



**SRMT Meeting re: New FAFSA Guidance and Information on the Immigration and Nationality Act, Jay Treaty, and Rights American Indians Born in Canada**

Enniskó:wa | March 26, 2025  
Tribal Administration Building/Zoom  
6:00pm

**AGENDA**

**Zoom Registration Link:** <https://bit.ly/4ijNF5Q>

**Chairperson:** Stephanie Cook, Education Director

1. **6:00pm** | Rules of Personal Conduct for Meetings by Katelynn Delormier, Communications Specialist
2. **6:05pm** | Introductions
3. **6:10pm** | Presentation on New FAFSA Guidance by Stephanie Cook
4. **6:25pm** | Creation of Record Process Overview by Tracy Casey, Chief CBP Officer/Tribal Liaison
5. **6:35pm** | Tribal Council Lobbying Update
6. **6:40pm** | Questions from the floor
7. **Adjournment**

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**Resources enclosed:**

- 1) FAQ on Rights of American Indians Born in Canada
- 2) Federal Student Aid – American Indian Born in Canada Student Eligibility Summary
- 3) NYS FAFSA Ready Citizenship Verification Documentation

**Note:** This agenda packet, presentation, and meeting recording will be available on the Tribal Member Portal following the meeting and available upon request to the Tribal Clerk's Office.

## **RULES OF PERSONAL CONDUCT FOR MEETINGS**

1. Conduct should be respectful in the Meetings.
2. Members should not interrupt while another is speaking.
3. Comments should be constructive and directed to the topic that is being discussed.
4. There shall be a time limit of five (5) minutes for any one member to discuss an issue.
5. There will be no discussions of a personal nature.
6. There will be no discussions related to personnel issues.
7. Photographs and videos of the meetings are not permitted unless prior approval from the assembly is obtained.
8. Violation of any of the above rules may result in a tribal member being removed from the meeting; or any other action being taken by the Chair of the meeting, including suspension of the meeting.

## FREQUENTLY ASKED QUESTIONS

### RIGHTS OF AMERICAN INDIANS BORN IN CANADA

#### 1. If I was born in Canada, am I a U.S. citizen?

If you are an American Indian born in Canada you are *not* automatically considered a U.S. citizen. You may be able to derive citizenship from one of your parents if either was born in the United States and meets certain requirements.<sup>1</sup>

#### 2. I thought the Jay Treaty protected my rights?

The Jay Treaty provides that “Indians dwelling on either side of the said Boundary Line [to] freely pass and repass by Land, or Inland Navigation, into the respective Territories and Countries of America . . . “ It was codified in the Immigration and Nationality Act (INA) (8 USC § 1359). The INA provides that American Indians born in Canada with at least 50 percent blood quantum of the American Indian race are entitled to work, study, and/or live in the U.S. The Saint Regis Mohawk Tribal Council, as a co-chair of the [Jay Treaty Border Alliance](#), have been advocating for over 10 years for legislation that would remove the blood quantum requirement from the INA.

#### 3. How can I access my rights?

In order to access your rights through the Creation of Record process, you must provide:

- A copy of long form Canadian birth certificate;
- A copy of valid government issued photo identification;
- U.S. address that you are registered to receive mail at for purposes of receiving the LPR card;
- Four (4) passport style photos; and
- Documentation to establish membership, past or present in each Band or tribe for yourself and every lineal ancestor through whom you derived the required percentage of American Indian blood. This documentation must come from the official tribal government or from the Aboriginal Affairs and Northern Development Canada (formerly INAC). In Akwesasne, a letter from the Tribal Clerk with blood quantum is accepted.

If you wish for the date of the Creation of Record to be retroactive, you may also supply U.S. school records with your application.

#### 4. Will I receive a lawful permanent resident card?

After an applicant completes the Creation of Record process, you will receive a lawful permanent resident card that has an “S-13” code that is specifically for American Indians. Once you receive the card you may apply for U.S. citizenship, there is no waiting period.

#### 5. What are the benefits to creating this record?

You will be able to obtain REAL ID, a commercial driver’s license, be eligible for federal funding for post-secondary education. For the education component you are considered an “eligible non-citizen” of the United States.

