



## **PEACE OFFICER STANDARDS AND TRAINING BOARD GUIDANCE REGARDING CERTIFICATION OF NON-UNITED STATES CITIZENS**

The Department of Law (“DOL”) and the Peace Officer Standards and Training (“POST”) Board are committed to following all federal and state laws governing the certification of peace officer applicants, for both U.S. citizens and non-citizens alike. This page is intended to provide guidance to non-U.S. citizens who are considering applying for POST certification.

Federal law allows states to provide public benefits, including POST certification, to some non-U.S. citizens. The following non-U.S. citizens can receive POST certification:

- Lawful permanent residents;
- An alien who is granted asylum under § 208 of the Immigration and Nationality Act (“INA”);
- A refugee admitted under § 207 of the INA;
- An alien who is paroled into the United States for a period of at least one year under § 212(d)(5) of the INA;
- An alien whose deportation is being withheld because the federal Attorney General has determined that such alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion;
- An alien who is granted conditional entry under § 203(a)(7) of the INA;
- An alien who is a Cuban or Haitian entrant;
- A nonimmigrant under the INA; or
- An alien who is paroled into the United States for less than one year under § 212(d)(5) of INA.

There are also several categories of non-citizen immigrants who may not be eligible for POST certification, but this area of law is very complicated and it is impossible to anticipate the specific facts of each situation. For example, law enforcement agencies should always consult

their attorneys about certain categories of immigrants, like those with employment authorization under the Deferred Action for Childhood Arrivals (“DACA”) program or other individuals who may lack lawful status in the United States. For more information, *see* 8 U.S.C. §§ 1621(a) and (c), 8 U.S.C. & 1641, and C.R.S. § 24-76.5-103(1).

The DOL and POST are not able to provide legal advice about specific individuals or circumstances. Hiring agencies and candidates with questions about their specific circumstances should consult an attorney.