

Frequently Asked Questions

1. What is the legislation?

To read Senate Bill 1070, please visit:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/bills/sb1070h.htm>

To read the follow-up House Bill 2162, which contains changes and additions to SB 1070, please visit:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/bills/hb2162s.htm>

2. When does SB1070 go into effect?

SB1070/HB2162 are scheduled to go into effect on July 29, 2010.

3. What types of documents do I need to travel to and throughout Arizona?

The new law does not require U.S. citizens to carry identification. The new law merely requires aliens to carry registration documents that they are already required to carry under federal law. Under the new law, law enforcement officers may only inquire about immigration status if there is first a lawful stop, detention or arrest for a violation of some other law, and then the officer has reasonable suspicion that that you are an alien unlawfully present in the United States. If this occurs, the legislation provides that any one of the following forms of identification will be accepted by law enforcement as proof of legal immigration status in the United States:

1. A valid Arizona driver license.
2. A valid tribal enrollment card or other form of tribal identification.
3. A valid Arizona non-operating identification license.
4. Any valid United States federal, state or local government issued identification, provided the entity requires proof of legal presence in the United States before issuance*.

The federal government, or a state or local law enforcement officer authorized by the federal government, can only make the final determination of a person's immigration status. State or local law enforcement officers who are not authorized by the federal government cannot make these determinations.

** If you question the validity of your state's form of identification, please refer to your state's Motor Vehicle Division*

4. What documents do I need if I am visiting as a business or leisure tourist from another country?

The new law does not impact required travel documentation for non- U.S. travelers. For information on required travel documents for non-U.S. citizens visit the U.S. State Department Web site at www.travel.state.gov.

5. Do I need to carry my documents around with me at all times?

It is always advisable, and often required, to have identification when traveling in the United States (*e.g.*, a driver license when driving). However, the new legislation does not impose any new or additional requirements for individuals to carry identification. If you do have certain types of identification, you will be presumed under the new law to be lawfully present in the United States.

6. Will I have to show documentation upon entering Arizona?

It is always advisable and normally required to have documentation when traveling. The following is a list of resources that may be useful to travelers:

U.S. Citizens/Lawful Permanent Residents - <http://www.cbp.gov/xp/cgov/travel/vacation/>

Clearing Customs and Border Patrol - <http://www.cbp.gov/xp/cgov/travel/clearing/>

Know Before You Go – <http://www.cbp.gov/xp/cgov/travel/vacation/kbyg/>

For international travelers and those arriving by air, there are no changes in required documentation. The same documentation that was required prior to this legislation is still required now. If you arrive at an airport, Customs and Border Protection will ask you for proper identification. For assistance in determining the necessary documentation, please visit – www.travel.state.gov. You may also contact the Visa Section of the U.S. Embassy in your home country for more.

7. Under what circumstance will I have to present my citizenship status?

According to the legislation:

- (a) For any lawful stop, detention or arrest made by a law enforcement official or a law enforcement agency of this state or a law enforcement official or a law enforcement agency of a county, city, town or other political subdivision of this state
- (b) in the enforcement of any other law or ordinance of a county, city or town or this state
- (c) where reasonable suspicion exists that the person is an alien and is unlawfully present in the United States,

- (d) a reasonable attempt shall be made, when practicable, to determine the immigration status of the person,
- (e) except if the determination may hinder or obstruct an investigation.
- (f) Any person who is arrested shall have the person's immigration status determined before the person is released.
- (g) The person's immigration status shall be verified with the federal government pursuant to 8 United States code section 1373(c).
- (h) A law enforcement official or agency of this state or a county, city, town or other political subdivision of this state *may not consider race, color or national origin* in implementing the requirements of this subsection except to the extent permitted by the United States or Arizona Constitution.

8. What types of documents should my children have to travel to Arizona?

International visitors traveling with children to the United States should visit the U.S. State Department's Web site at www.travel.state.gov for details regarding proper documentation requirements.

If a child (under the age of 19) is traveling with only one parent or someone who is not a parent or legal guardian, what paperwork should the adult have to indicate permission or legal authority to have that child in their care?

U.S. Customs and Border Protection (CBP) strongly recommends that unless the child is accompanied by both parents, the adult have a note from the child's other parent (or, in the case of a child traveling with grandparents, uncles or aunts, sisters or brothers, or friends, a note signed by both parents) stating "I acknowledge that my wife/husband/etc. is traveling out of the country with my son/daughter. He/She/They has/have my permission to do so."

CBP also suggests that this note be notarized.

For Domestic visitors traveling with children to the United States, please visit the Federal Aviation Administration Web site: http://www.faa.gov/passengers/fly_children/

9. What are the fines or penalties if I do not have proper identification?

There are no fines or penalties for U.S. citizens who do not carry identification unless otherwise required to do so by other laws (*e.g.*, driver license when driving). Only an alien in violation of federal immigration laws 8 U.S.C. § 1304(e) or § 1306(a) can be prosecuted under this part of the new state law. In addition to any federal fines and penalties, the maximum state penalty that may be imposed by a judge for a first violation under state law is a fine up to \$100 and no

more than 20 days in jail. The penalty for any subsequent violation under state law is a fine of no more than \$100 and up to 30 days in jail.

10. **Who do I contact if I have additional questions about the legislation?**

For more information about this issue, or to provide feedback, please visit <http://azgovernor.gov/>.