Chapter 12
Utah Immigration Accountability and Enforcement Act

Part 1
General Provisions

63G-12-101 Title.

This chapter is known as the "Utah Immigration Accountability and Enforcement Act."

Enacted by Chapter 18, 2011 General Session

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 old; 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) an institution of higher education, as defined in Section 53H-1-101;
(c) a political subdivision of the state including a county, city, town, school district, special 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) Section 53-5a-304;
(b) Title 76, Chapter 5, Offenses Against the Individual;
(c) Title 76, Chapter 5b, Sexual Exploitation Act;
(d) Title 76, Chapter 5c, Pornographic and Harmful Materials and Performances;
(e) Title 76, Chapter 5d, Prostitution;
(f) Title 76, Chapter 6, Offenses Against Property;
(g) Title 76, Chapter 7, Offenses Against the Family;
(h) Title 76, Chapter 8, Offenses Against the Administration of Government;
(i) Title 76, Chapter 9, Offenses Against Public Order, Health, and Safety;
(j) Title 76, Chapter 11, Weapons;
(k) Title 76, Chapter 12, Offenses Related to Privacy, Information, and Communication;
(l) Title 76, Chapter 13, Offenses Involving Cruelty to Animals;
(m) Title 76, Chapter 14, Offenses Related to Immigration Status;
(n) Title 76, Chapter 15, Explosives and Weapons of Mass Destruction;
(o) Title 76, Chapter 16, Offenses Concerning Business Practices; and
(p) Title 76, Chapter 17, Offenses Concerning Kickbacks, Pyramid Schemes, and Patterns of Unlawful Activity.
(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.

Amended by Chapter 9, 2025 Special Session 1

63G-12-103 Immigration Act Restricted Account.
(1) There is created a restricted account within the General Fund known as the "Immigration Act Restricted Account."
(2)
(a) The restricted account shall consist of:
(i) a fee collected under this chapter;
(ii) a fine collected under Section 63G-12-207;
(iii) civil penalties imposed under Section 63G-12-211 or 63G-12-306;
(iv) money appropriated to the restricted account by the Legislature; and
(v) interest earned on the restricted account.
(b) The restricted account shall earn interest.
(3) The Legislature may appropriate money from the restricted account to:
(a) the department and the Office of the Governor to pay the costs associated with the implementation of Section 63G-12-202;
(b) the department to administer this chapter;
(c) the State Tax Commission for costs associated with implementing Section 63G-12-203;
(d) the attorney general for costs associated with:
(i) litigation related to this chapter;
(ii) a multi-agency strike force created under Section 67-5-22.7; or
(iii) a memorandum of understanding executed under Section 67-5-28; and
(e) the Identity Theft Restricted Account created in Section 67-5-22.7.

Amended by Chapter 369, 2012 General Session

63G-12-104 Determining immigration status -- Transfer or maintenance of information.

Except as limited by federal law and this chapter, any state or local governmental agency is not restricted or prohibited in any way from sending, receiving, or maintaining information related to the lawful or unlawful immigration status of an individual by communicating with any federal, state, or local governmental entity for any lawful purpose, including:

(1) determining an individual's eligibility for any public benefit, service, or license provided by any federal agency, by this state, or by a political subdivision of this state;

(2) confirming an individual's claim of residence or domicile if determination is required by state law or a judicial order issued pursuant to a civil or criminal proceeding in this state;

(3) if the individual is an alien, determining if the individual is in compliance with the federal registration laws under 8 U.S.C. Sec. 1301 through 1306; or

(4) a valid request for verification of the citizenship or immigration status of any person pursuant to 8 U.S.C. Sec. 1373.

Enacted by Chapter 18, 2011 General Session

63G-12-105 Implementation to be consistent with federal law and civil rights.

A state or local agency shall implement this chapter in a manner that:

(1) is consistent with federal laws that regulate immigration;

(2) protects the civil rights of all persons; and

(3) respects the privileges and immunities of United States citizens.

Enacted by Chapter 18, 2011 General Session

63G-12-106 Severability.

(1) If a provision of Part 2, Guest Worker Program, or the application of a provision to a person or circumstance is held invalid, the remainder of this chapter may not be given effect without the invalid provision or application so that the provisions of this chapter are not severable.

(2) The following provisions are severable from this chapter:

(a) Title 76, Chapter 14, Offenses Related to Immigration Status; and

(b) Section 77-7-2.

Amended by Chapter 173, 2025 General Session

Part 2
Guest Worker Program

63G-12-201 Department to create program.

