

Reporting Violations of Federal Immigration Law

Beginning November 24, 2009, a change in state law requires all state employees to report discovered violations of federal immigration law to the Immigration and Customs Enforcement. The following are important things to know about the law, reporting, and nondiscrimination requirements:

- The criteria for AHCCCS eligibility are not changed by the new statutes.
- The documentation requirements for establishing citizenship or qualified alien status are not changed by the new statute.
- Not every person eligible for the Federal Emergency Services Program is present in the United States in violation of federal immigration law.
- The new statutes only impose a reporting obligation on employees of state agencies and political subdivisions of the state. It does not apply to the general public or employees of non-governmental business. Unless directed otherwise by the Attorney General, we do not expect private sector partners to report discovered violations of immigration law (although they are free to make their own report to immigration officials).
- Federal immigration law does not allow the State to prohibit its employees - including employees of the State Medicaid agency, AHCCCS - from making reports to immigration officials.
- Per guidance from the federal agency administering the Medicaid program, AHCCCS does not require information regarding citizenship or alien status from persons who are not seeking assistance for themselves (such as when a parent applies on behalf of a child but does not apply for assistance for themselves).
- If someone who is not seeking assistance discloses that they are not legally in the United States, you may make a report; however, unless we receive different direction from the Arizona Attorney General, you are not required to make a report.
- When reports are made by AHCCCS, the information provided to immigration authorities will be limited to information necessary to identify the individual, such as name, address, and date of birth (if known). It will not include information regarding the status of the person's application for assistance.
- 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.

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 direct the employee to report, the supervisor is guilty of a class 2 misdemeanor.

To make reporting easier, ISD has set up an online reporting form. For more information, please see [Section XXX](#) of the AHCCCS Administrative Policies and Procedures Manual.