

63G-12-207 Application and renewal process.

- (1) The department may not issue a permit under this part until the program is implemented under Section 63G-12-202.
- (2) The department shall:
 - (a) create a permit that:
 - (i) is of impervious material that is resistant to wear or damage; and
 - (ii) minimizes the risk that the permit may be forged, falsified, or counterfeited; and
 - (b) ensure that a permit:
 - (i) includes a photograph of the undocumented individual to whom the permit is issued;
 - (ii) prominently states the day on which the permit expires; and
 - (iii) prominently states the type of permit.
- (3) A permit expires two years from the day on which the department issues the permit.
- (4)
 - (a) Before an undocumented individual may apply for an initial permit under this part the undocumented individual shall commit to pay a fine equal to:
 - (i) \$1,000, if the undocumented individual enters into the United States legally, but at the time of paying the fine 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; or
 - (ii) \$2,500, if the undocumented individual enters into the United States illegally.
 - (b) The department by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act, shall make rules that provide for:
 - (i) how an undocumented individual demonstrates a commitment to pay the fine required under Subsection (4)(a);
 - (ii) one or more payment plans that an undocumented individual may use to pay a fine required under Subsection (4)(a); and
 - (iii) the consequences for failure to pay the entire amount of a fine required under Subsection (4)(a).
- (5) After committing to pay the fine in accordance with Subsection (4), to apply for or renew a permit, an undocumented individual shall submit to the department, in a form acceptable under this part:
 - (a) an application;
 - (b) documentation of meeting the criteria in Section 63G-12-205 or 63G-12-206;
 - (c) for a renewal, documentation of efforts to comply with Section 63G-12-209;
 - (d) a signed statement verifying the information in the application and documentation; and
 - (e) a fee established by the department in accordance with Section 63J-1-504.
- (6) If an undocumented individual submits a complete application under Subsection (5) and the department determines that the undocumented individual meets the criteria of Section 63G-12-205 or 63G-12-206, the department shall issue or renew:
 - (a) a guest worker permit, if the undocumented individual qualifies under Section 63G-12-205; and
 - (b) an immediate family permit, if the undocumented individual qualifies under Section 63G-12-206.
- (7) An undocumented individual may appeal a denial of a permit under this section in accordance with Chapter 4, Administrative Procedures Act.
- (8)
 - (a) If a waiver, exemption, or authorization provides for the following, in addition to the requirements of Subsection (5), for an application to be considered complete for purposes of Subsection (6) an undocumented individual applying for a guest worker permit shall:

- (i) post a bond with the department in the amount of \$10,000 against which the department may bring an action for a violation of this part; or
 - (ii) provide written certification by the undocumented individual's country of origin in accordance with Subsection (8)(b) of a guarantee of compliance with this part.
- (b)
- (i) In accordance with Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules providing for what the department would consider being a "guarantee of compliance" by a country of origin for purposes of Subsection (8)(a).
 - (ii) A rule made under this Subsection (8)(b) shall provide that the department may not accept a guarantee of compliance from a specific foreign country if the department determines a significant percentage of the guest workers who submit a guarantee of compliance from that foreign country cannot be located after or during the term of a guest worker permit.

Enacted by Chapter 18, 2011 General Session