:00 p.m.

A tentative outline of the program is enclosed. We hope that you would give a brief welcome on behalf of North Carolina State University.

Also enclosed is a copy of the intervention program proposal that will be discussed.

I would like the opportunity to discuss with you some of the outcomes we are seeking.

Sincerely,

Lawrence M Clark

Lawrence M. Clark
Associate Provost
and Consortium Chairman

LMC/ci
Enclosures

PROVOST AND VICE CHANCELLOR'S OFFICE

Date: _____

6/9/87

- TO: ✓ Beverly Cable
✓ ~~Kim Carson~~
✓ ~~Eunice Chappell~~
✓ Lawrence Clark
✓ Murray Downs
✓ ~~Tara Harris~~
✓ Becky Ingle
✓ Carolyn Ingram
✓ ~~Gloria Johnson~~ W
✓ Carol Maidon
✓ Connie Steed
✓ Mary Strickland
✓ Linda Tolson
✓ ~~Nash Winstead~~ W

OTHERS:

Return to:

Keep for your Information:

For Files:

NOTES:



OPRIA

North Carolina State University

Box 7101, Raleigh, N. C. 27695-7101

Office of the Provost
and Vice-Chancellor

June 4, 1987

MEMORANDUM

TO: Deans, Directors and Department Heads

FROM: Nash N. Winstead, Provost *Nash N. Winstead*
George Worsley, Vice-Chancellor for Finance and Business *George Worsley*

SUBJECT: The Immigration and Control Act of 1986

The Immigration and Control Act of 1986 (IRCA) makes it illegal to knowingly employ aliens who are unauthorized to work in the United States. The law also requires that all U.S. employers verify employment eligibility for every employee hired since the November 6, 1986 reform legislation, regardless of an employee's citizenship or immigration status. The statute establishes fines for offenses under the sanctions provisions and includes possible jail sentences for employers in cases of a clear pattern of hiring unauthorized aliens. Closely tied to the sanctions provisions -- and certainly intended -- is an anti-discrimination section designed to prevent biased hiring practices based on nationality or citizenship status.

The purposes of this memorandum and voluminous attachments are to supersede previous information and guidelines, and to provide you with the guidelines, materials, and forms you will need in order to comply with the new Act. Realizing that you still may have questions or that special workshops may be required, the following have been closely associated with devising NCSU's response and strategy, and should be called upon to provide assistance:

- | | |
|----------------------------------|-----------------------------------|
| Office of International Programs | Jeana McClintock (Chairman) |
| Agricultural Extension | Susan Lyday |
| Graduate School | Peggy Olive |
| Human Resources (SPA employees) | John Brooks
Kathy Pendergraft |
| International Student Office | Don Roberts |
| Payroll & Benefits | Jill Worthington
Franki Senter |
| Provost's Office (EPA employees) | Mary Strickland |

Memorandum
Page 2
June 4, 1987

The enclosures are as follows:

- 1) Special Considerations (including Penalty Schedule and ways to ensure anti-discrimination).
- 2) May 15, 1987 General Administration Memorandum re: interpreting IRCA-86 governing sanctions (dated May 1, 1987).
- 3) Guidelines (U.S. and Naturalized Citizens and Permanent Residents; Non-Immigrant Visa Holders; Graduate Teaching and Research Assistants; and Temporary Appointments Paid Through Bi-Weekly Payroll).
- 4) "On-Campus Employment Eligibility for Alien Non-Immigrant Visa Holders" (chart).
- 5) I-9 Form (to be duplicated as necessary).
- 6) Examples of completed I-9 Form.

Effective immediately, all hiring departments must complete a Form I-9 within three (3) business days for each full- or part-time employee hired on or after June 1, 1987. Employers must also complete a Form I-9 for each employee hired between November 6, 1986 and May 31, 1987 and who are still employed. Because we have until September 1, 1987 to prepare a Form I-9 for that group, more information will be forthcoming under separate cover.

Thank you for your cooperation in implementing these necessary actions.

Enclosures

cc: Chancellor Bruce R. Poulton
Richard Robinson (General Administration)
Elizabeth Bunting (General Administration)

(#39-060487)

SPECIAL CONSIDERATIONS

1. Keep I-9's and supporting documentation separately from personnel files. (Federal officials have a right to see the Form I-9, but do not have reason to see the personnel file.)
2. Number 1 above applies to students as student academic records are protected by the Privacy Act.
3. For exceptions to the three (3) business days requirement, refer to Page 16223-VI Federal Register.
4. We should not ask for documentation at the time of interview, but rather advise the candidate that upon hiring, documentation will need to be completed on schedule. Asking for documentation at the time of interview could be construed as anti-discrimination.
5. We may copy any documents presented as evidence, but we may not specify that certain documents would be preferred.
6. Form I-9 must be kept on file and available for inspection for a minimum of three years, and at least one year past the end of an employee's tenure.
7. The penalty schedule for violations of employment restrictions is listed below. For each violation, a cease and desist order will be entered. In addition, the following civil penalties and orders may be issued.
 - (1) First Violation: \$250 to \$2,000 for each illegal alien hired, referred for a fee or recruited
 - (2) Second violation: \$2,000 to \$5,000 for each illegal alien hired, etc.
 - (3) Three or more violations: \$3,000 to \$10,000 for each illegal alien hired, etc.
 - (4) Additional relief: the remedial order may require specific mandatory verification procedures and such other action as may be appropriate

Where an employer demonstrates a repeated intention to evade the law by a pattern or practice of violations, additional criminal sanctions may be imposed. The Attorney General may seek a restraining order and, for each alien improperly hired, etc., a fine of not more than \$3,000 may be imposed. In addition, the person shown to be responsible for the violations may be imprisoned for up to six months.

There also are penalties for violating the documentation and recordkeeping requirements. Civil fines of not less than \$100 nor more than \$1,000 for each individual violation may be ordered. Similar fines may be imposed for requiring job applicants to provide an indemnity bond or monetary guarantee to protect the employer from liability. Finally, the falsification of a verification statement or fraudulent misuse of an immigration document will be prosecuted under existing federal criminal statutes and may result in fines or imprisonment or both.

Strickland

THE UNIVERSITY OF NORTH CAROLINA

General Administration

P.O. BOX 2688
CHAPEL HILL 27515-2688

RICHARD ROBINSON
Assistant to the President

TELEPHONE (919) 962-1000

May 15, 1987

MEMORANDUM

TO: The Chancellors

FROM: Richard Robinson *RR*
Elizabeth Bunting *EB*

Re: Final Regulation Interpreting the Immigration Reform and Control Act of 1986

Enclosed please find a copy of the Final Rules for implementing the new immigration act. These were issued May 1, 1987 and the copy enclosed includes not only the actual rules, but also the Immigration and Naturalization Service's interpretive summary of these regulations. Although the document is lengthy and is certainly not easy reading, it is important that institutional officials have a thorough understanding of this law. Thus, we encourage a complete and careful reading of all the rules.

Because the employer restrictions found in Part 274a present our most immediate problem, a summary of these prohibitions is provided. This rough guide is not however a good substitute for a comprehensive reading of the rules.

Please let us know if you have questions; we will do our best to assist you.

RECEIVED

MAY 1 9 1987

CHANCELLORS OFFICE
NCSU

Summary of Employee Restrictions: Part 274a - Control of Employment of Aliens

I. Definitions (§274a.1)

Most of the definitions found in this section are clear. Note however the broad definition given to the terms "employee" and "employment." For our purposes, these regulations will cover all individuals that we pay for services. There is an exception for "independent contractors," but to meet that definition the independent individual or entity must be free to choose the means and methods of accomplishing the desired result, without supervision; the person retaining such an independent contractor simply specifies the final result to be achieved by the contractor.

II. Verification Procedures (§274a.2)

The Immigration and Naturalization Service (hereinafter INS) has designated Form I-9, "Employment Eligibility Verification Form," as the document to be used to comply with this law. This form can be ordered from the Superintendent of Documents, Washington DC 20402 and may be photocopied and printed. This form must be completed for all employees hired after November 6, 1986, but employers have until September 1, 1987 to complete the forms for these individuals. For all new hires from June 1, 1987 on, the new rules provide that the employer will have 3 days to have the forms completed. There are however several exceptions to this 3-day limit:

- (1) For employees hired for 3 days or less, the form must be completed by the end of the employee's first working day;
- (2) For agricultural workers and Cuban/Haitian workers who are seeking adjustment of status under Sections 245A or 210 of these rules (or Section 202 of the Act), these individuals may be permitted to begin work without presenting documents establishing employability. The employer should use the terms "Special Rule" on the Form I-9 in the space for documents evidencing employability and should use September 1, 1987 as the expiration date. (The worker will use similar words and dates on his part of the form.) Note: This does not preclude the need to examine and verify identify documentation from these workers. A complete form should be prepared after September 1, 1987.
- (3) For potential employees who have applied for the necessary documents, but who have not yet received them, they must present a receipt for the application within 3 days of time and then must present the requested document within 21 days of hire.
- (4) In the case of persons who were previously employed and for whom a Form I-9 was completed, and who are to be rehired within 3 years of the date of that Form, the employer can simply examine that statement to insure that it remains accurate (of course, if the employability/work authorization document has expired, a new verification and new documentation would be required).
- (5) For employees returning from approved leave, whether work, vacation or health related, no reverification is required. In addition, promotions, pay

raises, demotions, position reclassifications, transfers, lay-offs and reinstatements (for wrongful termination) do not require a new verification.

As noted in our previous memorandum, the Form I-9 should be retained for 3 years from our date of hire or one year after the employment is ended, whichever is later. Finally, employability and identity documents may be copied (not required) for the purpose of complying with the verification procedures. These copies, if made, must be retained with the Form I-9 and may only be used for enforcement of this Act. (Federal criminal prosecutions for fraud and forgery are excepted from this ban.)

III. Permissible Documentation (§274a.2 and § 274a.12)

An employer must physically examine the documents presented to verify employability and identity. The documents presented must be original documents, but the employer may not specify which documents an individual must submit. As to the types of documents which will satisfy the statutory requirements, the Final Rules provide an expanded list of appropriate documentation. This list is found in subsection (b) of §274a.2 and should be checked carefully. Note particularly the INS Form numbers for employability documents and the various permissible ID's for identification documents. In addition, it is very important to check expiration dates on INS certificates showing employability and to make sure that new documentation is sought before these certificates expire. If this documentation is not updated, the employee may not continue employment.

In §274a.12, the INS gives some guidance to the categories of aliens that usually are authorized to work in the United States. Some of these classes have unrestricted authorization while others are limited to certain employers. In this regard you may want to check § 274a.12(b)(6) which sets out the employment authorization limitations for any foreign students. There are also certain categories of aliens who must individually apply for employment authorization and these are set out in subsection (c). Again, certain student categories are included and these should also be checked carefully so that the proper documentation can be sought. Familiarity with these categories and their restrictions will be an important aide in compliance procedures.

IV. Enforcement and Penalties (§274a.9 and §274a.10)

In these sections the complaint and investigative procedures are set out and the statutory penalties are repeated. In § 274a.2(b)(2), specific INS inspection procedures are listed and should be reviewed.

federal register

Friday
May 1, 1987

Part XI

Department of Justice

Immigration and Naturalization Service

8 CFR Parts 100, 103, 109, 210, 211, 212,
234, 242, 245a, 264, 274a, 299
Implementation of the Immigration
Reform and Control Act; Final Rules

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

§ CFR Parts 100, 103, 211, 212, 234, 242, 264, and 299

[INS Number: 1020-87]

Applicant Processing for Special Agricultural Worker and Legalization Programs; Conforming Amendments, etc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule sets forth conforming amendments to existing regulations to be published elsewhere in this issue. These provisions relate to the processing of applicants for lawful temporary resident status under the Special Agricultural Worker and Legalization programs, as authorized by the enactment of the Immigration Reform and Control Act of 1986, also known as the Simpson/Rodino bill.

This rule sets forth the lines of authority and organization for the Legalization and Special Agricultural Worker programs; sets procedures for appeals, motions, and certifications on applications for adjustment of status under sections 210 and 245A of the Immigration and Nationality Act; sets fees and form numbers and titles for legalization and special agricultural worker applications; establishes documentary requirements and conditions governing the travel of temporary residents and the entry into the United States of prospective applicants or legalization for special agricultural worker status; and provides for the designation of additional civil surgeons to accommodate the large number of applicants anticipated.

EFFECTIVE DATE: May 1, 1987.

FOR FURTHER INFORMATION CONTACT: William S. Slatery, Assistant Commissioner, Legalization, (202) 786-3658.

SUPPLEMENTARY INFORMATION: On November 8, 1986, the Immigration Reform and Control Act of 1986, Pub. L. 99-603 was enacted to provide the opportunity for certain aliens to apply for temporary resident status in the United States, and, under certain conditions, to subsequently apply for permanent resident status.

§ CFR 100.2(c)(3)(vi) adds Legalization as a program falling under the direction of the Associate Commissioner for Examinations.

§ CFR 100.4(f) is added to provide a list of legalization offices which have

been opened by the Service to accommodate applicants for the Legalization and Special Agricultural Worker Programs.

§ CFR 103.1(f)(1)(vi) is added to reflect that authority is delegated to the Associate Commissioner for Examinations for the general direction and supervision of the Assistant Commissioner, Legalization.

§ CFR 103.1(f)(2) is amended to reflect that the appellate jurisdiction of the Associate Commissioner, Examinations, is expanded to include decisions on applications for lawful temporary or permanent resident status under section 245A of the Act, applications for lawful temporary resident status under section 210 of the Act, termination of temporary resident status under section 210 or 245A of the Act, and applications for waiver of grounds of excludability under sections 210 and 245A of the Act.

Numerous comments were received concerning the appellate review authority resting with the Administrative Appeals Unit. Although the Administrative Appeals Unit will be the Service's designated appellate review authority, a separate branch within the Administrative Appeals Unit has been established to handle appeals under sections 210 and 245A of the Act.

§ CFR 103.1(n) is amended to provide that an application for temporary residence may be approved at a legalization office after a second interview, and that an application may be denied at a legalization office if the alien is clearly statutorily ineligible or admits fraud.

§ CFR 103.1(q) is amended to add Chief Legalization Officers, Supervisory Legalization Officers, Legalization Adjudicators, Legalization Officers and Legalization Assistants to those positions designated as "Immigration Officers."

§ CFR 103.1(t) is added establishing the authority and responsibilities of regional processing facility directors.

§ CFR 103.2(c) is added, providing specific language regarding procedures to follow for applications filed for Legalization and Special Agricultural Worker status. Language is included which expressly recognizes that designated entities are permitted to assist aliens in the preparation of applications for the Legalization and Special Agricultural Worker programs. Provisions are also made to require designated entities to have an alien's documented authorization to forward the application to the Service.

§ CFR 103.3(a)(2) provides procedures for issuing denials and processing appeals to denials of applications for Legalization and Special Agricultural

Worker status. The same procedures apply to cases where the lawful temporary resident status, granted under section 210 or 245A of the Act, is terminated.

§ CFR 103.4 is amended by providing that a Regional Processing Director may certify a decision to the Administrative Appeals Unit.

§ CFR 103.5 is amended by providing that the Regional Processing Facility director may *suu sponte* reopen and reconsider an appealed adverse decision, and establishing time frames during which any new decision must be served on the appealing party. The Associate Commissioner, Examinations, or the Chief, Administrative Appeals Unit, may *suu sponte* reopen any proceeding conducted and reconsider any decision rendered by that Unit. No motion to reopen a proceeding or reconsider a decision shall be considered.

§ CFR 103.7(b)(1) is amended to include applications relating to Legalization and Special Agricultural Worker status, and respective fees that will be charged for each application. The cost of the legalization program is to be self funding through application fees. If the revenue collected through the Form I-687 application fee is not sufficient to cover the costs of the legalization program, an additional fee would be charged to file Form I-698.

Numerous comments were received concerning the fee schedule. Of the total 418 comments received, 247 were supportive of the fees proposed. After careful review and consideration, the Service will retain the fee schedule as published in the March 19, 1987 Federal Register.

§ CFR 211.1(d) establishes documentary requirements for aliens granted lawful temporary resident status under sections 210 and 245A of the Act and prescribes the authorized length of temporary absences abroad while in such status.

§ CFR 211.5 adds language to permit aliens granted lawful temporary resident status under section 210 of the Act to reside in foreign contiguous territory and commute to employment in the United States.

§ CFR 212.5(b) provides for denial of parole for certain aliens seeking admission into the United States for the sole purpose of applying for adjustment of status under the Legalization and Special Agricultural Worker Programs.

§ CFR 212.5(d)(2) provides that an alien granted parole into the United States after November 8, 1986 for any purpose other than applying for adjustment of status under the

Legalization program shall not be permitted to apply for Legalization.

8 CFR 234.2(b) is amended to include local, county and state health departments' civil surgeons qualified to perform physical and mental examinations of applicants for benefits under the Act and allows the district director, as needed, to authorize physicians meeting the criteria established in 8 CFR Part 234 to perform the aforementioned examinations to designate physicians with less than 4 years professional experience under unusual circumstances.

8 CFR 242.21(b) is added to limit the appeal to a finding of deportability in specific cases where the alien failed to file an application for temporary resident status under section 210 or 245A of the Act within a defined thirty day period.

8 CFR 254.1 is amended to include documents relating to the Legalization and Special Agricultural Worker programs as registration forms and evidence of registration. Additionally, specific procedures are outlined for processing applications for replacement of Form I-686, Temporary Resident Card.

8 CFR 259.1 is amended to include forms to be used in the Legalization and Special Agricultural Worker programs.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule is not a major rule within the definition of section 1(b) of EO 12291.

The information collection requirements contained in this regulation have been cleared by OMB under the Paperwork Reduction Act.

List of Subjects

8 CFR Part 100

Administrative practice and procedure, Authority delegations (Government agencies).

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Fees, Reporting and recordkeeping requirements.

8 CFR Part 211

Reporting and recordkeeping requirements, Visas.

8 CFR Part 212

Administrative practice and procedure, Parole, Reporting and recordkeeping requirements, Visas.

8 CFR Part 234

Public health.

8 CFR Part 242

Administrative practice and procedure, Deportation proceedings.

8 CFR Part 284

Reporting and recordkeeping requirements.

8 CFR Part 299

Forms, Reporting and recordkeeping requirements.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

1. The authority citation for Part 100 is revised to read as follows:

Authority: Sec. 103, 66 Stat. 173; 5 U.S.C. 1103.

2. Section 100.2(c)(3) is amended by removing the word "and" from paragraph (iv); removing the period from the end and inserting ", and" in paragraph (v); and adding paragraph (vi) as follows:

§ 100.2 Organization and functions.

- (c)
- (3)
- (vi) Legalization.

3. In § 100.4 a new paragraph (f) is added to read as follows:

§ 100.4 Field Service.

(f) District Legalization Offices are local offices of the Immigration and Naturalization Service under the authority of the district director in whose district such offices are located. Legalization Offices have been opened specifically to accommodate applicants for the Legalization and Special Agricultural Worker programs. Legalization Offices may be opened and closed, at the discretion of the Commissioner, as the need arises.

Legalization Offices

Eastern Region

BAL—Baltimore, MD (XBL)
 BOS—Boston, MA (XBT); New Haven, CT (XNH); Springfield, MA (XSP)
 BUF—Buffalo, NY (XBU); Syracuse, NY (XSY)
 NEW—Camden, NJ (XCN); Jersey City, NJ (XJC); Paterson, NJ (XPT)
 NYC—South Long Island City, NY (XSC); Manhattan, NY (XMA); Hempstead, NY (XHS)
 PHO—Lima, PA (XLM); Pittsburgh, PA (XPT); Charleston, WV (XCR)
 SAJ—San Juan, PR (XSJ)
 WAS—Arlington, VA (XAR)

Northern Region

ANC—Anchorage, AK (XAN)
 CHS—Aurora, IL (XEG); Chicago, IL (XBI); Chicago, IL (XLS); Forest Park, IL (XLI); Indianapolis, IN (XIN); Greenfield, WI (XNI)
 CLC—Cincinnati, OH (XCI); Cleveland, OH (XCL)
 DEN—Denver, CO (XDE); Grand Junction, CO (XGJ); Pueblo, CO (XPU); Salt Lake City, UT (XSK)
 DET—Detroit, MI (XDT)
 HEL—Boise, ID (XBO); Helena, MT (XHE); Idaho Falls, ID (XIF)
 KAN—Garden City, KS (XGC); Kansas City, MO (XKA); Bridgeton, MO (XSL); Wichita, KS (XWT)
 OMA—Des Moines, IA (XDV); Des Moines, IA (XDM); Omaha, NE (XOM); Gering, NE (XSB)
 POO—Pendleton, OR (XPL); Portland, OR (XPD)
 SEA—Pasco, WA (XPA); Seattle, WA (XSE); Wenatchee, WA (XWE); Yakima, WA (XYA)
 SPM—Bloomington, MN (XTW)

Southern Region

ATL—Decatur, GA (XAT); Charlotte, NC (XCH)
 DAL—Arlington, TX (XDA); Lubbock, TX (XLU); Oklahoma City, OK (XOK)
 ELP—Albuquerque, NM (XAL); El Paso, TX (XEL)
 HLG—Harlingen, TX (XHA)
 HOU—Houston, TX (XHU)
 MIA—Jacksonville, FL (XJA); Miami, FL (XMI); Miami, FL (XIA); Miami, FL (XIB); Miami, FL (XIC); Coral Gables, FL (XSW); Miami, FL (XKSB); Tampa, FL (XTA); Fort Lauderdale, FL (XWS)
 NOL—Memphis, TN (XME); New Orleans, LA (XNO)
 SNA—Austin, TX (XAU); Corpus Christi, TX (XCD); Laredo, TX (XLR); San Antonio, TX (XSN)

Western Region

HHW—Agana, GU (XAG); Honolulu, HI (XHL)
 LOS—Garden Grove, CA (XAG); Los Angeles, CA (XLA); El Monte, CA (XEM); Los Angeles, CA (XHO); Huntington Park, CA (XHP); Indio, CA (XID); Bellflower, CA (XLB); Buena Park, CA (XBN); Oxnard, CA (XOX); Pomona, CA (XPO); Riverside, CA (XRV); Sepulveda, CA (XSR); Santa Ana, CA (XSA); Gardena, CA (XTO); North Hollywood, CA (XNV)
 PHO—Las Vegas, NV (XLV); Phoenix, AZ (XPH); Reno, NV (XRO); Tucson, AZ (XTU); Willcox, AZ (XWX); Yuma, AZ (XYU)
 SND—El Centro, CA (XCA); Escondido, CA (XES); San Diego, CA (XSD)
 BFR—Bakersfield, CA (XBA); Eureka, CA (XEU); Fresno, CA (XFR); Oakland, CA (XOA); Redding, CA (XRE); Sacramento, CA (XSC); Salinas, CA (XSI); San Francisco, CA (XSF); San Jose, CA (XSO); Stockton, CA (XST)

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

4. The authority citation for Part 103 is revised to read as follows:

Authority: 5 U.S.C. 522(a); 5 U.S.C. 1101, 1103, 1201, 1301-1305, 1351, 1443, 1454, 1455; 28 U.S.C. 1746; 7 U.S.C. 2243; 51 U.S.C. 9701; E.O. 12356, 3 CFR, 1982 Comp., p. 166.

5. Section 103.1 is amended by removing the word "and" from paragraph (f)(1)(iv), inserting ", and" at the end of paragraph (f)(1)(v) and adding a new paragraph (f)(1)(vi); adding new paragraphs (f)(2)(xxvii) through (xxcii); designating existing text in paragraph (n) as (n)(1) and adding a new paragraph (n)(2); inserting "Chief Legalization Officer, Supervisory Legalization Officer, Legalization Adjudicator, Legalization Officer and Legalization Assistant" after the term "contact representative," in paragraph (q); and adding new paragraph (t) to read as follows:

§ 103.1 Delegations of authority.

(f) * * *

(1) * * *

(vi) Assistant Commissioner, Legalization.

(2) * * *

(xxvii) Application for status as temporary or permanent resident under § 245a.2 or § 245a.3 of this title;

(xxviii) Application for status as temporary resident under § 210.2 of this title;

(xxix) Termination of status as temporary resident under § 210.4 of this title;

(xxx) Termination of status as temporary resident under 245a.2 of this title;

(xxxi) Application for waiver of grounds of excludability under Parts 210 and 245a of this title; and

(xxcii) Application for replacement of Form I-688 (Temporary Resident Card).

(n) * * *

(2) Applications filed for Special Agricultural Worker or Legalization status pursuant to sections 210 and 245A, respectively, may be approved by the district director having jurisdiction of the legalization office where a second interview is required by the regional processing facility, if the alien in the second interview can establish eligibility for approval. District directors may deny applications for Special Agricultural Worker or Legalization status at legalization offices under their jurisdiction if the alien clearly fails to meet statutory requirements or the alien

admits fraud or misrepresentation in the application process.

(t) *Regional Processing Facility Directors.* Under the direction of their respective regional commissioners, regional processing facility directors have program, administrative and supervisory responsibility for all personnel assigned to their facilities. Regional processing facility directors are delegated the authority and responsibility to approve or deny applications for adjustment of status and for waivers of grounds of excludability under section 210 and section 245A of the Act.

6. In § 103.2, a new paragraph (c) is added to read as follows:

§ 103.2 Applications, petitions, and other documents.

(c) *Filing of applications for adjustment of status under sections 210 and 245A of the Act, as amended.* (1)

The filing of an application for temporary resident status under section 245A(a) of the Act must conform to the provisions of § 245a.2 of this chapter. The filing of an application for permanent resident status under section 245A(b)(1) of the Act must conform to the provisions of § 245a.3 of this chapter. The filing of an application for adjustment of status to that of a temporary resident under section 210(a) of the Act must conform to the provisions of § 210.2 of this chapter.

(2) An application for adjustment to temporary or permanent resident status pursuant to section 245A (a) or (b)(1) or section 210(a) of the Act may be accepted on behalf of the Attorney General by designated state, local and community organizations as well as designated voluntary organizations and persons. Each such application shall contain a certification signed by both the alien and the preparing member of the designated organization or entity, that the applicant has approved transmittal of the application to the Service for adjudication.

(3) An application accepted by any of the designated entities shall be stamped with an endorsement as to the date of preparation and authorization for transmittal, and may be brought to the legalization office with the applicant as an application ready for adjudication. However, such application shall not be considered as complete until accepted for adjudication by and until the appropriate fee has been paid to the Immigration and Naturalization Service.

7. In § 103.3(a), existing text is designated (a)(1) and a new paragraph (a)(2) is added to read as follows:

§ 103.3 Denials, appeals, and precedent decisions.

(a) * * *

(2) *Denials and appeals of special agricultural worker and legalization applications and termination of lawful temporary resident status under sections 210 and 245A.* (i) Whenever an application for legalization or special agricultural worker status is denied or the status of a lawful temporary resident is terminated, the alien shall be given written notice setting forth the specific reasons for the denial or termination on Form I-692, Notice of Denial. Form I-692 shall also contain advice to the applicant that he or she may appeal the decision and that such appeal must be taken within 30 days after service of the notification of decision accompanied by any additional new evidence, and a supporting brief if desired. The Form I-692 shall additionally provide a notice to the alien that if he or she fails to file an appeal from the decision, the Form I-692 will serve as a final notice of ineligibility.

(ii) Form I-694, Notice of Appeal, in triplicate, shall be used to file the appeal, and must be accompanied by the appropriate fee. Form I-694 shall be furnished with the notice of denial at the time of service on the alien.

(iii) Upon receipt of an appeal, the administrative record will be forwarded to the Administrative Appeals Unit as provided by § 103.1(f)(2) of this part for review and decision. The decision on the appeal shall be in writing, and if the appeal is dismissed, shall include a final notice of ineligibility. A copy of the decision shall be served upon the applicant and his or her attorney or representative of record. No further administrative appeal shall lie from this decision, nor may the application be filed or reopened before an Immigration Judge or the Board of Immigration Appeals during exclusion or deportation proceedings.

(iv) Any appeal which is filed that:

(A) Fails to state the reason for appeal;

(B) Is filed solely on the basis of a denial for failure to file the application for adjustment of status under section 210 or 245A in a timely manner; or

(C) Is patently frivolous: will be summarily dismissed. An appeal received after the thirty (30) day period has elapsed will not be accepted for processing.

8. In § 103.4, existing text is designated paragraph (a) and a new paragraph (b) is added to read as follows:

§ 103.4 Certifications.

(b) Certification of denials of special agricultural worker and legalization applications. The Regional Processing Facility director may, in accordance with paragraph (a) of this section, certify a decision to the Associate Commissioner, Examinations (Administrative Appeals Unit), when the case involves an unusually complex or novel question of law or fact.

9. In § 103.5, existing text is designated paragraph (a) and a new paragraph (b) is added to read as follows:

§ 103.5 Reopening or reconsideration.

(b) Motions to reopen or reconsider denials of special agricultural worker and legalization applications. Upon the filing of an appeal to the Associate Commissioner, Examinations (Administrative Appeals Unit), the Director of a Regional Processing Facility or the consular officer at an Overseas Processing Office may *sua sponte* reopen any proceeding under his or her jurisdiction opened under Part 210 or 245a of this chapter and may reconsider any decision rendered in such proceeding. The new decision must be served on the appellant within 45 days of receipt of any brief and/or new evidence, or upon expiration of the time allowed for the submission of a brief. The Associate Commissioner, Examinations, or the Chief of the Administrative Appeals Unit may *sua sponte* reopen any proceeding conducted by that Unit under Part 210 or 245a of this chapter and reconsider any decision rendered in such proceeding. Motions to reopen a proceeding or reconsider a decision under Part 210 or 245a of this chapter shall not be considered.

30. In § 103.7, paragraph (b)(1) is amended by adding in numerical sequence the following:

§ 103.7 Fees.

(b) . . .

Form I-687. For filing application for status as a temporary resident under section 245A (a) of the Immigration and Nationality Act as amended—to be remitted in the form of a cashier's check, certified bank check or money order. A fee of one hundred and eighty-five dollars (\$185.00) for each application or fifty dollars (\$50.00) for each application for a minor child (under 18 years of age) is required at the time of filing with the Immigration and Naturalization Service. The maximum amount payable by a family (husband, wife, and any minor children) shall be four hundred and twenty dollars (\$420.00).

Form I-680. For filing application for waiver of ground of excludability under section 212(a) of the Act as amended, in conjunction with application under section 210 or 245A of the Act—to be remitted in the form of a cashier's check, certified bank check or a money order—\$35.00

Form I-684. For appealing the denial of application under section 210 or 245A of the Act—to be remitted in the form of a cashier's check, certified bank check or a money order—\$50.00

Form I-685. For filing application for replacement of temporary resident card (Form I-688) to be remitted in the form of a cashier's check, certified bank check or a money order—\$15.00

Form I-686. For filing application for adjustment from temporary resident status to that of lawful permanent resident under section 245A(b)(1) of the Act, as amended—to be remitted in the form of a cashier's check, certified bank check or money order. (See amount to be determined as required).

Form I-700. For filing application for status as a temporary resident under section 210(a)(1) of the Act, as amended—to be remitted in the form of a cashier's check, certified bank check or a money order. A fee of one hundred and eighty-five dollars (\$185.00) for each application or fifty dollars (\$50.00) for each application for a minor child (under 18 years of age) is required at the time of filing with the Immigration and Naturalization Service. The maximum amount payable by a family (husband, wife, and any minor children) shall be four hundred and twenty dollars (\$420.00).

10a. Part 103 is amended by adding a new § 103.37 to read as follows:

§ 103.37 Display of control numbers.

The following forms are contained in § 103.7. The Office of Management and Budget has assigned the following OMB control numbers:

Form	Currently Assigned OMB Control Number
I-687	
I-680	1115-0133
I-683	1115-0132
I-684	1115-0134
I-686	1115-0136
I-687	1115-0129
I-700	1115-0130
I-702	1115-0131
	1115-0137

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

11. The authority citation for Part 211 is revised to read as follows:

Authority: Secs. 101, 103, 212, 223, 225, 347; Pub. L. 90-603, as amended; 8 U.S.C. 1101, 1102, 1191, 1192, 1203, 1225, 1257.

12. § 211.1, paragraph (d) is added to read as follows:

§ 211.1 Visa.

(d) Returning temporary residents—(I-688). (1) Form I-688 may be presented in lieu of an immigrant visa by an alien whose status has been adjusted to that of a temporary resident under the provisions of § 210.1 of this chapter, such status not having changed, and who is returning to an unrelinquished residence within one year after a temporary absence abroad.

(2) Form I-688 may be presented in lieu of an immigrant visa by an alien whose status has been adjusted to that of a temporary resident under the provisions of § 245A.2 of this chapter, such status not having changed, and who is returning to an unrelinquished residence within 30 days after a temporary absence abroad, provided that the aggregate of all such absences abroad during the temporary residence period has not exceeded 90 days.

13. In § 211.5, paragraph (d) is added to read as follows:

§ 211.5 Alien commuters.

(d) Special agricultural workers.

Notwithstanding any other provisions of this part, an alien lawfully admitted for temporary residence under section 210 may commence or continue to reside in foreign contiguous territory and commute to his or her place of employment in the United States to engage in daily or seasonal work which on the whole is regular and stable as provided in section 210(a)(4) of the Act, provided that at the time of each entry a valid Form I-688 is presented in lieu of an immigrant visa and passport. An alien commuter engaged in seasonal work is presumed to have taken up residence in the United States if he or she is present in this country for more than six months, in the aggregate, during any continuous 12-month period. An alien commuter's address report under section 285 of the Act must show the actual residence address even though it is not in the United States. Temporary resident commuters are subject to loss of commuter status in the same manner as permanent resident commuters as provided in paragraph (b) of this section.

PART 213—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN ADMISSIBLE ALIENS; PAROLE

14. The authority citation for Part 212 is revised to read as follows:

Authority: Secs. 101, 103, 212, 214, 235, 236, 238, 242, 86 Stat. 198, 203, 162, as amended.

189, 194, 200, 202, 208, as amended, 8 U.S.C. 1101, 1103, 1182, 1184, 1225, 1228, 1229, 1252, 1182b, 1182c.

15. In § 212.5 paragraph (b) is amended by removing the period at the end of the last sentence, inserting a semicolon and adding new text to read as set forth below; by designating existing paragraph (d)(2) as (d)(2)(i) and adding a new paragraph (d)(2)(ii) to read as follows:

§ 212.5 Parole of aliens into the United States.

(b) . . . however, an alien who arrives at a port of entry and applies for parole into the United States for the sole purpose of seeking adjustment of status under section 245A of the Act, without benefit of advance authorization as described in paragraph (e) (2) of this section shall be denied parole and detained for exclusion in accordance with the provisions of paragraph (b) or (c) of § 235.3 of this chapter. An alien seeking to enter the United States for the sole purpose of applying for adjustment of status under section 210 of the Act shall be denied parole and detained for exclusion under paragraph (b) or (c) of § 235.3 of this chapter, unless the alien has been recommended for approval of such application for adjustment by a consular officer at an Overseas Processing Office.

(d) . . .
(2) . . .

(ii) An alien who is granted parole into the United States after enactment of the Immigration Reform and Control Act of 1986 for other than the specific purpose of applying for adjustment of status under section 245A of the Act shall not be permitted to avail him or herself of the privilege of adjustment thereunder. Failure to abide by this provision through making such an application will subject the alien to termination of parole status and institution of proceedings under sections 235 and 236 of the Act without the written notice of termination required by § 212.5(d)(2)(i) of this chapter.

PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

18. The authority citation for Part 234 is revised to read as follows:

Authority: Secs. 103, 234, 86 Stat. 173, 198; 8 U.S.C. 1103, 1224.

§ 234.2 [Amended]

17. In § 234.2, paragraph (b) is amended by inserting the phrase "and local, county and state health

departments" immediately after the word "clinics" and inserting the following after the word "experience": "Under usual circumstances physicians will be required to meet the 4 year professional experience criteria. However, at the district director's discretion other physicians with less experience can be designated to address unusual or unforeseen situations as the need arises."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APREHENSION, CUSTODY, HEARING, AND APPEAL

18. The authority citation for Part 242 is revised to read:

Authority: Secs. 103, 242, 244, 292, 86 Stat. 173, 208, as amended 214, 225; 8 U.S.C. 1103, 1252, 1254, 1362.

19. Section 242.21 is amended by designating existing text as paragraph (a) and adding the following new paragraph (b):

§ 242.21 Appeals.

(b) *Prohibited appeals; legalization or special agricultural worker applications.* An alien respondent defined in § 210.2(d)(3) or § 245a.2(c) (5), (6), or (7) of this chapter who fails to file an application for adjustment of status to that of a temporary resident within the prescribed period(s), and who is thereafter found to be deportable by decision of an immigration judge, shall not be permitted to appeal the finding of deportability based solely on refusal by the immigration judge to entertain such an application in deportation proceedings.

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

20. The authority citation for Part 264 is revised to read:

Authority: Secs. 103, 221, 261—265, 86 Stat. 173, 191, 223—225; 8 U.S.C. 1103, 1301, 1301—1306; sec. 4, 71 Stat. 641; 8 U.S.C. 1207a.

21. In § 264.1 paragraph (a) is amended by adding at the end of existing text; the following:

§ 264.1 Registration and fingerprinting.

(a) . . .

I-687, Application for Status as a Temporary Resident—Applicants under section 245A of the Immigration and Nationality Act, as amended.

I-691, Notice of Approval for Status as a Temporary Resident—Aliens adjusted to lawful temporary residence under 8 CFR 210.2 and 245A.2.