(1) The department shall administer a program known as the "Guest Worker Program" created by this part. Under this program, the department shall:

(a) seek one or more waivers, exemptions, or authorizations to implement the program as provided in Section 63G-12-202;

(b) issue a permit as provided in Section 63G-12-207;

(c) establish fees in accordance with Section 63J-1-504 for a filing or service required by this part;

(d) take action under Section 63G-12-211; and

(e) report annually to the governor and the Legislature.
(2) The department may make rules in accordance with Chapter 3, Utah Administrative Rulemaking Act, to the extent expressly provided for in this part.
(3) In implementing this part, the department shall cooperate with other state agencies to minimize any duplication in databases or services required under this part.

Enacted by Chapter 18, 2011 General Session

63G-12-202 Federal waivers, exemptions, or authorizations -- Implementation without waiver, exemption, or authorization.
(1) The department, under the direction of the governor, shall seek one or more federal waivers, exemptions, or authorizations to implement the program.
(2) The governor shall actively participate in the effort to obtain one or more federal waivers, exemptions, or authorizations under this section.
(3) The department shall implement the program the sooner of:
(a) 120 days after the day on which the governor finds that the state has the one or more federal waivers, exemptions, or authorizations needed to implement the program; or
(b) July 1, 2027.

Amended by Chapter 81, 2016 General Session

63G-12-203 Coordination with other federal or state laws or programs.
(1) To the extent feasible, the department shall coordinate the implementation of the program with other existing state and federal laws that relate to immigration and labor, including laws pertaining to obtaining the privilege to drive and to report citizenship status.
(2)
(a) If a permit holder is not issued a Social Security number, the State Tax Commission shall, by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act, provide a means for a person who receives services from a permit holder to withhold from compensation paid to the permit holder an amount to be determined by State Tax Commission rule that, as closely as possible, equals the income taxes that would be imposed by state law if the permit holder were an employee with a Social Security number.
(b) If a waiver, exemption, or authorization described in Section 63G-12-202 provides for the issuance of a Social Security number to a permit holder, a person who receives services from a permit holder is required to withhold from compensation as provided in Title 59, Chapter 10, Part 4, Withholding of Tax.
(c) The rules described in Subsection (2)(a) shall be substantially similar to Title 59, Chapter 10, Part 4, Withholding of Tax.
(d) To the extent feasible and consistent with a waiver, exemption, or authority entered into under Section 63G-12-202, the State Tax Commission shall work with the applicable federal government agencies to ensure that the withholding provided for under this Subsection (2) is compatible with a federal process by which employment taxes are collected that would be imposed under federal law if a permit holder were an employee with a Social Security number.
(e)
(i) The State Tax Commission shall impose a fee on a person who hires a permit holder as an employee in accordance with this Subsection (2)(e):

(A) if as of the program start date the federal government does not collect or provide for the withholding of federal employment taxes;
(B) beginning the first day of the calendar quarter immediately following the program start date; and
(C) ending the last day of the calendar quarter in which the federal government begins to collect or provide for the withholding of federal employment taxes.
(ii) The State Tax Commission shall set the fee equal to the amount that, as closely as possible, equals the federal employment taxes that would be imposed by federal law if the permit holder were hired as an employee with a Social Security number.
(iii) The State Tax Commission shall collect the fee in the same manner that it collects state income taxes withheld in accordance with this Subsection (2).
(iv) The State Tax Commission may make rules in accordance with Chapter 3, Utah Administrative Rulemaking Act, to establish the procedures for the collection of the fee.
(v) The State Tax Commission shall deposit the fee into the restricted account.
(vi) The State Tax Commission may have access to a record of the department made under Section 63G-12-210 to the extent necessary to impose a fee under this Subsection (2)(e).
(3) The department shall facilitate the use in this state of other employer based work programs that meet the needs of Utah employers by using workers who are not working in Utah and who are not United States citizens. Nothing in this part prevents a person from using an employer based work program described in this Subsection (3) that exists under the auspices of a foreign government in cooperation with the United States government.
(4) A permit holder is not eligible for unemployment compensation.

Enacted by Chapter 18, 2011 General Session

63G-12-204 Obtaining a permit -- Uses of permit.
(1) An undocumented individual shall obtain a permit:
(a) before providing services to a person in this state under a contract for hire; or
(b) in accordance with Subsection (2), by no later than 30 days from the day on which the undocumented individual enters into a contract for hire.
(2)
(a) By rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act, the department shall provide a procedure under which a person may hire an undocumented individual who does not hold a permit pending the undocumented individual obtaining a permit within 30 days of the day on which the undocumented individual is hired to provide services.
(b) An undocumented individual may not provide services under a contract for hire to a person for more than 30 days during a two-year calendar period without obtaining a permit as provided under this part.
(3) Subject to Subsection (4), a permit is considered an identification document for purposes of Section 63G-12-401, and may be used as identification or proof of the permit holder's age for any state or local government required purpose.
(4) An undocumented individual may not use a permit:
(a) to establish entitlement to a federal, state, or local benefit as described in Section 63G-12-402; or
(b) to obtain work or provide services in a state other than Utah.

