





**AFFIDAVIT OF LAWFUL PRESENCE BY PERSON MAKING APPLICATION FOR A LICENSE, PERMIT, OR CERTIFICATE**

I, the undersigned applicant, being of lawful age, state that one of the following statements is true and correct (check which of the following statements apply):

- I am a United States citizen.
- I am a qualified alien under the Federal Immigration and Nationality Act and lawfully present in the United States.

Alien or Admission Number: \_\_\_\_\_

I state under penalty of perjury under the laws of Oklahoma that the forgoing is true and correct and that I have read and understand this form and executed it in my own hand.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

City & State: \_\_\_\_\_ Print Name: \_\_\_\_\_

If applying to renew a license, permit, or certificate, please write the number: \_\_\_\_\_

**INSTRUCTIONS FOR USE OF THE AFFIDAVIT OF LAWFUL PRESENCE BY PERSON MAKING APPLICATION FOR A LICENSE, PERMIT, OR CERTIFICATE**

The person signing this form must read these instructions carefully

1. If the person executing this form is receiving services and not making an application for a license, permit, or certificate, this form should **not** be used, but rather, either the form titled "***Affidavit of Lawful Presence by Parent or Guardian Receiving Services***", or the form titled "***Affidavit of Lawful Presence by Person Receiving Services***" should be used.
2. If the person executing this form is a citizen of the United States, then that person should check the box to the left of the statement "***I am a United States citizen***". If the person executing this form is not a citizen of the United States, but is a qualified alien under the Federal Immigration and Nationality Act, and is lawfully present in the United States, then that person should check the box to the left of the statement "***I am a qualified alien under the Federal Immigration and Nationality Act and lawfully present in the United States***".
3. In the space after the word "***Date***", the person executing this form should write today's date. In the space after the words "***City & State***", the person executing this form should indicate the city and state where they are actually located when they sign this form.
4. Within the context of the execution of this form, the term "penalty of perjury" means the willful assertion of the fact of either United States citizenship or lawful presence in the United States as a qualified alien, and made upon one's oath or affirmation and knowing such assertion to be false. Making such a willful assertion on this form knowing it to be false is a crime in Oklahoma, and may be punishable by a term or incarceration of no more than five (5) years in prison. Additionally, one who procures another to commit perjury is guilty of the crime of subornation of perjury and may be punished in the same manner as he would be if personally guilty of the perjury so procured.

## Privacy Act Statement and Applicant Notification

**Authority:** The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Public Law 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

**Principal Purpose:** Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or other responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

**Routine Uses:** During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

## Applicant Record Challenge

**Applicant Record Challenge:** Before a final decision is made, you have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure for obtaining a change, correction, or updating an FBI identification record is set forth in Title 28, CFR 16.34. For information on updating the national criminal history record, visit [www.fbi.gov](http://www.fbi.gov) or <https://www.fbi.gov/cjis/identity-history-summary-checks#challenge-of-an-identity-history-summary>. If certified documents are obtained for the purpose of updating your criminal history record, the documents should be forwarded to the FBI and to the repository in the state where the arrest occurred.

## Notice Regarding Use of Criminal History

The criminal offenses of applicants for licensure under the Alarm, Locksmith & Fire Sprinkler Industry Act may be used as a basis for denial of a license. The Oklahoma Department of Labor ("ODOL") will consider all convictions and pleas of guilty or nolo contendere and all pending charges to all felony offenses for which less than five years have elapsed since the date of conviction, plea, or release from incarceration, whichever is later. ODOL will also consider convictions and pleas of guilty or nolo contendere to a felony offense when more than five years have elapsed since the date of conviction, plea, or release from incarceration: if the person has been convicted of a new crime; for an offense enumerated in 57 O.S. § 571; for a felony involving domestic assault, domestic assault and battery, or domestic abuse as defined in 21 O.S. § 644; for an offense that would require registration as a sex offender pursuant to the Sex Offenders Registration Act; or any equivalent law from another jurisdiction.

Pursuant to 59 O.S. § 4000.1(F), prospective applicants may request an initial determination of whether their criminal history record may disqualify them from obtaining a license from ODOL. The request shall be in writing and shall include either a copy of the person's criminal history record with explanation of each conviction mentioned in the criminal history record or a statement describing each criminal conviction including the date of each conviction, the court of jurisdiction and the sentence imposed. The person may include a statement with his or her request describing additional information for consideration by the licensing or certification authority. The fee for such a determination is \$95.00. 59 O.S. § 4000.1(J).