I-698, Application to Adjust Status from Temporary to Permanent Resident—Applicants under section 245A of the Immigration and Nationality Act, as amended.

I-700, Application for Status as a Temporary Resident—Applicants under section 210 of the Immigration and Nationality Act, as amended.

22. In § 264.1 paragraph (b) is amended by adding at the end of the existing text the following:

§ 264.1 Registration and fingerprinting.

(b) . . .

I-688, Temporary Resident Card-Lawful temporary residents of the United States.
I-688A, Employment Authorization Card.
I-685, Application for Replacement of Form I-688 Temporary Resident Card—While application is pending, aliens whose evidence of registration has been lost, stolen, mutilated, or destroyed; aliens whose original Form I-688 were incorrect when issued.

23. In § 264.1, paragraph (c) is amended by adding the following text:

(c) . . . Application by an alien lawfully admitted for temporary residence for Form I-688, Temporary Resident Card, in lieu of one lost, stolen, mutilated, or destroyed, shall be made on Form I-685 accompanied by the fee required by § 103.7(b) of this chapter, two color photographs, (regardless of the applicant's age, unless the requirement for such photographs has been waived by the director of the legalization office in his or her discretion because of hardship to an applicant who is confined due to age or physical infirmity), and when issuance of Form I-688 is desired in a changed name, by appropriate documentary evidence of such change. Any Form I-688 in applicant's possession must also be submitted with the application. An application by an alien within the United States for replacement of evidence of registration shall be submitted to the legalization office having jurisdiction over the applicant's place of residence in the United States. Prior to the issuance of Form I-688, all applicants, regardless of age, shall appear at the appropriate legalization office for interview, and placement of fingerprint and signature on I-688 unless these requirements are waived at the discretion of the district director because of infirmity, illiteracy, or other compelling reasons. An alien who files application Form I-685 may be required to appear in person before an immigration officer prior to the

adjudication of the application and be interviewed under oath concerning his or her eligibility for issuance of I-688 as evidence of his or her registration. In addition, the applicant may also be required to present a completed fingerprint card (Form FD-258). The decision on an application for replacement of evidence of registration shall be made by the regional processing facility director having jurisdiction over the alien's place of residence in the United States. No appeal shall lie from the decision of the regional processing facility director denying the application.

PART 299—IMMIGRATION FORMS

24. The authority citation for Part 299 is revised to read as follows:

Authority: Sec. 103; 58 Stat. 173; 5 U.S.C. 1103.

§ 299.1 [Amended]

25. Section 299.1 is amended by adding the following immediately before the entry "ICAO" in numerical sequence:

§ 299.1 Prescribed forms.

- I-687 (4-1-87)—Application for Status as a Temporary Resident (section 245A INA).
- I-688 (5-87)—Temporary Resident Card.
- I-688A (5-87)—Employment Authorization Card.
- I-690 (2-14-87)—Application for Waiver of Grounds of Excludability.
- I-691 (3-5-87)—Notice of Approval of Status as a Temporary Resident.
- I-692 (3-5-87)—Notice of Denial for Status as a Temporary Resident.
- I-693 (3-14-87)—Medical Examination for Status as a Temporary Resident Under Pub. L. 90-803.
- I-694 (4-1-87)—Notice of Appeal.
- I-695 (3-24-87)—Application for Replacement of Form I-688 Temporary Resident Card (Under Pub. L. 90-803).
- I-697 (2-14-87)—Change of Address.
- I-698 (—) —Application to Adjust Status from Temporary to Permanent Resident (Under the Immigration Reform and Control Act of 1986).
- I-700 (4-1-87)—Application for Status as a Temporary Resident (section 210 INA).
- I-705 (3-12-87)—Affidavit to corroborate employment claimed by an applicant for status as a temporary resident (section 210 INA).

26. Section 299.J is amended by adding the following in the appropriate numerical sequence:

§ 299.J Forms available from Superintendent of Documents.

Form No.	GPO stock No. (5/74)	Price per 100/500
I-687	5/74 027-002-00238-4	\$7.20/100
I-688	5/74 027-002-00240-3	\$7.20/100
I-700	5/74 027-002-00237-3	\$7.20/100
I-705	5/74 027-002-00236-0	13.00/100

Dated: April 28, 1987.

Alan C. Nelson,
Commissioner.

[FR Doc. 87-0893 Filed 4-30-87; 8:45 am]
BILLING CODE 5410-10-08

§ CFR Part 210

[INS No. 1021-47]

Adjustment of Status for Special Agricultural Workers

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule establishes Part 210 of 8 CFR, a new part added to conform with the new section 210 of the Immigration and Nationality Act established by Pub. L. 90-803, the Immigration Reform and Control Act of 1986 (IRCA). This rule sets the criteria and procedures to be used to adjust the status of special agricultural workers to that of temporary residents; sets standards for maintenance of that status; outlines the benefits accruing to temporary residents and the distinctions between temporary and permanent resident status; sets criteria and procedures for termination of temporary resident status; and establishes procedures for adjustment of the status of temporary resident special agricultural workers to that of permanent residents.

EFFECTIVE DATE: June 1, 1987.

FOR FURTHER INFORMATION CONTACT: William S. Slattery, Assistant Commissioner, Legalization, 425 I Street, N.W., Washington, D.C. 20536, (202) 786-3658.

SUPPLEMENTARY INFORMATION: A preliminary working draft of this rule was made available to the public by notice in the Federal Register on January 20, 1987 (52 FR 2115). Comments on that draft received from 184 organizations and individuals were helpful in the preparation of the proposed rule which was published in the Federal Register on March 19, 1987 (52 FR 8745). Comments on the proposed rule were received from 134 organizations and individuals including comments from three organizations which represented 78 other institutions or organizations. Eight

state government departments and one federal agency provided comments on the proposed rule. The Service has made extensive use of the public comment on the proposed rule in analyzing the special agricultural worker provisions of IRCA and in developing this rule for the implementation of those provisions. The suggestions of many commentators have either been adopted in this rule or have motivated adjustments to the rule by the Service. The Service thanks all commentators for the thoughtfulness and constructive intent of their suggestions.

Several comments were directed to the provision in § 210.1(d) of the proposed rule concerning the initiation of deportation proceedings in cases involving fraud. This section has been clarified by reference to § 210.2(e)(4) but otherwise remains basically unchanged. A more complete discussion of the provisions governing fraud is provided below in reference to § 210.2(d)(4).

Four commentators suggested that the Service has applied an erroneous residence requirement for Group 1 eligibility at § 210.1(e). However, the Service is persuaded that its interpretation of the Group 1 residency requirement is correct based on the authorities cited in the preambles to the draft and proposed rule. The Conference Managers' Report expressly states that: "... the conferees intend 'resided' to mean 6 months per year, in the aggregate, in the U.S. for the 'Group 1' workers. . . ." A six-month residence requirement for Group 2 workers is mentioned in the Conference Managers' Report but this was reduced to a three-month requirement according to clarification provided in colloquies in the House and Senate.

One commentator suggested that the definition of Group 2 workers should include an express residence requirement and a provision that persons who commuted to the United States for the purposes of daily employment are not eligible for special agricultural worker status. It is the Service's belief that the Congress did not intend seasonal agricultural workers who commute on a daily basis to be ineligible for adjustment of status. Express provision is made at section 210(a)(4) that aliens granted temporary resident status may commute from a residence abroad. It is abundantly clear in the legislative history that, in passing section 210, Congress was addressing the needs of producers of perishable commodities who have come to rely heavily on the existence of an undocumented workforce. Producers of perishable commodities along the border have been at least as dependent

on such labor as producers in the interior. We have not found in the legislative history an indication that such producers, a significant portion of whose workforce commutes on a daily basis, are for that or any other reason meant to be less favored.

The definition of the term "man-day" has been expanded to include the statutory provision that "... performance of seasonal agricultural services in the United States for more than one employer on any one day shall be counted as performance of services for only 1 man-day."

Several commentors stated that the proposed rule definition of a nonfrivolous application is overly stringent, that documentary evidence should not be required to support a nonfrivolous application, and that applicants' testimony alone should be sufficient to demonstrate that an application is nonfrivolous. One commentor stated that an application should be regarded as nonfrivolous only if the applicant demonstrates that he or she meets all affirmative qualifications and is not ineligible due to any disqualifications.

Generally, those commentors who view the proposed rule definition as overly restrictive premise their position on language in the Conference Managers' Report which relates to the establishment of a "nonfrivolous case of eligibility." It is the interpretation of INS that the criteria stated in the Conference Managers' Report apply only to the provisions of section 210(d)(1) of the Act, which provides a temporary stay of exclusion or deportation and work authorization to aliens apprehended before the application period, who "can establish a nonfrivolous case of eligibility. . . ." The Service has adopted and applied these criteria to persons apprehended between enactment of IRCA and the beginning of the application period. Neither the Conference Managers' Report nor any other legislative history provides guidelines concerning a "nonfrivolous application," which is a new standard set at section 210(d)(2) of the Act for qualification for a temporary stay of exclusion or deportation and work authorization during the application period. Given the difference in statutory terminology, it is the Service's interpretation that a "nonfrivolous case of eligibility" and a "nonfrivolous application" constitute distinct and different standards. The situations of an alien who is apprehended before the application period and one who files an application are clearly different. The former is not in a position to do more

than make a declaration. An alien who files an application has had time to more carefully consider his claim and to obtain corroborating evidence. It is the opinion of the Service that the proposed rule definition of a nonfrivolous application, which requires payment of the application fee and documentary evidence of eligibility, is reasonable. This definition attempts to strike a balance between facilitating the issuance of work authorization and limiting such issuance to those for whom Congress intended this benefit.

Sixty-nine commentors urged that 13 various products or classes of products be classified as "other perishable commodities". One commentor stated that INS is not bound to accept regulations issued by the Secretary of Agriculture if such regulations are plainly contrary to the provisions or spirit of IRCA. It is the Service's interpretation of section 210(h) of the Act that it is the authority of the Secretary of Agriculture to define "other perishable commodities" for the purposes of IRCA and not that of Attorney General. On April 22, 1987, the Secretary of Agriculture published in the Federal Register, a proposed rule defining "seasonal agricultural services" as it appears in IRCA which contains a definition of "other perishable commodities" (52 FR 13248). The Secretary of Agriculture has been provided the comments received by INS on this issue. Interested parties should direct any further comments to the Secretary of Agriculture at the address provided in his proposed rule. No definition of "other perishable commodities" appears in this rule.

The definition of an "overseas processing office" has been amended to accommodate the Department of State's organization and procedures for the overseas processing of SAW applications. One commentor suggested that consular personnel should not be empowered to approve applications for special agricultural worker status but should be required to refer applications deemed approvable to INS for a final decision. Based on discussions between the Service and the Department of State, this is the procedure which will be implemented. Overseas processing offices will recommend approval of or deny applications for adjustment of status under section 210. Applicants who present applications which are recommended for approval will be admitted to the United States to present their applications at legalization offices for forwarding to regional processing facilities for a final determination. An exception to this procedure will occur if

a consular officer has reason to believe that the applicant may have a criminal record. In such a case, the alien will not be admitted to the United States until the results of relevant record checks are known.

Numerous commentors provided suggestions as to specific programs or forms of assistance which should or should not be regarded as "public cash assistance." The Service believes that the proposed rule definition is an accurate interpretation of the provisions of IRCA. Several commentors stated that it was inappropriate to regard public cash assistance received by immediate family members as having been received by an applicant for the purpose of this rule. However, if the dependents, including U.S. citizens, of an applicant qualify for such assistance based on the applicant's inability to adequately provide for their support, and if the assistance received by these persons is required for the maintenance of the applicant's household or subsistence of its members, the Service may regard receipt of such assistance as constituting reliance on public cash assistance on the applicant's part dependent on the amount of assistance received and/or the length of the period of time over which it is received. With the exception of the listing of Medicaid as a program which does not constitute public cash assistance, the proposed rule definition will stand.

Numerous commentors suggested changes in the Service's definition of "qualifying agricultural employment" or suggested that the Secretary of Agriculture, rather than the Attorney General, is authorized to formulate that definition. The Service has removed the proposed rule definition of qualifying agricultural employment and has substituted a reference to "seasonal agricultural services" from section 210(h) of the Act. The Secretary of Agriculture has issued a proposed rule defining "seasonal agricultural services" which contains a definition of "field work". When finalized after comment, this rule will govern qualifying employment.

The proposed rule definition of "subject to an order to show cause" has been removed in that, as pointed out by one commentor, that term appears nowhere else in this rule.

Two commentors suggested that the provision of § 210.2(a)(2) requiring that applicants for Group 1 classification so endorse their applications is unfair and obstructive. The provision is designed merely to permit applicants for that classification to signal their claim to Group 1 eligibility and to permit

examiners to readily identify such claims. Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker, is similar to other Service applications for alternative benefits, with blocks to be checked to identify the exact benefit sought.

Several commentors suggested a change to the language of section 210(a)(3) relative to the tracking of Group 1 numerical limitations. The language of this provision has been amended to more accurately describe the standard for limiting the number of Group 1 applications.

Two commentors suggested that § 210.2(b)(1) be amended to reduce the amount of time given qualified designated entities (QDEs) to forward applications to the Service. The language of this section has been amended to clarify its intent that QDEs must forward applications within 60 days from the date the applicant gives consent for such forwarding rather than the date they receive a completed application. This allows time after filing with a QDE for an application to be perfected before it is filed with the Service.

Several commentors stated that the Service has no statutory authority to impose a 30-day filing deadline on aliens apprehended before the application period and released from Service custody based on establishment of a noncontroversial case of eligibility for adjustment of status under section 210 of the Act. However, section 210(d)(1) of the Act expressly provides that the stay of exclusion and deportation and the work authorization provided to such persons extends only through the first 30 days of the application period. They are therefore required to file applications within that 30-day period. If they fail to do so, they are subject to issuance of an order to show cause and warrant of arrest or to the execution of any outstanding warrant of arrest or order of deportation.

One hundred and thirty commentors stated that the provision of § 210.2(c)(1) of the proposed rule that persons who were not in the United States upon enactment of IRCA or who departed subsequent to enactment cannot file applications in the United States but must file overseas is inconsistent with section 210(d) of the Act and the legislative history of IRCA. Numerous commentors foresaw disruption of the agricultural labor force and possible crop losses if the proposed rule provision was not changed. One commentor supported this provision. This rule provides that aliens who entered the United States before May 1, 1987 can file applications for special

agricultural worker status in the United States. Aliens who were outside the United States on or after May 1, 1987 are still required to file applications at overseas processing offices. However, under this rule appreciation filed overseas will be received, processed, referred to the Service or denied. An applicant whose application is recommended for approval and referred to the Service will be able to proceed immediately to a legalization office in the United States for issuance of Form I-688A, Employment Authorization. These modifications avoid the disruption of ongoing agricultural activity which might result from requiring workers currently engaged in agricultural employment to depart the United States to file applications and allow for the earliest possible admission of overseas applicants.

Several comments were offered on the provisions of § 210.2(c)(2) governing applications in the United States. These included a suggestion that the language of this section be clarified to show that it applies to applications received from QDEs; that cash and personal checks be accepted for filing fees; and that filing by mail and in person be permitted in all districts. The language of this provision has been modified to clarify QDE filing procedures. The provision requiring payment of fees by money order or certified check is intended to ensure the efficiency of the special agricultural worker program by eliminating the problems of default on personal checks and the need for security created by the handling of currency. Also, district directors will retain the discretion to set modes of filing in legalization offices under their jurisdiction in order to best respond to the great variance in workloads and case characteristics anticipated among legalization offices. The provisions of § 210.2(c)(3) governing overseas applications have been expanded to include more detailed information concerning consular authority, organization, and procedures for overseas processing of applications for special agricultural worker status.

One commentor suggested that § 210.2(d) of the proposed rule, which provides for an interview of applicants, be amended to require written notice of the time and place of interview in all cases. Such a notice will be provided to all applicants scheduled for interview. It is, however, obviously infeasible for walk-in cases.

One commentor suggested that § 210.2(e) of the proposed rule governing medical examinations be amended to require testing for AIDS to safeguard the public health and prevent aliens afflicted with that disease from

becoming public charges. However, section 234 of the Act provides that the physical and mental examination of aliens, to include guidelines for such examination, is a matter under the jurisdiction of the Secretary of Health and Human Services.

Several commentors suggested that § 210.2(f)(3) of the proposed rule governing the use of application information be modified to provide assurances that evidence of eligibility provided to applicants by other parties, such as employers, is covered by the confidentiality provisions. Clarifying language has been added to this provision, now at § 210.2(e)(3). The position of the Service is that all information provided with an application is covered by the confidentiality provisions of section 210(b)(8) of the Act other than false or fraudulent statements or evidence as described in section 210(b)(7) of the Act.

Several commentors suggested that the Service is without statutory authority to effect the provision of § 210.2(f)(4) of the proposed rule that an order to show cause and warrant of arrest can be issued in cases involving violation(s) of section 210(b)(7) of the Act. This provision, now at § 210.2(e)(4), has been modified to state that an order to show cause and warrant of arrest can be issued in cases where prosecution is declined and the matter is returned to the Service by an United States Attorney for initiation of deportation proceedings in lieu of prosecution.

Several commentors suggested that § 210.2(g) of the proposed rule governing decisions on special agricultural worker cases be modified to require a notice of intent in denial cases and a copy of the decision to attorneys or representatives in all cases. This provision, now at § 210.2(f), has been amended to provide for a copy of decisions to attorneys and representatives. The administrative process includes an appeal mechanism as required by statute. A notice of intent procedure would create an unwarranted additional adjudicative process and will therefore not be adopted.

The language of § 210.2(h) of the proposed rule, governing motions has been amended to include overseas processing offices and to otherwise clarify the provisions of this rule for, now at § 210.2(g), motions to reopen or reconsider.

Several commentors suggested that the provisions of § 210.2(e) be amended to provide derivative status for family members of eligible aliens or to clarify the eligibility of in-status nonimmigrants for special agricultural worker status. There is no statutory authority for the

creation of derivative special agricultural worker status, nor is there any provision in IRCA or this rule to preclude nonimmigrants from eligibility for adjustment of status under section 210 of the Act.

Several commentors stated that the provisions of § 210.3(b) governing proof of eligibility, which require documentary evidence of eligibility other than applicant testimony, are overly restrictive and inconsistent with the presumption in favor of worker evidence suggested by the legislative history of IRCA. One commentor stated that the provision of § 210.3(b)(3) that an application may be denied if the evidence presented is deemed insufficient and cannot be corroborated, violates section 210(b)(3)(B) of the Act which provides that the burden of proof shifts to the Service if an applicant provides evidence establishing a just and reasonable inference of eligibility. That Congress intended that applications for adjustment of status under section 210 of the Act be supported by documentary evidence is shown by the language of the Conference Managers' Report which provides that to establish a nonfrivolous case of eligibility, applicants must, in addition to attesting to their eligibility, "... (identify) the type or nature of documentation they intend to adduce to make the necessary showing ..." An applicant who provides evidence which is insufficient per se to establish a just and reasonable inference of eligibility and which cannot be corroborated, has not caused the reallocation of the burden of proof to the Service. To provide that the application filed in such a case may be denied is therefore not violative of section 210(b)(3)(B) of the Act. As suggested by several commentors, this provision has been amended by inclusion of the statutory burden of proof provisions.

Several commentors objected to the provision of § 210.3(c) requiring submission of original documents wherever possible. Several commentors noted that this provision is consistent with Congressional concern over fraud in the application process. Fraudulent attempts to gain permanent resident status through this program must be anticipated. This provision is regarded as necessary to prevent fraud. Several minor technical amendments have been made, including a provision that available original documents must be provided at the time of interview, although mailed-in applications may be supported by certified copies of such original documents.

One commentor noted that the provision of an exclusive list of forms of proof of identity at § 210.3(c)(1) would preclude submission of alternative evidence proving identity and suggested inclusion of a final general provision in the list of evidence by preference. This suggestion has been adopted.

Several commentors suggested that the distinction between primary and secondary evidence of employment provided at § 210.3(c)(3) be deleted. This suggestion has been adopted. Several commentors stated that the provisions of this section are overly burdensome in a manner inconsistent with the legislative history of IRCA. However, they are consistent both with the Service's interpretation that documentary evidence of eligibility is required and with the Service's mandate to prevent fraud in the application process.

Several commentors suggested that the provisions of § 210.3(c)(5) governing proof of financial responsibility be amended to include an expanded or universal requirement that applicants submit proof of non-receipt of public cash assistance. Other commentors suggested that the Service's authority to require such proof be restricted or eliminated. The Service regards the rule as written as a proper interpretation of the statute.

Two commentors suggested that the inclusion under § 210.3(d) of persons who have engaged in the persecution of others exceeds the Service's authority under the statute. This is correct and this provision therefore has been removed. However, exchange visitors subject to the provisions of section 212(e) of the Act remain included in the class of persons ineligible for adjustment of status under section 210 of the Act. If such persons are subject to the foreign residence requirement and have not received a waiver of that requirement, they are not admissible as immigrants and are therefore precluded from eligibility under section 210(a)(1)(C) of the Act.

Several commentors objected to the provisions of § 210.3(d)(3) and (4) including in the class of ineligible persons those who have failed to file within certain deadlines. Section 210.3(d)(3) will stand based on the explanation provided in response to comments on § 210.2(b)(2) of this rule. Section 210.3(d)(4) of the proposed rule which imposed a 30-day filing requirement on aliens apprehended after June 1, 1987, has been deleted.

Section 210.3(e)(2) has been amended to more precisely describe the role of overseas processing offices in the

processing of waivers of grounds of exclusionability.

One commentor suggested that the language relating to the special rule for determining public charge provided in proposed rule § 245a.2(k)(4) be adopted at § 210.3(e)(3). This language has been added to this rule. As was the case in relation to § 210.3(c)(5), comment on this section was divided between those favoring a more liberal standard and those favoring a more restrictive one. The standard set remains basically unchanged from the proposed rule.

Several commentors suggested that § 210.4 be amended to include a provision conforming to section 210(f) of the Act to stipulate the precise forms of aid for which aliens whose status is adjusted under section 210 would be ineligible. However, the statute states that Aid to Families with Dependent Children is the sole program for which such aliens are ineligible for five years after adjustment to temporary resident status. The Service believes that the statutory language is clear on its face and does not require regulatory construction.

Several commentors suggested various modifications to the criteria and procedures set at § 210.4(b)(2) for the granting of employment authorization. The Service regards the proposed rule provisions as proper.

Several commentors urged a change in the provision of § 210.4(b)(3) that applicants must return to the office where they were interviewed in order to receive a temporary resident card. However, a change in card issuance procedures would cause significant logistical and administrative difficulties which would threaten the overall efficiency of the legalization and special agricultural worker programs and result in other inconveniences to applicants.

One commentor suggested that the provision of § 210.4(c) that temporary residents who obtain that status under section 210 of the Act are not entitled to submit relative visa petitions is incorrect. The Service interprets section 210(e)(5) of the Act to the contrary.

Several commentors suggested that the termination provisions of section 210(d) are violative of section 242 of the Act. These provisions have been amended to render termination of temporary resident status automatic upon a final order of deportation.

Several commentors objected to the provisions of § 210.5(b) that a determination that an alien has maintained temporary resident status be made before his or her status may be adjusted to that of a permanent resident. The Service regards a brief review of

eligibility, admissibility, and presence in the U.S. as a wholly appropriate and necessary part of the process of adjusting aliens to full permanent resident status. Section 210.5(a) has been amended to conform to the revised overseas processing procedures.

Approved overseas applicants will be adjusted to temporary resident status as of the date they enter the United States. Therefore, approved applicants who enter after the application period will be adjusted to permanent resident status one or two years (Group 1 or 2, respectively) following their date of adjustment to temporary resident status. The language of § 210.5(b)(2) has been amended to render it consistent with the revised provisions for termination of temporary resident status at § 210.4(d).

In order to permit prospective applicants to prepare to file Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker, was prepared and distributed before the development of this final rule. Certain instructions and items on Form I-700 are therefore inconsistent with the final rule. These are as follows:

1. Instruction number 1 states that aliens must have been in the United States since November 6, 1966, to file applications in the United States. Under this rule, aliens who were in the United States prior to May 1, 1967, may file applications in the United States.

2. Instruction number 4 states that an alien who has assisted in the persecution of others is ineligible for special agricultural status. Though aliens who have assisted in the persecution of others may be excludable under certain provisions of section 212(a) of the Act, assistance in persecution per se no longer constitutes an automatic ground of ineligibility. Item 24 will be deleted.

3. Instruction number 7 states that applicants outside the United States may be fingerprinted at United States consulates. However, overseas processing offices will only require the submission of fingerprints in cases where consular offices have reason to believe a criminal/national security background check should be initiated.

4. Instruction number 9 states that all documents must be submitted in the original. This rule requires the submission of original documents "whenever possible" at the time of interview. They need not accompany mailed-in applications, which can be supported with certified copies of original documents.

1. Item 23 will be amended to inquire as to receipt of public cash assistance by family members.

A revised Form I-700 is currently being developed. In the interim, an addendum to Form I-700 will be distributed to ensure that correct information regarding eligibility and documentary requirements is available to applicants.

In accordance with 5 U.S.C. 606(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This is not a major rule as defined within the meaning of section 1(b) of EO 12291.

The information collection requirements contained in this regulation have been cleared by OMB under the Paperwork Reduction Act.

List of Subjects in 8 CFR Part 210

Aliens, Permanent resident status, Reporting and recordkeeping requirements, Temporary resident status.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended by adding a new Part 210 to read as follows:

PART 210—SPECIAL AGRICULTURAL WORKERS

- Sec.
210.1 Definition of terms used in this part.
210.2 Application for Temporary Resident Status.
210.3 Eligibility.
210.4 Status and Benefits.
210.5 Adjustment to Permanent Resident Status.

Authority: Pub. L. 96-603, 100 Stat. 5330, 3 U.S.C. 1101 note.

§ 210.1 Definition of terms used in this part.

(a) *Act.* The Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986.

(b) *Application period.* The 18-month period during which an application for adjustment of status to that of a temporary resident may be accepted, begins on June 1, 1967, and ends on November 30, 1986.

(c) *Complete application.* A complete application consists of an executed Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker, evidence of qualifying agricultural employment and residence, a report of medical examination, and the prescribed number of photographs. An application is not complete until the required fee has been paid and recorded.

(d) *Determination process.* Determination process as used in this part means reviewing and evaluating all

information provided pursuant to an application for the benefit sought and making a determination thereon. If fraud, willful misrepresentation of a material fact, a false writing or document, or any other activity prohibited by section 210(b)(7) of the Act is discovered during the determination process the Service shall refer the case to a U.S. Attorney for possible prosecution and/or issue an Order to Show Cause and Warrant of Arrest as provided in § 210.2(e)(4) of this part.

(e) *Family unity.* The term "family unity" as used in section 210(c)(2)(B)(i) of the Act means maintaining the family group without deviation or change. The family group shall include the spouse, unmarried minor children who are not members of some other household, and parents who reside regularly in the household of the family group.

(f) *Group 1.* Special agricultural workers who have performed qualifying agricultural employment in the United States for at least 90 man-days in the aggregate in each of the twelve-month periods ending on May 1, 1984, 1985, and 1986, and who have resided in the United States for six months in the aggregate in each of those twelve-month periods.

(g) *Group 2.* Special agricultural workers who during the twelve-month period ending on May 1, 1986 have performed at least 90 man-days in the aggregate of qualifying agricultural employment in the United States.

(h) *Legalization Office.* Legalization offices are local offices of the Immigration and Naturalization Service which accept and process applications for legalization or special agricultural worker status, under the authority of the district directors in whose districts such offices are located.

(i) *Man-day.* The term "man-day" means the performance during any day of not less than one hour of qualifying agricultural employment for wages paid. If employment records relating to an alien applicant show only piece rate units completed, then any day in which piece rate work was performed shall be counted as a man-day. Work for more than one employer in a single day shall be counted as no more than one man-day for the purposes of this part.

(j) *Nonfrivolous application.* A complete application will be determined to be nonfrivolous at the time the applicant appears for an interview at a legalization or overseas processing office if it contains: (1) Evidence or information which shows on its face that the applicant is admissible to the United States or, if inadmissible, that the

applicable grounds of excludability may be waived under the provisions of section 210(c)(2)(i) of the Act, and (2) evidence or information which shows on its face that the applicant performed at least 90 man-days of employment in seasonal agricultural services during the twelve-month period from May 1, 1985 through May 1, 1986, and (3) documentation which establishes a reasonable inference of the performance of the seasonal agricultural services claimed by the applicant.

(k) *Overseas processing office.* Overseas processing offices are offices outside the United States at which applications for adjustment to temporary resident status as a special agricultural worker are received, processed, referred to the Service for adjudication or denied. The Secretary of State has designated diplomatic and consular offices for this purpose as follows: In Mexico: The Embassy at Mexico City and Consulate General at Monterrey; in all other countries: The immigrant visa issuing office at which the alien, if an applicant for an immigrant visa, would make such application. Consular officers assigned to such offices are authorized to recommend approval of an application for special agricultural worker status to the Service if the alien establishes eligibility for approval and to deny such an application if the alien fails to establish eligibility for approval or is found to have committed fraud or misrepresented facts in the application process.

(l) *Public cash assistance.* Public cash assistance means income or needs-based monetary assistance. This includes but is not limited to supplemental security income received by the alien or his immediate family members through federal, state, or local programs designed to meet subsistence levels. It does not include assistance in kind, such as food stamps, public housing, or other non-cash benefits, nor does it include work-related compensation or certain types of medical assistance (Medicare, Medicaid, emergency treatment, services to pregnant women or children under 18 years of age, or treatment in the interest of public health).

(m) *Qualified designated entity.* A qualified designated entity is any state, local, church, community, or voluntary agency, farm labor organization, association of agricultural employers or individual designated by the Service to assist aliens in the preparation of applications for Legalization and/or Special Agricultural Worker status.

(n) *Qualifying agricultural employment.* Qualifying agricultural

employment means the performance of "seasonal agricultural services" as found at section 210(h) of the Act and as defined in regulations by the Secretary of Agriculture.

Note.—Regulatory definition will be provided by the Department of Agriculture and published by the Immigration and Naturalization Service as an amendment to this regulation.

(o) *Regional processing facility.* Regional Processing Facilities are Service offices established in each of the four Service regions to adjudicate, under the authority of the Directors of the Regional Processing Facilities, applications for adjustment of status under sections 210 and 245a of the Act.

(p) *Service.* The Immigration and Naturalization Service (INS).

(q) *Special agricultural worker.* Any individual granted temporary resident status in the Group 1 or Group 2 classification or permanent resident status under section 210(a) of the Act.

§ 210.2 Application for temporary resident status.

(a)(1) *Application for temporary resident status.* An alien agricultural worker who believes that he or she is eligible for adjustment of status under the provisions of § 210.3 of this part may file an application for such adjustment at a qualified designated entity, at a legalization office, or at an overseas processing office outside the United States. Such application must be filed within the application period except that an alien described in paragraph (b)(2) of this section must file such application during the period specified therein.

(2) *Application for Group 1 status.* An alien who believes that he or she qualifies for Group 1 status as defined in § 210.1(f) of this part and who desires to apply for that classification must so endorse his or her application at the time of filing. Applications not so endorsed will be regarded as applications for Group 2 status as defined in § 210.1(g) of this part.

(3) *Numerical limitations.* The numerical limitations of sections 201 and 202 of the Act do not apply to the adjustment of aliens to lawful temporary or permanent resident status under section 210 of the Act. No more than 350,000 aliens may be granted temporary resident status in the Group 1 classification. If more than 350,000 aliens are determined to be eligible for Group 1 classification, the first 350,000 applicants, in chronological order by date the application is filed at a legalization or overseas processing office, whose applications are approved for Group 1 status shall be accorded that classification. Other applicants who

may be eligible for Group 1 classification shall be classified as Group 2 aliens. There is no limitation on the number of aliens whose resident status may be adjusted from temporary to permanent in Group 2 classification.

(b) *Filing date of application.*—(1) *General.* The date the alien submits an application to a qualified designated entity, legalization office or overseas processing office shall be considered the filing date of the application, provided that in the case of an application filed at a qualified designated entity the alien has consented to have the entity forward the application to a legalization office. Qualified designated entities are required to forward completed applications to the appropriate legalization office within 60 days after the applicant gives consent for such forwarding. Except as provided in paragraph (b)(2) of this section, applications must be filed no later than November 30, 1988.

(2) *Filing date for eligible aliens apprehended prior to the application period.* An alien who was apprehended by the Service on or after November 8, 1986 and prior to June 1, 1987, who is eligible to file an application in the United States under paragraph (c)(1) of this section and who was released from Service custody based on a nonfrivolous claim to eligibility for adjustment of status under section 210 of the Act must file an application for adjustment of status during the period beginning on June 1, 1987 and ending on June 30, 1987. This limitation does not apply to aliens who file overseas.

(c) *Filing of application.*—(1) *General.* The application must be filed on Form I-700 at a qualified designated entity, at a legalization office, or at an overseas processing office. Only aliens who were physically present in the United States before May 1, 1987 may file applications in the United States. Aliens who were not present in the United States prior to May 1, 1987 must file an application at the overseas processing office having jurisdiction over their current foreign residence, or, if they are currently in the United States, at the overseas processing office having jurisdiction over the place of their last foreign residence prior to coming to the United States.

(2) *Applications in the United States.* (i) The application must be filed on Form I-700 with the required fee and, if the applicant is 14 years or older, the application must be accompanied by a completed Form FD-258 (Fingerprint Card).

(ii) All fees for applications filed in the United States must be submitted in

the exact amount in the form of a money order, cashier's check, or bank check made payable to the Immigration and Naturalization Service. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances.

(iii) In the case of an application filed at a legalization office, including an application received from a qualified designated entity, the district director may, at his or her discretion, require filing either by mail or in person, or may permit filing in either manner. The applicant must appear at the legalization office as scheduled.

(iv) Each applicant, regardless of age, must appear at the appropriate Service legalization office and must be fingerprinted for the purpose of issuance of Form I-688. Each applicant shall be interviewed by an immigration officer, except that the interview may be waived when it is impractical because of the health of the applicant.

(5) *Filing at overseas processing offices.*

(i) The application must be filed on Form I-700 and must include a complete State Department Form OF-179 (Biographic Data for Visa Purposes).

(ii) Every applicant must appear at the appropriate overseas processing office to be interviewed by a consular officer. The overseas processing office will inform each applicant of the date and time of the interview. At the time of the interview every applicant shall submit the required fee.

(iii) All fees for applications submitted to an overseas processing office shall be submitted in United States currency, or in the currency of the country in which the overseas processing office is located. Fees will not be waived or refunded under any circumstances.

(iv) An applicant at an overseas processing office whose application is recommended for approval shall be provided with an entry document attached to the applicant's file. Upon admission to the United States, the applicant shall proceed to a legalization office for presentation or completion of Form FD-256 (Fingerprint Card), presentation of the applicant's file and issuance of the employment authorization Form I-688A.

(d) *Medical examination.* An applicant under this part must be examined at no expense to the government by a designated civil surgeon or, in the case of an applicant abroad, by a physician or clinic designated to perform medical examinations of immigrant visa applicants. The medical report setting forth the findings concerning the mental and physical condition of the applicant

shall be incorporated into the record. Any applicant certified under paragraphs (1), (2), (3), (4), or (5) of section 212(a) of the Act may appeal to a Board of Medical Officers of the U.S. Public Health Service as provided in section 234 of the Act and Part 235 of this chapter.

(e) *Limitation on access to information and confidentiality.* (1) Except for consular officials engaged in the processing of applications overseas and employees of a qualified designated entity where an application is filed with that entity, no person other than a sworn officer or employee of the Department of Justice or bureau or agency thereof, will be permitted to examine individual applications. For purposes of this part, any contract personnel employed by the Service to work in connection with the legalization program shall be considered an "employee of the Department of Justice or bureau or agency thereof."

(2) Files and records prepared by qualified designated entities under this section are confidential. The Attorney General and the Service shall not have access to these files and records without the consent of the alien.

(3) All information furnished pursuant to an application for temporary resident status under this part including documentary evidence filed with the application shall be used only in the determination process or to enforce the provisions of section 210(b)(7) of the Act, relating to fraud and false statements in applications as provided in paragraph (e)(4) of this subsection.

(4) If a determination is made by the Service that the alien has, in connection with his or her application, engaged in fraud or willful misrepresentation or concealment of a material fact, knowingly provided a false writing or document in making his or her application, knowingly made a false statement or representation, or engaged in any other activity prohibited by section 210(b)(7) of the Act, the Service shall refer the matter to the U.S. Attorney for prosecution of the alien or any person who created or supplied a false writing or document for use in an application for adjustment of status under this part. If prosecution is declined, the Service may issue an order to show cause and warrant of arrest if the United States Attorney returns the matter to the Service for initiation of deportation proceedings in lieu of prosecution.

(f) *Decision.* The applicant shall be notified in writing of the decision and, if the application is denied, of the reason(s) therefor. Appeal from an adverse decision under this part may be

taken by the applicant, including an overseas applicant on Form I-694, in accordance with the provisions of § 103.3(a)(2) of this chapter. An applicant for Group 1 status as defined in § 210.1(f) of this part who is determined to be ineligible for that status may be classified as a temporary resident under Group 2 as defined in § 210.1(g) of this part if otherwise eligible for Group 2 status. In such a case the applicant shall be notified of the decision to accord him or her Group 2 status and to deny Group 1 status. He or she is entitled to file an appeal in accordance with the provisions of § 103.3(a)(2) of this chapter from that portion of the decision denying Group 1 status. In the case of an applicant who is represented in the application process by a qualified designated entity, or other entity or individual, the applicant's representative shall also receive notification of decisions specified in this section.