Enacted by Chapter 18, 2011 General Session

63G-12-205 Eligibility criteria to obtain and maintain a guest worker permit.

(1) To be eligible to obtain or maintain a guest worker permit, an undocumented individual shall:

(a)

(i) be 18 years of age or older; or

(ii) if younger than 18 years of age, have the permission of a parent or guardian;

(b) live in Utah;

(c) have worked or lived in Utah before May 10, 2011;

(d) provide relevant contact information and regularly update the relevant contact information in a manner required by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act;

(e) provide documentation of a contract for hire under which the undocumented individual begins to provide services within at least 30 days of the day on which the undocumented individual obtains the permit;

(f)

(i) agree to a criminal background check described in Subsection (3); and

(ii) not have been convicted of, pled guilty to, pled no contest to, pled guilty in a similar manner to, or resolved by diversion or its equivalent to a serious felony;

(g) provide evidence satisfactory to the department that the person would not be inadmissible for public health grounds under 8 U.S.C. Sec. 1182;

(h)

(i) be covered by a basic health insurance plan; or

(ii) provide evidence satisfactory to the department that the undocumented individual has no medical debt that is past due and agrees to have no medical debt that is past due during the term of the permit; and

(i)

(i) hold a driving privilege card issued in accordance with Section 53-3-207; or

(ii) provide evidence satisfactory to the department that the undocumented individual will not drive a motor vehicle in the state.

(2) The department may by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act, provide for the documentation required to establish eligibility under Subsection (1). When making a rule under this section, the department shall use federal standards as a guideline to avoid unnecessary duplication and additional costs.

(3)

(a) The department shall require an undocumented individual applying for a guest worker permit, or renewing a guest worker permit, to submit to a criminal background check as a condition of receiving or renewing the guest worker permit.

(b) An undocumented individual required to submit to a criminal background check under Subsection (3)(a), shall:

(i) submit a fingerprint card in a form acceptable to the department; and

(ii) consent to a fingerprint background check by:

(A) the Utah Bureau of Criminal Identification; and

(B) the Federal Bureau of Investigation, including the secure communities program when possible.

(c) For an undocumented individual who submits a fingerprint card and consents to a fingerprint background check under Subsection (3)(b), the department may request:

(i) criminal background information maintained pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and

(ii) complete Federal Bureau of Investigation criminal background checks through the national criminal history system and secure communities program.

(d) Information obtained by the department from the review of criminal history records received under this Subsection (3) shall be used by the department to determine eligibility to obtain a permit.

(e) The department shall:

(i) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau of Investigation in providing the department criminal background information under this Subsection (3); and

(ii) in accordance with Section 63J-1-504, charge the undocumented individual applying for the permit a fee equal to the aggregate of the costs incurred by the department under this Subsection (3) and the amount paid under Subsection (3)(e)(i).

Enacted by Chapter 18, 2011 General Session

63G-12-206 Eligibility to obtain and maintain an immediate family permit.

To be eligible to obtain or maintain an immediate family permit, an undocumented individual shall:

(1) live in Utah;

(2) be a member of a guest worker's immediate family; and

(3) provide relevant contact information and regularly update the relevant contact information in a manner required by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 18, 2011 General Session

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

63G-12-208 Conditions during permit term.

(1) A permit holder shall continue to meet the eligibility criteria under Section 63G-12-205 or 63G-12-206 for the type of permit held by the permit holder.
(2) A permit is automatically revoked if after issuance of the permit:

(a) the permit holder to whom it is issued is convicted of, pleads guilty to, pleads no contest to, pleads guilty in a similar manner to, or has resolved by diversion or its equivalent a serious felony;
(b) for a guest worker permit, the permit holder to whom it is issued does not provide services under a contract for hire for more than one year; or
(c) for an immediate family permit, the guest worker permit under which the immediate family member's permit is issued is revoked or expires under this part.

Enacted by Chapter 18, 2011 General Session

63G-12-209 Proficiency standards for English.

