

Reporting Violations of Immigration Law

Questions & Answers

Beginning November 24, 2009, state law requires all state employees to report discovered violations of federal immigration law to the Immigration and Customs Enforcement (ICE). The following provides Questions and Answers about the law, reporting, and nondiscrimination requirements.

Does this new law change the requirements for AHCCCS eligibility?

No.

Does this new law change the documentation rules for proving citizenship or qualified alien status?

No.

How will this new law affect the people who get Federal Emergency Services?

Federal Emergency Services will still be available to the same people it was available to before the change in law. Not every person eligible for Federal Emergency Services is in the United States in violation of federal immigration law.

Does the new law make the general public and employees of non-governmental business report violations?

No, it does not (although they are free to make their own report to immigration officials).

If a person is applying for AHCCCS for someone else, does that person need to give information about their own citizenship or alien status?

People who are not applying for AHCCCS benefits do not need to give information about their immigration status. For example, if a parent

applies for a child only, then they need to give only the citizenship or immigration status of the child.

If someone who is not applying for AHCCCS tells an employee that they are not legally in the United States, does the employee have to report this violation to ICE?

The employee may make a report if they choose to do so. (Federal immigration law does not allow the State to prohibit its employees from making reports to immigration officials.) The employee is not required to make a report.

When reports are made by employees, what information is provided to immigration authorities?

The information will include the name, address, and date of birth (if known). It will not include information about the status of the person's AHCCCS application.

Can AHCCCS deny a person benefits because of their race, color, or national origin?

NO. AHCCCS is committed to provide persons with benefits and the opportunity to apply for benefits without regard to anyone's race, color, or national origin. AHCCCS intends to comply with the new requirement for reporting in a non-discriminatory fashion.

Is a State employee subject to prosecution if they do not report an immigration violation to the ICE?

Yes. Employees who know of a violation and do not report it are guilty of a class 2 misdemeanor. If the employee's supervisor knows that the employee did not report the violation and does not make the employee report, the supervisor is also guilty of a class 2 misdemeanor.