(g) *Motions.* In accordance with the provisions of § 103.3(b) of this chapter, the director of a regional processing facility or a consular officer at an overseas processing office may *sua sponte* reopen any proceeding under this part under his or her jurisdiction and reverse any adverse decision in such proceeding when appeal is taken under § 103.3(a)(2) of this part from such adverse decision; the Associate Commissioner, Examinations, and the Chief of the Administrative Appeals Unit may *sua sponte* reopen any proceeding conducted by that unit under this part and reconsider any decision rendered in such proceeding. The decision must be served on the appealing party within forty-five (45) days of receipt of any briefs and/or new evidence, or upon expiration of the time allowed for the submission of any briefs. Motions to reopen a proceeding or reconsider a decision shall not be considered under this part.

(h) *Certifications.* The regional processing facility director may, in accordance with section 103.4 of this chapter, certify a decision to the Associate Commissioner, Examinations when the case involves an unusually complex or novel question of law or fact. A consular officer assigned to an overseas processing office is authorized to certify a decision in the same manner and upon the same basis.

§ 210.3 *Eligibility.*

(a) *General.* An alien who, during the twelve-month period ending on May 1, 1986, has engaged in qualifying agricultural employment in the United States for at least 90 man-days is

eligible for status as an alien lawfully admitted for temporary residence if otherwise admissible under the provisions of section 210(c) of the Act and if he or she is not ineligible under the provision of subsection (d) of this section.

(b) *Proof of eligibility.*—(1) *Burden of proof.* An alien applying for adjustment of status under this part has the burden of proving by a preponderance of the evidence that he or she has worked the requisite number of man-days, is admissible to the United States under the provisions of section 210(c) of the Act, is otherwise eligible for adjustment of status under this section and in the case of Group 1 applicant, has resided in the United States for the requisite periods. If the applicant cannot provide documentation which shows qualifying employment for each of the requisite man-days, or in the case of a Group 1 applicant, which meets the residence requirement, the applicant may meet his or her burden of proof by providing documentation sufficient to establish the requisite employment or residence as a matter of just and reasonable inference. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification as set forth in paragraphs (b) (2) and (3) of this section. If an applicant establishes that he or she has in fact performed the requisite qualifying agricultural employment by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference, the burden then shifts to the Service to disprove the applicant's evidence by showing that the inference drawn from the evidence is not reasonable.

(2) *Evidence.* The sufficiency of all evidence produced by the applicant will be judged according to its probative value and credibility. Original documents will be given greater weight than copies. To meet his or her burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. Analysis of evidence submitted will include consideration of the fact that work performed by minors and spouses is sometimes credited to a principal member of a family.

(3) *Verification.* Affidavits and other personal testimony by an applicant which are not corroborated, in whole or in part, by other credible evidence (including testimony of persons other than the applicant) will not serve to meet an applicant's burden of proof. All evidence of identity, qualifying employment, admissibility, and eligibility submitted by an applicant for

adjustment of status under this part will be subject to verification by the Service. Failure by an applicant to release information protected by the Privacy Act or related laws when such information is essential to the proper adjudication of an application may result in denial of the benefit sought. The Service may solicit from agricultural producers, farm labor contractors, collective bargaining organizations and other groups or organizations which maintain records of employment, lists of workers against which evidence of qualifying employment can be checked. If such corroborating evidence is not available and the evidence provided is deemed insufficient, the application may be denied.

(c) *Documents.* A complete application for adjustment of status filed under this part must be accompanied by proof of identity, evidence of qualifying employment, evidence of residence and such evidence of admissibility or eligibility as is required hereunder and as may be requested by the examining immigration officer in accordance with such requirement. At the time of filing, certified copies of documents may be submitted in lieu of originals. However, at the time of the interview, wherever possible, the original documents must be presented except for the following: Official government records; employment or employment related records maintained by employers, unions, or collective bargaining organizations; medical records; school records maintained by a school or school board; or other records maintained by a party other than the applicant. Copies of records maintained by parties other than the applicant which are submitted in evidence must be certified as true and correct by such parties and must bear their seal or signature or the signature and title of persons authorized to act in their behalf. If at the time of the interview the return of original documents is desired by the applicant, they must be accompanied by notarized copies or copies certified true and correct by a qualified designated entity or by the alien's representative in the format prescribed in § 204.2(j) (1) or (2) of this chapter. At the discretion of the district director or consular officer, original documents, even if accompanied by certified copies, may be temporarily retained for further examination.

(1) *Proof of identity.* Evidence to establish identity is listed below in descending order of preference:

- (i) Passport
- (ii) Birth certificate;

(iii) Any national identity document from a foreign country bearing a photo and/or fingerprint (e.g., "ceuda", "cartilla", "carte d'identite," etc.);

(iv) Driver's license or similar document issued by a state if it contains a photo;

(v) Baptismal record or marriage certificate;

(vi) Affidavits, or

(vii) Such other documentation which may establish the identity of the applicant.

(2) *Assumed names.*—(i) *General.* In cases where an applicant claims to have met any of the eligibility criteria under an assumed name, the applicant has the burden of proving that the applicant was in fact the person who used that name.

(ii) *Proof of common identity.* The most persuasive evidence is a document issued in the assumed name which identifies the applicant by photograph, fingerprint or detailed physical description. Other evidence which will be considered are affidavit(s) by a person or persons other than the applicant, made under oath, which identify the affiant by name and address and state the affiant's relationship to the applicant and the basis of the affiant's knowledge of the applicant's use of the assumed name. Affidavits accompanied by a photograph which has been identified by the affiant as the individual known to the affiant under the assumed name in question will carry greater weight. Other documents showing the assumed name may serve to establish the common identity when substantiated by corroborating detail.

(3) *Proof of employment.* The applicant may establish qualifying employment through government employment records, or records maintained by agricultural producers, farm labor contractors, collective bargaining organizations and other groups or organizations which maintain records of employment, or such other evidence as worker identification issued by employers or collective bargaining organizations, union membership cards or other union records such as dues receipts or records of the applicant's involvement or that of his or her immediate family with organizations providing services to farmworkers, or work records such as pay stubs, piece work receipts, W-2 Forms or certification of the filing of Federal income tax returns on IRS Form 8166, or state verification of the filing of state income tax returns. Affidavits may be submitted under oath, by agricultural producers, foremen, farm labor contractors, union officials, fellow employees, or other persons with

specific knowledge of the applicant's employment. The affidavit must be identified by name and address; the name of the applicant and the relationship of the affiant to the applicant must be stated; and the source of the information in the affidavit (e.g., personal knowledge, reliance on information provided by others, etc.) must be indicated. The affidavit must also provide information regarding the crop and the type of work performed by the applicant and the period during which such work was performed. The affiant must provide a certified copy of corroborating records or state the affiant's willingness to personally verify the information provided. The weight and probative value of any affidavit accepted will be determined on the basis of the substance of the affidavit and any documents which may be affixed thereto which may corroborate the information provided.

(4) *Proof of residence.* Evidence to establish residence in the United States during the requisite period(s) includes: Employment records as described in paragraph (c)(3) of this section; utility bills (gas, electric, phone, etc.), receipts, or letters from companies showing the dates during which the applicant received service; school records (letters, report cards, etc.) from the schools that the applicant or his or her children have attended in the United States showing the name of school, name and, if available, address of student, and periods of attendance, and hospital or medical records showing similar information; attestations by churches, unions, or other organizations to the applicant's residence by letter which: identify applicant by name, are signed by an official (whose title is shown), show inclusive dates of membership, state the address where applicant resided during the membership period, include the seal of the organization impressed on the letter, establish how the author knows the applicant, and the origin of the information; and additional documents that could show that the applicant was in the United States at a specific time, such as: Money order receipts for money sent out of the country; passport entries; birth certificates of children born in the United States; bank books with dated transactions; letters of correspondence between the applicant and another person or organization; Social Security card; Selective Service card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, contracts to which applicant has been a party; tax receipts; insurance policies, receipts, or letters; and any other

document that will show that applicant was in the United States at a specific time. For Group 2 eligibility, evidence of performance of the required 90 mandays of seasonal agricultural services shall constitute evidence of qualifying residence.

(5) *Proof of financial responsibility.* Generally, the evidence of employment submitted under paragraph (c)(3) of this section will serve to demonstrate the alien's financial responsibility. If it appears that the applicant may be inadmissible under section 212(a)(15) of the Act, he or she may be required to submit documentation showing a history of employment without reliance on public cash assistance for all periods of residence in the United States.

(d) *Ineligible classes.* The following classes of aliens are ineligible for temporary residence under this part:

(1) An alien who at any time was a nonimmigrant exchange visitor under section 101(a)(15)(J) of the Act who is subject to the two-year foreign residence requirement unless the alien has complied with that requirement or the requirement has been waived pursuant to the provisions of section 212(e) of the Act;

(2) An alien who was in the custody of the Service or was apprehended as a deportable alien after November 8, 1966 and prior to June 1, 1967 who was determined to have a nonfrivolous claim to eligibility for adjustment of status under the provisions of section 210(d)(1) of the Act and who does not file an application for adjustment of status to that of temporary resident under this part prior to July 1, 1967;

(3) An alien excludable under the provisions of section 212(a) of the Act whose grounds of excludability may not be waived, pursuant to section 210(c)(2)(B)(ii) of the Act.

(e) *Exclusion grounds—(1) Grounds of exclusion not to be applied.* Sections (14), (20), (21), (23), and (32) of section 212(a) of the Act shall not apply to applicants applying for temporary resident status.

(2) *Waiver of grounds for exclusion.* Except as provided in paragraph (e)(3) of this section, the Service may waive any other provision of section 212(a) of the Act only in the case of individual aliens for humanitarian purposes, to assure family unity, or when the granting of such a waiver is in the public interest. If an alien is excludable on grounds which may be waived as set forth in this paragraph, he or she shall be advised of the procedures for applying for a waiver of grounds of excludability on Form I-360. When an application for waiver of grounds of

excludability is filed jointly with an application for temporary residence under this section, it shall be accepted for processing at the legalization office or overseas processing office. If an application for waiver of grounds of excludability is submitted after the alien's preliminary interview at the legalization office it shall be forwarded to the appropriate regional processing facility. All applications for waivers of grounds of excludability must be accompanied by the correct fee in the exact amount. All fees for applications filed in the United States must be in the form of a money order, cashier's check, or bank check. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances. Generally, an application for waiver of grounds of excludability under this part submitted at a legalization office or overseas processing office will be approved or denied by the director of the regional processing facility in whose jurisdiction the applicant's application for adjustment of status was filed. However, in cases involving clear statutory ineligibility or admitted fraud, such application for a waiver may be denied by the district director in whose jurisdiction the application is filed; in cases filed at overseas processing offices, such application for a waiver may be denied by a consular officer; or, in cases returned to a legalization office for reinterview, such application may be approved at the discretion of the district director. The applicant shall be notified of the decision and, if the application is denied, of the reason(s) therefor. The applicant may appeal the decision within 30 days after the service of the notice pursuant to the provisions of § 103.3(a)(2) of this chapter.

(3) *Grounds of exclusion that may not be waived.* The following provisions of section 212(a) of the Act may not be waived:

(i) Paragraphs (9) and (10) (criminals);

(ii) Paragraph (15) (public charge) except as provided in paragraph (c)(4) of this section.

(iii) Paragraph (23) (narcotics) except for a single offense of simple possession of thirty grams or less of marijuana.

(iv) Paragraphs (27), (prejudicial to the public interest), (28) (communists), and (29) (subversive);

(v) Paragraph (33) (nazi persecution).

(4) *Special rule for determination of public charge.* An applicant who has a consistent employment history which shows the ability to support himself and his or her family, even though his income may be below the poverty level, is not excludable under paragraph

(e)(3)(ii) of this section. The applicant's employment history need not be continuous in that it is uninterrupted. It should be continuous in the sense that the applicant shall be regularly attached to the workforce, has an income over a substantial period of the applicable time, and has demonstrated the capacity to exist on his or her family and maintain his or her family without reliance on public cash assistance. This regulation is prospective in that the Service shall determine, based on the applicant's history, whether he or she is likely to become a public charge. Past acceptance of public cash assistance within a history of consistent employment will enter into this decision. The weight given in considering applicability of the public charge provisions will depend on many factors, but the length of time an applicant has received public cash assistance will constitute a significant factor.

§ 210.4 Status of benefits.

(a) *Date of adjustment.* The status of an alien whose application for temporary resident status is approved shall be adjusted to that of a lawful temporary resident as of the date on which the fee was paid at a legalization office, except that the status of an alien who applied for such status at an overseas processing office whose application has been recommended for approval by that office shall be adjusted as of the date of his or her admission into the United States.

(b) *Employment and travel authorization—(1) General.*

Authorization for employment and travel abroad for temporary resident status applicants under section 210 of the Act may only be granted by a Service legalization office. In the case of an application which has been filed with a qualified designated entity, employment authorization may only be granted after a nonfrivolous application has been received at a legalization office, and receipt of the fee has been recorded.

(2) *Employment authorization prior to the granting of temporary resident status.* Permission to travel abroad and to accept employment will be granted to the applicant, after an interview has been conducted in connection with a nonfrivolous application at a legalization office. If an interview appointment cannot be scheduled within 30 days from the date an application is filed at a legalization office, authorization to accept employment will be granted valid to the scheduled appointment date. The appointment letter will be endorsed with the temporary employment authorization.

Employment authorization subsequent to an interview will be granted on Service Form I-688A, and will be restricted to six months duration, pending final determination on the application for temporary resident status. If a final determination has not been made on the application prior to the expiration date of the I-688A, that date may be extended upon return of the I-688A by the applicant to the legalization office where it was obtained.

(3) *Employment and travel authorization upon grant of temporary resident status.* Upon grant of an application for adjustment to temporary resident status by a regional processing facility, the processing facility will forward a notice of approval to the applicant at his or her last known address and to his or her qualified designated entity or representative. The applicant will be required to return to the legalization office where the application was initially received, surrender the I-688A previously issued, and will be issued Form I-688.

Temporary Resident Card, authorizing employment and travel abroad. An alien whose status is adjusted to that of a lawful temporary resident under section 210 of the Act has the right to reside in the United States, to travel abroad (including commuting from a residence abroad), and to accept employment in the United States in the same manner as aliens lawfully admitted for permanent residence.

(c) *Ineligibility for immigration benefits.* An alien whose status is adjusted to that of a lawful temporary resident under section 210 of the Act is not entitled to submit a petition pursuant to section 203(a)(2) of the Act or to any other benefit or consideration accorded under the Act to aliens lawfully admitted for permanent residence, except as provided in paragraph (b)(3) of this section.

(d) *Termination of temporary resident status—(1) General.* The temporary resident status of a special agricultural worker is terminated automatically and without notice under section 210(a)(3) of the Act upon entry of a final order of deportation by an immigration judge based on a determination that the alien is deportable under section 241 of the Act.

(2) *Surrender of Form I-688.* An alien whose status as a temporary resident has been terminated under this section shall, upon demand, promptly surrender Form I-688, Temporary Resident Card, to the district director having jurisdiction over the alien's place of

residence or, in the case of a commuter, employment.

§ 210.5 Adjustment to permanent resident status.

(a) *Eligibility and date of adjustment to permanent resident status.* The status of an alien lawfully admitted to the United States for temporary residence under section 210(a)(1) of the Act, if the alien has otherwise maintained such status as required by the Act, shall be adjusted to that of an alien lawfully admitted to the United States for permanent residence as of the following dates:

(1) *Group 1.* Aliens determined to be eligible for Group 1 classification whose adjustment to temporary residence occurred prior to November 30, 1988, shall be adjusted to lawful permanent residence as of December 1, 1989. Those aliens whose adjustment to temporary residence occurred after November 30, 1988 shall be adjusted to lawful permanent residence one year from the date of the adjustment to temporary residence.

(2) *Group 2.* Aliens determined to be eligible for Group 2 classification whose adjustment to temporary residence occurred prior to November 30, 1988, shall be adjusted to lawful permanent residence as of December 1, 1990. Those aliens whose adjustment to temporary residence occurred after November 30, 1988 shall be adjusted to lawful permanent residence two years from the date of the adjustment to temporary residence.

(b) *Maintenance of temporary resident status; ADIT processing—(1) General.* Before the status of an alien lawfully admitted for temporary residence under section 210(a)(1) of the Act can be adjusted to that of an alien lawfully admitted for permanent residence, the alien must appear at a legalization office or such other Service office as is designated for this purpose for a determination that he or she has maintained temporary resident status, and for completion of processing for issuance of Form I-551, Alien Registration Receipt Card.

(2) *Maintenance of status.* Information provided by the alien concerning his or her maintenance of status will be subject to Service verification. The status of an alien described in paragraph (b)(1) of this section who has maintained temporary resident status will be adjusted to that of an alien lawfully admitted for permanent residence effective on the date appropriate for his or her group as provided in paragraph (a) of this section. The alien must execute an affidavit

stating that he or she has maintained status as a temporary resident. An alien who the examining officer believes to be deportable under section 241 of the Act is subject to issuance of an order to show cause and warrant of arrest and, if found to be deportable by an immigration judge, to termination of temporary resident status as provided in § 210.4(d) of this part. An alien who is excludable under section 210(c) of the Act who is not deportable under section 241 of the Act is not subject to termination of temporary resident status if the ground of excludability arose subsequent to the adjustment of the alien's status to that of a temporary resident. If the alien is deportable under section 241(a) of the Act because he or she was excludable at the time his or her status was adjusted to that of a lawful temporary resident, he or she shall be advised of the procedures for applying for a waiver of grounds of excludability if a waiver is available under section 210(c) of the Act. If the alien applies for such a waiver, and the waiver is granted after the dates of adjustment set in paragraph (a) of this section, the adjustment of the alien's status to that of an alien lawfully admitted for permanent residence shall be recorded as of the date of adjustment appropriate for his or her group.

(3) *ADIT Processing.* An alien described in paragraph (b)(1) of this section must provide suitable ADIT photographs, and a fingerprint and signature must be obtained from the alien on Form I-29.

Dated: April 23, 1987.

Alan C. Nelson,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 87-9864 Filed 4-30-87; 8:45 am]

BILLING CODE 5410-10-01

8 CFR Part 245A

[RIS Number: 1622-87]

Adjustment of Status for Certain Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule implements section 245A of the Immigration and Nationality Act as amended by section 201 of the Immigration Reform and Control Act of 1986 ("IRCA"). Section 201 of IRCA directs the Attorney General to adjust the status of certain aliens to that of aliens lawfully admitted for temporary residence if they meet certain requirements. This section also directs

the Attorney General to adjust the status of a temporary resident alien to that of an alien lawfully admitted for permanent residence if the alien meets certain requirements.

EFFECTIVE DATE: May 1, 1987.

FOR FURTHER INFORMATION CONTACT: William S. Slattery, Assistant Commissioner, Legalization, (202) 788-3658.

SUPPLEMENTARY INFORMATION: On November 8, 1986, the President signed into law the Immigration Reform and Control Act of 1986, Pub. L. 99-603 ("IRCA"). This legislation, the most comprehensive reform of our immigration laws since the enactment of the Immigration and Nationality Act ("INA") in 1952, reflects a resolve to strengthen law enforcement to control illegal immigration. It also reflects the Nation's concerns for certain aliens who have been residing illegally in the United States. The theme of this legislation is focused upon regaining control of our Nation's borders and eliminating the illegal alien problem in this country through the firm yet fair enforcement of our Nation's laws. With the benefits of legalization and employer's sanctions, and the penalties for fraud in conjunction with both programs, this legislation will demonstrate that the only mode of entry into the United States will be the legal mode.

Section 201 of IRCA, the subject of this final rule, provides for the legalization of status of certain aliens who have been residing illegally in the United States since before January 1, 1982. At the same time, as stated under certain provisions of section 201 of IRCA, Congress' intent that aliens eligible for the legalization program be admissible as immigrants, is reflected through the requirement that the aliens meet certain standards of eligibility.

Since November 8, 1986, the Immigration and Naturalization Service has taken a number of steps to insure that the new legislation will be implemented effectively, efficiently and fairly. Service officials have engaged in a continuing dialogue with members of the public and representatives of interested organizations on how to implement this legislation. On January 23, 1987, the Service took the unprecedented step of publishing in the Federal Register a notice making available to the public the preliminary working draft regulations (52 FR 2113). More than 8,300 persons requested and received a copy of this draft. As a result, 184 individuals and interested organizations submitted written comments. All comments were seriously

considered by the Service. A number of the suggestions received by the Service were incorporated in the proposed rule.

The Immigration and Naturalization Service published a notice of proposed rulemaking on the implementation of the legalization provisions of "IRCA" in the Federal Register on March 19, 1987 (52 FR 8732). 549 comments were received in response to the proposed rule. The provisions of the proposed rule which received a significant number of comments will be discussed separately.

Summary of the Final Rule

The final rule amends 8 CFR Part 245 by creating a new Part 245A. The final rule permits certain aliens, who are otherwise eligible, to adjust their status to that of aliens lawfully admitted for temporary residence.

Aliens who are eligible to apply include: Aliens who entered the United States before January 1, 1982 and who have continued to reside in the United States in an unlawful status since such date and through the date the alien files an application under this rule; aliens who entered the United States prior to January 1, 1982 as nonimmigrants and whose period of authorized stay expired before January 1, 1982 or whose unlawful status was known to INS as of such date; aliens whose status is that of Cuban-Haitian Entrants; and, aliens who prior to January 1, 1982 were either granted extended voluntary departure (EVD) or were in a deferred action status.

All applicants for legalization, with certain exceptions for those applicants who have a Cuban-Haitian Entrant status, must meet certain requirements. In general, an applicant must establish:

- (1) Continuous residence in the United States since January 1, 1982;
- (2) continuous physical presence in the United States since November 8, 1986; and
- (3) admissibility as an immigrant.

Additionally, applicants must file a timely application as prescribed under this rule, submit the result of a prescribed medical examination and provide proof that they either have registered or are registering under the Military Selective Service Act, if required to be so registered under that Act.

This rule establishes a single level of appellate review to permit the applicant to challenge a denial of his or her application for temporary resident status. This rule also provides that that status shall be terminated by the Service upon the occurrence of certain events.

This rule also sets forth procedures and the substantive requirements...

adjustment of status of temporary residents to that of permanent residents.

Finally, the rule provides that aliens who submit false documentation or make false representations in support of their application for legalization will be subject to criminal prosecution and eventual expulsion from the United States.

Key Provisions of the Final Rule

Application Period

An alien must file an application for legalization between May 5, 1987 and May 4, 1988. However, aliens who have been apprehended or served with an Order to Show Cause subsequent to November 6, 1986, must apply within thirty days of the beginning of the application period. Aliens who are apprehended or served with an Order to Show Cause during the application period must apply within thirty days but not later than May 4, 1988. Failure to apply within the application period, as fully set forth in this rule, will render the alien statutorily ineligible for legalization.

Where to File the Application

Form I-687 (Application for Status as a Temporary Resident) and supporting documentation may be filed either at a Service Legalization Office or with a Qualified Designated Entity ("QDE").

What Documentation Should be Submitted to INS

In addition to the completed Form I-687, the applicant must submit the result of a medical examination, an application for waivers of grounds of excludability, if applicable, and sufficient documentary information as fully set forth in this rule, to prove the applicant's identity, his or her continuous residence in the United States since January 1, 1962, and proof of financial responsibility.

Eligibility Requirements

(1) *Continuous residence since January 1, 1962.* An applicant otherwise eligible for legalization must prove that he or she "resided continuously" in the United States since January 1, 1962. However, certain absences will not be considered to have interrupted this continuous residence requirement. The Service initially considered that a single absence of more than 30 days or aggregate absences totaling more than 150 days would break the continuous residence requirement. However, in light of the public comments received on this subject, the Service reconsidered its position and under the proposed rule a single absence of 45 days or more and

aggregate absences of 180 days or more would break the continuous residence requirement.

In response to the proposed rule, 357 comments were received concerning this issue. The majority of commenters (233) were supportive of the periods of absences that were outlined in the proposed rule. The negative commenters (124) indicated that the proposed timeframes were far too restrictive.

After review and careful consideration of all comments, and with the support received for the language outlined in the proposed rule, no change from the language proposed in the proposal rule is warranted.

(2) *Continuous physical presence since November 6, 1986.* In addition to the continuous residence requirement since January 1, 1962, the applicant must prove that he has been continuously physically present in the United States since November 6, 1986. 130 comments were received in reference to this issue. In light of the comments received, all of which were in opposition to the definition found in the proposed rule, INS has reevaluated and reconsidered its position. Under this final rule, absences that are brief, casual, and innocent will not break the physical presence requirement if made before May 1, 1987. Aliens who were outside of the United States on the date of enactment or departed the United States after enactment may apply for legalization if they reentered prior to May 1, 1987, provided they meet the continuous residence requirements, and are otherwise eligible for legalization.

(3) *Definition of the term "Known to the Government."* An alien who entered the United States as a nonimmigrant before January 1, 1962, may be eligible for legalization if the alien's "unlawful status was known to the Government" as of January 1, 1962. The Service, in the proposed rule, interpreted the term "known to the Government" to mean "INS." This interpretation, as previously set forth in the preliminary draft regulations, was challenged by many commenters. The Service initially proposed that an alien's unlawful status would have been known by the Service if the Service had made an affirmative determination that the alien was subject to deportation proceedings. In light of the public comments, the Service reconsidered its initial proposal. Under the proposed rule, it was stated that if the Service received information as of January 1, 1962 from a federal agency reflecting the fact that the alien clearly expressed to the federal agency that he or she was in violation of his or her lawful status, and that information is contained in the alien's A-File, the

alien's unlawful status would be known to INS regardless of whether or not the Service made a determination that the alien was subject to deportation proceedings.

In response to the proposed rule, 91 comments concerning this issue were received. All of the comments clearly stated that the definition was far too restrictive and should be modified to include all Federal agencies. Some of the commenters further stated that state agencies should also be included.

Pursuant to section 103 of the INA, only the Attorney General is charged with the administration and enforcement of the immigration laws. Correspondingly, only the Attorney General can make a determination that an alien's status is "unlawful." To interpret the word "Government" to include Federal, State, and local agencies would make the administration of section 201 difficult, if not impossible, and would vest government agencies with an authority that Congress specifically granted only to the Attorney General.

Therefore, after review and careful consideration of all comments, INS has modified its position to include responses made by the Service to any other agency which advised that agency that a particular alien had no legal status in the United States or for whom no record could be found.

(4) *Admissible as an Immigrant.* An alien who meets the residence requirements must be admissible as an immigrant. This rule implements the statutory requirements that certain grounds of admissibility are not applicable, that other grounds may be waived, and that other grounds cannot be waived. This rule also defines the terms "felony" and "misdemeanor," both of which refer to crimes committed within the United States. This rule also sets forth procedures for obtaining waivers of those grounds of admissibility which may be waived. In determining a waiver based on "family unity" the proposed rule defines family unity as limited to spouses, unmarried minor children and parents.

In response to the proposed rule, 409 comments were received which addressed numerous areas of the admissibility standards.

The key issues outlined in these comments were the public charge and special rule for determination of public charge which received a majority of the comments (345). Of these comments, 314 commenters were clearly supportive of the language in the proposed rule. The remaining commenters indicated an unfairness of the proposed rule due to

the financial status of the population that IRCA was intended to serve. Further, numerous commenters raised the concern that INA may deny legalization benefits if public cash assistance was received by United States citizen children of legalization applicants. The position of INS is that the statute is clear regarding this subject and applicants may in fact be ineligible for legalization if such cash assistance was received by their U.S. citizen child. Neither medicare nor medicare will be considered public cash assistance.

After review and careful consideration of all comments, INS has modified the language found in the proposed rule to reflect that the provisions of section 212(a)(15), of the INA, relating to the likelihood of becoming a public charge may be waived at the time of application for temporary resident status.

(5) *Administrative appellate review.* This final rule establishes a single level of administrative appellate review to adjudicate appeals from legalization decisions. The appellate authority is the Associate Commissioner for Examinations.

In response to the proposed rule, 73 comments were received concerning this issue. The commenters aired concerns regarding the inclusion of legalization appeals into the existing Administrative Appeals Unit (AAU). Although the authority for legalization appeals lies with the AAU, a separate unit within AAU is being established to adjudicate these appeals. After review and careful consideration of all comments, no deviation from the language found in the proposed rule is warranted.

(6) *Termination of temporary resident status.* Consistent with section 245A(b)(2) of IRCA, this final rule sets forth the procedural and substantive grounds for terminating the status of a temporary resident alien. The rule sets forth that a decision to terminate status may be appealed to the Associate Commissioner for Examinations.

(7) *Adjustment of temporary resident status to permanent resident status.* This rule sets forth the procedural and substantive requirements with which a temporary resident alien must comply in order to change his or her status to that of an alien lawfully admitted for permanent residence.

(8) *Documentation requirements.* In the preliminary working draft, INS outlined the documentation requirements to establish residence, identity, and financial responsibility. INS also required that all such documentation presented must be original documents.

In response to the proposed rule, 223 comments were received concerning the documentation requirements. A vast majority of the commenters stated both a reluctance and unfairness to requiring the submission of original documents to INS.

Upon review and careful consideration of all comments, INS has modified its position with regard to the submission of original documentation. This final rule allows for the filing of an application for legalization supported by copies of documents certified pursuant to § 204.2(j). Whenever possible, the originals of the supporting evidence must be presented at the time of the interview.

(9) *Temporary disqualification of newly legalized aliens from receiving certain public welfare assistance.* The Attorney General will publish a separate list of programs identified as programs of financial assistance furnished under federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need which newly legalized aliens (with limited exceptions) may not receive for five (5) years.

(10) *Family unity.* Although not specifically addressed in the proposed rule, 134 comments were received concerning how INS will treat ineligible family members of legalized aliens that continue to reside illegally in the United States.

Aliens who apply for legalization and are found to be ineligible are protected by the confidentiality provisions of IRCA, as is information in that application. Such information includes that pertaining to family members. With such provisions existing, the information will not be used for the enforcement of other provisions of the INA (except in situations where fraud or willful misrepresentations are found to exist in the application process).

In contrast, the Service cannot use the regulatory process to substitute its judgment for that of the Congress and grant the equivalent of derivative status through any existing mechanisms such as voluntary departure (See § CFR 342.5). However, this is not a blanket prohibition against voluntary departure. Instead, district directors will continue to apply the provisions of § CFR 342.5 in those cases wherein it is determined that an ineligible family member has a humanitarian need to remain in the United States.

In accordance with § U.S.C. 805(b), the Commissioner of Immigration and Naturalization certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The Immigration and Naturalization Service has decided to invoke the "good cause" exception to the 30 day effective date requirement of 5 U.S.C. 553(d) making the final regulations effective upon publication. The justification for waiving the 30 day effective date is as follows: Persons eligible for benefits under 245A of the Immigration and Nationality Act would be adversely affected if the Service were forced to wait 30 days before implementing the regulations. The statute provides a one year application period for legalization which is to begin no later than May 5, 1967. A 30 day effective date would reduce the application period by almost one month.

Congress provided the Immigration and Naturalization Service with a limited amount of time in which to promulgate regulations and implement this new provision of the law. In six months the Service has had to acquire, furnish, and staff over 100 new INS offices. The staffing of these offices alone has entailed the hiring of over 2,000 employees who require training and instructions on the processing of legalization applications. These are the preparations which were necessary to implement only 245A. The three major sections of the Immigration Reform and Control Act of 1966 have affected millions of aliens as well as every employer in the United States.

Furthermore, the Service has made unprecedented efforts to provide the public the opportunity to comment and provide input in formulating the regulations. The Service provided the public with two opportunities to comment on the regulations. On January 30, 1967 a notice was published in the Federal Register notifying the public that preliminary draft regulations were available for public comment. More than 8,500 copies of the preliminary draft regulations were requested and over 154 comments were received from the public. Based on these comments the draft regulations were revised and published as proposed regulations in the Federal Register on March 19, 1967.

The Service acknowledges that modifications made in this final rule (Documentation and Physical Presence) effect the instructions on Form I-887, Revision of Form I-887 is underway. Where the instructions on Form I-887 are inconsistent with the provisions of this rule, the rule governs. The Service will provide to Service Legalization Offices, Qualified Designated Entities, and other interest groups with an addendum to be attached to Form I-887 already in circulation.

This is not a major rule as defined within the meaning of section 1(b) of EO 12291.

The information collection requirements contained in this regulation have been cleared by OMB under Paperwork Reduction Act.

List of Subjects in 8 CFR Part 245a

Aliens, Temporary resident status, Permanent resident status.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended by adding a new Part 245a to read as follows:

PART 245a—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR LAWFUL TEMPORARY OR PERMANENT RESIDENT STATUS UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED BY PUB. L. 99-503, THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

Sec.

245a.1 Definitions.

245a.2 Application for temporary residence.

245a.3 Application for adjustment from temporary to permanent resident status.

Authority: Pub. L. 99-503, 100 Stat. 3359; 8 U.S.C. 1101 note.

§ 245a.1 Definitions.

As used in this chapter:

(a) "Act" means the Immigration and Nationality Act, as amended by The Immigration Reform and Control Act of 1986.

(b) "Service" means the Immigration and Naturalization Service (INS).

(c)(1) "Resided continuously" as used in section 245A(a)(2) of the Act, means that the alien shall be regarded as having resided continuously in the United States if, at the time of filing of the application for temporary resident status:

(i) No single absence from the United States has exceeded forty-five (45) days, and the aggregate of all absences has not exceeded one hundred and eighty (180) days between January 1, 1982 through the date the application for temporary resident status is filed, unless the alien can establish that due to emergent reasons, his or her return to the United States could not be accomplished within the time period allowed;

(ii) The alien was maintaining residence in the United States; and

(iii) The alien's departure from the United States was not based on an order of deportation.

An alien who has been absent from the United States in accordance with the Service's advance parole procedures

shall not be considered as having interrupted his or her continuous residence as required at the time of filing an application.

(2) "Continuous residence," as used in section 245A(b)(1)(B) of the Act, means that the alien shall be regarded as having resided continuously in the United States if, at the time of applying for adjustment from temporary residence to permanent resident status: No single absence from the United States has exceeded thirty (30) days, and the aggregate of all absences has not exceeded ninety (90) days between the date of granting of lawful temporary resident status and of applying for permanent resident status, unless the alien can establish that due to emergent reasons the return to the United States could not be accomplished within the time period(s) allowed.

(d) In the term "alien's unlawful status was known to the government," the term "government" means the Immigration and Naturalization Service. An alien's unlawful status was "known to the government" only if:

(1) The Service received factual information constituting a violation of the alien's nonimmigrant status from any agency, bureau or department, or subdivision thereof, of the Federal government, and such information was stored or otherwise recorded in the official Service alien file, whether or not the Service took follow-up action on the information received. In order to meet the standard of "information constituting a violation of the alien's nonimmigrant status," the alien must have made a clear statement or declaration to the other federal agency, bureau or department that he or she was in violation of nonimmigrant status; or

(2) An affirmative determination was made by the Service prior to January 1, 1982 that the alien was subject to deportation proceedings. Evidence that may be presented by an alien to support an assertion that such a determination was made may include, but is not limited to, official Service documents issued prior to January 1, 1982, i.e., Forms I-94, Arrival-Departure Records granting a period of time in which to depart the United States without imposition of proceedings; Forms I-210, Voluntary Departure Notice letter; and Forms I-221, Order to Show Cause and Notice of Hearing. Evidence from Service records that may be used to support a finding that such a determination was made may include, but is not limited to, record copies of the aforementioned forms and other documents contained in alien files, i.e., Forms I-213, Record of deportable Alien;

Unexecuted Forms I-205, Warrant of Deportation; Forms I-285, Application for Order to Show Cause and Processing Sheet; Forms I-541, Order of Denial of Application for Extension of Stay granting a period of time in which to depart the United States without imposition of proceedings, or any other Service record reflecting that the alien's nonimmigrant status was considered by the Service to have terminated or the alien was otherwise determined to be subject to deportation proceedings prior to January 1, 1982, whether or not deportation proceedings were instituted; or

(3) A copy of a response by the Service to any other agency which advised that agency that a particular alien had no legal status in the United States or for whom no record could be found.

(e) The term "to make a determination" as used in § 245a.2(i)(3) of this part means obtaining and reviewing all information required to adjudicate an application for the benefit sought and making a decision thereon. If fraud, willful misrepresentation or concealment of a material fact, knowingly providing a false writing or document, knowingly making a false statement or representation, or any other activity prohibited by section 245A(c)(8) of the Act is established during the process of making the determination on the application, the Service shall refer to the United States Attorney for prosecution of the alien or of any person who created or supplied a false writing or document for use in an application for adjustment of status under this part. If prosecution is declined, the Service may issue an Order to Show Cause and Warrant of Arrest if the United States Attorney returns the matter to the Service for initiation of deportation proceedings in lieu of prosecution.

(f) The term "continuous physical presence" as used in section 245A(a)(3)(A) of the Act means actual continuous presence in the United States since November 8, 1986 until filing of any application for adjustment of status. Aliens who were outside of the United States on the date of enactment or departed the United States after enactment may apply for legalization if they reentered prior to May 1, 1987, provided they meet the continuous residence requirements, and are otherwise eligible for legalization.