(1) A permit holder shall in good faith use best efforts to become proficient in the English language at or above the equivalent to an intermediate level on a language proficiency assessment test used by the State Board of Education for purposes of secondary school students.
(2) An undocumented individual shall pay the costs of complying with this section.

Amended by Chapter 144, 2016 General Session

63G-12-210 Verification of valid permit -- Protected status of information.

(1)
(a) The department shall develop a verification procedure by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act, for a person who hires a permit holder to verify with the department that the permit is valid as required by Section 63G-12-301.
(b) The verification procedure adopted under this Subsection (1) shall:
(i) be substantially similar to the employer requirements to verify federal employment status under the e-verify program; and
(ii) provide that an undocumented individual may appeal a determination that a permit is invalid in accordance with Chapter 4, Administrative Procedures Act.
(2) Subject to Section 63G-12-212, a record under this part is a protected record under Chapter 2, Government Records Access and Management Act, except that a record may not be shared under Section 63G-2-206, unless:
(a) requested by the Office of Legislative Auditor General in accordance with Section 36-12-15;
(b) disclosed to the State Tax Commission as provided in Subsection 63G-12-203(2)(e)(vi); or
(c) disclosed to a federal government entity in accordance with this part or a waiver, exemption, or authorization described in Section 63G-12-202.
(3) The state is not liable to any person for:
(a) the design, implementation, or operation of a verification procedure under this part;
(b) the collection and disclosure of information as part of a verification procedure under this part; or
(c) the determination that a permit is invalid.

Enacted by Chapter 18, 2011 General Session

63G-12-211 Prohibited conduct -- Administrative penalties -- Criminal penalties.

(1) A permit holder may not file for or receive unemployment benefits.
(2) A person may not:
(a) furnish false or forged information or documentation in support of an application;
(b) alter the information on a permit;

(c) if the person is a guest worker, be reported absent from work for 10 consecutive days without the approval of the person who hires the guest worker;
(d) allow an individual to use a permit if the individual is not entitled to use the permit;
(e) display or represent that a permit is issued to an individual, if the permit is not issued to the individual;
(f) display a revoked permit as a valid permit;
(g) knowingly or with reckless disregard acquire, use, display, or transfer an item that purports to be a valid permit, but that is not a valid permit; or
(h) otherwise violate this part.
(3) For a violation described in Subsections (1) and (2), the department may:
(a) suspend, limit, or revoke and repossess a permit;
(b) impose a civil penalty not to exceed $750 for each violation; or
(c) take a combination of actions under this section.
(4) A person is guilty of a class B misdemeanor if the person:
(a) furnishes false or forged information or documentation in support of an application; or
(b) alters the information on a permit.

Enacted by Chapter 18, 2011 General Session

63G-12-212 Sharing of information related to enforcement.
(1) The department shall provide the notice described in Subsection (2), if the department determines that an undocumented individual:
(a) has the undocumented individual's permit revoked; or
(b) permits the undocumented individual's permit to expire and the department has reason to believe that the undocumented individual continues to reside in the state.
(2)
(a) The department shall provide the notice required by Subsection (1) to:
(i) Utah's attorney general; and
(ii) United States Immigration and Customs Enforcement.
(b) The notice described in Subsection (2)(a) shall:
(i) include:
(A) the last known address of the undocumented individual; and
(B) the basis of the notice described in Subsection (1); and
(ii) be sent promptly after the day on which the time to appeal, if any, the action that is the basis for the notification under Subsection (1) ends.

Enacted by Chapter 18, 2011 General Session

Part 3
Employee Verification and Employer Sanctions

63G-12-301 Employing unauthorized alien -- Verification of employment eligibility.
(1) On and after the program start date, an employer may not knowingly employ an unauthorized alien who does not hold a permit.
(2) On and after the program start date, a private employer employing 15 or more employees within the state for each working day in each of 20 calendar weeks or more in the current or

preceding calendar year, after hiring an employee, shall verify the employment eligibility of the new employee:
(a) through the e-verify program if the individual does not hold a permit; and
(b) through the u-verify program if the individual holds a permit.
(3) A private employer shall keep a record of the verification required by Subsection (2) for the longer of:
(a) the duration of the employee's employment; or
(b) at least three years from the date of verification.
(4) On and after the program start date, a private employer shall terminate the employment of an undocumented individual if the undocumented individual is determined by the department to not hold a valid permit.

Enacted by Chapter 18, 2011 General Session

63G-12-302 Status verification system -- Registration and use -- Performance of services -- Unlawful practice.

