	ARIZONA DEPARTMENT OF RACING Policy and Procedure	
	Subject Policy for Verification of Lawful Presence	Policy Number 09-045
		Effective Date 08/01/08 Revision Date 01/01/2010
Supersedes: All Department of Racing's prior statement of citizenship and alien status policies and procedures.		

INTRODUCTION

This policy establishes procedures relating to the verification of lawful presence in the United States of applicants for a Department of Racing (Department) license.

POLICY

Unless otherwise stated in this policy, the Department shall require all individuals applying for a license to present evidence of lawful presence at the time of application. A.R.S. § 1-502, 8 U.S.C. § 1621(c)

A. DOCUMENTATION SUBMISSION REQUIREMENTS

1. Applicants for an Arizona racing license shall complete the Affidavit of Lawful Presence section of the license application and present evidence of lawful presence in the United States (U.S.) at the time of application.
 - a. License applicants who are citizens of a foreign country and not physically present in the U.S. at time of licensing are excluded from providing evidence of lawful presence.
 - b. A licensee who complies with the initial request for document submission shall not be required to resubmit documentation unless the documentation submitted includes an expiration date.
2. The license applicant shall submit at least one document evidencing lawful presence in the U.S. from the list of documents in the Affidavit of Lawful Presence section of the license application. A list of acceptable documents can also be found on form ADR234, Evidence of Lawful Presence – Applicants for State Public Benefits - Licensing.
3. If the applicant's qualifying document has no picture, the applicant must provide picture identification acceptable to the Department.
4. License applicants who fail to provide acceptable documentation will not be issued a license.
5. Licensees whose documentation expires shall provide the Department with a copy of new or renewed documents evidencing the licensee's continuing status.

B. H-2B LICENSE APPLICANTS AND SPONSORS

1. H-2B licensees may not be self-employed, and may only be employed by the sponsor shown on their documentation. They may only be licensed in categories that correspond to the job descriptions listed on their sponsor's advertisement. An H-2B worker is not restricted from being licensed as an owner.
2. H-2B Sponsors shall not place any H-2B worker employed under their petition in any employment outside the approved employment unless they have obtained a new certification and provide a copy of the new

certification to the Department. H-2B sponsors shall immediately advise the Department of any change in status of their H-2B workers.

3. The Department may require an H-2B sponsor or an H-2B license applicant to provide a copy of the H-2B petition or advertisement showing the positions requested and the corresponding job descriptions.

C. DOCUMENTATION RETENTION

1. The Department shall place a copy of the documentation provided by a license applicant in the applicant's license file with the completed application and Affidavit of Lawful Presence.
2. The Department shall document compliance with documentation submission requirements and expiration dates in the Department's licensing database. The information shall be available for reference and confirmation if an individual applies for additional or renewal licenses.
3. The Department shall maintain a database of expiring documentation and may provide the licensee and the sponsor up to 60 days notification of expiring documentation. The notification may provide a deadline for submission and detail the consequences of non-compliance.

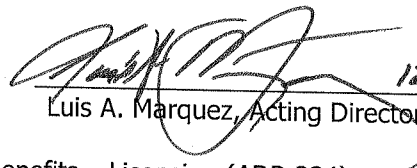
D. CONSEQUENCES OF NON-COMPLIANCE

1. Licensees whose documentation expires and who fail to provide the Department with continuing evidence of status will be reported to the United States (U.S.) Immigration and Customs Enforcement (ICE) Tip Line, and are subject to license suspension until such time as new or renewed documents are provided. If the licensee fails to provide new or renewed documentation within 60 days of the document's expiration date, the licensee will be referred to the Director for license revocation.
2. H-2B licensees who are licensed in categories other than those that correspond to their current sponsor's advertised job description shall be given the opportunity to voluntarily surrender their non-approved license(s) without prejudice. Failure to surrender the license(s) by the prescribed deadline will result in immediate suspension of the non-approved license(s) and referral to the Board of Stewards for possible disciplinary action.

E. REPORTING POSSIBLE VIOLATIONS OF FEDERAL IMMIGRATION LAW RELATING TO LAWFUL PRESENCE

1. A.R.S. § 1-502 requires Department employees to report suspected violations of federal immigration law relating to lawful presence. Failure to report these violations is a Class 2 Misdemeanor.
2. Employee Supervisors who know that their employee failed to report a violation and who failed to direct the employee to make the report, are also guilty of a Class 2 Misdemeanor.
3. Suspected violations shall be reported by email, fax, or other written communication to the Assistant Director/Management Review. The Assistant Director/Management Review shall review the reported violation and, if determined to be a possible violation of federal immigration law as it relates to lawful presence, report the suspected violation to the ICE Tip Line.

- F. This policy is subject to change upon final review and interpretation of A.R.S. § 1-502 by the Office of the Attorney General.


Luis A. Marquez, Acting Director 12-31-09. Date

Attachments:

- Evidence of Lawful Presence – Applicants for State Public Benefits – Licensing (ADR 234)
- Evidence of Lawful Presence – Change in Status (ADR 239)