(g) "Brief, casual, and innocent" means a departure authorized by the Service (advance parole) subsequent to May 1, 1987, of not more than thirty (30) days for legitimate emergency or

humanitarian purposes unless a further period of authorized departure has been granted in the discretion of the district director or a departure was beyond the alien's control.

(b) The term "brief and casual" as used in section 245A(b)(3)(A) of the Act, means temporary trips abroad as long as the alien establishes a continuing intention to adjust to lawful permanent resident status. However, such absences must not exceed the specific periods of time required in order to maintain continuous residence.

(f) "Public cash assistance" means income or needs-based monetary assistance, to include but not limited to supplemental security income, received by the alien or his or her immediate family members through federal, state, or local programs designed to meet subsistence levels. It does not include assistance in kind, such as food stamps, public housing, or other non-cash benefits, nor does it include work-related compensation or certain types of medical assistance (Medicare, Medicaid, emergency treatment, services to pregnant women or children under 18 years of age, or treatment in the interest of public health).

(i) "Legalization Office" means local offices of the Immigration and Naturalization Service which accept and process applications for Legalization or Special Agricultural Worker status, under the authority of the INS district directors in whose districts such offices are located.

(k) "Regional Processing Facility" means Service offices established in each of the four Service regions to adjudicate, under the authority of the INS Directors of the Regional Processing Facilities, applications for adjustment of status under section 210, 245A(a) or 245A(b)(1) of the Act.

(l) "Designate entity" means any state, local, church, community, farm labor organization, voluntary organization, association of agricultural employers or individual determined by the Service to be qualified to assist aliens in the preparation of applications for Legalization status.

(m) The term "family unit" as used in section 245(d)(2)(B)(i) of the Act means maintaining the family group without deviation or change. The family group shall include the spouse, unmarried minor children under 18 years of age who are not members of some other household, and parents who reside regularly in the household of the family group.

(n) The term "prima facie" as used in section 245(e)(1) and (2) of the Act means eligibility is established if the applicant presents a completed I-687

and specific factual information which in the absence of rebuttal will establish a claim of eligibility under this part.

(o) "Misdemeanor" means a crime, committed in the United States, punishable by imprisonment for a term of one year or less but more than five days, regardless of the term such alien actually served, if any.

(p) "Felony" means a crime committed in the United States, punishable by imprisonment for a term of more than one year, regardless of the term such alien actually served, if any.

(q) "Subject of an Order to Show Cause" means actual service of the Order to Show Cause upon the alien through the mail or by personal service.

§ 245A.2 Application for temporary residence.

(a) *Application period for temporary residence.* (1) An alien who has resided unlawfully in the United States since January 1, 1982, who believes that he or she meets the eligibility requirements of section 245A of the Act must make application within the twelve month period beginning on May 5, 1987 and ending on May 4, 1988, except as provided in the following paragraphs.

(2)(i) An alien who was apprehended by the Service, or was the subject of an Order to Show Cause issued, on or after November 6, 1986 and prior to May 5, 1987 and who has established prima facie eligibility for adjustment of status under section 245A(a) of the Act must file an application for adjustment during the period beginning on May 5, 1987 and ending on June 3, 1987.

(ii) An alien who is the subject of an Order to Show Cause issued under section 242 of the Act during the period beginning on May 5, 1987 and ending on April 4, 1988 must file an application for adjustment of status to that of a temporary resident prior to the thirty-first day after the issuance of the Order to Show Cause.

(iii) An alien who is the subject of an Order to Show Cause issued under section 242 of the Act during the period beginning on April 5, 1988 and ending on May 4, 1988 must file an application for adjustment of status to that of a temporary resident not later than May 4, 1988.

(iv) An alien, described in paragraphs (a)(2)(i) through (iii) of this section, who fails to file an application for adjustment of status to that of a temporary resident under section 245A(a) of the Act during the respective time period(s), will be statutorily ineligible for such adjustment of status.

(b) *Eligibility.* The following categories of aliens who are not otherwise excludable under section

212(a) of the Act are eligible to apply for status to that of a person admitted for temporary residence:

(1) An alien (other than an alien who entered as a nonimmigrant) who establishes that he or she entered the United States prior to January 1, 1982, and who has thereafter resided continuously in the United States in an unlawful status, and who has been physically present in the United States from November 6, 1986, until the date of filing the application.

(2) An alien who establishes that he or she entered the United States as a nonimmigrant prior to January 1, 1982, and whose period of authorized admission expired through the passage of time prior to January 1, 1982, and who has thereafter resided continuously in the United States in an unlawful status, and who has been physically present in the United States from November 6, 1986, until the date of filing the application.

(3) An alien who establishes that he or she entered the United States as a nonimmigrant prior to January 1, 1982, and whose unlawful status was known to the Government as of January 1, 1982, and who has thereafter resided continuously in the United States in an unlawful status, and who has been physically present in the United States from November 6, 1986, until the date of filing the application.

(4) An alien described in paragraphs (b) (1) through (3) of this section who was at any time a nonimmigrant exchange visitor (as defined in section 101(a)(15)(j) of the Act), must establish that he or she was not subject to the two-year foreign residence requirements of section 212(e) or has fulfilled that requirement or has received a waiver of such requirements and has resided continuously in the United States in unlawful status since January 1, 1982.

(5) An alien who establishes that he or she was granted voluntary departure, voluntary return, extended voluntary departure or placed in deferred action category by the Service prior to January 1, 1982 and who has thereafter resided continuously in such status in the United States and who has been physically present in the United States from November 6, 1986 until the date of filing the application.

(6) An alien who establishes that he or she was paroled into the United States prior to January 1, 1982, and whose parole status terminated prior to January 1, 1982, and who has thereafter resided continuously in such status in the United States, and who has been physically present in the United States from

November 6, 1986, until the date of filing the application.

(7) An alien who establishes that he or she is a Cuban or Haitian Entrant who was physically present in the United States prior to January 1, 1982, and who has thereafter resided continuously in the United States, and who has been physically present in the United States from November 6, 1986, until the date of filing the application, without regard to whether such alien has applied for adjustment of status pursuant to section 202 of the Act.

(8) An alien's eligibility under the categories described in §§ 245a.2(b) (1) through (7) shall not be affected by entries to the United States subsequent to January 1, 1982 that were not documented or Service Form I-94, Arrival-Departure Record.

(c) *Ineligible aliens.* (1) An alien who has been convicted of a felony, or three or more misdemeanors.

(2) An alien who has assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group or political opinion.

(3) An alien excludable under the provisions of section 212(a) of the Act whose grounds of excludability may not be waived, pursuant to section 245A(d)(2)(B)(i) of this Act.

(4) An alien who at any time was a nonimmigrant exchange visitor who is subject to the two-year foreign residence requirement unless the requirement has been satisfied or waived pursuant to the provisions of section 212(e) of the Act who has resided continuously in the United States in an unlawful status since January 1, 1982.

(5) An alien who was in the custody of or apprehended by the Service, or apprehended and the subject of an Order to Show Cause, on or after November 6, 1986, and prior to May 5, 1987, and has established prima facie eligibility for adjustment of status, who does not file an application for adjustment of status to that of a temporary resident under section 245A(a) of the Act, prior to June 4, 1987.

(6) An alien who is the subject of an Order to Show Cause issued under section 242 of the Act during the period beginning on May 5, 1987 and ending on April 4, 1988 who does not file an application for adjustment of status to that of temporary resident under section 245A(a) of the Act prior to the thirty-first day after issuance of the order.

(7) An alien who is the subject of an Order to Show Cause issued under section 242 of the Act during the period beginning on April 5, 1988 and ending on May 4, 1988 who does not file an application for adjustment of status to

that of a temporary resident under section 245A(a) of the Act prior to May 5, 1988.

(8) An alien who was paroled into the United States prior to January 1, 1982 and whose parole status terminated subsequent to January 1, 1982, except an alien who was granted advance parole.

(d) *Documentation.* Evidence to support an alien's eligibility for the legalization program shall include documents establishing proof of identity, proof of residence, and proof of financial responsibility, as well as photographs, a completed fingerprint card (Form FD-258), and a completed medical report of examination (Form I-603). All documentation submitted will be subject to Service verification. Applications submitted with unverifiable documentation may be denied. Failure by an applicant to authorize release to INS of information protected by the Privacy Act and/or related laws in order for INS to adjudicate a claim may result in denial of the benefit sought. Acceptable supporting documents for these three categories are discussed below.

(1) *Proof of identity.* Evidence to establish identity is listed below in descending order of preference:

- (i) Passport;
- (ii) Birth certificate;
- (iii) Any national identity document from the alien's country of origin bearing photo and fingerprint (e.g., a "cedula" or "cartilla");
- (iv) Driver's license or similar document issued by a state if it contains a photo;
- (v) Baptismal Record/Marriage Certificate; or
- (vi) Affidavits.

(2) *Assumed names—(i) General.* In cases where an applicant claims to have met any of the eligibility criteria under an assumed name, the applicant has the burden of proving that the applicant was in fact the person who used that name. The applicant's true identity is established pursuant to the requirements of paragraph (d)(1) of this section. The assumed name must appear in the documentation provided by the applicant to establish eligibility. To meet the requirements of this paragraph documentation must be submitted to prove the common identity, i.e., that the assumed name was in fact used by the applicant.

(ii) *Proof of common identity.* The most persuasive evidence is a document issued in the assumed name which identifies the applicant by photograph, fingerprint or detailed physical description. Other evidence which will be considered are affidavit(s) by a person or persons other than the

applicant, made under oath, which identify the affiant by name and address, state the affiant's relationship to the applicant and the basis of the affiant's knowledge of the applicant's use of the assumed name. Affidavits accompanied by a photograph which has been identified by the affiant as the individual known to affiant under the assumed name in question will carry greater weight.

(3) *Proof of residence.* Evidence to establish proof of continuous residence in the United States during the requisite period of time may consist of any combination of the following:

(i) Past employment records, which may consist of pay stubs, W-2 Forms, certification of the filing of Federal income tax returns on IRS Form 6166, state verification of the filing of state income tax returns, letters from employer(s) or, if the applicant has been in business for himself or herself, letters from banks and other firms with whom he or she has done business. In all of the above, the name of the alien and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters from employers should be on employer letterhead stationery, if the employer has such stationery, and must include:

- (A) Alien's address at the time of employment;
- (B) Exact period of employment;
- (C) Periods of layoff;
- (D) Duties with the company;
- (E) Whether or not the information was taken from official company records; and
- (F) Where records are located and whether the Service may have access to the records.

If the records are unavailable, an affidavit form-letter stating that the alien's employment records are unavailable and why such records are unavailable may be accepted in lieu of (3)(i)(E) and (3)(i)(F) of this paragraph. This affidavit form-letter shall be signed, attested to by the employer under penalty of perjury, and shall state the employer's willingness to come forward and give testimony if requested.

(ii) Utility bills (gas, electric, phone, etc.), receipts, or letters from companies showing the dates during which the applicant received service are acceptable documentation.

(iii) School records (letters, report cards, etc.) from the schools that the applicant or their children have attended in the United States must show name of school and periods of school attendance.

(iv) Hospital or medical records showing treatment or hospitalization of

the applicant or his or her children must show the name of the medical facility or physician and the date(s) of the treatment or hospitalization.

(v) Attestations by churches, unions, or other organizations to the applicant's residence by letter which:

(A) Identifies applicant by name;
(B) Is signed by an official (whose title is shown);

(C) Shows inclusive dates of membership;

(D) States the address where applicant resided during membership period;

(E) Includes the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationery;

(F) Establishes how the author knows the applicant; and

(G) Establishes the origin of the information being attested to.

(vi) Additional documents to support the applicant's claim may include:

(A) Money order receipts for money sent in or out of the country;

(B) Passport entries;

(C) Birth certificates of children born in the United States;

(D) Bank books with dated

transactions;

(E) Letters or correspondence between applicant and another person or organization;

(F) Social Security card;

(G) Selective Service card;

(H) Automobile license receipts, title, vehicle registration, etc.;

(I) Deeds, mortgages, contracts to which applicant has been a party;

(J) Tax receipts;

(K) Insurance policies, receipts, or letters; and

(L) Any other relevant document.

(4) *Proof of financial responsibility.*

An applicant for adjustment of status under this part is subject to the provisions of section 212(a)(15) of the Act relating to excludability of aliens likely to become public charges unless the applicant demonstrates a history of employment in the United States evidencing self-support without receipt of public cash assistance. Generally, the evidence of employment submitted under paragraph (d)(3)(i) of this section will serve to demonstrate the alien's financial responsibility during the documented period(s) of employment. If the alien's period(s) of residence in the United States include significant gaps in employment or if there is reason to believe that the alien may have received public assistance while employed, the alien may be required to provide proof that he or she has not received public cash assistance. An applicant for residence who is likely to become a

public charge will be denied adjustment. The burden of proof to demonstrate the inapplicability of this provision of law lies with the applicant who may provide:

(i) Evidence of a history of employment (i.e., employment letter, W-2 Forms, income tax returns, etc.);

(ii) Evidence that he/she is self-supporting (i.e., bank statements, stocks, other assets, etc.); or

(iii) Form I-134, Affidavit of Support, completed by a spouse in behalf of the applicant and/or children which guarantees complete or partial financial support of the applicant.

(5) *Burden of proof.* An alien applying for adjustment of status under this part has the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States under the provisions of section 245a of the Act, and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification as set forth in paragraph (d) of this section.

(6) *Evidence.* The sufficiency of all evidence produced by the applicant will be judged according to its probative value and credibility. To meet his or her burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. In judging the probative value and credibility of the evidence submitted, greater weight will be given to the submission of original documentation.

(e) *Filing of application.* (1) The application must be filed on Form I-687 at an office of a designated entity or at a Service Legalization Office within the jurisdiction of the District wherein the applicant resides. If the application is filed with a designated entity, the alien must have consented to having the designated entity forward the application to the legalization office. In the case of applications filed at a legalization office, the district director may, at his or her discretion:

(i) Require the applicant to file the application in person; or

(ii) Require the applicant to file the application by mail; or

(iii) Permit the filing of applications either by mail or in person.

The applicant must appear for a personal interview at the legalization office as scheduled. If the applicant is 14 years of age or older, the applicant must be accompanied by a completed Form FD-258 (Applicant Card).

(2) At the time of the interview, wherever possible, original documents

must be submitted except the following:

Official government records; employment or employment-related records maintained by employers, unions, or collective bargaining organizations; medical records; school records maintained by a school or school board; or other records maintained by a party other than the applicant. Copies of records maintained by parties other than the applicant which are submitted in evidence must be certified as true and correct by such parties and must bear their seal or signature or the signature and title of persons authorized to act in their behalf. If at the time of the interview the return of original documents is desired by the applicant, they must be accompanied by notarized copies or copies certified true and correct by a qualified designated entity or by the alien's representative in the format prescribed in § 204.2(j)(1) or (2) of this chapter. At the discretion of the district director original documents, even if accompanied by certified copies, may be temporarily retained for forensic examination by the Document Analysis Unit at the Regional Processing Facility having jurisdiction over the legalization office to which the documents were submitted.

(3) A separate application (I-687) must be filed by each eligible applicant. All fees required by § 103.7(b)(1) of this chapter must be submitted in the exact amount in the form of a money order, cashier's check, or certified bank check, made payable to the Immigration and Naturalization Service. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances.

(f) *Filing date of application.* The date the alien submits a completed application to a Service Legalization Office or designated entity shall be considered the filing date of the application, provided that in the case of an application filed at a designated entity the alien has consented to having the designated entity forward the application to the Service Legalization Office having jurisdiction over the location of the alien's residence. The designated entities are required to forward completed applications to the appropriate Service Legalization Office within sixty days of receipt.

(g) *Selective Service registration.* At the time of filing an application under this section, male applicants over the age of 17 and under the age of 27 are required to be registered under the Military Selective Service Act. An applicant shall present evidence that he has previously registered under that Act in the form of a letter of

acknowledgement from the Selective Service System, or such alien shall present a completed and signed Form SSS-1 at the time of filing Form I-687 with the Immigration and Naturalization Service or a designated entity. Form SSS-1 will be forwarded to the Selective Service System by the Service.

(h) *Continuous residence.* (1) For the purpose of this Act, an applicant for temporary resident status shall be regarded as having resided continuously in the United States if, at the time of filing of the application:

(i) No single absence from the United States has exceeded forty-five (45) days, and the aggregate of all absences has not exceeded one hundred and eighty (180) days between January 1, 1982 through the date the application for temporary resident status is filed, unless the alien can establish that due to emergent reasons, his or her return to the United States could not be accomplished within the time period allowed;

(ii) The alien was maintaining a residence in the United States; and

(iii) The alien's departure from the United States was not based on an order of deportation.

(2) An alien who has been absent from the United States in accordance with the Service's advance parole procedures shall not be considered as having interrupted his or her continuous residence as required at the time of filing an application under this section.

(i) *Medical examination.* An applicant under this part shall be required to submit to an examination by a designated civil surgeon at no expense to the government. The designated civil surgeon shall report on the findings of the mental and physical condition of the applicant and the determination of the alien's immunization status. Results of the medical examination must be presented to the Service at the time of interview and shall be incorporated into the record. Any applicant certified under paragraphs (1), (2), (3), (4), or (5) of section 212(a) of the Act may appeal to a Board of Medical Officers of the U.S. Public Health Service as provided in section 234 of the Act and Part 235 of this chapter.

(j) *Interview.* Each applicant, regardless of age, must appear at the appropriate Service Legalization Office and must be fingerprinted for the purpose of issuance of Forms I-688 and I-688A. Each applicant shall be interviewed by an immigration officer, except that the interview may be waived for a child under 14, or when it is impractical because of the health or advanced age of the applicant.

(k) *Applicability of exclusion grounds.*—(1) *Grounds of exclusion not to be applied.* The following paragraphs of section 212(a) of the Act shall not apply to applicants for temporary resident status: (14) Workers entering without Labor Certification; (20) immigrants not in possession of a valid entry document; (21) visas issued without compliance with section 203; (25) illiterates; and (32) graduates of non-accredited medical schools.

(2) *Waiver of grounds of exclusion.* Except as provided in paragraph (k)(3) of this section, the Attorney General may waive any other provision of section 212(a) of the Act only in the case of individual aliens for humanitarian purposes, to assure family unity, or when the granting of such a waiver is in the public interest. If an alien is excludable on grounds which may be waived as set forth in this paragraph, he or she shall be advised of the procedures for applying for a waiver of grounds of excludability on Form I-690. When an application for waiver of grounds of excludability is filed jointly with an application for temporary residence under this section, it shall be accepted for processing at the legalization office. If an application for waiver of grounds of excludability is submitted after the alien's preliminary interview at the legalization office, it shall be forwarded to the appropriate Regional Processing Facility. All applications for waivers of grounds of excludability must be accompanied by the correct fee in the exact amount. All fees for applications filed in the United States must be in the form of a money order, cashier's check, or bank check. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances. An application for waiver of grounds of excludability under this part shall be approved or denied by the director of the Regional Processing Facility in whose jurisdiction the applicant's application for adjustment of status was filed except that in cases involving clear statutory ineligibility or admitted fraud, such application may be denied by the district director in whose jurisdiction the application is filed, and in cases returned to a Service Legalization Office for re-interview, such application may be approved at the discretion of the district director. The applicant shall be notified of the decision and, if the application is denied, of the reason therefor. Appeal from an adverse decision under this part may be taken by the applicant on Form I-694 within 30 days after the service of the notice only to the Service's Administrative Appeals

Unit pursuant to the provisions of § 103.3(a) of this chapter.

(3) *Grounds of exclusion that may not be waived.* Notwithstanding any other provision of the Act, the following provisions of section 212(a) may not be waived by the Attorney General under paragraph (k)(2) of this section:

(i) Paragraphs (9) and (10) (criminals);
 (ii) Paragraph (23) (narcotics) except for a single offense of simple possession of thirty grams or less of marijuana;
 (iii) Paragraphs (27) (prejudicial to the public interest), (28) (communist), and (29) (subversive);
 (iv) Paragraph (33) (participated in Nazi persecution).

(4) *Special rule for determination of public charge.* An alien who has a consistent employment history which shows the ability to support himself and his or her family, even though his income may be below the poverty level, may be admissible under paragraph (k)(2) of this section. The alien's employment history need not be continuous in that it is uninterrupted. It should be continuous in the sense that the alien shall be regularly attached to the workforce, has an income over a substantial period of the applicable time, and has demonstrated the capacity to exist on his or her income and maintain his or her family without recourse to public cash assistance. This regulation is prospective in that the Service shall determine, based on the alien's history, whether he or she is likely to become a public charge. Past acceptance of public cash assistance within a history of consistent employment will enter into this decision. The weight given in considering applicability of the public charge provisions will depend on many factors, but the length of time an applicant has received public cash assistance will constitute a significant factor.

(5) *Public assistance and criminal history verification.* Declarations by an applicant that he or she has not been the recipient of public cash assistance and/or has not had a criminal record are subject to a verification of facts by the Service. The applicant must agree to fully cooperate in the verification process. Failure to assist the Service in verifying information necessary for the adjudication of the application may result in a denial of the application.

(i) *Continuous physical presence since November 8, 1968.* (1) An alien applying for adjustment to temporary resident status must establish that he or she has been continuously physically present in the United States since November 8, 1968. Aliens who were outside of the United States on the date of enactment

or departed the United States after enactment may apply for legalization if they reentered prior to May 1, 1987, and meet the continuous residence requirements and are otherwise eligible for legalization.

(2) *Legal, casual and innocent absence* means a departure authorized by the Service (advance parole) subsequent to May 1, 1987, of not more than thirty (30) days for legitimate emergency or humanitarian purposes unless a further period of authorized departure has been granted in the discretion of the district director or a departure was beyond the alien's control.

(m) *Departure.* (1) During the time period from the date that an alien's application establishing prima facie eligibility for temporary resident status is reviewed at a Service Legalization Office and the date status as a temporary resident is granted, the alien applicant can only be readmitted to the United States provided his or her departure was authorized under the Service's advance parole provisions contained in § 212.5(e) of this chapter.

(2) An alien whose application for temporary resident status has been approved may be admitted to the United States upon return as a returning temporary resident provided he or she:

(i) Is not under deportation proceedings;

(ii) Has not been absent from the United States more than thirty (30) days on the date application for admission is made;

(iii) Has not been absent from the United States for an aggregate period of more than 90 days since the date the alien was granted lawful temporary resident status;

(iv) Presents Form I-688;

(v) Presents himself or herself for inspection; and

(vi) Is otherwise admissible.

(3) The periods of time in paragraph (m)(2)(ii) and (m)(2)(iii) of this section may be waived at the discretion of the Attorney General in cases where the absence from the United States was due merely to a brief temporary trip abroad required due to emergent or extenuating circumstances beyond the alien's control.

(n)(1) *Employment and travel authorization: general.* Authorization for employment and travel abroad for temporary resident status applicants under section 245A(a) of the Act may only be granted by a Service Legalization Office. In the case of an application which has been filed with a designated entity, employment authorization may only be granted by the Service after the application has

been properly received at the Service Legalization Office.

(2) *Employment authorization prior to the granting of temporary resident status.* Permission to travel abroad and accept employment will be granted to the applicant after an interview has been conducted in connection with an application establishing prima facie eligibility for temporary resident status. Applications may be presented in person, through designated entities, or through the mail to a legalization office. Applicants who walk-in or mail-in their applications to offices that schedule appointments will receive a form letter fee receipt and scheduled appointment.

If an appointment cannot be scheduled within thirty (30) days, authorization to accept employment will be given, valid to the scheduled appointment date. The appointment letter will be endorsed with the temporary employment authorization. Form I-688A, Employment

Authorization, will be given to the applicant after an interview has been completed by an immigration officer unless a formal denial is issued by a Service Legalization Office. This temporary employment authorization will be restricted to six months duration, pending final determination on the application for temporary resident status.

(3) *Employment and travel authorization upon grant of temporary resident status.* Upon grant of an application for adjustment to temporary resident status by a Regional Processing Facility, the processing facility will forward a notice of approval to the alien at his or her last known address and to his or her designated entity or representative. The alien will be required to return to the Service Legalization Office where the application was initially received, surrender the I-688A previously issued, and will be issued Form I-688, Temporary Resident Card, authorizing employment and travel abroad.

(4) *Revocation of employment authorization upon denial of temporary resident status.* Upon denial of an application for adjustment to temporary resident status the alien will be notified that if a timely appeal is not submitted, employment authorization shall be automatically revoked on the final day of the appeal period.

(c) *Decision.* The applicant shall be notified in writing of the decision, and, if the application is denied, of the reason therefor. An appeal from an adverse decision under this part may be taken by the applicant on Form I-904.

(p) *Appeal process.* An adverse decision under this part may be

appealed to the Associate Commissioner, Examinations (Administrative Appeals Unit). Any appeal with the required fee shall be filed with the Regional Processing Facility within thirty (30) days after service of the notice of denial in accordance with the procedures of § 103.3(a) of this chapter. An appeal received after the thirty (30) day period has lapsed will not be accepted. The thirty (30) day period includes any time required for service or receipt by mail.

(q) *Motions.* The Regional Processing Facility director may *sua sponte* reopen and reconsider any adverse decision. When an appeal to the Associate Commissioner, Examinations (Administrative Appeals Unit) has been filed, the INS director of the Regional Processing Facility may issue a new decision that will grant the benefit which has been requested. The director's new decision must be served on the appealing party within 45 days of receipt of any briefs and/or new evidence, or upon expiration of the time allowed for the submission of any briefs. Motion to reopen a proceeding or reconsider a decision shall not be considered under this part.

(r) *Certifications.* The Regional Processing Facility director may, in accordance with § 103.4 of this chapter, certify a decision to the Associate Commissioner, Examinations (Administrative Appeals Unit) when the case involves an unusually complex or novel question of law or fact.

(s) *Date of adjustment of temporary residents.* The status of an alien whose application for temporary resident status is approved shall be adjusted to that of a lawful temporary resident as of the date indicated on the application fee receipt issued at Service Legalization Office.

(1) *Limitation on access to information and confidentiality.* (1) No person other than a sworn officer or employee of the Justice Department or bureau of agency thereof, will be permitted to examine individual applications, except employees of designated entities where applications are filed with the same designated entity. For purposes of this part, any individual employed under contract by the Service to work in connection with the legalization program shall be considered an "employee of the Justice Department or bureau of agency thereof."

(2) Files and records prepared by designated entities under this section are confidential. The Attorney General and the Service shall not have access to these files and records without the consent of the alien.

(3) No information furnished pursuant to an application for legalization under this section shall be used for any purpose except: (i) To make a determination on the application; or, (ii) for the enforcement of the provisions encompassed in section 245A(c)(8) of the Act, except as provided in paragraph (i)(4) of this section.

(4) If a determination is made by the Service that the alien has, in connection with his or her application, engaged in fraud or willful misrepresentation or concealment of a material fact, knowingly provided a false writing or document in making his or her application, knowingly made a false statement or representation, or engaged in any other activity prohibited by section 245A(c)(8) of the Act, the Service shall refer the matter to the United States Attorney for prosecution of the alien or of any person who created or supplied a false writing or document for use in an application for adjustment of status under this part. If prosecution is declined, the Service may issue an Order to Show Cause and Warrant of Arrest if the United States Attorney returns the matter to the Service for initiation of deportation proceedings in lieu of prosecution.

(5) Information obtained in granted legalization application and contained in the applicant's file is subject to subsequent review in reference to future benefits applied for (including petitions for naturalization and permanent resident status for relatives).

(6) *Termination of temporary resident status*—(1) *Termination of temporary resident status: General.* The status of an alien lawfully admitted for temporary residence under section 245A(a)(1) of the Act may be terminated at any time in accordance with section 245A(b)(2) of the Act. It is not necessary that a final order of deportation be entered in order to terminate temporary resident status. The temporary resident status may be terminated upon the occurrence of any of the following:

(i) It is determined that the alien was ineligible for temporary residence under section 245A of this Act;

(ii) The alien commits an act which renders him or her inadmissible as an immigrant, except as provided under § 245b.2(k)(2) or (3) of this part;

(iii) The alien is convicted of any felony, or three or more misdemeanors;

(iv) The alien fails to file for adjustment of status from temporary residence to permanent resident on Form I-608 within thirty-one (31) months of the date he/she was granted status as a temporary resident under § 245a.1 of this part.

(2) *Procedure.* Termination of an alien's status under paragraph (u)(1) of this section will be made only on notice to the alien sent by certified mail directed to his or her last known address, and to his or her representative. The alien must be given an opportunity to offer evidence in opposition to the grounds alleged for termination of his or her status. Evidence in opposition must be submitted within thirty (30) days after the service of the Notice of Intent to Terminate. If the alien's status is terminated, the director of the regional processing facility shall notify the alien of the decision and the reasons for the termination, and further notify the alien that any Service Form I-94, Arrival-Departure Record or other official Service document issued to the alien authorizing employment and/or travel abroad, or any Form I-688, Temporary Resident Card previously issued to the alien will be declared void by the director of the regional processing facility within thirty (30) days if no appeal of the termination decision is filed within that period. The alien may appeal the decision to the Associate Commissioner, Examinations (Administrative Appeals Unit). Any appeal with the required fee shall be filed with the regional processing facility within thirty (30) days after the service of the notice of termination. If no appeal is filed within that period, the I-94, I-688 or other official Service document shall be deemed void, and must be surrendered without delay to an immigration officer or to the issuing office of the Service.

(3) *Termination not construed as rescission under section 248.* For the purposes of this part the phrase "termination of status" of an alien granted lawful temporary residence under section 245A(a) of the Act shall not be construed to necessitate a rescission of status as described in section 248 of the Act, and the proceedings required by the regulations issued thereunder shall not apply.

(4) *Return to unlawful status after termination.* Termination of the status of any alien previously adjusted to lawful temporary residence under section 245A(a) of the Act shall act to return such alien to the unlawful status held prior to the adjustment, and render him or her amenable to exclusion or deportation proceedings under section 236 or 242 of the Act, as appropriate.

(v) *Ineligibility for immigration benefits.* An alien whose status is adjusted to that of a lawful temporary resident under section 245A of the Act is not entitled to submit a petition pursuant to section 203(a)(2) or to any

other benefit or consideration accorded under the Act to aliens lawfully admitted for permanent residence.

(w) *Declaration of intending citizen.* An alien who has been granted the status of temporary resident under section 245A(a)(1) of this Act may assert a claim of discrimination on the basis of citizenship status under section 274B of the Act only if he or she has previously filed Form I-772 (Declaration of Intending Citizen) after being granted such status. The Declaration of Intending Citizen is not required as a basis for filing a petition for naturalization; nor shall it be regarded as a right to United States citizenship; nor shall it be regarded as evidence of a person's status as a resident.

§ 245a.3 Application for adjustment from temporary to permanent resident status.

(a) *Application period for permanent residence.* An alien who has resided in the United States for a period of eighteen (18) months after the granting of temporary resident status may make application for permanent resident status during the twelve month period beginning on the day after the requisite eighteen months temporary residence has been completed. Applications for lawful permanent residence under section 245A(b)(1) of the Act will be accepted at legalization offices beginning on November 7, 1988.

(b) *Eligibility.* Any alien physically present in the United States who has been lawfully admitted for temporary resident status under section 245A(a) of the Act, such status not having been revoked or terminated, may apply for adjustment of status to that of an alien lawfully admitted for permanent residence if the alien:

(1) Applies for such adjustment during the one-year period beginning with the nineteenth month that begins after the date the alien was granted such temporary resident status;

(2) Establishes continuous residence in the United States since the date the alien was granted such temporary residence status. An alien shall be regarded as having resided continuously in the United States for the purposes of this part if, at the time of applying for adjustment from temporary to permanent resident status, no single absence from the United States has exceeded thirty (30) days, or the aggregate of all absences has not exceeded ninety (90) days between the date of granting of lawful temporary resident status and applying for permanent resident status unless the alien can establish that due to emergent reasons, the return to the United States

could not be accomplished within the time period(s) allowed.

(3) Is admissible to the United States as an immigrant, except as otherwise provided in paragraph (f) of this section; and has not been convicted of any felony (including crimes committed outside of the United States), or three or more misdemeanors (committed in the United States); and

(4)(i) Can demonstrate that the alien either meets the requirements of section 312 of the Immigration and Nationality Act, as amended, (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States); or, is satisfactorily pursuing a course of study recognized by the Attorney General to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States; or,

(ii) Has demonstrated that the alien met the requirements of paragraph (b)(4)(i) of this section at the time of interview for adjustment of status to that of lawful temporary resident under section 245A(a); or,

(iii) The requirements of paragraph (b)(4)(i) of this section may be waived at the discretion of the Attorney General if the alien is 85 years or older.

(5) A course of study in the English language and in the history and government of the United States shall satisfy the requirement of paragraph (b)(4)(i) of this section if (i) it is sponsored or conducted by an established public or private institution of learning recognized as such by a qualified state certifying agency, or by an institution of learning approved to issue Forms I-20 in accordance with § 214.3 of this chapter, or by a qualified designated entity within the meaning of section 245A(c)(2) of the Act, and (ii) the course materials for such instruction include textbooks published under the authority of section 346 of the Act.

(c) *Ineligible aliens.* (1) An alien who has been convicted of a felony, or three or more misdemeanors.

(2) An alien who has assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group or political opinion.

(3) An alien who was previously granted temporary resident status pursuant to section 245A(a) of the Act who has not filed an application for permanent resident status under section 245A(b)(1) of the Act during the one year period which began with the sixteenth month that begins after the date the alien was granted such temporary resident status.

(4) An alien who was not previously granted temporary resident status under section 245A(a) of the Act.

(d) *Filing of application.* The provisions of Part 211 of this chapter relating to immigrants shall not apply to an applicant under this part.

(1) The application must be filed on Form I-568 in person at a designated Legalization Office within the jurisdiction of the District wherein the applicant resides. Form I-568 must be accompanied by the documents specified in the instructions. If the alien is 14 years or older, the application must be accompanied by a completed Form FD-258 (Fingerprint Card).

(2) At the time of the interview, wherever possible, original documents must be submitted except the following: Official government records; employment or employment-related records maintained by employers, unions, or collective bargaining organizations; medical records; school records maintained by a school or school board; or other records maintained by a party other than the applicant. Copies of records maintained by parties other than the applicant which are submitted in evidence must be certified as true and correct by such parties and must bear their seal or signature or the signature and title of persons authorized to act in their behalf. If at the time of the interview, the return of original documents is desired by the applicant, they must be accompanied by notarized copies or copies certified true and correct by a qualified designated entity or by the alien's representative in the format prescribed in § 204.2(j) (1) or (2) of this chapter. At the discretion of the district director, original documents, even if accompanied by certified copies, may be temporarily retained for forensic examination by the Document Analysis Unit at the Regional Processing Facility having jurisdiction over the legalization office to which the documents were submitted.

(3) A separate application (I-568) must be filed by each eligible applicant. All fees required by § 103.7(b)(1) of this chapter must be submitted in the exact amount in the form of a money order, cashier's check or certified bank check. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances.

(e) *Interview.* Each applicant, regardless of age, must appear at the appropriate Service legalization office and must be fingerprinted for the purpose of issuance of Form I-551. Each applicant shall be interviewed by an immigration officer, except that the interview may be waived for a child

under 14, or when it is impractical because of the health or advanced age of the applicant.

(f) *Numerical limitations.* The numerical limitations of sections 201 and 202 of the Act do not apply to the adjustment of aliens to lawful permanent resident status under section 245A(b) of the Act.

(g) *Applicability of exclusion grounds.* (1) Ground of exclusion not to be applied. The following paragraphs of section 212(a) of the Act shall not apply to applicants for adjustment of status from temporary resident to permanent resident status: (14) workers entering without Labor Certification; (20) immigrants not in possession of valid entry document; (21) visas issued without compliance of section 203; (25) illiterates; and (32) graduates of non-accredited medical schools.

(2) *Waiver of grounds of excludability.* Except as provided in paragraph (g)(4) of this section, the Service may waive any provision of section 212(a) of the Act only in the case of individual aliens for humanitarian purposes, to assure family unity, or when the granting of such a waiver is otherwise in the public interest. In any case where a provision of section 212(a) of the Act has been waived in connection with an alien's application for lawful temporary resident status under section 245A(a) of the Act, no additional waiver of the same ground of excludability will be required when the alien applies for permanent resident status under 245A(b)(1) of the Act. In the event that the alien becomes excludable under any other provision of section 212(a) of the Act subsequent to the date temporary residence was granted, a waiver of the additional ground of excludability will be required before permanent resident status may be granted.

(3) *Grounds of exclusion that may not be waived.* Notwithstanding any other provision of the Act the following provisions of section 212(a) of the Act may not be waived by the Attorney General under paragraph (g)(2) of this section:

(i) Paragraphs (9) and (10) (criminals);
(ii) Paragraph (15) (public charge) insofar as it relates to an application for adjustment to permanent residence by an alien other than an alien who is eligible for benefits under Title XVI of the Social Security Act or section 212 of Pub. L. 93-86 for the month in which such alien is granted lawful temporary residence status under subsection (a);

(iii) Paragraph (23) (narcotics), except for a single offense of simple possession of thirty grams or less of marijuana;

(iv) Paragraphs (27) (prejudicial to the public interest), (28) (communists), and (29) (subversive);

(v) Paragraph (33) (participated in Nazi persecution).