(1) As used in this section:
(a) "Contract" means an agreement for the procurement of goods or services that is awarded through a request for proposals process with a public employer and includes a sole source contract.
(b) "Contractor" means a subcontractor, contract employee, staffing agency, or any contractor regardless of its tier.
(2)
(a) Subject to Subsection (5), a public employer shall register with and use a Status Verification System to verify the federal employment authorization status of a new employee.
(b) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.
(3)
(a) Subject to Subsection (5), beginning July 1, 2009:
(i) a public employer may not enter into a contract for the physical performance of services within the state with a contractor unless the contractor registers and participates in the Status Verification System to verify the work eligibility status of the contractor's new employees that are employed in the state; and
(ii) a contractor shall register and participate in the Status Verification System in order to enter into a contract with a public employer.
(b)
(i) For purposes of compliance with Subsection (3)(a), a contractor is individually responsible for verifying the employment status of only new employees who work under the contractor's supervision or direction and not those who work for another contractor or subcontractor, except as otherwise provided in Subsection (3)(b)(ii).
(ii) Each contractor or subcontractor who works under or for another contractor shall certify to the main contractor by affidavit that the contractor or subcontractor has verified through the Status Verification System the employment status of each new employee of the respective contractor or subcontractor.
(c) Subsection (3)(a) does not apply to a contract:
(i) entered into by the entities referred to in Subsection (3)(a) prior to July 1, 2009, even though the contract may involve the physical performance of services within the state on or after July 1, 2009; or

(ii) that involves underwriting, remarketing, broker-dealer activities, securities placement, investment advisory, financial advisory, or other financial or investment banking services.

(4)

(a) It is unlawful for an employing entity in the state to discharge an employee working in Utah who is a United States citizen or permanent resident alien and replace the employee with, or have the employee's duties assumed by, an employee who:

(i) the employing entity knows, or reasonably should have known, is an unauthorized alien hired on or after July 1, 2009; and

(ii) is working in the state in a job category:

(A) that requires equal skill, effort, and responsibility; and

(B) which is performed under similar working conditions, as defined in 29 U.S.C., Sec. 206 (d)(1), as the job category held by the discharged employee.

(b) An employing entity, which on the date of a discharge in question referred to in Subsection (4)(a) is enrolled in and using the Status Verification System to verify the employment eligibility of its employees in Utah who are hired on or after July 1, 2009, is exempt from liability, investigation, or lawsuit arising from an action under this section.

(c) A cause of action for a violation of this Subsection (4) arises exclusively from the provisions of this Subsection (4).

(5) On and after the program start date:

(a) a public employer, after hiring an employee, shall verify the employment eligibility of the new employee:

(i) through the status verification system if the individual does not hold a permit; and

(ii) through the u-verify program if the individual holds a permit; and

(b) a contractor is considered to be in compliance with this section if, after hiring an employee, the contractor verifies the employment eligibility of the new employee:

(i) through the status verification system if the individual does not hold a permit; and

(ii) through the u-verify program if the individual holds a permit.

Renumbered and Amended by Chapter 18, 2011 General Session

63G-12-303 Liability protections.

(1) On or after the program start date, a private employer may not be held civilly liable under state law in a cause of action for the private employer's unlawful hiring of an unauthorized alien if:

(a) the private employer complies with Subsection 63G-12-301(2); and

(b) the information obtained after verification under Subsection 63G-12-301(2) indicates that:

(i) the employee's federal legal status allowed the private employer to hire the employee; or

(ii) on and after the program start date, the employee held a valid permit.

(2) On or after the program start date, a private employer may not be held civilly liable under state law in a cause of action for the private employer's refusal to hire an individual if:

(a) the private employer complies with Subsection 63G-12-301(2); and

(b) the information obtained after verification under Subsection 63G-12-301(2) indicates that the employee:

(i) was an unauthorized alien; and

(ii) on and after the program start date, does not hold a valid permit.

(3) This chapter does not create a cause of action, on the basis of discrimination or otherwise, for not hiring an individual who holds a permit.

(4) This section applies to a private employer that verifies the employment eligibility of a new employee as described in Subsection 63G-12-301(2) regardless of whether the private employer has less than 15 employees within the state.

Enacted by Chapter 18, 2011 General Session

63G-12-304 Voluntary registration by private employer certifying participation in verification.

(1)
(a) On or after the program start date, a private employer may register with the department certifying that the private employer is in compliance with Subsection 63G-12-301(2).
(b) A private employer may register with the department under this section regardless of whether the private employer is required to comply with Subsection 63G-12-301(2).

(2) To register or renew a registration with the department under this part, a private employer shall:
(a) file a registration statement with the department that certifies compliance with Subsection 63G-12-301(2); and
(b) pay a fee established by the department in accordance Section 63J-1-504 that reflects the cost of registering employers under this section and publishing the list described in Subsection (5).

