

FILED
JUL - 2 1992
NOEL K. DESSAINT
CLERK SUPREME COURT
BY *[Signature]*

SUPREME COURT OF ARIZONA

IN THE MATTER OF: REPORTING ALIEN)
CONVICTIONS TO IMMIGRATION AND)
NATURALIZATION SERVICES (INS))

ADMINISTRATIVE ORDER
NO. 92 -21

Pursuant to the Supreme Court's administrative authority as vested by Article VI of the Arizona Constitution, the following shall govern the procedures for reporting alien convictions to the Immigration and Naturalization Services.

A. General Administration

The Administrative Director of the courts, or designee, is authorized and directed to adopt procedure, practices, and forms as required by this Order. Further, the Administrative Director of the courts may adopt or implement other administrative practices or procedures not inconsistent with this Order as may be necessary and expedient for the administration of these procedures.

These procedures are implemented for purposes of compliance with the United States Immigration and Nationality Act, as amended on December 1991, Section II., Guidance For Reporting Alien Convictions To The Immigration and Naturalization Services, and to conform with the requirement that Arizona comply as a condition for receipt of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant.

As provided in the federal requirements, aliens or suspected aliens are defined as offenders who hold a foreign citizenship or who are foreign born. For purposes of compliance with the requirements, all aliens or suspected aliens who are sentenced in the superior court for a criminal offense shall be reported to the Immigration and Naturalization Services as prescribed in these procedures.

B. Reporting Procedures

1. In every case in the superior court where an offender pleads guilty or is found guilty and the case is referred to the adult probation department for a presentence report, the probation officer shall inquire as to the person's citizenship. In every case where the person is an alien or suspected alien, as defined, the probation officer shall complete the Notification of Criminal Alien form, a copy of which is attached hereto and incorporated herein, and transmit this form to the local designated Immigration and Naturalization Services office prior to sentencing.

2. When the probation department files the presentence report with the court, a copy of the Notification of Criminal Alien form shall be attached to the report as notice to the court of the known or suspected alien status of the offender.

3. At the time of sentencing in all cases where the court is informed the person is an alien or suspected alien, the court shall order that the Clerk of the Court transmit to the regional office of Immigration and Naturalization Services, Phoenix, Arizona, a certified copy of:

a. the minute order of conviction and sentencing, including the entry of judgment of guilt, as to all charges and sentence(s) imposed, and

b. the original "charging document," to wit: The indictment(s) and/or information(s) relating to the offenses of conviction.

The court shall further order that the Clerk of the Court transmit these documents at no expense and no fee to Immigration and Naturalization Services, within 30 days of the sentencing, to:

Immigration and Naturalization Services
Phoenix District Office
Post Office Box 25159
Phoenix, Arizona 85002

APPROVED FOR IMPLEMENTATION BY ADMINISTRATIVE ORDER

FOR THE COURT

STANLEY G. FELDMAN, CHIEF JUSTICE

U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

Notification of Criminal Alien By Probation Agencies

_____ County Adult Probation Department

1. APO Officer's Name _____ 12. Booking No. _____

2. Officer's Phone No. _____ 13. Custody Location _____

PLEASE FAX YOUR REQUEST AS SOON AS YOU
RECEIVE YOUR CASE TO U.S. IMMIGRATION
INVESTIGATIONS FAX NO. 379-3133, OR
PHONE NO. 379-3116 OR 3543.

14. Case No. CR _____

15. Co-defendants _____

16. Charge _____

ALIEN INFORMATION:

17. DISPOSITION:

3. Booking Name _____
(Last Name)

- Booked
- O/R
- Bond Out
- Awaiting Sentence
- Serving Sentence
- Probation
- Jail Prison
- Date of Sentence

(First Name)

4. SSN No. _____

Mother's Name _____
(Complete)

Name of Judge

6. Father's Name _____
(Complete)

If Not In Jail, Present Address

7. Booking Date of Birth _____

8. County of Birth _____

Date Alien Reports to Probation
Officer _____

9. INS "A" Number, if Known _____

10. FBI No. _____

18. PRIOR DEPORT YES NO

11. State ID Number _____

(FOR IMMIGRATION USE ONLY)

Entered in ACAP Program _____ INS Status Legal Illegal

Probation Officer Notified _____ Immigration Amnesty
Nonimmigrant

ACAP COMPU CHECKED: ACAP NUMBER _____

No. Record _____

Assigned _____

Prev. Assigned _____