(4) *Special rule for determination of public charge.* An alien who has a consistent employment history which shows the ability to support himself or herself and his or her family even though his or her income may be below the poverty level is not excludable under paragraph (g)(3)(ii) of this section. The alien's employment history need not be continuous in that it is uninterrupted. It should be continuous in the sense that the alien shall be regularly attached to the workforce, has an income over a substantial period of the applicable time, and has demonstrated the capacity to exist on his or her income and maintain his or her family without recourse to public cash assistance. This regulation is prospective in that the Service shall determine, based on the alien's history, whether he or she is likely to become a public charge. Past acceptance of public cash assistance within a history of consistent employment will enter into this decision. The weight given in considering applicability of the public charge provisions will depend on many factors, but the length of time an applicant has received public cash assistance will constitute a significant factor.

(5) *Public cash assistance and criminal history verification.* Declarations by an applicant that he or she has not been the recipient of public cash assistance and/or has not had a criminal record are subject to a verification of facts by the Service. The applicant must agree to fully cooperate in the verification process. Failure to assist the Service in verifying information necessary for proper adjudication may result in a denial of the application.

(b) *Departure.* An applicant for adjustment to lawful permanent resident status under section 245A(b)(1) of the Act who was granted lawful temporary resident status under section 245A(a) of the Act, shall be permitted to return to the United States after such brief and casual trips abroad, as long as the alien reflects a continuing intention to adjust to lawful permanent resident status. However, such absences from the United States must not exceed the periods of time specified in § 245A(b)(2) of this chapter in order for the alien to maintain continuous residence as specified in the Act.

(i) *Decision.* The applicant shall be notified in writing of the decision, and, if the application is denied, of the reason therefor. A party affected under this part by an adverse decision is entitled to file an appeal on Form I-694.

(j) *Appeal process.* An adverse decision under this part may be appealed to the Associate Commissioner, Examinations (Administrative Appeals Unit). Any appeal with the required fee shall be filed with the Regional Processing Facility within thirty (30) days after service of the Notice of Denial in accordance with the procedures of § 103.3(a) of this chapter. An appeal received after the thirty (30) day period has tolled will not be accepted. The thirty (30) day period includes any time required for service or receipt by mail.

(k) *Motions.* The Regional Processing Facility director may *sua sponte* reopen and reconsider any adverse decision. When an appeal to the Associate Commissioner, Examinations (Administrative Appeals Unit) has been filed, the INS director of the Regional Processing Facility may issue a new decision that will grant the benefit which has been requested. The director's new decision must be served on the appealing party within forty-five (45) days of receipt of any briefs and/or new evidence, or upon expiration of the time allowed for the submission of any briefs.

(l) *Certifications.* The regional processing facility director may, in accordance with § 103.4 of this chapter, certify a decision to the Associate Commissioner, Examinations (Administrative Appeals Unit) when the case involves an unusually complex or novel question of law or fact.

(m) *Date of adjustment to permanent residence.* The status of an alien whose application for permanent resident status is approved shall be adjusted to that of a lawful permanent resident as of the date indicated on the application fee receipt issued at a Service Legalization Office.

Dated: April 28, 1987.
Alan C. Nelson,
Commissioner.
[FR Doc. 87-9965 Filed 4-30-87; 8:45 am]
BILLING CODE 5410-10-01

§ CFR Parts 109 and 274a

[MS No. 1023-87]

Control of Employment of Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Part 274a and redesignates Part 109 with amendments as Part 274a, Subpart B, by: (1) Defining terms to clarify the regulations; (2) adding new sections to establish procedures for the verification of employment eligibility for workers in the United States; (3) delineating new sections to establish enforcement and process procedures for violations; (4) redesignating Part 109 (Employment Authorization) as Subpart B of Part 274a to consolidate into one part what would otherwise be dispersed regulations. The rule is necessitated by the Immigration Reform and Control Act of 1986, Pub. L. 99-603, which amended the Immigration and Nationality Act (Act) by adding provisions prohibiting the unlawful employment of aliens. These provisions make it unlawful to hire, recruit or refer for a fee for employment, unauthorized aliens in the United States. The rule provides for an employment eligibility verification system designed to prevent the employment of unauthorized aliens. The statute mandates the Attorney General to issue regulations implementing these provisions not later than June 1, 1987.

EFFECTIVE DATE: June 1, 1987.

FOR FURTHER INFORMATION CONTACT: Walter D. Cadman, Deputy Assistant Commissioner, Investigations Division, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, Telephone: (202) 633-2997.

SUPPLEMENTARY INFORMATION: Since 1972 numerous attempts have been made by Congress and recent Administrations to pass immigration reform legislation. The imposition of sanctions on employers has been a central element of nearly all such attempts with the view that curbing illegal immigration would not be effective without such sanctions. The Select Commission on Immigration and Refugee Policy was established by Congress in October 1978. It was created to review immigration policy issues, assess the impact of legal and illegal immigrants on the nation, and recommend changes in policy and practice. The Commission made a series of over 70 recommendations concerning these issues in its final report in May 1981. Those recommendations included the imposition of employer sanctions to control illegal immigration. Thereafter a Cabinet level task force reviewed the Select Commission Report and other recommendations on immigration reform. In 1981 and 1982 alone some 28 hearings were conducted by House and

Senate immigration subcommittees on proposed immigration reform.

Since 1975 INS has vigorously worked in the spirit of cooperation with employers on an ad hoc basis to encourage a policy of employing only U.S. citizens and aliens lawfully authorized to work in the United States. The success of this effort, called Operation Cooperation, has been encouraging, but with the limits of INS resources and lack of statutory backing such programs have been of limited effectiveness. Mandatory compliance is the only effective mechanism that reduces "pull" factors that encourage rather than discourage illegal immigration.

On November 6, 1986, the President signed into law the Immigration Reform and Control Act of 1986, Pub. L. 99-603, (IRCA). This legislation is the most comprehensive reform of our immigration laws in 35 years. The employer sanctions provisions of IRCA constitute one of three cornerstones on which immigration reform is based. The other two are increased enforcement measures and legalization.

Section 101 of IRCA is designed to control the unlawful employment of aliens in the United States by imposing civil and criminal penalties on those persons and entities that hire, or that recruit or refer for a fee unauthorized aliens. Section 101 of IRCA amends the Act by adding section 274A which closes a large gap in the enforcement of our immigration laws by: (1) Making it unlawful to hire, recruit or refer for a fee unauthorized aliens; (2) requiring those who hire, or who recruit or refer for a fee individuals for employment, to verify both the identity and employment eligibility of such individuals and (3) making it unlawful to continue to employ unauthorized aliens hired after November 6, 1986. While section 112 of IRCA amends section 274(a) of the Act (which sets forth criminal penalties for individuals who harbor illegal aliens), employment of illegal aliens in and of itself does not constitute harboring under section 274(a) of the Act as amended.

Since enactment of IRCA INS has been working to develop these rules along with a balanced enforcement policy. On January 22, 1987, INS published a notice in the Federal Register to solicit comments from the public and other interested parties concerning draft rules implementing the employer provisions of IRCA. Interested parties were also provided with preliminary working drafts for review and comment. Numerous comments were received from a wide cross-section of society.

These comments were reviewed and evaluated in the development of a proposed rule, published in the Federal Register on March 19, 1987. The proposed rule invited comment on all issues, particularly those concerning: the nature of verification; the mandatory and universal aspect of the requirements for employers to complete and maintain the designated form; the range of documents which should be accepted under the regulation to establish identity; the guidelines relating to the role of state employment agencies in the issuance of verification certificates; the application of penalties to procedural as well as substantive violations of the Act; and the necessary changes to prior Part 109 of the regulations, redesignated as Subpart B of Part 274a in the proposed rule.

Public Comments

General Information

Approximately 4,000 comments were received from the public during the comment period. Additionally, hundreds of telephone calls were received. Commentors represented a very broad spectrum of American society and included private citizens; agricultural, business, industrial and labor organizations; Congressional sources and governmental entities at the federal, state, and local levels; educational institutions; voluntary agencies; interest groups and organizations; and law firms. Because many of these commentors provided their views on several different sections of the proposed rules within one response, the figures provided below are approximate as to the number of comments received in each area of concern. INS is appreciative of the number of responses and instructive comments, which clearly reflect the broad public interest in this statute.

The comments received in many instances enlightened Service officials concerning prevailing business and industry practices, and the problems which employers face in verification and the other responsibilities imposed by IRCA. As a result, there are some significant refinements in the rule, which INS believes are in the public interest and that represent a logical outgrowth of the comments. While the final rule may not satisfy the concerns of everyone who commented, INS believes that most issues have been addressed in the spirit of mutual dialogue. Every effort has been made to minimize the impact of our requirements on the affected parties, consistent with the statute, and to ensure continuity with other agencies' guidelines and definitions, to the extent possible. Furthermore, INS expects that

these guidelines will prove sufficiently flexible so that employers and others required to comply with statutory and regulatory procedures will be able to do so in ways that suit current personnel hiring, recruiting and referring practices with minimal disruption.

INS will continue to encourage voluntary cooperation and compliance along with traditional enforcement in achieving the goal of this legislation. INS has established a new office for Employer and Labor Relations to administer a program of education and cooperation with employers and other affected entities. Many public appearances have been made by INS officials in the last few months to inform and solicit comments from interested parties. INS envisions a balanced approach between education and cooperation, and strict enforcement of penalties for egregious and persistent violators. INS will continue to develop agency guidelines and policies which further the goals of education, information, and employer awareness as effective methods of ensuring public support and voluntary compliance.

Consistent with this intent, INS wishes to remind the public that IRCA and Title VII of the Civil Rights Act prohibit discrimination in employment, or recruitment or referral for a fee for employment, on the basis of national origin. Additionally, IRCA generally prohibits discrimination on the basis of citizenship status in the case of a citizen or intending citizen. There are serious penalties which may be applied to those who violate the anti-discrimination laws of the United States. It is important to recognize that the purpose of the employer verification provisions of IRCA is not to discriminate against those with the right to work in the United States, regardless of their alienage or citizenship status. Rather, the purpose is to halt unlawful employment of those not entitled to work, and thus to have an ameliorative effect on illegal immigration to the United States. Application of the verification laws and voluntary compliance by employers will enhance job opportunities for lawfully authorized workers.

Comments Received

1. Recruiters and Referrers

By far the vast majority of comments (over 3,100), and the most contentious, related to the Service's proposed regulations in regard to recruiters and referrers. Many professionals in this industry were concerned that: (1) They would have to retroactively verify the

status of individuals whom they had recruited or referred since enactment of IRCA: (2) they would be prospectively required to perform verifications on all individuals recruited or referred, despite the fact that many of these individuals would either express no interest in the recruitment, or would not be hired as the result of referral; and (3) they would have to perform face-to-face verifications, despite prevailing industry practices relating to telephonic recruitments over long distances where there is no opportunity for such verifications.

INS carefully scrutinized the public comments received relating to this issue and performed an analysis of the extent of regulatory flexibility which was permitted by statute. Although it was determined that an absolute waiver of requirements for recruiters and referrers was beyond the permissible statutory scope, the Service has significantly modified the terms under which such entities may comply. Under the final rule: (1) Recruiters and referrers will not be required to retroactively verify individuals recruited or referred during the period, given the impossibility of this task; (2) the regulations have been amended so that referrers and recruiters need to verify within three business days of hiring only those individuals actually hired as the result of the referral; and (3) the verification procedures for recruiters and referrers have been amended to permit completion of the process by those who act as agents in their interest. This includes, but is not limited to, affiliates, notaries, attorneys, national organizations, and even employers who hire the referred individuals. In this way, verifications used not be performed in person by the recruiter or referrer. These modifications to the proposed rule will greatly alleviate the concerns expressed by recruiters and referrers over the verification process. By statute, however, liability still rests with the recruiter or referrer.

2. Use of Agents

A similar concern expressed in the comments received from some employers and others indicated misunderstanding regarding their ability to use commonly accepted legal principles to delegate verification responsibilities through contractual or business arrangements. Approximately 75 responses were received on this concern. The definition of the term "employer" found in 8 CFR 274a.1(g) and the verification procedures outlined for recruiters and referrers in 8 CFR 274a.2(b)(1)(iv) specifically permit these arrangements. These provisions of the

regulations incorporate the concepts found in the Fair Labor Standards Act. They provide great flexibility in the use of intermediaries for verification, because, rather than establish a restrictive definition of agent, they permit verification by anyone "acting in [the employer's recruiter's or referrer's] interest." Employers, recruiters, and referrers may use central clearing houses or similar organizations to satisfy the document verification requirements of the Act. However, liability remains with the employer, the recruiter, or the referrer for any failure of the third party to satisfy the requirements of law.

3. Retroactive Verification

Another similar concern was expressed by employers concerning their responsibility to retroactively verify employees who were hired subsequent to enactment but prior to June 1, 1987. Approximately 50 responses were received on this issue. Recognizing these concerns, INS has taken the following steps in the final rule: (1) Employees who were hired but quit or were terminated within this period need not be verified; (2) employees who were hired within this period and continue to be employed, must be verified on or before September 1, 1987; and (3) as stated above, recruiters and referrers need not verify individuals recruited or referred within the period. Many concerns were expressed to INS about the lack of availability of a final Form I-9 during the public education period prior to June 1. INS recognizes that some employers took the step, in good faith, of commencing retroactive verification of employees using the version of the form which was published for comment with the proposed rule on March 19, 1987. In such instances, INS will accept verifications which were performed using this form as satisfying the requirements of the law and regulations. However, only the finalized Form I-9 should be used for verifications performed on or after June 1.

4. Union Hiring Halls

Approximately 80 comments were received on the issue of whether union hiring halls constituted a form of recruitment or referral for a fee based upon union dues paid. Opinions were divided on this matter. The final rule excludes union hiring halls from such definition. INS does not believe inclusion of these entities was within Congressional intent. However, such arrangements may be included in contractual or collective bargaining agreements between unions and

employers where they are in the interests of both parties.

5. Definition of Hire

The Service in its proposed rules defined "hire" as the "actual commencement of employment of an employee . . ." This aroused public concern as to the appropriate time for completion of the verification process. Approximately 20 comments were received in this regard. INS realizes that employers with decentralized operations may actually hire an individual well in advance of the time that the employee commences work. While the regulations state that the Service wishes to stress that verification may be completed either at the time of an individual's acceptance of an offer of employment or at the time employment actually commences.

6. State Employment Agency Verification

The rule provides for procedures relating to verification by a state employment agency. These procedures were developed on the basis of discussions with state employment agencies. INS also attended several open forums at which state employment agencies were well represented. INS anticipates that future modifications to this rule will be forthcoming in order to further develop standardized certification forms and procedures for all state agencies which choose to exercise the option to issue certifications which is granted them under the statute.

7. Pre-enactment ("Grandfather") Status Verification

The proposed rule specified that a pre-enactment employment status is retained by an individual even though temporarily interrupted because of leave for study, illness, pregnancy, or transfer from one location to another with the same company. It provided that status would be lost by termination, exclusion, or deportation. Approximately 15 comments were received from the public, including labor law attorneys familiar with other agencies' definitions and procedures. The commentators recommended that the rule address other temporary employment interruptions. INS has considered these suggestions, and adopted several of them, including: Strikes and layoffs where there is a reasonable basis for believing that the individual will be reemployed by the same employer; promotions or demotions within the same company and intra-company transfers; and other temporary leaves which have been

approved by the employer. The public is directed to the regulations for other examples of interruptions which do not cause loss of the pre-enactment status of the individual.

The public should be aware that pre-enactment status pertains to the continued employment of individuals hired, recruited, or referred prior to November 7, 1986 only. It does not accord an illegal alien the right to remain in the United States.

8. Independent Contractor

Several business entities (approximately 25) provided their views on this aspect of the proposed regulations. They recommended that INS include the term "independent contractor" among the definitions in the regulations. The final rule specifies criteria and factors that are to be considered in determining whether a particular business arrangement constitutes an agreement with an independent contractor as opposed to an employee. The criteria and factors which have been enumerated are consistent with current Internal Revenue Service guidelines. Those who engage the labor services of an independent contractor are not responsible for verification of the employment eligibility of the employees of the independent contractor. However, contracts may not be used for the purposes of circumventing the employment eligibility verification requirements of employees.

9. Three-day Period for Completion of Verification

Approximately 30 comments were received on this proposed rule from various sources, including governmental employing entities. Commentors generally believed that the three-day period for completion of verification is sufficient. However, it was recommended that an exception be made for an individual who does not possess an acceptable document and needs to secure one for verification. It was noted that even large numbers of United States citizens are not in possession of certain documents and may need additional time to obtain them. Commentors were concerned that failure to provide an exception to the three-day requirement might result in unemployment of authorized workers who are awaiting replacement or initial issuance of documents.

The final rule allows an exception in cases where an individual has lost a document or has not yet obtained a document necessary for either identity or work authorization purposes. In such a case, the individual is required to present a receipt for the application of

the document within three days, and present the required document itself within twenty-one days.

10. Identification Documents

The proposed rule required employees to present an employer with a document or documents that establish identity and employment eligibility. With regard to documents that establish identity alone, the proposed rule required presentation of a state-issued driver's license or state-issued identification card except where the individual is under sixteen years old or lives or works in one of the eight states that does not issue an identification card. The statute allows the Attorney General to designate alternative identity documents for individuals covered by the two exceptions.

Approximately 80 responses concerned this issue. Public comment was received from a variety of sources, including private individuals, several colleges, and some agricultural enterprises such as produce farmers. Many strongly opposed these restrictions on the use of alternative documents. Commentors noted that the requirement would be extremely confusing for employers and unnecessarily burdensome for individuals who do not have a driver's license or identification card, yet might have one of the designated alternative documents.

The final rule establishes an expanded list of identity documents and permits parents or guardians to sign the Form I-9 on behalf of minors under sixteen years of age. Documents from this expanded list can be used by anyone in any state for the purpose of establishing identity.

In terms of number and variety, the list contains a wide range of identity documents and is based upon recommendations received in response to the proposed rule. The list has been defined in consideration of the recency of the legislation and in recognition of the fact that a comprehensive but reasonable list is in the interest of the public at this time.

The statute mandates that any alternative identity document provide a "reliable means of identification." The Congress, both in the statute and in its legislative history, expressed a particular concern with fraud in the verification system. For these reasons, INS will closely monitor the reliability and integrity of the list of alternative identity documents. After a sufficient period of time has elapsed to enable the public to become accustomed to and familiar with the law, and based upon information acquired from system

monitoring, INS may propose amendments to this list.

11. I-9 Retention

In response to public comment, the one-year period of validity of the I-9 for rehiring purposes has been expanded to three years in the final rule. This period coincides with the minimum retention period required for the Form I-9. Also, INS believes that this three year rehire provision adequately deals with the concerns of temporary help companies. Such temporary help companies can rehire the same individual without limit during a three year period (beginning on the date the Form I-9 was initially completed) as long as the individual remains authorized to work.

12. Authority to Inspect I-9

There were numerous public comments on the proposed rule regarding inspection of the Form I-9. The Service believes that the final rule requiring employers to produce the Form I-9 for inspection upon request of an INS officer after three days notice is well within our statutory authority. IRCA provides at section 274A(B)(3) that "the person or entity must retain the form (Form I-9) and make it available for inspection by officers of the Service or the Department of Labor beginning on the date . . ." The final regulations specify that INS will provide employers or others with three days advance notice of an inspectional visit. In order that they may comply with a request for production of the Form I-9, IRCA does not require Service officers to present a subpoena or warrant prior to a request to inspect. Furthermore, they will be permitted to produce the forms to the Service office which is located closest to the place where the forms have been retained, if different from where the demand was made. However, this does not preclude INS from obtaining warrants based on probable cause, for entry onto the premises of suspected violators without advance notice. The past experience of many agencies with similar responsibilities has proven the occasional necessity of such actions, where serious, repeated violators are concerned.

13. Good Faith Defense

An employer, recruiter, or referrer who establishes that he or she has acted in good faith to comply with the verification requirements of the regulations will have established an affirmative yet rebuttable defense that he or she has in fact complied with the law with respect to such hiring, recruiting, or referral. An employer,

recruiter, or referrer must attest on Form I-9 that he or she has verified the employment eligibility and identity of an individual hired, recruited, or referred. This attestation may be made if the document or combination of documents examined in the verification process reasonably appears on its face to be genuine.

14. Organization of Subpart B: Employment Authorization

The rule redesignates Part 109, with amendments, as Part 274a. Subpart B, employment authorization. In response to public comments, § 274a.12, classes of aliens authorized to accept employment, has been expanded to identify aliens not previously identified in Part 109, and has also been subdivided to clarify and articulate classes of aliens who are or may be authorized to accept employment in the United States. The section contains three paragraphs generally categorizing these classes, which include: (1) Aliens authorized employment incident to status, whose employment authorization is not restricted in terms of location or type of employment and who need not seek employment authorization from INS; (2) aliens authorized employment with a specific employer incident to status, whose employment is subject to the restrictions imposed upon the particular nonimmigrant classification; and (3) aliens who must apply to INS for employment authorization. Within these paragraphs, the rule contains a comprehensive listing of employment authorization classifications.

15. Nonimmigrant Student Employment Authorization

In response to the proposed rule, numerous institutions of higher learning urged INS to retain the procedure concerning on-campus employment for full-time students, and for students in a work-study program which is part of the regular curriculum available within the student's program of study. The final regulations incorporate these recommendations by classifying on-campus employment as employment which is incident to the student's status. Academic institutions will need to comply with the employment verification requirements of IRCA with respect to these nonimmigrant students.

16. Employment Authorization for Temporary Workers, Exchange Visitors, and Intra-company Transferees

In response to public comments, the final rule provides for an automatic extension of employment authorization for a period of 120 days for H, J, and L

nonimmigrants who have filed timely applications for extensions of stay. The automatic extension of employment authorization is valid only for an alien who continues employment with the same employer. In the event that INS is unable to adjudicate such an application for extension of status within the 120 day period, the alien may apply for employment authorization pursuant to the application procedure defined in the rule. Thus the regulations address continued employment authorization for employment-related classifications of nonimmigrant aliens during periods when extensions of stay are pending. They also recognize the possibility of delays in the processing of applications for extensions of stay, and provide an application procedure in the event of any unusual delay. These provisions were added in direct response to the recommendations of commentors.

17. Interim Employment Authorization

The final rule requires INS to adjudicate an application for employment authorization within sixty days from the date of the receipt by INS of the application or the date of the receipt of a returned application. Any application for employment authorization not adjudicated within sixty days will result in an automatic grant to the applicant of interim employment authorization for a period of up to 120 days. In promulgating this rule, INS recognizes the importance of expeditious processing of employment authorization applications. As in the case of the rule regarding employment extensions applicants, this regulation was developed in response to public comment.

18. Automatic Termination of Temporary Employment Authorization

In the past, Service practice was not uniform in the grant of temporary work authorization to certain aliens such as nonimmigrants and parolees. These individuals were sometimes granted work authorization for indefinite periods of time despite its "temporary" nature, on Service Form I-94 or other documents. In order to reconcile this inconsistency with the terms of IRCA, INS has specified in the regulations that any temporary employment authorization granted prior to June 1, 1987, pursuant to § CFR 109.1(b) or its redesignation as § 274a.12(c), shall automatically terminate on the date specified by the Service on the document issued to the alien, or on June 1, 1988, whichever is earlier. Any document issued by the Service prior to

June 1, 1987 that authorizes temporary employment for an indefinite period beyond June 1, 1988 will become null and void on June 1, 1988, and must be surrendered to the Service on the date of the document's expiration or on June 1, 1988, whichever is earlier. The public is advised that no notice of intent to revoke or other Service advisory is necessary under this rule.

Automatic termination of such employment authorization does not preclude a subsequent application for employment authorization. The rule requires the issuance of a new employment authorization provided that the alien remains eligible for employment in the United States. This regulation is not applicable to an alien whose employment authorization is inherent in his or her status, such as a lawful permanent resident.

This rule is promulgated for the sole purpose of enabling INS to replace the multiplicity of outstanding employment authorization documents with a standard, uniform document. INS is taking this step because it believes this transition to a new uniform document is in the interest of employers and those aliens authorized to work in the United States.

This rule is a major rule within the context of E.O. 12291 in terms of the effect it will have on the national economy. A Regulatory Impact Analysis in conjunction with a Regulatory Flexibility Analysis as required by 5 U.S.C. 603 and 604, is available for review by the public upon request.

The information collection requirements contained in this regulation have been submitted to and cleared by OMB under the Paperwork Reduction Act.

List of Subjects

§ CFR Part 109

Aliens, Employment.

§ CFR Part 274a

Administrative practice and procedure, Aliens, Employment.

For the reasons set out in the preamble, INS amends Chapter I of Title 8 of the Code of Federal Regulations as follows:

PART 109—EMPLOYMENT AUTHORIZATION

1. Part 109 is removed and reserved.
2. A new Part 274a is added to read as follows:

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS**Subpart A—Employer Requirements**

Sec.

- 274a.1 Definitions.
- 274a.2 Verification of employment eligibility.
- 274a.3 Continuing employment of unauthorized aliens.
- 274a.4 Good faith defense.
- 274a.5 Use of labor through contract.
- 274a.6 State employment agencies.
- 274a.7 Pre-enactment provisions for employees hired prior to November 7, 1986.

- 274a.8 Prohibition of indemnity bonds.
- 274a.9 Enforcement procedures.
- 274a.10 Penalties.
- 274a.11 Special rule for legalization, special agricultural worker and Cuban/Haitian entrant adjustment applicants.

Subpart B—Employment Authorization

- 274a.12 Classes of aliens authorized to accept employment.
- 274a.13 Application for employment authorization.
- 274a.14 Termination of employment authorization.

Authority: Secs. 101, 1103, 274A of the Immigration and Nationality Act, 8 U.S.C. 1101, 1103, 1324A.

Subpart A—Employer Requirements**§ 274a.1 Definitions.**

For the purpose of this chapter—

(a) The term "unauthorized alien" means, with respect to employment of an alien at a particular time, that the alien is not at that time either: (1) Lawfully admitted for permanent residence, or (2) authorized to be so employed by this Act or by the Attorney General;

(b) The term "entity" means any legal entity, including but not limited to, a corporation, partnership, joint venture, governmental body, agency, proprietorship, or association;

(c) The term "hire" means the actual commencement of employment of an employee for wages or other remuneration;

(d) The term "refer for a fee" means the act of sending or directing a person or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person, for remuneration whether on a retainer or contingency basis; however, this term does not include union hiring halls that refer union members or non-union individuals who pay union membership dues;

(e) The term "recruit for a fee" means the act of soliciting a person, directly or indirectly, and referring that person to another with the intent of obtaining employment for that person, for

remuneration whether on a retainer or contingency basis; however, this term does not include union hiring halls that refer union members or non-union individuals who pay union membership dues;

(f) The term "employee" means an individual who provides services or labor for an employer for wages or other remuneration but does not mean independent contractors as defined in paragraph (j) of this section or those engaged in casual domestic employment as stated in paragraph (h) of this section;

(g) The term "employer" means a person or entity, including an agent or anyone acting directly or indirectly in the interest thereof, who engages the services or labor of an employee to be performed in the United States for wages or other remuneration. In the case of an independent contractor or contract labor or services, the term "employer" shall mean the independent contractor or contractor and not the person or entity using the contract labor;

(h) The term "employment" means any service or labor performed by an employee for an employer within the United States, including service or labor performed on a U.S. vessel or U.S. aircraft which touches at a port in the United States, but does not include casual employment by individuals who provide domestic services in a private, home that is sporadic, irregular, or intermittent;

(i) The term "State employment agency" means any State government unit designated to cooperate with the United States Employment Service in the operation of the public employment service system;

(j) The term "independent contractor" includes individuals or entities who carry on independent business, contract to do a piece of work according to their own means and methods, and are subject to control only as to results. Whether an individual or entity is an independent contractor, regardless of what the individual or entity calls itself, will be determined on a case-by-case basis. Factors to be considered in that determination include, but are not limited to, whether the individual or entity: Supplies the tools or materials; makes services available to the general public; works for a number of clients at the same time; directs the order or sequence in which the work is to be done and determines the hours during which the work is to be done. The use of labor or services of an independent contractor are subject to the restrictions in section 274A(a)(4) of the Act and § 274a.5 of this part;

(k) The term "pattern or practice" means regular, repeated, and intentional

activities, but does not include isolated, sporadic, or accidental acts.

§ 274a.2 Verification of employment eligibility.

A. General. This section states the requirements and procedures persons or entities must comply with when hiring, or when recruiting or referring for a fee, individuals in the United States, or continuing to employ aliens knowing that the aliens are (or have become) unauthorized aliens. The Form I-9, Employment Eligibility Verification Form, has been designated by the Service as the form to be used in complying with the requirements of this section. The Form I-9 may be obtained in limited quantities at INS District Offices, or ordered from the Superintendent of Documents, Washington, DC 20402. The Form I-9 may be photocopied or printed without regard to the restrictions set forth in § 299.4 of this Chapter. Employers need only complete the Form I-9 for individuals who are hired after November 8, 1986 and continue to be employed after May 31, 1987. Employers shall have until September 1, 1987 to complete the Form I-9 for individuals hired from November 7, 1986 through May 31, 1987. Recruiters and referrers for a fee need complete the Form I-9 only for those individuals who are recruited or referred after May 31, 1987. In conjunction with completing the Form I-9, an employer or recruiter or referrer for a fee must examine documents that evidence the identity and employment eligibility of the individual. The employer or recruiter or referrer for a fee and the individual must each complete an attestation on the Form I-9 under penalty of perjury. However, if an individual attests to an employer or recruiter or referrer for a fee, that he or she is an alien who intends to apply or has applied for benefits under the provisions of section 245A or 210 of the Act or section 202 of the Immigration Reform and Control Act of 1986, then the individual is authorized to work in the United States until September 1, 1987 without providing the employer or the recruiter or referrer for a fee with documentary evidence of work authorization. In this case, the employer, or the recruiter or referrer for a fee, should follow the procedures set forth in § 274a.11 of this part. Employers and recruiters and referrers for a fee who fail to comply with the employment verification requirements set forth in paragraph (b) of this section shall be subject to penalties as stated in § 274a.10 of this part.

(b) *Employment verification requirements—(1) Examination of documents and completion of Form I-9.*

(i) An individual who is hired or is recruited or referred for a fee for employment must:

(A) Complete Section 1—"Employee Information and Verification" on the Form I-9 at the time of hiring; or if an individual is unable to complete the Form I-9 or needs it translated, someone may assist him or her. The preparer or translator must read the Form to the individual, assist him or her in completing Section 1—"Employee Information and Verification," and have the individual sign or mark the Form in the appropriate place. The preparer or translator should then complete the "Preparer/Translator Certification" portion of the Form I-9; and

(B) Present to the employer or the recruiter or referer for a fee documentation as set forth in paragraph (b)(1)(v) of this section establishing his or her identity and employment eligibility within the time limits set forth in paragraphs (b)(1)(ii) through (v) of this section. However, pursuant to the "Special Rule" set forth in § 274a.11 of this part, legalization, special agricultural worker, and Cuban/Haitian entrant adjustment applicants are authorized to work without presenting documentation establishing work authorization until September 1, 1987.

(ii) except as provided in paragraph (b)(viii) of this section, an employer, his or her agent, or anyone acting directly or indirectly in the interest thereof, must within three business days of the hire:

(A) Physically examine the documentation presented by the individual establishing identity and employment eligibility as set forth in paragraph (b)(1)(v) of this section; and

(B) Complete Section 2—"Employer Review and Verification" on the Form I-9.

(iii) An employer, his or her agent, or anyone acting directly or indirectly in the interest thereof, who hires an individual for employment for a duration of less than three business days must comply with paragraphs (b)(1)(ii)(A)-(B) of this section before the end of the employee's first working day.

(iv) A recruiter or referer for a fee for employment must comply with paragraphs (b)(1)(ii)(A)-(B) of this section within three business days of the date the referred individual was hired by the employer. Recruiters and referers may designate agents to complete the employment verification procedures on their behalf including but not limited to notaries, national associations, or employers. If a recruiter or referer designates an employer to

complete the employment verification procedures, the employer need only provide the recruiter or referer with a photocopy of the Form I-9.

(v) The individual may present either an original document that establishes both employment authorization and identity, or an original document that establishes employment authorization and a separate original document that establishes identity. The document identification number and expiration date (if any) should be noted in the appropriate space provided on the Form I-9. An employer or a recruiter or referer for a fee may not specify which document or documents an individual is to present.

(A) The following documents are acceptable to evidence both identity and employment eligibility:

- (1) United States passport;
- (2) Certificate of United States Citizenship, INS Form N-560 or N-561;
- (3) Certificate of Naturalization, INS Form N-550 or N-570;
- (4) An unexpired foreign passport which:

(i) contains an unexpired stamp therein which reads, "Processed for I-551, Temporary Evidence of Lawful Admission for permanent residence. Valid until _____, Employment authorized," or

(ii) has attached thereto a Form I-94 bearing the same name as the passport and contains an employment authorization stamp, so long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the Form I-94.

(5) Alien Registration Receipt Card, INS Form I-151 or Resident Alien INS Form I-551, provided that it contains a photograph of the bearer;

(6) Temporary Resident Card, INS Form I-688;

(7) Employment Authorization Card, INS Form I-688A.

(B) The following documents are acceptable to establish identity only:

(1) For individuals 18 years of age or older:

(i) a state-issued driver's license or state-issued identification card containing a photograph. If the driver's license or identification card does not contain a photograph, identifying information should be included such as: Name, date of birth, sex, height, color of eyes, and address;

(ii) School identification card with a photograph;

(iii) Voter's registration card;

(iv) U.S. military card or draft record;

(v) Identification card issued by federal, state, or local government agencies or entities;

(vi) Military dependent's identification card;

(vii) Native American tribal documents;

(viii) United States Coast Guard Merchant Mariner Card;

(ix) Driver's license issued by a Canadian government authority;

(2) For individuals under age 18 who are unable to produce a document listed in paragraph (b)(1)(v)(B)(2) of this section, the following documents are acceptable to establish identity only:

(i) School record or report card;

(ii) Clinic doctor or hospital record;

(iii) Daycare or nursery school record.

(3) Minors under the age of 18 who are unable to produce one of the identity documents listed in paragraph (b)(1)(v)(B)(2) of this section are exempt from producing one of the following procedures are followed:

(i) The minor's parent or legal guardian completes on the Form I-9 Section 1—"Employee Information and Verification" and in the space for the minor's signature, the parent or legal guardian writes the words, "minor under age 18."

(ii) The minor's parent or legal guardian completes on the Form I-9 the "Preparer/Translator certification."

(iii) The employer or the recruiter or referer for a fee writes in Section 3—"Employer Review and Verification" under List B in the space after the words "Document Identification #:" the words, "minor under age 18."

(C) The following are acceptable documents to establish employment authorization only:

(1) A social security number card other than one which has printed on its face "not valid for employment purposes";

(2) An unexpired reentry permit, INS Form I-327;

(3) An unexpired Refugee Travel document, INS Form I-671;

(4) A Certification of Birth issued by the Department of State, Form PS-543;

(5) A Certification of Birth Abroad issued by the Department of State, Form DS-1350;

(6) An original or certified copy of a birth certificate issued by a State, county, or municipal authority bearing a seal;

(7) An employment authorization document issued by the Immigration and Naturalization Service;

(8) Native American tribal document;

(9) United States Citizen Identification Card, INS Form I-187;

(10) Identification card for use of resident citizen in the United States, INS Form I-179.

(vi) If an individual is unable to provide the required document or documents within the time periods specified in paragraphs (b)(1)(ii) and (iv) of this section, the individual must present a receipt for the application of the document or documents within three days of the hire and present the required document or documents within 21 days of the hire.

(vii) If an individual's employment eligibility document expires, the employer or the recruiter or referrer for a fee must update the Form I-9 to reflect that the individual is still authorized to work in the United States; otherwise the individual may no longer be employed, recruited, or referred. In order to update the Form I-9, the employer or referred individual must present a document that either shows continuing employment eligibility or is a new grant of work authorization. The employer or the recruiter or referrer for a fee should review this document, and if it appears to be genuine and to relate to the individual, update the form by noting the document's identification number and expiration date of the Form I-9.

(viii) An employer is not required to reverify an employee's employment eligibility as set forth in paragraphs (b)(1)(i)-(v) of this section if the employee is continuing his or her employment and at all times has a reasonable expectation of employment. "Continuing employment" includes but is not limited to situations where:

(A) The employee takes approved paid or unpaid leave on account of study, illness or disability of a family member, illness or pregnancy, maternity or paternity leave, vacation, union business, or other temporary leave approved by the employer.

(B) The employee is promoted, demoted, or gets a pay raise;

(C) The employee is laid off for lack of work;

(D) The employee is on strike or in a labor dispute;

(E) The employee is reinstated after disciplinary suspension for wrongful termination, found unjustified by any court, arbitrator, or administrative body, or otherwise resolved through reinstatement or settlement;

(F) The employee transfers from one distinct unit of an employer to another distinct unit of the same employer; the employer may transfer the employee's Form I-9 to the receiving unit or

(G) The employee continues his or her employment with a related, successor, or reorganized employer, provided that the employer obtains and maintains from the previous records and Forms I-9 where applicable. For this purpose, a

related, successor, or reorganized employer includes:

(1) The same employer at another location;

(2) An employer who continues to employ some or all of a previous employer's workforce in cases involving a corporate reorganization, merger, or sale of stock or assets; or

(3) An employer who continues to employ some or all of another employer's workforce where both employers belong to the same multi-employer association and employees continue to work in the same bargaining unit under the same collective bargaining agreement.

(2) *Retention and Inspection of Form I-9.* (1) Form I-9 must be retained by an employer or a recruiter or referrer for a fee for the following time periods:

(A) In the case of an employer, three years after the date of the hire or one year after the date the individual's employment is terminated, whichever is later; or

(B) In the case of a recruiter or referrer for a fee, three years after the date of the referral.

