

Effective 5/12/2015

Superseded 5/4/2022

63G-12-102 Definitions.

As used in this chapter:

- (1) "Basic health insurance plan" means a health plan that is actuarially equivalent to a federally qualified high deductible health plan.
- (2) "Department" means the Department of Public Safety created in Section 53-1-103.
- (3) "Employee" means an individual employed by an employer under a contract for hire.
- (4) "Employer" means a person who has one or more employees employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written.
- (5) "E-verify program" means the electronic verification of the work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, 8 U.S.C. Sec. 1324a, known as the e-verify program.
- (6) "Family member" means for an undocumented individual:
 - (a) a member of the undocumented individual's immediate family;
 - (b) the undocumented individual's grandparent;
 - (c) the undocumented individual's sibling;
 - (d) the undocumented individual's grandchild;
 - (e) the undocumented individual's nephew;
 - (f) the undocumented individual's niece;
 - (g) a spouse of an individual described in this Subsection (6); or
 - (h) an individual who is similar to one listed in this Subsection (6).
- (7) "Federal SAVE program" means the Systematic Alien Verification for Entitlements Program operated by the United States Department of Homeland Security or an equivalent program designated by the Department of Homeland Security.
- (8) "Guest worker" means an undocumented individual who holds a guest worker permit.
- (9) "Guest worker permit" means a permit issued in accordance with Section 63G-12-207 to an undocumented individual who meets the eligibility criteria of Section 63G-12-205.
- (10) "Immediate family" means for an undocumented individual:
 - (a) the undocumented individual's spouse; or
 - (b) a child of the undocumented individual if the child is:
 - (i) under 21 years of age; and
 - (ii) unmarried.
- (11) "Immediate family permit" means a permit issued in accordance with Section 63G-12-207 to an undocumented individual who meets the eligibility criteria of Section 63G-12-206.
- (12) "Permit" means a permit issued under Part 2, Guest Worker Program, and includes:
 - (a) a guest worker permit; and
 - (b) an immediate family permit.
- (13) "Permit holder" means an undocumented individual who holds a permit.
- (14) "Private employer" means an employer who is not the federal government or a public employer.
- (15) "Program" means the Guest Worker Program described in Section 63G-12-201.
- (16) "Program start date" means the day on which the department is required to implement the program under Subsection 63G-12-202(3).
- (17) "Public employer" means an employer that is:
 - (a) the state of Utah or any administrative subunit of the state;
 - (b) a state institution of higher education, as defined in Section 53B-3-102;

- (c) a political subdivision of the state including a county, city, town, school district, local district, or special service district; or
 - (d) an administrative subunit of a political subdivision.
- (18) "Relevant contact information" means the following for an undocumented individual:
- (a) the undocumented individual's name;
 - (b) the undocumented individual's residential address;
 - (c) the undocumented individual's residential telephone number;
 - (d) the undocumented individual's personal email address;
 - (e) the name of the person with whom the undocumented individual has a contract for hire;
 - (f) the name of the contact person for the person listed in Subsection (18)(e);
 - (g) the address of the person listed in Subsection (18)(e);
 - (h) the telephone number for the person listed in Subsection (18)(e);
 - (i) the names of the undocumented individual's immediate family members;
 - (j) the names of the family members who reside with the undocumented individual; and
 - (k) any other information required by the department by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act.
- (19) "Restricted account" means the Immigration Act Restricted Account created in Section 63G-12-103.
- (20) "Serious felony" means a felony under:
- (a) Title 76, Chapter 5, Offenses Against the Person;
 - (b) Title 76, Chapter 5b, Sexual Exploitation Act;
 - (c) Title 76, Chapter 6, Offenses Against Property;
 - (d) Title 76, Chapter 7, Offenses Against the Family;
 - (e) Title 76, Chapter 8, Offenses Against the Administration of Government;
 - (f) Title 76, Chapter 9, Offenses Against Public Order and Decency; and
 - (g) Title 76, Chapter 10, Offenses Against Public Health, Safety, Welfare, and Morals.
- (21)
- (a) "Status verification system" means an electronic system operated by the federal government, through which an authorized official of a state agency or a political subdivision of the state may inquire by exercise of authority delegated pursuant to 8 U.S.C. Sec. 1373, to verify the citizenship or immigration status of an individual within the jurisdiction of the agency or political subdivision for a purpose authorized under this section.
 - (b) "Status verification system" includes:
 - (i) the e-verify program;
 - (ii) an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee pursuant to the Immigration Reform and Control Act of 1986;
 - (iii) the Social Security Number Verification Service or similar online verification process implemented by the United States Social Security Administration; or
 - (iv) an independent third-party system with an equal or higher degree of reliability as the programs, systems, or processes described in Subsection (21)(b)(i), (ii), or (iii).
- (22) "Unauthorized alien" is as defined in 8 U.S.C. Sec. 1324a(h)(3).
- (23) "Undocumented individual" means an individual who:
- (a) lives or works in the state; and
 - (b) is not in compliance with the Immigration and Nationality Act, 8 U.S.C. Sec. 1101 et seq. with regard to presence in the United States.
- (24) "U-verify program" means the verification procedure developed by the department in accordance with Section 63G-12-210.