#### 6. Who do I contact?

You may visit the U.S. Customs and Border Protection (USCBP) Massena Port of Entry (POE), where the

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<sup>1</sup> For anyone who is under 18 years old, you may apply for a Consular Report of Birth Abroad. Find instructions here: <https://travel.state.gov/content/travel/en/international-travel/while-abroad/birth-abroad> For anyone under 18, you may find information here: <https://www.uscis.gov/citizenship/learn-about-citizenship/i-am-the-child-of-a-us-citizen#> For anyone over 18, you may find information here: <https://www.usa.gov/citizenship-to-us-parent#>

***Note:*** While the Creation of Record process is means to access your rights and privileges in the United States, it is not endorsed by the Saint Regis Mohawk Tribal Council.

## **FREQUENTLY ASKED QUESTIONS**

### **RIGHTS OF AMERICAN INDIANS BORN IN CANADA**

officers will assist you. There is no fee associated with it if you visit the Massena POE. The contact information for the USCBP Tribal Liaison is below. If you do not live locally the Tribal Liaison may arrange for you to meet with another officer.

Tracy S. Casey  
Chief Customs and Border Protection Officer/Tribal Liaison  
Massena Port of Entry  
30M Seaway International Bridge  
Rooseveltown, NY 13683  
Office: (315) 268-7430 ext. 7442

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# Federal Student Aid

An OFFICE of the U.S. DEPARTMENT of EDUCATION

Published on <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2025-01-15/american-indian-born-canada-formerly-jay-treaty-student-student-eligibility>

POSTED DATE: January 15, 2025

AUTHOR: Office of Postsecondary Education

ELECTRONIC ANNOUNCEMENT ID: GENERAL-25-06

SUBJECT: American Indian Born in Canada (formerly Jay Treaty student) – Student Eligibility

## Summary




After consultation with the Department of Homeland Security (DHS) about acceptable documentation for confirming the *Title IV* eligibility of American Indians born in Canada (formerly Jay Treaty students), FSA updated [the acceptable documentation in the 2024-25 FSA Handbook](#). This electronic announcement outlines changes made to the acceptable documentation for American Indians born in Canada.

## Implementation

If an American Indian born in Canada claiming *Title IV* eligibility under the Jay Treaty **received *Title IV* aid in** the 2023-24 award year (or **any prior award year**), then the institution may elect under 34 CFR 668.133(b) to not require such a student to submit additional immigration documentation to establish their title IV eligibility where the documents used to establish that eligibility have not expired, and where the institution does not have reason to believe that the student’s claim of citizenship or immigration status is incorrect.

If an American Indian born in Canada claiming *Title IV* eligibility under the Jay Treaty **did not previously receive *Title IV* aid in** the 2023-24 award year (or any prior award year) and is seeking to establish their status as an eligible noncitizen for the 2024-25 award year or later, then the student may submit any of the following immigration documentation to establish *Title IV* eligibility:

- Form I-551 PRC with the code S13;
- An unexpired temporary I-551 stamp with the code S13 in a Canadian passport; **or**
- An unexpired temporary I-551 stamp with the code S13 on an I-94

If you have questions for the U.S. Department of Education, contact the Application Processing Division at [applicationprocessingdivision@ed.gov](mailto:applicationprocessingdivision@ed.gov) . To obtain acceptable documents a prospective student may request documentation by appointment directly with the U.S. Citizenship and Immigration Services: <https://my.uscis.gov/en/appointment/v2> . For more general information see: <https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-an-american-indian-born-in-canada> .

# Citizenship Verification

Students may be asked to verify their citizenship status to complete FAFSA or TAP application. To verify citizenship status students must provide citizenship documentation. If the student's citizenship status has changed recently they should make sure to update their status with the Social Security Administration.

## Acceptable Citizenship Documents



### Passport (Book or Card)

Can be used to document citizenship for citizens born at home or abroad.



### Naturalized Citizen Document

The Certificate of Naturalization is issued to naturalized U.S. citizens



### Certificate of Birth Abroad

Issued to U.S. citizens born abroad. Must have embossed seal of the State Department



### Certificate of Citizenship

Issued to persons who were born abroad of U.S. parent(s), who became citizens when their parents were naturalized, or who were adopted by U.S. parents.

## Acceptable Eligible Non-Citizen Documents



### U.S. Permanent Resident

Must not be expired. Please note that the USA Employment Authorization Card does not satisfy the requirements for citizenship born at home or abroad.



### I-94 Arrival-Departure Record

For permanent resident status, must be stamped "Processed for I 551" with expiration date or "Temporary Form I-551" with appropriate information filled in. For other eligible non citizens, must be stamped with the proper information as described for Refugee, Asylum Status, Conditional Entrant (before April 1, 1980), Parolee, or Cuban- Haitian Entrant.