



DEPARTMENT OF LAW
OFFICE OF THE
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STATE CAPITOL
Phoenix, Arizona 85007

R76-484
76-323

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December 21, 1976

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The Honorable Alfredo Gutierrez
State Senator, District 23
Arizona State Senate
Phoenix, Arizona

Re: Relocation Assistance and "illegal" Aliens - (R76-484)

Dear Senator Gutierrez:

In your letter to us dated December 21, 1976 with regard to Relocation Assistance payments by Phoenix Elementary School District No. 1 to "illegal" aliens, you ask the following questions:

1. Should a school district inquire into the status of a "displaced person?"
2. Would the status of "illegality" disqualify an alien from receiving the payments?

Our answer to both questions is in the negative.

It must be noted that under A.R.S. §11-966 the Relocation Assistance is for "any displaced person." Again, in A.R.S. §11-961 (10) the word "person" is defined as "any individual, family, etc." Therefore, as a matter of statutory definition any person, citizen or alien, legal alien or illegal alien, is entitled to the relocation assistance payments. Inasmuch as there is no statutory prohibition against payments to illegal aliens, any inquiry into the status of a "displaced person" to ascertain citizenship alienage or legality of residence is improper and may well be an invasion of the "right to privacy."

The critical question to be ascertained is whether a person is in fact "displaced." Accordingly, if a person moves voluntarily or involuntarily to another location prior to the "taking" of the property, that factor should be considered together with all other evidence in determining whether the move was due to the acquisition of the property under A.R.S. §§11-961.

Sincerely yours,

BRUCE E. BABBITT
Attorney General

Anthony B. Ching
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