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BEVERLY FRAME
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

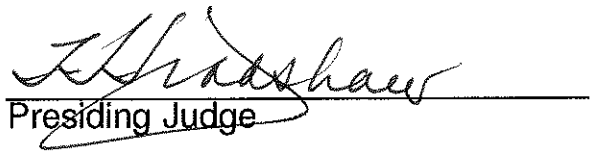
In Re: REPORTING ALIEN CONVICTIONS TO IMMIGRATION AND NATURALIZATION SERVICES	Administrative Order No. 96-1

Pursuant to the Supreme Court's Administrative Orders No. 92-20 and 92-21, the procedures for reporting alien convictions to the Immigration and Naturalization Services were established.

Pursuant to those Orders,

IT IS ORDERED that the attached Administrative Requirements for Electronic Reporting of Alien Convictions to Immigration and Naturalization Services are effective immediately. Yuma County Administrative Order No. 94-11 remains in effect, a copy of which is also attached for your information.

Done in Open Court, February 28, 1996.



Presiding Judge

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NOEL K. DESSAINT
CLERK SUPREME COURT
BY

SUPREME COURT OF ARIZONA

IN THE MATTER OF: **REPORTING ALIEN CONVICTIONS** **TO IMMIGRATION AND** **NATURALIZATION SERVICES**	)))))	**ADMINISTRATIVE ORDER** **NO. 96-7**

Pursuant to Administrative Orders No. 92-20 and 92-21, entered July 2, 1992, the procedures for reporting alien convictions to the Immigration and Naturalization Services (INS) were established. However, due to recent technological advances, reports of alien convictions to INS can now be made electronically, thereby streamlining the process currently in use.

Now, therefore, pursuant to Article VI Section 3, of the Arizona Constitution,

IT IS ORDERED that the attached Administrative Requirements for Electronic Reporting of Alien Convictions to Immigration and Naturalization Services (INS) be approved and replace Administrative Orders No. 92-20 and 92-21, and

IT IS FURTHER ORDERED that this Administrative Order shall be effective upon entry and that Administrative Orders No. 92-20 No. 92-21 be rescinded; and

IT IS FURTHER ORDERED that a copy of the attached Administrative Requirements for Electronic Filing of Alien Convictions to Immigration and Naturalization Services (INS) shall be distributed to the presiding judge of the Superior Court of each county, each chief adult probation officer, each clerk of the Superior Court, each county attorney, each county manager, and chair of each county board of supervisors.

Dated this 22nd day of February, 1996.

Stanley G. Feldman

STANLEY G. FELDMAN
Chief Justice

ADMINISTRATIVE REQUIREMENTS
FOR
ELECTRONIC REPORTING
OF ALIEN CONVICTIONS
TO
IMMIGRATION AND NATURALIZATION SERVICES (INS)

A. General Administration

The Administrative Director of the Courts, or designee, is authorized and directed to adopt procedure, practices, and forms as required by the 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, in 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. This Order provides for use of electronic communication to perform Arizona's responsibilities under the United States Immigration and Nationality Act.

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. Beginning February 1, 1996 in every case where the person is an alien or suspected alien, as defined above, the probation officer shall make an electronic inquiry through the National Law Enforcement Telecommunications System (NLETS) via the Arizona Criminal Justice Information System (ACJIS) prior to sentencing. Such an inquiry will serve as automatic notification to Immigration and Naturalization Services.

2. When the probation department files the presentence report with the court, a statement based on the electronic inquiry or copy of the Immigration and Naturalization Services' response to the electronic inquiry shall be included in the report, informing the court of known or suspected alien status.

3. Should the capability for electronic inquiry, described in Section B (1) and (2) above, cease at any time, upon notification by the Administrative Office of the Courts to each Arizona probation department, the probation officer shall use the following procedure: 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 by completing 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. When the probation department files the presentence report with the court and makes an inquiry via the Notification of Criminal Alien form, a copy of the form shall be attached to the report as notice to the court of the known or suspected alien status of the offender.

4. 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 the Clerk of the Court to 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 judgement of guilt, as to all charges and sentence(s) imposed, and

b. the original "charging document" or a certified copy 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

U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF CRIMINAL ALIEN BY PROBATION AGENCIES

County Adult Probation Department:	
APO Officer's Name:	Case No. CR
Officer's Phone:	Co-defendants:
Please fax your request as soon as you receive your case to U.S. Immigration. Investigations fax number 379-3133 or phone 379-3116 or 379-3543	Charge:
Booking Last Name:	DISPOSITION: ( ) Booked ( ) O/R ( ) Bond Out ( ) Awaiting Sentence ( ) Serving Sentence ( ) Probation ( ) Jail ( ) Prison ( ) Date of Sentence _____ Name of Judge _____
First Name:	
SS Number:	
Mother's Name:	
Father's Name:	
Booking Date of Birth:	
County of Birth:	If Not in Jail, Present Address: _____ _____
INS "A" Number, if known:	
FBI No.	
State ID Number:	Date Alien Reports to Probation Officer:
Booking No.	
Custody Location:	Prior Deport? ( ) Yes ( ) No

(FOR IMMIGRATION USE ONLY)	
Entered in ACAP Program:	( ) INS Status ( ) Legal ( ) Illegal ( ) Immigration ( ) Nonimmigrant ( ) Amnesty
Probation Officer Notified:	
ACAP COMPU CHECKED: ACAP NUMBER	
No. Record:	
Assigned:	Prev. Assigned:

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

In the Matter of REPORTING ALIEN CONVICTIONS TO U.S. IMIGRATION & NATURALIZATION	Administrative Order 94-11

By its Administrative Order No. 92-20, the Supreme Court established guidelines by which copies of the convictions of aliens would be forwarded to the United States Department of Justice, Immigration and Naturalization Service (INS). Now, by request of said department and with the concurrence of the Chief Justice,

IT IS ORDERED that with respect to those copies of conviction documents which the Clerk of the Court of this county is required to forward to INS, the same shall be transmitted by way of the pickup box which is maintained by the Clerk for the use of the United States Border Patrol and, now, INS.

Dated: June 15, 1994.

H Hradshaw

Presiding Judge