(3) A registration under this part expires every two years on the anniversary of the day on which the registration is filed with the department.

(4) In accordance with Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to provide for:
(a) the form of a registration statement under this section;
(b) the process of filing a registration statement under this section; and
(c) the process of renewing a registration statement under this section.

(5) On and after the program start date, the department shall publish electronically a list of private employers who register under this section on a website accessible to the general public without a charge.

(6) The department shall coordinate with the Department Commerce to transfer the registration operated by the Department of Commerce to the department effective on the program start date.

Enacted by Chapter 18, 2011 General Session

63G-12-305 Administrative actions -- Defenses.

(1) On and after the program start date and in accordance with Chapter 4, Administrative Procedures Act, the department may bring agency action against a private employer who violates Subsection 63G-12-301(1) to impose a penalty described in Section 63G-12-306.

(2)
(a) To determine whether an employee is an unauthorized alien for purposes of Subsection (1), the department shall consider only the federal government's determination pursuant to 8 U.S.C. Sec. 1373(c).
(b) The federal government's determination creates a rebuttable presumption of the employee's lawful status. The department may request the federal government to provide automated or testimonial verification pursuant to 8 U.S.C. Sec. 1373(c).

(3) For the purposes of this part, proof of verifying the employment authorization in accordance with Subsection 63G-12-301(2) creates a rebuttable presumption that an employer did not knowingly employ an unauthorized alien who does not hold a valid permit.

(4)

(a) For the purposes of this section, an employer that establishes that the employer has complied in good faith with the requirements of 8 U.S.C. Sec. 1324a(b) establishes an affirmative defense that the employer did not knowingly employ an unauthorized alien.

(b) An employer is considered to have complied with the requirements of 8 U.S.C. Sec. 1324a(b), notwithstanding an isolated, sporadic, or accidental technical or procedural failure to meet the requirements, if there is a good faith attempt to comply with the requirements.

Enacted by Chapter 18, 2011 General Session

63G-12-306 Penalties.

(1) As used in this section:

(a) "Applicable license" means a license issued under:

(i) Title 32B, Alcoholic Beverage Control Act;

(ii) Title 58, Occupations and Professions; or

(iii) Title 61, Securities Division - Real Estate Division.

(b) "First violation" means the first time the department imposes a penalty under this section, regardless of the number of individuals the private employer hired in violation of Subsection 63G-12-301(1).

(c) "Second violation" means the second time the department imposes a penalty under this section, regardless of the number of individuals the private employer hired in violation of Subsection 63G-12-301(1).

(d) "Third or subsequent violation" means a violation of Subsection 63G-12-301(1) committed after a second violation.

(2)

(a) On or after the program start date, a private employer who violates Subsection 63G-12-301(1) is subject to a penalty provided in this section under an action brought by the department in accordance with Section 63G-12-305.

(b) For a first violation of Subsection 63G-12-301(1), the department shall impose a civil penalty on the private employer not to exceed $100 for each individual employed by the private employer during the time period specified in the notice of agency action who is an unauthorized alien who does not hold a valid permit.

(c) For a second violation of Subsection 63G-12-301(1), the department shall impose a civil penalty on the private employer not to exceed $500 for each individual employed by the private employer during the time period specified in the notice of agency action who is an unauthorized alien who does not hold a valid permit.

(d) For a third or subsequent violation of Subsection 63G-12-301(1), the department shall:

(i) order the revocation of the one or more applicable licenses that are issued to an owner, officer, director, manager, or other individual in a similar position for the private employer for a period not to exceed one year; or

(ii) if no individual described in Subsection (2)(d)(i) holds an applicable license, impose a civil penalty on the private employer not to exceed $10,000.

(3)