(ii) Any person or entity required to retain Forms I-9 in accordance with this section shall be provided with at least three days notice prior to an inspection of the Forms by an authorized Service officer. At the time of inspection, the Forms I-9 must be made available at the location where the request for production was made, or if the Forms I-9 are kept at another location, at the nearest Service office to that location. No subpoena or warrant shall be required for such inspection. Any refusal or delay in presentation of the Forms I-9 for inspection is a violation of the retention requirements as set forth in section 274A(b)(3) of the Act. In addition, if the person or entity has not complied with a request to present the Forms I-9, any Service officer listed in section 342.1 of this chapter may compel production of the Forms I-9 by issuing a subpoena.

(3) *Copying of documentation.* An employer or a recruiter or referrer for a fee may, but is not required to, copy a document presented by an individual solely for the purpose of complying with the verification requirements of this section. If such copy is made, it must be retained with the Form I-9. The retention requirements in paragraph (b)(2) of this section do not apply to the photocopies.

(4) *Limitation on use of Form I-9.* Any information contained in or appended to the Form I-9, including copies of documents listed in paragraph (c) of this section used to verify an individual's identity or employment eligibility, may

be used only for enforcement of the Act and Sections 1001, 1028, 1548, or 1821 of Title 18, United States Code.

(c) *Employment verification requirements in the case of hiring an individual who was previously employed.* (1) When an employer hires an individual whom he or she has previously employed, if the employer has previously completed the Form I-9 and complied with the verification requirements set forth in paragraph (b) of this section with regard to the individual, the employer may (in lieu of completing a new Form I-9) inspect the previously completed Form I-9 and:

(i) If upon inspection of the Form I-9 relating to the individual, the employer determines that the Form I-9 relates to the individual and that the individual is eligible to work, no additional verification or new Form I-9 need be completed if the individual is hired within three years of the initial execution of the Form I-9; or

(ii) If upon inspection of the Form I-9, the employer determines that the individual is no longer eligible to work in the United States, the employer shall not rehire the individual unless he or she follows the updating procedures in paragraph (b)(1)(vii) of this section.

(2) For purposes of retention of the Form I-9 by an employer for a previously employed individual hired pursuant to paragraph (c)(1) of this section, the employer shall retain the Form I-9 for a period of three years commencing from the date of the initial execution of the Form I-9 or one year after the individual's employment is terminated, whichever is later.

(d) *Employment verification requirements in the case of recruiting or referring for a fee an individual who was previously recruited or referred.* (1) When a recruiter or referrer for a fee refers an individual for whom he or she has previously completed a Form I-9, and the recruiter or referrer has completed the Form I-9 and complied with the verification requirements set forth in paragraph (b) of this section with regard to the individual, the recruiter or referrer may (in lieu of completing a new Form I-9) inspect the previously completed Form I-9 and:

(i) If upon inspection of the Form I-9 relating to the individual, the recruiter or referrer determines that the Form I-9 relates to the individual and that the individual is authorized to work, no additional verification or new Form I-9 need be completed if the individual is referred within three years of the initial execution of the Form I-9; or

(ii) If upon inspection of the Form I-9, the recruiter or referrer determines that

the individual is no longer authorized to work in the United States, the recruiter or referrer shall not refer the individual for employment unless he or she follows the updating procedures in paragraph (b)(1)(vii) of this section.

(2) For purposes of retention of the Form I-9 by a recruiter or referrer for a previously referred individual pursuant to paragraph (d)(1) of this section, the recruiter or referrer shall retain the Form I-9 for a period of three years commencing from the date of the initial execution of the Form I-9.

§ 274a.3 Continuing employment of unauthorized aliens.

An employer who continues the employment of an employee hired after November 6, 1986, knowing that the employee is or has become an unauthorized alien with respect to that employment, is in violation of section 274(a)(2) of the Act.

§ 274a.4 Good faith defense.

An employer or a recruiter or referrer for a fee for employment who shows good faith compliance with the employment verification requirements of § 274a.2(b) of this part shall have established a rebuttable affirmative defense that the person or entity has not violated section 274A(a)(1)(A) of the Act with respect to such hiring, recruiting, or referral.

§ 274a.5 Use of labor through contract.

Any person or entity who knowingly uses a contract, subcontract, or exchange entered into, renegotiated, or extended after the date of enactment, to obtain labor or services of an unauthorized alien shall be considered to have hired the alien for employment in the United States in violation of section 274A(a)(1)(A) of the Act.

§ 274a.6 State employment agencies.

(a) *General.* A state employment agency as defined in § 274a.1 of this part may, but is not required to, verify employment eligibility pursuant to section 274A(b) of the Act. However, should a state employment agency choose to do so, it must:

(1) Complete the verification process for all individuals referred;

(2) Complete the verification process in accordance with the requirements of § 274a.2(b) of this part;

(3) Issue to an individual it refers a certification as set forth in paragraph (c) of this section, in which case an employer who hires the individual shall be deemed to have complied with the verification requirements of § 274a.2(b)(1) of this part, provided that the certification is retained by the employer in the same manner prescribed

for Form I-9 in § 274a.2(b)(2) of this part; and

(4) Require the surrender of the certification back to the agency by the individual referred, if he or she is not hired as a result of the referral.

(b) *Compliance with the provisions of section 274A of the Act.* State employment agencies which choose to verify employment eligibility of individuals pursuant to § 274a.2(b) of this part shall comply with all provisions of section 274A of the Act and the regulations issued thereunder, and are subject to the penalties provided in § 274a.10 of this part for failure to comply.

(c) *Procedures for state employment agency certification.* All certifications issued by a state employment agency pursuant to paragraph (a)(3) of this section shall conform to the following standards. They must:

(1) Be issued on official agency letterhead, signed by an appropriately designated official, and contain the embossed seal of the agency;

(2) Be addressed to the particular employing entity to which the individual is referred, and contain identifying data concerning the individual being referred;

(3) Certify that the state agency has complied with the requirements of section 274A(b) of the Act concerning verification of the identity and employment eligibility of the individual referred, and determined that the individual is authorized to work in the United States;

(4) Clearly stipulate any restrictions, conditions, or other limitations which relate to the individual's employment eligibility in the United States; and

(5) State that the employer is not required to reverify the individual's identity or employment eligibility, but must retain the certification letter in lieu of Form I-9.

(d) *Procedures for individuals who are certified by state employment agencies.* Any individual referred to a potential employer by a state employment agency pursuant to this section shall present the original certification to that employer. If the referred individual is hired, the certification shall be provided by the individual to the employer for retention. If the referred individual is not hired, the original certification shall be surrendered by the individual to the state employment agency which issued the certificate. No copies shall be made of this certification, except as provided in paragraph (e) of this section.

(e) *Retention of state employment agency certifications.* Certifications issued by state employment agencies pursuant to this section shall be retained

in the same manner and for the same period as Form I-9:

(1) In original form by the state employment agency, upon surrender by the individual referred if he or she is not hired; or

(2) In duplicate form by the state employment agency if the individual referred is hired; and

(3) In original form by the employer if the individual referred is hired.

§ 274a.7 Pre-enactment provisions for employees hired prior to November 7, 1986.

(a) The penalties provisions as set forth in section 274A (e) and (f) of the Act for violations of section 274A (a)(2) and (b) of the Act shall not apply to the "continuing employment" of an employee who was hired prior to November 7, 1986. For purposes of this section, "continuing employment" is defined in § 274a.2(b)(vi) of this part.

(b) For purposes of this section, an employee who was hired prior to November 7, 1986 shall lose his or her pre-enactment status if the employee:

(1) Quits; or

(2) Is terminated by the employer; the term termination shall include, but is not limited to, situations in which an employee is subject to seasonal employment; or

(3) Is excluded or deported from the United States or departs the United States under an order of voluntary departure.

§ 274a.8 Prohibition of indemnity bonds.

(a) *General.* It is unlawful for a person or other entity, in hiring or recruiting or referring for a fee for employment of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this part relating to such hiring, recruiting, or referring of the individual. However, this prohibition does not apply to performance clauses which are stipulated by agreement between contracting parties.

(b) *Penalty.* Any person or other entity who requires any individual to post a bond or security as stated in this section shall, after notice and opportunity for an administrative hearing in accordance with section 274A(e)(3)(B) of the Act, be subject to a civil fine of \$1,000 for each violation and to an administrative order requiring the return to the individual of any amounts received in violation of this section or, if the individual cannot be located, to the general fund of the Treasury.

§ 274a.9 Enforcement procedures.

(a) *Procedures for the filing of complaints.* Any person or entity having knowledge of a violation or potential violation of section 274A of the Act may submit a signed, written complaint in person or by mail to the Service office having jurisdiction over the business or residence of the potential violator. The signed, written complaint must contain sufficient information to identify both the complainant and the potential violator, including their names and addresses. The complaint should also contain detailed factual allegations relating to the potential violation including the date, time and place that the alleged violation occurred and the specific act or conduct of the employer alleged to constitute a violation of the Act. Written complaints may be delivered either by mail to the appropriate Service office or by personally appearing before any immigration officer at a Service office.

(b) *Investigation.* The Service may conduct investigations for violations on its own initiative and without having received a written complaint. When the Service receives a complaint from a third party, it shall investigate only those complaints which have a reasonable probability of validity. If it is determined after investigation that the person or entity has violated section 274A of the Act, the Service shall issue and serve upon the alleged violator a citation or a Notice of Intent to Fine. Service officers shall have reasonable access to examine any relevant evidence of any person or entity being investigated.

(c) *Citation and notice of intent to fine.* If after investigation the Service determines that a person or entity has violated section 274A of the Act for the first time during the citation period (June 1, 1987 through May 31, 1988) the Service shall issue a citation. If after investigation the Service determines that a person or entity has violated section 274A of the Act for the second time during the citation period or for the first time after May 31, 1988, the proceeding to assess administrative penalties under section 274A of the Act is commenced by the Service by issuing a Notice of Intent to Fine on Form I-782. Service of this Notice shall be accomplished pursuant to Part 103 of this chapter. The person or entity identified in the Notice of Intent to Fine shall be known as the respondent. The Notice of Intent to Fine may be issued by an officer defined in § 242.1 of this chapter with concurrence of the District Counsel or his or her designee.

(1) *Contents of the notice of intent to fine.* (i) The Notice of Intent to Fine will contain a concise statement of factual allegations informing the respondent of the act or conduct alleged to be in violation of law, a designation of the charge(s) against the respondent, the statutory provisions alleged to have been violated, and the penalty that will be imposed.

(ii) The Notice of Intent to Fine will provide the following advisals to the respondent:

(A) That the person or entity has the right to representation by counsel of his or her own choice at no expense to the government;

(B) That any statement given may be used against the person or entity;

(C) That the person or entity has the right to request a hearing before an Administrative Law Judge pursuant to 5 U.S.C. 554-557, and that such request must be made within 30 days from the service of the Notice of Intent to Fine;

(D) That the Service will issue a final order in 45 days if a written request for a hearing is not timely received and that there will be no appeal of the final order.

(d) *Answer to notice of intent to fine.* (1) If a respondent contests the issuance of a Notice of Intent to Fine, he or she must, by mail, serve a written answer responding to each allegation listed in the Notice and request a hearing within thirty days from the issuance of the Notice.

(2) If the respondent does not file an answer within thirty days, the Service shall issue a final order to which there is no appeal.

§ 274a.10 Penalties.

(a) *Criminal penalties.* An employer or a recruiter or referrer for a fee who engages in a pattern and practice of violating section 274A(a)(1)(A) or (a)(2) of the Act, may be fined not more than \$3,000 for each unauthorized alien, imprisoned for not more than six months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.

(b) *Civil penalties.* An employer or a recruiter or referrer for a fee may face civil penalties for a violation of section 274A of the Act. Civil penalties may be imposed by the Service or an Administrative Law Judge for violations under section 274A of the Act. In determining the level of the penalties that will be imposed, a finding of more than one violation in the course of a single proceeding or determination will be counted as a single violation. However, a single violation will include penalties for each unauthorized alien

who is determined to have been knowingly hired or recruited or referred for a fee.

(1) A respondent found by the Service (if the respondent fails to request a hearing) or an Administrative Law Judge (at a hearing) to have knowingly hired or referred for a fee unauthorized alien for employment in the United States or to have knowingly continued to employ an unauthorized alien, shall be subject to the following order:

(i) To cease and desist from such behavior;

(ii) To pay a civil fine according to the following schedule:

(A) First violation—not less than \$250 and not more than \$2,000 for each unauthorized alien; or

(B) Second violation—not less than \$2,000 and not more than \$3,000 for each unauthorized alien; or

(C) More than two violations—not less than \$3,000 and not more than \$10,000 for each unauthorized alien; and

(iii) To comply with the requirements of section 274a.2(b) of this part, and to take such other remedial action as is appropriate.

(2) A respondent determined by the Service (if a respondent fails to request a hearing) or by an Administrative Law Judge to have failed to comply with the employment verification requirements as set forth in § 274a.2(b) of this part, shall be subject to a civil penalty in an amount of not less than \$100 and not more than \$1,000 for each individual with respect to whom such violation occurred. In determining the amount of the penalty, consideration shall be given to:

(i) The size of the business of the employer being charged;

(ii) The good faith of the employer;

(iii) The seriousness of the violation;

(iv) Whether or not the individual was an unauthorized alien; and

(v) The history of previous violations of the employer.

(3) Where an order is issued with respect to a respondent composed of a distinct, physically separate subdivision which does its own hiring or its own recruiting or referring for a fee for employment (without reference to the practices of, or under the control of or common control with, another subdivision) the subdivision shall be considered a separate person or entity.

(c) *Enjoining pattern or practice violations.* If the Attorney General has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment or referral in violation of section 274A(a)(1)(A) or (2) of the Act, the

Attorney General may bring civil action in the appropriate United States District Court requesting relief, including a permanent or temporary injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary.

§ 274a.11 Special rule for legalization, special agricultural worker, and Cuban/Haitian entrant adjustment applicants.

An individual who claims to be eligible, and who intends to apply or has applied, for benefits pursuant to section 245A or 210 of the Act or section 202 of the Immigration and Reform and Control Act of 1986, is authorized to work without presenting an employer or a recruiter or referer for a fee with documentary evidence of work authorization. When an individual indicates to an employer or a recruiter or referer for a fee that he or she claims to qualify for such benefits and that he or she intends to apply or has applied for such benefits, he or she shall attest to that fact by checking on the Form I-9, the third box of Part 1 (Employee Information and Verification) and noting "Special Rules" in the space after "Alien Number A _____" and "September 1, 1987" in the space after "expiration of employment authorization." The individual must also provide a document listed in § 274a.2(b)(1)(v)(B) of this part that establishes identity. The employer shall follow all of the employment verification procedures set forth in § 274a.2(b) of this part except that the employer or the recruiter or referer for a fee shall note on the Form I-9 that the individual has stated his or her intention to seek such benefits by writing on the Form I-9 in Section 2—"Employer Review and Verification" under List C ("Documents that Establish Employment Eligibility") in the space after "Document Identification" the words "Special Rules" and in the space after "Expiration Date," "September 1, 1987". After September 1, 1987, such individuals, employers and recruiters and referers for a fee will be required to fully comply with all provisions of § 274a.2(b) of this part. Employers, recruiters, and referers, however, may update the Form I-9 if they follow the procedures set forth in § 274a.2(b)(2) of this part.

Subpart B—Employment Authorization

§ 274a.12 Cases of aliens authorized to accept employment.

(a) *Aliens authorized employment incident to status.* Pursuant to the statutory or regulatory reference cited, the following classes of aliens are authorized to be employed in the United

States without restrictions as to location or type of employment as a condition of their admission or subsequent change to one of the indicated classes, and specific employment authorization need not be requested:

(1) An alien who is a lawful permanent resident (with or without conditions pursuant to section 218 of the Act), as evidenced by Form I-151 or Form I-551 issued by the Service;

(2) An alien admitted to the United States as a lawful temporary resident pursuant to section 245A or 210 of the Act, as evidenced by an employment authorization document issued by the Service;

(3) An alien admitted to the United States as a refugee pursuant to section 207 of the Act for the period of time in that status, as evidenced by an employment authorization document issued by the Service;

(4) An alien paroled into the United States as a refugee for the period of time in that status, as evidenced by an employment authorization document issued by the Service;

(5) An alien granted asylum under section 208 of the Act for the period of time in that status, as evidenced by an employment authorization document issued by the Service;

(6) An alien admitted to the United States as a nonimmigrant fiancé or fiancée pursuant to section 101(a)(15)(K) of the Act, or an alien admitted as the child of such alien, for the period of admission of the United States, as evidenced by an employment authorization document issued by the Service;

(7) An alien admitted as a parent (N-8) or dependent child (N-9) of an alien granted permanent residence under section 101(a)(27)(I) of the Act, as evidenced by an employment authorization document issued by the Service;

(8) An alien admitted to the United States as a citizen of the Federated States of Micronesia (CFA/FSM) or of the Marshall Islands (CFA/MIS) pursuant to agreements between the United States and the former trust territories, as evidenced by an employment authorization document issued by the Service;

(9) An alien granted suspension of deportation under section 244(a) of the Act for the period of time in that status, as evidenced by an employment authorization document issued by the Service;

(10) An alien granted withholding of deportation under section 243(h) of the Act for the period of time in that status, as evidenced by an employment

authorization document issued by the Service; or

(11) An alien who has been granted extended voluntary departure by the Attorney General as a member of a nationality group pursuant to a request by the Secretary of State. Employment is authorized for the period of time in that status as evidenced by Form I-____ issued by the Service.

(b) *Aliens authorized for employment with a specific employer incident to status.* The following classes of nonimmigrant aliens are authorized to be employed in the United States by the specific employer and subject to the restrictions described in the section(s) of this chapter indicated as a condition of their admission in, or subsequent change to, such classification. An alien in one of these classes is not issued an employment authorization document by the Service:

(1) A foreign government official (A-1 or A-2), pursuant to § 214.2(a) of this chapter. An alien in this status may be employed only by the foreign government entity;

(2) An employee of a foreign government official (A-3), pursuant to § 214.2(a) of this chapter. An alien in this status may be employed only by the foreign government official;

(3) A foreign government official in transit (C-2 or C-3), pursuant to § 214.2(c) of this chapter. An alien in this status may be employed only by the foreign government entity;

(4) A nonimmigrant crewman (D-1 or D-2) pursuant to § 214.2(d), and Parts 252 and 253, of this chapter. An alien in this status may be employed only in a crewman capacity on the vessel or aircraft of arrival, or on a vessel or aircraft of the same transportation company, and may not be employed in connection with domestic flights or movements of a vessel or aircraft;

(5) A nonimmigrant treaty trader (E-1) or treaty investor (E-2), pursuant to § 214.2(e) of this chapter. An alien in this status may be employed only by the treaty-qualifying company through which the alien attained the status.

Employment authorization does not extend to the dependents of the principal treaty trader or treaty investor (also designated "E1" or "E-2"), other than those specified in paragraph (c)(2) of this section;

(6) A nonimmigrant student (F-1) pursuant to § 214.2(f)(9) of this chapter. An alien in this status may be employed only in accordance with the following conditions:

(i) On campus for not more than twenty hours a week while school is in session; or

(11) On campus full time when school is not in session if the student is eligible and intends to register for the next term or session. In addition, a nonimmigrant student (F-1) may engage in a work-study program as part of the regular curriculum available within the student's program of study in accordance with the conditions specified in § 214.2(f)(10) of this chapter.

(7) A representative of an international organization (G-1, G-2, G-3, or G-4), pursuant to § 214.2(g) of this chapter. An alien in this status may be employed only by the foreign government entity or the international organization.

(8) A personal employee of an official or representative of an international organization (G-5), pursuant to § 214.2(g) of this chapter. An alien in this status may be employed only by the official or representative of the international organization.

(9) A temporary worker or trainee (H-1, H-2A, H-2B, or H-3), pursuant to § 214.2(h) of this chapter. An alien in this status may be employed only by the petitioner through whom the status was obtained.

(10) An information media representative (I), pursuant to § 214.2(i) of this chapter. An alien in this status may be employed only for the sponsoring foreign news agency or bureau. Employment authorization does not extend to the dependents of an information media representative (also designated "I").

(11) An exchange visitor (J-1), pursuant to § 214.2(j) of this chapter. An alien in this status may be employed only by the exchange visitor program sponsor or appropriate designee and within the guidelines of the program approved by the United States Information Agency.

(12) An intra-company transferee (L-1), pursuant to § 214.2(l) of this chapter. An alien in this status may be employed only by the petitioner through whom the status was obtained.

(13) Officers and personnel of the armed services of nations of the North Atlantic Treaty Organization, and representatives, officials, and staff employees of NATO (NATO-1, NATO-2, NATO-3, NATO-4, NATO-5 and NATO-6), pursuant to § 214.2(o) of this chapter. An alien in this status may be employed only by NATO.

(14) An attendant, servant or personal employee (NATO-7) of an alien admitted as a NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6, pursuant to § 214.2(o) of this chapter. An alien admitted under this classification may be employed only by

the NATO alien through whom the status was obtained; or

(15) A nonimmigrant alien within the class of aliens described in paragraphs (b)(9), (11), and (12) of this section whose status has expired but who has filed a timely application for an extension of such status pursuant to § 214.2 of this chapter. These aliens are authorized to continue employment with the same employer for a period not to exceed 120 days beginning on the date of the expiration of the authorized period of stay. If the alien's application for extension of stay has not been adjudicated within this period, the alien may apply to the district director for employment authorization pursuant to paragraph (c)(15) of this section.

(c) *Alien who must apply for employment authorization.* Any alien within a class of aliens described in this section must apply for work authorization. If authorized, such an alien may accept employment subject to any restrictions indicated in the regulations or cited on the employment authorization document.

(1) An alien spouse or unmarried dependent son or daughter of a foreign government official (A-1 or A-2) pursuant to § 214.2(a)(2) of this chapter, or the dependent of an employee of a foreign government official (A-3) pursuant to § 214.2(a)(3) of this chapter;

(2) An alien spouse or unmarried dependent son or daughter of an alien employee of the Coordination Council for North American Affairs (E-1) pursuant to § 214.2(e) of this chapter;

(3) A nonimmigrant (F-1) student who: (i) is seeking off-campus employment authorization due to economic necessity pursuant to § 214.2(f) of this Chapter;

(ii) is seeking employment for purposes of practical training pursuant to § 214.2(f) of this chapter. The alien may be employed only in an occupation which is directly related to his or her course of studies; or

(iii) Has been offered employment under the sponsorship of an international organization within the meaning of the International Organization Immunities Act (50 Stat. 896). If such international organization provides written certification to the district director having jurisdiction over the intended place of employment that the proposed employment is within the scope of the organization's sponsorship;

(4) An alien spouse or unmarried dependent son or daughter of an officer or employee of an international organization (G-4) pursuant to § 214.2(g) of this chapter;

(5) An alien spouse or minor child of an exchange visitor (J-2) pursuant to § 214.2(j) of this chapter;

(6) A nonimmigrant (M-1) student seeking employment for practical training pursuant to § 214.2(m) of this chapter following completion of studies if such employment is directly related to the student's course of study;

(7) A dependent of an alien classified as NATO-1 through NATO-7 pursuant to § 214.2(n) of this chapter;

(8) Any alien who has filed a non-frivolous application for asylum pursuant to Part 208 of this chapter. Employment authorization shall be granted in increments not exceeding one year during the period the application is pending (including any period when an administrative appeal or judicial review is pending) and shall expire on a specified date;

(9) Any alien who has filed an application for adjustment of status to lawful permanent resident pursuant to Part 245 of this chapter. Employment authorization shall be granted in increments not exceeding one year during the period the application is pending (including any period when an administrative appeal or judicial review is pending) and shall expire on a specified date;

(10) Any alien who has filed an application for suspension of deportation pursuant to Part 244 of this chapter, if the alien establishes an economic need to work. Employment authorization shall be granted in increments not exceeding one year during the period the application is pending (including any period when an administrative appeal or judicial review is pending) and shall expire on a specified date;

(11) Any alien paroled into the United States temporarily for emergent reasons or reasons deemed strictly in the public interest pursuant to § 212.5 of this chapter;

(12) Any deportable alien granted voluntary departure, either prior to or after hearing, for reasons set forth in § 242.5(a)(2) (v), (vi), or (vii) of this chapter may be granted permission to be employed for that period of time prior to the date set for voluntary departure including any extension granted beyond such date. Factors which may be considered in adjudicating the employment application of an alien who has been granted voluntary departure are the following:

(i) The length of voluntary departure granted;

(ii) The existence of a dependent spouse and/or children in the United States who rely on the alien for support;

(iii) Whether there is a reasonable chance that legal status may ensue in the near future; and

(iv) Whether there is a reasonable basis for consideration of discretionary relief.

(13) Any alien against whom exclusion or deportation proceedings have been instituted, who does not have a final order of deportation or exclusion, and who is not detained may be granted temporary employment authorization if the district director determines that employment is appropriate. Factors which may be considered by the district director in adjudicating the employment application of such an alien are the following:

(i) The existence of the economic necessity to be employed;

(ii) The existence of a dependent spouse and/or children in the United States who rely on the alien for support;

(iii) Whether there is a reasonable chance that legal status may ensue in the near future; and

(iv) Whether there is a reasonable basis for consideration of discretionary relief.

(14) An alien who has been granted deferred action, an act of administrative convenience to the government which gives some cases lower priority, if the alien establishes an economic necessity for employment:

(15) A nonimmigrant alien within the class of aliens described in paragraphs (b)(9), (11), and (12) of this section whose application for extension of stay has not been adjudicated within the 120-day period as set forth in paragraph (b)(15) of this section.

(d) *Basic criteria to establish economic necessity.* Title 45—Public Welfare, Poverty Guidelines, 45 CFR 1080.2 should be used as the basic criteria to establish eligibility for employment authorization when the alien's economic necessity is identified as a factor. The alien shall submit an application for employment authorization listing his or her assets, income, and expenses as evidence of his or her economic need to work. Permission to work granted on the basis of the alien's application for employment authorization may be revoked under § 274a.14 of this chapter upon a showing that the information contained in the statement was not true and correct.

§ 274a.13 Application for employment authorization.

(a) *General.* An application (in the form of a written request) for employment authorization by an alien under § 274.12(c) of this chapter shall be filed with the district director having jurisdiction over the applicant's residence. Except for paragraph (c)(8) of this section, the approval of an application for employment authorization shall be within the

discretion of the district director. Where economic necessity is identified as a factor, the alien must provide information regarding his or her assets, income, and expenses on the application for employment authorization.

(b) *Approval of application.* If the application is granted, the alien shall be notified of the decision and issued employment authorization for a specific period of time. Such authorization shall be subject to any conditions noted on the employment authorization document.

(c) *Denial of application.* If the application is denied, the applicant shall be notified in writing of the decision and the reasons for the denial. There shall be no appeal from the denial of the application.

(d) *Interim employment authorization.* The district director shall adjudicate the application for employment

authorization within 60 days from the date of receipt of the application by the Service or the date of receipt of a returned application by the Service.

Failure to complete the adjudication within 60 days will result in the grant of interim employment authorization for a period not to exceed 120 days. Such authorization shall be subject to any conditions noted on the employment authorization document. However, if the district director adjudicates the application prior to the expiration date of the interim employment authorization and denies the individual's employment authorization application, the employment authorization granted under this section shall automatically terminate.

§ 274a.14 Termination of employment authorization.

(a) *Automatic termination of employment authorization.*

(1) Employment authorization granted under § 274a.12(c) of this chapter shall automatically terminate upon the occurrence of one of the following events:

(i) The expiration date specified by the Service on the employment authorization document is reached;

(ii) Exclusion or deportation proceedings are instituted (however, this shall not preclude the authorization of employment pursuant to § 274a.12(c) of this part where appropriate); or

(iii) The alien is granted voluntary departure.

(2) Termination of employment authorization pursuant to this paragraph does not require the service of a notice of intent to revoke; employment authorization terminates upon the occurrence of any event enumerated in paragraph (a)(1) of this section.

However, automatic revocation under this section does not preclude reapplication for employment authorization under § 274.12(c) of this part.

(b) *Revocation of employment authorization—(1) Basis for revocation of employment authorization.*

Employment authorization granted under § 274a.12(c) of this chapter may be revoked by the district director:

(i) Prior to the expiration date, when it appears that any condition upon which it was granted has not been met or no longer exists, or for good cause shown, or

(ii) Upon a showing that the information contained in the application is not true and correct.

(2) *Notice of intent to revoke employment authorization.* When a district director determines that employment authorization should be revoked prior to the expiration date specified by the Service, he or she shall serve written notice of intent to revoke the employment authorization. The notice will cite the reasons indicating that revocation is warranted. The alien will be granted a period of fifteen days from the date of service of the notice within which to submit countervailing evidence. The decision by the district director shall be final and no appeal shall lie from the decision to revoke the authorization.

(c) *Automatic termination of temporary employment authorization granted prior to June 1, 1967.* (1) Temporary employment authorization granted prior to June 1, 1967, pursuant to 8 CFR 109.1(b), or its redesignation as § 274a.12(c) of this part, shall automatically terminate on the date specified by the Service on the document issued to the alien, or on June 1, 1968, whichever is earlier. Automatic termination of temporary employment authorization does not preclude a subsequent application for temporary employment authorization.

(2) A document issued by the Service prior to June 1, 1967, that authorizes temporary employment authorization for any period beyond June 1, 1968, is null and void pursuant to paragraph (c)(1) of this section, and must be surrendered to the Service on the date that the temporary employment authorization terminates or on June 1, 1968, whichever is earlier. The alien shall be issued a new employment authorization document at the time the document is surrendered to the Service if the alien is eligible for temporary employment authorization pursuant to § 274a.12(c) of this chapter.

(3) No notice of intent to revoke is necessary for the automatic termination of temporary employment authorization pursuant to this part.

Dated: April 23, 1987.

Alan C. Nelesen,
Commissioner, Immigration and
Naturalization Service.

[FR Doc. 87-8668 Filed 4-30-87; 8:45 am]

GUIDELINES

U.S. and Naturalized Citizens and Permanent Residents

For those employees including graduate teaching and research assistants who indicate that they are U.S. citizens (including naturalized citizens) or that they have a Permanent/Immigrant visa, the Department Head/Director or his/her designate (Deans, Directors; Associate Deans, Directors or Department Heads; or School Business officers) must prepare the I-9 form and must physically examine the original documents presented to verify employability and identity. The I-9 copy and documentation is to be maintained in the Departmental files for three years after the date of hire or one year after date of termination of employment. A copy of the I-9 must be transmitted to the Provost's office (EPA employees) or Human Resources (SPA employees) as soon as the form has been completed or within three business days. Individuals cannot be paid until a copy of the completed form I-9 has been received; neither can they continue to be employed.

Non-Immigrant Visa Holders

See attached chart, "Employment Eligibility for Alien Non-Immigrant Visa Holders".

Graduate Teaching and Research Assistants

See attached chart, "Employment Eligibility for Alien Non-Immigrant Visa Holders".

Temporary Appointments Paid Through Bi-Weekly Payroll

Effective June 1, 1987 a completed copy of the I-9 form must accompany the TEMPORARY APPOINTMENT FORM (PA-321). Please note that it will be necessary only to submit the copy of the I-9 form when the individual is initially employed. The form will remain valid for three years. However, a completed I-9 form will be required by September 21, 1987 for all persons who have been on the bi-weekly payroll between November 6, 1986 and May 31, 1987 and are still employed. The original completed I-9 will be prepared by the Department Head/Director or his/her designate (Deans, Directors; Associate Deans, Directors or Department Heads; or School Business officers) and records should be maintained in the Departmental files with copies being sent to the Payroll Office.

On-Campus Employment Eligibility for Alien Non-Immigrant Visa Holders

Visa Classification of Job Applicant	Eligibility to Work On Campus	Proof of Eligibility	Comments (Guidelines & Procedures)	Clarification and Verification Contact On Campus
F-1 Student	May, as a class of visa holders, work on-campus up to 20 hrs./wk. during Fall & Spring semesters and full-time during holidays and summer vacation. Not eligible upon completion of academic program.	F-1 student needs <u>only</u> to prove he/she holds an F-1 visa as documented on the I-20 ID Copy (a long gold card) which has the student's name and "F-1" written on it.	<p>The student must be currently enrolled as a full-time student in the Fall or Spring semester, or intending to enroll or to continue enrollment as a full-time student in the next Fall semester if employment is sought on-campus in the summer.</p> <p><u>Graduate Teaching and Research Assistants:</u> A copy of I-9 form must be transmitted to the Provost's office within 3 business days of hire. Documentation is to be housed in the dept. for 3 years after date of hire or 1 year after date of termination of employment. (Cannot be paid until all forms are received.)</p>	International Student Office (Don Roberts or Judith Green)
F-2 Dependent (of F-1 Student) L-2 Dependent (of L-1 Inter-company Transferee)	Under no circumstances on or off campus			International Student Office and International Programs Office

Visa Classification of Job Applicant	Eligibility to Work On Campus	Proof of Eligibility	Comments (Guidelines & Procedures)	Clarification and Verification Contact On Campus
J-1 Student	May work either on or off campus <u>only</u> with the permission of his/her "J-1 program sponsor."	The eligibility document must be in the form of a letter from the J-1 program sponsor authorizing such employment. NCSU is the "program sponsor" for over half of our J-1's. Therefore the employment authorization letter may come from either the Int'l. Student Office or the Graduate School, where there are NCSU J-1 program sponsor officers. Students on J-1's who have program sponsors other than NCSU must have an employment authorization letter from that sponsor, e.g., AID, IIE, etc.	Confirmation of the identity of a J-1 student's program sponsor may be obtained by calling the Int'l. Student Office. <u>Graduate Teaching and Research Assistants:</u> A copy of I-9 form must be transmitted to the Provost's office within 3 business days of hire. Documentation is to be housed in the dept. for 3 years after date of hire or 1 year after date of termination of employment. (Cannot be paid until all forms are received.)	International Student Office
J-1 Scholar	May, as a class of visa holders, work on campus full-time in accordance with validity dates specified on IAP-66 and I-94 Departure Record.	IAP-66 and I-94 Departure Record must be presented to the Int'l. Programs Office.	The Office of Int'l. Programs via the scholar will transmit the Visa Clarification form and copy of I-9 to the dept. The dept. must submit within 3 business days of hiring a copy of the completed I-9 form and Visa Clarification form with the personnel paper (PA 200). (These papers will not be processed and no payments authorized without Visa Clarification form and I-9 form.) Documentation will be housed in the Office of Int'l. Prog. for 3 yrs. after date of hire or 1 yr. after date of termination of employment.	Office of International Programs (Jeana McClintock)

Visa Classification of Job Applicant	Eligibility to Work On Campus	Proof of Eligibility	Comments (Guidelines & Procedures)	Clarification and Verification Contact On Campus
J-2 Dependent (of J-1 Scholar or Student)	May work on or off campus only with specific authorization from the U.S. Immigration and Naturalization Service (USINS).	I-94 Departure Record with endorsement authorizing employment	Time limit is given on the work authorization; therefore, requests for extensions of the authorization must periodically be made by the J-2 to USINS and updated with campus employers per instructions for J-1 and F-1 students.	J-2 dependents of scholars: Office of International Programs J-2 dependents of students: International Student Office
H-1 Temporary Worker of Distinguished Merit and Ability H-3 Temporary Worker - Trainee	May, as a class of visa holders, work on campus full-time in accordance with validity dates specified on I-129B and I-94 Departure Record.	I-171C form and I-94 Departure Record	Same as J-1 Scholar	Office of International Programs
H-4 Dependent (of H-1 or H-3)	Under no circumstances on or off campus			Office of International Programs
B-1 and B-2	Under no circumstances on or off campus.		The University may pay per diem and travel expenses, but paying honoraria is disallowable. In order to be paid an honorarium the visitor must enter as a J-1 scholar.	Office of International Programs
Other Visa Categories e.g., A, G, or L				Office of International Programs and International Student Office

Employment Eligibility Verification

NOTICE: Authority for collecting the information on this form is in Title 8, United States Code, Section 1324A, which requires employers to verify employment eligibility of individuals on a form approved by the Attorney General. This form will be used to verify the individual's eligibility for employment in the United States. Failure to present this form for inspection to officers of the Immigration and Naturalization Service or Department of Labor within the time period specified by regulation, or improper completion or retention of this form, may be a violation of the above law and may result in a civil money penalty.

Section 1. Instructions to Employee/Preparer for completing this form

Instructions for the employee.

All employees, upon being hired, must complete Section 1 of this form. Any person hired after November 6, 1986 must complete this form. (For the purpose of completion of this form the term "hired" applies to those employed, recruited or referred for a fee.)

All employees must print or type their complete name, address, date of birth, and Social Security Number. The block which correctly indicates the employee's immigration status must be checked. If the second block is checked, the employee's Alien Registration Number must be provided. If the third block is checked, the employee's Alien Registration Number or Admission Number must be provided, as well as the date of expiration of that status, if it expires.

All employees whose present names differ from birth names, because of marriage or other reasons, must print or type their birth names in the appropriate space of Section 1. Also, employees whose names change after employment verification should report these changes to their employer.

All employees must sign and date the form.

Instructions for the preparer of the form, if not the employee.

If a person assists the employee with completing this form, the preparer must certify the form by signing it and printing or typing his or her complete name and address.

Section 2. Instructions to Employer for completing this form

(For the purpose of completion of this form, the term "employer" applies to employers and those who recruit or refer for a fee.)