(a) If the department finds a third or subsequent violation, the department shall notify the Department of Commerce and the Department of Alcoholic Beverage Services once the department's order:
(i) is not appealed, and the time to appeal has expired; or
(ii) is appealed, and is affirmed, in whole or in part on appeal.
(b) The notice required under Subsection (3)(a) shall state:
(i) that the department has found a third or subsequent violation;
(ii) that any applicable license held by an individual described in Subsection (2)(d)(i) is to be revoked; and
(iii) the time period for the revocation, not to exceed one year.
(c) The department shall base its determination of the length of revocation under this section on evidence or information submitted to the department during the action under which a third or subsequent violation is found, and shall consider the following factors, if relevant:
(i) the number of unauthorized aliens who do not hold a permit that are employed by the private employer;
(ii) prior misconduct by the private employer;
(iii) the degree of harm resulting from the violation;
(iv) whether the private employer made good faith efforts to comply with any applicable requirements;
(v) the duration of the violation;
(vi) the role of the individuals described in Subsection (2)(d)(i) in the violation; and
(vii) any other factor the department considers appropriate.
(4) Within 10 business days of receipt of notice under Subsection (3), the Department of Commerce and the Department of Alcoholic Beverage Services shall:
(a)
(i) if the Department of Commerce or Alcoholic Beverage Services Commission has issued an applicable license to an individual described in Subsection (2)(d)(i), notwithstanding any other law, revoke the applicable license; and
(ii) notify the department that the applicable license is revoked; or
(b) if the Department of Commerce or Alcoholic Beverage Services Commission has not issued an applicable license to an individual described in Subsection (2)(d)(i), notify the department that an applicable license has not been issued to an individual described in Subsection (2)(d)(i).
(5) If an individual described in Subsection (2)(d)(i) is licensed to practice law in the state and the department finds a third or subsequent violation of Subsection 63G-12-301(1), the department shall notify the Utah State Bar of the third and subsequent violation.

Amended by Chapter 447, 2022 General Session

Part 4
Identification and General Verification

63G-12-401 Creation of identity documents -- Issuance to citizens, nationals, and legal permanent resident aliens -- Exceptions.

(1) The following entities may create, publish, or otherwise manufacture an identification document, identification card, or identification certificate and possess an engraved plate or other device for the printing of an identification document:
(a) a federal, state, or local government agency for employee identification, which is designed to identify the bearer as an employee;
(b) a federal, state, or local government agency for purposes authorized or required by law or a legitimate purpose consistent with the duties of the agency, including such documents as voter identification cards, identification cards, passports, birth certificates, and Social Security cards; and
(c) a public school or state or private educational institution to identify the bearer as an administrator, faculty member, student, or employee.
(2) The name of the issuing entity shall be clearly printed upon the face of the identification document.
(3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall issue the document, card, or certificate only to:
(a) a United States citizen;
(b) a national; or
(c) a legal permanent resident alien.
(4)
(a) Subsection (3) does not apply to an applicant for an identification document who presents, in person, valid documentary evidence of the applicant's:
(i) unexpired immigrant or nonimmigrant visa status for admission into the United States;
(ii) pending or approved application for asylum in the United States;
(iii) admission into the United States as a refugee;
(iv) pending or approved application for temporary protected status in the United States;
(v) approved deferred action status; or
(vi) pending application for adjustment of status to legal permanent resident or conditional resident.
(b)
(i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c) identification document to an applicant who satisfies the requirements of Subsection (4)(a).
(ii) Except as otherwise provided by federal law, the document is valid only:
(A) during the period of time of the individual's authorized stay in the United States; or
(B) for one year from the date of issuance if there is no definite end to the individual's period of authorized stay.
(iii) An entity issuing an identification document under this Subsection (4) shall clearly indicate on the document:
(A) that it is temporary; and
(B) its expiration date.
(c) An individual may renew a document issued under this Subsection (4) only upon presentation of valid documentary evidence that the status by which the individual originally qualified for the identification document has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.
(5)
(a) Subsection (3) does not apply to an identification document issued under Subsection (1)(c) that:

(i) is only valid for use on the educational institution's campus or facility; and
(ii) includes a statement of the restricted use conspicuously printed upon the face of the identification document.
(b) Subsection (3) does not apply to a license certificate, driving privilege card, or identification card issued or renewed under Title 53, Chapter 3, Uniform Driver License Act.
(c) Subsection (3) does not apply to a public transit pass issued by a public transit district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:
(i) is only valid for use on the public transit system; and
(ii) includes a statement of the restricted use conspicuously printed on the face of the public transit pass.
(d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.
(e) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot Sponsored Resident Immigrant Program Act.
(6) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

Renumbered and Amended by Chapter 18, 2011 General Session
Amended by Chapter 20, 2011 General Session

63G-12-402 Receipt of state, local, or federal public benefits -- Verification -- Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.
(1)
(a) Except as provided in Subsection (3) or when exempted by federal law, an agency or political subdivision of the state shall verify the lawful presence in the United States of an individual at least 18 years old who applies for:
(i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or
(ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an agency or political subdivision of this state.
(b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of Commerce shall verify in accordance with this Subsection (1) the lawful presence in the United States of each individual who:
(i) owns an interest in the contractor that is an unincorporated entity; and
(ii) engages, or will engage, in a construction trade in Utah as an owner of the contractor described in Subsection (1)(b)(i).
(2) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.
(3) Verification of lawful presence under this section is not required for:
(a) any purpose for which lawful presence in the United States is not restricted by law, ordinance, or regulation;
(b) assistance for health care items and services that:
(i) are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. Sec. 1396b(v)(3), of the individual involved; and
(ii) are not related to an organ transplant procedure;
(c) short-term, noncash, in-kind emergency disaster relief;
(d) public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not the symptoms are caused by the communicable disease;

(e) programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter, specified by the United States Attorney General, in the sole and unreviewable discretion of the United States Attorney General after consultation with appropriate federal agencies and departments, that:
(i) deliver in-kind services at the community level, including through public or private nonprofit agencies;
(ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the income or resources of the individual recipient; and
(iii) are necessary for the protection of life or safety;
(f) the exemption for paying the nonresident portion of total tuition as set forth in Section 53H-11-203;
(g) an applicant for a license under Section 61-1-4, if the applicant:
(i) is registered with the Financial Industry Regulatory Authority; and
(ii) files an application with the state Division of Securities through the Central Registration Depository;
(h) a state public benefit to be given to an individual under Title 49, Utah State Retirement and Insurance Benefit Act;
(i) a home loan that will be insured, guaranteed, or purchased by:
(i) the Federal Housing Administration, the Veterans Administration, or any other federal agency; or
(ii) an enterprise as defined in 12 U.S.C. Sec. 4502;
(j) a subordinate loan or a grant that will be made to an applicant in connection with a home loan that does not require verification under Subsection (3)(i);
(k) an applicant for a license issued by the Department of Commerce or individual described in Subsection (1)(b), if the applicant or individual provides the Department of Commerce:
(i) certification, under penalty of perjury, that the applicant or individual is:
(A) a United States citizen;
(B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or
(C) lawfully present in the United States; and
(ii)
(A) the number assigned to a driver license or identification card issued under Title 53, Chapter 3, Uniform Driver License Act; or
(B) the number assigned to a driver license or identification card issued by a state other than Utah if, as part of issuing the driver license or identification card, the state verifies an individual's lawful presence in the United States; and
(l) an applicant for:
(i) an Opportunity scholarship described in Section 53H-11-402;
(ii) a New Century scholarship described in Section 53H-11-407;
(iii) a promise grant described in Section 53H-11-414; or
(iv) a scholarship:
(A) for an individual who is a graduate of a high school located within Utah; and
(B) administered by an institution of higher education as defined in Section 53H-1-101.
(4)
(a) An agency or political subdivision required to verify the lawful presence in the United States of an applicant under this section shall require the applicant to certify under penalty of perjury that:
(i) the applicant is a United States citizen; or
(ii) the applicant is:

(A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and
(B) lawfully present in the United States.
(b) The certificate required under this Subsection (4) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.
(5) An agency or political subdivision shall verify a certification required under Subsection (4)(a)(ii) through the federal SAVE program.
(6)
(a) An individual who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject to the criminal penalties applicable in this state for:
(i) making a written false statement under Section 76-8-504; and
(ii) fraudulently obtaining:
(A) public assistance program benefits under Section 76-8-1203.1; or
(B) unemployment compensation under Section 76-8-1301, 76-8-1302, 76-8-1303, or 76-8-1304.
(b) If the certification constitutes a false claim of United States citizenship under 18 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United States Attorney General for the applicable district based upon the venue in which the application was made.
(c) If an agency or political subdivision receives verification that a person making an application for a benefit, service, or license is not a qualified alien, the agency or political subdivision shall provide the information to the Office of the Attorney General unless prohibited by federal mandate.
(7) An agency or political subdivision may adopt variations to the requirements of this section that:
(a) clearly improve the efficiency of or reduce delay in the verification process; or
(b) provide for adjudication of unique individual circumstances where the verification procedures in this section would impose an unusual hardship on a legal resident of Utah.
(8) It is unlawful for an agency or a political subdivision of this state to provide a state, local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this section.
(9) A state agency or department that administers a program of state or local public benefits shall:
(a) provide an annual report to the governor, the president of the Senate, and the speaker of the House regarding its compliance with this section; and
(b)
(i) monitor the federal SAVE program for application verification errors and significant delays;
(ii) provide an annual report on the errors and delays to ensure that the application of the federal SAVE program is not erroneously denying a state or local benefit to a legal resident of the state; and
(iii) report delays and errors in the federal SAVE program to the United States Department of Homeland Security.

Amended by Chapter 9, 2025 Special Session 1