Employers must complete this section by examining evidence of identity and employment eligibility, and:

- checking the appropriate box in List A or boxes in both Lists B and C;
- recording the document identification number and expiration date (if any);
- recording the type of form if not specifically identified in the list;
- signing the certification section.

NOTE: Employers are responsible for reverifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Copies of documentation presented by an individual for the purpose of establishing identity and employment eligibility may be copied and retained for the purpose of complying with the requirements of this form and no other purpose. Any copies of documentation made for this purpose should be maintained with this form.

Name changes of employees which occur after preparation of this form should be recorded on the form by lining through the old name, printing the new name and the reason (such as marriage), and dating and initialing the changes. Employers should not attempt to delete or erase the old name in any fashion.

RETENTION OF RECORDS.

The completed form must be retained by the employer for:

- three years after the date of hiring; or
- one year after the date the employment is terminated, whichever is later.

Employers may photocopy or reprint this form as necessary.

EMPLOYMENT ELIGIBILITY VERIFICATION (Form I-9)

1 **EMPLOYEE INFORMATION AND VERIFICATION:** (To be completed and signed by employee.)

Name: (Print or Type) Last	First	Middle	Birth Name
Address: Street Name and Number	City	State	ZIP Code
Date of Birth (Month/Day Year)		Social Security Number	

I attest, under penalty of perjury, that I am (check a box):

- 1. A citizen or national of the United States.
- 2. An alien lawfully admitted for permanent residence (Alien Number A _____).
- 3. An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____ or Admission Number _____, expiration of employment authorization, if any _____).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature	Date (Month/Day/Year)
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PREPARER TRANSLATOR CERTIFICATION (To be completed if prepared by person other than the employee). I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)
Address (Street Name and Number)	City State Zip Code

2 **EMPLOYER REVIEW AND VERIFICATION:** (To be completed and signed by employer.)

Instructions:

Examine one document from List A and check the appropriate box. OR examine one document from List B and one from List C and check the appropriate boxes. Provide the *Document Identification Number* and *Expiration Date* for the document checked.

List A Documents that Establish Identity and Employment Eligibility	List B Documents that Establish Identity	and List C Documents that Establish Employment Eligibility
<input type="checkbox"/> 1. United States Passport <input type="checkbox"/> 2. Certificate of United States Citizenship <input type="checkbox"/> 3. Certificate of Naturalization <input type="checkbox"/> 4. Unexpired foreign passport with attached Employment Authorization <input type="checkbox"/> 5. Alien Registration Card with photograph <i>Document Identification</i> # _____ <i>Expiration Date (if any)</i> _____	<input type="checkbox"/> 1. A State-issued driver's license or a State-issued I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) _____ <input type="checkbox"/> 2. U.S. Military Card <input type="checkbox"/> 3. Other (Specify document and issuing authority) _____ <i>Document Identification</i> # _____ <i>Expiration Date (if any)</i> _____	<input type="checkbox"/> 1. Original Social Security Number Card (other than a card stating it is not valid for employment) <input type="checkbox"/> 2. A birth certificate issued by State, county, or municipal authority bearing a seal or other certification <input type="checkbox"/> 3. Unexpired INS Employment Authorization Specify form # _____ <i>Document Identification</i> # _____ <i>Expiration Date (if any)</i> _____

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine and to relate to the individual named, and that the individual, to the best of my knowledge, is eligible to work in the United States.

Signature	Name (Print or Type)	Title
Employer Name	Address	Date

EXAMPLES OF COMPLETED FORM I-9

Example #1: Standard Completion

Example #2: Employee Unable to Provide Documentation

Example #3: Preparer/Translator Certification

Example #4: Alien With Work Authorization

Example #5: Claiming Special Rule

Example #6: Name Change

Example #7: Revised Employment Authorization for Alien

EMPLOYMENT ELIGIBILITY VERIFICATION

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name (Print or Type) Last Smith	First Jane	Middle Marie	Maiden Jones
Address: Street Name and Number 431 Wake Boulevard,		City Raleigh,	State NC ZIP Code 27604
Date of Birth (Month, Day, Year) January 14, 1943		Social Security Number 000-00-0000	

I attest, under penalty of perjury, that I am (check a box):

- A citizen or national of the United States.
- An alien lawfully admitted for permanent residence (Alien Number A _____).
- An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____ or Admission Number _____ expiration of employment authorization, if any _____).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature Jane L. Smith Date (Month/Day/Year) June 1, 1987

PREPARED BY TRANSLATOR CERTIFICATION (If prepared by other than the individual, I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.)

Signature	Name (Print or Type)		
Address (Street Name and Number)	City	State	Zip Code

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Examine one document from those in List A and check the correct box, or examine one document from List B and one from List C and check the correct boxes. Provide the Document Identification Number and Expiration Date, for the document checked in that column.

List A Identity and Employment Eligibility	List B Identity	and	List C Employment Eligibility
<input type="checkbox"/> United States Passport <input type="checkbox"/> Certificate of United States Citizenship <input type="checkbox"/> Certificate of Naturalization <input type="checkbox"/> Unexpired foreign passport with attached Employment Authorization <input type="checkbox"/> Alien Registration Card with photograph Document Identification _____ # _____ Expiration Date (if any) _____	<input checked="" type="checkbox"/> A State issued driver's license or I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) <u>NC</u> <input type="checkbox"/> U.S. Military Card <input type="checkbox"/> Other (Specify document and issuing authority) _____ Document Identification _____ # <u>1286989</u> Expiration Date (if any) <u>May 21, 1989</u>	<input checked="" type="checkbox"/> Original Social Security Number Card (other than a card stating it is not valid for employment) <input type="checkbox"/> A birth certificate issued by State, county, or municipal authority bearing a seal or other certification <input type="checkbox"/> Unexpired INS Employment Authorization Specify form # _____ Document Identification _____ # _____ Expiration Date (if any) _____	

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine, relate to the individual named, and that the individual, to the best of my knowledge, is authorized to work in the United States.

Signature <u>William A. Doe</u>	Name (Print or Type) William A. Doe	Title Dept. Head
Employer Name NC State Gov't./Dept. of Revenue 2 S. Salisbury Street, Raleigh, NC		Date June 1, 1987

EMPLOYMENT ELIGIBILITY VERIFICATION

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name (Print or Type) Last Smith	First Jane	Middle Marie	Maiden Jones
Address: Street Name and Number 431 Wake Boulevard,		City Raleigh,	State NC ZIP Code 27604
Date of Birth (Month, Day, Year) January 14, 1943		Social Security Number 000-00-0000	

I attest, under penalty of perjury, that I am (check a box):

- A citizen or national of the United States.
- An alien lawfully admitted for permanent residence (Alien Number A _____).
- An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____ or Admission Number _____, expiration of employment authorization, if any _____).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature <i>Jane J. Smith</i>	Date (Month/Day/Year) <i>June 1, 1987</i>
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PREPARED BY TRANSLATOR CERTIFICATION (If prepared by other than the individual): I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)		
Address (Street Name and Number)	City	State	Zip Code

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Examine one document from those in List A and check the correct box, or examine one document from List B and one from List C and check the correct boxes. Provide the Document Identification Number and Expiration Date, for the document checked in that column.

List A Identity and Employment Eligibility	List B Identity	and	List C Employment Eligibility
SEE BELOW			
<input type="checkbox"/> United States Passport	<input type="checkbox"/> A State issued driver's license or I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) _____		<input type="checkbox"/> Original Social Security Number Card (other than a card stating it is not valid for employment)
<input type="checkbox"/> Certificate of United States Citizenship	<input type="checkbox"/> U.S. Military Card		<input type="checkbox"/> A birth certificate issued by State, county, or municipal authority bearing a seal or other certification
<input type="checkbox"/> Certificate of Naturalization	<input type="checkbox"/> Other (Specify document and issuing authority) _____		<input type="checkbox"/> Unexpired INS Employment Authorization Specify form _____
<input type="checkbox"/> Unexpired foreign passport with attached Employment Authorization			
<input type="checkbox"/> Alien Registration Card with photograph			
Document Identification # _____	Document Identification # _____		Document Identification # _____
Expiration Date (if any) _____	Expiration Date (if any) _____		Expiration Date (if any) _____

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine, relate to the individual named, and that the individual, to the best of my knowledge, is authorized to work in the United States.

Signature <i>William A. Doe</i>	Name (Print or Type) William A. Doe	Title Dept. Head
Employer Name NC State Gov't./Dept. of Revenue	Address 2 S. Salisbury Street, Raleigh, NC	Date June 1, 1987

NOTE: Employee unable to present required documentation. Receipt has been presented and employee notified he has 21 days to provide documentation.

EMPLOYMENT ELIGIBILITY VERIFICATION

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name (Print or Type) Last Smith	First Jane	Middle Marie	Maiden Jones
Address: Street Name and Number 431 Wake Boulevard,		City Raleigh,	State NC ZIP Code 27604
Date of Birth (Month Day Year) January 14, 1943		Social Security Number 000-00-0000	

I attest, under penalty of perjury, that I am (check a box):

- A citizen or national of the United States.
 An alien lawfully admitted for permanent residence (Alien Number A _____).
 An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____ or Admission Number _____, expiration of employment authorization, if any _____).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature X Date (Month/Day/Year)
June 1, 1987

PREPARED, TRANSLATOR CERTIFICATION (If prepared by other than the individual) I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature <u>Mary L. Brown</u>	Name (Print or Type) Mary L. Brown
Address (Street Name and Number) 108 Salem Street,	City Raleigh, State NC Zip Code 27607

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)Examine one document from those in List A and check the correct box. or examine one document from List B and one from List C and check the correct boxes. Provide the Document Identification Number and Expiration Date, for the document checked in that column.

List A Identity and Employment Eligibility	List B Identity	and	List C Employment Eligibility
<input type="checkbox"/> United States Passport <input type="checkbox"/> Certificate of United States Citizenship <input type="checkbox"/> Certificate of Naturalization <input type="checkbox"/> Unexpired foreign passport with attached Employment Authorization <input type="checkbox"/> Alien Registration Card with photograph Document Identification # _____ Expiration Date (if any) _____	<input checked="" type="checkbox"/> A State issued driver's license or I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) <u>NC</u> <input type="checkbox"/> U.S. Military Card <input type="checkbox"/> Other (Specify document and issuing authority) _____ Document Identification # ID1790964 Expiration Date (if any) May 21, 1989	<input checked="" type="checkbox"/> Original Social Security Number Card (other than a card stating it is not valid for employment) <input type="checkbox"/> A birth certificate issued by State, county, or municipal authority bearing a seal or other certification <input type="checkbox"/> Unexpired INS Employment Authorization Specify form # _____ Document Identification # _____ Expiration Date (if any) _____	

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine, relate to the individual named, and that the individual, to the best of my knowledge, is authorized to work in the United States.

Signature <u>William A. Doe</u>	Name (Print or Type) William A. Doe	Title Dept. Head
Employer Name NC State Gov't./Dept. of Revenue	Address 2 S. Salisbury Street, Raleigh, NC	Date June 1, 1987

EMPLOYMENT ELIGIBILITY VERIFICATION

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name (Print or Type) Last Smith	First Jane	Middle Marie	Maiden Jones
Address: Street Name and Number 431 Wake Boulevard,	City Raleigh,	State NC	ZIP Code 27604
Date of Birth (Month-Day-Year) January 14, 1943	Social Security Number N/A		

I attest, under penalty of perjury, that I am (check a box):

- A citizen or national of the United States.
 An alien lawfully admitted for permanent residence (Alien Number A _____).
 An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A 00 000 000 or Admission Number _____, expiration of employment authorization, if any December 31, 1988).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature Jane L. Smith Date (Month/Day/Year) 4/10/1987

PREPARED BY: (If prepared by other than the individual) I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)		
Address (Street Name and Number)	City	State	Zip Code

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Examine one document from those in List A and check the correct box, or examine one document from List B and one from List C and check the correct boxes. Provide the Document Identification Number and Expiration Date, for the document checked in that column.

List A Identity and Employment Eligibility	List B Identity	and	List C Employment Eligibility
<input type="checkbox"/> United States Passport <input type="checkbox"/> Certificate of United States Citizenship <input type="checkbox"/> Certificate of Naturalization <input checked="" type="checkbox"/> Unexpired foreign passport with attached Employment Authorization <input type="checkbox"/> Alien Registration Card with photograph	<input type="checkbox"/> A State issued driver's license or I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) _____ <input type="checkbox"/> U.S. Military Card <input type="checkbox"/> Other (Specify document and issuing authority) _____		<input type="checkbox"/> Original Social Security Number Card (other than a card stating it is not valid for employment) <input type="checkbox"/> A birth certificate issued by State, county, or municipal authority bearing a seal or other certification <input type="checkbox"/> Unexpired INS Employment Authorization Specify form # _____
Document Identification # <u>435967</u>	Document Identification # _____		Document Identification # _____
Expiration Date (if any) <u>December 31, 1988</u>	Expiration Date (if any) _____		Expiration Date (if any) _____

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine, relate to the individual named, and that the individual, to the best of my knowledge, is authorized to work in the United States.

Signature <u>William A. Doe</u>	Name (Print or Type) William A. Doe	Title Dept. Head
Employer Name NC State Gov't./Dept. of Revenue	Address 2 S. Salisbury Street, Raleigh,	Date June 1, 1987

EMPLOYMENT ELIGIBILITY VERIFICATION

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name: (Print or Type) Last Smith	First Jane	Middle Marie	Maiden Jones
Address: Street Name and Number 431 Wake Boulevard,		City Raleigh,	State NC
Date of Birth (Month, Day, Year) January 14, 1943		ZIP Code 27604	
Social Security Number			

I attest, under penalty of perjury, that I am (check a box):

- A citizen or national of the United States.
- An alien lawfully admitted for permanent residence (Alien Number A _____).
- An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____, Special Rule or Admission Number _____, expiration of employment authorization, if any September 1, 1987).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature Jane J. Smith Date (Month/Day/Year) June 1, 1987

PREPARED BY TRANSLATOR CERTIFICATION: (If prepared by other than the individual, I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.)

Signature	Name (Print or Type)		
Address (Street Name and Number)	City	State	Zip Code

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Examine one document from those in List A and check the correct box, or examine one document from List B and one from List C and check the correct boxes. Provide the Document Identification Number and Expiration Date, for the document checked in that column.

List A Identity and Employment Eligibility	List B Identity	and	List C Employment Eligibility
<input type="checkbox"/> United States Passport <input type="checkbox"/> Certificate of United States Citizenship <input type="checkbox"/> Certificate of Naturalization <input type="checkbox"/> Unexpired foreign passport with attached Employment Authorization <input type="checkbox"/> Alien Registration Card with photograph	<input checked="" type="checkbox"/> A State issued driver's license or I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) <u>NC</u> <input type="checkbox"/> U.S. Military Card <input type="checkbox"/> Other (Specify document and issuing authority)		<input type="checkbox"/> Original Social Security Number Card (other than a card stating it is not valid for employment) <input type="checkbox"/> A birth certificate issued by State, county, or municipal authority bearing a seal or other certification <input type="checkbox"/> Unexpired INS Employment Authorization Specify form _____
Document Identification # _____	Document Identification # <u>ID1790964</u>		Document Identification # <u>Special Rule</u>
Expiration Date (if any) _____	Expiration Date (if any) <u>May 21, 1989</u>		Expiration Date (if any) <u>September 1, 1987</u>

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine, relate to the individual named, and that the individual, to the best of my knowledge, is authorized to work in the United States.

Signature <u>William A. Doe</u>	Name (Print or Type) William A. Doe	Title Dept. Head
Employer Name NC State Gov't./Dept. of Revenue	Address 2 S. Salisbury Street, Raleigh, NC	Date June 1, 1987

EMPLOYMENT ELIGIBILITY VERIFICATION

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

WAG
2/11/87

Name: (Print or Type) Last Smith Adams	First Jane	Middle Marie	Maiden Jones
Address: Street Name and Number 431 Wake Boulevard,		City Raleigh,	State NC
Date of Birth (Month Day Year) January 14, 1943		Social Security Number 000-00-0000	
		ZIP Code 27604	

I attest, under penalty of perjury, that I am (check a box):

- A citizen or national of the United States.
 An alien lawfully admitted for permanent residence (Alien Number A _____).
 An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____ or Admission Number _____, expiration of employment authorization, if any _____).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature Jane J. Smith	Date (Month/Day/Year) June 1, 1987
-----------------------------------	--

PREPARED TRANSLATOR CERTIFICATION (If prepared by other than the individual.) I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)		
Address (Street Name and Number)	City	State	Zip Code

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Examine one document from those in List A and check the correct box, or examine one document from List B and one from List C and check the correct boxes. Provide the Document Identification Number and Expiration Date, for the document checked in that column.

List A Identity and Employment Eligibility	List B Identity	and	List C Employment Eligibility
<input type="checkbox"/> United States Passport <input type="checkbox"/> Certificate of United States Citizenship <input type="checkbox"/> Certificate of Naturalization <input type="checkbox"/> Unexpired foreign passport with attached Employment Authorization <input type="checkbox"/> Alien Registration Card with photograph Document Identification # _____ Expiration Date (if any) _____	<input checked="" type="checkbox"/> A State issued driver's license or I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) <u>NC</u> <input type="checkbox"/> U.S. Military Card <input type="checkbox"/> Other (Specify document and issuing authority) _____ Document Identification # <u>1286989</u> Expiration Date (if any) <u>May 21, 1989</u>		<input checked="" type="checkbox"/> Original Social Security Number Card (other than a card stating it is not valid for employment) <input type="checkbox"/> A birth certificate issued by State, county, or municipal authority bearing a seal or other certification <input type="checkbox"/> Unexpired INS Employment Authorization Specify form # _____ Document Identification # _____ Expiration Date (if any) _____

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine, relate to the individual named, and that the individual, to the best of my knowledge, is authorized to work in the United States.

Signature William A. Doe	Name (Print or Type) William A. Doe	Title Dept. Head
Employer Name NC State Gov't./Dept. of Revenue	Address 2 S. Salisbury Street, Raleigh, NC	Date June 1, 1987

EMPLOYMENT ELIGIBILITY VERIFICATION

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name: (Print or Type) Last Smith	First Jane	Middle Marie	Maiden Jones
Address: Street Name and Number 431 Wake Boulevard, Raleigh,		State NC	ZIP Code 27604
Date of Birth (Month Day Year) January 14, 1943		Social Security Number N/A	

I attest, under penalty of perjury, that I am (check a box):

- A citizen or national of the United States.
- An alien lawfully admitted for permanent residence (Alien Number A _____).
- An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A 00 000 000 or Admission Number _____, expiration of employment authorization, if any December 31, 1988), 1990 WAG
9/15/88

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature <i>Jane J. Smith</i>	Date (Month/Day/Year) <i>4/10/1987</i>
-----------------------------------	---

PREPARED TRANSLATOR CERTIFICATION (If prepared by other than the individual): I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)		
Address (Street Name and Number)	City	State	Zip Code

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Examine one document from those in List A and check the correct box, or examine one document from List B and one from List C and check the correct boxes. Provide the Document Identification Number and Expiration Date, for the document checked in that column.

List A Identity and Employment Eligibility	List B Identity	and	List C Employment Eligibility
<input type="checkbox"/> United States Passport <input type="checkbox"/> Certificate of United States Citizenship <input type="checkbox"/> Certificate of Naturalization <input checked="" type="checkbox"/> Unexpired foreign passport with attached Employment Authorization <input type="checkbox"/> Alien Registration Card with photograph Document Identification # <u>435967</u> Expiration Date (if any) <u>1990</u> <u>December 31, 1988</u>	<input type="checkbox"/> A State issued driver's license or I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) _____ <input type="checkbox"/> U.S. Military Card <input type="checkbox"/> Other (Specify document and issuing authority) _____ Document Identification # _____ Expiration Date (if any) _____	<input type="checkbox"/> Original Social Security Number Card (other than a card stating it is not valid for employment) <input type="checkbox"/> A birth certificate issued by State, county, or municipal authority bearing a seal or other certification <input type="checkbox"/> Unexpired INS Employment Authorization Specify form # _____ Document Identification # _____ Expiration Date (if any) _____	

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine, relate to the individual named, and that the individual, to the best of my knowledge, is authorized to work in the United States.

Signature <i>William A. Doe</i>	Name (Print or Type) William A. Doe	Title Dept. Head
Employer Name NC State Gov't./Dept. of Revenue	Address 2 S. Salisbury Street, Raleigh, NC	Date June 1, 1987

WAG
9/15/88

Monday, June 24, 1985

Hotel Reservation made for

Robert Fennell

Mission Valley

One Night - July 9, 1985

Guaranteed Late Arrival

He will be traveling via People Express
and arriving RDU around 10:10 p.m.

Carolyn Ingram

Bob Fennell
10:10 July 9
People's Flight # 135
need Res. at
Mission Valley
July 9 - night

Claudia:

For your information

Carolyn

Monday, June 24, 1985

Hotel Reservation made for

Robert Finnell

Mission Valley

One Night - July 9, 1985

Guaranteed Late Arrival

(He will be traveling via People Express
and arriving RDU around 10:10 p.m.)

Carolyn Ingram

10583

UNIVERSITY DINING

UNIVERSITY DINING
1000 UNIVERSITY DRIVE
ANN ARBOR, MI 48106-1200
PHONE: (313) 763-3000
FAX: (313) 763-3000



Event Name	Event Date	Event Time
Event Location	Event Description	

TERMS AND CONDITIONS

CONFIRMATION OF THE FINAL NUMBER ATTENDING THE EVENT MUST BE MADE 48 HOURS IN ADVANCE.

You will be charged for meals based on this guaranteed number. If guaranteed number is exceeded, an additional charge will be incurred.

Room arrangements and food orders must be made at least five business days in advance.

A cancellation fee of up to 15% of the total bill will be charged if reservation is not cancelled two business days (48 hours) prior to the event.

A 20% surcharge, or \$4.00 whichever is larger, will be added for all groups under 20 in number.

The organization and/or its officers will be held financially responsible for any damage to the building or equipment as a result of maliciousness and/or negligence caused by members of the organization or its guests.

The organization is responsible for removal of all decorations and props immediately after the event.

Food and non-alcoholic beverages for parties is provided by University Dining only.

If the scheduled serving time is delayed more than 15 minutes, an additional labor charge may be assessed.



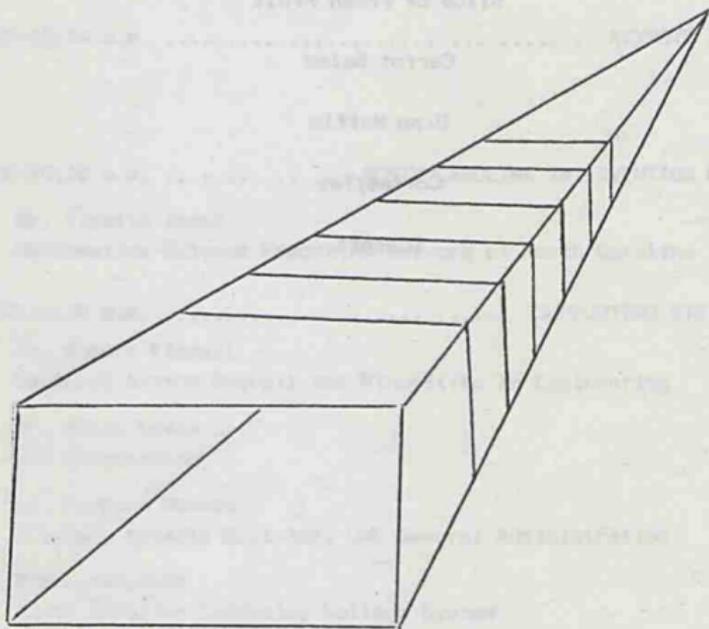
PLEASE PAY TOTAL AMOUNT DUE

IF ANY INFORMATION ON THIS FORM IS INCORRECT, PLEASE CONTACT THE RESERVATIONS/CATERING OFFICE AT LEAST TWO BUSINESS DAYS (48 HOURS) PRIOR TO THE EVENT. PLEASE READ TERMS ON BACK OF THIS FORM.

DATE

UNIVERSITY

MAXIMIZING THE POTENTIAL
OF WOMEN AND MINORITIES
IN MATHEMATICS AND SCIENCE:
AN INTERVENTION PROGRAM PROPOSAL
FOR NORTH CAROLINA



JULY 10, 1985

JANE S. MCKIMMON CENTER
NORTH CAROLINA STATE UNIVERSITY

LUNCHEON

Chicken Salad on Croissant

Slice of Fresh Fruit

Carrot Salad

Bran Muffin

Coffee/Tea

Dessert

PROGRAM

- 9:00- 9:15 a.m. WELCOME AND INTRODUCTION
Dr. Nash N. Winstead
Provost, North Carolina State University
Dr. Lawrence M. Clark
Associate Provost, North Carolina State University
- 9:15- 9:30 a.m. PROFILE/STATUS
Dr. Robert T. Williams
School of Education, North Carolina State University
- 9:30-10:00 a.m. KEYNOTE ADDRESS
- 10:00-10:30 a.m. NORTH CAROLINA INTERVENTION PROGRAM
Dr. Vinetta Jones
Mathematics-Science Education Network of North Carolina
- 10:30-11:30 a.m. SUPPORTING STATEMENTS
Mr. Robert Finnell
National Action Council for Minorities in Engineering
Mr. Namon Lewis
IBM Corporation
Dr. Raymond Dawson
Academic Affairs Division, UNC General Administration
Representative
North Carolina Community College System
Dr. Robert R. Jones
Mathematics Division, N. C. Department of Public Instruction
Dr. Paul H. Taylor
Science Division, N. C. Department of Public Instruction
Ms. Arlene Kahn
Carnegie Foundation
- 11:30-12:00 Noon COST OF IMPLEMENTATION
Dr. Jerome Melton
Consultant, Business Committee for Education

SPONSORS

Fayetteville State University
Mathematics-Science Education Network of North Carolina
North Carolina Agricultural and Technical State University
North Carolina Board of Science and Technology
North Carolina State University
Center for Research and Development in Mathematics and
Science and Schools of: Physical and Mathematical
Sciences, Agriculture and Life Sciences, and Engineering
University of North Carolina-Chapel Hill

STEERING COMMITTEE

Hunter Ballew, University of North Carolina-Chapel Hill
Robert Bereman, North Carolina State University
Gilbert Casterlow, North Carolina Agricultural and Technical
State University
Lawrence Clark, North Carolina State University
Leo Edwards, Fayetteville State University
William Grant, North Carolina State University
Valarie Guthrie, North Carolina Agricultural and Technical
State University
Sarah Hamilton, North Carolina School of Science and Mathematics
Blanche Haning, North Carolina State University
Jennie Holt, EQUALS Project, Charlotte, NC
Vinetta Jones, University of North Carolina-Chapel Hill
David Mallette, North Carolina Department of Public Instruction
Susan Schmidt, Wake County Schools
William Smith, University of North Carolina-Chapel Hill
Julia Snellgroves, Cumberland County Schools
Lee Stiff, North Carolina State University
Augustus Witherspoon, North Carolina State University

Special appreciation is expressed to Ms. Carol Maidon, Ms. Carol Ingram, and Ms. Claudia Pattison for their help in coordinating this conference.

MAXIMIZING THE POTENTIAL OF WOMEN AND MINORITIES
IN MATHEMATICS AND SCIENCE:
AN INTERVENTION PROGRAM PROPOSAL FOR NORTH CAROLINA

PLEASE RETURN NO LATER THAN JUNE 20, 1985 TO:
DR. LAWRENCE M. CLARK
ASSOCIATE PROVOST
NORTH CAROLINA STATE UNIVERSITY
BOX 7101
RALEIGH, NORTH CAROLINA 27695-7101

NAME: _____

TITLE: _____

ADDRESS: _____

PHONE: _____

() YES, I plan to attend the conference Maximizing the Potential of Women and Minorities in Mathematics and Science: An Intervention Program Proposal for North Carolina.

() YES, I plan to send my designee to attend the conference Maximizing the Potential of Women and Minorities in Mathematics and Science: An Intervention Program Proposal for North Carolina.

NAME: _____

TITLE: _____

ADDRESS: _____

PHONE: _____

() NO, I will not be able to attend the conference Maximizing the Potential of Women and Minorities in Mathematics and Science: An Intervention Program Proposal for North Carolina.

Monday, June 24, 1985

Hotel Reservation made for

Robert Finnell

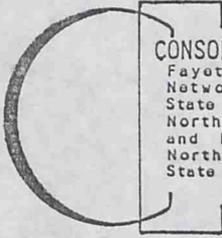
Mission Valley

One Night - July 9, 1985

Guaranteed Late Arrival

(He will be traveling via People Express
and arriving RDU around 10:10 p.m.)

Carolyn Ingram



CONSORTIUM FOR MINORITIES & WOMEN IN MATHEMATICS & SCIENCE

Fayetteville State University; Mathematics and Science Education
Network of North Carolina; North Carolina Agricultural & Technical
State University; North Carolina Board of Science and Technology;
North Carolina Council for Minorities in Science, Mathematics
and Engineering; North Carolina Department of Public Instruction;
North Carolina School of Science and Mathematics; North Carolina
State University; University of North Carolina at Chapel Hill

June 17, 1985

President Robert Scott
Department of Community Colleges
116 W. Edenton Street
Raleigh, North Carolina 27611

Dear President Scott:

I would like to extend an invitation to you to participate on the program of a Mathematics Conference scheduled for July 10, 1985 on the campus of North Carolina State University. This Conference, entitled "Maximizing the Potential of Women and Minorities in Mathematics and Science: An Intervention Program Proposal for North Carolina", will be held at the Jane S. McKimmon Center from 9:00 a.m. to 1:00 p.m.

A tentative program outline is enclosed. (Please note that Lieutenant Governor Jordan has been invited to give the keynote address; however, we have not received a commitment at this time.) We would hope you would make a ten minute presentation expressing the community college system's concern for finding a solution to the problem facing women and minorities in mathematics and science.

A draft of the intervention program proposal to be discussed will be sent under separate cover.

If I can provide you with any additional information, please let me know. I look forward to your response.

Sincerely,

Lawrence M. Clark
Associate Provost and
Consortium Chairman

LMC:cfp



CONSORTIUM FOR MINORITIES & WOMEN IN MATHEMATICS & SCIENCE

Fayetteville State University; Mathematics and Science Education Network of North Carolina; North Carolina Agricultural & Technical State University; North Carolina Board of Science and Technology; North Carolina Council for Minorities in Science, Mathematics and Engineering; North Carolina Department of Public Instruction; North Carolina School of Science and Mathematics; North Carolina State University; University of North Carolina at Chapel Hill

June 20, 1985

Mr. Namon Lewis
IBM Corporation
900 King Street
Ryebrook, New York 10573

Dear Mr. Lewis:

Dr. Vinetta Jones has informed me of your agreement to participate in the Mathematics Conference to be held on July 10, 1985. This Conference, entitled "Maximizing the Potential of Women and Minorities in Mathematics and Science: An Intervention Program Proposal for North Carolina", will be held at the Jane S. McKimmon Center on the campus of North Carolina State University from 9:00 a.m. to 1:00 p.m.

A tentative outline of the program is enclosed. We would hope that you would make a ten minute presentation in support of the need to find a solution to the problem facing minorities and women in mathematics and science.

Also enclosed is a draft of the intervention program proposal that will be discussed.

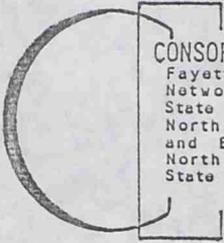
Thank you for agreeing to participate. We look forward to seeing you on July 10th.

Sincerely,

Lawrence M. Clark
Associate Provost
and Consortium Chairman

LMC:ci

cc: Dr. Vinetta Jones



CONSORTIUM FOR MINORITIES & WOMEN IN MATHEMATICS & SCIENCE

Fayetteville State University; Mathematics and Science Education Network of North Carolina; North Carolina Agricultural & Technical State University; North Carolina Board of Science and Technology; North Carolina Council for Minorities in Science, Mathematics and Engineering; North Carolina Department of Public Instruction; North Carolina School of Science and Mathematics; North Carolina State University; University of North Carolina at Chapel Hill

June 20, 1985

Mr. Robert Finnell
NACME
3 West 35th Street
New York, New York 10001

Dear Mr. Finnell:

This is a follow-up to our recent telephone conversation regarding your participation on the program of the Mathematics Conference scheduled for July 10, 1985. This Conference, entitled "Maximizing the Potential of Women and Minorities in Mathematics and Science: An Intervention Program Proposal for North Carolina", will be held at the Jane S. McKimmon Center from 9:00 a.m. to 1:00 p.m.

A tentative outline of the program is enclosed. We would hope that you would make a ten minute presentation summarizing enrollment data as it relates to women and minorities.

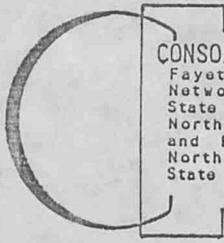
Also enclosed is a draft of the intervention program proposal that will be discussed.

Thank you for agreeing to participate. We look forward to seeing you on July 10th.

Sincerely,

Lawrence M. Clark
Associate Provost
and Consortium Chairman

LMC:ci
Enclosures



CONSORTIUM FOR MINORITIES & WOMEN IN MATHEMATICS & SCIENCE

Fayetteville State University; Mathematics and Science Education Network of North Carolina; North Carolina Agricultural & Technical State University; North Carolina Board of Science and Technology; North Carolina Council for Minorities in Science, Mathematics and Engineering; North Carolina Department of Public Instruction; North Carolina School of Science and Mathematics; North Carolina State University; University of North Carolina at Chapel Hill

June 20, 1985

Dr. Jerome H. Melton
Jordan House
532 N. Wilmington Street
Raleigh, North Carolina 27604

Dear Dr. Melton:

This is a follow-up to our recent telephone conversation regarding your participation on the program of the Mathematics Conference scheduled for July 10, 1985. This Conference, entitled "Maximizing the Potential of Women and Minorities in Mathematics and Science: An Intervention Program Proposal for North Carolina", will be held at the Jane S. McKimmon Center from 9:00 a.m. to 1:00 p.m.

A tentative outline of the program is enclosed. We would hope that you would make a ten minute presentation summarizing enrollment data as it relates to women and minorities.

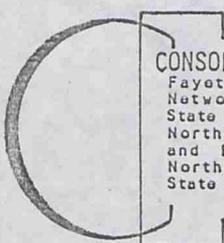
Also enclosed is a draft of the intervention program proposal that will be discussed.

Thank you for agreeing to participate. We look forward to seeing you on July 10th.

Sincerely,

Lawrence M. Clark
Associate Provost
and Consortium Chairman

LMC:ci
Enclosures



CONSORTIUM FOR MINORITIES & WOMEN IN MATHEMATICS & SCIENCE

Fayetteville State University; Mathematics and Science Education Network of North Carolina; North Carolina Agricultural & Technical State University; North Carolina Board of Science and Technology; North Carolina Council for Minorities in Science, Mathematics and Engineering; North Carolina Department of Public Instruction; North Carolina School of Science and Mathematics; North Carolina State University; University of North Carolina at Chapel Hill

June 20, 1985

Dr. Raymond Dawson
UNC General Administration
910 Raleigh Road
P. O. Box 2688
Chapel Hill, North Carolina 27514

Dear Dr. Dawson:

This is a follow-up to our recent telephone conversation regarding your participation on the program of the Mathematics Conference scheduled for July 10, 1985. This Conference, entitled "Maximizing the Potential of Women and Minorities in Mathematics and Science: An Intervention Program Proposal for North Carolina", will be held at the Jane S. McKimmon Center from 9:00 a.m. to 1:00 p.m.

A tentative outline of the program is enclosed. We would hope that you would make a ten minute presentation summarizing enrollment data as it relates to women and minorities.

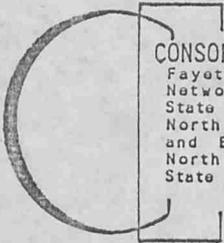
Also enclosed is a draft of the intervention program proposal that will be discussed.

Thank you for agreeing to participate. We look forward to seeing you on July 10th.

Sincerely,

Lawrence M. Clark
Associate Provost
and Consortium Chairman

LMC:ci
Enclosures



CONSORTIUM FOR MINORITIES & WOMEN IN MATHEMATICS & SCIENCE

Fayetteville State University; Mathematics and Science Education Network of North Carolina; North Carolina Agricultural & Technical State University; North Carolina Board of Science and Technology; North Carolina Council for Minorities in Science, Mathematics and Engineering; North Carolina Department of Public Instruction; North Carolina School of Science and Mathematics; North Carolina State University; University of North Carolina at Chapel Hill

June 20, 1985

Dr. Nash Winstead
Provost and Vice Chancellor
Box 7101
NCSU Campus

Dear Nash:

We will be hosting the second Mathematics Conference on July 10, 1985 in the Jane S. McKimmon Center. This Conference, entitled "Maximizing the Potential of Women and Minorities in Mathematics and Science: An Intervention Program Proposal for North Carolina", will be held from 9:00 a.m. to 1:00 p.m.

A tentative outline of the program is enclosed. We hope that you would give a brief welcome on behalf of North Carolina State University.

Also enclosed is a copy of the intervention program proposal that will be discussed.

I would like the opportunity to discuss with you some of the outcomes we are seeking.

Sincerely,

Lawrence M. Clark
Associate Provost
and Consortium Chairman

LMC/ci
Enclosures



North Carolina State University

Office of the Chancellor

May 16, 1985

Box 7001, Raleigh 27695-7001
(919) 737-2191

The Honorable James Martin
Governor, State of North Carolina
Capitol Building
Raleigh, North Carolina 27611

Dear Governor Martin:

In July, North Carolina State University will host the second of two conferences concerned with increasing enrollment of women and minorities in mathematics and science.

We would be very pleased if you would lead off this conference as our keynote speaker. We would be most interested in hearing your ideas on the future of technology and education in the future of North Carolina, particularly with respect to the role of women and minorities.

The conference will be held from 9:00 a.m. to 1:00 p.m. on July 10, 1985 in the Jane S. McKimmon Center on our campus. The keynote address is scheduled for 9:30 to 10:00 a.m. We would be honored to be your hosts for as much of the conference as you are able to attend.

Enclosed is the program from our first conference held earlier this spring. Please let me know if I can provide any additional information.

I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script, appearing to read "BRP".

Bruce R. Poulton
Chancellor

THE NORTH CAROLINA INTERVENTION PROGRAM FOR WOMEN AND MINORITIES IN
MATHEMATICS AND SCIENCE

The Steering Committee of the Consortium* for Minorities & Women in Mathematics and Science is recommending that funds be provided to the University of North Carolina Mathematics and Science Education Network to support a Pilot Intervention Program for women and minorities in grades 7-12. Phase I of the Pilot Program is a three-year project which focus on students in grades 7-9. Phase II involves grades 10-12 with a continuation of Phase I. The request in this proposal are for funds to implement Phase I. The objectives of the program are:

1. To increase the pool of target minority students who can leave junior high/middle school already on a college preparatory track that will enable them to graduate from high school with four years each (where applicable) of mathematics, science, and English course work.
2. To increase the number of females in the advanced math and science courses in secondary schools.

Funds will be used to support the Pilot Intervention Program at four selected Network Training Centers. Approximately 20 junior high/middle schools will participate in the project each year. Approximately 1,000 seventh, eighth, and ninth grade minority students will be involved in the program each year. The Project will also include a Teacher In-Service component to focus on women in mathematics and Science courses. To varying degrees, each Project Center will promote the cooperation of officials from junior high, middle schools, secondary schools, universities, industry and scientific societies by offering volunteer time and other vital resources.

*A Consortium was established with representatives from North Carolina State University, the University of North Carolina at Chapel Hill, Fayetteville State University, North Carolina Agricultural and Technical State University, the North Carolina Board of Science and Technology, the School of Mathematics and Science, The North Carolina Mathematics and Science Education Network, The North Carolina

Phase II of the Intervention will be an extension of the Program through grades 10 - 12. Planning for Phase II will take place during Phase I to enable a smooth transition from middle to high school.

The Network is a comprehensive, statewide program consisting of nine training centers and one research and development center, each located at a constituent institution of the University of North Carolina. UNC President William C. Friday formally initiated the Network in July 1984. Dr. Vinetta Jones coordinates the Network through a central office at the University of North Carolina at Chapel Hill. Details of the Network's structure and function are found in the appendix.

The UNC Mathematics and Science Network

The Network represents North Carolina's commitment to mounting a state-wide effort to significantly upgrade mathematics and science education in its public schools. The focus of the Network is the teacher. The ten centers comprising the Network plan and conduct education and research activities with the public schools in their respective regions. The Network is coordinated in its development and operations by a central staff located at UNC-Chapel Hill, with a Network advisory board established to set policy guidelines. This assures timely and relevant training activities, coordinated efforts, and maximum cost effectiveness of center operations. Close cooperation among centers is essential to achieve the Network's goals to (1) increase the quality and availability of math and science teachers in the public schools of North Carolina, (2) strengthen instruction in the middle grades and high school programs in mathematics and science, (3) sponsor basic research and development in mathematics and science education, and (4) increase the effective use of educational technologies in all schools.

During 1983 the UNC Board of Governors authorized a budget of \$160,000 to support the initiation of the Network, and two centers were established, one at UNC-Chapel Hill and one at UNC-Charlotte. The North Carolina School of Science and Mathematics in Durham was designated an affiliate member. In 1984, The General Assembly allocated an additional \$590,000 in new funds for the establishment of seven new centers and continuation of the existing sites. The total budget of \$750,000 in continuing state funds is available annually to support center operations. This year the university will request from the General Assembly an annual increase to \$1.6 million in annual state support for the Network. The Network now consists of a central coordinating unit at UNC-Chapel Hill, and the following centers:

1. For Teacher Education

- Appalachian State University
- N.C. A & T State/UNC Greensboro
- UNC-Chapel Hill
- UNC-Charlotte
- East Carolina University
- Fayetteville State University
- Western Carolina University
- UNC-Wilmington
- N.C. School of Science and Mathematics

2. For Research and Development

- North Carolina State University

Each center provides in-service and continuing education for teachers of mathematics and science. Planning and implementation of the centers' education and research activities are done in conjunction with the public schools, and with the local advisory boards. Each center has a full-time director, and receives state funds for its core budget to support planning, instructional activities and general administration.

The centers offer special workshops, summer institutes, graduate credit courses and other instructional/research services using the total community and campus resources at its disposal. These resources include scientists and engineers on the campus and in the local community, education faculty on campus, and other K-12 teachers in local school systems. Laboratories, libraries and other facilities on campus will be accessible. Courses will be offered on university campuses as well as in local schools, giving teachers greater access to training opportunities.

The Network provides a structure to create working partnerships among leaders from business, government and education for the purpose of developing new and innovative strategies for upgrading teacher training. Furthermore, the Network is the vehicle by which project results can be disseminated to all centers and, eventually, to all school systems across North Carolina. Indeed, the role of the Network is central to the process by which all of its projects, including the project aimed at beginning teachers, are planned and implemented, and the manner in which results of project activities are shared among all the centers. In particular, the Network Office functions to:

- o Assess the needs of the state in the area of science and mathematics education, and respond to those needs with new initiatives targeted at particular audiences of teachers. The Network has begun to compile data revealing the extent of North Carolina's deficiencies in science and mathematics education. Many problems are shared by all schools, while some regions of the state have deficiencies unique to themselves. For example, all regions have a shortage of qualified earth science teachers, but only the western and coastal regions of the state have the problems of inaccess to computers. The Network is in a position to respond to both types of situations, either by establishing pilot projects that target resources to a particular area, or by disseminating to all centers the results of projects piloted at one or two centers. Moreover, the Network can take explicit steps to meet the individual development needs of science and mathematics teachers.
- o Foster continuous dialogue among the ten center directors through regular meetings, conferences and symposia. In addition to regular business meetings of center directors, the Network office organizes special meetings for the purpose of evaluating project procedures, plans and activities, and disseminating project results. Such meetings, organized during the planning, implementation and evaluation stages of a particular project, fosters a continuous exchange of information on project status and results.
- o Ensure that benefits of individual projects eventually accrue to all school systems in North Carolina. While some projects, including the beginning teacher project described herein, begin on a small scale, initially involving a small number of teachers from selected schools, the Network Office is able to broaden participation in successful projects by sharing results with principals, superintendents, teachers and scientists statewide. This is achieved through regular correspondence with such individuals, as well as through meetings with key educators and business leaders in North Carolina. The Network is developing a system for applying telecommunications technologies to disseminate the results of project activities.

- o Involve the leadership from the state's educational, scientific, industrial and governmental communities in the planning and implementation of all Network activities. The Network has a statewide advisory board that provides guidance for Network programs consisting of representatives from North Carolina's business, government, education and scientific communities. Each center also has its own local advisory board consisting of local representatives from those same communities. Thus, planning, implementation and evaluation of all Network activities, including the pilot projects, involves the key leadership of the state. On a broader scale, the state's business, government and education communities will be called upon to function as part of the Network itself, sharing the results of their work with business, government and education colleagues, with legislators, and with out-of-state officials.

- o Advocate a strong role for local community leaders in a rigorous commitment to improve education at all levels and in all fields in North Carolina. The Network is a vital component of North Carolina's large-scale commitment to improving education. While the Network's focus is on science and mathematics in particular, it is clear that education in all fields must be strengthened. The Network director and the ten center directors are active in mobilizing broad-based community support for excellence in education across all fields.

As with all 50 states, North Carolina has taken steps to upgrade K-12 education, particularly science and mathematics education. Most initiatives to this point have involved new funds used for increasing teacher salaries, purchasing computers and other laboratory equipment for classrooms, and decreasing the student-teacher ratio. In addition, some schools on their own are devising new strategies to improve science and mathematics education, creating mentor programs that involve local scientists and engineers and making better use of out-of school resources such as museums and industrial laboratories. Such efforts will continue, and be encouraged. The Network, however, represents a unique program geared toward increasing the proficiency of all science and mathematics teachers by utilizing the full resources of the state's colleges, universities, and private industries, and by mobilizing local commitment and initiative through individual and cooperative projects at the ten centers. The emphasis is placed on working with teachers and principals to identify individual teachers' needs, and then mobilizing all available resources--within universities, industries, schools and local communities--to meet those needs. The Network can be a model for other states seeking to complement their statewide initiatives with locally-based teacher training projects linked through a network vehicle.

DRAFT

RETAINING BEGINNING SCIENCE AND MATHEMATICS TEACHERS

Introduction

The University of North Carolina Mathematics and Science Education Network requests a three-year grant from the National Science Foundation to support a pilot project that involves the networking of grade 7-12 beginning science and mathematics teachers. Teachers who are in their first, second or third year in those fields of instruction will be identified, given special recognition, and offered workshops and seminars on personal and professional development. In addition, these teachers will be the subject of a comprehensive evaluation of beginning teachers' attitudes about themselves, their peers and their profession. The objectives of the project are to a) identify those factors which contribute to a relatively high rate of attrition among beginning science and mathematics teachers, and b) offer personal, professional and organizational development programs that mitigate against those factors. The overall goals are to increase the retention rate of beginning teachers and to construct a model program with proven success at increasing the retention rate for distribution statewide and nationally.

National Science Foundation funds will be used to support three pilot projects at three selected Network Training Centers. Approximately 30 junior high and high school science and mathematics teachers per Center who are in their first, second or third year of teaching will participate in the project each year. To varying degrees each project will involve participation at the local community level by educators, scientists, engineers, business leaders, and State Department of Public Instruction (SDPI) personnel. The focus will be on providing both formal and informal programs for beginning teachers during the academic year and summer that serve to foster a sense of comradeship among beginning teachers, and ultimately to increase the perceived attractiveness of the teaching profession. The project will also include a component that involves building strong relationships between beginning teachers and their principals. Finally, the Network will use its existing resources to make available to beginning teachers a variety of skills development opportunities, including formal courses for those who wish to improve their proficiency in a particular area of science or mathematics. The projects will serve as pilots, monitored and evaluated with an eye toward duplication/expansion throughout the Network. Steps will be taken to ensure rigorous evaluation of the individual projects vis-a-vis their effects on retaining qualified science and mathematics teachers, improving teachers' attitudes about the teaching profession, upgrading the quality and effectiveness of those teachers, and eventually contributing to a general increase in the quality of science and mathematics education in North Carolina. The Network believes that successful components of the pilot effort can be extended to all of the center sites, and that long-term, sustained support for the particular development activities can be secured from state and private sources.

Network → The Network is a comprehensive, statewide program consisting of nine training centers and one research and development center, each located at a constituent institution of the University of North Carolina. UNC President William C. Friday formally initiated the Network in July 1984. Dr. Vinetta Jones coordinates the Network through a central office at the University of North Carolina at Chapel Hill. Details of the Network's structure and function are on pages 12-15 of this proposal.

See in appendix

2nd draft

I. INTRODUCTION

The consortium's steering committee is recommending that funds be provided to the North Carolina Mathematics and Science Education Network in order to implement a 3 year pilot of the Junior _____ program at 4 of the North Carolina Mathematics and Science Education Network centers. The purpose of the pilot is to test the effectiveness of the Junior _____ Model and to make any necessary refinements to the model before it is expanded to the other network centers.

2nd objectives

The Junior _____ Model contains two major components. Each component is designed to maximize human potential in the areas of mathematics and science by targeting a specific population. The first component is the Junior MESA Precollege program which is designed to increase the number of Blacks and American Indians in mathematics and science in the secondary schools. The second component is the EQUALS program which is designed to increase the number of females in the advanced math and science courses in secondary schools.

II. JUNIOR MESA PILOT PROGRAM

A. PURPOSE

MESA stands for Mathematics, Engineering, Science Achievement. The purpose of the Junior MESA Program is to increase the number of underrepresented minority (Blacks and American Indians) students in pre-college secondary school mathematics and science courses. More specifically, the purpose is to increase the number of minority students who complete the 9th grade with Algebra I which will enable them to have the opportunity to enroll in Geometry I in the 10th grade. In addition, improving communication skills is an essential component of the program.

The existing model has been rated as perhaps the most successful in California and the nation. Through substantial input from junior and senior high school administrators, teachers, counselors, staff, parents, and students, as well as the long-term intensive investigation by the special Junior High School Expansion Subcommittee of the MESA Center Directors group in California, the Junior MESA model was developed. It promises to address many of the conditions and problems that prohibit the development of a diverse pool of ethnic students eligible to pursue math-based majors and careers. We are proposing a similar program which adapts

most of the features of this program to the specific needs of North Carolina.

B. OVERALL OBJECTIVES

The Junior MESA Pre-College program is designed to:

1. Increase the number of students from target minority groups (Blacks and American Indians) who are prepared to take higher level classes in mathematics, science and English in high school.
2. Enhance the content, consistency and teaching of junior high/middle+school mathematics, science, and English.
3. Promote career awareness so that participating students may learn of opportunities in the mathematics- and science-related professions early in order that they may prepare for them.
4. Motivate officials from junior high/middle schools, secondary schools, universities, industry, and engineering societies, to cooperate with MESA by offering volunteer time and other vital human and fiscal resources.

C. SPECIFIC OBJECTIVES

The specific objectives of the proposed Junior MESA program are:

1. To increase the pool of target minority students who can leave junior high/middle school already on a college preparatory track that will enable them to graduate from high school with four years each (where applicable) of mathematics, science, and English course work.
2. To increase the pool of target minority students who graduate from the 9th grade with Algebra I in order that they may enroll in Geometry I in the 10th grade.
3. To increase the number of 7th and 8th grade target students who complete pre-Algebra courses.
4. To increase the number of minority students placed in the mid track who can move to the top track which places them in a college preparatory program.
5. To enhance the content and consistency of junior high school general mathematics, science, and English curricula.

sp

The N.C. Intervention Program for Women and
Minorities in Mathematics and Science

The Steering Committee of
The Consortium* For Minorities
& Women in Mathematics & Science
is recommending that funds be
provided to the University of
North Carolina Mathematics and
Science Education Network to
support a Pilot Intervention
Program for ^{women} minorities and women
in grades 7-12. Phase I of
the Pilot Program is a
three-year project which focus ()
^{initially in} on the grades 7-9. Phase II involves
~~focus~~ .

grades 10-12 with a continuation of
Phase I. ~~For~~ The request in
this proposal is for funds to
implement Phase I. The objectives
of the ~~Phase I~~ program are:

(1)

(2) ~~to~~

X₁

Consortium

Funds will be used to support the Pilot Intervention Program at four selected Network Training Centers. Approximately 20 junior high/middle schools will participate in the project each year. Approximately 1,000 ~~minority~~ ~~students~~ seventh, eighth, and ninth grade ~~minority~~ students will be involved in the program each year. ~~To include~~ ~~in the project~~

The project will also include a Teacher Inservice component to focus on women in mathematics and science courses. To varying degrees each project center will promote ^{the} cooperation of officials ~~official~~ from junior high, middle schools, ~~second~~ secondary schools, universities, industry and scientific societies by offering volunteer time and other vital resources.

Phase II of the Intervention will be ^{an} extension of ~~the~~ of the Program through ~~secondary~~ the grades 10-12. ~~Steps~~ ^{for} ~~planning~~ ^{planning} will take place during Phase I to enable ~~the~~ smooth transition from middle to high school,
Pick up network

THE FIRST CONFERENCE

VARIOUS GROUPS IN THE STATE OF NORTH CAROLINA HAVE BEEN MEETING TO DISCUSS THE UNDERREPRESENTATION OF BLACKS AND WOMEN IN COLLEGE-PREPARATORY MATHEMATICS AND SCIENCE COURSES. [A CONSORTIUM WAS ESTABLISHED WITH REPRESENTATIVES FROM NORTH CAROLINA STATE UNIVERSITY, THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, FAYETTEVILLE STATE UNIVERSITY, NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY, THE NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY, THE SCHOOL OF MATHEMATICS AND SCIENCE, THE NORTH CAROLINA MATHEMATICS AND SCIENCE EDUCATION NETWORK, THE NORTH CAROLINA COUNCIL ON MATHEMATICS AND SCIENCE, AND THE NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION.] THE OVERALL GOAL OF THE CONSORTIUM WAS TO MAKE RECOMMENDATIONS ON HOW TO INCREASE THE NUMBER OF MINORITIES IN MATHEMATICS AND SCIENCE IN THE SECONDARY SCHOOLS AND TO INCREASE THE NUMBER OF FEMALES IN THE ADVANCED MATH AND SCIENCE COURSES IN SECONDARY SCHOOLS.

PRELIMINARY TO DECIDING UPON THE RECOMMENDATIONS FOR NORTH CAROLINA, NORTH CAROLINA STATE UNIVERSITY HOSTED THE FIRST OF TWO CONFERENCES ON MARCH 28-29, 1985, AT THE JANE S. MCKIMMON CENTER. THIS CONFERENCE, 'A NORTH CAROLINA CONFERENCE: ISSUES AND CONCERNS REGARDING ENROLLMENT OF WOMEN AND MINORITIES IN MATHEMATICS AND SCIENCE', WAS TARGETED FOR AN AUDIENCE OF APPROXIMATELY EIGHTY HIGH SCHOOL TEACHERS, COLLEGE PERSONNEL, SELECTED SUPERINTENDENTS AND PRINCIPALS AND PEOPLE FROM THE PRIVATE SECTOR. FIVE DIRECTORS OF SUCCESSFUL PROGRAMS THROUGHOUT THE COUNTRY WERE INVITED TO PRESENT POSITION PAPERS ON THEIR PROGRAMS. THESE SPEAKERS INCLUDED MS. NANCY KREINBERG (BERKELEY, CALIFORNIA), EQUALS; DR. NELLOUISE WATKINS (GREENSBORO, NORTH CAROLINA), SATURDAY ACADEMY; MS. CAROLYN CHESTNUT (ATLANTA, GEORGIA), SECME (SOUTHEASTERN CONSORTIUM OF MINORITIES IN ENGINEERING); DR. ALEXANDER TOBIN (PHILADELPHIA, PENNSYLVANIA), PRIME (PHILADELPHIA REGIONAL INTRODUCTION FOR MINORITIES TO ENGINEERING); AND DR. VINETTA JONES (CHAPEL HILL, NORTH CAROLINA), MESA (MATHEMATICS, ENGINEERING, SCIENCE ACHIEVEMENT

71

~~Staff Development~~ Staff Development
Charlotte - Center

704 - 376 - 0122

Mecklenburg
Schools

Dr. Ron Steila
UNC - C - Math + Sci
704 597 - 4838

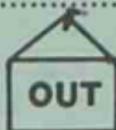
Cornelia (Sec.)

704 597 - 4543

To

Time Date

While You Were



M

of

Phone No.

- | | |
|---|---|
| <input type="checkbox"/> Telephoned | <input type="checkbox"/> Please call back |
| <input type="checkbox"/> Called to see you | <input type="checkbox"/> Will call again |
| <input type="checkbox"/> Left the following message:— | |

.....

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.....

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Operator

Trinity Holt (Home Address)

1819 Ashville Place

Charlotte 28203

phone # at work - 704-376-0122

D R A F T

*The Honorable Bob Jordan
Legislative Building
116 Jones Street
Raleigh, NC, 27611*

THE HONORABLE JAMES MARTIN
GOVERNOR, STATE OF NORTH CAROLINA
CAPITOL BUILDING
RALEIGH, NORTH CAROLINA 27611

RE: MAXIMIZING THE POTENTIAL OF WOMEN AND MINORITIES IN MATHEMATICS
AND SCIENCE: AN INTERVENTION PROGRAM PROPOSAL FOR NORTH CAROLINA

DEAR GOVERNOR MARTIN:

ON JULY 10, 1985, N. C. STATE UNIVERSITY WILL BE HOSTING THE SECOND OF TWO CONFERENCES CONCERNED WITH INCREASING ENROLLMENT AND MAXIMIZING POTENTIAL OF WOMEN AND MINORITIES IN MATHEMATICS AND SCIENCE IN NORTH CAROLINA. THIS CONFERENCE WILL BE HELD AT THE JANE S. MCKIMMON CENTER FROM 9:00 A.M. UNTIL 1:00 P.M. AND WILL INCLUDE A LUNCHEON.

I AM WRITING TO EXTEND AN INVITATION TO YOU TO LEAD OFF THIS CONFERENCE AS OUR KEYNOTE SPEAKER. A SUGGESTED TOPIC MIGHT BE "THE ROLE OF EDUCATION AND THE FUTURE OF THE STATE IN TECHNOLOGY WITH MAJOR EMPHASIS ON MAXIMIZING THE POTENTIAL OF ALL CITIZENS, PARTICULARLY MINORITIES AND WOMEN."

I AM ENCLOSING A PROGRAM FROM OUR FIRST CONFERENCE HELD ON MARCH 28-29, 1985, AND IF I CAN PROVIDE ANY ADDITIONAL INFORMATION, PLEASE LET ME KNOW.

I LOOK FORWARD TO HEARING FROM YOU.

SINCERELY,

BRUCE R. POULTON
CHANCELLOR

BRP/
ENCLOSURE

*5/15/85 To Chancellor
Poulton for
review*





to Pattison

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

JAMES G. MARTIN
GOVERNOR

June 4, 1985

Chancellor Bruce R. Poulton
North Carolina State University
Box 7001
Raleigh, NC 27695-7001

JUN 5 - 1985

Dear Chancellor Poulton:

Thank you for your thoughtfulness in inviting Governor Martin to speak at your conference on July 10, 1985. The Governor has asked me to express his sincere regrets that he will be unable to attend.

We are grateful for your patience and understanding and hope that sometime in the future, the Governor will have an opportunity to accept an invitation from you. In the meantime, please let us know if you would like to have someone from the administration represent Governor Martin at this event.

Thanks again for writing and please let us know if anyone in our office can be of assistance to you at any time.

Governor Martin sends his very best wishes for a most successful occasion.

Sincerely,

Margot Flood

Margot Flood
Director of Scheduling

MF:jww

D R A F T

THE HONORABLE JAMES MARTIN
GOVERNOR, STATE OF NORTH CAROLINA
CAPITOL BUILDING
RALEIGH, NORTH CAROLINA 27611

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I LOOK FORWARD TO HEARING FROM YOU.

SINCERELY,

BRUCE R. POULTON
CHANCELLOR

BRP/
ENCLOSURE

*5/15/85 To Chancellor
Poulton for
review*

ADVISORY BOARD MEETING
MATHEMATICS AND SCIENCE NETWORK
UNC-CHAPEL HILL
TUESDAY, MAY 21, 1985

OVERVIEW

A North Carolina Conference: Issues and Concerns Regarding Enrollment
of Women and Minorities in Mathematics and Science

Purpose of Conference

Program

Outcome and/or Recommendations

UPCOMING CONFERENCE

Title: Maximizing the Potential of Women and Minorities in Mathematics
and Science: An Intervention Program Proposal for North Carolina

Purpose

Program

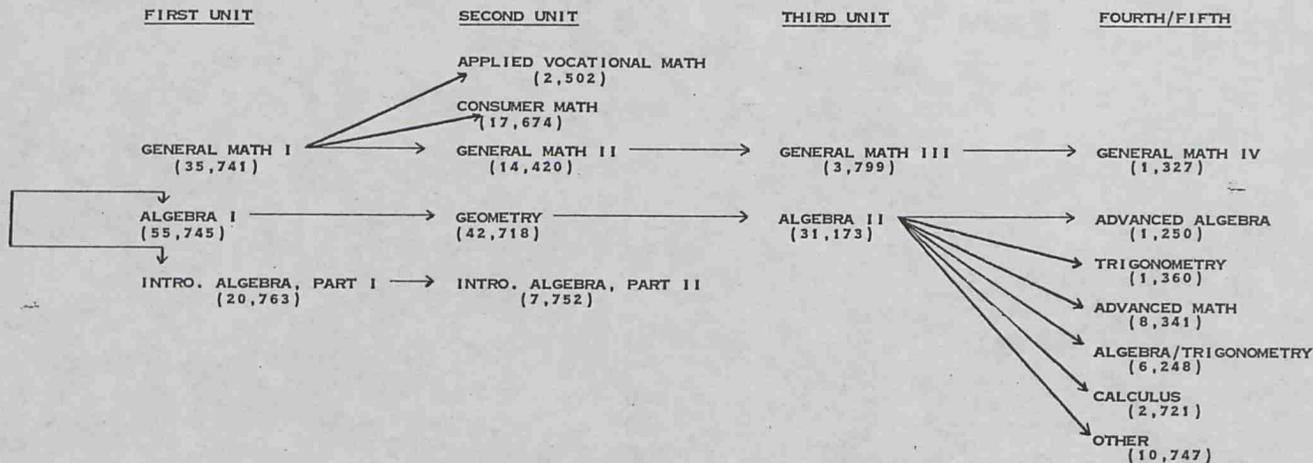
Proposal Presented and Ingredients of Proposal

MESA - Saturday Academy

EQUALS Program

FIGURE 2

HIGH SCHOOL MATHEMATICS ENROLLMENT IN NORTH CAROLINA

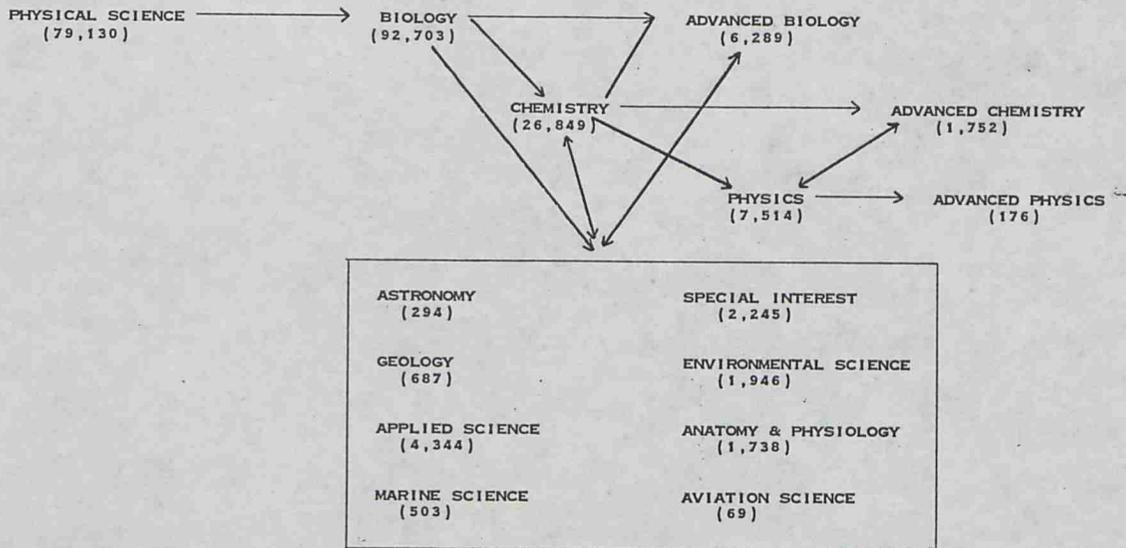


(ARROWS INDICATE WHICH COURSE SEQUENCES ARE ALLOWED)

SOURCE N. C. PUBLIC SCHOOLS STATISTICAL PROFILE, 1984

FIGURE 1

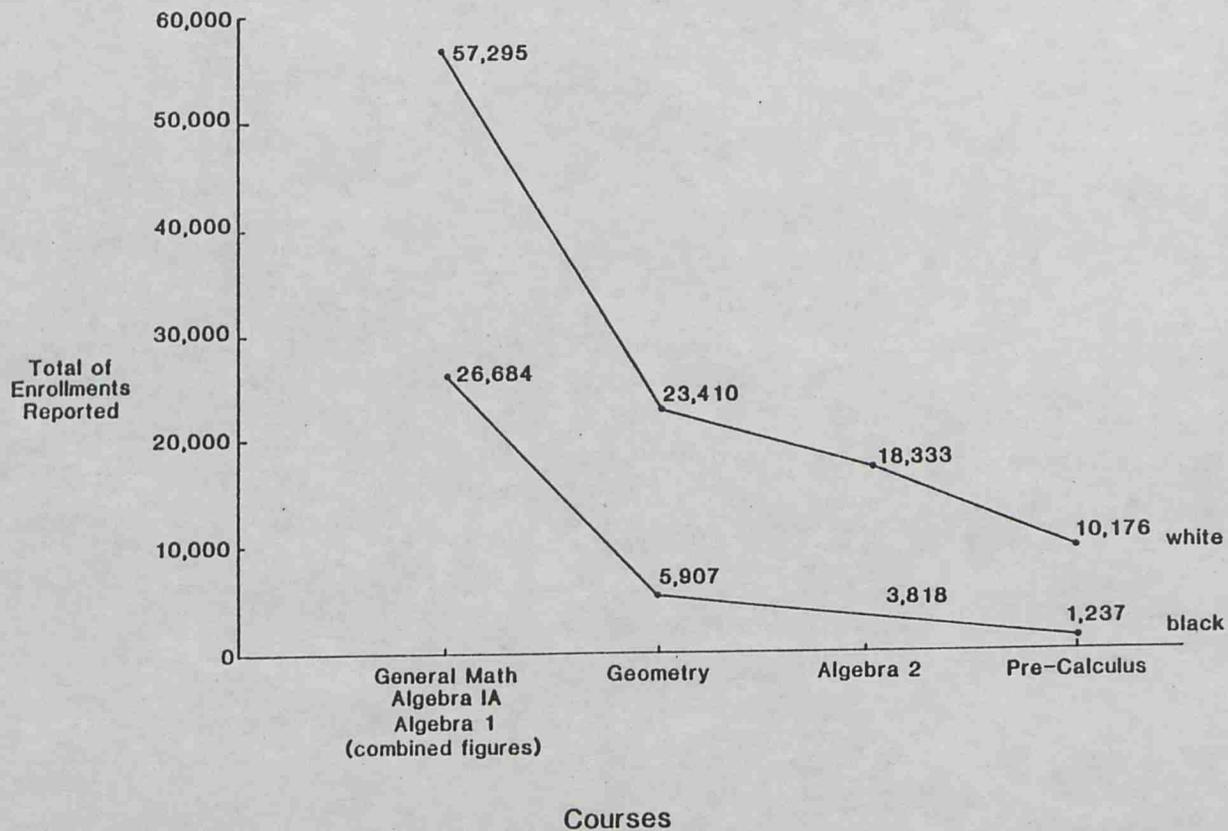
HIGH SCHOOL SCIENCE ENROLLMENT IN NORTH CAROLINA



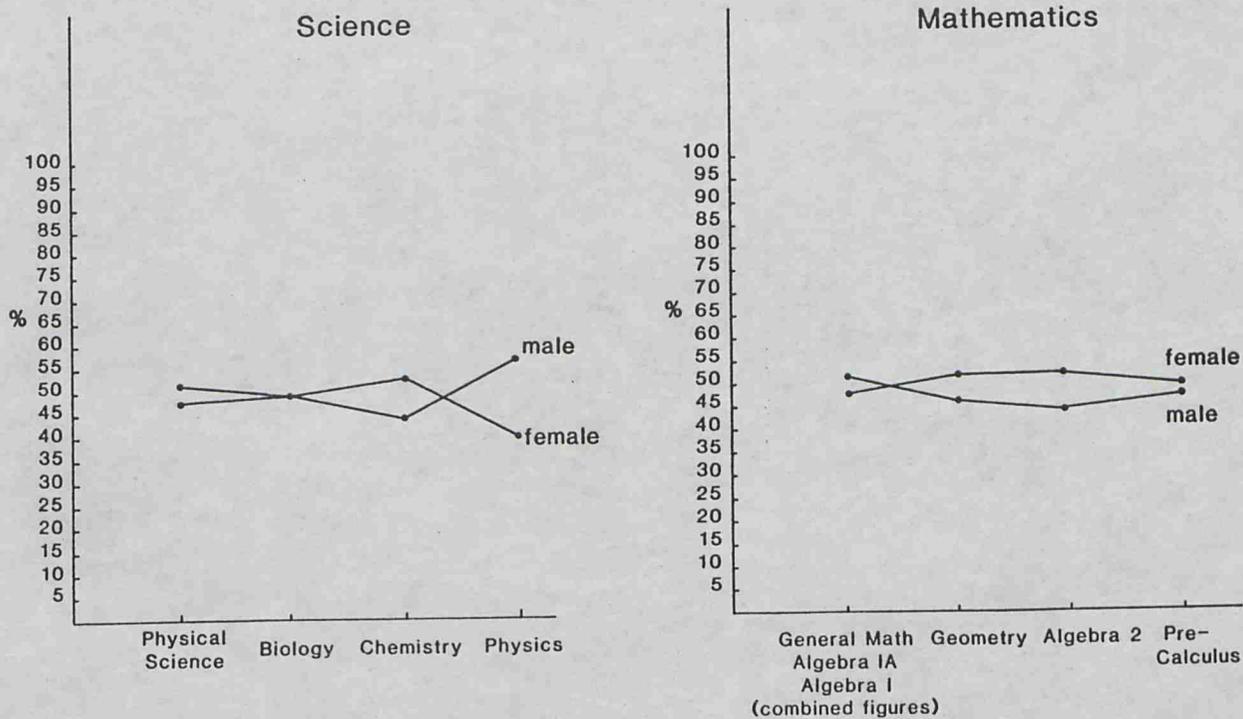
(ARROWS INDICATE WHICH COURSE SEQUENCES ARE ALLOWED)

SOURCE N. C. PUBLIC SCHOOLS STATISTICAL PROFILE, 1984

GRAPH 1 – Statewide Comparison of White Enrollments to Black Enrollments in Mathematics



GRAPH 4 Statewide Comparison of White Male Enrollments to White Female Enrollments in Science and Mathematics



RANKING OF VARIABLES BY PARTICIPANTS AT THE
 NORTH CAROLINA CONFERENCE: ISSUES AND CONCERNS REGARDING ENROLLMENT OF WOMEN AND MINORITIES IN MATHEMATICS AND SCIENCE
 MARCH 28-29, 1985

RANK ORDER	CAREER ORIENTATION	ACCESS TO POWERFUL ROLE MODELS	COURSE COUNSELING	EXPECTATIONS	PERSISTENCE	PROJECTS	IMAGES OF SCIENCE	EARLY EXPOSURE TO SCIENCE	FAMILY	COMMUNITY
1	1	0	1	10	2	0	2	9	10	2
2	1	2	5	12	3	0	1	5	5	1
3	3	11	2	5	9	0	1	2	4	1
4	5	5	6	4	2	1	2	4	6	3
5	1	5	5	1	4	6	6	6	3	1
6	4	10	2	4	6	0	6	0	4	2
7	9	2	7	2	2	5	7	0	0	4
8	5	1	6	0	3	5	5	5	4	2
9	10	2	1	0	2	6	2	2	1	10
10	1	0	2	1	2	13	2	1	0	10

D R A F T

THE HONORABLE JAMES MARTIN
GOVERNOR, STATE OF NORTH CAROLINA
CAPITOL BUILDING
RALEIGH, NORTH CAROLINA 27611

RE: MAXIMIZING THE POTENTIAL OF WOMEN AND MINORITIES IN MATHEMATICS
AND SCIENCE: AN INTERVENTION PROGRAM PROPOSAL FOR NORTH CAROLINA

DEAR GOVERNOR MARTIN:

ON JULY 10, 1985, N. C. STATE UNIVERSITY WILL BE HOSTING THE SECOND
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SINCERELY,

BRUCE R. POULTON
CHANCELLOR

BRP/
ENCLOSURE

*5/15/85 To Chancellor
Poulton for
review*

II. Results

A. Is the project complete? No If not, why not: The project

calls for two conferences -- a winter conference and a spring conference; the spring conference will be held on July 10, 1985.

Expected completion date July 30, 1985

B. Describe any changes that were made in the original project design and explain why they were made. No changes in the original project design other than

changes in the conference dates. Due to a lengthy planning phase, we were unable to schedule the first conference during the Fall of 1984.

C. Please provide a copy of drafts of any published articles on this research. Drafts of Position Papers are attached.

D. Provide a technical summary of your research to-date. What are the immediate and long-term implications for further research and/or applications for industry, state/local governments, and/or educational or research institutions. (Use additional sheets only if necessary.)

The purpose of the winter conference was to generate recommendations for a plan of implementation in North Carolina which would maximize the involvement and potential of women and minorities in secondary schools in mathematics and science and improve the mathematics knowledge-base of "the nonscientific bound student.

The plan for implementation will be presented at the conference on July 10, 1985.

6/12
Mailed To
Donna Ellis
in Contracts
and Grants

- E. Provide a summary of the information required in (D.) in a form suitable for distribution to lay persons in the space provided using additional sheets only if necessary.

The purpose of the project is to develop an intervention program to be piloted in the State of North Carolina. This program is aimed at increasing the number of women and minorities in pre-college mathematics and science in the public schools.

Principal Investigator(s) Lawrence M. Clark

Institution North Carolina State University

Address P. O. Box 7101

Telephone (919) 737-3148

Date June 7, 1985